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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—Wednesday, July 29, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 29, 2009.

I hereby appoint the Honorable JESSE L. JACKSON Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Jonathan Falwell, Thomas Road Baptist Church, Lynchburg, Virginia, offered the following prayer:

Our Heavenly Father, we thank You for our great Nation. We thank You for what You have done to make this Nation a lighthouse to the world and a beacon of hope to people everywhere.

We know, as our forefathers knew and as the Scriptures tell us, that righteousness exalts a nation but sin is a reproach to any people. And so, today, we ask Your forgiveness for the sins that we as a people, and we as a Nation, have committed.

Today we seek Your wisdom and Your guidance in all that takes place in this room. We ask You to be a lamp unto our feet and a light unto our path. We ask You to protect the men and women who serve here in this place. We ask You to protect the men and women who serve our Nation around the world today and are in harm's way. We ask You to lead them as they lead us.

And above all, we ask You to continue to bless this great land that we call home. And in Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND JONATHAN FALWELL

The SPEAKER pro tempore. Without objection, the gentleman from Virginia is recognized for 1 minute.

There was no objection.

Mr. GOODLATTE. Mr. Speaker, it is a real honor today to welcome our guest chaplain, the Reverend Jonathan Falwell, the senior pastor of Thomas Road Baptist Church in Lynchburg, Virginia, one of the largest churches in America, which has a tremendous outreach to the community in Lynchburg and across Virginia, across our Nation and, indeed, across the world helping people in need. He also serves as the executive vice president of spiritual affairs at Liberty University, the world's largest evangelical Christian university, with over 40,000 students, both on campus and online.

I very much welcome not only Reverend Falwell, but his entire family who is with us in the gallery today, and we are delighted that they could be with us to share in a full day of activities here at the United States Capitol and to meet as many Members of the House and staff members and others who work so hard here on behalf of our country.

I hope Members will take the opportunity to come by and say hello to him at the various places he'll be during the course of the day. I'm honored to call Reverend Falwell a constituent and, most importantly, a dear friend;

and I offer the thanks of this entire body to him for delivering today's morning prayer. He is joined by his wife, Shari, as well as their four children, Jonathan Jr., Jessica, Natalie and Nicholas, as well as his mother, Macel. Thank you all for being with us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

TRIBUTE TO MRS. VIRGINIA KUCINICH

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Let me tell you a story about a bright, high-spirited woman who, like many American women of the Greatest Generation, sacrificed for her family and her Nation.

Instead of going to college, she helped the war effort, working in manufacturing during the day and singing for the USO at night. She met a young marine combat veteran, fell in love, married, nursed her war-injured husband back to health, and began a family which quickly grew to seven rollicking children. She and her husband never owned a home. As renters, the family was forced to move from place to place. In the first 20 years of their marriage, the family lived in 21 different places, including a couple of cars. Despite economic hardship and her own illnesses, she taught her children to read in preschool years, raised her children to appreciate life, to love God, to count spiritual blessings, to be strong of heart, always to be grateful, to be kind, honest, respect others and never to quit.

Her name was Virginia, and she was my mother. And today would have been her 85th birthday. Happy birthday, Mom.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ALL PAIN AND NO GAIN

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, as we spin in circles here on health care, let's not forget the failed policy of a national energy tax, or cap-and-trade. These coal miners lost their jobs the last time we passed environmental laws, and with their jobs went their health care benefits. I've always said that cap-and-tax is a direct attack on coal by the environmental left.

And if you don't believe me, yesterday's article says Sierra Club opposes transmission lines to link AEP to Allegheny coal fire power plants on the grounds that it would increase coal use. I also say that cap-and-tax is all pain and no gain, especially if China and India do not comply.

Well, we also have a quote by Rajendra Pachauri, who is the Chair of the U.N. Intergovernmental Panel on Climate Change. And he says: "India will continue to use coal to meet its energy demands." And finally, the science of climate change is not exact and not conclusive. Channel 2, CBS Chicago, says that Chicago sees coldest July in 67 years.

IF IT IS GOOD ENOUGH FOR THE AMERICAN PEOPLE, IT IS GOOD ENOUGH FOR CONGRESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as Democrats push for a government takeover of health care, I hope they will abide by a very simple standard: if a government-run health plan is good enough for the American people, it's good enough for Congress.

During consideration of the over 1,000-page bill in the Education and Labor Committee, I successfully got an amendment passed that would provide that Congress Members who vote in favor of government-run health care would enroll in the plan themselves. The American people should monitor that this provision is kept in the bill.

I want to commend Congressman JOHN FLEMING, a physician, for originally promoting this concept of fairness. I urge my Democrat colleagues to adopt this standard if they insist on dragging a Big Government bureaucracy between patients and doctors. The American people deserve better to protect jobs.

In conclusion, God bless our troops and we will never forget September the 11th in the global war on terrorism.

THE RECOVERY ACT IS WORKING

(Mr. SCHRADER asked and was given permission to address the House for 1 minute.)

Mr. SCHRADER. Mr. Speaker, I came to the floor yesterday to talk about 145 teaching jobs that were saved, thanks to the Recovery Act in one community school district alone. Today I'd like to talk about jobs that have been created and saved for Oregon's first responders.

Mr. Speaker, just yesterday, the first wave of COPS grants was announced. That means 21 more police officers patrolling our streets in Oregon thanks to the Recovery Act. A number of those are in Oregon City, a city I know very closely, which desperately needs the assistance for an understaffed police department. These are 21 first responders that would not have been on the job, again, without this recovery package.

The Oregon Department of Corrections also received \$103 million to save guard positions and prevent prisoners from being released from Oregon's prisons. Oregon is in very tough shape with this economic downturn.

These are just a few examples, with more announcements on the way. Over the next couple of weeks, Byrne grants targeted to help local police communities investigate and prosecute criminals and provide revenue for juvenile justice programs that help steer our troubled youth away from a life of crime. The Recovery Act is working.

ANOTHER MISSED OPPORTUNITY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, in Monday's Wall Street Journal, Secretary of State Hillary Clinton and Secretary of the Treasury Geithner co-authored an opinion piece outlining the issues to be discussed in the U.S.-China Strategic and Economic Dialogue. No mention of human rights. No mention of the Chinese Government's suppression of journalists. No mention of the dozens of human rights lawyers across China who have been stripped of their licenses, no mention of the 35 Catholic bishops that languish in Chinese prisons and slave labor camps, no mention of the Chinese Government's crack-down on the ethnic Uyghurs, no mention of how China continues to repatriate North Korean refugees, no mention of human rights.

Human rights simply cannot be separated from economic policy. The Obama administration has missed yet another opportunity to make human rights a fundamental component of U.S. foreign policy.

GAO MORTGAGE REPORT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the Joint Economic Committee just con-

cluded a hearing highlighting a GAO report that analyzed the performance of subprime loans in all 435 congressional districts, as this map illustrates. This report that I requested provides a sobering snapshot of the ongoing foreclosure crisis inherited by the Obama administration. The dark red is where there are high instances of foreclosure.

So we see that California, Florida, and Nevada are the places where the most nonprime loans were originated with noxious prepayment penalties and exploding interest rates. The end results are obvious. The hearing reviewed past Federal regulatory failures and identified the actions that the administration and Congress have taken to reduce foreclosure rates and prevent a future recurrence. The report is online by congressional district with the hearing Web site at the JEC Web site, www.jec.senate.gov.

SOCIALIZING THE COUNTRY IS NOT THE ANSWER

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, recently the President said in a speech: "Folks are skeptical and that is entirely legitimate because they haven't seen a lot of laws coming out of Washington that help." That is an understatement. Americans have found themselves at the mercy of the mass social agenda of this administration and the liberal leadership in Congress.

First it was the \$750 billion stimulus bill that neither created nor saved any jobs; then came cap-and-tax. Both of these bills were passed only minutes after being fully released, but not read, and were the first two installments of this liberal/socialist agenda.

But this health care bill, H.R. 3200, is the mother of all bad bills and seeks to recast America as a new socialist state. If it passes in its current form, we can expect tax increases for all American families, waiting lines with DMV-style medicine, an explosion of taxpayer-funded abortions and a lack of good health care for the elderly.

Americans are urging Democrats to finally reach across the aisle and work with Republicans for a change.

HEALTH CARE REFORM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, if you wonder why health care reform is so hard, look at the rhetoric surrounding efforts to help senior citizens and their families cope with end-of-life decisions. It has morphed into something that has been, I think, rather sad. I was both angry and put off, I must say, in the references to section 1233. Today in the Washington Times

they cite a misrepresentation by Republican leadership that talk about this leading the path down to government-encouraged euthanasia.

Yesterday, we heard one of our Republican colleagues talk about actually having the government—I want to be careful about this—that “seniors being in a position of being put to death by their government.”

Mr. Speaker, looking at this legislation that is a result of a bipartisan effort to allow senior citizens and their families to know the choices that face them, nothing mandatory, no government bureaucrat, simply giving them the choice to have information. Shame on people who use senior citizens as a prop to try to scare people.

□ 1015

PAYING FOR HEALTH CARE REFORM

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, today, I want to talk about something everyone, Republicans and Democrats, cares about: paying for health care reform.

There is so much evidence that prevention at the individual and community levels will produce hundreds of billions of dollars of savings. Trust for America's Health has shown, based on existing community prevention programs, that we could get a return of 5.6 to 6.2 times on every dollar spent. Private industry has also shown a similar savings in less than 10 years. Another report will show that we would save \$652 billion over 10 years by getting healthier individuals to Medicare and by reducing advancing disease when they enter the system. This kind of prevention is in the bill.

The CBO will score prevention if we give them reliable data, and that would make the true cost of this bill much less than \$1 trillion. So let's cover the Territories and not cut important programs out of the bill. Let's score prevention, and let's pass a bill that honors health care as a right and that reestablishes the United States as the leader we ought to be.

SCIENCE CZAR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President has appointed over 30 new czars in the Federal bureaucracy, and I'm concerned about the President's new science czar. John Holdren detailed and advocated draconian population control methods in a 1977 textbook that he coauthored.

In it, they state, “Some coercive proposals deserve discussion, mainly be-

cause some countries may ultimately have to resort to them unless current trends in birth rates are rapidly reversed.”

They go on to speculate that a program in India to vasectomize fathers of large families could have been successful with “massive assistance from the developed world.” The same chapter later promotes readily available abortion services as one of the milder methods governments can promote to reduce family size. Some of their ideas are quite bizarre. This is the same man who has the ear of the President on some of the most important decisions of the day.

Clearly, we need to watch the office of the science czar carefully with an eye toward whether Dr. Holdren will promote policies that maintain our cherished liberties or policies that call for the heavy hand of government in our private lives.

HEALTH CARE REFORM

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, this is our year for health insurance reform. The private health insurance industry has reaped enormous profits over the last 9 years while Americans' wages have barely increased at all. On average, 30 percent of the \$1.8 trillion in premiums that Americans pay to health insurance companies pays for overhead costs—salaries, administrative, lobbying, and profits—rather than for health care. Americans cannot afford that waste of scarce dollars. Our health reform legislation will limit such overhead spending to no more than 15 percent.

We have to focus our priorities on the quality of health care itself. For example, the diabetes epidemic demonstrates dramatically how critical preventative medicine is to America's children. One-third of all children born this decade are expected to develop diabetes in their lifetimes. The prevention of diabetes will make America healthier, and we will avoid the enormous future costs of diabetes treatment.

Now is the time to act on health care reform.

THE SUCCESS OF THE AMERICAN RECOVERY ACT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, our Republican friends, perhaps in a bit of wishful thinking, are trying to convince the American public that the American Recovery Act has been a failure.

Well, they're going to have a hard time convincing my constituents in

Louisville, Kentucky, where it was just reported that home sales have increased by 27 percent this month over last year, almost all due to the \$8,000 first-time home buyer's credit that we put in that act. They're going to have a hard time convincing the people at GE's Appliance Park, where they're about to bring 400 jobs back from China to Kentucky to build a revolutionary, energy-saving water heater. They're going to have a hard time convincing the 95 percent of my constituents who have had their paychecks increased because of the almost \$300 billion in tax cuts that were part of that act.

No, Mr. Speaker, the American Recovery Act is far from a failure. It is succeeding to rebuild the economy of this country.

HEALTH CARE IS A HUMAN ISSUE

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, families in America deserve a health care system that works. A parent should not have to worry about paying for either high health care insurance premiums or putting food on the table or paying their mortgages.

In fact, each year in my district, 5,200 seniors who hit the doughnut hole are forced to pay their full drug costs despite having part D drug coverage. The Tri-Committee bill provides these seniors with immediate relief by cutting brand-name drug costs in the doughnut hole by 50 percent.

In 2008, my district had 1,490 health care-related bankruptcies, caused primarily by the high health care costs not covered by insurance. The Tri-Committee bill caps out-of-pocket costs at \$10,000 per year, ensuring that no individual will have to face financial ruin because of high health care costs.

For these reasons, I stand here to advocate for American families who are struggling in every corner. I urge my colleagues to stand with me and to support health care reform. This is not a political issue. This is a human issue.

JOB CREATION

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise today to highlight where some of the stimulus jobs are located. While some States have refused the stimulus money that is available, I want to acknowledge some of the areas that are using the stimulus funds to create jobs today.

In my State of New Jersey, the funding has gone towards good-paying jobs for New Jersey workers. Six thousand summer jobs were created for New Jersey youth using funds allotted

under the Workforce Investment Act Youth Recovery Act. Over 60 jobs have been created in transportation, and at least 20 people are currently working on housing improvements for the Woodbridge Public Housing Authority. At least 62 people are working for the Newark Housing Authority, including union workers, to renovate vacant apartments and to prepare for future construction. These are just a few of the projects, but it's not just New Jersey that is seeing jobs increase as a result of the stimulus funding.

Yesterday, The New York Times highlighted Perry County, Tennessee, where hundreds of laid-off workers are now, once again, back to work. Since deciding to use the stimulus money to employ 300 jobs, ranging from the State Transportation Department to small businesses, the unemployment has dropped from 27 to 22 percent in that county. That's where the jobs went.

AMERICA'S AFFORDABLE HEALTH CHOICES ACT ADDRESSES PRIMARY CARE

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. Mr. Speaker, finding a uniquely American solution to ensure that all Americans have access to affordable, meaningful health coverage must also ensure adequate access to health care providers and services.

Primary care providers are on the front line of our health care system, treating acute and chronic problems and keeping costly conditions from worsening. Yet, despite this essential role, it is primary care where we face the most acute shortages.

Since 1998, the percentage of residents choosing primary care has dropped from 50 percent to 20 percent. By 2025, America will have a shortage of 46,000 primary care providers.

I am very proud that the provisions in the health care reform legislation that is moving through Congress will address this impending crisis. It provides scholarships and loan repayments to primary care providers. It increases payments for primary care services. It eliminates copayments for Medicare beneficiaries who seek preventative care, and it creates incentives for doctors and nurses to coordinate care for patients with multiple chronic conditions.

These are significant reforms that will improve access to primary care, that will improve health outcomes, and that will improve health care costs. We should support better health care for Americans by supporting health care reform.

SMALL BUSINESSES CANNOT AFFORD THE STATUS QUO IN HEALTH CARE

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, I just held a roundtable in my district to hear from small business owners on how they feel about health care reform. Each of the small business owners agreed that the system is broken and that keeping the status quo will only hurt small businesses in New Mexico.

With skyrocketing health care costs, many of these small businesses have been forced to consider layoffs and have been forced to consider lowering wages. In some cases, discontinuing insurance coverage for their employees has been the only way to avoid going out of business.

There is no doubt that our broken health care system is bad for America's small businesses. We can, and we must do better. We need a long-term, viable solution that creates stability, that prevents insurance companies from cherry-picking customers and businesses. We need a solution that supports a healthy workforce and that improves employee productivity. Now is the time to reform our health care system. Our small businesses cannot afford the status quo.

THE OBAMA-PELOSI GOVERNMENT HIJACKING OF HEALTH CARE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the more we learn about the Obama-Pelosi government hijacking of health care, the more we recognize how terrible the plan is. Let me point out just a few things that we've recently learned about the Democrat bill.

First and foremost, the Democrat bill creates a government-run health care plan that will ration care, that will remove choice and that will decrease the quality of health care for Americans. The bill imposes not only an employer mandate on health benefits, but it also creates a fleet of government auditors who will sail in to inspect every employer in the Nation to assess the health benefits they offer to a standard even the Democrats admit they haven't ascertained yet.

Individuals and employers will be taxed to pay for the public plan, and an independent commissioner, not accountable to anyone, will set the reimbursement rate for health care providers and will have power over what will and will not be covered.

Everyone over age 65 will be required to have an end-of-life consultation with their physicians and to assess that plan every 5 years. Democrats don't know why any Member of Congress would

read a bill that's over 1,000 pages. Now we are learning why—apparently because they don't want us to know or the American people to know what the health care plan holds.

PASS HEALTH CARE REFORM

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, I hope that our friends on the Republican side of the aisle who don't want us to fix our health care system will listen to their constituents when they go home in August because they'll hear stories like I've heard in Connecticut.

A woman in Thomaston, Connecticut, contacted me about her own horrific experience. She had a pulmonary embolism and was told by her doctor that she was in danger of losing her leg, but her insurance company decided not to pay for the surgery on the grounds that it was cosmetic. Her appeal was denied, and she lost the leg.

One of the biggest lies I hear about our health care system is that, if you have insurance, you're all set. Well, this woman had coverage, and it failed her. The cost of our broken system can't be measured just in dollars and cents. It's so much more. We have a system that just doesn't value keeping people healthy, and we can change this by passing health care reform.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

GOVERNMENT TAKEOVER WILL RUIN HEALTH CARE

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY G. MILLER of California. Mr. Speaker, think about it—government-run health care.

Now, the argument being made by my friends on the other side is that the only reason it hasn't worked everywhere it has been tried is that the right people aren't in charge. Think about that. It has never worked anywhere. It doesn't work.

An individual I represent, who lives in Mission Viejo, was a doctor for 60 years in the United States and in Canada. He holds two of the highest degrees in medicine. He said it not only

hurts the poor; it hurts the wealthy, it hurts everybody. If you want to ruin health care, have the government take it over.

Now, the argument is we'll just have the government compete with the private sector. Think about that. Where does the government get the money? From you—the taxpayers—and the private sector has to charge people to provide health care. There is no way in the world the private sector can compete with government when the government is funded by unlimited amounts of money that they extort from you, the working people.

If you want health care in this country to be of quality and to be good, there are things we can do, but don't destroy it by turning it over to the government. The government does very few things well. In fact, my colleagues complain about the way the government even handles wars. That's the one thing we can do in a quality fashion, but government-run health care is not something we want to turn over to the government.

□ 1030

WE MUST NOT LET OUR CONSTITUENTS DOWN

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute.)

Mr. LANGEVIN. Mr. Speaker, as the Congress is working to resolve our Nation's health care crisis, I would like to take a moment to read an excerpt from a constituent's letter which I hope will serve as a reminder of why we are fighting for health care reform.

"Dear Congressman LANGEVIN,

"Ten years ago I was diagnosed with a brain tumor. As a single mother raising two children, I was nervous about supporting, feeding, clothing, and providing a roof over my children's heads. After my brain tumor was removed, I spent 30 days in the hospital. I was then terminated from my job. When I lost my job, I lost my health benefits. So I faced a choice that I don't want any other American to have to make—pay my mortgage or my COBRA premiums for continuing health coverage."

Signed, Nancy from Warwick, RI.

Mr. Speaker, choosing between your home and your life, it's not a decision that any American should have to face. In fact, catastrophic illness or accident is one of the leading causes of bankruptcy in America, and that shouldn't happen. We have an opportunity and an obligation to reform our health care system. We must not let our constituents down.

OUR BROKEN HEALTH CARE SYSTEM

(Mr. POLIS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, health care reform is the single most important step we can take to help families and rebuild our economy. Our health care system is broken, and only a comprehensive fix will end the suffering of so many from sickness and financial insecurity.

Today, I want to share the story of Alicia Varela, a 56-year-old resident in my district in Colorado. Like many Americans, Alicia followed her dreams, bravely left her home, and moved to the United States—legally—where, like many other Americans, she's paid into the system, and like many Americans, her employer does not provide health insurance.

With common but pricey preexisting arthritis and blood clot conditions, Alicia could not afford the high prices quoted by private insurance companies. But when tragedy struck and she became seriously ill, like many Americans, Alicia went to the emergency room as a last resort. By the time she was rushed into surgery, her situation was so severe that doctors removed a tumor that weighed 10 pounds. She isn't 100 percent better and she doesn't know what to do.

Her salary, while too high to qualify for Medicaid, is nowhere near enough to cover the high costs for a hospital stay. She can't afford costly medications and copes each day with pain and financial worries.

I encourage my colleagues to join me to help Alicia and many Americans like her.

RECISION

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. I would like to talk about a dirty little secret about the insurance industry. It's called recision, and the health care reform bill will ban it.

Consumers who have paid their premiums on time for years are suddenly cut loose by their insurer because they have the audacity of getting ill. These are people with severe medical conditions who depend on their coverage. It could be devastating when the lifeline that they've paid for is suddenly yanked away.

A woman recently addressed the Congress about having an insurance policy canceled days before her mastectomy surgery. The reason, she was told, is because she didn't disclose on her application that she had suffered from acne.

Recision is an inhumane and abusive practice. The good news is recision is outlawed in the House health care reform bill. Never again should anyone have to worry that their insurance that they've paid for will be canceled if they get sick.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

IMPROVED OVERSIGHT BY FINANCIAL INSPECTORS GENERAL ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3330) to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improved Oversight by Financial Inspectors General Act of 2009".

SEC. 2. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE DEPOSIT INSURANCE FUND FOR PURPOSES OF INSPECTORS GENERAL REVIEWS.

(a) IN GENERAL.—Section 38(k) of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) MATERIAL LOSS DEFINED.—The term 'material loss' means any estimated loss in excess of \$200,000,000, occurring after March 31, 2009.";

(2) in that portion of paragraph (4)(A) that precedes clause (i), by striking "the report" and inserting "any reports under this subsection on losses";

(3) by striking paragraph (6);

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

"(5) LOSSES THAT ARE NOT MATERIAL.—

"(A) SEMIANNUAL REPORT.—For the 6-month period ending on September 30, 2009, and each 6-month period thereafter, the Inspector General of each Federal banking agency shall—

"(i) identify losses estimated to be incurred by the Deposit Insurance Fund during that 6-month period with respect to insured depository institutions supervised by such Federal banking agency;

"(ii) for each loss to the Deposit Insurance Fund (as a loss to such Fund is defined in paragraph (2)(A)) that is not a material loss, determine the grounds identified by the Federal banking agency or State bank supervisor under section 11(c)(5) for appointing the

Corporation as receiver and whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

“(iii) prepare a written report to the appropriate Federal banking agency and for the Congress on the results of the Inspector General’s determinations, including—

“(I) the identity of any loss that warrants an in-depth review and the reasons why such review is warranted, or if the Inspector General determines that no review is warranted, an explanation of such determination; and

“(II) for each loss identified in subclause (I) that warrants an in-depth review, a date by which such review, and a report on the review prepared in a manner consistent with reports under paragraph (1)(A), will be completed.

“(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of each Federal banking agency shall—

“(i) comply with the semiannual report requirements of paragraph (A) expeditiously, and in any event within 90 days after the end of the 6-month period covered by the report; and

“(ii) provide a copy of the report to any Member of Congress upon request.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The heading for subsection (k) of section 38 of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended—

(1) by striking “REVIEW” and inserting “REVIEWS”; and

(2) by striking “MATERIAL LOSS” and inserting “LOSSES”.

SEC. 3. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE NATIONAL CREDIT UNION SHARE INSURANCE FUND FOR PURPOSES OF INSPECTORS GENERAL REVIEWS.

(a) IN GENERAL.—Subsection (j) of section 2176 of the Federal Credit Union Act (12 U.S.C. 1790d(j)) is amended to read as follows:

“(j) REVIEWS REQUIRED WHEN SHARE INSURANCE FUND EXPERIENCES LOSSES.—

“(1) IN GENERAL.—If the Fund incurs a material loss with respect to an insured credit union, the inspector general of the Board shall—

“(A) make a written report to the Board reviewing the Administration’s supervision of the credit union (including the Administration’s implementation of this section), which shall—

“(i) ascertain why the credit union’s problems resulted in a material loss to the Fund; and

“(ii) make recommendations for preventing any such loss in the future; and

“(B) provide a copy of the report to—

“(i) the Comptroller General of the United States; (ii) the Corporation (if the agency is not the Corporation);

“(ii) in the case of a State credit union, the appropriate State supervisor; and

“(iii) upon request by any Member of Congress, to that Member.

“(2) MATERIAL LOSS DEFINED.—For purposes of determining whether the Fund has incurred a material loss with respect to an insured credit union, a loss is material if it exceeds the sum of—

“(A) \$25,000,000; and

“(B) an amount equal to 10 percent of the total assets of the credit union at the time at which the Board initiated assistance under section 1788 of this title or was appointed liquidating agent.

“(3) PUBLIC DISCLOSURE REQUIRED.—

“(A) IN GENERAL.—The Board shall disclose a report under this subsection upon request under section 552 of title 5 without excising—

“(i) any portion under section 552(b)(5) of that title; or

“(ii) any information about the insured credit union (other than trade secrets) or paragraph (8) of section 552(b) of that title.

“(B) EXCEPTION.—Subparagraph (A) shall not be construed as requiring the agency to disclose the name of any customer of the insured credit union (other than an institution-affiliated party), or information from which such a person’s identity could reasonably be ascertained.

“(4) LOSSES THAT ARE NOT MATERIAL.—

“(A) SEMIANNUAL REPORT.—For the 6-month period ending on September 30, 2009, and each 6-month period thereafter, the Inspector General of the Board shall—

“(i) identify losses estimated to be incurred by the Fund during that 6-month period with respect to insured credit unions;

“(ii) for each loss to the Fund that is not a material loss, determine the grounds identified by the Board or the State official having jurisdiction over a State credit union for appointing the Board the liquidating agent for any Federal or State credit union and whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

“(iii) prepare a written report to the Board and for the Congress on the results of the Inspector General’s determinations, including—

“(I) the identity of any loss that warrants an in-depth review and the reasons why such review is warranted, or if the Inspector General determines that no review is warranted, an explanation of such determination; and

“(II) for each loss identified in subclause (I) that warrants an in-depth review, a date by which such review, and a report on the review prepared in a manner consistent with reports under paragraph (1)(A), will be completed.

“(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of the Board shall—

“(i) comply with the semiannual report requirements of paragraph (A) expeditiously, and in any event within 90 days after the end of the 6-month period covered by the report; and

“(ii) provide a copy of the report to any Member of Congress upon request.

“(5) GAO REVIEW.—The Comptroller General of the United States shall, under such conditions as the Comptroller General determines to be appropriate, review reports made under paragraph (1), including the extent to which the Inspector General of the Board complied with section 8L of the Inspector General Act of 1978 with respect to each such report, and recommend improvements in the supervision of insured credit unions (including the implementation of this section).”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield 5 minutes to the chief sponsor to this bipartisan legislation, a strong proponent in this Congress for tougher oversight, the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Mr. Speaker, I want to thank the subcommittee chairman for all of his support in this legislation, and also my colleague on the other side of the aisle, Mr. LEE from New York, for his tremendous support.

This is simply a good government bill, Mr. Speaker. H.R. 3330 is about protecting the financial institutions but providing efficiency, efficiency when it comes to the Inspectors General.

What we’re dealing with today is material loss reviews, and right now we have a problem in the United States in that our Inspectors General, who are charged with conducting material loss reviews, can’t keep up with the number of financial institutions who are experiencing these losses.

So we have been requested by the FDIC to look at the threshold. And what this bill does is it increases the threshold in the case of our financial institutions from \$25 million in losses to \$200 million in losses. And in the case of our credit unions, from \$10 million in losses to \$25 million in losses.

And if I might, Mr. Speaker, I would like to read briefly from a letter dated July 17, 2009, from Jon Rymer, the Inspector General of the FDIC. And in this letter, Mr. Rymer says, As of today, my office has conducted and completed nine material loss reviews under section 38(k) of the Federal Deposit Insurance Act. We now have an additional 31 reviews in the planning or production phase.

Based on publicly available projections alone, we believe the numbers of reviews that will be required under the law as it presently exists will continue to grow significantly in the foreseeable future.

We require that the Inspectors General complete these reviews within 6 months. And right now, given the threshold, they simply don’t have the ability to do that. So this is a good government measure, a good government measure that without increasing spending, without increasing taxes, we make government more efficient. And it’s simply increasing the threshold to allow the Inspectors General to do their jobs while at the same time allowing them to look at the smaller financial institutions if such reviews are warranted.

Mr. LEE of New York. Mr. Speaker, at this time I yield myself such time as I may consume.

I want to applaud my friend from Ohio (Mr. DRIEHAUS) for showing leadership on this very bipartisan bill that will have a very positive effect in helping to turn around very important agencies that provide oversight.

I also want to thank the chairman of our Oversight and Investigations Subcommittee, Mr. MOORE, and our ranking member, Mrs. BIGGERT, for holding that hearing and helping this legislation come to the floor.

The IG for Treasury said, "We have either shut down or indefinitely deferred nearly all critical audits in other Treasury high-risk programs." And as Mr. DRIEHAUS pointed out, this is a significant problem.

As a matter of comparison, Treasury is currently conducting 16 MLRs. Before 2007, the office had not conducted a review of this nature in almost 5 years. Meanwhile, the IG for the Federal Reserve said that these reviews make up almost 40 percent of her workload. The FDIC IG informed us that the 36 employees in his audit office are currently handling 20 reviews.

At the end of the day, when you have these auditors focus solely on bank failures, that's time taken away from other aspects of this economic crisis, not to mention critical oversight areas like terrorist financing.

The measure we are considering today, the Improved Oversight by Financial Inspectors General Act, raises the threshold for material loss reviews from \$25 million to \$200 million for banks and from \$10 million to \$25 million for credit unions. This will help give the Inspectors General the leeway they need to hone in on the cases in need of the most attention, because it's through that work that we will find what actions need to be addressed to restore taxpayer and investor confidence in our financial system.

I also want to note that this legislation is crafted responsibly and that it takes steps forward to ensure fraud does not go undetected. So, if the IGs see a need to conduct a review below the threshold, there is no problem. And when fraud is suspected, they will be able to move forward.

Mr. Speaker, it's an easy fix we can implement right now to lend our financial watchdogs a hand and provide them with the tools and resources they need to get the job done. I urge my colleagues to support the adoption of this important bipartisan measure.

I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself 4 minutes.

As a former district attorney for 12 years and chairman of the House Financial Services Oversight and Investigation Subcommittee, one of my priorities is to make sure that our Inspectors General have all of the tools and the resources they need to continue and improve their important oversight work.

In January, the IGs for the Treasury, Fed, and FDIC wrote to request that Congress raise the material loss review, or MLR, threshold so they could focus on other high-priority areas of potential waste, fraud, and abuse.

The National Credit Union Administration IG later made a similar request, Mr. Chairman. In addition to a higher threshold, the IGs suggested adding a requirement that for failed banks falling below the new threshold, an initial assessment still be taken to "ensure that unusual or potentially significant situations are not missed."

During an O&I hearing we held on this issue in May, I was disturbed to learn that without a modernized MLR system, the current system would limit the IGs' "ability to effectively oversee many of the new and significant programs and initiatives that the Federal banking agencies are undertaking to address current economic conditions." We must address this problem.

I commend Congressman DRIEHAUS from Ohio, a member of our Oversight Subcommittee, for drafting a bipartisan bill that will do just that. I also thank our colleagues on the other side of the aisle, Congressman LEE of New York and our O&I Subcommittee ranking member, Congresswoman BIGGERT of Illinois, for their hard work in drafting this bill. The improved oversight by the Financial Inspectors General Act will put in place a \$200 million MLR threshold for bank IGs and \$25 million for the credit union IGs with new, stronger protections that will ensure proper oversight is conducted of any failed institution that costs even a dollar.

In a letter dated July 17, Jon Rymer, the FDIC's Inspector General, commented on the bill, writing: "I believe this legislation is a reasonable and prudent compromise that will our workload but preserve meaningful, independent oversight by my office, as well as other Inspectors General tasked with similar reviews."

And I couldn't agree more, and I urge my colleagues to support H.R. 3330 to improve oversight of our financial agencies.

I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield 3 minutes to the gentlelady from the fine State of Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the improved Oversight by Financial Inspectors General Act of 2009. I would like to thank my colleagues, Mr. DRIEHAUS and Mr. LEE, for introducing this bill and thank the chairman of our Oversight and Investigations Subcommittee, Mr. MOORE, for his work on this issue.

H.R. 3330 makes technical corrections to the monetary thresholds that trigger Inspectors General to launch an investigation in the failure of a financial institution. Financial Inspectors General must dedicate resources and personnel to investigate failures like that of AIG because their finding can present critical evidence about what

caused the financial crises. Congress, Federal regulators, and the administration can better target reform to our broken financial regulatory system.

In May, the Financial Services Committee on Oversight and Investigations held a hearing on the role of financial services Inspectors General. We heard from Inspectors General about their difficult task to tackle the waste, fraud, and abuse that is at the heart of our financial crisis.

Fraud and abuse were two of many significant factors that contributed to the financial crisis, especially in Chicago. In March, the U.S. Attorney General in Chicago, Patrick Fitzgerald brought mortgage fraud indictments against two dozen players. They are brokers, accountants, loan officers, processors, and attorneys.

Mortgage fraud comes in all shapes and sizes. Scam artists inflate appraisals, flip properties, and lie about information including income and identity on loan applications. Some use the identity of deceased people to obtain mortgages, and other desperate thieves bilked out of their homes and home equity the most vulnerable homeowners and seniors in dire financial straits.

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To get the economy back on track and credit flowing again, we have to address what was at the root of the mortgage meltdown in the first place, and that is mortgage fraud.

Inspectors General hold key positions to investigate mortgage fraud and really get to the bottom of the turmoil that plagues today's financial markets; what went wrong, who broke the law, were the laws enforced, were laws and regulations adequate. To restore confidence in our markets and address any failings in our system of regulation, including enforcement, we must determine the answer to these questions. The sooner we get to the root of these matters, the sooner we can get the financial institutions off the Federal dole and our financial markets and economy back on track. H.R. 3330 will help us get there.

I applaud all of the Members who have worked so hard on this issue and urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I include for the RECORD letters from the Inspectors General on these issues.

JANUARY 9, 2009.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: We are writing to request that the Congress consider increasing the threshold for conducting material loss reviews (MLR) on failed financial institutions. The current \$25 million threshold has been in effect for about 25 years and, in light of the current economic environment, is no longer serving as a reasonable measure of materiality or a meaningful trigger point

for an Office of Inspector General (OIG) review of the failed financial institution. If this current threshold remains in effect, we anticipate that the projected volume of MLR work—and the time and resources that this work demands—will limit the OIGs' ability to effectively oversee many of the new and significant programs and initiatives that the Federal banking agencies are undertaking to address current economic conditions.

Section 38(k) of the Federal Deposit Insurance Act mandates OIG reviews of certain material losses to the Deposit Insurance Fund (the Fund) when federally supervised banks fail. In general terms, the purpose of the MLR is to determine the causes for the institution's failure and resulting loss to the Fund, and assess the banking agency's supervision of the failed institution. A loss is considered material if the loss is estimated to exceed \$25 million or 2 percent of the institution's total assets at the time the Federal Deposit Insurance Corporation (FDIC) was appointed receiver. The Act further requires that the OIG report be completed within 6 months after it becomes apparent that a material loss has been incurred.

As of today, the OIGs from the FDIC, Department of the Treasury, and the Board of Governors of the Federal Reserve System are performing a total of 18 MLRs, with projected losses ranging from \$36 million to \$8.9 billion. At the current threshold and as economic conditions continue to worsen, we anticipate the number of reviews to increase. As we are actively conducting these reviews, we are discovering that MLRs at the lower end of the threshold appear to provide little, if any, new perspectives or insights regarding the cause of the failure beyond what we initially discerned at the closure. We are, nevertheless, bound by professional standards to invest time and resources to conduct a thorough review of each individual failure. Expending our scarce resources on these reviews limits our ability to oversee the new initiatives that the banking agencies are undertaking to deal with the current economic crisis affecting open financial institutions.

We believe that increasing the MLR threshold would better serve the Congress by providing the OIGs with increased flexibility to refocus scarce resources to the wide-ranging programs and initiatives that the agencies are now managing, while continuing to ensure that significant failures receive an appropriate, in-depth review. As such, we recommend modifying the threshold for a material loss to an amount between \$300 and \$500 million. The \$500 million figure is the materiality threshold used by the Government Accountability Office (GAO) when conducting the Fund's financial statement audit, and has proven appropriate for that purpose over the years. Looking at the current inventory of 18 MLRs, only six would have been required with a \$300–\$500 million threshold. To ensure that unusual or potentially significant situations are not missed, we also recommend language that would allow the OIG to initiate an MLR of an institution with a projected loss below the increased threshold, should circumstances (i.e., indications of fraud) warrant.

Last year, we participated in a discussion initiated by one of your professional staff members on the merits of increasing this threshold, and were encouraged to raise this issue if circumstances warranted. We believe such circumstances have arrived. We are sending a similar letter to the Committee's Ranking Member and the Chairman and Ranking Member of the Senate Committee on Banking, Housing and Urban Affairs to share our concerns.

Thank you for considering our request to amend Section 38(k) to increase the MLR threshold. We would welcome the opportunity to discuss our concerns and possible solutions with you in more detail.

Sincerely,

JON T. RYMER,
*Inspector General,
Federal Deposit Insurance Corporation.*

ERIC M. THORSON,
Inspector General, Department of the Treasury.

ELIZABETH A. COLEMAN,
*Inspector General,
Board of Governors of the Federal Reserve System.*

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Arlington, VA, July 17, 2009.

Hon. BARNEY FRANK,
*Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN FRANK: I am writing to thank you for your support of the draft Deposit Insurance Fund Loss Review Act legislation, which was provided to us by Subcommittee staff a few days ago. I support the draft legislation as written and want to take this opportunity to emphasize my view that prompt action is needed.

As I testified before the Subcommittee on Oversight and Investigations several months ago, our resources permit us to conduct approximately 21 to 22 reviews at any one time, consistent with the statutory requirement that the reviews be completed within a 6-month period from the time it becomes apparent that the Deposit Insurance Fund has sustained a "material loss." I reported to the Subcommittee that we have stretched and leveraged our resources, but we nevertheless recently issued one report, and anticipate issuing two additional reports, outside of that 6-month window. In order to forestall future reporting delays and address the large increase in our workload, I have undertaken a review of our current approaches to conducting our work and am considering alternatives ranging from additional contracting for external audit services to the potential reorganization of the Office of Inspector General.

As of today, my office has conducted and completed nine material loss reviews under Section 38(k) of the Federal Deposit Insurance Act. We now have an additional 31 reviews in the planning or production phase. Based on publicly-available projections alone, we believe the number of reviews that will be required under the law as it presently exists will continue to grow significantly in the foreseeable future.

In raising the threshold for a "material loss" to \$200,000,000, as of March 31, 2009, the draft legislation would reduce our current requirement from 31 to 7 reports. The legislation would also require us to perform a shortened review of all failures, thus ensuring that (1) the reasons for even smaller losses to the Deposit Insurance Fund are properly understood, (2) important lessons to be learned from failures of financial institutions that do not rise to the new threshold level are nevertheless captured to improve future bank supervision, and (3) this information is duly and regularly reported to the Congress. I believe this legislation is a reasonable and prudent compromise that will reduce our workload but preserve meaning-

ful, independent oversight by my office, as well as other Inspectors General tasked with similar reviews.

Thank you for your interest in this issue. We are sending a similar letter to the Committee's Ranking Member, the Chairman and Ranking Member of the Subcommittee on Oversight and Investigations, and Representative Steven Driehaus of the Subcommittee on Oversight and Investigations. We are also sending a letter to the Chairman and Ranking Member of the Senate Committee on Banking, Housing and Urban Affairs encouraging their support of this draft legislation. I welcome the opportunity to discuss our concerns with you and other interested parties.

Sincerely,

JON T. RYMER,
Inspector General.

Mr. Speaker, I yield myself 2 minutes and invite Congressman DRIEHAUS to join me for purposes of a colloquy.

Congressman DRIEHAUS, to be clear, nothing in your legislation would change current law that requires all Inspectors General, at the Treasury Department, Federal Reserve Board, FDIC or NCUA, to post material loss review reports online within 3 days. That is what I understand. Is this your understanding as well, sir?

Mr. DRIEHAUS. Yes, that is correct. The purpose of H.R. 3330 is to increase and improve oversight conducted by the Inspectors General. Congress and our constituents will continue to learn important information from these material loss review reports, posted online within 3 days, so we can better understand why financial institutions failed. My bill will not change that at all.

Mr. MOORE of Kansas. Thank you for making that clear. Thank you for the colloquy.

Mr. Speaker, I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield 2 minutes to my good friend from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this issue, as well as the leadership of Mr. DRIEHAUS from Ohio.

I rise today in support of H.R. 3330, the Improved Oversight by Financial Inspectors General Act. In the wake of the financial crisis, it is so important that we make sure that our Federal banking supervisory resources are deployed where they are best going to be the most effective, and the financial crisis and the increased number of bank failures that have followed have exposed some very outdated provisions in existing law that are now placing some onerous reporting requirements on the financial inspectors general.

It is using precious time, and it is really diverting some really crucial resources. So this bill is going to update the standard that was first set 25 years ago that will trigger a material loss review for a failed financial institution.

Now, the financial Inspectors General have assured us that this does not mean there will be insufficient review

of failures in the future, but rather there is now going to be a smarter review concerning large bank failures and any small bank failures that occur where there are special circumstances, and that is something that can be learned.

So I would urge my colleagues to support this very bipartisan legislation. It has been a pleasure working with my colleagues on both sides of the aisle on this. We should put our focus and attention now, and that of the Inspectors General, where it can be most effective to protect taxpayers and financial institutions.

Mr. LEE of New York. Mr. Speaker, this is a good, commonsense, bipartisan bill. I urge its passage, and I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. DRIEHAUS) to close.

Mr. DRIEHAUS. Mr. Speaker, I thank the chairman.

Mr. Speaker, I believe this is a good, commonsense bill. This is about helping our Inspectors General do their job and do it well. We have heard from both sides of the aisle how important the work they are doing is to the health and safety of our financial institutions and to our financial system. I would encourage all of my colleagues to support this good-government piece of legislation. I thank them for their support.

Mr. MOORE of Kansas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 3330.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RURAL HOMEOWNERS PROTECTION ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2034) to permit refinancing of certain loans under the Rural Housing Service program for guaranteed loans for rural housing, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Homeowners Protection Act of 2009".

SEC. 2. SINGLE FAMILY HOUSING LOAN GUARANTEE PROGRAM.

Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking "paragraph (13)" and inserting "paragraph (15)";

(2) in paragraph (8), by striking "1 percent" and inserting "2 percent";

(3) in paragraph (9), by striking "REFINANCING" and inserting "MODIFICATION OF GUARANTEED LOANS";

(4) in paragraph (14)—

(A) by striking "GUARANTEES FOR REFINANCING LOANS" and inserting "REFINANCING OF LOANS MADE OR GUARANTEED BY SECRETARY"; and

(B) in subparagraph (E)—

(i) by striking "(10)" and inserting "(12)"; and

(ii) by striking "(13)" and inserting "(9) or paragraphs (11) through (14)";

(5) by redesignating paragraphs (10), (11), (12), (13), and (14) as paragraphs (12), (13), (14), (15), and (16), respectively;

(6) by transferring and inserting paragraph (10), as so redesignated by paragraph (5) of this subsection, after paragraph (9); and

(7) by inserting after paragraph (10), as so redesignated and transferred by paragraphs (5) and (6) of this subsection, the following new paragraph:

"(11) REFINANCING OF LOANS MADE BY PRIVATE SECTOR LENDERS.—

"(A) AUTHORITY.—The Secretary may, in accordance with this paragraph, guarantee a loan made to refinance a loan made by a private lender to an individual to acquire or construct a single-family residence.

"(B) ELIGIBILITY.—Except as provided in subparagraph (C), all requirements of this subsection shall apply to loans guaranteed and loan guarantees made under this paragraph.

"(C) GUARANTEE FEE.—Notwithstanding paragraph (8), the Secretary shall charge a guarantee fee with respect to loans guaranteed under this paragraph at levels necessary, but no higher than needed, to allow such class of loans to be guaranteed without resulting in a need for an appropriation for a credit subsidy."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. I yield 3 minutes to the chief sponsor of this important legislation, the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, as the sponsor of this measure, I am pleased to present H.R. 2034 for consideration by the House today.

The current foreclosure crisis affects rural America, as well as cities and suburbs. Many rural areas are subject to additional complicating factors, such as a shortage of housing, counseling resources, and high poverty rates. Nevertheless, homeowners with average incomes under \$19,000 per year are 98.3 percent successful when serv-

iced through section 502 single-family housing direct or guaranteed loan programs. The foreclosure rate in both of these programs is below 2 percent, as compared to a 5 to 6 percent subprime foreclosure rate overall.

Under current law, rural families who obtain a mortgage from a private lender for the purpose of acquiring or constructing a single-family residence are not permitted to refinance such loans through the section 502 Rural Housing Guaranteed Loan program. To address this issue, the bill would provide the Secretary of Agriculture with the authority to permit the refinancing of such loans through the section 502 Rural Housing Guaranteed Loan program.

Rural families who meet current income and geographic criteria would be eligible to refinance their private loan. As such, this new authority will provide some much-needed relief to our rural housing community and complement efforts by the administration to stabilize communities by helping struggling homeowners stay in their homes.

The Rural Housing Service estimates that this new authority would significantly increase loan volume under the section 502 guaranteed loan program. To address this issue, the bill includes a provision giving the Secretary of Agriculture the authority to charge a higher guarantee fee than the 2 percent fee that is permitted under current law to help ensure that the expected increased loan volume does not require additional congressional appropriations.

The higher fee would apply to private loans and could be no higher than is necessary to ensure that no appropriation is needed. Consequently, the CBO has indicated that the bill is cost-neutral.

I commend Chairman FRANK and Subcommittee Chairwoman WATERS for bringing this legislation to the floor. I urge all of my colleagues to support the bill.

Mrs. CAPITO. Mr. Speaker, I yield such time as I may consume.

Mr. Speaker, I rise in support, strong support, of H.R. 2034, the Rural Homeowners Protection Act of 2009. As my colleague has stated, the current foreclosure crisis affects rural America as well as cities and suburbs; and many rural areas are subject to additional complicating factors, such as high poverty rates.

The section 502 Rural Housing Guaranteed Loan program is an important source of funding in rural areas for moderate-income families wishing to purchase a home. As currently structured, the 502 program guarantees loan origination and allows refinancing on current 502 loans. However, it does not allow refinancing of loans obtained through private lenders.

H.R. 2034 amends the section 502 Single Family Housing Loan Guarantee

program to allow refinancing of private rural loans through the section 502 program.

To safeguard the program, the bill authorizes the Secretary of Agriculture to charge a higher fee for refinancing private origination loans to ensure that the class of loans can be guaranteed without the need of additional cost to the government.

Mr. Speaker, this is an important change that will provide much-needed assistance in our rural communities. I urge my colleagues to support H.R. 2034, the Rural Homeowners Protection Act of 2009.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2034.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NEIGHBORHOOD PRESERVATION ACT

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2529) to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neighborhood Preservation Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Depository institutions and affiliates of depository institutions currently may control and lease foreclosed property for a limited period of time often subject to safety and soundness considerations, under various Federal laws and the law of some States.

(2) Authorizing such institutions and affiliates to enter into a long-term lease with the occupant of the property or any other person would reduce the number of residential properties entering into the housing inventory, which in turn would help to stabilize home values and restore confidence in the housing markets.

(3) Allowing depository institutions and affiliates of such institutions to lease foreclosed property will allow the institution or affiliate to dispose of such property into a presumably more stable market at the end of the lease term which would reduce the loss

the institution or affiliate may otherwise be required to recognize upon disposition of the property.

(4) Providing a means for foreclosed property to remain occupied during the housing downturn will preserve the property itself as well as the aesthetic and economic values of neighboring homes and even whole neighborhoods.

(5) Allowing depository institutions to lease foreclosed property gives families the opportunity to remain in the home, causing less disruption to families, until they have the means to become a homeowner again.

SEC. 3. BANK LEASING OF FORECLOSED PROPERTIES.

(a) IN GENERAL.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

“(y) LEASING OF FORECLOSED PROPERTY.—

“(1) LEASING AUTHORIZED.—Notwithstanding any provision of Federal or State law restricting the time during which a depository institution, or any affiliate of a depository institution, may hold or lease property, or any provision of Federal or State law prohibiting a depository institution, or any affiliate of a depository institution, from leasing property and subject to this subsection and regulations prescribed under this subsection, any depository institution, and any affiliate of a depository institution, may lease to any individual, including a lease with an option to purchase, for not to exceed 5 years an interest in residential property which—

“(A) was or is security for an extension of credit by such depository institution or affiliate; and

“(B) came under the ownership or control of the depository institution or affiliate through foreclosure, or a deed in lieu of foreclosure, on the extension of credit.

“(2) SAFETY AND SOUNDNESS REGULATIONS.—The Federal banking agencies shall jointly prescribe regulations which—

“(A) establish criteria and minimum requirements for the leasing activity of any depository institution or affiliate of a depository institution, including minimum capital requirements, that the agency determines to be appropriate for the preservation of the safety and soundness of the institution or affiliate;

“(B) establish requirements or exceptions that the agency determines are appropriate under this subsection for any such institution or affiliate for any other purpose; and

“(C) provide for appropriate actions under section 38 with respect to any such lease if necessary to protect the capital or safety and soundness of the institution or affiliate or any other necessary enforcement action.

“(3) LENGTH OF LEASE.—If any provision of any Federal or State law, including the Bank Holding Company Act of 1956, governing the permissible activities of depository institutions or affiliates of depository institutions permits a depository institution or any such affiliate to hold property as described in paragraph (1) for a period longer than 5 years, any lease under paragraph (1) may be extended to the extent permitted by such provision of law.

“(4) SUNSET.—This section shall apply only with respect to leases entered into during the 2-year period beginning on the date of the enactment of the Neighborhood Preservation Act.”

(b) INTENT OF THE CONGRESS.—It is the intent of the Congress that—

(1) no permanent change in policy on leasing foreclosed property is being established

with respect to depository institutions and depository institution holding companies; and

(2) subsection (y) of section 18 of the Federal Deposit Insurance Act should not apply to leases entered into after the sunset date contained in such subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. DONNELLY), a chief sponsor of this legislation.

Mr. DONNELLY of Indiana. Mr. Speaker, today I rise in strong support of H.R. 2529, the Neighborhood Preservation Act, which I joined my colleague from California, Mr. GARY G. MILLER, in introducing.

This bill would amend The Federal Deposit Insurance Act to allow depository institutions like banks to temporarily lease a foreclosed property for up to 5 years. This bill is a fiscally responsible way to help mitigate the damage of the housing crisis and does not cost the government any money. The President has recently spoken in support of this idea. We hope that banks will utilize this to mitigate damage to hard-hit communities and prioritize working with the foreclosed family first.

My home State of Indiana ranks 13th in the country for number of foreclosures. Our district has felt the pain of the economic downturn, as many have lost jobs and struggled to make ends meet. Like many Americans, we have found ourselves unable to pay our mortgages and faced with foreclosure, and that is what has happened to many families in our district.

□ 1100

When a bank is forced to foreclose on a home, many people suffer. The family suffers as they are forced to find a new place to live and new schools for their children. One foreclosure can depress an entire neighborhood by decreasing the values of surrounding properties, and the depository institution that holds the mortgage no longer receives payments on the home. H.R. 2529 would help to minimize the impact of foreclosure by allowing depository institutions to rent a foreclosed property for up to 5 years to the previous owner or to another owner. Allowing depository

institutions to lease the foreclosed property gives families a chance to stay in their home and to make payments as a renter until they have the means to become an owner again. It does so without adding any cost to our deficit. Not only does this help provide some relief to the former homeowner, it helps to preserve the economic values of surrounding homes in the neighborhood, and it provides stability in the housing market. The number of foreclosed homes on the market have contributed to an oversupply of unoccupied homes. Having a high number of unoccupied bank-owned homes negatively impacts whole communities and can even drive up crime, as these vacant homes can become havens for squatters. There are 19 million vacant homes across the United States. That's up from 15.7 million only 4 years ago. These homes present a number of safety concerns. By allowing a family to reside as a renter, they're able to care for the property and prevent further adverse consequences. This bill is a temporary measure that can serve as a useful tool to keep excess housing stock off an already saturated market.

I want to thank the gentleman from California for his work on H.R. 2529, and I'd like to thank Chairman FRANK and Ranking Member BACHUS for their support on this important piece of legislation. I urge my colleagues to support H.R. 2529.

Mr. GARY G. MILLER of California. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of the Neighborhood Preservation Act, a bill that I introduced with my colleague from Indiana, JOE DONNELLY, who I want to thank for his support on this. This bipartisan legislation is supported by Chairman FRANK and Ranking Member BACHUS of the House Financial Services Committee, who are both cosponsors of the bill.

This bill amends the Federal Deposit Insurance Act to authorize depository institutions and their holding companies to lease foreclosed properties held by institutions for up to 5 years while ensuring the safety and soundness of such activity. H.R. 2529 would provide a tool to address the current foreclosure crisis. Today the American economy is suffering from an overburdened inventory of available houses for sale, roughly estimated at a 10-month supply. In some areas of the country, distressed sales have reached almost 90 percent of the houses being sold which are continually driving down home and neighborhood values. In my district, distressed sales represent approximately 86 percent of homes on the market in San Bernardino County, 65 percent in Los Angeles County, and almost 50 percent in Orange County. In fact, foreclosures have caused prices to decline in California alone by 30 percent in recent months, and they continue to be a problem.

To address the inventory surplus and help stabilize the housing market, the Neighborhood Preservation Act would allow banks to temporarily—and I emphasize temporarily—lease foreclosed properties. Under the bill, the prior homeowner would have the opportunity to lease a property and could be given the option to buy back the home. By allowing a family to lease a property rather than abandon it, families would be given a chance to remain in their homes until they have the means to own again. This legislation would also enable the lender to sell the property within 5 years into a more stable market; thereby, potentially recovering all or part of the losses that could otherwise have occurred in an immediate sale in a saturated market. The Neighborhood Preservation Act would not only reduce the number of houses being sold, but it would help preserve the physical condition of foreclosed properties, which would ultimately help stabilize the aesthetics and economic value of neighborhoods and communities. This would minimize the negative impact on surrounding homes and neighborhoods that have been impacted by the unrelenting foreclosure crisis.

To ensure bank solvency, this bill would require the Federal bank agencies to establish criteria and minimum requirements for the leasing activities of any depository institution, including minimum capital requirements that the agency determines to be appropriate for the preservation of the safety and soundness of the institution. The bill explicitly states that "it is the intent of Congress that no permanent change in policy on leasing foreclosed property is being established with respect to depository institutions" and their "holding companies." The purpose of this bill is to mitigate the impact of the oversupply of homes on the marketplace and allow individuals the chance to stay in their homes during these exigent circumstances.

Mr. Speaker, at no cost to the taxpayer, this bill will help preserve properties and communities, provide more confidence in our housing markets, and assist in stabilizing the economy.

At this point, I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I have no further requests for time, so I will let the other side close.

Mr. GARY G. MILLER of California. In recent years, many of you recall that there have been concerns about allowing banks to get involved in the real estate marketplace, specifically being involved in housing sales and housing transactions other than for pure lending purposes.

So before I introduced this bill, I went to all the associations to make sure the understanding was that this was clearly a temporary bill. This bill has been endorsed by the National As-

sociation of REALTORS, which mainly had a huge concern with banks being involved with real estate, the National Association of Homebuilders and the National Association of Mortgage Brokers. This bill was discharged from committee without a hearing because the ranking member and the chairman both believed this bill could really have a major impact. That's why this bill is on the floor. I ask for an "aye" vote.

I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I have no further requests for time. I urge my colleagues to support this bill, and I yield 1 minute to the gentleman from Indiana (Mr. DONNELLY) to close.

Mr. DONNELLY of Indiana. Mr. Speaker, I urge my colleagues to support H.R. 2529. This bill is a very, very positive step for the homeowners, for our neighborhoods, as well as a way to help solve the problem of foreclosed homes in America. So I urge Members' support.

Mr. AL GREEN of Texas. Mr. Speaker, I am pleased to submit my support of H.R. 2529, the Neighborhood Preservation Act. This Act will allow depository institutions and their affiliate entities to lease foreclosed properties for up to five years—it also has a provision which would allow for people to sign leases with the intent to purchase.

The Neighborhood Preservation Act is a commendable approach to utilizing the growing inventory of foreclosed properties and putting American families back into homes. Allowing foreclosed homes to be leased is a win-win situation. This allows people who may not be financially positioned to buy a house an opportunity to live in and potentially purchase a home while also allowing the bank to get some of the money back from the foreclosed property.

Additionally, by allowing depository institutions to lease foreclosed properties, we will put people in homes and begin to reduce the housing inventory overhang that is currently causing downward pressure on home values. This will help stabilize the housing market and will help facilitate the recovery of the greater economy.

Communities throughout the nation will benefit from this legislation, and it could not have come at a more opportune time.

Mr. MOORE of Kansas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2529, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL FLOOD INSURANCE PROGRAM EXTENSION ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules

and pass the bill (H.R. 3139) to extend the authorization of the National Flood Insurance Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Flood Insurance Program Extension Act of 2009”.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “September 30, 2008” and inserting “March 31, 2010”.

(b) FINANCING.—Section 1309(a) of such Act (42 U.S.C. 4016(a)) is amended by striking “September 30, 2008” and inserting “March 31, 2010”.

SEC. 3. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1), by striking “2005, 2006, 2007, 2008, and 2009” and inserting “2009 and 2010”; and

(2) by striking subsection (l).

SEC. 4. CONSIDERATION OF RECONSTRUCTION AND IMPROVEMENT OF FLOOD PROTECTION SYSTEMS IN DETERMINATION OF FLOOD INSURANCE RATES.

(a) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(1) in subsection (e)—

(A) in the first sentence, by striking “construction of a flood protection system” and inserting “construction, reconstruction, or improvement of a flood protection system (without respect to the level of Federal investment or participation)”; and

(B) in the second sentence—

(i) by striking “construction of a flood protection system” and inserting “construction, reconstruction, or improvement of a flood protection system”; and

(ii) by inserting “based on the present value of the completed system” after “has been expended”; and

(2) in subsection (f)—

(A) in the first sentence in the matter preceding paragraph (1), by inserting “(without respect to the level of Federal investment or participation)” after “no longer does”; and

(B) in the third sentence in the matter preceding paragraph (1), by inserting “, whether coastal or riverine,” after “special flood hazard”; and

(C) in paragraph (1), by striking “a Federal agency in consultation with the local project sponsor” and inserting “the entity or entities that own, operate, maintain, or repair such system”.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate regulations to carry out the amendments made by subsection (a). Section 5 may not be construed to annul, alter, affect, authorize any waiver of, or establish any exception to, the requirement under the preceding sentence.

SEC. 5. IMPLEMENTATION.

The Administrator of the Federal Emergency Management Agency shall implement

this Act and the amendments made by this Act in a manner that will not materially weaken the financial position of the National Flood Insurance Program or increase the risk of financial liability to Federal taxpayers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself as much time as I may consume.

I want to acknowledge the great cooperation we have had on a bipartisan basis here, the gentlewoman from West Virginia and I. We have, as Members know, a Flood Insurance Program. It does some good, but it's become somewhat controversial. There are Members who would like to see its future extended, and I tend to agree with them. Some of our colleagues from the gulf coast on both sides have talked about extending it to, for instance, other disasters and wind. There are Members who believe that the way it works now, it causes undue hardship without providing any serious protection. There are many others who believe—and I think we could argue—that it's time to examine the whole program.

This is an example, Mr. Speaker, where two groups that are sometimes in debate are on the same side; and that is, people concerned about excessive government expenditure and the environmental community. It's certainly our goal to try to discourage people from building where they shouldn't. On the other hand, we have people who years ago, in good faith built there; and they cannot be expropriated and shouldn't be. What we have decided on a bipartisan basis is that we have a program that expires in September. As Members know, the Committee on Financial Services, which has jurisdiction over this, has a fairly broad jurisdiction, including housing and, of course, the financial industry. We have been somewhat preoccupied with those other issues, mortgage foreclosures and financial regulation. We have not had the time to do the kind of thorough reexamination of flood insurance that it deserves. So what we have today as a result of an agreement is a 6-month extension of the program essentially as-is.

There is one change, again in a bipartisan way. The gentlewomen from California (Ms. MATSUI and Ms. SPEIER) and the gentlewoman from Kansas (Ms. JENKINS) came together to ask us for a provision that they believed important for their districts and many others that does no harm and can provide some protection for them. With that inclusion, we are extending it for 6 months. This will now go across the Rotunda to the United States Senate. We expect that they will be able to

enact it, if not in the next couple of days, when we come back in September. What this then does is gives us a chance, when we come back in 2010, to deal with this in a comprehensive way and to do the kind of reexamination that is called for. So that's exactly where we are. I note that the gentlewoman from California has joined us, the author of one of the provisions. I will yield to her after the other side.

I reserve the balance of my time.

Mrs. CAPITO. I yield myself as much time as I may consume.

Mr. Speaker, I want to thank the chairman of the full committee, the gentleman from Massachusetts, for his bipartisan way of approaching this particular issue. He is correct when he says that we've gone back and forth on this over, I think, almost a decade on the way to reform this program. We certainly want to see that.

Everyone here should be in agreement that the National Flood Insurance Program needs reform. The chairman spoke of that. But I think we can also agree it would be irresponsible and unfair to many communities and areas where flooding occurs to let the program expire at the end of September 2009 without attempting to fix it, which is why we need to pass another short-term extension today.

The National Flood Insurance Program is currently carrying a debt in excess of more than \$19 billion, primarily from property damage claims that were paid after the series of big storms that hit Florida in 2004 and the gulf coast in 2005. According to the Government Accountability Office, the NFIP is underfunded by design because many property owners continue to receive subsidized premium rates under long-standing provisions in place since the flood insurance rate mapping system went into effect in 1974. We need to deal with these issues. It's going to take bipartisan leadership on both sides, and I think we have that commitment to get it done. Many of us believe it's time for Congress to work toward encouraging more private insurance and reinsurance capacity to help protect at-risk communities and high-risk regions against the potential damages of flooding as well as other natural disasters. We are committed to pressing forward with reforms as soon as possible and urge others to join us in making this a bipartisan effort as well as a higher priority in this Congress.

In addition to supporting the need for a short-term flood insurance extension bill, I support a small but important technical change that would end the program's illogical and unwarranted discrimination against State and local funding of levee construction and improvement projects. I commend my friend, Congresswoman MATSUI from Sacramento, for her leadership and her thoughtful and constructive proposal. I

also would like to salute Congresswoman LYNN JENKINS of Kansas, an active member of our committee, for lending her support. As I previously stated, I know that we have a great need for reform in this program, and hopefully that will be our ultimate goal. But at the same time, I think it's wise for this Congress to extend this program for another 6 months as we would do in this legislation.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the aforementioned gentlewoman from California (Ms. MATSUI), the author of the amendment.

Ms. MATSUI. I thank the gentleman for yielding me time.

Mr. Speaker I would like to thank Chairman FRANK, Chairwoman WATERS, as well as Ranking Members BACHUS and CAPITO and all the staff for all the work they've done to get us here today. I would also like to thank FEMA for their technical guidance throughout the year. The amended bill before us today includes language from H.R. 1525 that I authored to provide technical changes to Federal flood zone designations. This legislation makes a number of modifications to the National Flood Insurance Act in order to give communities clarity to help them restore and improve their flood protection system. From my hometown of Sacramento to the Louisiana bayou to the plains of the Midwest, communities are advancing flood protection infrastructure in order to keep Americans safe and secure.

□ 1115

However, as we work to conform to changing dynamics of flood protection, these communities are seeking clarity as they work to meet Federal regulations.

Public safety is my absolute number one priority. And during the last year that I worked with local, State, and Federal flood protection officials, that remains our priority. This bill will give communities clarity so they can continue to uphold public safety and promote proper protection. Specifically, this legislation will update current law to take local, State, and Federal funding into account when determining designations.

The city of Sacramento and the State of California have devoted millions of dollars toward flood protection. That investment should simply be recognized by the Federal Government. For my constituents this is vital. FEMA needs to recognize what our State and city have contributed when they review the progress made on the Natomas levees in my district and determine the area's flood designation.

This legislation also helps communities understand requirements for a completed system. Current regulations are vague on what a completed system

actually is, and this has caused great concern and confusion among local communities. This provision brings greater clarity by combining a public safety standard with a concrete milestone.

Protecting our constituents from the dangers of floods requires a comprehensive approach. Local communities, States, and the Federal Government must all be thoughtful and committed partners to achieve public safety. I am glad that the bill before us today includes this Federal commitment to give communities clear objectives as they work to improve flood protection infrastructure.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the co-author of the amendment we have been discussing, the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. The American people have an indomitable spirit, and judging from my constituents, they don't expect the Federal Government to come to their aid for every problem. But they also don't expect us to stand in their way when they are trying to save lives and property.

The massive flooding and loss of life following Hurricane Katrina was a wake-up call for those of us who live along our Nation's beautiful coasts, bays, lakes and rivers. I represent the San Francisco Peninsula. As the name suggests, there is hardly a spot in my district where you can't see water. Currently, an advanced new levee system is being constructed to protect parts of three cities along San Francisco Bay. The levee is being built with local money. The residents have voted to tax themselves to do it. This is exactly how it should be, communities handling their issues themselves.

But currently, FEMA only recognizes Federally funded or managed projects. So, despite the fact that these levees are built to the exact same specifications, until the project is completed, homeowners and businesses in those areas will be forced to pay dramatically higher flood insurance, and any new construction will be required to be built on stilts above where the flood plain would be if the levees had not been built or improved. Imagine putting homes on stilts in an earthquake area. It just doesn't make sense.

Again, the levees are not the issue. These levees are being built to Federal standards. The only reason that tens of thousands of hardworking Americans will have to pay thousands of dollars more in insurance and local builders will have to put their buildings on stilts is because the forward-thinking residents of San Mateo, Foster City and Redwood Shores decided to improve their levees without Federal dollars.

I urge the passage of this amendment and this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 3 minutes. And

I would yield for a question to our colleague from Mississippi, who has been, with our support on our committee, a major proponent for protecting the people he represents in the area of wind and elsewhere.

I yield to the gentleman.

Mr. TAYLOR. Mr. Chairman, last year you had extensive hearings on this subject. The bill that was proposed by the House increased the coverage amount since it was a shock to a lot of people who had to rebuild—\$250,000 just doesn't buy the kind of house that it used to 10 years ago.

We took the step to end the practice of concurrent causation, where if, according to testimony before the Mississippi Supreme Court, a house was 95 percent destroyed by the wind before the water got there, the insurance companies would bill the Federal Government for 100 percent of the cost of the damage, as testimony before the Mississippi Supreme Court. And then the other thing is the possibility of adding wind insurance to the National Flood Insurance Program so that there isn't any discrepancy. It doesn't matter if the wind destroyed your house or if the water destroyed your house, if you built it to code, if your community built to code and you paid your premiums, that you are going to get paid.

I realize your committee has been very busy with the housing crisis. Everyone is aware of that. But the folks in the affected regions—which is now 52 percent of all Americans—are curious; at what point do you think there will be some talk of these changes to the flood insurance?

Mr. FRANK of Massachusetts. Well, as the gentleman knows, there has been a request from the administration for a longer extension, but the gentleman conferred with the Chair of the subcommittee, the gentlewoman from California (Ms. WATERS), and expressed his concern that that would put off further any chance to do this, and we agreed with that. That is why this is a 6-month extension. And the answer is, I believe the House remains committed to that. What happens in the Senate will be another issue. But it is certainly our intention, the leadership of the committee on the majority side, once again, to work with the gentleman to extend that protection, and hope that maybe things will change in the Senate.

I yield again to the gentleman.

Mr. TAYLOR. Specifically, does the gentleman envision hearings this fall on the subject?

Mr. FRANK of Massachusetts. Yes, it would be very appropriate.

As Members know, we have been a little busy with the financial material, but we are probably not going away for a while this calendar year. And yes, I know the gentlewoman from California, who chairs the subcommittee

which has jurisdiction, is very interested in this and does plan to have some hearings.

Mr. TAYLOR. I thank the gentleman.

And to the previous speaker, as someone who lives in a house on stilts and represents a lot of people who live in houses on stilts, they're not all that bad.

Thank you very much.

Mr. FRANK of Massachusetts. I would just finish up by saying that the gentlewoman did talk about the problem of houses on stilts in an earthquake area.

I reserve the balance of my time.

Mrs. CAPITO. I don't live in a house on stilts, I live on a mountain, so I don't need stilts. I guess that's a good thing.

Mr. Speaker, I yield back the balance of my time and urge support of this legislation.

Ms. JENKINS. Mr. Speaker, I rise in support of H.R. 1525, whose language has been incorporated into H.R. 3139.

Agriculture is the lifeblood of the economy in Kansas' 2nd District. Doniphan County, Kansas is home to some of the most fertile farm land in the United States.

The levees along the Missouri River in Doniphan County protect three vital communities, White Cloud, Elwood and Wathena, as well as thousands of acres of farmland.

The 1993 floods devastated these communities and the surrounding farmland. And they should serve as a reminder of the importance of sound floodplain management. H.R. 1525, which I cosponsored with my colleague Representative MATSUI from California, will allow communities, like the ones that I represent in Northeast Kansas, the flexibility to find sources to quickly and efficiently repair levee systems.

I thank my colleague for her leadership on this important legislation. And I encourage the House support its passage.

Mr. FRANK of Massachusetts. Well, I will yield back after recalling for no particular reason the views of the British philosopher, Jeremy Bentham, who said that he thought talk of natural law was nonsense and talk of natural rights was nonsense on stilts. That is irrelevant, but it just occurred to me.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3139, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLARIFYING SEC'S AUTHORITY TO SANCTION BROKERS

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules

and pass the bill (H.R. 2623) to amend the Federal securities laws to clarify and expand the definition of certain persons under those laws.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FORMERLY ASSOCIATED PERSONS.

(a) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c)(8)) is amended by striking “any member or employee” and inserting “any person who is, or at the time of the alleged misconduct was, a member or employee”.

(b) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended—

(1) in subsection (c)(1)(C), by striking “or seeking to become associated,” and inserting “seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated”;

(2) in subsection (c)(2)(A), by inserting “, seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated” after “any person associated”;

(3) in subsection (c)(2)(B), by inserting “, seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated” after “any person associated”.

(c) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting “, or, as to any act or practice, or omission to act, while associated with a member, formerly associated” after “member or a person associated”.

(d) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting “or, as to any act or practice, or omission to act, while a participant, was a participant,” after “in which such person is a participant,”.

(e) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(1) by striking “any officer or director” and inserting “any person who is, or at the time of the alleged misconduct was, an officer or director”;

(2) by striking “such officer or director” and inserting “such person”.

(f) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-35(a)) is amended—

(1) by striking “a person serving or acting” and inserting “a person who is, or at the time of the alleged misconduct was, serving or acting”;

(2) by striking “such person so serves or acts” and inserting “such person so serves or acts, or at the time of the alleged misconduct, so served or acted”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is another important bipartisan bill. The gentleman from California (Mr. MCCARTHY) took the initiative here, and we were pleased to work with him.

The Chair of the subcommittee, the gentleman from Pennsylvania (Mr. KANJORSKI), is dealing with a back problem, so he's not here. But he's not dealing with a backbone problem, because this bill puts some more backbone into the antifraud laws. And what it does is, in consultation with the SEC, enhances their ability to kick people, in effect, out of the industry who have a bad record. And it makes it very clear that a past bad record or a past affiliation would still be relevant in giving the SEC the right to protect investors.

We are all aware that too little has been done to protect investors. This is a step forward towards further empowering the SEC to do the job of protecting investors.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2623, legislation that would amend the Federal securities laws to clarify the Security and Exchange Commission's, the SEC, authority to sanction certain employees of regulated or supervised entities after they leave their jobs.

I would like to thank Mr. KANJORSKI and Chairman FRANK for bringing this bill to the floor today. I would also like to mention that this legislation was included in a larger piece of securities legislation from the 110th Congress, H.R. 6513, the Securities Act of 2008, which passed the House on suspension by voice vote.

The legislation is also included in H.R. 3310, the Consumer Protection and Regulatory Enhancement Act introduced by Ranking Member BACHUS, and I appreciate his support on this legislation.

This legislation is directed at ensuring that former employees of organizations like the New York Stock Exchange or the Financial Industry Regulatory Authority can be held accountable for any misconduct while an employee of these organizations.

Many provisions of Federal securities law which authorize the sanctioning of a person who engages in misconduct while associated with a regulated or supervised entity explicitly provide that such authority exists even if the person is no longer associated with that entity or has left his or her job. But there are confusing loopholes so that employees of some regulated or supervised organizations cannot be sanctioned by the SEC after they leave their positions. By clarifying the SEC's

authority to sanction formerly associated persons, we ensure that employees are held accountable for their actions while in those positions even if they have moved on to another job.

Specifically, my legislation amends the Securities Exchange Act of 1994 and the Investment Company Act of 1940. Congress must ensure that the SEC has authority to investigate individuals suspected of violating the securities laws, to bring enforcement cases, and have those cases considered on the merits and not be dismissed on an ambiguity because a statute is confusing. No one should be able to violate the securities laws and resign their position knowing that the SEC cannot proceed against them. My legislation does not expand or alter the SEC's current authority; it clarifies it.

One illustration of the need for this legislation is in the case of Sal Sodano, who was chairman and CEO of the American Stock Exchange, AMEX. On March 22, 2007, the SEC charged Sodano with failing to enforce compliance with the Exchange Act during his term as the AMEX chairman and CEO; however, the SEC's filing occurred after Sodano left the AMEX in 2005. So his lawyers pointed to this loophole in the Federal law that the SEC could only sanction individuals while they were still associated with the organization.

The SEC's administrative law judge noted that the current law does not provide for sanctioning of a former officer or director. The judge specifically noted that Congress has drafted many statutes that allow the ability to sanction individuals formerly associated with any number of entities, but not in this case. By passing H.R. 2623, Congress can close this loophole and ensure accountability for individuals working at regulated or supervised entities.

I urge my colleagues to support this legislation, which will provide more accountability, transparency, and efficiency in securities regulation.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, first I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill and the preceding bill, H.R. 3139.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. I congratulate the gentleman from California on his work.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 2623.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 3326, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 685 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 685

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 147, line 4. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (2) not to exceed eight of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; (3) an en bloc amendment, if offered by Rep. Flake of Arizona or his designee, consisting of all of the amendments printed in part B of the report of the Committee on Rules, which shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) not to exceed two of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Campbell of California or his designee, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. All points of order

against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3326, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 685 because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule and the gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I'm not sure that there are unfunded mandates in this bill. There probably are, but that isn't the reason I raise a point of order. I raise it because it's about the only opportunity those of us in the minority have to talk about this process. It has been extremely restrictive.

The rule reported for the Defense bill marks the 12th time during the appropriation season that the majority has shut down what has traditionally been an open process. It isn't coincidental that the Defense appropriations bill is being considered last and we'll have just about a day to consider it. In recent years, this bill has been rife with earmarks going to for-profit companies, and the measure before us today is no different.

There are 1,102 earmarks stuffed into this bill, and nearly 550 of them, worth at least \$1.3 billion, are going to private, for-profit companies. The corrupting nature of this practice, which the President himself has publicly noted, has been, itself, evident with the PMA scandal that has centered around campaign contributions and earmarks.

It is for this reason and this reason alone that I chose to offer 552 amendments to the Rules Committee, each one targeting an earmark that the sponsors listed on their Web site as going to a for-profit company.

These amendments have been derided as an abuse of the process. I would like to address this criticism, which I think is wholly unfair. It's unfair because the Office of Legislative Counsel is not in any way inconvenienced by the drafting of these amendments.

My staff wrote them and wrote them individually. My amendments were delivered to the Rules Committee on Friday of last week, well in advance of a 3 p.m. Monday deadline, giving the staff of the Rules Committee more than enough time to process these amendments accordingly. In fact, I'm told that the Rules Committee closed up shop around 8 p.m. on Friday night. The Rules Committee met yesterday, and the 12th rule of this appropriations process was passed, which restricted amendments again. That meeting lasted just 1 hour.

One hour the Rules Committee met and, in 1 hour, dealt, apparently, with more than 600 amendments that were submitted. That is almost equivalent to the Appropriations Committee meeting for 18 minutes to pass this bill out of committee, a bill with more than 1,000 earmarks, more than 500 earmarks that are no-bid contracts to private companies, passed by the Appropriations Committee in 18 minutes.

Now, the majority talks a lot about making sure that we do this all in a timely process. I would suggest there is something to being a bit more thorough. You cannot vet more than 1,000 earmarks, more than 550 of which are no-bid contracts to private companies, in 18 minutes. And you can't restrict it in this way coming to the floor and expect this to be a thorough process. It is a quick process. Maybe the trains are running on time, but we're not doing our job here.

The flawed process by which the Rules Committee reported this rule does not appear to have been delayed or inconvenienced in any way by the submission of these amendments. Referring to these amendment submissions as an abuse of the process is far-fetched considering the severe restrictions the Rules Committee has placed on our ability to offer amendments to appropriations bills. This is a process, again, that has been traditionally open.

Excluding the Defense bill, more than 800 amendments were submitted

to the Rules Committee for the 10 appropriations bills the House has already considered this summer. At the start of the process, the chairman of the Appropriations Committee said, "There are a limited number of hours between now and the time we recess. If we want to get our work done, we have to limit the debate time that we spend on these bills."

The majority leader echoed this sentiment as an explanation for clamping down on the appropriations process: "So I tell my friend that the reason for rising was to give us the opportunity to go to the Rules Committee and provide for, as I said, time constraints in which we can effectively complete this bill."

This has been the excuse that's been used so far, an excuse to only make in order 18 percent of the amendments submitted for appropriations bills we've seen so far.

I realize amongst my colleagues I have been the most fortunate. I have been permitted to offer more than 40 amendments, 26 percent of all the amendments ruled in order, in total, for these bills. I suppose I should be grateful for any crumbs that fall from the Appropriations Committee or the Rules Committee.

But my amendments were ruled in order at the expense of other perhaps more substantive amendments in many ways as a way for the majority to deflect blame for a virtually closed process and to prevent their Members from making tough votes on some of the other amendments that were submitted.

When I was on the House floor with a couple of bills, time and time again, in fact, 16 times, I asked for unanimous consent to substitute some of my colleagues' amendments for my own. We already had the time constraints for the bill, so the notion that we had to make the trains run on time, we had to get this debate done was not the point. But I was rejected 16 times in a row, not because the amendments offered by my colleagues weren't germane. They were. They simply weren't ruled in order by the majority because they didn't want to face those amendments.

And if we're going to talk about abuse of process, there it is. It's not offering 550 amendments because we are doing more than 550 no-bid contracts to private companies. That's not where the abuse lies. The abuse lies in the majority's saying we are only going to entertain those amendments that we know we can beat or that we want to entertain or that are entertaining, apparently, not the ones that may be difficult for us.

Now, when Republicans were in the majority, I have often said that we did a few things that we shouldn't have. Holding a vote open for 3 hours wasn't a good thing. But I have never seen any of the abuse of the process like this. No matter how the Republicans, when

they were in power, didn't want to see amendments, like some of mine, they allowed them. We spent, I think, 3 days on the Interior appropriations bill because Members kept coming forward offering amendments that our own majority did not want to see, but they knew that they shouldn't shut down this process, which has been traditionally open.

But the new majority has decided to completely close it and did not have one appropriation bill this year come to the floor under an open rule. In particular, when some will make the argument that, well, hey, back in the 1970s there were occasions when these appropriation bills were not brought to the floor under an open rule, the situation we have today is a situation in which bills are brought to the floor that have been stuffed to the gills with earmarks like this bill that we're considering today. More than 1,000 earmarks, more than 500 of which are no-bid contracts to private companies for which the Appropriations Committee took a paltry 18 minutes to vet and to send on to the House floor, and then we're told, ah, but you can only offer eight of the 552 amendments you submitted. Only eight of them. You can choose them, but only eight, because we don't have time to vet any more at that time.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I rise to claim time in opposition to the point of order.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 10 minutes.

Mr. POLIS. Mr. Speaker, as my colleagues know, we've been here before. This very same point of order has been raised against nearly every appropriations bill, and each time it's used to discuss something other than its intended purpose, which is supposed to be about unfunded mandates. Once again, it's about delaying consideration of this bill and, ultimately, stopping it altogether.

I hope my colleagues will again vote "yes" so we can consider this legislation on its merits and fund the important defense needs of our Nation and not stop it on a procedural motion. Those who oppose the bill are welcomed to vote against this bill on final passage. We must consider this rule and we must pass this legislation today to continue to fund the defense and protection of our country.

□ 1145

I have the right to close, but in the end, I will urge my colleagues to vote "yes" to consider the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 2 minutes remaining. The gentleman from Colorado has 9 minutes remaining.

Mr. FLAKE. It was said again that I'm just trying to delay this process. If I were trying to delay this process, I could stand up here with a privileged resolution and read every one of the amendments that I wasn't allowed into the RECORD. It would take hours to do that.

I'm not trying to delay this process unnecessarily. This isn't a dilatory tactic. It's just about the only way we can stand and actually register objection to this closed process. I suppose I could, and this would be chilling reading, read the transcript of yesterday's court trial of an individual who, I believe, is pleading guilty in some fashion, a contractor who received earmarks and passed them on to other contractors who weren't doing any work at all. That was under a previous Defense bill that wasn't vetted, as it should have been, that came to the floor probably last year under a closed process; no amendments could have been offered.

And so here we have investigations, particularly with the PMA scandal, swirling around this institution because we aren't doing our work. We aren't vetting these bills. I wish that the Appropriations Committee would, but they're not. And then when you come to the floor and say, we'd like to challenge a few of these earmarks, you say, you can challenge eight of them; 8 of the more than 550 no-bid contracts to private companies. You can only question eight of them. That's all we have time for because we have to pass this bill today for some reason.

The fiscal year doesn't run out until the end of September. This is not a bill that has to be passed today or tomorrow. We can spend the time that we need, or we should have taken time earlier this year instead of doing suspension bills or last Friday, instead of passing a wild horse welfare act or whatever we did.

The appropriations bills are the most important work this Congress does. And to say that we have to move through them quickly so nobody sees what we're doing, so nobody sees that we're doing no-bid contracts for private companies is simply wrong. That is the abuse of power in this institution, not bringing 553 amendments to the floor.

With that, I urge opposition to the rule and yield back my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I would encourage my colleague from Arizona to stick around, assuming that this motion passes, for the discussion of the rule. He will find in the proposed rule there is the opportunity that we will be giving the House of Representatives as a whole to vote on a block of amendments that the gentleman has identified, as well as several individual ones that the gentleman has identified.

I urge my colleagues to vote "yes" on this motion to consider, so that we

can debate and pass this important piece of legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. POLIS) is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California, my colleague on the Rules Committee, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 685.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 685 provides for consideration of H.R. 3326, the Department of Defense Appropriations Act of 2010, under a structured rule. I'd like to thank Chairman OBEY, Ranking Member LEWIS, Chairman MURTHA and Ranking Member YOUNG for their tireless and bipartisan work on this important bill to fund the defense needs of our Nation. Their job is not easy. The needs of this country are endless, our security challenges are daunting. Threats to our security are numerous and always changing. And the resources that we can devote to these problems are precious and limited, as our Nation faces a severe recession.

So each year we must prioritize, re-evaluate and invest in strategies that will keep our country and our people safe. We will invest in the equipment that will protect our troops and in programs that will care for the men and women who defend us, who serve our country so bravely and capably every day.

H.R. 3326 fulfills these responsibilities by providing first-class equipment for our troops that are in harm's way, by increasing fiscal responsibility and oversight within the Department of Defense, and by investing in adequate health care and increased compensation for our soldiers and their families.

To help protect our troops, the bill provides increased funding for the mine-resistant ambush protective vehicle fund and the procurement of new Humvees and new heavy and medium tactical vehicles to meet the needs of our military. The bill also invests in weapons systems that meet our current and future needs, instead of plunging money into weapons systems that do not meet timelines, budgets or real-

istic threats or are based on threats that are antiquated that we no longer face.

We need to transform our military to make sure that we can keep the American people safe. We cannot fulfill our responsibilities to the troops, to taxpayers, or to the Nation if we can't meet our fiscal responsibilities.

H.R. 3326 reduces advisory and assistant service contracts by saving \$51 million while providing \$5.11 billion for Department of Defense personnel to perform DOD functions. The bill also provides funding for the Inspector General to increase oversight over the acquisition and contracting process to ensure the taxpayers' funds are spent wisely. By reducing funds for wasteful weapons and bloated contracts, we can provide better care and a better quality of life for the men and women of the Armed Forces and their families.

H.R. 3326 increases pay for all servicemembers by 3.4 percent, and fully funds the requested end-strength levels for active Reserve and selected Reserve personnel. The bill continues efforts to end the practice of stop-loss, so difficult for the families of our troops who are deployed overseas, and includes \$8.33 million to pay servicemembers \$500 for every month of involuntary service.

The bill provides \$29.9 billion for top-of-the-line medical care, including \$500 million for traumatic brain injuries and psychological health and increased funding for the wounded, ill and injured warrior programs. We can make no greater investment than in the health and welfare of those who have sacrificed and given so much to protect our freedoms.

It's also important to keep in mind that for every soldier who is dutifully serving on the battlefield, in Iraq or Afghanistan, sailing on a ship in the Pacific of the Atlantic or stationed on a military base in Germany, Japan or elsewhere, there is also a military family in our neighborhoods, in our districts, in our cities, and those families too are serving our country. To honor their commitment to this country, and to acknowledge their sacrifice, this year has been called the Year of the Military Family, and this bill adds substance to those words and that title.

H.R. 3326 includes over \$472 million for family advocacy programs and fully funds the Family Support and Yellow Ribbon programs. The bill also includes \$20 million for the Army National Guard Family Assistance Centers and Reintegration programs. I strongly believe that this bill is a positive step forward in the way that Congress prioritizes our military spending and provides for the men and women who serve our Nation and their families.

I support H.R. 3326 and House Resolution 685.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to begin by expressing my appreciation to my very distinguished Rules Committee colleague for yielding me the customary 30 minutes. I was just thinking as I was sitting here listening to his very thoughtful remarks. And he is a diligent and hardworking new member of the committee. He's now, this month completed 6 months, halfway through the first session of the 111th Congress. And my friend on the Rules Committee has, along with 70-some-odd other Members, not once, not once seen something that, when I'd been here 6 months I'd seen on countless occasions, and that is an open rule, an open amendment process.

And I will say, Mr. Speaker, that I hope very much that my friend on the Rules Committee, the other new members of the Rules Committee, and the Members of this institution and, most importantly, the American people, will, sometime in the 111th Congress, have the opportunity to see an open debate under the 5-minute rule in the House of Representatives.

Mr. Speaker, last week we marked a very significant anniversary in this institution. It was the formal consideration of James Madison's proposal to amend the Constitution to add a Bill of Rights. That debate, Mr. Speaker, began 220 years ago, just this last week. It was July 21 of 1789 that the House of Representatives began the process of debating whether or not to proceed with the Bill of Rights. In that first summer of the very first Congress, Congressman Madison proposed his amendments, which were considered by the House Rules Committee, and then moved to the House floor for a 10-day debate.

And I underscore that again, Mr. Speaker, the debate that took place on the floor of the House of Representatives lasted 10 days for consideration of the Bill of Rights. Now, I believe, Mr. Speaker, that that took place that summer and it was very, very instructive. It was instructive, the debate that we saw 220 years ago this summer, not just for its substance, but in many ways for the nature of that debate that was managed by Congressman Madison who, incidentally, represented the seat that is now held by our distinguished Republican whip, Mr. CANTOR.

Throughout the course of that debate, summer of 1789, it was very clear that Mr. Madison had great respect for the views of the Members who disagreed with him. He had a great deal of respect for those with whom he vigorously disagreed. He argued with civility, comity, and respect. He never impugned his adversaries' motives. In fact, Mr. Speaker, he not only didn't impugn his adversaries' motives, he actually defended them himself during debate. He passionately sought consensus on the fundamental issues and placed it above his own ambivalence that existed on lesser concerns.

And it was ambivalence, because, if you recall your history, Mr. Speaker, he was not, at the outset, a believer in the necessity for a Bill of Rights. He urged his colleagues to act on, and I quote from a June 1789 speech when he actually introduced the Bill of Rights, what he called the principles of amity and moderation to proceed with caution, but that ultimately they must act resolutely to satisfy the public mind. Again, Congressman Madison's words.

He clearly did not believe that decisive action and a full, open debate were mutually exclusive. He believed that clearly that ultimate decision would be a better one with a full, rigorous, and open debate. He saw them as being fully intertwined, that elevating the debate above reproach would give this body the moral authority to act decisively and appropriately as a truly representative body, which it has been.

I believe in this Madisonian model, Mr. Speaker, very, very fervently. I believe in that model of intellectually rigorous, open, and civil debate. So it's with great dismay that I have seen the tenor of our debate deteriorate and the legislative process grow even more closed in recent years. The closing down of the traditionally open appropriations process has, for me, personally, been the most troubling thing to observe.

□ 1200

We have the very serious responsibility of spending the taxpayers' hard-earned money. That responsibility deserves a completely open and transparent process. Unfortunately, this year, for the first time in the 220-year history, we have had a restrictive appropriations process from the beginning to what today is now the end. As was pointed out by Mr. FLAKE earlier, this is the last of the now 12 appropriations bills. Today, we consider that final appropriations bill under the exact same, restrictive process with which we've considered every single appropriations bill for the upcoming fiscal year.

Now, Mr. Speaker, as we mark this 220th anniversary of that very historic debate on the Bill of Rights, we, unfortunately, are making history of our own. It's not history of which we can be very proud. It's not history that will judge this institution kindly. Today, we mark the final death knell for the open process with which we have historically handled our constitutionally mandated power of the purse.

The abandonment of this tradition began just over a month ago, on June 17, when the Democratic majority announced at the very outset of the process that it would not be granting the customary open rule for spending bills. Since that day, June 17, we have been on a steady march toward an ever more restrictive process, barring the full

transparency that the taxpayers deserve and prohibiting the full participation of rank-and-file members of both parties.

I will say that we regularly hear that this is characterized as Republicans complaining or whining. We are fighting for the rights of Democrats and Republicans. The reason is the Democrats and Republicans represent the American people, and it's the American people who are being undermined by this very unfortunate process.

With today's consideration of our final appropriations bill, the full pivot to what I am describing as the "new normal" becomes complete. Having cast aside one of our longest-held traditions, we now have a process where the chairman of the Appropriations Committee alone is the sole arbiter of what spending amendments may be offered, who can speak on them and for how long. They have done this in the name of expediency, citing a strict schedule that must be adhered to.

If they were only concerned with time limits, Mr. Speaker, as Mr. FLAKE pointed out earlier, why didn't they simply impose an overall time limit debate on each bill? If it simply were this schedule that Mr. OBEY has repeatedly held up, just put an outside time limit on the debate. I would not have been a proponent of that, but it certainly would have been preferable to this kind of restriction imposed on the American people by way of preventing their Democratic and Republican Members of the House from being able to offer their amendments.

A popular justification has been to claim that the process took too long back in 2007, so it had to be controlled from the beginning this time, but that argument completely overlooks the fact that 2007 was a very unique year. It was the transition year from a Republican majority to a Democratic majority here in the House. One of the hallmarks of transition years is a lengthier appropriations process, and yet the new Republican minority took less floor time in 2007, almost 26 hours less, than the new Democratic majority did back in 1995. Again, let me underscore that.

When we heard that the 2007 appropriations process was so out of hand, we needed to realize that, in its being a transition year, there were actually fewer amendments that were proposed by Members of the new minority. That had been the case when Democrats were in the minority back in 1995. When we compare these 2 years, it is very clear that, while there was an increase in time spent on our spending bills in 2007, it was very modest to what the Democrats engaged in when they entered into the minority, as I said, following the 1994 election.

The Democratic majority's excuses just don't stand up to scrutiny. The real motivation, Mr. Speaker, for this

restrictive process has been to cherry-pick amendments and to shield their profligate spending practices from any real transparency or accountability. It's very obvious.

I and my Republican colleagues on the Rules Committee—Messrs. DIAZ-BALART and SESSIONS and Ms. FOXX—have just completed, through a great deal of effort by members of the Rules Committee staff, this report entitled “Opportunities Lost: The End of the Appropriations Process.” I'm glad that my friend on the other side of the aisle has it, and I look forward to his comments and thoughts on it, as well as I do of those of our other colleagues. I encourage anyone who is interested in this to read it. I have this report which we're just issuing today, Mr. Speaker. In the not too distant future—I hope later today or tomorrow—we will actually have this report available online for our colleagues who would want to gain access to it. They just need to go to rules-republicans.house.gov, and a copy of this report will be made available.

The greater irony, Mr. Speaker, of all of this is that the Democratic majority campaigned on the need for full, open and transparent debate. That was the plank of the platform back when the majority was won and, in fact, in the last election as well. I think it's extraordinarily ironic, while we heard this argument made about a “culture of corruption”—those are the terms that Ms. PELOSI used repeatedly—that we just had the gentleman from Arizona offer over 500 amendments to deal with this challenge. I mean there are former Members of this institution who are in jail today because of abuse of the earmark process. Yet those who campaigned on this issue of ending the culture of corruption are denying an opportunity for a full vetting of the amendments that have been proposed by our friend Mr. FLAKE.

Regardless of what you think on a particular issue, it would seem that denying him the opportunity to offer these amendments, of which he only has an opportunity to offer 8 amendments out of the 500 that he filed—and he can only pick very few of those—is, to me, really playing the role of exacerbating what Ms. PELOSI described as the culture of corruption rather than working to bring it to an end.

I will say that, as we proceed here—and we've gone for 2½ years. It actually has been exactly 2 years since we've had an open rule considered here in the House of Representatives. I've got to say, as to the notion of saying that we were going to have, as the American people were promised, a full, open, rigorous, transparent debate, they were empty words. They were clearly empty words. They have taken us precisely in the opposite direction, Mr. Speaker, culminating in this dubious honor of being the first majority in

the 220-year history of the United States of America to shut down the appropriations process from start to finish.

Now, I believe it's no accident that this abandonment of open debate on our appropriations bills has coincided with the most excessive spending in our Nation's history. It's no coincidence that our deficit has exceeded the \$1 trillion mark just halfway through the year at the same time that the Democratic majority has shut out meaningful debate on their spending practices. Looking back over the better part of the last two decades, as this detailed report of ours shows, it's clear just how much damage has been done to our deliberative imperative as an institution under this new majority.

Mr. Speaker, this resorting to restrictive debate is made even starker when we look back to exactly where we began 220 years ago this summer with that great debate launched by the author, the Father of the U.S. Constitution, James Madison, when he decided to proceed with the Bill of Rights. If James Madison were around today, he would be absolutely horrified. In fact, I think this is the closing line that we have in this report.

It reads, “This summer marks the 220th anniversary of the introduction of the Bill of Rights by James Madison in the First Congress. It is a good thing that he is no longer alive to see what the House has become. If he were, he would wonder where we went wrong.”

Mr. Speaker, I want us to have an opportunity to engage in rigorous, open, civil debate. Unfortunately, we are denied that opportunity under this restrictive rule, so I urge my colleagues to oppose this rule. This is our last opportunity in this appropriations process. We can prove wrong the statement that I just made that we've had a closed process from start to finish if we can reject this rule.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman for this report. I look forward to reading it, to discussing it and, hopefully, to imposing some best practices for future processes.

I would point out that there are, of course, distinctions in the type of work that we do here; between the critical, philosophical, democratic bases of our country and the discussion and debate around the Bill of Rights, and the work of the House that we need to conduct in a bipartisan way.

The gentleman will recall that, yesterday, Ranking Member YOUNG and Chairman MURTHA appeared before our Rules Committee and discussed how there was a strong bipartisan consensus on the bill. In fact, I believe that Ranking Member YOUNG indicated that the bill would look substantially the same regardless of which party were in the majority, which shows the dedication of both parties in our country to protect our people.

I have to admit that, as somebody who was against the Iraq War and as somebody who is very skeptical of our ongoing operations of Afghanistan and, indeed, as to what our exit strategy is, it was actually disconcerting to me that the bill would look the same with regard to whichever party were in the majority. I would like to address some of the issues relating to the exit strategy in Afghanistan and where we see that going.

I would like to yield 3 minutes to my colleague, the vice chairman of the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule and in support of the fiscal year 2010 Defense appropriations bill, which the House will take up shortly. With the passage of this bill, we will have completed all of our appropriations bills, and we will have successfully overcome Republican obstructionism and attempts to undermine the legislative process. So I think this is good news for the people of the country that we are actually getting our work done, which is something that they were not able to do very successfully.

Mr. Speaker, H.R. 3326, by and large, is a good bill. It provides support for our military families, and it provides our troops with the funding and the equipment they need to successfully perform their duties and to carry out their assigned missions.

I want to congratulate Chairman MURTHA and Ranking Member YOUNG for their bipartisan work on this bill, but, Mr. Speaker, I do not support this bill without significant reservations.

I believe that this Congress has not yet come to grips with what our policy is in Afghanistan. This House recently passed an emergency supplemental appropriations bill that provides billions and billions of dollars for the war in Afghanistan, a measure that I opposed, but I believed then, as I do now, that it is a mistake to spend billions and billions of dollars more for a war that has no clearly defined mission.

My concern deepened when I recently read reports that indicated that General McChrystal believes we will have to expand our forces and, thereby, expand our mission in Afghanistan, meaning more money and more troops right now just to get the job started. I still have this sinking feeling in the pit of my stomach that we're getting sucked into something where the mission and goals are vague and where it is unclear how it will end.

Mr. Speaker, that's why we need an exit strategy. We need a clear definition of when this policy comes to an end and when our troops can come home, not a date certain but an explanation as to when the military part of this operation comes to a close. I remain skeptical about our policy in Afghanistan. I think this administration

needs to provide Congress, this Nation and our military families with more clarity on this issue. If they don't, I believe Congress needs to demand it.

Like all of my colleagues, I have had many conversations with the men and women who serve in Iraq and Afghanistan—sometimes when they are about to deploy, sometimes when they have just come home, sometimes when they come to my district office, and often because we just run into one another at a coffee shop, at a diner, at a community center or on the street. I believe that we owe them a great deal for their service. We owe them the respect of looking them in the eye and of telling them that we know exactly what we are doing when we vote for money and missions that will send them directly into harm's way—someplace from where they may not return safe and sound to their families and to their loved ones.

□ 1215

I'm not asking for a protest vote on this bill. On this day, I intend to support the bill.

The SPEAKER pro tempore (Mr. ALTMIRE). The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. MCGOVERN. Mr. Speaker, on this day I intend to support the bill, but I raise these concerns because I firmly believe they need and deserve more discussion and more debate. Congress has been too quiet on the issue of Afghanistan, and that needs to change.

I thank the gentleman for yielding.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

I would like to say in response again to my hardworking Rules Committee colleague, Mr. POLIS, who earlier was talking about the great hearing that we had upstairs with the chairman and ranking minority member of the Defense Appropriations Subcommittee, he was talking about the fact that Mr. YOUNG had indicated that this bill would look very similar if he had been in the top position as chairman—which he's been chairman of the Appropriations Committee, chairman of the Defense Appropriations Subcommittee, and now, of course, serves with great distinction as the ranking minority member.

But I would argue, Mr. Speaker, that this does not in any way mean that because the Appropriations Committee members continue to work together that we should deny the rest of the American people who don't have representatives, like the gentleman from Colorado and I, who serve on the Appropriations Committee the opportunity to participate in this process which was always the case when Mr. YOUNG was chairman, with a very, very brief exception when there was a bipartisan consensus and concern back in

1997, I guess. I don't think he was chairman in 1997 on that one occasion. But I've got to say, I suspect, under his chairmanship, we always had an open amendment process here on the House floor.

And I would yield to my good friend from Indian Shores, the distinguished ranking member of the subcommittee and former chairman of the subcommittee and the full committee, Mr. YOUNG. I would like to engage in a colloquy with him.

Mr. YOUNG of Florida. It's a good bill. And both spokesmen from the Rules Committee are correct. We did testify that this bill was written, created with tremendous bipartisan support, bipartisan cooperation, and it's basically the same bill that we would have presented if I were chairman still to this day.

But the point that Mr. DREIER makes is this: When we were the majority, we brought this bill to the floor under an open rule. We allowed all of the Members, not just the members of the subcommittee, not just the members of the Appropriations Committee, but we allowed all of the Members, as long as the amendment was germane—we did have to meet the germaneness issues, but we allowed Members to offer whatever amendments they felt that they should offer and to have the debate.

So I'm a strong supporter of this bill because it's a good package. It provides for adequate training. It provides for adequate equipment to perform the mission, and it provides force protection information and equipment to protect the soldiers while they're fighting. So it's a good bill.

We think that the rest of the Members should have an opportunity to be involved in the debate. This is a great, great national security issue.

Mr. DREIER. I thank my friend for his very thoughtful contribution and having served as many years—how many years has my friend served in the House?

Mr. YOUNG of Florida. Thirty-nine.

Mr. DREIER. So nearly four decades in this House. And, Mr. Speaker, during those four decades of very distinguished service, Mr. YOUNG has been in the minority and the majority and virtually always had an open amendment process. And he understood very well, as the chairman of the Appropriations Committee, that to deny Members the opportunity to participate in this is just plain wrong.

And with that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on the rule.

This is serious business, one of the most important bills that we will be examining.

I wanted to call attention to two items that I had hoped to be able to be debating here on the floor dealing with restoring the environmental restoration funding for the Army, Navy, Air Force and defensewide accounts for fiscal year 2009 levels to increase the much overlooked, formerly-used defense sites by \$49 million.

Environmental restoration, formerly used defense sites, are areas that simply get overlooked. The committee, in its wisdom, accepted levels that were recommended by the administration, but that doesn't make them right. We are in a situation now where we are looking at not just decades, but far into the future to be able to clean up the toxic legacy of unexploded ordnances and military toxics.

I am concerned that we are going to be losing money in the long run. It is my intention to work diligently with the committee in conference to see if we can make the adjustments, if we can work with the administration that they make this a higher priority because every State in the Union is burdened with this toxic legacy of unexploded ordnances and environmentally dangerous items. The military wants to clean it up. We need to give them the resources to do so.

I have been listening to the colloquy here about process with my good friends on both sides of the aisle. I am hopeful that we will be able in the months ahead to be able to roll up our sleeves and work together. There is never really a good time to fix this, but I hope that we will be able to return to a more regular order in the next cycle. I will look forward to working with friends on both sides of the aisle to make sure that this is smooth, everybody has their voice, and that we are working to respect one another.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. I listened to things yesterday that were deeply disturbing on the floor of the House as, ironically, I was in the Chair, and I heard things that I thought were, frankly, over the line. But I understand frustrations build on both sides.

Mr. DREIER. Will the gentleman be happy to yield?

Mr. BLUMENAUER. I would like to finish.

Mr. DREIER. I would like to yield my friend an additional minute, Mr. Speaker.

Mr. BLUMENAUER. With due respect, I would like to finish my thought and then I will yield to you on your time.

Mr. DREIER. I just yielded you a minute.

Mr. BLUMENAUER. What I wanted to say was that I am hopeful that we can sort of take a little air out of the balloon.

One of the first things I did when I came here right after the government shutdown in a special election was to be part of an effort to have—

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. Mr. Speaker, I would like to yield the gentleman a minute.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

It was a part of an effort where we had sort of a bipartisan civility caucus where we had conferences and we worked to try and lower the temperature here. I don't think it's something that's going to happen today or tomorrow, but I want to say that I am hopeful that we can pull out of this nose-dive that we're hearing with some of the heated rhetoric on some of the health care issues.

I heard the gentleman talk about open rules as it relates to appropriations. I think it's part of a great big package. I think we all need to be working together to cooperate on this. And it's something that I care deeply about and look forward, after we get out of here and get back home, to be grounded at home, as we come back in the fall, that there are things that we can work on to make progress.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding.

Let me simply say that what has led us to this point has been, for the first time in the 220-year history of the United States of America, the shutting down of the appropriations process.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I would yield to myself 30 seconds.

I will say to my friend, if I could engage in a colloquy with my friend, I will say to him that very, very clearly the argument that he has just propounded about the desire to get back on track with an open—I assume the gentleman meant an open amendment process, which is what we have had for 220 years. I will say it is my hope we will do that. But frankly, today is our last opportunity if we in fact have all 12—as has been the case—all 12 of the appropriations rules closed down as this has been.

Mr. BLUMENAUER. Does the gentleman want a colloquy?

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend.

Mr. BLUMENAUER. I understand the gentleman's frustration, but I sat on the other side and listened and had things that our people—

Mr. DREIER. Mr. Speaker, if I could reclaim my time, let me say, Mr.

Speaker, as I reclaim my time and say the following:

My friend, Mr. BLUMENAUER, Mr. Speaker, my friend, Mr. BLUMENAUER, has never sat on the side as a member of the minority having been denied the opportunity that he has just said that he has denied today in the appropriations process because never before has he or any Member of this institution have all of the appropriations rules handled under a closed process such as this.

Mr. Speaker, at this time I am happy to yield 3 minutes to my very, very hardworking colleague from Morristown, New Jersey (Mr. FRELINGHUYSEN) the distinguished ranking member of the Subcommittee on Energy and Water.

Mr. FRELINGHUYSEN. I thank the gentleman.

I rise in opposition to the rule but in support of the underlying Defense appropriations bill.

There is nothing more important than the safety and security of our Nation and our people. This underlying bill will provide our troops—volunteers—the resources and tools they need that will allow them to continue their heroic work to protect us and our interests around the world. Even though I oppose this restrictive rule—and it's a restrictive rule—I will support the bill. But I wish we could have found some way to meet and improve on the President's request for the Department of Defense.

This bill falls \$3.5 billion short of even President Obama's treading water budget. The world did not become a safer place in January. The signs are everywhere. North Korea is threatening conventional and nuclear war. Russia is becoming more belligerent. China is rapidly expanding its naval forces, cybercapabilities, and its space ambitions. Iran is working overtime on missile and nuclear capabilities, and yes, there are disturbing signs occurring in Africa, horrendous acts of violence in the name of religion. And yet we're cutting missile defense, halting the Army's modernization program, known as the Future Combat Systems, and refiguring it, and failing to provide enough money for more Navy ships and fifth-generation Air Force fighters.

This treading water approach to national security is very shortsighted. Mr. Speaker, I support reform of our military acquisition process. I support Secretary Gates' program to reexamine our national security priorities in light of new irregular challenges and the threats that are proliferating well beyond Iraq and Afghanistan.

But I'm worried about our apparent obsession with this war-ism. Yes, we must focus our attention and resources and energy on Iraq and Afghanistan, but I urge my colleagues to make sure that we make enough investments today to ensure that we will be pre-

pared to defend our interests against all threats in the years to come.

Mr. Speaker, our Defense Subcommittee once again has been a model for bipartisan compromise and cooperation in the interest of national security. I want to thank Mr. MURTHA and my ranking member, Mr. YOUNG, who spoke earlier, for their hard work and that of staff.

But I urge defeat of this restrictive rule.

Mr. POLIS. Mr. Speaker, I want to ensure, with regard to the excellent colloquy between my colleague from California and colleague from Oregon, I share the concerns addressed by my colleague from Oregon. And again, that was not a call with regard to this particular rule on this particular bill, but it is a discussion of process, which is a healthy discussion.

I look forward to reading the report that was put together by our colleagues in the Rules Committee. We are all in agreement that we should work to improve the process together. We want a process that we can all stand before the American people and say that this was a good process, a constructive process, one that values expediency, participation, input; and I feel that we can build upon the best practices and precedents of the past to work together with our colleagues on the other side of the aisle to have improved processes in future years.

I would like to yield 2 minutes to the gentleman from Washington, a member of the Committee on Appropriations, Mr. DICKS.

Mr. DICKS. I appreciate the gentleman yielding me time.

I want to congratulate Chairman MURTHA and Mr. YOUNG, who has been our chairmen in the past, for the excellent work they have done in crafting this Defense Appropriations bill.

I have been on this committee for 31 years, and I am Vice Chairman, and I think we have a great staff that works collaboratively on this bill.

□ 1230

In discussing this process issue, I think the one thing that we do want the American people to understand is that in every one of our 12 subcommittees, the ranking member, the Republican, and the Democratic chairman are working together very effectively. They are involved in the entire process. I feel that this is an indication that there is a bipartisan collaboration on these bills.

At the full committee, there is no limit on amendments. The minority was able to offer as many amendments as they wished on each of these twelve bills.

Mr. DREIER. Will the gentleman yield for just one brief second? I am happy to yield additional time.

Mr. DICKS. Yes, if you will yield me an additional minute.

Mr. POLIS. I yield an additional minute to the gentleman from Washington.

Mr. DREIER. I would just like to say to my friend I think he makes a great point, Mr. Speaker, about the working together of subcommittee chairmen and ranking members.

We have been regularly arguing, and I know my friend understands very well in his distinguished leadership position that on the floor when we have an open amendment process, the subcommittee chairman and the ranking member, not anyone in the leadership, worked this out on the floor, just as they have in committee. And it was my hope that we were going to be able to do that through this appropriations process.

I thank my friend for yielding.

Mr. DICKS. We got through these 12 bills, and what I am saying here today is the American people want us to get our work done.

Now, when you are faced with the reality of the minority offering 600 amendments—600 amendments—that would take us days to go through 600 amendments, we have got other issues that have to be dealt with.

I am not going to yield at this point until I finish.

The first year that I was chairman of the Interior and Environment Appropriations Subcommittee, we went back and looked at it. The year before, when we were in the minority, it took about 8 hours to finish the bill, to go through the entire bill. The first year we were in the majority, it was 22 hours, and there was no limit to the amount of amendments that could be offered.

So I think we had to do this. This was the responsible thing to do, was to limit the number of amendments, let the people like Mr. FLAKE, Mr. CAMPBELL, who want to pick out some of the earmarks that they are against, let them have their moment to address those issues and deal with any other major substantive matters. But in order to get our work done, we could not let this thing be open-ended when one side just wants to abuse the process, unfortunately.

Now, if we could have gotten an agreement, and I am told our leadership went over and met with Mr. BOEHNER, Mr. HOYER, Mr. OBEY and Mr. LEWIS and tried to work out something. The way you would work this out—and the gentleman from California and I are good friends and we worked together on many important trade issues over the years and I have great respect for him—well, the way to work this thing out is for the two sides to get together before we go to the floor and limit the number of amendments, limit the number of amendments, and then have a unanimous consent agreement, if both sides can control their Members.

Mr. DREIER. If the gentleman will yield on that point?

Mr. DICKS. I will yield on that point.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield one additional minute to the gentleman.

Mr. DREIER. If the gentleman would further yield, let me just say that I disagree, with all due respect to my friend, about this notion of doing it before the process has even begun. Let me go back to where we were.

Mr. DICKS. But there is a lack of trust here, because if we can't get an agreement which the leadership on both sides embrace, then there is no reason, not to restrict the number of amendments, because there is an element within the gentleman's party that wants to offer unlimited amendments.

Mr. DREIER. As happened in 1997, we can go upstairs in the Rules Committee if we have recalcitrant Members on either side of the aisle and we can shut down the process, and there would not be the kind of resistance, if we had at least tried the open amendment process.

I thank my friend for yielding.

Mr. DICKS. Again, all I am saying is we got our work done. All 12 of these bills will have been enacted before the August recess. This hasn't happened in years. I wish that we could have had an open process, but when the minority is talking about 600 amendments, on the defense bill there is no choice but to limit the number of amendments. We had to limit it in order to get our work done.

Mr. DREIER. Mr. Speaker, I would like to inquire of my Rules Committee colleague if he has any further speakers.

Mr. POLIS. Not at this point, no.

Mr. DREIER. Is the gentleman then prepared to close if I were to close?

Mr. POLIS. Yes.

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Let me just say that it is very sad that we are at this point now, the completion of the appropriations process. My friend just referred to the term as we talked about best practices and working together, "precedents." Well, the sad thing, with the 12th appropriation bill, if we pass this rule, we have set the precedent for the entire appropriations process. All 12 appropriations bills have been considered under restrictive rule, if we in fact proceed with this.

In fact, I have just been given an amendment to this rule, Mr. Speaker, that will even shut the process down even further, denying Members an opportunity to divide the question on the very few amendments that have been made in order.

So, this notion that we somehow have this outside time limit, and my

very good friend from Seattle, Mr. DICKS, with whom I have been privileged to work on a wide range of issues in the past, talked about the fact that all these amendments have been filed, in 1995 when my colleagues on the other side went into the minority, there was an additional 26 hours, 26 additional hours spent on the debate on the appropriations bills than was the case when my party went into the minority in 2007.

So this notion that somehow all of these amendments would be offered is just plain wrong. Why? Because if you are going to close down the process or have a modified open rule, the notion of having every amendment possible considered is the only option that we have.

Mr. Speaker, I am standing here in the name of my Oregon colleague, Mr. BLUMENAUER. He had two amendments that he sought to have made in order. If we had had an open amendment process, my colleague, Mr. BLUMENAUER, with whom I was able to engage in this colloquy a little, would have had his amendments made in order.

He talked about the tension being high. Well, the tension is high, Mr. Speaker, and it is not just around the issue of health care. It is around the fact that 220 years ago this very summer, James Madison, a member of the House Rules Committee, moved at the encouragement of his constituents the Bill of Rights with 10 days of debate through the House of Representatives. And through the 220-year history of the United States of America, Democrats and Republicans alike, representing what now is about 650,000 to 700,000 Americans, have had the right to stand up on the House floor and offer germane amendments to appropriations bill.

I use the term "sacrosanct" to describe the appropriations process on the House floor. I never believed, and I have not been here as long as the 39 years of my good friend, Mr. YOUNG, but I never believed, Mr. Speaker, that I would see us get to the point where Republicans and Democrats alike would be shut out of the process, which is exactly what has happened here.

In "A New Direction for America" that was penned by Ms. PELOSI when they were seeking the majority, they had a very, very interesting line. It said: "Democrats believe that America needs and Americans deserve a new direction that provides opportunity for all."

"Opportunity for all" is what they said was going to be the hallmark. Apparently it is opportunity for all, except for rank-and-file Members of the United States House of Representatives, because the elected Representatives of both parties are being denied an opportunity to put forward their great ideas.

And since we have crossed this \$1 trillion spending mark for the deficit

in the first 6 months, and it is projected to go to \$1.8 trillion by the end of this year, it is obvious that this process has been used to cherry-pick amendments and deny Democrats and Republicans who would like to engage in fiscally responsible policies from being able to do that.

So, Mr. Speaker, I am going to move to defeat the previous question; and if the previous question is defeated, I will offer an amendment to the rule providing for the traditional open rule for appropriations bills, again giving us this one last opportunity to do that, and we will have the opportunity to return to our traditions, to honor the vision of the Framers of our Constitution.

Mr. Speaker, I ask unanimous consent that the text of the amendment, along with the explanatory material, be placed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I urge my colleagues to vote "no" on the previous question, and if by chance the previous question does prevail, to oppose this rule so we can get back to the Madisonian vision of representative democracy.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from California's time has expired.

The gentleman from Colorado has 13½ minutes remaining.

Mr. POLIS. Mr. Speaker, I would like to thank Chairman MURTHA and Ranking Member YOUNG for their and their staff's hard work on bringing this bill to the floor, as well as for offering an amendment to strike the funding for continued procurement of F-22 aircraft.

I particularly would like to thank President Obama and Secretary Gates for their leadership on this important issue, for targeting the elimination of unnecessary weapons systems and aircraft. It is not in the American people's best interests to pay Lockheed Martin \$369 million of taxpayer money to add dozens of aircraft when we already have a fully functioning fleet of 187 F-22s currently operated by the Armed Forces.

This victory is an important first step in eliminating cold war-era weapons systems and questioning the relevance of aircraft and security systems that are an inadequate defense against the 21st-century national security threats we face and an important step in moving towards balancing the budget and fiscal responsibility.

I also strongly support provisions in the legislation that prohibit the establishment of permanent bases in Iraq

and Afghanistan, require the Secretary of Defense to provide goals and a timeline for withdrawing our troops from Iraq, and restate the United States commitment to prohibiting torture of detainees currently held in U.S. custody.

This is just the beginning of President Obama's efforts to bring our troops home safely, and I look forward to the time when stop-loss and troop surges are a thing of the past.

Although I strongly support withdrawing our troops from both Iraq and Afghanistan as soon as possible, until we do so I believe it is crucial to provide support to our servicemen and servicewomen in harm's way and those returning home to their families.

This legislation also provides \$29.9 billion to guarantee that our troops have the best medical care made available to them. Included in the Defense appropriation is over \$2 billion for funding of medical research and developing treatment for diseases, including breast cancer research, prostate cancer, ovarian cancer and spinal cord injuries, research for applications that have much wider applications outside of defense.

The Defense appropriation also funds important technology research, providing funding for research that keeps the United States on the cusp of innovation for important civilian applications. Funding for this legislation will advance lithium ion battery technology, energy storage that is a linchpin of making renewable energy like wind and solar viable and cost-effective.

Installing photovoltaic panels on military installations saves our military money and ensures that no matter where in the world our troops stand in harm's way, they can quickly access the infrastructure of the modern world. This technology also has the effect of reducing costs for Americans to use these technologies in their homes by driving scale.

This legislation also funds a robust, small business innovation program. Small businesses receive capital to develop technologies to keep our country safe, while providing high-wage employment and bolstering local economies.

These innovations also have direct civilian applications. Many of the technologies we enjoy in our daily lives, like global positioning systems to microwave ovens, we often take for granted; but they have been developed and researched as part of a DOD effort.

Mr. Speaker, this bill provides critical funding for our national defense, as well as funding for civilian activities. Among these activities are those in support of small business and workforce development.

In Colorado, many small businesses rely on the SBIR program of the Department of Defense, such as TechX,

which provides critical software innovations to the Department of Defense while providing high-paying jobs to my constituents.

This bill also provides funds for programs such as the Center for Space Entrepreneurship, a program that is a collaboration between the educational institutions, the Colorado Office of Economic Development, and the leadership efforts of our Lieutenant Governor, Barbara O'Brien. This program incubates aerospace industry's small businesses. It also helps individuals transition into careers in this industry.

Among their most important work is the outreach they do in schools to ensure that the next generation has an interest in and the skills to ensure that our Nation remains a world leader in space industry.

The satellites and spacecraft developed and manufactured by Colorado's thriving aerospace industry are not only of tremendous economic benefit to our State, which is one of several reasons we have an unemployment rate below the national average; but also this equipment keeps our Nation safe, and many of the satellites provide civilian applications, such as the DISH television, GPS service for our cars, and reception for our cellular phones.

While H.R. 3326 provides top-of-the-line equipment and technologies for our troops, these dollars would be hollow without the bravery, dedication, and skill of the men and women who serve us every day in our Armed Forces.

□ 1245

Their service wouldn't be possible if it weren't for the support, dedication and sacrifice of military families that receive support from this bill.

Mr. Speaker, in a moment I will be offering an amendment to the rule. I want to briefly explain the amendment. This amendment will add to the rule a technical provision that's included as boilerplate language in virtually all of our rules for both appropriating and authorizing legislation but was inadvertently dropped from this rule. This language simply protects amendments from a division of the question.

I urge all Members to vote "yes" on the amendment, the rule and the previous question.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Speaker, I have an amendment to the rule at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. POLIS:

At the end of the resolution, add the following:

"SEC. 5. The amendments specified in the first section of this resolution shall not be subject to a demand for division of the question in the House or in the Committee of the Whole."

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 685

OFFERED BY MR. DREIER OF CALIFORNIA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2). Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the amendment and on the resolution and, under clause 8 of rule XX, on suspending the rules and passing S. 1513.

The vote was taken by electronic device, and there were—yeas 245, nays 176, not voting 12, as follows:

[Roll No. 654]

YEAS—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry

Bishop (GA)
Bishop (NY)
Blumenauer
Bocchieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza

Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper

Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)

Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Billbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)

Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers

Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Fox
Frank (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter

Inglis	McKeon	Royce	Capuano	Holden	Payne	Franks (AZ)	Luetkemeyer	Rogers (KY)
Issa	McMorris	Ryan (WI)	Cardoza	Holt	Perlmutter	Frelinghuysen	Lummis	Rogers (MI)
Jenkins	Rodgers	Scalise	Carnahan	Honda	Petriello	Gallegly	Lungren, Daniel	Rohrabacher
Johnson (IL)	Mica	Schmidt	Carney	Hoyer	Peters	Garrett (NJ)	E.	Rooney
Johnson, Sam	Miller (FL)	Schock	Carson (IN)	Inslee	Peterson	Gingrey (GA)	Mack	Ros-Lehtinen
Jones	Miller (MI)	Sensenbrenner	Castor (FL)	Israel	Pingree (ME)	Gohmert	Manzullo	Roskam
Jordan (OH)	Miller, Gary	Sessions	Chandler	Jackson (IL)	Polis (CO)	Goodlatte	Marchant	Royce
King (IA)	Minnick	Shadegg	Childers	Jackson-Lee	Pomeroy	Granger	McCarthy (CA)	Ryan (WI)
King (NY)	Mitchell	Shimkus	Chu	(TX)	Price (NC)	Graves	McCaul	Scalise
Kingston	Moran (KS)	Shuler	Clarke	Johnson (GA)	Quigley	Guthrie	McClintock	Schmidt
Kirk	Murphy, Tim	Shuster	Clay	Johnson, E. B.	Rahall	Hall (TX)	McCotter	Schock
Kline (MN)	Myrick	Simpson	Cleaver	Kagen	Rangel	Harper	McHenry	Sensenbrenner
Kratovil	Neugebauer	Smith (NE)	Clyburn	Kanjorski	Reyes	Hastings (WA)	McHugh	Sessions
Lamborn	Nunes	Smith (NJ)	Cohen	Kaptur	Richardson	Heller	McKeon	Shadegg
Latham	Olson	Smith (TX)	Connolly (VA)	Kennedy	Rodriguez	Hensarling	McMorris	Shimkus
LaTourette	Paul	Souder	Conyers	Kildee	Ross	Herger	Rodgers	Shuler
Latta	Paulsen	Stearns	Cooper	Kilpatrick (MI)	Rothman (NJ)	Hill	Mica	Shuster
Lee (NY)	Pence	Sullivan	Costa	Kilroy	Roybal-Allard	Hoekstra	Miller (FL)	Simpson
Lewis (CA)	Pitts	Terry	Costello	Kind	Ruppersberger	Hunter	Miller (MI)	Smith (NE)
Linder	Platts	Thompson (PA)	Courtney	Kirkpatrick (AZ)	Rush	Inglis	Miller, Gary	Smith (NJ)
LoBiondo	Poe (TX)	Thornberry	Crowley	Kissell	Ryan (OH)	Issa	Minnick	Smith (TX)
Lucas	Possey	Tiahrt	Cuellar	Klein (FL)	Salazar	Jenkins	Mitchell	Snyder
Luetkemeyer	Price (GA)	Tiberi	Cummings	Kosmas	Sánchez, Linda	Johnson (IL)	Moran (KS)	Souder
Lummis	Putnam	Turner	Dahlkemper	Langevin	T.	Johnson, Sam	Murphy (NY)	Stark
Lungren, Daniel	Radanovich	Upton	Davis (AL)	Larsen (WA)	Sanchez, Loretta	Jones	Murphy, Tim	Stearns
E.	Rehberg	Walden	Davis (CA)	Larson (CT)	Sarbanes	Jordan (OH)	Myrick	Sullivan
Mack	Reichert	Wamp	Davis (IL)	Lee (CA)	Schakowsky	King (IA)	Neugebauer	Terry
Manzullo	Roe (TN)	Westmoreland	DeFazio	Levin	Schauer	King (NY)	Nunes	Thompson (PA)
Marchant	Rogers (KY)	Whitfield	DeGette	Lewis (GA)	Schiff	Kingston	Olson	Thornberry
McCarthy (CA)	Rogers (MI)	Wittman	Delahunt	Lipinski	Schrader	Kirk	Paul	Tiahrt
McCaul	Rohrabacher	Wolf	DeLauro	Loeb sack	Schwartz	Kline (MN)	Paulsen	Petri
McClintock	Rooney	Young (AK)	Dicks	Lofgren, Zoe	Scott (GA)	Kratovil	Pitts	Tiberi
McCotter	Ros-Lehtinen	Young (FL)	Dingell	Lowey	Scott (VA)	Kucinich	Platts	Turner
McHenry	Roskam		Doggett	Luján	Serrano	Lamborn	Poe (TX)	Upton
McHugh			Donnelly (IN)	Lynch	Sestak	Lance	Possey	Walden
			Doyle	Maffei	Shea-Porter	Latham	Price (GA)	Wamp
			Drie haus	Maloney	Sherman	LaTourette	Putnam	Westmoreland
			Edwards (MD)	Markey (CO)	Sires	Latta	Radanovich	Whitfield
			Edwards (TX)	Markey (MA)	Skelton	Lee (NY)	Rehberg	Wilson (SC)
			Ellison	Marshall	Slaughter	Lewis (CA)	Reichert	Wittman
			Ellsworth	Massa	Smith (WA)	Linder	Roe (TN)	Wolf
			Engel	Matheson	Space	LoBiondo	Rogers (AL)	Young (AK)
			Eshoo	Matsui	Speier	Lucas		Young (FL)
			Etheridge	McCollum	Spratt			
			Farr	McDermott	Stupak			
			Fattah	McGovern	Sutton			
			Filner	McIntyre	Tanner			
			Foster	McMahon	Taylor			
			Frank (MA)	McNerney	Teague			
			Fudge	Meek (FL)	Thompson (CA)			
			Giffords	Meeks (NY)	Thompson (MS)			
			Gonzalez	Melancon				
			Gordon (TN)	Michaud				
			Grayson	Miller (NC)				
			Green, Al	Miller, George				
			Green, Gene	Mollohan				
			Griffith	Moore (KS)				
			Grijalva	Moore (WI)				
			Gutierrez	Moran (VA)				
			Hall (NY)	Murphy (CT)				
			Halvorson	Murphy, Patrick				
			Hare	Murtha				
			Harman	Nadler (NY)				
			Hastings (FL)	Napolitano				
			Heinrich	Neal (MA)				
			Herseth Sandlin	Nye				
			Higgins	Oberstar				
			Himes	Obey				
			Hinche y	Olver				
			Hinojosa	Ortiz				
			Hirono	Pallone				
			Hodes	Pascrell				
				Pastor (AZ)				

NOT VOTING—12

Aderholt Davis (AL) Meeks (NY)
Boehner Gerlach Rogers (AL)
Bonner Lance Towns
Bright McCarthy (NY) Walz

□ 1309

Messrs. COFFMAN of Colorado, BRADY of Texas, MITCHELL and KRATOVIL and Mrs. BONO MACK changed their vote from “yea” to “nay.”

Mr. HOEKSTRA changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. LANCE. Mr. Speaker, on rollcall No. 654, had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 185, not voting 7, as follows:

[Roll No. 655]

YEAS—241

Abercrombie Barrow Boren
Ackerman Bean Boswell
Adler (NJ) Becerra Boucher
Altmire Berkley Boyd
Andrews Berman Brady (PA)
Arcuri Berry Braley (IA)
Baca Bishop (GA) Brown, Corrine
Baird Bishop (NY) Butterfield
Baldwin Boccieri Capps

Aderholt Bright
Akin Broun (GA)
Alexander Brown (SC)
Austria Brown-Waite,
Bachmann Ginny
Bachus Buchanan
Bartlett Burgess
Barton (TX) Burton (IN)
Biggert Buyer
Bilbray Calvert
Bilirakis Camp
Bishop (UT) Campbell
Blackburn Cantor
Blumenauer Cao
Blunt Capito
Boehner Carter
Bono Mack Cassidy
Boozman Castle
Boustany Chaffetz
Brady (TX) Coble

NAYS—185

Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy

NOT VOTING—7

Barrett (SC) McCarthy (NY) Walz
Bonner Pence
Gerlach Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1318

Mr. BOEHNER changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 690

Whereas page 5 of the “Regulations on the Use of the CONGRESSIONAL FRANK By Members of the House of Representatives” states, “It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities and duties of the Congress of the United States. It is the intent of the Congress that such official business, activities and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of

the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.”;

Whereas clause 5 of rule XXIV of the Rules of the House of Representatives provides, “Before making a mass mailing, a Member, Delegate, or Resident Commissioner shall submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with applicable provisions of law, rule, or regulation.”;

Whereas the House Commission on Congressional Mailing Standards, authorized in Public Law 91-191, is commonly referred to as the “Franking Commission”;

Whereas the Democratic staff director and Republican staff director of the Franking Commission have served in their respective positions for more than a decade and report to the Democratic and Republican members of the Franking Commission, respectively;

Whereas during the 111th Congress the members of the Franking Commission are Representatives Susan Davis (D-CA), chairwoman; Rep. Dan Lungren (R-CA), ranking Republican member; Rep. Donna Edwards (D-MD), Rep. Kevin McCarthy (R-CA), Rep. Brad Sherman (D-CA) and Rep. Tom Price (R-GA);

Whereas the aforementioned Franking Commission advisory opinions required for Members seeking approval to send mass mailings, or their electronic equivalents, are routinely signed on behalf of the Commission by its Democratic and Republican staff directors or their designees;

Whereas no Member may receive Franking Commission approval without signatures from both majority and minority staff;

Whereas the Commission’s Democratic staff director has been permitted by the Commission’s Democratic Members to abuse her position during the current Congress by willfully and knowingly applying different standards to material submitted for Franking Commission approval by Republican Members than she applies to material submitted by Democratic Members;

Whereas on July 27, 2009 the Commission’s Democratic staff director refused to approve a mailing proposed by Representative Joe Barton of Texas which included the words “Democrat majority”, but indicated she would approve the mailing if Representative Barton instead substituted the words “congressional majority”, yet on August 3, 2006 the same Democratic staff director signed a Franking Commission approval document for a mailing issued by then-Minority Leader Nancy Pelosi that included the following sentence, “But too many here and across our nation are paying the price for the Republican Congressional majority’s special interest agenda . . .”

Whereas the Democratic staff director has refused to grant permission to Republican Members wishing to provide their constituents with copies of a chart intended to illustrate in graphic form many of the provisions of the Democrats’ proposed health care legislation;

Whereas charts similar in form and general purpose have for many years been approved routinely by the Commission’s Democratic staff director in mailings produced by Members on both sides of the aisle;

Whereas on December 12, 1993, the Franking Commission granted approval to Rep.

David Levy of New York to disseminate a similar chart, intended to illustrate graphically the provisions of comprehensive health care legislation proposed by the Clinton Administration;

Whereas the Commission’s Democratic staff director has refused to approve requests by Republican Members to informally characterize certain features of the Democrats’ pending health care proposal as “government run health care” but has approved requests by Democratic Members to informally characterize the same aspects of the bill as “the public option”;

Whereas the Commission’s Democratic staff director has refused to approve more than twenty requests by Republican Members to use the phrase “cap and tax” to describe a Democratic proposal to reduce carbon emissions by imposing new fees, taxes and higher costs on American consumers and businesses;

Whereas a search for the term “cap and tax” on the Google internet search engine yielded at least 4,478,000 appearances of this commonly used phrase;

Whereas an article in the April 27, 2009 edition of “Politico” newspaper quoted the most senior Member of the House, Democratic Representative John Dingell of Michigan, the former chairman of the House Committee on Energy and Commerce, as saying, “Nobody in this country realizes that cap and trade is a tax, and it’s a great big one.”;

Whereas the Commission’s Democratic staff director has dismissed the proposed descriptive term, “cap and tax” as an informal and inappropriate characterization of the legislation, while at the same time granting approval to Democratic Members seeking to use the phrase “cap and trade” to informally and inappropriately characterize the same bill;

Whereas the Commission’s Democratic staff director has refused to approve material submitted by Republican Members seeking to convey to the public those Members’ concern about substantial job losses expected to result if the Democrats’ proposed national energy tax is enacted, while at the same time approving mailings submitted by Democratic Members informing the public about large numbers of new jobs the Democrats claim will be created by the same legislation;

Whereas the Democratic staff director’s actions have prompted a steady stream of media reports describing a climate of partisan censorship imposed on the House by the Democratic majority;

Whereas an article in the July 23, 2009 edition of Roll Call newspaper stated, “A dispute over the right of House Republicans to use the chamber’s official franking service to send a mailer critical of Democratic health care plans has escalated beyond the Franking Commission to ‘high levels on the Democratic side,’ Franking Commission member Rep. Dan Lungren (R-CA) said at a Thursday press conference. Asked whether he believed the matter had been referred to Rep. Pelosis (D-CA) office, Lungren, the ranking member of the House Administration Committee, said, ‘All I’ve been told is that its above the Franking Commission and that it appears to be above our committee, so I don’t know where you go after that.’”;

Whereas by permitting the Commission’s Democratic staff director to carry out her duties in a partisan and unfair manner, the Democratic Members of the Franking Commission have brought discredit on the House; and,

Whereas clause 1 of rule XXIII of the Rules of the House of Representatives, also known

as the Code of Official Conduct, provides “A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House”: Now, therefore, be it

Resolved, That the House views with disapproval the failure of the Democratic Members of the Franking Commission to ensure that the Commission’s Democratic staff carries out its important responsibilities in a professional, fair, and impartial manner.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE

Mr. HOYER. Mr. Speaker, I move that the resolution be laid on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on the motion to suspend the rules on S. 1513.

The vote was taken by electronic device, and there were—yeas 244, nays 173, answered “present” 11, not voting 5, as follows:

[Roll No. 656]

YEAS—244

Abercrombie	Cuellar	Hinchey
Ackerman	Cummings	Hinojosa
Adler (NJ)	Dahlkemper	Hirono
Altmire	Davis (AL)	Hodes
Andrews	Davis (IL)	Holden
Arcuri	Davis (TN)	Holt
Baca	DeFazio	Honda
Baird	DeGette	Hoyer
Baldwin	Delahunt	Inslee
Barrow	DeLauro	Israel
Bean	Dicks	Jackson (IL)
Becerra	Dingell	Jackson-Lee
Berkley	Doggett	(TX)
Berman	Donnelly (IN)	Johnson (GA)
Berry	Doyle	Johnson, E. B.
Bishop (GA)	Driehaus	Kagen
Bishop (NY)	Edwards (TX)	Kanjorski
Blumenauer	Ellison	Kaptur
Boccheri	Ellsworth	Kennedy
Boren	Engel	Kildee
Boswell	Eshoo	Kilpatrick (MI)
Boucher	Etheridge	Kilroy
Boyd	Farr	Kind
Brady (PA)	Fattah	Kirkpatrick (AZ)
Braley (IA)	Filner	Kissell
Bright	Foster	Klein (FL)
Brown, Corrine	Frank (MA)	Kosmas
Capps	Fudge	Kratovil
Capuano	Giffords	Langevin
Cardoza	Gonzalez	Larsen (WA)
Carnahan	Gordon (TN)	Larson (CT)
Carney	Grayson	Lee (CA)
Carson (IN)	Green, Al	Levin
Childers	Green, Gene	Lewis (GA)
Chu	Griffith	Lipinski
Clarke	Grijalva	Loeb sack
Clay	Gutierrez	Lowey
Cleaver	Hall (NY)	Lujan
Clyburn	Halvorson	Lynch
Cohen	Hare	Maffei
Connolly (VA)	Harman	Maloney
Conyers	Hastings (FL)	Markey (CO)
Cooper	Heinrich	Markey (MA)
Costa	Hersteth Sandlin	Marshall
Costello	Higgins	Massa
Courtney	Hill	Matheson
Crowley	Himes	Matsui

McCollum	Peters	Slaughter
McDermott	Peterson	Smith (WA)
McGovern	Pingree (ME)	Snyder
McIntyre	Polis (CO)	Space
McMahon	Pomeroy	Speier
McNerney	Price (NC)	Spratt
Meek (FL)	Quigley	Stark
Meeks (NY)	Rahall	Stupak
Melancon	Rangel	Sutton
Michaud	Reyes	Tanner
Miller (NC)	Richardson	Taylor
Miller, George	Rodriguez	Teague
Minnick	Ross	Thompson (CA)
Mitchell	Rothman (NJ)	Thompson (MS)
Mollohan	Roybal-Allard	Tierney
Moore (KS)	Ruppersberger	Titus
Moore (WI)	Rush	Tonko
Moran (VA)	Ryan (OH)	Towns
Murphy (CT)	Salazar	Tsongas
Murphy (NY)	Sanchez, Linda	Van Hollen
Murphy, Patrick	T.	Velázquez
Murtha	Sanchez, Loretta	Visclosky
Nadler (NY)	Sarbanes	Walz
Napolitano	Schakowsky	Wasserman
Neal (MA)	Schauer	Schultz
Nye	Schiff	Waters
Oberstar	Schrader	Watt
Obey	Schwartz	Waxman
Olver	Scott (GA)	Weiner
Ortiz	Scott (VA)	Wexler
Pallone	Serrano	Wilson (OH)
Pascarella	Sestak	Woolsey
Pastor (AZ)	Shea-Porter	Wu
Payne	Shuler	Yarmuth
Perlmutter	Sires	
Perriello	Skelton	

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Aderholt	Frelinghuysen	Miller (MI)
Akin	Gallely	Miller, Gary
Alexander	Garrett (NJ)	Moran (KS)
Austria	Gingrey (GA)	Murphy, Tim
Bachmann	Gohmert	Myrick
Bachus	Goodlatte	Neugebauer
Bartlett	Granger	Nunes
Barton (TX)	Graves	Olson
Biggert	Guthrie	Paul
Bilbray	Hall (TX)	Paulsen
Bilirakis	Hastings (WA)	Pence
Bishop (UT)	Heller	Petri
Blackburn	Hensarling	Pitts
Blunt	Herger	Platts
Boehner	Hoekstra	Poe (TX)
Bono Mack	Hunter	Posey
Boozman	Inglis	Price (GA)
Boustany	Issa	Putnam
Brady (TX)	Jenkins	Radanovich
Broun (GA)	Johnson (IL)	Rehberg
Brown (SC)	Johnson, Sam	Reichert
Brown-Waite,	Jones	Roe (TN)
Ginny	Jordan (OH)	Rogers (AL)
Buchanan	King (IA)	Rogers (KY)
Burgess	King (NY)	Rogers (MI)
Burton (IN)	Kingston	Rohrabacher
Buyer	Kirk	Rooney
Calvert	Kline (MN)	Ros-Lehtinen
Camp	Kucinich	Roskam
Campbell	Lamborn	Royce
Cantor	Lance	Ryan (WI)
Cao	Latham	Scalise
Capito	LaTourette	Schmidt
Carter	Latta	Schock
Cassidy	Lee (NY)	Sensenbrenner
Castle	Lewis (CA)	Sessions
Chaffetz	Linder	Shadegg
Coble	LoBiondo	Shimkus
Coffman (CO)	Lucas	Shuster
Cole	Luetkemeyer	Simpson
Crenshaw	Lummis	Smith (NE)
Culberson	Lungren, Daniel	Smith (NJ)
Davis (KY)	E.	Smith (TX)
Deal (GA)	Mack	Souder
Diaz-Balart, L.	Manzullo	Stearns
Diaz-Balart, M.	Marchant	Sullivan
Dreier	McCarthy (CA)	Terry
Duncan	McCaul	Thompson (PA)
Ehlers	McClintock	Thornberry
Emerson	McCotter	Tiahrt
Fallin	McHenry	Tiberi
Flake	McHugh	Turner
Fleming	McKeon	Upton
Forbes	McMorris	Walden
Fortenberry	Rodgers	Wamp
Foxx	Mica	Westmoreland
Franks (AZ)	Miller (FL)	

Whitfield	Wittman	Young (AK)
Wilson (SC)	Wolf	Young (FL)

ANSWERED "PRESENT"—11

Butterfield	Davis (CA)	Lofgren, Zoe
Castor (FL)	Dent	Sherman
Chandler	Edwards (MD)	Welch
Conaway	Harper	

NOT VOTING—5

Barrett (SC)	Gerlach	Watson
Bonner	McCarthy (NY)	

□ 1347

Mr. KUCINICH changed his vote from "yea" to "nay."

Mr. BRIGHT changed his vote from "nay" to "yea."

Mr. CHANDLER, Ms. CASTOR of Florida and Mr. WELCH changed their vote from "yea" to "present."

Mr. HARPER changed his vote from "nay" to "present."

Mr. LATHAM changed his vote from "present" to "nay."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS ADMINISTRATION EXTENSION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, S. 1513.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 1513.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CONGRATULATING CONTINENTAL AIRLINES ON ITS 75TH ANNIVERSARY

Mr. GENE GREEN of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 631) congratulating Continental Airlines on its 75th Anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 631

Whereas Continental Airlines was founded 75 years ago by Walter T. Varney and his partner Louis Mueller as Varney Speed Lines in West Texas primarily as a mail service;

Whereas, on July 15, 1934, Continental's first flight was flown by its precursor Varney Speed Lines on a 530-mile route from Pueblo, Colorado to El Paso, Texas with stops in Las Vegas, Santa Fe and Albuquerque, New Mexico;

Whereas during World War II, Continental Airlines built the Denver Modification Center where it modified B-17 Flying Fortresses and B-29 Super Fortresses for the United States war effort;

Whereas during the Vietnam War, Continental transported United States troops across the Pacific and as a result of this experience, in 1968 Continental formed Air Micronesia—the first step towards global airlines;

Whereas in 1999, Continental named the first woman in the Nation to head a major commercial airline pilot group;

Whereas, on October 11, 2000, Continental Airlines and Northwest Airlines launched the world's largest interline eTicket network;

Whereas in 2001, Continental Airlines was again named "Airline of the Year" by the aviation industry's monthly trade publication, Air Transport World. As recipient of the same honor in 1996, Continental became the first airline to receive the coveted "Airline of the Year" distinction twice in five years;

Whereas following the terrorist attacks on September 11, 2001, Continental offered special compassion fares to and from the New York area to assist family members of the 9/11 victims, relief organizations and volunteers;

Whereas, on April 26, 2002, Continental was recognized for offering the best Elite Level Program, OnePass, of any United States airline, according to Inside Flyer's 14th Annual Freddie Awards Competition;

Whereas, on September 29, 2003, Continental became the first airline to offer three of the most popular business applications, two-way e-mail, instant messaging and text messaging, on its fleet of 737, 757, and MD 80 aircraft;

Whereas, on February 7, 2005, Continental was named for the eighth consecutive year to HISPANIC Magazine's "Hispanic Corporate 100: One Hundred Companies Providing the Most Opportunities for Hispanics";

Whereas, on April 28, 2005, Continental received honors for companywide excellence in Aviation Maintenance Training from the Federal Aviation Administration. Continental earned the FAA Diamond Certificate of Excellence for Aviation Maintenance Training, the highest award offered as part of the organization's Aviation Maintenance Technician Award Program;

Whereas, on June 29, 2006, Continental ranked the highest in Customer Satisfaction among Traditional Network Carriers in North America in the J.D. Power and Associates 2006 Airline Satisfaction Index Study marking Continental's sixth customer satisfaction award by J.D. Power and Associates since 1996;

Whereas for the 10th consecutive year, Continental outranked all of its United States competitors in international business class and domestic first class service, according to the results of a survey of Conde Nast Traveler readers published in the magazine's October 2007 edition;

Whereas in 2007, Continental Airlines teamed with the Transportation Security Administration to be the first United States carrier to launch a paperless boarding pass pilot program that allows passengers to receive boarding passes electronically on their cell phones or PDAs;

Whereas in April 2008, Continental Airlines received an award from the United States Environmental Protection Agency's Design for the Environment Program in recognition of the airline's use of an environmentally friendly, nonchromium surface pretreatment for its aircraft. Continental was the first commercial air carrier to use this technology on its aircraft;

Whereas for the fifth consecutive year, Continental was named the "Best Airline in North America" at the 2008 OAG Airline of the Year Awards;

Whereas for the sixth consecutive year, Continental was rated the top airline on FORTUNE magazine's annual airline industry list of World's Most Admired Companies in March 2009; and

Whereas Continental Airlines currently serves five continents with more than 2750 daily flights and more than 260 destinations today, employing more than 43,000 men and women: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 75th anniversary of operations by Continental Airlines; and

(2) congratulates the employees of Continental Airlines for the numerous awards and accolades they have earned for the company over the years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GENE GREEN).

GENERAL LEAVE

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 631, which congratulates Continental Airlines for their 75th anniversary.

Once known as the "proud bird with the golden tail," Continental Airlines was founded 75 years ago this July by Walter T. Varney and his partner, Louis Mueller, as Varney Speed Lines in West Texas. While Varney Speed Lines was primarily a mail service, their first flight on July 15, 1934, was a 530-mile route from Pueblo, Colorado, to El Paso, Texas, with stops in Las Vegas, Santa Fe and Albuquerque, New Mexico.

In 1937, the company's name changed to Continental Airlines, and they moved their headquarters to Denver, Colorado, where, just a few years later, during World War II, they built the

Denver Modification Center where they modified B-17 Flying Fortresses and B-29 Super Fortresses for the U.S. war effort. Continental also assisted our military during the Vietnam War by transporting American troops across the Pacific Ocean.

The company's dedication to our country was again illustrated when, following the terrorist attacks on September 11, Continental offered special compassion fares to and from the New York area to assist family members of the 9/11 victims, relief organizations and volunteers.

Throughout all of this, Continental Airlines experienced tremendous success, and it has emerged from extreme difficulties during its 75-year history to become the fifth-largest carrier in the United States and the 11th-largest in the world. With more than 43,000 employees, Continental has hubs in New York, Houston, Cleveland, and Guam. Together with its regional partners, it carries approximately 67 million passengers each year.

Flying the newest, most fuel-efficient jet fleet of all the major U.S. network carriers, Continental Airlines received an award in April 2008 from the U.S. Environmental Protection Agency's Design For the Environment program in recognition of the airline's pioneering and environmentally friendly aircraft equipment. But this is just one of several accolades that has been bestowed upon Continental during its 75 years.

Other awards include being rated the top airline for 6 consecutive years in Fortune magazine's annual airline industry list of the World's Most Admired Companies, outranking for 10 consecutive years all of the U.S. competitors in international business class and domestic first-class service, according to the results of a survey of Conde Nast Traveler readers. And for six times since 1996, it has ranked the highest in customer satisfaction among the traditional network carriers in North America, according to J.D. Power and Associates. These are just a few of the awards out of several.

The resolution recognizes the 75th anniversary of Continental Airlines, and it congratulates its employees for the numerous awards and accolades they've earned over the years. I am honored to represent many Continental employees in Houston, their home office, and I strongly encourage my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 631, which congratulates Continental Airlines on its 75th anniversary.

I want to commend Congressman GREEN for introducing the resolution. I am proud to be a Republican supporter

of that. As one of three Texas-based airlines, with Continental in Houston, Texas, with Southwest in Dallas, Texas, and with American Airlines in Fort Worth, Texas, we're very proud of the airline industry in our State. We're very proud that Continental is celebrating its 75th anniversary. It is the embodiment of the American Dream.

As Congressman GREEN pointed out, it was established back in 1934 in West Texas, in El Paso. Over the last 75 years, it has evolved into one of the largest commercial airlines in the world. It serves 260 destinations with more than 2,700 flights on 5 continents. It has been named the best airline in North America. They employ over 43,000 men and women, some of whom work and live in my congressional district. I would like to recognize them for their accomplishment. I look forward to Continental's celebrating their 100th, their 125th and maybe even their 150th anniversary in the years ahead.

Again, I want to thank Mr. GREEN for bringing this resolution forward, and I would ask all of the Republicans on this side of the aisle to join me in supporting the resolution.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I would yield 2 minutes to the gentleman from Houston, Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, I want to thank my friend Mr. BARTON and also Mr. GREEN from Houston. We, all of us, in Texas take great pride in representing Continental Airlines. It's an extraordinary group of people, dynamic individuals who have created one of the best airlines in the Nation.

Even though they have been through bankruptcy twice, Mr. Speaker, they have shown what is one of the greatest attributes of what it means to be an American, which is how you conduct yourself when you pick yourself up, get back on your feet and get back to work. The people at Continental have emerged from bankruptcy as one of, again, the best airlines in the Nation. Their consumer satisfaction rating has always been among the very best in the Nation as well as their on-time status. They have, I think, set a gold standard for the Nation.

It's a source of great pride for me to represent the headquarters of Continental, and all of those fine people deserve the thanks of the Nation. Air travel is such an essential part of our Nation's economic vitality, and Continental Airlines has, time and again, shown that they are among the world's best airlines. Again, as I say, they have set the gold standard for the United States.

So I join with my colleagues. This is another example of how the whole Texas delegation works together, arm

in arm. What's good for Texas, of course we understand, is good for America. We are immensely proud to be here to congratulate Continental because they represent all that's great about Texas, which means they represent all that's great about America.

Mr. GENE GREEN of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BARTON of Texas. May I inquire as to how much time I have remaining, Mr. Speaker? How much time do I have left?

The SPEAKER pro tempore. The gentleman has 17 minutes remaining.

Mr. BARTON of Texas. Whoa, a lot of time. Okay.

I want to yield 3 minutes to the gentleman from The Woodlands, Texas (Mr. BRADY).

□ 1400

Mr. BRADY of Texas. I thank Ranking Member BARTON.

Mr. Speaker, I rise today in support of House Resolution 631, which I sponsored with my good friend Congressman GENE GREEN of Texas, to congratulate Continental Airlines and its exceptional employees on the company's 75th anniversary this year.

Continental got started in 1934 in El Paso, Texas, going on to aid in the war efforts by working to expand its services domestically. Now headquartered in Houston, Texas, with hubs in Cleveland, Ohio, and Newark, New Jersey, Continental has grown to become the fifth largest carrier in the world, and in my mind, the best.

This followed one of the most successful business turnarounds in history after it restructured in the 1990s. Continental's impressive climb is a tribute to the outstanding leadership, dedicated employees, and excellent service to travelers.

Today, Continental remains a major employer in the Houston area and a valued airline. I hear often from satisfied travelers about the quality of the company's service and commonsense approach to operation. As a Million Mile traveler, I can personally attest to the quality and professionalism of the crew and staff of Continental Airlines, and I may add, a number of my neighbors are proud employees—pilots, attendants, managers—within the Continental system.

I ask my colleagues to join me today in congratulating Continental for its remarkable achievement and contributions to America.

Mr. BARTON of Texas. I yield 3 minutes to another gentleman from Houston, Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I, too, rise in support of this resolution. Along with my friends who have already spoken, we fly Continental every week. Sometimes there are up to 10 Members of Congress on the same flight either going back to Texas or

coming from Houston to Reagan National. And I represent probably most of the Continental employees in the Houston area, since my district circles the airport; although, it doesn't include the airport. Something about re-districting, I believe, Mr. GREEN.

But be that as it may, great people, great airline. As my friend, Mr. BRADY, has mentioned, the employees are top-notch, from the flight attendants to the pilots, in the way they treat not only people who fly but the way they treat other people. And I commend Continental Airlines for their success over the years. It is the best airline.

Many years ago, they merged with a little bitty airline called Trans-Texas Airways, and I was one of those that wanted them to adopt the name Trans-Texas Airways after Continental merged with Trans-Texas. But they eliminated the "Trans-Texas" phrase and adopted the phrase "Continental," which has served them much better because it is an intercontinental flying community and do a super job.

And I, too, commend the good work they've done and the tenacious employees that work, not only in the planes but on the ground, the mechanics, and the ramp crews. And so I congratulate them, and I appreciate my friend from Texas offering this resolution.

Mr. GENE GREEN of Texas. Mr. Speaker, I will continue to reserve.

Mr. BARTON of Texas. Mr. Speaker, let me simply say that I fly American more than I fly Continental, but I wish I could—having heard the glowing accolades, I do fly Continental some, and I wish they would serve the D/FW area more so I could fly them. I'm very proud of my American Airlines employees and my Southwest employees, but I'm also proud of the Continental employees that we have, and we do sincerely commend Continental and their workers and management for being the great airline that it is, and we wish them 75 years of future success in addition to congratulating them on 75 years of their past success.

With that, I yield back the balance of our time.

Mr. GENE GREEN of Texas. Mr. Speaker, I will be brief, and I want to thank my colleagues on the Republican side for coming to speak for the resolution.

Continental is like all of our airlines. It has problems, but they survived and they're going to grow, and we want to make sure they continue to do it, and that's why we recognize 75 years of success. And like my colleague said, the ranking member of Energy and Commerce, another 75 would be 150. It will be someone else here recognizing them for 150 years. I want to thank the employees of Continental for making it a great airline.

Mr. AL GREEN of Texas. Mr. Speaker, It is with great pleasure that I commend Continental Airlines on its 75th anniversary. I would

also like to thank my colleague the Honorable GENE GREEN for introducing this resolution and I am honored to be a cosponsor. Continental Airlines is an outstanding company that has grown internationally without losing sight of the people they serve.

Since the founding of Continental Airlines, the company has consistently served the community. In July of 1934 the company Varney Speed Lines was created in West Texas by Walter T. Varney and Louis Mueller primarily as a mail service. During World War II, they built the Denver Modification Center in Houston, where workers modified B-17 Flying Fortresses and B-29 Super Fortresses to assist in the war effort. Today, Continental Airlines' main headquarters are in Houston and their main hub is located there as well at George Bush Intercontinental Airport.

Continental Airlines has also been a pacesetter in diversity among airlines. The company named Deborah McCoy the first woman in the Nation to head a major commercial airline pilot group in 1999. In 2005, Continental was ranked among HISPANIC Magazine's "Hispanic Corporate 100: One Hundred Companies Providing the Most Opportunities for Hispanics" for the eighth year in a row. Continental Airlines has also been named to the Corporate Diversity Honor Roll in Latin Business magazine.

Continental has exemplified a dedication to customer service. Following the September 11th attacks, Continental offered special compassion fares to and from the New York area to assist family members of the September 11th victims, relief organizations and volunteers. Continental was the first airline to offer three of the most popular business applications on its fleet of 737, 757, and MD 80 aircraft: two-way e-mail, instant messaging and text messaging. The airline has also been awarded six Customer Satisfaction awards by J.D. Power and Associates since 1996.

Despite its global presence, Continental Airlines has maintained a personal relationship with its customers that is rivaled by many and surpassed by none. I would again like to congratulate Continental Airlines on 75 years of service and wish them many more years to come.

Mr. GENE GREEN of Texas. I yield back my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and agree to the resolution, H. Res. 631.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FOOD SAFETY ENHANCEMENT ACT OF 2009

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 2749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food Safety Enhancement Act of 2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Rules of construction.
- Sec. 5. USDA exemptions.
- Sec. 6. Alcohol-related facilities.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

- Sec. 101. Changes in registration of food facilities.
- Sec. 102. Hazard analysis, risk-based preventive controls, food safety plan, finished product test results from category 1 facilities.
- Sec. 103. Performance standards.
- Sec. 104. Safety standards for produce and certain other raw agricultural commodities.
- Sec. 105. Risk-based inspection schedule.
- Sec. 106. Access to records.
- Sec. 107. Traceability of food.
- Sec. 108. Reinspection and food recall fees applicable to facilities.
- Sec. 109. Certification and accreditation.
- Sec. 110. Testing by accredited laboratories.
- Sec. 111. Notification, nondistribution, and recall of adulterated or misbranded food.
- Sec. 112. Reportable food registry; exchange of information.
- Sec. 113. Safe and secure food importation program.
- Sec. 114. Infant formula.

Subtitle B—Intervention

- Sec. 121. Surveillance.
- Sec. 122. Public education and advisory system.
- Sec. 123. Research.

Subtitle C—Response

- Sec. 131. Procedures for seizure.
- Sec. 132. Administrative detention.
- Sec. 133. Authority to prohibit or restrict the movement of food.
- Sec. 134. Criminal penalties.
- Sec. 135. Civil penalties for violations relating to food.
- Sec. 136. Improper import entry filings.

TITLE II—MISCELLANEOUS

- Sec. 201. Food substances generally recognized as safe.
- Sec. 202. Country of origin labeling.
- Sec. 203. Exportation certificate program.
- Sec. 204. Registration for commercial importers of food; fee.
- Sec. 205. Registration for customs brokers.
- Sec. 206. Unique identification number for food facilities, importers, and custom brokers.
- Sec. 207. Prohibition against delaying, limiting, or refusing inspection.
- Sec. 208. Dedicated foreign inspectorate.
- Sec. 209. Plan and review of continued operation of field laboratories.
- Sec. 210. False or misleading reporting to FDA.
- Sec. 211. Subpoena authority.
- Sec. 212. Whistleblower protections.
- Sec. 213. Extraterritorial jurisdiction.
- Sec. 214. Support for training institutes.

Sec. 215. Bisphenol A in food and beverage containers.

Sec. 216. Lead content labeling requirement for ceramic tableware and cookware.

SEC. 3. REFERENCES.

Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 4. RULES OF CONSTRUCTION.

(a) Nothing in this Act or the amendments made by this Act shall be construed to prohibit or limit—

- (1) any cause of action under State law; or
- (2) the introduction of evidence of compliance or noncompliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) Nothing in this Act or any amendment made by this Act shall be construed to—

- (1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;
- (2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 5. USDA EXEMPTIONS.

(a) USDA-REGULATED PRODUCTS.—Food is exempt from the requirements of this Act to the extent that such food is regulated by the Secretary of Agriculture under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(b) LIVESTOCK AND POULTRY.—Livestock and poultry that are intended to be presented for slaughter pursuant to the regulations by the Secretary of Agriculture under the Federal Meat Inspection Act or the Poultry Products Inspection Act are exempt from the requirements of this Act. A cow, sheep, or goat that is used for the production of milk is exempt from the requirements of this Act.

(c) USDA-REGULATED FACILITIES.—A facility is exempt from the requirements of this Act to the extent such facility is regulated as an official establishment by the Secretary of Agriculture under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act or under a program recognized by the Secretary of Agriculture as at least equal to Federal regulation under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

(d) FARMS.—A farm is exempt from the requirements of this Act to the extent such farm raises animals from which food is derived that is regulated under the Federal Meat Inspection Act, the Poultry Products

Inspection Act, or the Egg Products Inspection Act.

SEC. 6. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—With the exception of the amendments made by section 101(a) and (b) and section 113 of this Act, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5291 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the distributing of any non-alcohol food, except that subsection (a) shall apply to a facility described in paragraphs (1) and (2) of subsection (a) that receives and distributes non-alcohol food provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to exempt any food, apart from distilled spirits, wine, and malt beverages, as defined in section 211 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act and the amendments made by this Act.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

SEC. 101. CHANGES IN REGISTRATION OF FOOD FACILITIES.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

“(z) If it was manufactured, processed, packed, or held in a facility that is not duly registered under section 415, including a facility whose registration is canceled or suspended under such section.”.

(b) ANNUAL REGISTRATION.—

(1) DEFINITION OF FACILITY.—Paragraph (1) of section 415(b) (21 U.S.C. 350d(b)) is amended to read as follows:

“(1)(A) The term ‘facility’ means any factory, warehouse, or establishment (including a factory, warehouse, or establishment of an importer) that manufactures, processes, packs, or holds food.

“(B) Such term does not include farms; private residences of individuals; restaurants; other retail food establishments; nonprofit food establishments in which food is prepared for or served directly to the consumer; or fishing vessels (except such vessels engaged in processing as defined in section 123.3(k) of title 21, Code of Federal Regulations, or any successor regulations).

“(C)(i) The term ‘retail food establishment’ means an establishment that, as its primary function, sells food products (including those food products that it manufactures, processes, packs, or holds) directly to consumers (including by Internet or mail order).

“(ii) Such term includes—

“(I) grocery stores;

“(II) convenience stores;

“(III) vending machine locations; and

“(IV) stores that sell bagged feed, pet food, and feed ingredients or additives over-the-counter directly to consumers and final purchasers for their own personal animals.

“(iii) A retail food establishment’s primary function is to sell food directly to consumers if the annual monetary value of sales of food products directly to consumers exceeds the annual monetary value of sales of food products to all other buyers.

“(D)(i) The term ‘farm’ means an operation in one general physical location devoted to the growing and harvesting of crops, the raising of animals (including seafood), or both.

“(ii) Such term includes—

“(I) such an operation that packs or holds food, provided that all food used in such activities is grown, raised, or consumed on such farm or another farm under the same ownership;

“(II) such an operation that manufactures or processes food, provided that all food used in such activities is consumed on such farm or another farm under the same ownership;

“(III) such an operation that sells food directly to consumers if the annual monetary value of sales of the food products from the farm or by an agent of the farm to consumers exceeds the annual monetary value of sales of the food products to all other buyers;

“(IV) such an operation that manufactures grains or other feed stuffs that are grown and harvested on such farm or another farm under the same ownership and are distributed directly to 1 or more farms for consumption as food by humans or animals on such farm; and

“(V) a fishery, including a wild fishery, an aquaculture operation or bed, a fresh water fishery, and a saltwater fishery.

“(iii) Such term does not include such an operation that receives manufactured feed from another farm as described in clause (ii)(IV) if the receiving farm releases the feed to another farm or facility under different ownership.

“(iv) The term ‘harvesting’ includes washing, trimming of outer leaves of, and cooling produce.

“(E) The term ‘consumer’ does not include a business.”.

(2) REGISTRATION.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(A) in the first sentence of paragraph (1)—

(i) by striking “require that” and inserting “require that, on or before December 31 of each year,”; and

(ii) by striking “food for consumption in the United States” and inserting “food for consumption in the United States or for export from the United States”;

(B) in subparagraphs (A) and (B) of paragraph (1), by inserting “and pay the registration fee required under section 743” after “submit a registration to the Secretary” each place it appears;

(C) in the first sentence of paragraph (2), by inserting “in electronic format” after “submit”; and

(D) in paragraph (4), by inserting after the first sentence the following: “The Secretary shall remove from such list the name of any facility that fails to reregister in accordance with this section, that fails to pay the registration fee required under section 743, or whose registration is canceled by the registrant, canceled by the Secretary in accordance with this section, or suspended by the Secretary in accordance with this section.”.

(3) CONTENTS OF REGISTRATION.—Paragraph (2) of section 415(a) (21 U.S.C. 350d(a)), as

amended by paragraph (1), is amended by striking “containing information” and all that follows and inserting the following: “containing information that identifies the following:

“(A) The name, address, and emergency contact information of the facility being registered.

“(B) The primary purpose and business activity of the facility, including the dates of operation if the facility is seasonal.

“(C) The general food category (as defined by the Secretary by guidance) of each food manufactured, processed, packed, or held at the facility.

“(D) All trade names under which the facility conducts business related to food.

“(E) The name, address, and 24-hour emergency contact information of the United States distribution agent for the facility, which agent shall have access to the information required to be maintained under section 414(d) for food that is manufactured, processed, packed, or held at the facility.

“(F) If the facility is located outside of the United States, the name, address, and emergency contact information for a United States agent.

“(G) The unique facility identifier of the facility, as specified under section 1011.

“(H) Such additional information pertaining to the facility as the Secretary may require by regulation.

The registrant shall notify the Secretary of any change in the submitted information not later than 30 days after the date of such change, unless otherwise specified by the Secretary.”.

(4) SUSPENSION AND CANCELLATION AUTHORITY.—Section 415(a) (21 U.S.C. 350d(a)), as amended by paragraphs (1) and (2), is further amended by adding at the end the following:

“(5) SUSPENSION OF REGISTRATION.—

“(A) IN GENERAL.—The Secretary may suspend the registration of any facility registered under this section for a violation of this Act that could result in serious adverse health consequences or death to humans or animals.

“(B) NOTICE OF SUSPENSION.—Suspension of a registration shall be preceded by—

“(i) notice to the facility of the intent to suspend the registration; and

“(ii) an opportunity for an informal hearing, as defined in guidance or regulations issued by the Secretary, concerning the suspension of such registration for such facility.

“(C) REQUEST.—The owner, operator, or agent in charge of a facility whose registration is suspended may request that the Secretary vacate the suspension of registration when such owner, operator, or agent has corrected the violation that is the basis for such suspension.

“(D) VACATING OF SUSPENSION.—If, based on an inspection of the facility or other information, the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

“(6) CANCELLATION OF REGISTRATION.—

“(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration if the Secretary determines that—

“(i) the registration was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information; or

“(ii) the required registration fee has not been paid within 30 days after the date due.

“(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the facility of the intent to cancel the registration and the basis for such cancellation.

“(C) TIMELY UPDATE OR CORRECTION.—If the registration for the facility is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

“(7) REPORT TO CONGRESS.—Not later than March 30th of each year, the Secretary shall submit to the Congress a report, based on the registrations on or before December 31 of the previous year, on the following:

“(A) The number of facilities registered under this section.

“(B) The number of such facilities that are domestic.

“(C) The number of such facilities that are foreign.

“(D) The number of such facilities that are high-risk.

“(E) The number of such facilities that are low-risk.

“(F) The number of such facilities that hold food.

“(8) LIMITATION ON DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or cancel a registration shall not be delegated to any officer or employee other than the Commissioner of Food and Drugs, the Principal Deputy Commissioner, the Associate Commissioner for Regulatory Affairs, or the Director for the Center for Food Safety and Applied Nutrition, of the Food and Drug Administration.”.

(c) REGISTRATION FEE.—Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end of subchapter C the following:

“PART 6—FEES RELATING TO FOOD

“SEC. 743. FACILITY REGISTRATION FEE.

“(a) IN GENERAL.—

“(1) ASSESSMENT AND COLLECTION.—Beginning in fiscal year 2010, the Secretary shall assess and collect an annual fee for the registration of a facility under section 415.

“(2) PAYABLE DATE.—A fee under this section shall be payable—

“(A) for a facility that was not registered under section 415 for the preceding fiscal year, on the date of registration; and

“(B) for any other facility—

“(i) for fiscal year 2010, not later than the sooner of 90 days after the date of the enactment of this part or December 31, 2009; and

“(ii) for a subsequent fiscal year, not later than December 31 of such fiscal year.

“(b) FEE AMOUNTS.—

“(1) IN GENERAL.—The registration fee under subsection (a) shall be—

“(A) for fiscal year 2010, \$500; and

“(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under subsection (c).

“(2) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of fiscal year 2011 and each subsequent fiscal year, establish, for the next fiscal year, registration fees under subsection (a), as described in paragraph (1).

“(3) MAXIMUM AMOUNT.—Notwithstanding paragraph (1), a person who owns or operates multiple facilities for which a fee must be paid under this section for a fiscal year shall be liable for not more than \$175,000 in aggregate fees under this section for such fiscal year.

“(c) INFLATION ADJUSTMENT.—For fiscal year 2011 and each subsequent fiscal year, the fee amount under subsection (b)(1) shall be adjusted by the Secretary by notice, published in the Federal Register, to reflect the greater of—

“(1) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average) for the 12-month period ending June 30

preceding the fiscal year for which fees are being established;

“(2) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

“(3) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

“(d) LIMITATIONS.—

“(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for fiscal year 2010 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

“(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for registration under section 415 at any time in such fiscal year.

“(3) ADJUSTMENT FACTOR.—In this subsection, the term ‘adjustment factor’ applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such Index for October 2009.

“(e) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

“(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

“(B) shall only be collected and available to defray the costs of food safety activities.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

“(4) PUBLIC MEETINGS.—For each fiscal year, the Secretary shall hold a public meeting on how fees collected under this section will be used to defray the costs of food safety activities in order to solicit the views of the

regulated industry, consumers, and other interested stakeholders.

“(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in food safety activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

“(h) ANNUAL FISCAL REPORTS.—Beginning with fiscal year 2011, not later than 120 days after the end of each fiscal year for which fees are collected under this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘costs of food safety activities’ means the expenses incurred in connection with food safety activities for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;

“(B) laboratory capacity;

“(C) management of information, and the acquisition, maintenance, and repair of technology resources;

“(D) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(E) collecting fees under this section and accounting for resources allocated for food safety activities.

“(2) The term ‘food safety activities’ means activities related to compliance by facilities registered under section 415 with the requirements of this Act relating to food (including research related to and the development of standards (such as performance standards and preventive controls), risk assessments, hazard analyses, inspection planning and inspections, third-party inspections, compliance review and enforcement, import review, information technology support, test development, product sampling, risk communication, and administrative detention).”

(d) TRANSITIONAL PROVISIONS.—

(1) FEES.—The Secretary of Health and Human Services shall first impose the fee established under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), for fiscal years beginning with fiscal year 2010.

(2) MODIFICATION OF REGISTRATION FORM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall modify the registration form under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) to comply with the amendments made by this section.

(3) APPLICATION.—The amendments made by this section, other than subsections (b)(2)

and (c), shall take effect on the date that is 30 days after the date on which such modified registration form takes effect, but not later than 210 days after the date of the enactment of this Act.

(4) SUNSET DATE.—Section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), does not authorize the assessment or collection of a fee for registration under section 415 of such Act (21 U.S.C. 360) occurring after fiscal year 2014.

SEC. 102. HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN, FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

(a) HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN.—

(1) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342) is amended by adding at the end the following:

“(j) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the requirements of sections 418 and 418A.”

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

“(a) IN GENERAL.—The owner, operator, or agent of a facility shall, in accordance with this section—

“(1) conduct a hazard analysis (or more than one if appropriate);

“(2) identify and implement effective preventive controls;

“(3) monitor preventive controls;

“(4) institute corrective actions when—

“(A) monitoring shows that preventive controls have not been properly implemented; or

“(B) monitoring and verification show that such controls were ineffective;

“(5) conduct verification activities;

“(6) maintain records of monitoring, corrective action, and verification; and

“(7) reanalyze for hazards.

“(b) IDENTIFICATION OF HAZARDS.—

“(1) IN GENERAL.—The owner, operator, or agent of a facility shall evaluate whether there are any hazards, including hazards due to the source of the ingredients, that are reasonably likely to occur in the absence of preventive controls that may affect the safety, wholesomeness, or sanitation of the food manufactured, processed, packed, transported, or held by the facility, including—

“(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, filth, decomposition, parasites, allergens, and unapproved food and color additives; and

“(B) hazards that occur naturally or that may be unintentionally introduced.

“(2) IDENTIFIED BY THE SECRETARY.—The Secretary may, by regulation or guidance, identify hazards that are reasonably likely to occur in the absence of preventive controls.

“(3) HAZARD ANALYSIS.—The owner, operator, or agent of a facility shall identify and describe the hazards evaluated under paragraph (1) or identified under paragraph (2), to the extent applicable to the facility, in a hazard analysis.

“(c) PREVENTIVE CONTROLS.—

“(1) IN GENERAL.—The owner, operator, or agent of a facility shall identify and implement effective preventive controls to prevent, eliminate, or reduce to acceptable levels the occurrence of any hazards identified in the hazard analysis under subsection (b)(3).

“(2) IDENTIFIED BY THE SECRETARY.—

“(A) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive controls for specific product types to prevent unintentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive controls identified by the Secretary under this paragraph.

“(B) ALTERNATIVE CONTROLS.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive control to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative control effectively addresses the hazard, including meeting any applicable performance standard.

“(C) LIMITATION.—Subparagraph (B) shall not apply to any preventive control described in subparagraph (A), (B), or (E) of subsection (i)(2).

“(d) MONITORING.—The owner, operator, or agent of a facility shall monitor the implementation of preventive controls under subsection (c) to identify any circumstances in which the preventive controls are not fully implemented or verification shows that such controls were ineffective.

“(e) CORRECTIVE ACTIONS.—The owner, operator, or agent of a facility shall establish and implement procedures to ensure that, if the preventive controls under subsection (c) are not fully implemented or are not found effective—

“(1) no affected product from such facility enters commerce; and

“(2) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure.

“(f) VERIFICATION.—The owner, operator, or agent of a facility shall ensure that—

“(1) the system of preventive controls identified under subsection (c) has been validated as scientifically and technically sound so that, if such system is implemented, the hazards identified in the hazard analysis under subsection (b)(3) will be prevented, eliminated, or reduced to an acceptable level;

“(2) the facility is conducting monitoring in accordance with subsection (d);

“(3) the facility is taking effective corrective actions under subsection (e); and

“(4) the preventive controls are effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means.

“(g) REQUIREMENT TO REANALYZE AND REVISE.—

“(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

“(A) review the evaluation under subsection (b) for the facility and, as necessary, revise the hazard analysis under subsection (b)(3) for the facility—

“(i) not less than every 2 years;

“(ii) if there is a change in the process or product that could affect the hazard analysis; and

“(iii) if the Secretary determines that it is appropriate to protect public health; and

“(B) whenever there is a change in the hazard analysis, revise the preventive controls under subsection (c) for the facility as necessary to ensure that all hazards that are reasonably likely to occur are prevented, eliminated, or reduced to an acceptable level, or document the basis for the conclusion that no such revision is needed.

“(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection

shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

“(h) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (a) through (g).

“(i) DEFINITIONS.—For purposes of this section:

“(1) FACILITY.—The term ‘facility’ means a domestic facility or a foreign facility that is required to be registered under section 415.

“(2) PREVENTIVE CONTROLS.—The term ‘preventive controls’ means those risk-based procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, transporting, or holding of food would employ to prevent, eliminate, or reduce to an acceptable level the hazards identified in the hazard analysis under subsection (b)(3) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, transporting, or holding at the time of the analysis. Those procedures, practices, and processes shall include the following, as appropriate to the type of facility or food:

“(A) Sanitation procedures and practices.

“(B) Supervisor, manager, and employee hygiene training.

“(C) Process controls.

“(D) An allergen control program to minimize potential allergic reactions in humans from ingestion of, or contact with, human and animal food.

“(E) Good manufacturing practices.

“(F) Verification procedures, practices, and processes for suppliers and incoming ingredients, which may include onsite auditing of suppliers and testing of incoming ingredients.

“(G) Other procedures, practices, and processes established by the Secretary under subsection (c)(2).

“(3) HAZARD THAT IS REASONABLY LIKELY TO OCCUR.—A food safety hazard that is reasonably likely to occur is one for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish controls because experience, illness data, scientific reports, or other information provides a basis to conclude that there is a reasonable possibility that the hazard will occur in the type of food being manufactured, processed, packed, transported, or held in the absence of those controls.

“SEC. 418A. FOOD SAFETY PLAN.

“(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food safety plan (in this section referred to as a ‘food safety plan’).

“(b) CONTENTS.—The food safety plan shall include each of the following elements:

“(1) The hazard analysis and any reanalysis conducted under section 418.

“(2) A description of the preventive controls being implemented under subsection 418(c), including those to address hazards identified by the Secretary under subsection 418(b)(2).

“(3) A description of the procedures for monitoring preventive controls.

“(4) A description of the procedures for taking corrective actions.

“(5) A description of verification activities for the preventive controls, including valida-

tion that the system of controls, if implemented, will prevent, eliminate, or reduce to an acceptable level the identified hazards, review of monitoring and corrective action records, and procedures for determining whether the system of controls as implemented is effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including the use of environmental and product testing programs.

“(6) A description of the facility’s record-keeping procedures.

“(7) A description of the facility’s procedures for the recall of articles of food, whether voluntarily or when required under section 422.

“(8) A description of the facility’s procedures for tracing the distribution history of articles of food, whether voluntarily or when required under section 414.

“(9) A description of the facility’s procedures to ensure a safe and secure supply chain for the ingredients or components used in making the food manufactured, processed, packed, transported, or held by such facility.

“(10) A description of the facility’s procedures to implement the science-based performance standards issued under section 419.”

(3) GUIDANCE OR REGULATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall issue guidance or promulgate regulations to establish science-based standards for conducting a hazard analysis, documenting hazards, identifying and implementing preventive controls, and documenting the implementation of the preventive controls, including verification and corrective actions under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2)).

(B) INTERNATIONAL STANDARDS.—In issuing guidance or regulations under subparagraph (A), the Secretary shall review international hazard analysis and preventive control standards that are in existence on the date of the enactment of this Act and relevant to such guidelines or regulations to ensure that the programs under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2)) are consistent, to the extent the Secretary determines practicable and appropriate, with such standards.

(C) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section and the amendments made by this section with respect to facilities that are solely engaged in—

(i) the production of food for animals other than man or the storage of packaged foods that are not exposed to the environment; or

(ii) the storage of raw agricultural commodities for further distribution or processing.

(D) SMALL BUSINESSES.—The Secretary—

(i) shall consider the impact of any guidance or regulations under this section on small businesses; and

(ii) shall issue guidance to assist small businesses in complying with the requirements of this section and the amendments made by this section.

(4) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to

revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(5) **CONSIDERATION.**—When implementing sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2), the Secretary may take into account differences between food intended for human consumption and food intended for consumption by animals other than man.

(6) **EFFECTIVE DATE.**—

(A) **GENERAL RULE.**—The amendments made by subsection (a) and this subsection shall take effect 18 months after the date of the enactment of this Act.

(B) **EXCEPTIONS.**—Notwithstanding subparagraph (A)—

(i) the amendments made by subsection (a) and this subsection shall apply to a small business (as defined by the Secretary) after the date that is 2 years after the date of the enactment of this Act; and

(ii) the amendments made by subsection (a) and this subsection shall apply to a very small business (as defined by the Secretary) after the date that is 3 years after the date of the enactment of this Act.

(b) **FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.**—

(1) **ADULTERATION.**—Section 402 (21 U.S.C. 342), as amended by subsection (a), is amended by adding at the end the following:

“(k) If it is manufactured or processed in a facility that is in violation of section 418B.”.

(2) **REQUIREMENTS.**—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

“SEC. 418B. FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

“(a) **AUTHORITY.**—Beginning on the date specified in subsection (c), the Secretary shall require, after public notice and an opportunity for comment, the submission to the Secretary of finished product test results by the owner, operator, or agent of each category 1 facility subject to good manufacturing practices regulations documenting the presence of contaminants in food in the possession or control of such facility posing a risk of severe adverse health consequences or death.

“(b) **CONSIDERATIONS.**—The Secretary shall require submissions under subsection (a)—

“(1) as the Secretary determines feasible and appropriate; and

“(2) taking into consideration available data and information on the potential risks posed by the facility.

“(c) **BEGINNING DATE.**—The date specified in this subsection is the sooner of—

“(1) the date of completion of the pilot projects and feasibility study under subsections (d) and (e); and

“(2) the date that is 2 years after the date of the enactment of this section.

“(d) **PILOT PROJECTS.**—The Secretary shall conduct 2 or more pilot projects to evaluate the feasibility of collecting positive finished product testing results from category 1 facilities, including the value and feasibility of reporting corrective actions taken when positive finished product test results are reported to the Secretary.

“(e) **FEASIBILITY STUDY.**—The Secretary shall assess the feasibility and benefits of the reporting by facilities subject to good manufacturing practices regulations of appropriate finished product testing results from category 1 facilities to the Secretary, including the extent to which the collection

of such finished product testing results will help the Secretary assess the risk presented by a facility or product category.

“(f) **LIMITATIONS.**—Nothing in this section shall be construed—

“(1) to require the Secretary to mandate testing or submission of test results that the Secretary determines would not provide useful information in assessing the potential risk presented by a facility or product category; or

“(2) to limit the Secretary’s authority under any other provisions of law to require any person to provide access, or to submit information or test results, to the Secretary, including the ability of the Secretary to require field or other testing and to obtain test results in the course of an investigation of a potential food-borne illness or contamination incident.

“(g) **DEFINITION.**—In this section, the term ‘category 1 facility’ means a category 1 facility within the meaning of section 704(h).”.

(c) **FOOD DEFENSE.**—

(1) **ADULTERATION.**—Section 402(j), as added by subsection (a), is amended by striking “and 418A” and inserting “, 418A, or 418C”.

(2) **REQUIREMENTS.**—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

“SEC. 418C. FOOD DEFENSE.

“(a) **IN GENERAL.**—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food defense plan (in this section referred to as a ‘food defense plan’).

“(b) **CONTENTS.**—The food defense plan shall include each of the following elements:

“(1) A food defense assessment to identify conditions and practices that may permit a hazard that may be intentionally introduced, including by an act of terrorism. This assessment shall evaluate processing security, cybersecurity, material security (including ingredients, finished product, and packaging), personnel security, storage security, shipping and receiving security, and utility security.

“(2) A description of the preventive measures being implemented as a result of such assessment to minimize the risk of intentional contamination.

“(3) A description of the procedures to check for and identify any circumstances in which the preventive measures are not fully implemented or were ineffective.

“(4) A description of the procedures for taking corrective actions to ensure that when preventive measures have not been properly implemented or have been ineffective, appropriate action is taken—

“(A) to reduce the likelihood of recurrence of the failure; and

“(B) to assess the consequences of the failure.

“(5) A description of evaluation activities for the preventive measures, including a review of records provided for under paragraph (6) and procedures to periodically test the effectiveness of the plan.

“(6) A description of the facility’s record-keeping procedures, including records documenting implementation of the procedures under paragraphs (3), (4), and (5).

“(c) **HAZARD.**—For purposes of this section, the term ‘hazard that may be intentionally introduced, including by an act of terrorism’ means a hazard for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish preventive measures because the hazard has been identified by a food defense assessment by application of—

“(1) a targeting assessment tool recommended by the Secretary by guidance; or

“(2) a comparable targeting assessment tool.

“(d) **FOOD DEFENSE HAZARDS IDENTIFIED BY THE SECRETARY.**—

“(1) **ESTABLISHMENT.**—The Secretary may establish by regulation or guidance preventive measures for specific product types to prevent intentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive measures identified by the Secretary under this paragraph.

“(2) **ALTERNATIVE MEASURES.**—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive measure to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative measure effectively addresses the hazard.

“(e) **REQUIREMENT TO REASSESS AND REVISE.**—

“(1) **REQUIREMENT.**—The owner, operator, or agent of a facility shall—

“(A) review the food defense assessment under subsection (b)(1) for the facility and, as necessary, revise the food defense assessment under subsection (b)(1) for the facility—

“(i) not less than every 2 years;

“(ii) if there is a change in the process or product that could affect the food defense assessment; and

“(iii) if the Secretary determines that it is appropriate to protect public health; and

“(B) whenever there is a change in the food defense assessment, revise the preventive measures under subsection (b)(2) for the facility as necessary to ensure that for all hazards identified, the risk is minimized, or document the basis for the conclusion that no such revision is needed.

“(2) **NONDELEGATION.**—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

“(f) **RECORDKEEPING.**—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (b) and (e).

“(g) **ACCESS TO PLAN.**—

“(1) **ON INSPECTION.**—An officer or employee of the Secretary shall have access to the food defense plan of a facility under section 414(a) only if the Secretary, through an official who is the director of the district under this Act in which the facility is located or an official who is senior to such a director, provides notice under section 414(a)(1)(C).

“(2) **NONDISCLOSURE.**—A food defense plan, and any information derived from such a plan, shall be exempt from disclosure under section 552 of title 5, United States Code.”.

(3) **PROHIBITION.**—Section 301(j) (21 U.S.C. 331(j)) is amended by inserting after “entitled to protection” the following: “or a food defense plan, or any information derived from such a plan, under section 418C”.

SEC. 103. PERFORMANCE STANDARDS.

(a) **ADULTERATED FOOD.**—Section 402 (21 U.S.C. 342), as amended by section 102, is amended by adding at the end the following:

“(1) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the standards issued under section 419.”.

(b) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 102(b), is further amended by adding at the end the following:

“SEC. 419. PERFORMANCE STANDARDS.

“(a) PERFORMANCE STANDARDS.—The Secretary shall, not less frequently than every 2 years, review and evaluate epidemiological data and other appropriate sources of information, including research under section 123 of the Food Safety Enhancement Act of 2009, to identify the most significant food-borne contaminants and the most significant resulting hazards. The Secretary shall issue, as soon as practicable, through guidance or by regulation, science-based performance standards (which may include action levels) applicable to foods or food classes, as appropriate, to minimize to an acceptable level, prevent, or eliminate the occurrence of such hazards. Such standards shall be applicable to foods and food classes. Notwithstanding the timelines set forth in this paragraph, the Secretary shall as appropriate establish such science-based performance standards for identified contaminants as necessary to protect the public health.

“(b) LIST OF CONTAMINANTS.—Following each review under subsection (a), the Secretary shall publish in the Federal Register a list of food-borne contaminants that have the greatest adverse impact on public health. In determining whether a particular food-borne contaminant should be added to such list, the Secretary shall consider the number and severity of illnesses and the number of deaths associated with the foods associated with such contaminants.

“(c) SAMPLING PROGRAM.—In conjunction with the establishment of a performance standard under this section, the Secretary may make recommendations to industry for conducting product sampling.

“(d) REVOCATION BY SECRETARY.—All performance standards of the Food and Drug Administration applicable to foods or food classes in effect on the date of the enactment of this section, or issued under this section, shall remain in effect until revised or revoked by the Secretary.”.

(c) REPORT TO CONGRESS.—The Secretary of Health and Human Services shall submit to the Congress by March 30th of the year following each review under section 419 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), a report on the results of such review and the Secretary's plans to address the significant food-borne hazards identified, or the basis for not addressing any significant food-borne hazards identified, including any resource limitations or limitations in data that preclude further action at that time.

SEC. 104. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by sections 102 and 103(a), is amended by adding at the end the following:

“(m) If it has been grown, harvested, processed, packed, sorted, transported, or held under conditions that do not meet the standards established under section 419A.”.

(b) STANDARDS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102(b) and 103(b), is amended by adding at the end the following:

“SEC. 419A. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

“(a) STANDARDS.—The Secretary, in coordination with the Secretary of Agriculture, shall establish by regulation scientific and risk-based food safety standards for the growing, harvesting, processing, packing, sorting, transporting, and holding of those types of raw agricultural commodities—

“(1) that are a fruit, vegetable, nut, or fungus; and

“(2) for which the Secretary has determined that such standards are reasonably necessary to minimize the risk of serious adverse health consequences or death to humans or animals.

“(b) CONTENTS.—The regulations under subsection (a)—

“(1) may set forth such procedures, processes, and practices as the Secretary determines to be reasonably necessary—

“(A) to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into raw agricultural commodities that are a fruit, vegetable, nut, or fungus; and

“(B) to provide reasonable assurances that such commodity is not adulterated under section 402;

“(2) may include, with respect to growing, harvesting, processing, packing, sorting, transporting, and storage operations, standards for safety as the Secretary determines to be reasonably necessary;

“(3) may include standards addressing manure use, water quality, employee hygiene, sanitation and animal control, and temperature controls, as the Secretary determines to be reasonably necessary;

“(4) may include standards for such other elements as the Secretary determines necessary to carry out subsection (a);

“(5) shall provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

“(6) may provide for coordination of education and enforcement activities;

“(7) shall take into consideration, consistent with ensuring enforceable public health protection, the impact on small-scale and diversified farms, and on wildlife habitat, conservation practices, watershed-protection efforts, and organic production methods;

“(8) may provide for coordination of education and training with other government agencies, universities, private entities, and others with experience working directly with farmers; and

“(9) may provide for recognition through guidance of other existing publicly available procedures, processes, and practices that the Secretary determines to be equivalent to those established under paragraph (1).

“(c) EDUCATION AND COMPLIANCE.—The Secretary shall coordinate with the Secretary of Agriculture to provide for effective implementation of education and compliance activities. The Secretary may contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.”.

(c) TIMING.—

(1) PROPOSED RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a proposed rule to carry out section 419A of the Federal Food, Drug,

and Cosmetic Act, as added by subsection (b).

(2) FINAL RULE.—Not later than 3 years after such date, the Secretary of Health and Human Services shall issue a final rule under such section.

(d) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(e) UPDATE EXISTING GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall update the guidance document entitled “Guidance For Industry: Guide To Minimize Microbial Food Safety Hazards For Fresh Fruits And Vegetables” (issued on October 26, 1998) in accordance with this section and the amendments made by this section.

SEC. 105. RISK-BASED INSPECTION SCHEDULE.

(a) IN GENERAL.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

“(h)(1) Each facility registered under section 415 shall be inspected—

“(A)(i) by one or more officers duly designated under section 702 or other statutory authority by the Secretary;

“(ii) for domestic facilities, by a Federal, State, or local official recognized by the Secretary under paragraph (2); or

“(iii) for foreign facilities, by an agency or a representative of a country that is recognized by the Secretary under paragraph (2); and

“(B) at a frequency determined pursuant to a risk-based schedule.

“(2) For purposes of paragraph (1)(A), the Secretary—

“(A) may recognize Federal, State, and local officials and agencies and representatives of foreign countries as meeting standards established by the Secretary for conducting inspections under this Act; and

“(B) may limit such recognition to inspections of specific commodities or food types.

“(3) The risk-based schedule under paragraph (1)(B) shall be implemented beginning not later than 18 months after the date of the enactment of this subsection.

“(4) Such risk-based schedule shall provide for a frequency of inspections commensurate with the risk presented by the facility and shall be based on the following categories and inspection frequencies:

“(A) CATEGORY 1.—A category 1 food facility is a high-risk facility that manufactures or processes food. The Secretary shall randomly inspect a category 1 food facility at least every 6 to 12 months.

“(B) CATEGORY 2.—A category 2 food facility is a low-risk facility that manufactures or processes food or a facility that packs or labels food. The Secretary shall randomly inspect a category 2 facility at least every 18 months to 3 years.

“(C) CATEGORY 3.—A category 3 food facility is a facility that holds food. The Secretary shall randomly inspect a category 3 facility at least every 5 years.

“(5) The Secretary—

“(A) may, by guidance, modify the types of food facilities within a category under paragraph (4);

“(B) may alter the inspection frequencies specified in paragraph (4) based on the need to respond to food-borne illness outbreaks and food recalls; and

“(C) may inspect a facility more frequently than the inspection frequency provided by paragraph (4);

“(D) beginning 6 months after submitting the report required by section 105(b)(2) of the Food Safety Enhancement Act of 2009, may—

“(i) publish in the Federal Register adjustments to the inspection frequencies specified in subparagraphs (B) and (C) of paragraph (4) for category 2 and category 3 food facilities, which adjustments shall be in accordance with the Secretary’s recommendations in such report; and

“(ii) after such publication, implement the adjustments; and

“(E) except as provided in subparagraphs (B) and (C), may not alter the inspection frequency specified in paragraph (4)(A) for category 1 food facilities.

“(6) In determining the appropriate frequency of inspection, the Secretary shall consider—

“(A) the type of food manufactured, processed, packed, or held at the facility;

“(B) the compliance history of the facility;

“(C) whether the facility importing or offering for import into the United States food is certified by a qualified certifying entity in accordance with section 801(q); and

“(D) such other factors as the Secretary determines by guidance to be relevant to assessing the risk presented by the facility.

“(7) Before establishing or modifying the categorization under paragraph (4) of any food facility or type of food facility, the Secretary shall publish a notice of the proposed categorization in the Federal Register and provide a period of not less than 60 days for public comment on the proposed categorization.”

(b) REPORTS ON RISK-BASED INSPECTIONS OF FOOD FACILITIES.—

(1) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing—

(A) the number of foreign and domestic facilities, by risk category, inspected under the risk-based inspection schedule established under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), in the preceding fiscal year; and

(B) the costs of implementing the risk-based inspection schedule for the preceding 12 months.

(2) THIRD-YEAR REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing recommendations on the risk-based inspection schedule under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), including recommendations for adjustments to the timing of the schedule and other ways to improve the risk-based allocation of resources by the Food and Drug Administration. In making such recommendations, the Secretary shall consider—

(A) the nature of the food products being processed, stored, or transported;

(B) the manner in which food products are processed, stored, or transported;

(C) the inherent likelihood that the products will contribute to the risk of food-borne illness;

(D) the best available evidence concerning reported illnesses associated with the foods processed, stored, held, or transported in the category of facilities; and

(E) the overall record of compliance with food safety law among facilities in the category, including compliance with applicable performance standards and the frequency of recalls.

SEC. 106. ACCESS TO RECORDS.

(a) RECORDS ACCESS.—Subsection (a) of section 414 (21 U.S.C. 350c) is amended to read as follows:

“(a) RECORDS ACCESS.—

“(1) RECORDS ACCESS DURING AN INSPECTION.—

“(A) IN GENERAL.—Except as provided in paragraph (3), each person who manufactures, processes, packs, transports, distributes, receives, or holds an article of food in the United States or for import into the United States shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article bearing on whether the food may be adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A.

“(B) SCOPE OF RECORDS.—The requirement under subparagraph (A) applies to all records relating to the manufacture, processing, packing, transporting, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.

“(C) IMMEDIATE AVAILABILITY WITH NOTICE.—Records not required to be made available immediately on commencement of an inspection under subparagraph (A) shall nonetheless be made available immediately on commencement of such an inspection if, by a reasonable time before such inspection, the Secretary by letter to the person identifies the records to be made available during such inspection. Nothing in this subparagraph shall be construed as permitting a person to refuse to produce records required under and in accordance with subparagraph (A) due to failure of the Secretary to provide notice under this paragraph.

“(2) ADDITIONAL AUTHORITIES TO ACCESS RECORDS REMOTELY; SUBMISSION OF RECORDS TO THE SECRETARY.—

“(A) REMOTE ACCESS IN EMERGENCIES.—If the Secretary has a reasonable belief that an article of food presents a threat of serious adverse health consequences or death to humans or animals, the Secretary may require each person who manufactures, processes, packs, transports, distributes, receives, holds, or imports such article of food, or any article of food that the Secretary determines may be affected in a similar manner, to submit to the Secretary all records reasonably related to such article of food as soon as is reasonably practicable, after receiving written notice (including by notice served personally and outside normal business hours to an agent identified under subparagraph (E) or (F) of section 415(a)(2)) of such requirement.

“(B) REMOTE ACCESS TO RECORDS RELATED TO FOOD SAFETY PLANS.—With respect to a facility subject to section 418 and 418A, the Secretary may require the owner, operator,

or agent of such facility to submit to the Secretary, as soon as reasonably practicable after receiving written notice of such requirement, the food safety plan, supporting information relied on by the facility to select the preventive controls to include in its food safety plan, and documentation of corrective actions, if any, taken under section 418(e) within the preceding 2 years.

“(C) ELECTRONIC SUBMISSION.—If the records required to be submitted to the Secretary under subparagraph (A) or (B) are available in electronic format, such records shall be submitted electronically unless the Secretary specifies otherwise in the notice under such subparagraph.

“(3) LIMITED RECORDS ACCESS ON FARMS.—

“(A) APPLICATION.—Paragraphs (1) and (2) do not apply with respect to farms, except as provided in this paragraph.

“(B) IN GENERAL.—A person who is the owner, operator, or agent of a farm (as defined in section 415) shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to an article of food produced, manufactured, processed, packed, or held on such farm as specified in paragraphs (1) and (2) if—

“(i) such article of food is a fruit, vegetable, nut, or fungus that is the subject of a standard issued under section 419A; or

“(ii) such article of food is the subject of an active investigation by the Secretary of a food borne illness outbreak and is not a grain or similarly handled commodity as defined in subsection (c)(4)(C)(ii).

“(C) RECORDS ACCESS ON FARMS PRIOR TO RULEMAKING.—

“(i) IN GENERAL.—As soon as practicable after the enactment of this paragraph, the Secretary shall, in coordination with the Secretary of Agriculture, identify 1 or more fruits, vegetables, nuts, or fungi for which the Secretary shall have access to records on farms. Such identification shall be made by guidance, following notice and public comment.

“(ii) IDENTIFICATION OF RAW AGRICULTURAL COMMODITIES.—The Secretary, in coordination with the Secretary of Agriculture, shall make the identification in clause (i), based on any past food borne illness outbreak attributed to the fruit, vegetable, nut, or fungus—

“(I) in the United States and the risk that a similar outbreak could occur again in the United States; or

“(II) in a foreign country and the risk that a similar outbreak could occur in the United States.

“(iii) DURATION OF AUTHORITY.—The authority to have access to records for a fruit, vegetable, nut, or fungus under this subparagraph shall begin on the date on which the Secretary identifies such fruit, vegetable, nut, or fungus under clause (i) and shall terminate on the effective date of a final rule issued by the Secretary under section 419A.

“(iv) SCOPE OF RECORDS ACCESS.—In the guidance under clause (i), and for the period specified in clause (iii), the Secretary, in coordination with the Secretary of Agriculture, shall determine the scope of the records to which the Secretary shall have access under this subparagraph.

“(D) RULE OF CONSTRUCTION.—This paragraph shall not be construed as limiting access to any records authorized under—

“(i) this Act or the Public Health Service Act, as in effect on the day before the date of the enactment of this paragraph; or

“(ii) regulations issued under such Acts on any date before the date of the enactment of this paragraph.”.

(b) REGULATIONS CONCERNING RECORD-KEEPING.—

(1) AMENDMENT.—Subsection (b) of section 414 (21 U.S.C. 350c) is amended to read as follows:

“(b) REGULATIONS CONCERNING RECORD-KEEPING.—The Secretary, in consultation and coordination, as appropriate, with other Federal departments and agencies with responsibilities for regulating food safety, shall by regulation establish requirements regarding the establishment and maintenance, for not longer than 3 years, of records by persons who manufacture, process, pack, transport, distribute, receive, or hold food in the United States or for import into the United States. The Secretary shall take into account the size of a business in promulgating regulations under this subsection. The Secretary shall consult with the Secretary of Agriculture in promulgating regulations with respect to farms under this subsection and shall take into account the nature of and impact on farms in promulgating such regulations. The only distribution records which may be required of restaurants under this subsection are those showing the restaurant's suppliers and subsequent distribution other than to consumers.”.

(2) APPLICATION.—The Secretary of Health and Human Services shall promulgate revised regulations to implement section 414(b) of the Federal Food, Drug, and Cosmetic Act, as amended by this subsection. Section 414(b) of the Federal Food, Drug, and Cosmetic Act and regulations thereunder, as in effect on the day before the date of the enactment of this Act, shall apply to acts and omissions occurring before the effective date of such revised regulations.

(c) CONFORMING AMENDMENTS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended—

(1) in the second sentence—

(A) by striking “(excluding farms or restaurants)” and inserting “(excluding farms, except as provided in section 414(a)(3))”;

(B) by inserting “receives,” before “holds”;

(C) by striking “described in section 414” and inserting “described in or required under section 414”; and

(D) by striking “when the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals” and inserting “bearing on whether such food is adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A”; and

(2) in the fourth sentence—

(A) by striking “the preceding sentence” and inserting “either of the preceding two sentences”; and

(B) by inserting “recipes for food,” before “financial data.”.

SEC. 107. TRACEABILITY OF FOOD.

(a) PROHIBITED ACT.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting “, the violation of any requirement of the food tracing system under section 414(c);” before “or the refusal to permit access to or verification or copying of any such required record”.

(b) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting “or (4) the requirements of section 414 have not been complied with regarding such article,” before “then such article shall be refused admission”.

(c) PRODUCT TRACING FOR FOOD.—Section 414 (21 U.S.C. 350c), as amended by section 106, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) TRACING SYSTEM FOR FOOD.—

“(1) IN GENERAL.—The Secretary shall by regulation establish a tracing system for food that is located in the United States or is for import into the United States.

“(2) INFORMATION GATHERING.—

“(A) TRACING TECHNOLOGIES.—Before issuing a proposed regulation under this subsection, the Secretary shall—

“(i) identify technologies and methodologies for tracing the distribution history of a food that are, or may be, used by members of different sectors of the food industry, including technologies and methodologies to enable each person who produces, manufactures, processes, pack, transports, or holds a food to—

“(I) maintain the full pedigree of the origin and previous distribution history of the food;

“(II) link that history with the subsequent distribution of the food;

“(III) establish and maintain a system for tracing the food that is interoperable with the systems established and maintained by other such persons; and

“(IV) use a unique identifier for each facility owned or operated by such person for such purpose, as specified under section 1011; and

“(ii) to the extent practicable, assess—

“(I) the costs and benefits associated with the adoption and use of such technologies;

“(II) the feasibility of such technologies for different sectors of the food industry; and

“(III) whether such technologies are compatible with the requirements of this subsection.

“(B) PUBLIC MEETINGS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct not less than 2 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to provide input and information to the Secretary.

“(C) PILOT PROJECTS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct 1 or more pilot projects in coordination with 1 or more sectors of the food industry to explore and evaluate tracing systems for food. The Secretary shall coordinate with the Secretary of Agriculture in conducting pilot projects with respect to farms under this subsection.

“(3) REGULATION.—

“(A) IN GENERAL.—Taking into account information obtained through information gathering under paragraph (2), the Secretary shall issue regulations establishing a tracing system that enables the Secretary to identify each person who grows, produces, manufactures, processes, packs, transports, holds, or sells such food in as short a timeframe as practicable but no longer than 2 business days.

“(B) SCOPE OF REGULATION.—The Secretary may include in the regulations establishing a tracing system—

“(i) the establishment and maintenance of lot numbers;

“(ii) a standardized format for pedigree information; and

“(iii) the use of a common nomenclature for food.

“(C) COORDINATION REGARDING FARM IMPACT.—In issuing regulations under this paragraph that will impact farms, the Secretary—

“(i) shall coordinate with the Secretary of Agriculture; and

“(ii) take into account the nature of the impact of the regulations on farms.

“(4) EXEMPTIONS AND LIMITATIONS.—

“(A) DIRECT SALES BY FARMS.—Food is exempt from the requirements of this subsection if such food is—

“(i) produced on a farm; and

“(ii) sold by the owner, operator, or agent in charge of such farm directly to a consumer or to a restaurant or grocery store.

“(B) FISHING VESSELS.—Food is exempt from the requirements of this subsection if such food is produced through the use of a fishing vessel as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

“(C) GRAINS AND SIMILARLY HANDLED COMMODITIES.—

“(i) LIMITATION ON EXTENT OF TRACING.—In addition to the exemption under subparagraph (A), any tracing system established under this subsection with regard to any grain or similarly handled commodity shall be limited to enabling the Secretary to identify persons who received, processed, packed, transported, distributed, held, or sold the grain or similarly handled commodity from the initial warehouse operator that held the grain or similarly handled commodity for any period of time to the ultimate consumer.

“(ii) DEFINITIONS.—In this subparagraph:

“(I) The term ‘grain or similarly handled commodity’ means wheat, corn, grain sorghum, barley, oats, rice, wild rice, rye, soybeans, legumes, sugar cane, sugar beets, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, camelina, cottonseed, cocoa beans, grass hay, and honey. The term may include any other commodity as determined by the Secretary in coordination with the Secretary of Agriculture.

“(II) The term ‘warehouse operator’ has the meaning given that term in section 2 of the United States Warehouse Act (7 U.S.C. 241), except that the term also includes any person or entity that handles or stores agricultural products for other persons or entities or, in the case of a cooperative, handles or stores agricultural products for its members, as determined by the Secretary in coordination with the Secretary of Agriculture.

“(D) EXEMPTION OF OTHER FOODS.—The Secretary may by notice in the Federal Register exempt a food or a type of facility, farm, or restaurant from, or modify the requirements with respect to, the requirements of this subsection if the Secretary determines that a tracing system for such food or type of facility, farm, or restaurant is not necessary to protect the public health.

“(E) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—For a food or person covered by a limitation or exemption under subparagraph (B), (C), or (D), the Secretary shall require each person who produces, receives, manufactures, processes, packs, transports, distributes, or holds such food to maintain records to identify the immediate previous sources of such food and its ingredients and the immediate subsequent recipients of such food.

“(F) RECORDKEEPING BY RESTAURANTS AND GROCERY STORES.—For a food covered by an exemption under subparagraph (A), restaurants and grocery stores shall keep records documenting the farm that was the source of the food.

“(G) RECORDKEEPING BY FARMS.—For a food covered by an exemption under subparagraph

(A), farms shall keep records, in electronic or non-electronic format, for at least 6 months documenting the restaurant or grocery store to which the food was sold.”

SEC. 108. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

(a) IN GENERAL.—Part 6 of subchapter C of chapter VII (21 U.S.C. 371 et seq.), as added by section 101(c), is amended by adding at the end the following:

“SEC. 743A. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

“(a) IN GENERAL.—The Secretary shall assess and collect fees from each entity in a fiscal year—

“(1) that—

“(A) during such fiscal year commits a violation of any requirement of this Act relating to food, including any such requirement relating to good manufacturing practices; and

“(B) because of such violation, undergoes additional inspection by the Food and Drug Administration; or

“(2) during such fiscal year is subject to a food recall.

“(b) AMOUNT OF FEES.—The Secretary shall set the amount of the fees under this section to fully cover the costs of—

“(1) in the case of fees collected under subsection (a)(1), conducting the additional inspections referred to in such subsection; and

“(2) in the case of fees collected under subsection (a)(2), conducting food recall activities, including technical assistance, follow-up effectiveness checks, and public notifications, during the fiscal year involved.

“(c) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

“(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

“(B) shall only be collected and available to defray the costs referred to in subsection (b).

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

“(d) WAIVER.—The Secretary shall waive and, if applicable, refund the amount of any fee collected under this section from an entity as a result of a food recall that the Secretary determines was inappropriately ordered.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to additional inspections and food recall activities occurring after the date of the enactment of this Act.

SEC. 109. CERTIFICATION AND ACCREDITATION.

(a) MISBRANDING.—

(1) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by section 101(a), is amended by adding at the end the following:

“(aa) If it is part of a shipment offered for import into the United States and such ship-

ment is in violation of section 801(q) (requiring a certification of compliance for certain food shipments).”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to shipments offered for import on or after the date that is 3 years after the date of the enactment of this Act.

(b) CERTIFICATION OF COMPLIANCE FOR IMPORTS.—Chapter VIII (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(a), as amended by section 107(b), by inserting after the third sentence the following: “If such article is food being imported or offered for import into the United States and is not in compliance with the requirement of subsection (q) (relating to certifications of compliance with this Act), then such article shall be refused admission.”;

(2) in the second sentence of section 801(b), by striking “the fourth sentence” and inserting “the fifth sentence”; and

(3) by adding at the end of section 801 the following:

“(q) CERTIFICATIONS CONCERNING IMPORTED ARTICLES.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—The Secretary may require, as an additional condition of granting admission to an article of food being imported or offered for import into the United States, that a qualified certifying entity provide a certification that the article complies with requirements of this Act as specified by the Secretary if—

“(i) for food imported from a particular country, territory, or region, the Secretary finds, based on scientific, risk-based evidence, that the government controls in such country, territory, or region are inadequate to ensure that the article is safe and that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a);

“(ii) for a type of food for which there is scientific evidence that there is a particular risk associated with the food that presents a threat of serious adverse health consequences or death, the Secretary finds that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a); or

“(iii) for an article imported from a particular country or territory, there is an agreement between the Secretary and the government of such country or territory providing for such certification.

“(B) FORM OF CERTIFICATION.—A certification under subparagraph (A) may take the form of a statement that the article or the facility or farm that manufactured, processed, packed, held, grew, harvested, sorted, or transported the article, as the case may be, complies with requirements of this Act as specified by the Secretary, or any other form as the Secretary may specify, including a listing of certified facilities or other entities. The Secretary may require that the certification include additional information regarding compliance.

“(C) ADEQUATE GOVERNMENT CONTROLS.—

“(i) PROCESS.—Before requiring a certification under clause (ii) of subparagraph (A) with respect to a food, the Secretary shall establish a process by which a country or territory may demonstrate that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

“(ii) DEMONSTRATION.—The Secretary shall not require a certification under clause (ii) of subparagraph (A) for a food exported from a country or territory, if that country or ter-

ritory has demonstrated, pursuant to the process established by the Secretary under clause (i), that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

“(D) NOTICE OF CANCELLATION OR SUSPENSION OF CERTIFICATION.—As a condition on acceptance of certifications from a qualified certifying entity, the Secretary shall require the qualified certifying entity to notify the Secretary whenever the qualified certifying entity cancels or suspends the certification of any facility or other entity included in a listing under subparagraph (B).

“(E) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—The Secretary shall apply this paragraph consistently with United States obligations under international agreements.

“(2) QUALIFIED CERTIFYING ENTITY.—For purposes of this subsection, the term ‘qualified certifying entity’ means—

“(A) an agency or a representative of the government of the country from which the article originated, as designated by such government or the Secretary; or

“(B) an individual or entity determined by the Secretary or an accredited body recognized by the Secretary to be qualified to provide a certification under paragraph (1).

“(3) NO CONFLICTS OF INTEREST.—

“(A) IN GENERAL.—The Secretary shall issue regulations to ensure that any qualified certifying entity and its auditors are free from conflicts of interest. In issuing these regulations, the Secretary may rely on or incorporate international certification standards.

“(B) REGULATIONS.—Such regulations shall require that—

“(i) the qualified certifying entity shall have a committee or management structure for safeguarding impartiality;

“(ii) conflict of interest policies for a qualified certifying entity and auditors acting for the qualified certifying entity shall be written;

“(iii) the qualified certifying entity shall not be owned, operated, or controlled by a producer, manufacturer, processor, packer, holder, supplier, or vendor of any article of the type it certifies;

“(iv) the qualified certifying entity shall not have any ownership or financial interest in any product, producer, manufacturer, processor, packer, holder, supplier or vendor of the type it certifies;

“(v) no auditor acting for the qualified certifying entity (or spouse or minor children) shall have any significant ownership or other financial interest regarding any product of the type it certifies;

“(vi) the qualified certifying entity shall—

“(I) obtain and maintain annual declarations from all personnel who may be directly involved in the performance of audits as to whether they do or do not have direct financial interests in any producer, manufacturer, processor, packer, holder, supplier, or vendor of foods, and a list of any such companies in which they do have financial interests or by which they were employed in the past year; and

“(II) when an auditor is assigned to audit a facility, require that individual to affirm that he or she has no financial interest in the company that owns or operates that facility and was not employed by that facility in the previous year;

“(vii) neither the qualified certifying entity nor any of its auditors acting for the qualified certifying entity shall participate in the production, manufacture, processing, packing, holding, promotion, or sale of any product of the type it certifies;

“(viii) neither the qualified certifying entity nor any of its auditors shall provide consultative services to any facility certified by the qualified certifying entity, or the owner, operator, or agent in charge of such a facility, unless the qualified certifying entity has procedures in place, approved by the Secretary, to ensure separation of functions between auditors providing consultative services and auditors providing certification services under this subsection;

“(ix) no auditors acting for the qualified certifying entity shall participate in an audit of a facility they were employed by within the last 12 months;

“(x) fees charged or accepted shall not be contingent or based upon the report made by the qualified certifying entity or any personnel involved in the audit process;

“(xi) neither the qualified certifying entity nor any of its auditors shall accept anything of value from anyone in connection with the facility being audited other than the audit fee;

“(xii) the qualified certifying entity shall not be owned, operated, or controlled by a trade association whose member companies operate facilities that it certifies;

“(xiii) the qualified certifying entity and its auditors shall be free from any other conflicts of interest that threaten impartiality;

“(xiv) the qualified certifying entity and its auditors shall sign a statement attesting to compliance with the conflict of interests requirements under this paragraph; and

“(xv) the qualified certifying entity shall ensure that any subcontractors that might be used (such as laboratories and sampling services) provide similar assurances, except that it shall not be a violation of this subsection to the extent such subcontractors perform additional nutritional testing services unrelated to the testing under this subsection.

“(C) DEFINITIONS.—In this paragraph:

“(i) The term ‘anything of value’ includes gifts, gratuities, reimbursement of non-audit-related expenses, entertainment, loans, or any other form of compensation in cash or in kind.

“(ii) The term ‘direct financial interest’ does not include any ownership of mutual funds that have a financial interest in a company.

“(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary shall—

“(A) require that, to the extent applicable, any certification provided by a qualified certifying entity be renewed by such entity at such times as the Secretary determines appropriate; and

“(B) refuse to accept any certification if the Secretary determines that such certification is no longer valid or reliable.

“(5) ON-SITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under this subsection, or whether to accept certifications from a qualified certifying entity, the Secretary may—

“(A) observe on-site audits of qualified certifying entities by such accreditation body; or

“(B) for any facility that is certified by a qualified certifying entity, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an on-site audit of the facility, which shall include access to, and copying and verification of, any related records.

“(6) ELECTRONIC SUBMISSION.—The Secretary shall provide, in coordination with

the Commissioner responsible for Customs and Border Protection, for the electronic submission of certifications under this subsection.

“(7) NO LIMIT ON AUTHORITY.—This subsection shall not be construed to limit the authority of the Secretary to conduct random inspections of imported articles or facilities of importers, issue import alerts for detention without physical examination, require submission to the Secretary of documentation or other information about an article imported or offered for import, or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported articles.”.

SEC. 110. TESTING BY ACCREDITED LABORATORIES.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(uu) The violation of any requirement of section 714 (relating to testing by accredited laboratories).”.

(b) LABORATORY ACCREDITATION.—Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

“SEC. 714. TESTING BY ACCREDITED LABORATORIES.

“(a) IN GENERAL.—

“(1) REQUIREMENT.—Whenever analytical testing of an article of food is conducted as part of testimony for the purposes of section 801(a), or for such other purposes as the Secretary deems appropriate through regulation or guidance, such testing shall be conducted by a laboratory that—

“(A) is accredited, for the analytical method used, by a laboratory accreditation body that has been recognized by the Secretary; and

“(B) samples such article with adequate controls for ensuring the integrity of the samples analyzed.

“(2) INDEPENDENCE OF LABORATORY.—

“(A) CERTAIN TESTS.—Tests required for purposes of section 801(a) or in response to a finding of noncompliance by the Secretary shall be conducted by a laboratory independent of the person on whose behalf such testing is conducted and analyzed.

“(B) CERTAIN PRODUCTS.—The Secretary may require that testing for certain products under paragraph (1) be conducted by a laboratory independent of the person on whose behalf such testing is conducted.

“(b) RECOGNITION OF LABORATORY ACCREDITATION BODIES.—The Secretary shall establish and implement a program for the recognition, based on standards the Secretary deems appropriate, of laboratory accreditation bodies that accredit laboratories to perform analytical testing for the purposes of this section. The Secretary shall issue regulations or guidance to implement this program.

“(c) ONSITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under subsection (b), the Secretary may—

“(1) observe onsite audits of laboratories by such accreditation bodies; or

“(2) for any laboratory that is accredited by such accreditation body under this section, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an on-site audit of the laboratory, which shall include access to, and copying and verification of, any related records.

“(d) PUBLICATION OF LIST OF RECOGNIZED ACCREDITATION BODIES.—The Secretary shall

publish and maintain on the public Web site of the Food and Drug Administration a list of accreditation bodies recognized by the Secretary under subsection (b).

“(e) NOTIFICATION OF ACCREDITATION OF LABORATORY.—An accreditation body that has been recognized pursuant to this section shall promptly notify the Secretary whenever it accredits a laboratory for the purposes of this section and whenever it withdraws or suspends such accreditation.

“(f) ADVANCE NOTICE.—Whenever analytical testing is conducted pursuant to subsection (a), the person on whose behalf the testing is conducted shall notify the Secretary before any sample of the article is collected. Such notice shall contain information the Secretary determines is appropriate to identify the article, the location of the article, and each laboratory that will analyze the sample on the person's behalf.

“(g) CONTENTS OF LABORATORY PACKAGES.—Whenever analytical testing is conducted pursuant to subsection (a), the laboratory conducting such testing shall submit, directly to the Secretary—

“(1) the results of all analyses conducted by the laboratory on each sample of such article; and

“(2) all information the Secretary deems appropriate to—

“(A) determine whether the laboratory is accredited by a recognized laboratory accreditation body;

“(B) identify the article tested;

“(C) evaluate the analytical results; and

“(D) determine whether the requirements of this section have been met.

“(h) EXIGENT CIRCUMSTANCES.—The Secretary may waive the requirement of subsection (a)(1)(A) (relating to analytical methods) on a laboratory or method basis due to exigent or other circumstances.

“(i) FEDERAL LABORATORY TESTING.—If Customs and Border Protection laboratory testing concludes that an article of food is adulterated or misbranded, the Secretary shall consider and utilize as appropriate the testing results issued by the Customs and Border Protection laboratories in making a decision about the admissibility of the product.

“(j) NO LIMIT ON AUTHORITY.—Nothing in this section shall be construed to limit—

“(1) the ability of the Secretary to review and act upon information from the analytical testing of food (including under this section), including determining the sufficiency of such information and testing; or

“(2) the authority of the Secretary to conduct, require, or consider the results of analytical testing pursuant to any other provision of law.”.

SEC. 111. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 110, is amended by adding at the end the following:

“(vv)(1) The failure to notify the Secretary in violation of section 420(a).

“(2) The failure to comply with any order issued under section 420.”.

(b) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, and 104, is amended by adding at the end the following:

“SEC. 420. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

“(a) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—

“(1) IN GENERAL.—A responsible party as that term is defined in section 417(a)(1) or a person required to register under section 801(s) that has reason to believe that an article of food when introduced into or while in interstate commerce, or while held for sale (regardless of whether the first sale) after shipment in interstate commerce, is adulterated or misbranded in a manner that presents a reasonable probability that the use or consumption of, or exposure to, the article (or an ingredient or component used in any such article) will cause a threat of serious adverse health consequences or death to humans or animals shall, as soon as practicable, notify the Secretary of the identity and location of the article.

“(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation or guidance.

“(b) VOLUNTARY RECALL.—The Secretary may request that any person who distributes an article of food that the Secretary has reason to believe is adulterated, misbranded, or otherwise in violation of this Act voluntarily—

“(1) recall such article; and

“(2) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

“(c) ORDER TO CEASE DISTRIBUTION.—If the Secretary has reason to believe that the use or consumption of, or exposure to, an article of food may cause serious adverse health consequences or death to humans or animals, the Secretary shall have the authority to issue an order requiring any person who distributes such article to immediately cease distribution of such article.

“(d) ACTION FOLLOWING ORDER.—Any person who is subject to an order under subsection (c) shall immediately cease distribution of such article and provide notification as required by such order, and may appeal within 24 hours of issuance such order to the Secretary. Such appeal may include a request for an informal hearing and a description of any efforts to recall such article undertaken voluntarily by the person, including after a request under subsection (b). Except as provided in subsection (f), an informal hearing shall be held as soon as practicable, but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended to require a recall of such article. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

“(e) ORDER TO RECALL.—

“(1) AMENDMENT.—Except as provided under subsection (f), if after providing an opportunity for an informal hearing under subsection (d), the Secretary determines that the order should be amended to include a recall of the article with respect to which the order was issued, the Secretary shall amend the order to require a recall.

“(2) CONTENTS.—An amended order under paragraph (1) shall—

“(A) specify a timetable in which the recall will occur;

“(B) require periodic reports to the Secretary describing the progress of the recall; and

“(C) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

In providing for such notice, the Secretary may allow for the assistance of health professionals, State or local officials, or other individuals designated by the Secretary.

“(3) NONDELEGATION.—An amended order under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

“(f) EMERGENCY RECALL ORDER.—

“(1) IN GENERAL.—If the Secretary has credible evidence or information that an article of food subject to an order under subsection (c) presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may issue an order requiring any person who distributes such article—

“(A) to immediately recall such article; and

“(B) to provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

“(2) ACTION FOLLOWING ORDER.—Any person who is subject to an emergency recall order under this subsection shall immediately recall such article and provide notification as required by such order, and may appeal within 24 hours after issuance such order to the Secretary. An informal hearing shall be held within as soon as practicable but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended pursuant to subsection (e)(1). If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

“(3) NONDELEGATION.—An order under this subsection shall be issued by the Commissioner of Food and Drugs, the Principal Deputy Commissioner, or the Associate Commissioner for Regulatory Affairs of the Food and Drug Administration.

“(g) NOTICE TO CONSUMERS AND HEALTH OFFICIALS.—The Secretary shall, as the Secretary determines to be necessary, provide notice of a recall order under this section to consumers to whom the article was, or may have been, distributed and to appropriate State and local health officials.

“(h) SAVINGS CLAUSE.—Nothing contained in this section shall be construed as limiting—

“(1) the authority of the Secretary to issue an order to cease distribution of, or to recall, an article under any other provision of this Act or the Public Health Service Act; or

“(2) the ability of the Secretary to request any person to perform a voluntary activity related to any article subject to this Act or the Public Health Service Act.”

(c) ARTICLES SUBJECT TO REFUSAL.—The third sentence of subsection (a) of section 801 (21 U.S.C. 381), as amended by section 107(b), is amended by inserting “or (5) such article is subject to an order under section 420 to cease distribution of or recall the article,” before “then such article shall be refused admission”.

(d) EFFECTIVE DATE.—Sections 301(vv)(1) and 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsections (a) and (b), shall apply with respect to articles of food as of such date, not later than 1 year after the date of the enactment of this Act,

as the Secretary of Health and Human Services shall specify.

SEC. 112. REPORTABLE FOOD REGISTRY; EXCHANGE OF INFORMATION.

(a) REPORTABLE FOOD REGISTRY.—Section 417 (21 U.S.C. 350f) is amended—

(1) in subsection (a)(1), by striking “means a person” and all that follows through the end of paragraph (1) and inserting the following: “means—

“(A) a person who submits the registration under section 415(a) for a food facility that is required to be registered under section 415(a), at which such food is manufactured, processed, packed, or held;

“(B) a person who owns, operates, is an agent of, or is otherwise responsible for such food on a farm (as such term is defined in section 1.227(b)(3) of title 21, Code of Federal Regulations, or successor regulations) at which such food is produced for sale or distribution in interstate commerce;

“(C) a person who owns, operates, or is an agent of a restaurant or other retail food establishment (as such terms are defined in section 1.227(b)(11) and (12), respectively, of title 21, Code of Federal Regulations, or successor regulations) at which such food is offered for sale; or

“(D) a person that is required to register pursuant to section 801(s) with respect to importation of such food.”;

(2) in subsection (b), by adding at the end the following:

“(3) REPORTING BY FARMS, RESTAURANTS, AND RETAIL FOOD ESTABLISHMENTS.—In addition to the electronic portal described in paragraph (1), the Secretary shall make available alternative means of reporting under this section with respect to farms, restaurants, and other retail food establishments with limited ability for such reporting.”;

(3) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by inserting “following a timely review of any reasonably available data and information,” after “reportable food.”;

(B) in subparagraph (A), by striking “and” at the end;

(C) by redesignating subparagraph (B) as subparagraph (C); and

(D) by inserting after subparagraph (A) the following:

“(B) submit, with such report, through the electronic portal, documentation of results from any sampling and testing of such article, including—

“(i) analytical results from testing of such article conducted by or on behalf of the responsible party under section 418, 418A, 419, 419A, or 714;

“(ii) analytical results from testing conducted by or on behalf of such responsible party of a component of such article;

“(iii) analytical results of environmental testing of any facility at which such article, or a component of such article, is manufactured, processed, packed, or held; and

“(iv) any other information the Secretary determines is necessary to evaluate the adulteration of such article, any component of such article, any other article of food manufactured, processed, packed or held in the same manner as, or at the same facility as, such article, or any other article containing a component from the same source as a component of such article; and”;

(4) in subsection (e)—

(A) in paragraph (1), by inserting “if the responsible party is required to register” after “415(a)(3)”;

(B) by adding at the end the following:

“(12) Such additional information as the Secretary deems appropriate.”.

(b) EXCHANGE OF INFORMATION.—Section 708 (21 U.S.C. 379) is amended—

(1) by striking “The Secretary” and inserting “(a) The Secretary”; and

(2) by adding at the end the following:

“(b)(1)(A) The Secretary may provide to any Federal agency acting within the scope of its jurisdiction any information relating to food that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

“(B) Any such information provided to another Federal agency shall not be disclosed by such agency except in any action or proceeding under the laws of the United States to which the receiving agency or the United States is a party.

“(2)(A) In carrying out this Act, the Secretary may provide to a State or local government agency any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

“(B) Any such information provided to a State or local government agency shall not be disclosed by such agency.

“(3) In carrying out this Act, the Secretary may provide to any person any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that providing the information to the person is appropriate under the circumstances and the recipient provides adequate assurances to the Secretary that the recipient will preserve the confidentiality of the information.

“(4) In carrying out this Act, the Secretary may provide any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j)—

“(A) to any foreign government agency; or

“(B) any international organization established by law, treaty, or other governmental action and having responsibility—

“(i) to facilitate global or regional harmonization of standards and requirements in an area of responsibility of the Food and Drug Administration; or

“(ii) to promote and coordinate public health efforts, if the agency or organization provides adequate assurances to the Secretary that the agency or organization will preserve the confidentiality of the information.

“(c) Except where specifically prohibited by statute, the Secretary may disclose to the public any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that such disclosure is necessary to protect the public health.

“(d) Except as provided in subsection (e), the Secretary shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law any information relating to food obtained from a Federal, State, or local government agency, or from a foreign government agency, or from an international organization described in subsection (b)(4), if the agency or organization has requested that the information be kept confidential, or has precluded such disclosure under other use limitations, as a condition of providing the information.

“(e) Nothing in subsection (d) authorizes the Secretary to withhold information from the Congress or prevents the Secretary from complying with an order of a court of the United States.

“(f) This section shall not affect the authority of the Secretary to provide or disclose information under any other provision of law.”.

(c) CONFORMING AMENDMENT.—Section 301(j) (21 U.S.C. 331(j)) is amended by striking “or to the courts when relevant in any judicial proceeding under this Act,” and inserting “to the courts when relevant in any judicial proceeding under this Act, or as specified in section 708.”.

SEC. 113. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

“SEC. 805. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

“(a) IN GENERAL.—The Secretary may establish by regulation or guidance in coordination with the Commissioner responsible for Customs and Border Protection a program that facilitates the movement of food through the importation process under this Act if the importer of such food—

“(1) verifies that each facility involved in the production, manufacture, processing, packaging, and holding of the food is in compliance with the food safety and security guidelines developed under subsection (b) with respect to such food;

“(2) ensures that appropriate safety and security controls are in place throughout the supply chain for such food; and

“(3) provides supporting information to the Secretary.

“(b) GUIDELINES.—

“(1) DEVELOPMENT.—For purposes of the program established under subsection (a), the Secretary shall develop in consultation with the Commissioner responsible for Customs and Border Protection safety and security guidelines applicable to the importation of food taking into account, to the extent appropriate, other relevant Federal programs, such as the Customs-Trade Partnership Against Terrorism (C-TPAT) programs under section 211 of the Security and Accountability for Every Port Act of 2006.

“(2) FACTORS.—Such guidelines shall take into account the following factors:

“(A) The personnel of the person importing the food.

“(B) The physical and procedural safety and security of such person's food supply chain.

“(C) The sufficiency of preventive controls for food and ingredients purchased by such person.

“(D) Vendor and supplier information.

“(E) Other programs for certification or verification by a qualified certifying entity used by the importer.

“(F) Such other factors as the Secretary determines necessary.”.

SEC. 114. INFANT FORMULA.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a) and 109(a), is amended by adding at the end the following:

“(bb) If it is a new infant formula and—

“(1) it is not the subject of a registration made pursuant to section 412(c)(1)(A);

“(2) it is not the subject of a submission made pursuant to section 412(c)(1)(B), or

“(3) at least 90 days have not passed since the making of such registration or of such submission to the Secretary.”.

(b) REQUIREMENTS.—Section 412 (21 U.S.C. 350a) is amended—

(1) in subsection (c)(1)(B), by striking “(c)(1)” at the end and inserting “(d)(1), subject to subsection (d)(2)(B)”;

(2) in subsection (d)(1)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “, and”; and

(C) by adding at the end the following:

“(E) information on any new ingredient in accordance with paragraph (2)(A).”;

(3) in subsection (d), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (d) the following:

“(2)(A) The description of any new infant formula required under paragraph (1) shall include, for any new ingredient for use in the formula—

“(i) a citation to a prior approval by the Secretary of the new ingredient for use in infant formula under section 409;

“(ii) a citation to or information showing a prior consideration of the new ingredient for use in infant formula under any program established by the Secretary for the review of ingredients used in food; or

“(iii) for a new ingredient that is not a food additive or a color additive, information equivalent to that provided under any program established by the Secretary for the review of ingredients used in food.

“(B) If the information submitted under subparagraph (A) is the information described in clause (iii) of such subparagraph, the 90 day period provided by subsection (c)(1)(B) shall not commence until the Secretary has completed review of the information submitted under such clause and has provided the submitter notice of the results of such review.”.

Subtitle B—Intervention

SEC. 121. SURVEILLANCE.

(a) DEFINITION OF FOOD-BORNE ILLNESS OUTBREAK.—In this section, the term “food-borne illness outbreak” means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOOD-BORNE ILLNESS SURVEILLANCE SYSTEMS.—The Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”), acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(1) coordinating Federal, State, and local food-borne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(2) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(3) developing improved epidemiological tools for obtaining quality exposure data, and microbiological methods for classifying cases;

(4) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(5) expanding capacity of such systems, including fingerprinting and other detection strategies for food-borne infectious agents, in order to identify new or rarely documented causes of food-borne illness;

(6) allowing timely public access to aggregated, de-identified surveillance data;

(7) at least annually, publishing current reports on findings from such systems;

(8) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(9) integrating food-borne illness surveillance systems and data with other bio-surveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(10) other activities as determined appropriate by the Secretary.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve food-borne illness outbreak response and containment.

(B) Accelerate food-borne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of food-borne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(2) REVIEW.—In developing the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of this Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

SEC. 122. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—The Secretary, in cooperation with private and public organizations, including the appropriate State entities, shall design and implement a national public education program on food safety. The program shall provide—

(1) information to the public so that individuals can understand the potential impact and risk of food-borne illness, take action to reduce their risk of food-borne illness and injury, and make healthy dietary choices;

(2) information to health professionals so that they may improve diagnosis and treatment of food-related illness and advise individuals whose health conditions place them in particular risk; and

(3) such other information or advice to consumers and other persons as the Secretary determines will promote the purposes of this Act.

(b) HEALTH ADVISORIES.—The Secretary shall work with the States and other appropriate entities to—

(1) develop and distribute regional and national advisories concerning food safety;

(2) develop standardized formats for written and broadcast advisories; and

(3) incorporate State and local advisories into the national public education program required under subsection (a).

SEC. 123. RESEARCH.

The Secretary shall conduct research to assist in the implementation of this Act, including studies to—

(1) improve sanitation and food safety practices in the production, harvesting, and processing of food products;

(2) develop improved techniques for the monitoring of food and inspection of food products;

(3) develop efficient, rapid, and sensitive methods for determining and detecting the presence of contaminants in food products;

(4) determine the sources of contamination of food and food products, including critical points of risk for fresh produce and other raw agricultural commodities;

(5) develop consumption data with respect to food products;

(6) draw upon research and educational programs that exist at the State and local level;

(7) utilize the DNA matching system and other processes to identify and control pathogens;

(8) address common and emerging zoonotic diseases;

(9) develop methods to reduce or destroy pathogens before, during, and after processing;

(10) analyze the incidence of antibiotic resistance as it pertains to the food supply and evaluate methods to reduce the transfer of antibiotic resistance to humans; and

(11) conduct other research that supports the purposes of this Act.

Subtitle C—Response

SEC. 131. PROCEDURES FOR SEIZURE.

Section 304(b) (21 U.S.C. 334(b)) is amended by inserting “and except that, with respect to proceedings relating to food, Rule G of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions shall not apply in any such case, exigent circumstances shall be deemed to exist for all seizures brought under this section, and the summons and arrest warrant shall be issued by the clerk of the court without court review in any such case” after “in any such case shall be tried by jury”.

SEC. 132. ADMINISTRATIVE DETENTION.

(a) AMENDMENTS.—Section 304(h) (21 U.S.C. 334(h)) is amended—

(1) in paragraph (1)(A), by striking “credible evidence or information indicating” and inserting “reason to believe”;

(2) in paragraph (1)(A), by striking “presents a threat of serious adverse health consequences or death to humans or animals” and inserting “is adulterated, misbranded, or otherwise in violation of this Act”;

(3) in paragraph (2), by striking “30” and inserting “60”;

(4) in paragraph (3), by striking the third sentence; and

(5) in paragraph (4)(A) by striking the terms “five” and “five-day” and inserting “fifteen” and “fifteen-day”, respectively.

(b) REGULATIONS.—The Secretary shall issue regulations or guidance to implement the amendments made by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 133. AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by sections 110 and 111, is

amended by adding at the end by adding the following:

“(ww) The violation of a prohibition or restriction under section 304(i).”.

(b) IN GENERAL.—Section 304 (21 U.S.C. 334) is amended by adding at the end the following:

“(i) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD WITHIN A STATE OR PORTION OF A STATE.—

“(1) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.—

“(A) IN GENERAL.—

“(i) After consultation with the Governor or other appropriate official of an affected State, if the Secretary determines that there is credible evidence that an article of food presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may prohibit or restrict the movement of an article of food within a State or portion of a State for which the Secretary has credible evidence that such food is located within, or originated from, such State or portion thereof.

“(ii) In carrying out clause (i), the Secretary may prohibit or restrict the movement within a State or portion of a State of any article of food or means of conveyance of such article of food, if the Secretary determines that the prohibition or restriction is a necessary protection from an imminent threat of serious adverse health consequences or death to humans or animals.

“(2) NOTIFICATION PROCEDURES.—Subject to paragraph (3), before any action is taken in a State under this subsection, the Secretary shall—

“(A) notify the Governor or other appropriate official of the State affected by the proposed action;

“(B) issue a public announcement of the proposed action; and

“(C) publish in the Federal Register—

“(i) the findings of the Secretary that support the proposed action;

“(ii) a statement of the reasons for the proposed action; and

“(iii) a description of the proposed action, including—

“(I) the area affected; and

“(II) an estimate of the anticipated duration of the action.

“(3) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under paragraph (2)(C) before taking action under paragraph (1), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

“(4) APPLICATION OF LEAST DRASTIC ACTION.—No action shall be taken under paragraph (1) unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the imminent threat of serious adverse health consequences or death to humans or animals.

“(5) NONDELEGATION.—An action under paragraph (1) may only be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the Commissioner of Food and Drugs or the Principal Deputy Commissioner.

“(6) DURATION.—Fourteen days after the initiation of an action under paragraph (1), and each 14 days thereafter, if the Secretary determines that it is necessary to continue the action, the Secretary shall—

“(A) notify the Governor or other appropriate official of the State affected of the continuation of the action;

“(B) issue a public announcement of the continuation of the action; and

“(C) publish in the Federal Register the findings of the Secretary that support the continuation of the action, including an estimate of the anticipated duration of the action.

“(7) RULEMAKING.—The Secretary shall, consistent with national security interests and as appropriate for known hazards, establish by regulation standards for conducting actions under paragraph (1), including, as appropriate, sanitation standards and procedures to restore any affected equipment or means of conveyance to its status prior to an action under paragraph (1).”.

SEC. 134. CRIMINAL PENALTIES.

Section 303(a) (21 U.S.C. 333) is amended—

(1) in paragraph (1), by striking “Any” and inserting “Except as provided in paragraph (2) or (3), any”; and

(2) by adding at the end the following:

“(3) Notwithstanding paragraph (1), any person who knowingly violates paragraph (a), (b), (c), (k), or (v) of section 301 with respect to any food that is misbranded or adulterated shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.”.

SEC. 135. CIVIL PENALTIES FOR VIOLATIONS RELATING TO FOOD.

(a) IN GENERAL.—Paragraph (2) of section 303(f) (21 U.S.C. 331 et seq.) is amended to read as follows:

“(2)(A) Any person who violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

“(i) \$20,000 in the case of an individual, not to exceed \$50,000 in a single proceeding; and

“(ii) \$250,000 in the case of any other person, not to exceed \$1,000,000 in a single proceeding.

“(B) Any person who knowingly violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

“(i) \$50,000 in the case of an individual, not to exceed \$100,000 in a single proceeding; and

“(ii) \$500,000 in the case of any other person, not to exceed \$7,500,000 in a single proceeding.

“(C) Each violation described in subparagraph (A) or (B) and each day during which the violation continues shall be considered to be a separate offense.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations committed on or after the date of the enactment of this Act.

SEC. 136. IMPROPER IMPORT ENTRY FILINGS.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, and 133, is amended by adding at the end the following:

“(xx) The submission of information relating to food that is required by or under section 801 that is inaccurate or incomplete.

“(yy) The failure to submit information relating to food that is required by or under section 801.”.

(b) DOCUMENTATION FOR IMPORTS.—Section 801 (21 U.S.C. 381), as amended by section 109, is amended by adding at the end the following:

“(r) DOCUMENTATION.—

“(1) SUBMISSION.—The Secretary may require by regulation or guidance the submission of documentation or other information for articles of food that are imported or offered for import into the United States. When developing any regulation or guidance in accordance with this paragraph, to the extent that the collection of documentation or

other information involves Customs and Border Protection efforts or resources, the Secretary shall consult with Customs and Border Protection.

“(2) FORMAT.—A regulation or guidance under paragraph (1) may specify the format for submission of the documentation or other information.”.

TITLE II—MISCELLANEOUS

SEC. 201. FOOD SUBSTANCES GENERALLY RECOGNIZED AS SAFE.

Section 409 (21 U.S.C. 348) is amended by adding at the end the following:

“Substances Generally Recognized as Safe

“(k)(1) Not later than 60 days after the date of receipt by the Secretary, after the date of the enactment of this subsection, of a determination that a substance is a GRAS food substance, the Secretary shall post notice of such determination and the supporting scientific justifications on the Food and Drug Administration’s public Web site.

“(2) Not later than 60 days after the date of receipt of a request under paragraph (1), the Secretary shall acknowledge receipt of such request by informing the requester in writing of the date on which the request was received.

“(3) In this subsection, the term ‘GRAS food substance’ means a substance excluded from the definition of the term ‘food additive’ in section 201(s) because such substance is generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use.”.

SEC. 202. COUNTRY OF ORIGIN LABELING.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), and 114(a), is amended by adding at the end the following:

“(cc) In the case of a processed food, if the labeling of the food fails to identify the country in which the final processing of the food occurs.

“(dd) In the case of nonprocessed food, if the labeling of the food fails to identify the country of origin of the food.”.

(b) REGULATIONS.—

(1) PROMULGATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to carry out paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) RELATION TO OTHER REQUIREMENTS.—Regulations promulgated under paragraph (1) shall provide that labeling meets the requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), if—

(A) in the case of a processed food, the label of the food informs the consumer of the country where the final processing of the food occurred in accordance with country of origin marking requirements of the United States Customs and Border Protection; or

(B) in the case of a nonprocessed food, the label of the food informs the consumer of the country of origin of the food in accordance with labeling requirements of the Department of Agriculture.

(c) EFFECTIVE DATE.—The requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), take effect on the date that is 2 years after the date of the enactment of this Act.

SEC. 203. EXPORTATION CERTIFICATE PROGRAM.

Section 801(e)(4) (21 U.S.C. 381) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by inserting “from the United States” after “exports”; and

(B) by striking “a drug, animal drug, or device” and inserting “a food (including animal feed), drug, animal drug, or device”; and

(2) in subparagraph (A)(i)—

(A) by striking “in writing”; and

(B) by striking “exported drug, animal drug, or device” and inserting “exported food, drug, animal drug, or device”; and

(3) in subparagraph (A)(ii)—

(A) by striking “in writing”; and

(B) by striking “the drug, animal drug, or device” and inserting “the food, drug, animal drug, or device”; and

(C) by striking “the drug or device” and inserting “the food, drug, or device”; and

(4) by redesignating subparagraph (B) as subparagraph (C);

(5) by inserting after subparagraph (A) the following:

“(B) For purposes of this paragraph, a certification by the Secretary shall be made on such basis and in such form (such as a publicly available listing) as the Secretary determines appropriate.”; and

(6) by adding at the end the following:

“(D) Notwithstanding subparagraph (C), if the Secretary issues an export certification within the 20 days prescribed by subparagraph (A) with respect to the export of food, a fee for such certification shall not exceed such amount as the Secretary determines is reasonably related to the cost of issuing certificates under subparagraph (A) with respect to the export of food. The Secretary may adjust this fee annually to account for inflation and other cost adjustments. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended, without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration to cover the cost of issuing such certifications. Such sums as necessary may be transferred from such appropriation account for salaries and expenses of the Food and Drug Administration without fiscal year limitation to such appropriation account for salaries and expenses with fiscal year limitation.”.

SEC. 204. REGISTRATION FOR COMMERCIAL IMPORTERS OF FOOD; FEE.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, and 136, is amended by adding at the end the following:

“(zz) The failure to register in accordance with section 801(s).”.

(2) MISBRANDING.—Section 403 (21 U.S.C. 343) as amended by sections 101(a), 109(a), 114(a), and 202, is amended by adding at the end the following:

“(ee) If it is imported or offered for import by an importer not duly registered under section 801(s).”.

(3) REGISTRATION.—Section 801, as amended by sections 109 and 136, is amended by adding at the end the following:

“(s) REGISTRATION OF IMPORTERS.—

“(1) REGISTRATION.—The Secretary shall require an importer of food—

“(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

“(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

“(2) GOOD IMPORTER PRACTICES.—The maintenance of registration under this subsection is conditioned on compliance with good importer practices in accordance with the following:

“(A) The Secretary, in consultation with Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported food is in compliance with the requirements of this Act.

“(B) The measures under subparagraph (A) shall ensure that the importer of a food—

“(i) has adequate information about the food, its hazards, and the requirements of this Act applicable to such food;

“(ii) has adequate information or procedures in place to verify that both the food and each person that produced, manufactured, processed, packed, transported, or held the food, including components of the food, are in compliance with the requirements of this Act; and

“(iii) has adequate procedures in place to take corrective action, such as the ability to appropriately trace, withhold, and recall articles of food, if a food imported by the importer is not in compliance with the requirements of this Act.

“(C) In promulgating good importer practices regulations, the Secretary may, as appropriate—

“(i) incorporate certification of compliance under section 801(q) and participation in the safe and secure food importation program under section 805; and

“(ii) take into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

“(3) SUSPENSION OF REGISTRATION.—

“(A) IN GENERAL.—Registration under this subsection is subject to suspension upon a finding by the Secretary, after notice and an opportunity for an informal hearing, of—

“(i) a violation of this Act; or

“(ii) the knowing or repeated making of an inaccurate or incomplete statement or submission of information relating to the importation of food.

“(B) REQUEST.—The importer whose registration is suspended may request that the Secretary vacate the suspension of registration when such importer has corrected the violation that is the basis for such suspension.

“(C) VACATING OF SUSPENSION.—If the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

“(4) CANCELLATION OF REGISTRATION.—

“(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

“(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the importer of the intent to cancel the registration and the basis for such cancellation.

“(C) TIMELY UPDATE OR CORRECTION.—If the registration for the importer is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

“(5) EXEMPTIONS.—The Secretary, by notice published in the Federal Register—

“(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

“(B) may establish other exemptions from the requirements of this subsection.”

(4) REGULATIONS.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services in consultation with the Commissioner responsible for Customs and Border Protection shall promulgate the regulations required to carry out section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (3). In establishing the effective date of a regulation promulgated under section 801(s), the Secretary shall, in consultation with the Commissioner responsible for Customs and Border Protection, as appropriate, provide a reasonable period of time for importers of food to comply with good importer practices, taking into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) FEE.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) as added and amended by sections 101 and 108, is amended by adding at the end the following:

“PART 7—IMPORTERS OF FOOD

“SEC. 744. IMPORTERS OF FOOD.

“(a) IMPORTERS.—The Secretary shall assess and collect an annual fee for the registration of an importer of food under section 801(s).

“(b) AMOUNT OF FEE.—

“(1) BASE AMOUNTS.—The registration fee under subsection (a) shall be—

“(A) for fiscal year 2010, \$500; and

“(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under paragraph (2).

“(2) ADJUSTMENT.—For fiscal year 2011 and subsequent fiscal years, the fees established pursuant to paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

“(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

“(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

“(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

“(3) COMPOUNDED BASIS.—The adjustment made each fiscal year pursuant to this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

“(4) WAIVER FOR IMPORTERS REQUIRED TO PAY REGISTRATION FEE.—In the case of a person who is required to pay both a fee under section 743 for registration of one or more facilities under section 415 and a fee under this

section for registration as an importer of food under section 801(s), the Secretary shall waive the fees applicable to such person under section 743 or the fee applicable to such person under this section.

“(c) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

“(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

“(B) shall only be collected and available to cover the costs associated with registering importers under section 801(s) and with ensuring compliance with good importer practices respecting food.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.”

(c) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by section 105, is amended by adding at the end the following:

“(i) IMPORTERS.—Every person engaged in the importing of any food shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.”

SEC. 205. REGISTRATION FOR CUSTOMS BROKERS.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301(zz) (21 U.S.C. 331), as added by section 204, is amended by inserting “or 801(t)” after “801(s)”.

(2) MISBRANDING.—Section 403(ee) (21 U.S.C. 343), as added by section 204, is amended—

(A) by inserting “or a customs broker” after “by an importer”; and

(B) by inserting “or 801(t)” after “801(s)”.

(3) REGISTRATION.—Section 801, as amended by sections 109, 136, and 204, is amended by adding at the end the following:

“(t) REGISTRATION OF CUSTOMS BROKER.—

“(1) REGISTRATION.—The Secretary shall require a customs broker, with respect to the importation of food—

“(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

“(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

“(2) CANCELLATION OF REGISTRATION.—

“(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

“(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the customs broker of the intent to cancel the registration and the basis for such cancellation.

“(C) TIMELY UPDATE OR CORRECTION.—If the registration for the customs broker is updated or corrected no later than 7 days after

notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

“(3) NOTIFICATION.—The Secretary shall notify the Commissioner responsible for Customs and Border Protection whenever the Secretary cancels a registration under this subsection.

“(4) EXEMPTIONS.—In consultation with the Commissioner responsible for Customs and Border Protection, the Secretary, by notice published in the Federal Register—

“(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

“(B) may establish other exemptions from the requirements of this subsection.

“(5) CIVIL PENALTIES.—Notwithstanding any other provision in this Act, a customs broker who violates section 301 because of a violation of section 403(ee), or who violates section 301(xx), 301(yy), or 301(zz), shall not be subject to a civil penalty under section 303(f)(2).”

(4) REGULATIONS.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner responsible for Customs and Border Protection, shall promulgate the regulations required to carry out section 801(t) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2).

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by sections 105 and 204, is amended by adding at the end the following:

“(j) BROKERS.—Every customs broker required to be registered with the Secretary shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.”

SEC. 206. UNIQUE IDENTIFICATION NUMBER FOR FOOD FACILITIES, IMPORTERS, AND CUSTOM BROKERS.

Chapter X (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 1011. UNIQUE FACILITY IDENTIFIER.

“(a) REGISTRATION OF FACILITY OR ESTABLISHMENT.—A person required to register a facility pursuant to section 415 shall submit, at the time of registration, a unique facility identifier for the facility or establishment.

“(b) REGISTRATION OF IMPORTERS AND CUSTOM BROKERS.—A person required to register pursuant to section 801(s) or 801(t) shall submit, at the time of registration, a unique facility identifier for the principal place of business for which such person is required to register under section 801(s) or 801(t).

“(c) GUIDANCE.—The Secretary may, by guidance, and, with respect to importers and customs brokers, in consultation with the Commissioner responsible for Customs and Border Protection, specify the unique numerical identifier system to be used to meet the requirements of subsections (a) and (b) and the form, manner, and timing of a submission under such subsections. Development of such guidelines shall take into account the utilization of existing unique identification schemes and compatibility with customs automated systems, such as integration with the Automated Commercial Environment (ACE) and the International Trade Data System (ITDS), and any successor systems.

“(d) IMPORTATION.—An article of food imported or offered for import shall be refused

admission unless the appropriate unique facility identifiers, as specified by the Secretary, are provided for such article.”

SEC. 207. PROHIBITION AGAINST DELAYING, LIMITING, OR REFUSING INSPECTION.

(a) ADULTERATION.—Section 402 (21 U.S.C. 342), as amended by section 102, 103(a), and 104(a), is amended by adding at the end the following:

“(n) If it has been produced, manufactured, processed, packed, or held in any farm, factory, warehouse, or establishment and the owner, operator, or agent of such farm, factory, warehouse, or establishment, or any agent of a governmental authority in the foreign country within which such farm, factory, warehouse, or establishment is located, delays or limits an inspection, or refuses to permit entry or inspection, under section 414 or 704.”

(b) FOREIGN INSPECTIONS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)), as amended by section 106(c), is amended—

(1) in the first sentence, by inserting “, including any such food factory, warehouse, or establishment whether foreign or domestic,” after “factory, warehouse, or establishment”; and

(2) in the third sentence, by inserting “, including any food factory, warehouse, establishment, or consulting laboratory whether foreign or domestic,” after “factory, warehouse, establishment, or consulting laboratory”.

SEC. 208. DEDICATED FOREIGN INSPECTORATE.

Section 704 (21 U.S.C. 374), as amended by sections 105, 204, and 205, is amended by adding at the end the following:

“(k) DEDICATED FOREIGN INSPECTORATE.—The Secretary shall establish and maintain a corps of inspectors dedicated to inspections of foreign food facilities. This corps shall be staffed and funded by the Secretary at a level sufficient to enable it to assist the Secretary in achieving the frequency of inspections for food facilities as described in this Act.”

SEC. 209. PLAN AND REVIEW OF CONTINUED OPERATION OF FIELD LABORATORIES.

(a) SUBMISSION OF PLAN.—Not later than 90 days before the Secretary terminates or consolidates any laboratory, district office, or the functions (including the inspection and compliance functions) of any such laboratory or district office, specified in subsection (b), the Secretary shall submit a reorganization plan to the Comptroller General of the United States, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(b) SPECIFIED LABORATORIES AND OFFICES.—The laboratories and offices specified in this subsection are the following:

(1) Any of the 13 field laboratories responsible for analyzing food that were operated by the Office of Regulatory Affairs of the Food and Drug Administration as of January 1, 2007.

(2) Any of the 20 district offices of the Food and Drug Administration with responsibility for food safety functioning as of January 1, 2007.

(c) CONGRESSIONAL REVIEW.—A reorganization plan described in subsection (a) is deemed to be a major rule (as defined in section 804(2) of title 5, United States Code) for purposes of chapter 8 of such title.

SEC. 210. FALSE OR MISLEADING REPORTING TO FDA.

(a) IN GENERAL.—Section 301(q)(2) (21 U.S.C. 331(q)(2)) is amended by inserting after “device” the following: “, food,”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to sub-

missions made on or after the date of the enactment of this Act.

SEC. 211. SUBPOENA AUTHORITY.

(a) PROHIBITED ACT.—Section 301(f) is amended by inserting before the period “or the failure or refusal to obey a subpoena issued pursuant to section 311”.

(b) AMENDMENT.—Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

“SEC. 311. EXERCISE OF SUBPOENA AUTHORITY.

“(a) IN GENERAL.—For the purpose of—

“(1) any hearing, investigation, or other proceeding respecting a violation of a provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food; or

“(2) any hearing, investigation, or other proceeding to determine if a person is in violation of a specific provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food, the Commissioner may issue subpoenas requiring the attendance and testimony of witnesses and the production of records and other things.

“(b) TIMING OF COMPLIANCE.—When the Commissioner deems that immediate compliance with a subpoena issued under this section is necessary to address a threat of serious adverse health consequences or death, the subpoena may require immediate production.

“(c) SERVICE OF SUBPOENA.—

“(1) IN GENERAL.—Subpoenas of the Commissioner shall be served by a person authorized by the Commissioner by delivering a copy thereof to the person named therein or by certified mail addressed to such person at such person's last known dwelling place or principal place of business.

“(2) CORPORATIONS AND OTHER ENTITIES.—Service on a domestic or foreign corporation, partnership, unincorporated association, or other entity that is subject to suit under a common name may be made by delivering the subpoena to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.

“(3) PERSON OUTSIDE U.S. JURISDICTION.—Service on any person not found within the territorial jurisdiction of any court of the United States may be made in any manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation.

“(4) PROOF OF SERVICE.—A verified return by the person so serving the subpoena setting forth the manner of service, or, in the case of service by certified mail, the return post office receipt therefor signed by the person so served, shall be proof of service.

“(d) PAYMENT OF WITNESSES.—Witnesses subpoenaed under subsection (a) shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

“(e) ENFORCEMENT.—In the case of a refusal to obey a subpoena duly served upon any person under subsection (a), any district court of the United States for the judicial district in which such person charged with refusal to obey is found, resides, or transacts business, upon application by the Commissioner, shall have jurisdiction to issue an order compelling compliance with the subpoena and requiring such person to appear and give testimony or to appear and produce records and other things, or both. The failure to obey such order of the court may be punished by the court as contempt thereof. If the person charged with failure or refusal to obey is not found within the territorial jurisdiction of the United States, the United States District

Court for the District of Columbia shall have the same jurisdiction, consistent with due process, to take any action respecting compliance with the subpoena by such person that such district court would have if such person were personally within the jurisdiction of such district court.

“(f) **NONDISCLOSURE.**—A United States district court for the district in which the subpoena is or will be served, upon application of the Commissioner, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney to obtain legal advice) the existence of such subpoena for a period of up to 90 days. Such order may be issued on a showing that the records or things being sought may be relevant to the hearing, investigation, proceeding, or other matter and that there is reason to believe that such disclosure may result in—

“(1) furtherance of a potential violation under investigation;

“(2) endangerment to the life or physical safety of any person;

“(3) flight or other action to avoid prosecution or other enforcement remedies;

“(4) destruction of or tampering with evidence; or

“(5) intimidation of potential witnesses.

An order under this subsection may be renewed for additional periods of up to 90 days upon a showing that any of the circumstances described in paragraphs (1) through (5) continue to exist.

“(g) **RELATION TO OTHER PROVISIONS.**—The subpoena authority vested in the Commissioner and the district courts of the United States by this section is in addition to any such authority vested in the Commissioner or such courts by other provisions of law, or as is otherwise authorized by law.

“(h) **NONDELEGATION.**—The authority to issue a subpoena under this section is limited to the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.”.

SEC. 212. WHISTLEBLOWER PROTECTIONS.

Chapter X (21 U.S.C. 391 et seq.), as amended by section 206, is amended by adding at the end the following:

“SEC. 1012 PROTECTIONS FOR EMPLOYEES WHO REFUSE TO VIOLATE, OR WHO DISCLOSE VIOLATIONS OF, THIS ACT.

“(a) **IN GENERAL.**—No person who submits or is required under this Act or the Public Health Service Act to submit any information related to a food, or any officer, employee, contractor, subcontractor, or agent of such person may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee, including within the ordinary course of the job duties of such employee—

“(1) to provide information, cause information to be provided, or otherwise assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of this Act, or any other provision of Federal law relating to the safety of a food, if the information or assistance is provided to, or an investigation stemming from the provided information is conducted by—

“(A) a Federal regulatory or law enforcement agency;

“(B) any Member of Congress or any committee of Congress; or

“(C) a person with supervisory authority over the employee (or such other person

working for the employer who has the authority to investigate, discover, or terminate the misconduct);

“(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed, or about to be filed (with any knowledge of the employer), in any court or administrative forum relating to any such alleged violation; or

“(3) to refuse to commit or assist in any such violation.

“(b) **ENFORCEMENT ACTION.**—

“(1) **IN GENERAL.**—An employee who alleges discharge or other discrimination in violation of subsection (a) may seek relief in accordance with the provisions of subsection (c) by—

“(A) filing a complaint with the Secretary of Labor; or

“(B) if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, or within 90 days after receiving a final decision or order from the Secretary, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which court shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

“(2) **PROCEDURE.**—

“(A) **IN GENERAL.**—Any action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

“(B) **EXCEPTION.**—Notification in an action under paragraph (1) shall be made in accordance with section 42121(b)(1) of title 49, United States Code, except that such notification shall be made to the person named in the complaint, the employer, and the Commissioner of Food and Drugs.

“(C) **BURDENS OF PROOF.**—An action brought under paragraph (1)(A) or (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

“(D) **STATUTE OF LIMITATIONS.**—An action under paragraph (1)(A) shall be commenced not later than 180 days after the date on which the violation occurs.

“(c) **REMEDIES.**—

“(1) **IN GENERAL.**—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

“(2) **ISSUANCE OF ORDER.**—If, in response to a complaint filed under paragraph (b)(1), the Secretary of Labor or the district court, as applicable, determines that a violation of subsection (a) has occurred, the Secretary or the court shall order the person who committed such violation—

“(A) to take affirmative action to abate the violation;

“(B) to—

“(i) reinstate the complainant to his or her former position together with compensation (including back pay); and

“(ii) restore the terms, conditions, and privileges associated with his or her employment; and

“(C) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary or the court, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred,

as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

“(d) **RIGHTS RETAINED BY EMPLOYEE.**—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.”.

SEC. 213. EXTRATERRITORIAL JURISDICTION.

(a) **PROHIBITED ACT.**—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, 136, and 204, is amended by adding at the end the following:

“(aaa) The production, manufacture, processing, preparation, packing, holding, or distribution of an adulterated or misbranded food with the knowledge or intent that such article will be imported into the United States.”.

(b) **JURISDICTION.**—Chapter III (21 U.S.C. 331 et seq.), as amended by section 211, is amended by adding at the end the following:

“SEC. 312. EXTRATERRITORIAL JURISDICTION.

“There is extraterritorial Federal jurisdiction over any violation of this Act relating to any article of food if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.”.

SEC. 214. SUPPORT FOR TRAINING INSTITUTES.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall provide financial and other assistance to appropriate entities to establish and maintain one or more university-affiliated food protection training institutes that—

(1) conduct training related to food protection activities for Federal, State, local, territorial, and tribal officials; and

(2) meet standards developed by the Secretary.

SEC. 215. BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS.

(a) **NOTICE OF DETERMINATION.**—No later than December 31, 2009, the Secretary of Health and Human Services shall notify the Congress whether the available scientific data support a determination that there is a reasonable certainty of no harm, for infants, young children, pregnant women, and adults, for approved uses of polycarbonate plastic and epoxy resin made with bisphenol A in food and beverage containers, including reusable food and beverage containers, under the conditions of use prescribed in current Food and Drug Administration regulations.

(b) **NOTICE OF ACTIONS TO BE TAKEN.**—If the Secretary concludes that such a determination cannot be made for any approved use, the Secretary shall notify the Congress of the actions the Secretary intends to take under the Secretary's authority to regulate food additives to protect the public health, which may include—

(1) revoking or modifying any of the approved uses of bisphenol A in food and beverage containers, including reusable food and beverage containers; and

(2) ensuring that the public is sufficiently informed of such determination and the steps the public may take in response to such determination.

(c) **RULE OF CONSTRUCTION.**—Nothing herein is intended or shall be construed to modify existing Food and Drug Administration authority, procedures, or policies for assessing scientific data, making safety determinations, or regulating the safe use of food additives.

SEC. 216. LEAD CONTENT LABELING REQUIREMENT FOR CERAMIC TABLEWARE AND COOKWARE.

(a) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), 114(a), 202, and 204, is amended by adding at the end the following:

“(ff) If it is ceramic tableware or cookware and includes a glaze or decorations containing lead for an intended functional purpose, unless—

“(1) the product and its packaging bear the statement: ‘This product is made with lead-based glaze consistent with Food and Drug Administration guidelines for such lead.’; or

“(2) the product is in compliance with the requirements applicable to ornamental and decorative ceramicware in section 109.16 of title 21, Code of Federal Regulations (or any successor regulation).”.

(b) EFFECTIVE DATE.—Section 403(ff) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall apply only to ceramic tableware or cookware that is manufactured on or after the date that is 1 year after the date of the enactment of this Act.

(c) CONSUMER EDUCATION.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, 104, and 111, is amended by adding at the end the following:

“SEC. 421. CONSUMER EDUCATION ON THE CONTENT OF LEAD IN CERAMICWARE AND APPLICABLE LABELING REQUIREMENTS.

“(a) IN GENERAL.—The Secretary shall educate consumers on the safety of ceramicware for food use by posting information on the Web site of the Food and Drug Administration with regard to—

“(1) the content of lead in ceramicware and its glaze;

“(2) existing Federal laws and regulations governing lead in ceramicware;

“(3) as appropriate, existing industry practices and guidelines; and

“(4) the labeling requirements applicable under this Act.

“(b) TOPICS.—The education under this section shall address—

“(1) the broad range of ceramicware types, including traditional pottery, ornamental and decorative ceramicware, cookware, and everyday dinnerware;

“(2) the safety of ceramicware that is aged or damaged;

“(3) the use of ceramicware in microwave ovens;

“(4) the storage of foods in ceramicware;

“(5) the use of home lead test kits by consumers;

“(6) the use of ceramicware by children and women of childbearing age; and

“(7) issues that are especially relevant to subpopulations of consumers who may preferentially use certain types of ceramicware made with lead.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair now recognizes the gentleman from Michigan.

Mr. BARTON of Texas. Before we recognize Chairman DINGELL, I would ask unanimous consent that Mr. LUCAS, the ranking member of the Agriculture Committee, control 10 minutes of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous matter into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is a remarkable piece of bipartisan work. I want to pay tribute to my dear friend Mr. BARTON, the ranking minority member of the committee; my good friend, the chairman of the committee, for his outstanding leadership on this, Mr. WAXMAN; and also Mr. PALLONE, as chairman of the subcommittee, for their leadership.

I want to tell the House how important the labors of my dear friend Mr. STUPAK have been in the Oversight Investigations Committee in creating the basis from which this legislation can move forward. This has been a piece of legislation which moved unanimously out of the committee. It is something which we would hope this House would always be able to emulate.

I want to congratulate Representatives SUTTON, NATHAN DEAL, and JOHN SHIMKUS for their labors, and the outstanding staff on both sides of the Commerce Committee.

I want to express my appreciation to COLLIN PETERSON and Mr. CARDOZA of California for their labors, and Representative DELAURO and President Obama and the White House food safety group.

The legislation is supported by the Consumers Union, the Centers for Science and Public Interest, the National Consumers League, and a large number of other organizations, including the Grocery Manufacturers, GMA, and United Fresh Produce. Jeanie Ireland and my good friend Virgil Miller have worked very hard at the staff level, and they deserve thanks.

This is a piece of legislation that will stop Americans being killed by bad foods. It is a piece of legislation that will see to it that the Food and Drug Administration has both the authority and the funds to address not only American foods but foods being imported from places like China. It will stop harmful seafood, E. coli in spinach, tainted peppers from Mexico, and a large number of other things.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 2 minutes to the ranking member of the Health Subcommittee, Mr. DEAL of Georgia.

Mr. DEAL of Georgia. I thank the gentleman for yielding.

I, too, want to thank the sponsor of this legislation and our committee for

working in a bipartisan fashion. As many of you will recall, earlier this year, our Nation was rocked with a peanut butter contamination that involved salmonella, and it became very apparent very shortly after the investigation started that a rogue operator, the Peanut Corporation of America, had risked the well-being of thousands of Americans.

In addition, it resulted in millions of dollars of loss to an industry that is very important to my State of Georgia. Peanut sales plummeted. It was in an effort to shore up the company's individual bottom line that PCA had recklessly jeopardized both peanut farmers and processors and the public in this country.

Now, this is a piece of legislation that is designed to try to correct some of those problems because they are not unique just to the peanut industry. We've seen them in the tomato, jalapeno pepper, the pistachio nuts, the contamination of spinach and many others. This legislation requires the development and implementation of a hazard analysis and food safety plan with regular updating, a requirement which is already in place for USDA-regulated facilities, such as poultry processing that is in my district. These plans have proved to be effective in reducing the hazard of food-borne contamination.

This legislation also implements a risk-based inspection schedule, which improves today's unacceptable status quo and targets our most vulnerable facilities for greater oversight. I know there's been concern about the overlap into USDA activities. There is language in the bill that would exclude the inclusion of farms within the bill. They are excluded. They are not required to register. They're not required to pay a registration fee. Livestock and poultry are also exempt. It does not allow the FDA to regulate what are now USDA-regulated facilities and products.

I commend this legislation and urge my colleagues to adopt it.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Energy and Commerce, Mr. WAXMAN, whose leadership in this matter has been appreciated.

Mr. WAXMAN. Mr. Speaker, a series of food-borne disease outbreaks in spinach, peanuts, and peppers, to name a few, have not only just sickened and killed American consumers, they've laid bare the unacceptable gaps in our food safety laws. And today, the House will act to close those gaps, give FDA new authorities, new tools, and a new source of funding to carry out this vital mission.

This legislation contains policy solutions that come from many Members on both sides of the aisle. It's largely based on legislation introduced by Chairman Emeritus JOHN DINGELL,

Subcommittee Chairmen PALLONE and STUPAK. These three Members have played an instrumental role in this legislation, as have Representatives SUTTON and DEGETTE on our committee.

In addition, I want to single out Chairwoman ROSA DELAURO who introduced the landmark legislation which contributed in a substantial way to this bill. I want to thank our full committee Ranking Member BARTON and subcommittee Ranking Members SHIMKUS and DEAL for their contributions to the legislation as well, and Chairman PETERSON and Chairman RANGEL who gave suggestions to make the bill a better bill.

The coalition of food safety groups worked with the Members to develop and maintain the strong, public health protections in this bill. I think that they deserve an enormous amount of recognition, but I want to thank Rachel Sher of my staff for her thoughtful work and countless hours on this bill. Other key staff on the effort include Eric Flamm, Virgil Miller, Elana Leventhal, and Erika Orloff, as well as several individuals from the minority staff, including Ryan Long, Clay Alspach, Blake Fulenwider, and Chris Sarley.

And finally, I want to thank President Obama and his administration for their contributions to this legislation. The safety of the food supply is a critical issue, and this legislation will give the administration the tools they need to keep this food supply safe.

I urge a "yes" vote for the bill.

Mr. LUCAS. I yield myself 5 minutes.

Mr. Speaker, I truly regret that I must rise in opposition to this legislation, H.R. 2749, the Food Safety Enhancement Act of 2009.

Let me begin by saying that I believe our Nation has the safest food supply in the world. I also believe that we must continually examine our food production and regulatory system and look for ways to improve food safety. However, the bill before us today does little to accomplish the goal of enhancing food safety. One glaring example is the fact that the authors of the bill did not require the U.S. Food and Drug Administration—"require" being the operative phrase—to spend one additional penny on the inspection of food.

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The bill before us today is the product of a flawed process. This is just another example of Federal power without the benefit of careful consideration. It is what we have come to expect from the majority leadership of the 111th Congress. We could point to the stimulus package, cap-and-trade, and soon the health care bill as examples of a blatant disregard for the legislative process and for the American people, for whom we work. As of last night, no one had seen a copy of this bill.

It is tragic that despite a clear jurisdictional claim, the chairman of the House Agriculture Committee did not demand that the bill be referred, conduct hearings on its provisions and work at the committee's will to make improvements.

But this is not just a matter of jurisdiction between two committees. The real losers today are farmers, ranchers, and, yes, consumers. During a recent committee hearing on the general topic of food safety, not a single producer witness would support this bill in its current form. This is a stunning failure to fulfill our legislative responsibility.

One provision of particular concern would mandate that the Food and Drug Administration set on-farm production performance standards. For the first time, we would have the Federal Government prescribing how our farmers grow crops. Farming, the growing of crops and the raising of livestock, is one of the first organized activities pursued by man. We have been doing it for a very long time, and we have been doing it without the FDA.

New language to the bill would exclude row crop producers from FDA regulatory authority over growing and harvesting crops. Language was also approved that would relieve livestock producers from some of the burdens of the law. Although these are needed changes, they do not go far enough to make the bill acceptable.

This bill still leaves our Nation's fruit and vegetable producers subject to objectionable regulatory burdens.

There are other problems in the bill as well. New registration authorities for food processing facilities create what amounts to a Federal license to be in the food business. Hundreds of millions of dollars in associated fees represented by a new tax on food production, along with regulatory burdens, will increase the cost of food for consumers, increasingly forcing food production out of this country, unfortunately.

New quarantine authorities for FDA will undermine animal and plant inspection control programs that have been in place at USDA for decades.

The vast majority of these provisions, along with new penalties, record-keeping requirements, traceability, labeling, country-of-origin labeling, will do absolutely nothing to prevent food-borne disease outbreaks, but will do plenty to keep the Federal bureaucracy busy. These issues can be worked out through the normal legislative process, but only if there is a process.

Mr. Speaker, let me return to where I started. We have the safest food supply in the world. Anyone following current events knows that our food production system faces ongoing food safety challenges, and I stand ready to work with my colleagues to address these challenges. But this is not the way to create law.

We should not suspend the rules to pass this bill. Our Nation's farmers, ranchers and consumers deserve better, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I will have a full rebuttal for the remarks of the gentleman who has just spoken.

I yield 1 minute at this time to my dear friend, the chairman of the subcommittee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the chairman.

I rise in strong support of H.R. 2749, the Food Safety Enhancement Act of 2009. It is time that we put in place a stronger and more thorough system to prevent food-borne illness rather than continuing to simply react to outbreak after outbreak of contaminated products.

This bill will require that food manufacturers put in place preventive controls to monitor the production lines and identify, prevent or eliminate hazards, should they arise. It requires them to have food safety plans detailing all the food safety activities that the company is undertaking to ensure the safety of their products.

Under the bill, the FDA will have the authority to set performance standards that companies must incorporate into their food safety plans; it requires the FDA to put in place a traceability system for food products. It requires the FDA to inspect facilities according to a minimum inspection frequency, and it provides the FDA with enhanced enforcement authorities.

Mr. Speaker, this is the strongest bill it can be. It will catapult the FDA into the 21st century, and it will arm the agency with the necessary authorities and enforcement power to protect our Nation's food supply.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I want to thank Chairman Emeritus DINGELL for his work on this bill. I also want to thank Chairman WAXMAN.

Mr. DINGELL. If the gentleman will yield, I want to tell the House how important the labors of the gentleman have been, and also those of Mr. BARTON and Mr. DEAL. We owe a great debt to the gentleman.

Mr. SHIMKUS. Thank you very much. I also want to thank Chairman WAXMAN for mentioning Chris Sarley, who did yeoman's work with the majority staff, and I appreciate their kindness and work effort.

This is a model for what we can do on energy and what we can do on health if we would move in that direction. We can't defend the current system. As a former ranking member on Oversight and Investigations, there are fixes that have to be made.

This bill provides a risk-based inspection regime and gives the FDA flexibility to change the frequency of inspections to lower-risk facilities. It allows FDA access to records. It gives companies flexibility to use different preventative control systems. And where things are working, we let existing authority remain with respect to USDA.

I am an ag Republican, so I understand the concerns of my colleagues on the Ag Committee. But this bill does not require farms to register with the FDA; and as a result, farms do not have to pay a registration fee.

Access to farm records is significantly restricted. Livestock and poultry are exempt from the bill. Grain and related commodities are exempt from produce standards. USDA-regulated farms, facilities and products are not subject to this bill. It allows farms to be exempt from any traceability requirements.

But I will pledge to continue to work with any ag Republican colleagues as this process moves forward to try to address some of the remaining concerns. I do appreciate the majority and their work on this. Again, I think it is a good method for which we can move on energy and health care when we get to a point where we want to do that.

Mr. DINGELL. Mr. Speaker, I am very delighted at this time to yield 1 minute to the distinguished gentleman from Michigan (Mr. STUPAK), chairman of the Subcommittee on Oversight and Investigations, who has done so much to make the investigations which have brought us to the point where people understand the need for this legislation.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 2749, the Food Safety Enhancement Act. As chairman of the Subcommittee on Oversight and Investigations, I, along with Ranking Members WHITFIELD, SHIMKUS and WALDEN, have held 10 hearings over the past 2 years to examine the safety and security of our Nation's food supply.

This investigation takes important steps towards addressing the gaping holes in our Nation's food supply by recognizing that the food industry and the FDA must share responsibility for securing our Nation's food supply. Provisions granting the FDA additional authorities, such as quarantine, recall, subpoena power and access to records, are all addressed in H.R. 2749.

I want to thank my colleagues and friends, Chairman DINGELL, Chairman PALLONE and Chairman WAXMAN, for all their hard work on this issue. I also wish to thank their staffs, who have worked diligently to see this bill come before us today. Plus I want to thank the Obama administration for working with us.

All the dedication of all the individuals have paid off with a piece of legislation that will help protect and ensure

all Americans have access to safe food. I am proud to be part of such great legislation. I urge all of my colleagues to support its passage.

Mr. LUCAS. Mr. Speaker, I wish to yield 1¼ minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman for yielding.

Do not vote in favor of H.R. 2749 thinking that today's vote is a throw-away one to demonstrate one's support for food safety.

We are all interested in food safety. It matters. Those of us involved in agriculture care about food safety. It is a matter of life and health for our consumers, and for the farmers and ranchers it is a matter of their livelihood. Even the rumor of unsafe food causes commodity prices to fall and farm incomes to decline.

While I am unable to tell my colleagues the exact details of this bill, I can say with certainty there are significant adverse consequences to farmers, especially our smallest ones, and those consequences include on-farm performance standards, record-keeping requirements, arbitrary record access requirements and registration fees, none of which may actually improve food safety.

The reason I am unable to describe the details of this bill is that those details became available only this morning. The bill before us was amended, striking everything after the enacting clause and inserting a new text. The entire bill as it existed yesterday was deleted and new language put in its place. There have been few hearings on this bill, constant redrafting by a few people outside the committees, and no referral to the Committee on Agriculture.

Do not let the Suspension Calendar fool you. This bill is substantive legislation with uncertain consequences. Vote "no."

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of this bill and thank Chairman WAXMAN and Chairman Emeritus DINGELL for their hard work.

The bill begins a long task of rectifying decades of neglect by updating FDA's ancient tools and outdated mandates. It gives the FDA the means to deal with dangers imposed by a global food system and enhances the agency's ability to prevent food contamination.

It incorporates key provisions from legislation I introduced this year and moves the FDA to a risk-based inspection system. It requires the agency to inspect the highest-risk facilities once every 6 months to a year, rather than once a decade.

It enhances reporting requirements for companies and establishes performance standards for fighting food-based

pathogens. Performance standards form the backbone for monitoring the effectiveness of process control systems and identifying the foods at greatest risk.

I continue to strongly believe that the best way to protect our food supply is to streamline the FDA into two separate agencies within Health and Human Services so that food and drug safety both get the full and comprehensive attention they deserve.

This bill is a strong, solid first step in creating a comprehensive food safety system that can protect American families from the many dangers of contaminated food. I urge my colleagues to support this bill.

Mr. BARTON of Texas. I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), the ranking member of the Oversight Subcommittee of the Committee on Energy and Commerce.

Mr. WALDEN. Mr. Speaker, this really ought to be called Jake's Law, after 3-year-old Jake Hurley of Wilsonville, Oregon. In February, before the Oversight and Investigations Subcommittee, Jake's father, Peter, testified about how Jake contracted salmonella from eating peanut butter products from Peanut Corporation of America in Georgia.

In January, Jake became sick. His doctors asked his parents, what does he like to eat? They recommended some food products. As it turned out, those very food products in their home were contaminated with salmonella that came about because of PCA.

So when Stewart Parnell, the PCA president, testified before our Oversight Committee, I asked him, Would you like to sample some of the products that you sent out to little kids like Jake and other Americans to eat? His response? He took the Fifth Amendment.

Thankfully, Jake recovered. But nine people died from the outbreak, and at least 691 people, half of them children, were sickened.

If PCA had to follow a law like this that would require a fully-functioning food safety plan at food production facilities, traceability of the food chain, increased inspection and recall authority from FDA, there is a good chance that the salmonella outbreak could have been avoided and Jake and hundreds of others never would have been poisoned.

Because of Jake's story and others like it we uncovered in bipartisan O&I food safety hearings since 2007, we now have a bipartisan piece of legislation here to pass the House of Representatives; and I urge your support for it, for the food safety of our country and the citizens that live here.

Mr. DINGELL. If the gentleman will yield, I want to compliment the gentleman on his comments and I want to praise him for his valuable and important contribution to the legislation. As

he has said, this is how legislation should be done, bipartisan; and we have gone across the aisle. But we have also gone between committees, working with the distinguished chairman of the Agriculture Committee. I commend the gentleman and thank him.

Mr. WALDEN. I thank the gentleman for his comments.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to my distinguished friend, the gentlewoman from California (Ms. DEGETTE), a Member who has worked very hard on this legislation for a long time and who was one of the original sponsors and has been a valuable contributor to the process of bringing it forward.

□ 1430

Ms. DEGETTE. Mr. Speaker, many of us have been talking about comprehensive food safety for years. Our Nation's business community is calling for it. Our constituents are begging for it. I am so pleased that today, at long last, we are considering this bill on the House floor on a bipartisan basis.

The bill before us will strengthen our food supply in a number of areas. It will transform our system into one that focuses on prevention, rather than reaction. It will provide the FDA with the resources it has lacked; and by giving it mandatory recall authority and subpoena authority, it will give the FDA the tools it needs to deal with an emergency.

Mr. Speaker, this bill also will give the FDA the ability to track our food products along the supply chain, enabling targeted and speedier recalls that will benefit business and consumers alike. This traceability provision of the legislation, we know we can't do it overnight, but it will require the FDA to write regulations undertaking a pilot project, cost-benefit analysis, feasibility studies and public meetings to make sure that we can track food from field to fork. This will improve consumer safety and we exempt the family farm.

I urge adoption of this important bill.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, section 101 of the bill requires an annual registration for a facility. The term "facility" means any factory, warehouse or establishment, including a factory, warehouse or establishment of an importer that manufactures, processes, packs or holds foods.

The user fees under this section require registration each year starting in 2010 to be \$500 and each subsequent year to be adjusted for inflation. This will affect small businesses and impose tax increases. For companies and individuals that own or operate multiple

facilities, a maximum level for total fees per year is set at \$175,000. These will have to be passed on to the consumer and will raise the price of food to cover the fees associated under this bill.

I encourage my colleagues to vote "no" on this bill under suspension so that Congress may debate food safety and come to an agreement on how to protect our Nation's farmers and food facilities in order to maintain the United States as having the world's safest, most economically viable food source.

The SPEAKER pro tempore. The Chair will note that the gentleman from Texas has 4 minutes remaining, the gentleman from Oklahoma has 3¼ minutes remaining, and the gentleman from Michigan has 12 minutes remaining.

Mr. DINGELL. Mr. Speaker, just for administrative purposes, does my friend on the Republican side have a sufficiency of time? I speak about Mr. BARTON.

Mr. BARTON of Texas. Mr. Chairman, we could use another 2 to 3 minutes, if you have it.

Mr. DINGELL. I will try to see if we can share, if it is necessary.

Mr. Speaker, at this time I yield to one of the original sponsors of the legislation, the distinguished gentlelady who has done much work to get this legislation to the floor, the distinguished gentlewoman from Ohio (Ms. SUTTON) 1 minute.

Ms. SUTTON. Mr. Speaker, I rise today as a proud cosponsor of the Food Safety Enhancement Act of 2009, and I commend the distinguished Chair Emeritus, JOHN DINGELL, for his dedication to formulating and passing this bill, which is so sorely needed to protect the safety of our food supply.

This year alone, we have experienced a series of outbreaks of food-borne illnesses. These outbreaks have taken a disproportionate toll on our State of Ohio. The peanut-related salmonella outbreak affected 92 individuals in Ohio, and, sadly, resulted in three tragic deaths. Nellie Napier, a constituent of mine, died from salmonella poisoning that she contracted in a nursing facility.

This bill is an essential step toward lowering these tragic numbers and restoring consumer confidence in our food supply. It will increase inspections of food facilities, improve traceability, and provide needed funding to the FDA for food safety activities. And with the increased globalization of our food supply—close to 13 percent of the food we eat comes from abroad—and this bill will help protect consumers from unsafe imported foods.

Mr. BARTON of Texas. I yield 2 minutes to the former Republican Conference chairman and probably future Governor of Florida (Mr. PUTNAM).

Mr. PUTNAM. I thank my friend from Texas.

I rise to support this bill which is built on a bipartisan foundation. I thank my friend from California (Mr. COSTA) who worked with a number of us to put together a strong food safety bill, and many of the key principles embedded in that bill have been built into the bill that we're debating here today. This is an issue that brings together America's farmers, ranchers and the consumers. There is no difference or distinction between the interests of those two parties. As the FDA's false information about the tomatoes implicated in the food-borne illness outbreak illustrates, when there is false information out there, the industry suffers; and when there is food-borne illness out there, consumer confidence is eroded. Both of those outcomes are unacceptable. So there is a need for both sides to come together on this, and I am proud that this is a bipartisan effort.

I would highlight some issues, though, that need additional work as this moves into the Senate. Most importantly, the quarantine and traceability issues need further work as well as the work that is done by our State and local Departments of Health and Departments of Agriculture. They are delegated 80 percent of FDA's authority to implement most of this bill and the other responsibilities of FDA. They must have better coordination and cooperation from the FDA in implementing this legislation as well as the rest of the food safety mandates already in the law. But overall, it is important that this Nation move forward with a modernization of the food safety system, some of which has not been built upon since the Teddy Roosevelt administration. It is important to our farmers and ranchers, and it is important to our consumers.

So for that reason, I am proud to stand in support of this bill and urge its passage, recognizing that there are issues that we need to continue to work with our friends and colleagues in the Senate on.

Mr. DINGELL. At this time I yield 1 minute to the distinguished chairman of the Agriculture Committee's subcommittee on food safety, the gentleman from Georgia (Mr. SCOTT), with thanks and appreciation for his good work.

Mr. SCOTT of Georgia. Thank you so much, Chairman DINGELL. I appreciate that so much. I really, quite honestly, can't understand how anybody could vote against this bill. We've already had three outbreaks that have definitely taken lives of the American people. But I want to thank, Chairman PETERSON on our Agriculture Committee, as well as Chairman DINGELL; and I certainly want to congratulate and thank our staff on my own subcommittee, Chandler Goule and Gary Woodward, for the excellent job that they have done. And to the gentleman

on the other side, we've had hearings on this; but the greatest hearing we've had on this has been the threats to the safety of the American people. If we enact these measures in this bill, we will save American lives.

Let me just tell you about one example: Better access to records in order to prevent the outbreaks. This bill will give the FDA access to the records of food producers and manufacturers during the time that they are inspecting the plants. Under current law, the FDA must wait for the food-borne illness to occur before they can even access the records. Now, ladies and gentlemen, if this had been in place, eight people would be alive today from the peanut outbreak in my district of Georgia. This is an important bill, it's timely, and I urge its passage.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Oklahoma for yielding, and I rise in opposition to this food safety bill, as it's labeled. It will provide some more food safety. I won't dispute that. But the point is that it grows government regulation, and it broadens the FDA's regulations over what I think, if it's going to be regulated, should be USDA.

We are looking at two, three or four individual food safety problems; and instead of looking at that and trying to solve the problem, first, we should try to solve it without legislation. Second, it should be specific to the food rather than the broad stroke that this bill is. I know that there are exemptions for feed grains; but in the end, this is a growth of regulation. It's a burden on our farmers and our food producers. It's a tax on our food producers. It's going to come out of the pockets of the American consumers, and it will diminish the smaller operations among us.

We have here a solution in search of a problem. We can solve this problem without new extra regulatory authority for the FDA. I rise in opposition to this bill, and I believe it should be Ag Committee jurisdiction.

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from California (Mr. COSTA), one of the great leaders in food safety, a distinguished member of the Committee on Agriculture, a man who has worked very closely with me and with the others who have been working on this, including the distinguished chairman of the Agriculture Committee.

Mr. COSTA. I want to start by thanking Chairman Emeritus JOHN DINGELL for his hard work on this effort, as he does in so many pieces of legislation that have been a part of his legacy; Chairman WAXMAN and Chairman PETERSON for their support and efforts to ensure that we come together in a collective effort; Ranking Member

BARTON and my colleague and friend Congressman ADAM PUTNAM from Florida.

We introduced this legislation in the last session of Congress, working to try to put together a bipartisan effort, understanding that food safety is job number one for all American farmers, ranchers and dairymen because they are consumers, their families consume their products, and they must ensure, as we all must ensure, that America's food on our dinner tables is the safest it can possibly be.

Our farmers are to be commended for their tireless efforts to produce the world's safest and most wholesome food, but we can always do better. This legislation intends to address that. Our food safety laws have not been updated for nearly 50 years. They're in need of modernization, both to protect the consumers and to protect our farmers from the loss of the markets. When an outbreak occurs, they're the first to be impacted; and obviously food safety is job number one for all consumers in America. I think it's important for us to note that there is not a one-size-fits-all approach to food safety; therefore, working together with the United States Department of Agriculture and the Food and Drug Administration is critical to making this legislation work.

What does it establish? It establishes science-based, risk-based standards for both producers and processors here and abroad; and let me underline abroad. Any food products that come into this country ought to meet the same standards that we require of our farmers and food processors here in America. This legislation attempts to do that. It means that ensuring our foreign partners, whether they are growing leafy greens or peppers or anything else, that they meet the same standards that American farmers must meet to put those products on the table.

Is this a perfect bill? No. It's a work in progress, but I think it's a good bipartisan bill. I would urge my colleagues to support this measure, and I thank the chairmen for their good work.

Mr. BARTON of Texas. Mr. Speaker, I'm the last speaker on my side in support of the bill, so I'm going to reserve the balance of my time.

Mr. DINGELL. With a great deal of pleasure and pride, at this time I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), my good friend, the distinguished chairman of the Committee on Agriculture who has worked so hard not only on food safety but also with us to make this bill something which is acceptable to the House, to him and to American agriculture.

Mr. PETERSON. I thank the gentleman from Michigan for recognizing me, and I want to thank him for his hard work and his practical way of approaching legislation, which is the right way to do things.

I rise today in support of this legislation. Our committee has had hearings regarding food safety, and we had some concerns about the bill as it came out of the Energy and Commerce Committee. Mr. DINGELL was kind enough to sit down and work with us on those concerns; and out of that we were able to especially address the concerns of the livestock industry and the grain industry who were concerned that there may be unintended consequences. So we were able to get exemptions in those areas and also make other changes to make sure that the bill didn't interfere with the production and harvesting parts of agriculture.

□ 1445

We had, at the beginning of this, a number of groups that were concerned or even opposed to this legislation. And now, because of the changes that we have been able to work through with Mr. DINGELL and others, I am happy to report that these organizations are either now neutral or dropped their opposition or are supporting the bill: the United Fresh Fruit and Vegetable folks, Western Growers, the American Farm Bureau Federation, National Wheat Growers, the National Cattlemen's Beef Association, the National Turkey Federation, the National Chicken Council, the National Pork Producers Council, National Corn Growers, the American Soybean Association, the U.S. Rice Federation, American Feed Industry, United Egg Producers, and the American Sheep Industry.

I think this demonstrates that we have been able to move this legislation in a direction where we in agriculture are comfortable. I agree with Mr. PUTNAM that there is some additional work that can be done on this, and we intend to do that. So I encourage my colleagues to support this legislation.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DINGELL. I yield the gentleman 30 seconds.

Would the gentleman yield to me?

Mr. PETERSON. I will yield.

Mr. DINGELL. I would just observe to my good friend that we have talked about this before, and I have assured the gentleman that we will continue to work together to address the concerns that he and the very able gentleman from Florida (Mr. PUTNAM) have expressed their concerns about. It has been a privilege to work with the gentleman, and I thank him.

Mr. PETERSON. I thank the gentleman. And I know that he will work with us as he has through this part of the process.

Mr. DINGELL. I thank the gentleman.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio, the minority leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker and my colleagues, here we go again. This is a

major piece of legislation that was introduced last night at the Rules Committee about 12:15. Then about 9:36 this morning we saw another version of this bill introduced to replace the first version. And then at 10:50 this morning we see a third version of this same bill. Now, this may be a great bill. I have no idea. But the fact is that introducing three different versions of the bill yet this day and then bringing it to the floor some 4 hours later begins to ask the question, Did anybody read the bill?

Now, I think the chairman and the ranking member and the chairman of the subcommittee probably did read the bill and understand what's in it, but how about the other 431 of us who serve in this House who are expected to vote on this?

And my second complaint about this bill is the fact that we are considering it here in the House under a procedure where there is a whopping 40 minutes of debate, 20 minutes on each side, 40 minutes, and no amendments are allowed to be offered. We've got this major food safety bill here on the floor, and nobody gets to offer an amendment, nobody gets to have a debate about it, and nobody, clearly, has much of an idea of what's in the bill.

Now, as a longtime member of the House Ag Committee, I understand that we've got the safest food supply in the world. It's probably not perfect, but it is the safest food supply in the world, and we can do better. But to legislate in this manner under these conditions without Members having a clue about what's in the bill is not, in my view, in the best interest of the House.

Mr. DINGELL. Mr. Speaker, at this time, I am happy to yield 1 minute to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the chairman emeritus for yielding, and I thank him for his leadership in creating this bipartisan bill that passed unanimously out of our committee and is so important.

This is very personal to me. My dear friend, Nancy Donley, lost her son, Alex, in 1993, her only child, after he ate ground beef contaminated with E. coli. And we heard testimony from people whose children have died and whose family members and loved ones have become sick and died.

Finally, we are able to pass, in a bipartisan way, an overhaul of our food safety system. And so I am pleased to be able to join in this bipartisan agreement to support this legislation. I am also glad that it includes some language directing the FDA to examine antibiotic resistance as it relates to the food supply. I hope we will continue to move forward.

But I urge all of my colleagues to take this great opportunity so never again do we have to look at a victim, a family member of a victim or someone

who has died because food that they believed was safe actually killed them. Let's vote for this.

The SPEAKER pro tempore. The Chair will note that the gentleman from Michigan has 4½ minutes remaining, the gentleman from Texas has 2 minutes remaining, and the gentleman from Oklahoma has 1¼ minutes remaining.

The gentleman from Oklahoma is recognized.

Mr. LUCAS. Mr. Chairman, I rise to yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as a member of the Agriculture Committee, I rise in strong opposition to this bill. We all agree that food safety is an extremely important issue, and improvements can be clearly made to our system, but this legislation concerns me for a number of reasons.

First of all, it will do little to actually increase food safety, and it will add new burdens to many small businesses and farms across the country. One provision this bill contains is an expanded registration requirement which creates a license to be in the food industry. The license is expensive, and the provision will make it unlawful to sell food without it. And this bill would have significant impacts on agriculture sectors, particularly with fruits and vegetables.

Fundamentally, I take issue with this legislation because it opens our farms to the Food and Drug Administration. Farms and agricultural activities are already regulated by the USDA. The FDA does not, and should not, have jurisdiction over farms or agricultural practices.

Good policy makes for good politics, and that can only occur with a real, full debate on this issue, which would occur if this bill would have stayed within the jurisdiction of the Agriculture Committee.

I urge my colleagues to vote "no" on this misguided legislation.

Mr. DINGELL. Mr. Speaker, I am the last speaker on this side, so I am going to reserve my time, but I want to yield 2 minutes to my dear friend, Mr. BARTON. And I want to commend him for his courage, his decency, and the extraordinary way in which he has worked with the distinguished Agriculture Committee and its great chairman, and also with me and the Democrats. We are handling this bill the way it should be handled, in a proper bipartisan fashion, and I want to commend him.

Mr. BARTON of Texas. I want to inquire of the Chair, with his yielding, I have 4 minutes; is that correct?

The SPEAKER pro tempore. The gentleman now has 4 minutes, yes.

Mr. BARTON of Texas. Thank you, Chairman DINGELL.

First, I want to acknowledge the strong staff work on both sides on this

legislation. It has been a debate whether we would get the bill to the floor or whether Rachel Sher would have her baby first, and I am proud to report that we have gotten the bill to the floor. So we are birthing the food safety bill before she gives birth to another lovely human being.

What our minority leader said just a minute ago is absolutely true in the technical sense about different versions of the bill being introduced at different times, but that is not all of the story, as Paul Harvey used to say in his radio commentary. Those different versions have been introduced in the last day because of changes that I have asked for and other Republican Members have asked for to improve the bill at the request of Congressman LUCAS and his staff on the Agriculture Committee. We have been improving the bill to make it more supportive of agriculture.

I want to read part of a letter that we just got today from the Sheep Industry, the Cattlemen's Association and the Pork Council. It says: "America's livestock and poultry producers support the tightening of language recognizing the U.S. Department of Agriculture's authorities regarding products, facilities and farms raising animals from which meat and eggs are regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act or the Egg Products Inspection Act. There have also been great improvements made to the traceability language, the record-keeping provisions, as well as a more targeted approach for the new authority granted to the Food and Drug Administration to prohibit or restrict the movement of food. We also appreciate the strengthening of language that requires the Secretary of Health and Human Services to consult with the Secretary of Agriculture."

All of these changes were made at the suggestion of Congressman LUCAS and his staff, working through myself and my staff, through Mr. WAXMAN and Mr. DINGELL's staff.

This is a strong food safety bill. This is a necessary improvement to food safety. We have had outbreaks in the last several years in the peanuts industry, in the pepper industry, and in seafood products that have been imported. We need to bring the FDA authority into the 21st century.

I want to specifically go through some of the things that we have done with regard to agriculture. This bill does not require farms to register with the FDA. Under section 415 of the Food, Drug and Cosmetic Act, farms are not considered facilities, therefore, they do not have to register with the FDA.

This bill does not require farms to pay a registration fee. This bill does not apply to livestock and poultry. This bill does not apply to USDA-regulated farms, facilities and products.

This bill allows farms to be exempted from traceability requirements and greatly limits access to records. This bill exempts specifically grains and related commodities from produce standards. This bill does not apply to farmers markets.

So I understand that my friends on the Ag Committee did not have a legislative markup of this bill; they should have, I understand that. I have been in a situation in the Energy and Commerce Committee this year on the climate change bill and the health care bill where we on the Republican side have not been allowed to negotiate in the room. But on this bill, in this case, Chairman WAXMAN, Chairman DINGELL, Chairman STUPAK and Chairman PALLONE have worked with myself and Mr. DEAL and Mr. SHIMKUS and Mr. WALDEN and others. We have had an open, bipartisan process. We've had hearings going back to the prior Congress.

The process is fair on this bill. The product is fair on this bill. We do need an improved food safety bill.

I strongly recommend a "yes" vote on this legislation.

The SPEAKER pro tempore. The gentleman from Oklahoma has 15 seconds remaining.

Mr. LUCAS. I yield the entire sum to myself, Mr. Speaker.

I want to thank the chairman emeritus of the Energy and Commerce Committee and the ranking member, Mr. BARTON. You were kind to help us. You were kind to work with us. But the bottom line is the minority party of the Ag Committee should not have to go to the Energy and Commerce committee to work on an ag-related section of the bill.

Thank you, gentlemen. I appreciate you. But you shouldn't have had to have done it.

The SPEAKER pro tempore. The gentleman from Michigan has 2½ minutes remaining.

Mr. DINGELL. Mr. Speaker, I yield myself the balance of the time to close.

Mr. Speaker, this is a bipartisan bill. It has been worked on long and hard by three committees, including the Ways and Means. The chairman, Mr. RANGEL, and subcommittee chairman, Mr. LEVIN, have been extremely cooperative in resolving questions between the two committees.

I would note that staff at all levels of our committee, in the minority and on the majority—Rachel Sher and Eric Flamm—have been of enormous value in these discussions.

The complaint made by my colleague about exclusion of Members I can't comment on. I can only say we have tried to include everybody in this process as much as we could, and we have brought in industry, which supports the bill. But more importantly—and I say this to my friend with affection and respect—the reason for a lot of the changes that they're talking about

have been that, right up to the time that we have brought this bill to the floor, we have sought to see to it that we included everyone and took advantage of the wisdom of all the Members that we could possibly take advantage of.

The legislation will address from the point of origin to the consumer's table. It will enable us to get at unsafe foods, not just in this country, but in China, in India, and other places where these foods are coming in. It will provide Food and Drug with the resources they need to address these problems in terms of personnel and money. It will also keep their laboratories open. More importantly, it will see to it that the public comes first, and for the first time in years, know that the foods that we are bringing into this country and that are being made available to the American people are in fact safe. No major reviews of the food provisions of the Food and Drug Act have been done since 1938, and, as was wisely pointed out by my colleagues, some not back to 1912.

This is an important step which will protect the American people, who are today being killed, sickened, and hurt by unsafe foods brought in by unscrupulous people.

□ 1500

It will do something more than this. It will protect the American food industry, the processors, the manufacturers, and the growers, against unfair competition in places like China where they are adding melamine to food and delivering patently unsafe food.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Food Safety Enhancement Act of 2009. This bipartisan legislation will address and reform the shortcomings in our food supply system.

Serious gaps have been exposed in the Food and Drug Administration's ability to protect the American public due to recent outbreaks and recalls of food-borne diseases in spinach, peanuts, peppers, and other foods that many Americans depend on daily. These outbreaks have not only shaken consumer confidence in the industry that produces one of our most basic and important commodities, but it has also caused sickness and even death.

We need to ensure that FDA has the necessary tools and resources to fulfill its vital mission in protecting the American public from unsafe products. The Food Safety Enhancement Act will accomplish this by bringing the FDA into the 21st century so that it can address the challenges and problems created by a global food system and to prevent the causes associated with food-borne illnesses. Currently, FDA is only able to inspect approximately one percent of imported food at the border. The bill will require the FDA to inspect high-risk facilities once every six months to a year and create a system to prevent contamination of imported and domestically produced food from occurring.

Mr. Speaker, American consumers should not live in fear of the food they eat. I want to

thank Chairman WAXMAN and Chairman DINGELL for their leadership on this very important issue. I urge my colleagues to join me in supporting this much-needed legislation.

Mr. HOYER. Mr. Speaker, I rise in strong support of the Food Safety Enhancement Act of 2009, and I thank Chairman Emeritus DINGELL, Chairmen WAXMAN, PALLONE, and STUPAK, and Representatives DEGETTE and SUTTON for their hard work to bring it to the floor today. This bill gives the Food and Drug Administration the authority and resources it needs to ensure that all Americans can be confident that the food they are putting on their family tables is free of contamination.

A string of recent food safety scares shows that this bill is overdue—from the discovery of E. coli in spinach to salmonella in peppers and peanut butter. In fact, Time magazine reports that contaminated food causes 5,000 deaths and 325,000 hospitalizations each year. Unsafe food does not only put health and lives at risk; it undermines confidence across the board and poses a real threat to Americans' trust in our food industry. And that lack of trust is harmful to both families' peace of mind and the food industry's economic future. So it is in the interest of consumers and industry alike to see safety regulations faithfully enforced.

This bill speeds up the inspection schedule, ensuring that the FDA checks up on high-risk food facilities every six to 12 months, and on lower-risk facilities at least once every 18 months to three years. It requires all food facilities operating in the U.S. or exporting to the U.S. to develop and submit food safety plans. It strengthens safeguards against unsafe imported food products. And it provides for a faster, more effective FDA response in case we do see a food emergency: with an up-to-date registry of food facilities, better traceability of contaminated food, and stronger authority to quarantine and recall dangerous products, the FDA will be empowered to take quick action that can nip outbreaks in the bud and save lives.

These steps, and more, combine to make this what many have called the most sweeping reform of food safety laws in 50 years. One only needs to watch the news to see that this reform is highly needed. I urge my colleagues to support it.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise in support of the Food Safety Enhancement Act of 2009, and commend Chairmen WAXMAN, BARTON, PALLONE, DINGELL, DEAL and STUPAK for all of their bipartisan and extensive work on this important legislation.

The Food Safety Enhancement Act is a critical part of protecting the health and wellbeing of our citizens from food-borne illnesses and negligent food manufacturers. This bill strengthens the FDA's oversight of our nation's food supply by increasing inspections, improving traceability, and empowering the agency to order mandatory recalls when necessary.

The FDA is responsible for the safety of 80 percent of our nation's food supply, but only has the resources to inspect food-manufacturing facilities once every 10 years. Over the past several years we have seen an increase in outbreaks of Salmonella, resulting in recalls of tainted food, health problems, and sadly,

deaths. The FDA under the Bush Administration failed to take the steps necessary to ensure the safety of our food supply, but this bill, which was approved by the Energy and Commerce Committee with bipartisan support, will change that.

I am pleased that the bill we are considering today also includes a modified version of my bill, the Ban Poisonous Additives—or BPA Act.

BPA is a ubiquitous chemical found in most food and beverage cans and many reusable plastic containers. It was also found in most baby bottles until recently, when major baby bottle manufacturers agreed to voluntarily stop using it because of concerns about its effects on health, which are many: BPA can be linked to increases in breast and prostate cancer risk, heart disease, liver abnormalities and diabetes; BPA can result in adverse impacts to reproductive health; BPA can be linked to increases in obesity, attention deficit and hyperactivity disorder, brain damage, altered immune function and other problems; BPA can be found at dramatically higher levels in infants than in the rest of the population, and is also found in placental tissue and umbilical cord blood; BPA has been found at higher levels in women with a history of repeated spontaneous miscarriages; and BPA has been shown to alter the effectiveness of chemotherapy in cancer patients.

The Food Safety Enhancement Act of 2009 calls on FDA to evaluate the approved uses of BPA in food and beverage containers and to tell the Committee on Energy and Commerce whether each use is safe by the end of this year. If FDA finds that BPA isn't safe, it is additionally directed to tell Congress how it plans to protect public health—which could include banning the chemical as well as efforts such as placing warning labels on products that contain it so that the most vulnerable populations will be better able to avoid it.

Not all industries are as receptive to addressing health concerns as the baby bottle manufacturers were. In fact, just recently, the food and packaging industry convened a meeting in Washington at which they devised an expensive public relations claim to combat their consumer confidence crisis. They even concluded that their “holy grail” spokesperson would be a pregnant woman who could publicly extol the virtues of BPA, and thought about how to create fears that its removal would lead to scarce or unsafe food products.

Although the baby bottle manufacturers' voluntary action and a variety of State laws banning its use are helpful, what we really need is federal leadership on this vital public health issue, and I am pleased that the FDA has commenced a scientific review of all the data. The language in this bill will ensure that the review occurs quickly and that appropriate steps will be taken to protect public health.

I thank my colleagues for working with me to craft this compromise provision, and I urge support for the underlying bill.

Mr. WAXMAN. Mr. Speaker, I submit the following exchange of letters:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 27, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Ways and Means applauds your efforts to improve and ensure the security and safety of food offered for consumption and consumed in the United States and appreciates your willingness to work with us to satisfactorily resolve a number of trade-related issues falling within our jurisdiction. Such issues include the regulation of importers and brokers, Customs and Border Protection (CBP) implementation and enforcement of U.S. laws, and compliance with U.S. international trade obligations. In particular, we appreciate your efforts to address our concerns with respect to sections 204 and 205 of your bill, H.R. 2749, the Food Safety Enhancement Act of 2009, regarding the registration of importers and brokers, respectively.

In light of the agreed upon changes, the Committee will forgo action on this bill and will not oppose its consideration on the Suspension Calendar. These changes ensure that the application of the Food Safety Enhancement Act on the registration of importers is carried out in consultation with CBP, taking into consideration time needed for CBP and importers to make necessary adjustments to comply with the new requirements of the Act, and that the registration of customs brokers is consistent with and does not extend beyond current requirements set forth in current law, including granting new authority to any other agency to regulate customs brokers.

This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or the full exercise of its jurisdictional prerogatives on this bill or similar legislation in the future.

The Committee intends to look for opportunities to improve the safety of imported food and the safety of imported goods overall, in accordance with the existing statutory and regulatory scheme under CBP. We look forward to soliciting your suggestions for reform.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 29, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2749, the “Food Safety Enhancement Act of 2009.” I appreciate your work and thoughtful input on this bill.

Your letter noted that certain provisions of the bill are within the jurisdiction of the Committee on Ways and Means. The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Ways and Means in this bill. We appreciate your agreement to forgo action on the bill, and I concur that this agreement does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future.

As the bill moves through the legislative process, we will continue to work with you to ensure that the concerns raised by the

Committee on Ways and Means have been addressed to your satisfaction. I will include our letters in the Congressional Record during consideration of the bill on the House floor.

Again, I appreciate your cooperation regarding this important legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 28, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce,
Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 2749, the Food Safety Enhancement Act of 2009, which may be considered this week on the floor, and which contains provisions within the jurisdiction of the Committee on Agriculture.

I would note that our Committees have had a history of working cooperatively on matters that generally concern food safety. In order to permit floor consideration of this bill, the Committee will forgo action with the understanding that it does not prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2749, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration on the House floor.

Sincerely,

COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 29, 2009.

Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 28, 2009, indicating your jurisdictional interest in H.R. 2749, the Food Safety Enhancement Act of 2009. I acknowledge that the bill contains provisions within the jurisdiction of the Committee on Agriculture, and appreciate your willingness to work with us to permit consideration of this bill, which will enhance food safety for all Americans. I understand that this action will in no way waive your Committee's jurisdiction in the subject matter of the legislation.

Furthermore, in the event that a conference with the Senate is requested on this matter, I would support naming Committee on Agriculture Members to the conference committee. A copy of our exchange of letters regarding this bill will be inserted into the Congressional Record during floor consideration.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 2749, the Food Safety Enhancement Act.

Over the past year or so there have been several high profile food contamination incidents in the U.S. involving: spinach, cantaloupes, peanut butter, and tomatoes.

Congress has diligently investigated all of these incidents and found FDA simply does not have the resources, funding, manpower, or technology it needs to protect the American food supply and fulfill its mission.

This bill finally gives the FDA the authority to conduct mandatory recall. We should not to rely on the voluntary efforts of food manufacturers to ensure the safety of their product.

H.R. 2749 will also require the FDA to inspect high-risk facilities once every six months to a year. FDA now inspects food production facilities once a decade on average.

The one shortcoming of the bill is that funding is not dedicated to the creation of additional FDA labs, but it does allow for third party inspection by accredited labs.

The Port of Houston does not have an FDA lab and in fact there is no FDA lab in the entire state of Texas even though we share the longest border with Mexico.

Right now, the FDA is only able to inspect approximately 1 percent of imported food at the border. With its level of trade and southern border with Mexico, it is a glaring hole in the system that Texas does not have an FDA lab. In fact, there are over 300 ports of entry in the U.S. and only 13 ports actually have FDA labs.

It is my hope that we will be able to provide additional funds for the creation of these labs in the future.

H.R. 2749 provides some of those funds to get the FDA moving in the correct direction, and we will have to appropriate more, but I am happy the Food Safety Enhancement Act finally gives the FDA the authority and improved systems to protect our food supply.

I am pleased that after two years of hard work we will finally be moving a comprehensive food safety bill out of House.

I want to commend Chairman Emeritus DINGELL, Chairman WAXMAN, Chairman PALLONE, and Chairman STUPAK for their continued and dedicated work on this issue.

Mr. MATHESON. Mr. Speaker, I would like to thank Chairman WAXMAN and especially Chairman Emeritus DINGELL and his staffer, Virgil Miller, for their work to include an amendment I authored regarding lead in ceramic ware.

A couple years ago in Utah, a young mother used ceramic plates to heat her food in the microwave. Her infant became very sick. Doctors discovered that the baby was suffering from lead poisoning because lead had leached out of the ceramic plates she used. Most of us are unaware of this risk and most people don't know that lead can leach out of ceramic ware when the glaze is improperly fired or when the glaze has broken down over time. When lead is released into food and drink from ceramics, hazardous levels can contaminate food substances and expose children and adults to toxic levels.

FDA regulates the lead levels of ceramic ware and has set acceptable levels of lead-allowed ceramic ware used in food preparation and currently has a safety warning designating ceramic items not intended for food use. However, there is currently no label alerting consumers that the ceramic products they purchase for food use/preparation (i.e. plates, cups, etc.) contain any lead.

My language requires labels on plates and packaging for ceramic ware/cookware con-

taining lead for an intended functional purpose. It focuses on the glazing because all ceramic ware has trace amounts of lead in clay and those trace amounts do not contribute to lead poisoning. Problems arise when ceramicware contains lead-based glaze that is either fired incorrectly or contains high amounts of lead (above safe levels).

This language doesn't affect ornamental plates or decorative ceramics, which are already regulated by FDA and which are not considered safe for food use because of their lead levels.

Finally, my provision requires FDA to set up an educational program on its website to further educate consumers about these issues and about safe practices.

I am hopeful that these measures will enable us to better protect children and families from the potential problems caused by incorrectly fired ceramic ware and lead leaching from ceramics.

Ms. SCHAKOWSKY. Mr. Speaker, the use of massive amounts of human antibiotics for non-therapeutic purposes in industrial food animal production is seriously jeopardizing the health of Americans. This practice is contributing to the emergence and spread of antibiotic-resistant bacteria, often rendering ineffective human life-savings drugs.

I am submitting for the record a letter to the White House, signed by twenty reputable organizations such as the Infectious Diseases Society of America, American Medical Association, American Academy of Pediatrics, and Pew Charitable Trusts, which supports the Food and Drug Administration's early steps to phase out the use of antibiotics for growth promotion and feed efficiency in food animals, and calls on the Administration to go further.

JULY 24, 2009.

Ms. MELODY BARNES,

Assistant to the President for Domestic Policy, The White House, Washington, DC.

DEAR MS. BARNES: As organizations committed to protecting patients, public health, animal health, and food safety, the undersigned groups are writing to express our grave concern about the misuse of antibiotics in agriculture and our strong support for the Administration's new "public health approach to antimicrobial use in animals," which was articulated by the Food and Drug Administration (FDA) in its July 13th statement before the Rules Committee of the U.S. House of Representatives. The Obama Administration's leadership in providing a clear path forward on this highly politically charged issue is very much welcomed after decades of inertia.

Our combined memberships include the country's foremost scientific and medical experts and represent more than eleven million concerned Americans and health professionals. Our position is based on objective health interests and concerns that dangerous drug resistant infections are rapidly increasing in hospitals and community settings adding to the economic burden of the U.S. healthcare costs.

Specifically, we support the FDA's calls for phasing out the use of antimicrobial drugs for growth promotion and feed efficiency, and for requiring that all other uses of these drugs be carried out under the supervision of a veterinarian and within the boundaries of a valid veterinarian-client-patient relationship—which we expect will end over-the-counter sales of tons of antimicrobial drugs

annually. We also support the agency's expressed intent to clearly define the limited instances where antimicrobials may be used judiciously in food animals for purposes of disease prevention and control and are eager to work with FDA to ensure that the policy developed is the most protective of public health. We also urge the agency to make the new antimicrobial policy mandatory, retroactive to already-approved drugs, and enforceable, in order to best guarantee a significant reduction in antimicrobial use. The Administration's statement clearly demonstrates a commitment to sound and science-based policies that are backed up by scores of scientific and medical publications and will protect the health of every American.

The development of antimicrobial agents to treat life-threatening infections has been one of the most notable medical achievements of the past century. Physicians, healthcare professionals, and public health and food safety advocates are greatly concerned about the growing body of scientific evidence demonstrating that antimicrobial drug use in livestock and poultry contributes to the spread of drug-resistant bacteria to people. Drug-resistant organisms are plaguing Americans, including otherwise healthy individuals, in healthcare settings and communities across the country. We are pleased that these concerns finally are being recognized and addressed by the federal government to forestall epidemics of untreatable infections.

Fundamental to FDA's new approach—and our support for it—are the principles that: "protecting public health requires the judicious use in animal agriculture of those antimicrobials of importance in human medicine" and that "purposes other than for the advancement of animal and human health should not be considered judicious use."—Dr. Joshua Sharfstein, FDA's Principal Deputy Commissioner, July 13, 2009.

The Administration's vision to eliminate non-judicious uses of antimicrobial drugs, including for purposes of growth promotion and feed efficiency and non-judicious disease prevention which have been practiced in animal agriculture for several decades, demonstrates a critical public policy shift that will better protect the public against resistant infections and preserve the power of existing antibiotics. In addition, we urge FDA to formalize its position on veterinary supervision of all antimicrobial uses and ending the over-the-counter sale of antibiotics for animal agricultural uses, which are long-overdue. The sale of antimicrobials for use in human medicine requires a prescription; there is no reason to permit a lower standard for agricultural purposes where considerably more antimicrobial drugs are used annually.

The Administration's new policy direction appears intended to reflect the concerns of a broad consensus of the scientific, medical, public health and international health communities. Such consensus is buttressed by the actions of expert bodies and governments. For example:

Since 2002, the World Health Organization (WHO) has called upon all nations to shift from use of antimicrobials in non-human medicine.

In 2003, the Institute of Medicine (IOM) of the National Academies of Science called on the FDA to ban the use of antimicrobials for growth promotion in animals, if those drugs were also used in human medicine.

In 2006, the European Union banned non-therapeutic use of antimicrobials, because such use was found to raise food safety concerns, and the ban was instituted to protect

against further development of antimicrobial resistance.

We recognize that phasing out of antimicrobials for non-judicious uses in animals will require changes in the agricultural industry. But protection of the public's health must come first, and the phase out can be conducted in a way that that minimizes costs to the agriculture industry. Farmers in Europe have adapted to such a policy without undue disruption of production or increased consumer costs; the United States can learn from that experience while also protecting American lives. In addition, the U.S. Department of Agriculture has recognized that various production methods used in the United States today are viable alternatives to non judicious antimicrobial uses and such alternatives are employed with little negative—or even with somewhat positive—economic impact to producers.

We urge you to maintain the scientifically sound positions the Administration already has taken in support of phasing out growth promotion and feed efficiency uses, and to finalize a policy that will strictly manage a narrow set of prophylactic uses while mandating veterinary-patient relationships and eliminating the over-the-counter sale of antibiotics for use in animals.

We remain committed to working with the Administration to implement these new approaches in ways that will best protect the lives and health of both humans and animals.

Sincerely,

Alliance for the Prudent Use of Antibiotics.

American Academy of Pediatrics.

American Association of Critical-Care Nurses.

American Medical Association.

American Pharmacists Association.

American Public Health Association.

American Society of Health-System Pharmacists.

Association for Professionals in Infection Control and Epidemiology.

Food Animal Concerns Trust.

Humane Society of the United States.

Infectious Diseases Society of America.

Institute for Agriculture and Trade Policy.

Keep Antibiotics Working.

Michigan Antibiotic Resistance Reduction Coalition.

National Association of County and City Health Officials.

Pew Campaign on Human Health and Industrial Farming.

Premier, a healthcare alliance serving 2,100 nonprofit hospitals and 58,000 healthcare sites.

Society of Infectious Diseases Pharmacists.

Trust for America's Health.

Union of Concerned Scientists.

Mrs. BACHMANN. Mr. Speaker, I rise today in reluctant support of H.R. 2749, the Food Safety Enhancement Act of 2009. While I support the legislation, it is by no means perfect and it is my sincere hope that the concerns I share with my colleagues in the House will be addressed as the bill moves through the legislative process.

Ensuring the safety of America's food supply is a critical issue, which warrants our utmost attention. In light of recent outbreaks of food-borne illnesses that have caused sickness and death in our country, I believe it is imperative the action be taken to restore confidence to the American people in the food they eat. This task requires careful analysis of

our current food supply dynamic, as well as thoughtful consideration of implications of any potential solutions. Our constituents deserve no less.

Indeed, every link in the food supply chain from the farm to the shelf plays a valuable role in delivering a safe product to consumers, and I believe each link requires flexibility in order to continue to provide high-quality, competitively priced goods to American consumers. A dutiful producer should expect unwarranted government intrusion no more than a consumer should expect their next meal will make them sick.

The detrimental consequences of an overly onerous federal government and bureaucratic red-tape must be carefully weighed against the need for regulation to ensure safe foods. That being said, H.R. 2749 does attempt to find a balance. As a result, the bill has earned the support of a wide range of stakeholders from farm groups to distributors.

Mr. Speaker, while I stress the importance of continued work to improve the bill, I support its passage and urge my colleagues to do the same.

Mr. DINGELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 2749, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by 5-minute votes on suspending the rules and passing:

H.R. 1665, if ordered; and

House Resolution 373, if ordered.

The vote was taken by electronic device, and there were—yeas 280, nays 150, not voting 3, as follows:

[Roll No. 657]

YEAS—280

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bocciari

Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney

Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings

Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)

Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebbeck
Loftgren, Zoe
Lowey
Lynch
Maffei
Maloney
Marchant
Markey (MA)
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Peters
Peterson
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel

Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Lowey
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wolf
Wu
Yarmuth

NAYS—150

Aderholt
Akin
Alexander
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Bean
Bilbray
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman

Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway

Culberson
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxo
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves
Griffith

Hall (TX)	Mack	Rohrabacher
Harper	Manzullo	Rooney
Hastings (WA)	Markey (CO)	Royce
Heinrich	Marshall	Ryan (WI)
Heller	Massa	Salazar
Hensarling	McCarthy (CA)	Schmidt
Herger	McCaul	Schock
Hinchey	McClintock	Sensenbrenner
Hoekstra	McHenry	Sessions
Hunter	McKeon	Shadegg
Inglis	McMorris	Shuler
Issa	Rodgers	Shuster
Jenkins	Mica	Simpson
Johnson (IL)	Miller (FL)	Smith (NE)
Johnson, Sam	Miller, Gary	Smith (TX)
Jones	Minnick	Souder
Jordan (OH)	Moran (KS)	Stearns
Kagen	Myrick	Sullivan
Kind	Neugebauer	Taylor
King (IA)	Nunes	Teague
Kingston	Olson	Thompson (PA)
Kline (MN)	Paul	Thornberry
Kratovil	Pence	Tiahrt
Lamborn	Perriello	Wamp
Latham	Petri	Welch
Latta	Pingree (ME)	Westmoreland
Lewis (CA)	Pitts	Wilson (SC)
Linder	Poe (TX)	Wittman
Lucas	Posey	Woolsey
Luetkemeyer	Price (GA)	Young (AK)
Luján	Radanovich	Young (FL)
Lummis	Rehberg	
Lungren, Daniel	Roe (TN)	
E.	Rogers (AL)	

NOT VOTING—3

Davis (TN)	McCarthy (NY)	McHugh
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□ 1529

Messrs. WAMP, DAVIS of Kentucky, BROWN of South Carolina, WELCH, Ms. BEAN and Ms. WOOLSEY changed their vote from “yea” to “nay.”

Messrs. MARCHANT, TERRY, ROGERS of Kentucky, ROSKAM, BUYER, CAO, FRELINGHUYSEN, GINGREY of Georgia and Mrs. BACHMANN changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

COAST GUARD ACQUISITION REFORM ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1665, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 1665, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 7, as follows:

[Roll No. 658]

AYES—426

Ackerman	Cummings	Jackson (IL)
Aderholt	Dahlkemper	Jackson-Lee
Adler (NJ)	Davis (AL)	(TX)
Akin	Davis (CA)	Jenkins
Alexander	Davis (IL)	Johnson (GA)
Altmire	Davis (KY)	Johnson (IL)
Andrews	Deal (GA)	Johnson, E. B.
Arcuri	DeFazio	Johnson, Sam
Austria	DeGette	Jones
Baca	Delahunt	Jordan (OH)
Bachmann	DeLauro	Kagen
Bachus	Dent	Kanjorski
Baird	Diaz-Balart, L.	Kaptur
Baldwin	Diaz-Balart, M.	Kennedy
Barrett (SC)	Dicks	Kildee
Barrow	Dingell	Kilpatrick (MI)
Bartlett	Doggett	Kilroy
Barton (TX)	Donnelly (IN)	Kind
Bean	Doyle	King (IA)
Becerra	Dreier	King (NY)
Berkley	Driehaus	Kingston
Berman	Duncan	Kirk
Berry	Edwards (MD)	Kirkpatrick (AZ)
Biggert	Edwards (TX)	Kissell
Bilbray	Ehlers	Klein (FL)
Bilirakis	Ellison	Kline (MN)
Bishop (GA)	Ellsworth	Kosmas
Bishop (NY)	Emerson	Kratovil
Bishop (UT)	Engel	Kucinich
Blackburn	Eshoo	Lamborn
Blumenauer	Etheridge	Lance
Blunt	Fallin	Langevin
Boccieri	Farr	Larsen (WA)
Boehner	Fattah	Larson (CT)
Bono Mack	Filner	Latham
Boozman	Flake	LaTourette
Boren	Fleming	Latta
Boswell	Forbes	Lee (CA)
Boucher	Fortenberry	Lee (NY)
Boustany	Foster	Levin
Boyd	Fox	Lewis (CA)
Brady (PA)	Frank (MA)	Lewis (GA)
Brady (TX)	Franks (AZ)	Linder
Braley (IA)	Frelinghuysen	Lipinski
Bright	Fudge	LoBiondo
Broun (GA)	Gallely	Loeb
Brown (SC)	Garrett (NJ)	Loeb
Brown, Corrine	Gerlach	Lofgren, Zoe
Brown-Waite,	Giffords	Lowey
Ginny	Gingrey (GA)	Lucas
Buchanan	Gohmert	Luetkemeyer
Burgess	Gonzalez	Luján
Burton (IN)	Goodlatte	Lummis
Butterfield	Gordon (TN)	Lungren, Daniel
Buyer	Granger	E.
Calvert	Graves	Lynch
Camp	Grayson	Mack
Campbell	Green, Al	Maffei
Cantor	Green, Gene	Maloney
Cao	Griffith	Manzullo
Capito	Grijalva	Marchant
Capps	Guthrie	Markey (CO)
Capuano	Gutierrez	Markey (MA)
Cardoza	Hall (NY)	Marshall
Carnahan	Hall (TX)	Massa
Carney	Halvorson	Matheson
Carson (IN)	Hare	Matsui
Carter	Harman	McCarthy (CA)
Cassidy	Harper	McCaul
Castle	Hastings (FL)	McClintock
Castor (FL)	Hastings (WA)	McCollum
Chaffetz	Heinrich	McCotter
Chandler	Heller	McDermott
Childers	Hensarling	McGovern
Chu	Herger	McHenry
Clarke	Herseth Sandlin	McIntyre
Clay	Higgins	McKeon
Cleaver	Hill	McMahon
Clyburn	Himes	McMorris
Coble	Hinche	Rodgers
Coffman (CO)	Hinojosa	McNerney
Cohen	Hirono	Meek (FL)
Cole	Hodes	Meeks (NY)
Conaway	Hoekstra	Melancon
Connolly (VA)	Holden	Mica
Conyers	Holt	Michaud
Costa	Honda	Miller (FL)
Costello	Hoyer	Miller (MI)
Courtney	Hunter	Miller (NC)
Crenshaw	Inglis	Miller, Gary
Crowley	Inslee	Miller, George
Cuellar	Israel	Minnick
Culberson	Issa	Mitchell
		Mollohan

Moore (KS)	Rodriguez	Space
Moore (WI)	Roe (TN)	Speier
Moran (KS)	Rogers (AL)	Spratt
Moran (VA)	Rogers (KY)	Stark
Murphy (CT)	Rogers (MI)	Stearns
Murphy (NY)	Rohrabacher	Stupak
Murphy, Patrick	Rooney	Sullivan
Murphy, Tim	Ros-Lehtinen	Sutton
Murtha	Roskam	Tanner
Myrick	Ross	Taylor
Nadler (NY)	Rothman (NJ)	Teague
Napolitano	Roybal-Allard	Terry
Neal (MA)	Royce	Thompson (CA)
Neugebauer	Ruppersberger	Thompson (MS)
Nunes	Rush	Thompson (PA)
Nye	Ryan (OH)	Thornberry
Oberstar	Ryan (WI)	Tiahrt
Obey	Salazar	Tiberi
Olson	Sánchez, Linda	Tierney
Olver	T.	Titus
Ortiz	Sanchez, Loretta	Tonko
Pallone	Sarbanes	Towns
Pascarell	Scalise	Tsongas
Pastor (AZ)	Schakowsky	Turner
Paul	Schauer	Upton
Paulsen	Schiff	Van Hollen
Payne	Schmidt	Velázquez
Pence	Schock	Visclosky
Perlmutter	Schwartz	Walden
Perriello	Scott (GA)	Walz
Peters	Scott (VA)	Wamp
Peterson	Sensenbrenner	Wasserman
Petri	Serrano	Schultz
Pingree (ME)	Sessions	Waters
Pitts	Sestak	Watson
Platts	Shadegg	Watt
Poe (TX)	Shea-Porter	Waxman
Polis (CO)	Sherman	Weiner
Pomeroy	Shimkus	Welch
Posey	Shuler	Westmoreland
Price (GA)	Shuster	Wexler
Price (NC)	Simpson	Whitfield
Putnam	Sires	Wilson (OH)
Quigley	Skelton	Wilson (SC)
Radanovich	Slaughter	Wittman
Rahall	Smith (NE)	Wolf
Rangel	Smith (NJ)	Woolsey
Rehberg	Smith (TX)	Wu
Reichert	Smith (WA)	Yarmuth
Reyes	Snyder	Young (AK)
Richardson	Souder	Young (FL)

NOT VOTING—7

Abercrombie	Davis (TN)	Schrader
Bonner	McCarthy (NY)	
Cooper	McHugh	

□ 1537

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL HYDRO- CEPHALUS AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 373.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 373.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FISCAL SOLVENCY OF CERTAIN TRUST FUNDS

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3357) to restore sums to the Highway Trust Fund and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

(2) by adding at the end the following new paragraph:

“(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund \$7,000,000,000.”.

SEC. 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to “Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds” in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 754) is amended by striking “to remain available through September 30, 2010” and all that follows (before the heading for the following item) and inserting “such sums as may be necessary”.

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to “Federal Housing Administration—Mutual Mortgage Insurance Program Account” in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 966) is amended by striking “\$315,000,000,000” and inserting “\$400,000,000,000”.

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY.

The item relating to “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account” in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 967) is amended by striking “\$300,000,000,000” and inserting “\$400,000,000,000”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair now recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks on the bill H.R. 3357, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. I yield myself such time as I may consume.

Mr. Speaker, transportation is one of the most important issues in our country, so I am proud to have served on both the Ways and Means Committee and on what was then the Public Works and Transportation Committee.

I would like to thank Chairman RANGEL and Chairman OBERSTAR for their leadership on this important issue.

The bipartisan bill before the House today will provide the necessary funds to keep important transportation projects operating in States around the country. As we all know, the Highway Trust Fund will run out of funding by September. We must act, and we must act now.

In 1998, Congress passed a highway bill that took more than \$8 billion out of the trust fund and put it in the Treasury. In addition, Congress stopped the Highway Trust Fund from earning interest on its investment. If these steps had not been taken, the balance in the Highway Trust Fund would be nearly \$20 billion more than it is now.

□ 1545

Last year we transferred \$8 billion back, and the legislation we are considering today would transfer \$7 billion more.

I want to be clear, Mr. Speaker. No new money is spent under this bill. This bill should keep the Highway Trust Fund fully funded until 2009. If we fail to act today, our people, our States, and our economy will be harmed. In Georgia, where unemployment is already above 10 percent, we cannot afford to lose another 8,500 jobs because of failure to act.

Last year, all sides understood how critical highway funding is to our economy. I hope the legislation we are considering today will enjoy similar bipartisan support. I urge all of my colleagues on both sides of the aisle to support this important legislation.

I reserve the balance of my time.

Mr. CAMP. I yield myself such time as I may consume.

Last week, we appropriated an unlimited amount of general funds to the unemployment trust funds throughout fiscal year 2010, which starts in October, and today we're doing the same thing for the last 2 months of this year, ensuring these funds don't run out while Congress is on district work period. Both actions are needed because the Democrats' economic policy has resulted in record job loss, record deficits, and none of the job creation they promised.

Democrats predicted unemployment would top out at 8 percent if the stimulus passed; instead, it's 9.5 percent and rising. In Michigan, it's above 15 percent. There are now a record 9.2 million collecting unemployment checks instead of paychecks. That's 1.1 million more than when the stimulus was passed. So if the stimulus is stimu-

lating anything, it's record unemployment, not jobs.

Where are the jobs? Americans can surely see the record unemployment, but they cannot see where the jobs are. That's because millions of jobs are disappearing, not being created. What's more, since President Obama was sworn in, the Nation's public debt and unemployment, combined, has risen by a shocking 40 percent. And that's before literally trillions of dollars in additional spending under the Democrats' stimulus, energy, and health plans, and whatever higher unemployment lies ahead.

This bill reflects the continued failure of Democratic economic policy to save or create millions of jobs they promised that would flow quickly from their stimulus bill. More unemployment benefits instead of paychecks have led directly to more State insolvency and more Federal loans to those insolvent States. And that has drained the Federal bailout funds so much, it now needs its own bailout. That's what this bill does.

We had a choice when it came to the stimulus last February. We could have chosen a better policy of stimulating private-sector growth creating twice the jobs at half the price. That was the Republican plan. Instead, Democrats insisted on their government focus plan, which has produced no jobs and a mountain of debt. Today, in my view, we don't really have a choice but to support this bill; otherwise, in the next 2 months, laid-off workers will not get the unemployment benefits they were promised. American workers should not be forced to pay for the mistakes and failures of the Democrats' so-called stimulus bill. So this bill is necessary.

But in the longer run, we need to work together to create jobs so Americans can receive more paychecks, not more unemployment checks.

I would also note, Mr. Speaker, that this bill provides an emergency transfer of \$7 billion in the general fund revenue to prop up the Highway Trust Fund for the remainder of this fiscal year. This is not the first time Congress has had to fill a year-end shortfall in the trust fund to ensure that State highway projects can go forward. And unless we get serious about enacting long-term structural reforms as we move ahead with the next reauthorization bill, it surely won't be the last bill, either.

I don't think anyone in this Chamber thinks that yet another short-term general fund transfer is the ideal solution to these chronic shortfalls, and I certainly hope that going forward, the majority focuses its attention on long-term structural reforms and not just on higher and higher spending levels.

With that, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I'm pleased to yield 2 minutes to the

gentleman from Minnesota, the Chair of the Transportation Committee, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the gentleman for the time and his leadership on this issue and Mr. NEAL, the Chair of the subcommittee, who spent a great amount of time in hearings last month and this month on the current status and future of the Highway Trust Fund.

I would just like to underscore, in response to the gentleman from Michigan, we share the pain of the drop in VMT on the miles traveled throughout the Nation and the consequent loss of revenue in the Highway Trust Fund. It started in 2007, and by 2008 we had registered, for the first time in the history of the Highway Trust Fund and the interstate highway program, a drop of 60 billion vehicle miles traveled. That had never happened before in the history of the Highway Trust Fund because of the condition of the national economy.

We are beginning to recover. We're beginning to see the statistics going in the right direction. VMT, reported by the Department of Transportation on a monthly basis, shows increases in January, February, March, April, and May. And all of the indicators, the rural interstate, the rural arterial, rural NHS, National Highway System rose, the urban interstate. All are a percentage, a small percentage, but percentage increases over the months a year ago.

There are two indicators that are down. Urban arterial and various urban roads are down about a half percent and 1.3 percent, respectively. The trend is in the right direction. I regret, too, that we have to take this step. We should have spent this week passing the committee's bill for the future of surface transportation. We do have a bipartisan product.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of Georgia. I yield the gentleman another 1 minute.

Mr. OBERSTAR. And I welcome the support of the gentleman from Michigan for that initiative. It will address the long-term future, the 6-year future of transportation. It will totally transform the Department of Transportation, Federal Highway Administration, Federal Transit Administration, make it easier to move projects into operation, and much more that is in our 775-page bill. We will do that in September.

This is an infusion, not an extension. We are not standing for the wish of the other body or of the administration for an extension of time. We're not going to let that happen. This committee has done and will continue to do its work in a partnership within our committee. And I hope the bill comes to the floor within the entire body.

Meanwhile, this \$7 billion infusion will carry the trust fund through the end of the fiscal year and into October

against any unforeseen drop in VMT or loss in revenue into the trust fund. I think the trends are all in the right direction and that we are not going to be losing revenue.

Mr. Speaker, I rise today in strong support of H.R. 3357, to restore sums to the Highway Trust Fund.

This legislation, introduced by Chairman RANGEL, Chairman OBEY, and me, includes a provision restoring \$7 billion to the Highway Account of the Highway Trust Fund to ensure that the U.S. Department of Transportation (DOT) can meet its existing commitments under the Federal-aid Highway program.

According to DOT, the Highway Account of the Trust Fund may run out of cash as early as the beginning of September and may not have enough funding to fully reimburse States for their Federal highway investments.

This situation makes clear that we have reached the logical conclusion of the course set by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Unfortunately, the legacy that has been left for users is an over-extended Trust Fund, uncertainty, and potential funding cuts.

SAFETEA-LU intentionally put the Highway Trust Fund on the path to a zero cash balance. Recent declines in vehicle miles traveled due to high fuel prices and the weak economy have merely exacerbated a pre-existing imbalance between Trust Fund revenues and expenditures that was created by SAFETEA-LU.

The previous administration's unwillingness to make hard choices has left the 111th Congress, and particularly the Committee on Ways and Means and the Committee on Transportation and Infrastructure, with the unenviable task of finding a way to finance the existing program level, in addition to much-needed increases in investment.

Since taking office, the Obama administration has implemented a system to closely track actual Trust Fund revenues, outlays, and balances, and has been communicating with Congress the need to take steps to address this situation before we reach the crisis point.

According to DOT, by September 4, the Highway Account will not have sufficient funds to fully reimburse States for highway projects (–\$285 million), and DOT will immediately begin rationing reimbursements to States, creating cash flow problems for States and significant uncertainty for the future of the program.

By October 1, DOT estimates that, without action by Congress, the Highway Account balance will be –\$1.9 billion.

However, this shortfall amount is only an estimate and the estimate is subject to a series of revenue and outlay adjustments that occur in August and September that could cause negative adjustments to the Trust Fund balance, including: the "true-up" of the account in which the Trust Fund will have to reimburse the General Fund if previous payments of estimated fuel taxes into the Trust Fund are greater than the taxes actually owed; the annual mid-session review of the President's Budget which updates economic assumptions and can affect vehicle miles travelled estimates; the receipt of actual revenues and out-

lays that differ from DOT's current estimates; and the need to maintain a minimum balance in the Trust Fund to continue daily reimbursements for the States.

In fact, last August, reconciling Trust Fund revenue receipts with prior revenue projections caused a downward adjustment in the Trust Fund balance of –\$3.2 billion.

While such a dramatic swing in Trust Fund revenues is unlikely under the procedures adopted by the current administration, restoring \$7 billion to the Highway Account of the Trust Fund will cover the projected shortfall and provide a cash balance to offset any additional shortfall if the DOT estimates are in error.

Failure to act will mean that the Federal Government will be unable to pay all of the bills submitted by the States for reimbursement under the Federal-aid highway program. If that were to occur, under current law, the Federal Government will be required to pay interest on unpaid bills.

In addition, many states would begin to experience immediate cash flow problems if they are not fully reimbursed for Federal-aid highway projects.

We must enact this critical legislation this week to avoid slowdowns or reductions in infrastructure investment, and the loss of any more American construction jobs.

Both the Congressional Budget Office and the Joint Committee on Taxation have determined that this proposal does not constitute a spending outlay, would not violate pay-go, and will have no revenue effect.

Enactment of this legislation will ensure full funding of the highway investment levels authorized by current law, and prevent devastating slowdowns or cuts in each state's Federal highway funds.

While H.R. 3357 is a short-term solution, it is essential that we resolve this immediate crisis. As we proceed with consideration of the "Surface Transportation Authorization Act of 2009", we will continue to work with the Committee on Ways and Means to develop a sustainable financing proposal to address the future of surface transportation.

I thank the gentleman from New York (Mr. RANGEL), the distinguished Chairman of the Committee on Ways and Means, for his leadership in ensuring that these funds are provided to sustain the Highway Trust Fund.

I strongly urge my colleagues to join me in supporting H.R. 3357.

Mr. CAMP. I yield 3 minutes to the distinguished gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding.

I want to join my Democrat counterpart who leads the Transportation and Infrastructure Committee, Mr. OBERSTAR, in requesting the \$7 billion transfer. If we do not transfer these funds to keep the Highway Trust Fund secure through September 30, the consequences for the Nation at this time of economic difficulty would be an absolute disaster. In fact, we would close down probably every major highway transportation project in the Nation. That's how serious this is.

Unfortunately, as the Republican leader of the Ways and Means Committee, Mr. CAMP, said, we've been here

and, unfortunately, had to do this before. This is the second bailout of the fund.

Mr. OBERSTAR has been working non-stop for months even before this session of Congress to bring forth a responsible bill. We've tried to act in a bipartisan administration. The day that we were about to announce our policy and plans for reauthorization, the administration came in and undermined the whole effort with an 18-month extension.

We need the transportation bill now. Unfortunately, we need this gap of money through September 30 or we will really see economic difficulty across this land. So this is a Band-Aid approach. I'm sorry that we have to do it. I know there are some Members that are concerned about this. We do need a long-term solution. We will work together to get that done. The minute this passes, we'll continue our efforts.

But if we do not act, it will have devastating consequences in every one of the States across this Nation as far as closing down transportation projects and closing down jobs at the most difficult time in the country's recent economic history.

So I want a long-term solution. I join Mr. OBERSTAR in requesting that we pass this measure. And unfortunately, we are put in this position of being between a rock and a hard place.

I would be glad to yield to the chairman.

Mr. OBERSTAR. Thank you for yielding.

Mr. Speaker, I want to compliment my colleague on the committee, Mr. MICA, for the splendid partnership we have had personally and staff-to-staff in crafting this bill, and the gentleman has stated the case right on. And were it not for the intrusion of the administration, we would be on the floor this week with that 6-year authorization. And I thank the gentleman for that splendid partnership that we have had.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Washington, the Chair of the Income Security Subcommittee of the Ways and Means Committee, Congressman McDERMOTT.

Mr. McDERMOTT. Mr. Speaker, this legislation will allow the Federal unemployment trust funds to receive interest-bearing loans from the general Treasury. These loans will be repaid when the unemployment trust funds once again have adequate reserves.

Currently, the single biggest draw on Federal trust funds are loans to States' unemployment programs. Eighteen States already have loan balances exceeding \$12 billion, and more are expected to request assistance in the coming weeks and months. This recession, which started in December of 2007, has placed enormous strains on State unemployment programs. But truth be told, too many State pro-

grams had inadequate reserves to provide benefits even in a mild downturn. In the future, more should be done to promote long-term solvency for the unemployment system; however, right now, our mandate is to ensure that the States can continue to pay their unemployment benefits to those entitled to them.

When economists and historians look back at this moment in history, I believe one of the things they will agree, what we did right was to reach out and help those Americans who lost their jobs through no fault of their own.

Last June, we enacted the quickest ever extension of unemployment benefits relative to the start of the recession. In November, we further extended benefits to dislocated workers. And earlier this year, we enacted a historic package of unemployment insurance reforms as part of the Recovery Act, including maintaining the availability of extended benefits, increasing the weekly UI benefit amount, and providing grants to States that modernize their unemployment programs.

Under these reforms, over half the States have enacted improvements to their unemployment programs such as improving coverage for low-wage and part-time workers. In addition, over 9 million UI recipients are receiving \$100 more a month as we speak in order to help buy groceries and other necessities, and 3 billion unemployed workers are now receiving extended benefits.

The SPEAKER pro tempore (Mr. CAPUANO). The time of the gentleman has expired.

Mr. LEWIS of Georgia. I yield an additional 1 minute.

Mr. McDERMOTT. Many of our economists, as well as the stock market, believe our economy is now turning the corner to more prosperous days. Helping the unemployed has been a crucial part of the path to that recovery. But millions of jobs will not be restored overnight. We will continue to ensure a real safety net for the jobless Americans, and I expect Congress will continue this work in the fall.

□ 1600

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the ranking member.

Look, it is too bad that we have to be here now. This is another Band-Aid. It is a necessary Band-Aid, unfortunately, to fix the Transportation trust fund. But it is imperative that we fix this trust fund once and for all.

Now, let me tell you, Chairman OBERSTAR has been working on a bill, a bipartisan bill. He has been working on it for a long, long time; and because of his leadership, his committee, along with Ranking Member MICA, are ready

to go. They are ready to go. We are ready to go. I am privileged to be on that committee. They are ready to go right now.

Again, it is unfortunate that we are not doing that, because we also can't afford to lose any more jobs. And there is one thing we all agree on, that one way to create jobs is through transportation infrastructure. Unfortunately, we are not doing that.

It is pretty evident that the so-called stimulus bill has proven to be a dismal failure. That is why I introduced legislation to rescind the unspent stimulus money, so-called stimulus money, the nontransportation, unspent stimulus money, and put it into the DOT trust fund; to not continue to borrow more money and put more borrowing on our kids' and grandchildren's credit cards.

But, unfortunately, we are not discussing that either here today. Instead, we continue to waste billions of dollars and more, frankly, on the so-called stimulus, which is nothing more than a sham. We need to invest it in real job creation, focus on real job creation; and among the things that create jobs is transportation and infrastructure.

So, again, I hope that we finally get down to business. This is a Band-Aid. But we are ready to continue to work to fix this, to really fix it. One way to do it, while not indebting this country further, is to use those unspent stimulus moneys, to take away that sham and put it in transportation funding that will create jobs and help the country.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), the Chair of the Select Revenue Measures Subcommittee of the Ways and Means Committee.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank Mr. LEWIS for bringing this legislation to the floor. I am in full support of this proposal, and I want to speak additionally in support of the transfer of the Highway Trust Fund as it appears before us.

None of us would like to see pink slips issued around the country at vital road and bridge building projects, including about 4,000 jobs in Massachusetts. We are doing our best to create more of these jobs, not to end the current ones.

Last week, my subcommittee, the Select Revenue Measures Subcommittee, held a 4-hour, four-panel hearing on long-term financing options for the Highway Trust Fund. The consistent statement we heard was that States are desperate for funding.

We heard that roads and bridges are deteriorating at such a pace that current funding will not cover the maintenance, let alone the improvements that are needed. That is why our colleague, Mr. OBERSTAR, has pushed for a short-term patch while we continue to sort out the longer-term solutions for our

transportation infrastructure. I am in support of the Oberstar position.

I understand the hesitance of some of our colleagues to talk about increasing fund revenues in this economy. I want to assure you, they will be at every groundbreaking and they will be at every ribbon cutting, even though they question the financing we propose down the road.

But the reality of this situation is simple: we need to pay for these repairs. There were a variety of proposals discussed at our hearing, last week, good ones, by Republicans and Democrats. Good options were offered: tolls, vehicle miles traveled, excise taxes, the gas and diesel tax, among other ideas.

I want to say of interest, the United States Chamber of Commerce last week proposed a 10 cent increase in the gasoline tax for many of these long-term needs. I think that in and of itself speaks to the bipartisan nature of what we are trying to do now, and I hope in about another month a long-term proposal as well.

Now, whether these proposals are through triggers, indexing or commissions, we need to start working on the long-term plan in whatever politically feasible way we can find a way forward. Kicking the can down the road on infrastructure needs will not work. Our highways, our roadways, our airports, our bridges and our railroads are all in need of an infusion of public support. We all ought to be able to agree on that basic responsibility as Members of this House.

As one witness told us last week, the costs of delaying the longer-term bill are higher than the costs to pass it. A reminder as well, there is an opportunity in this atmosphere with the downturn to get some great pricing, and we should take advantage of that as well.

So I want to urge support of this proposal today, and I hope it takes us on to a longer-term solution.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Here we are again: the second bout of highway robbery, taking money back into the trust fund from the general Treasury. We are told, well, sometime back in 1998, some money was taken from the trust fund into the general fund, so this is just payback.

How many times can we keep saying that? It may have made some sense the first time. It doesn't the second time. It won't the third or fourth time we do this. Yet we are told we are bemoaning the fact we don't have the reauthorization on the floor this week.

Thank goodness we don't. If you think we overspent what we had in the trust fund before, we are really going to do it the next time. A bill has been

proposed that has twice the spending we currently have in the Highway Trust Fund, without revenue to pay for it. We don't have the revenue to pay for the one we have got. How can we double it with no revenue source?

Let's get serious about things here. If we really need a place for the money to come from, I would suggest, as the gentleman did before, take it from the stimulus. But part of the problem is that we are spending for things in this bill, or in the highway program, that are probably worth spending some of the things we have seen in the stimulus.

In the current highway program that we are taking money from the general fund to now fund, there is \$3 million for a parking garage in suburban Chicago; \$1.6 million for a bike path in Wisconsin; \$1.2 million for improvements in the Blue Ridge Music Center in Virginia; \$1 million for improvements to the Police Touch Museum in Pennsylvania. Why don't we rescind some of these programs in the highway bill, and we won't have to take so much money from the general fund?

We can't continue to do this, Mr. Speaker. We are spending money on a suspension bill. We are suspending the rules and passing a bill that is going to cost us \$7 billion. I think the limit on suspension bills used to be something like \$50 million. If it does more than that, you come under a general rule; \$7 billion we are spending here, and it will go almost without dissent.

And that is a shame, Mr. Speaker.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. I thank the gentleman.

Mr. Speaker, I understand the desire of an individual or individuals to be professional scolds on any and every issue that comes to this floor. But the obligation that we have today is far greater than the examples that he cited.

To argue that we ought to hold up a Federal highway bill that benefits this entire Nation because of a handful of initiatives he doesn't like, the truth is he won't vote for the final bill anyway, and time and again we have rejected the proposals that he has come forward with, largely because there was a process and procedure for vetting these differences. And when we buy into the end-game solution, that is part of our responsibility as Members of Congress.

Let me close quickly on this note. One of the reasons that our highway system is the envy of the world is because we have not given in to the temptation to fall easy prey to demagoguery that surrounds some of these proposals. Scolding is one thing. Offering positive suggestions is quite another.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

You know, some of us did stand up and vote against the initial authorization back in 2005, I believe it was, because we were told by our Appropriations Committee chairman, we don't have the money to pay for this. We knew it. Everybody knew it. But the reason that passed, we all know, is because there were 6,300 earmarks in it. You spread enough of that around and people are going to vote for it. There were only eight votes against it here in the House, three in the Senate. And we will likely do the same again.

At some point we have got to say, let's pay for it. And for a State like Arizona, let me tell you, where we give a dollar to Washington for this highway bill and only get about 92 cents back, it is not a very good deal. We would rather keep the tax money and spend it on our own. We could get a lot more infrastructure for that, and that is our complaint, more than anything.

Money is sent here, then it comes back 92 cents on the dollar, and that that does come back is restricted in ways that diminish the value of the dollar, and then it is earmarked completely. It is simply not a good deal for people around the country. So we need a new model.

Mr. LEWIS of Georgia. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee, who long has been active in highways, waterways and many environmental efforts.

Mr. BLUMENAUER. I appreciate the courtesy of my good friend permitting me to speak on behalf of this.

I listened to my friend from Arizona. The fact is the last bill was paid for, but because of the Republican refusal to right-size the trust fund, it was scaled down. But it was paid for. It wasn't right-sized for America. Mr. OBERSTAR and the committee are working to try to do this.

I hope this is the last time we come to the floor to deal with the short-term deficit in the Highway Trust Fund; but, unfortunately, we are going to come back again. Mr. OBERSTAR and his Chair, my good friend Mr. DEFAZIO, have been working for months on a new vision for transportation; and I hope we have that on the floor sooner rather than later.

Along with this is the notion of how we squeeze more value out of each Federal dollar invested. That is part of the work of the new Department of Transportation. It is part of what the committee is working on, and we as Congress need to be involved with that.

New vision, more value, but, frankly, we are going to need more money. We haven't raised the gas tax since 1993. There aren't the resources available to meet what we are seeing in every community across the country. That is

why there is a consensus that is building, as Mr. NEAL said, from the chamber of commerce, to the garden club, to the Sierra Club, unions, environmentalists, local government officials, Republican and Democrat alike, who say come forward with a long-term funding proposal.

What we are going to have to do sometime this decade is increase the gas tax for inflation. What we are going to have to do sometime this decade is have a new mechanism in place that is a true user fee that will enable us to match the people who use the roads or the people who benefit with the financing.

This is within our capacity. And this is one area where I hope that we can get past some of the partisan bickering.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. LEWIS of Georgia. I am pleased to yield to the gentleman an additional 1 minute.

Mr. BLUMENAUER. Thank you, sir.

I hope that every Member will take the time to go back to their districts this next month and talk to the local chamber of commerce, talk to local government, talk to local business people that are attempting to solve these problems, and find out the support there is for Congress to be able to move forward with a broader vision for finance. It is there, if we will do it. And if we do, it is going to have more long-term impact on the financial health of this country than anything else that we will do.

I urge people to do their homework at home so they can come back and support the financing that is necessary for the long-term vision that Mr. OBERSTAR and Mr. DEFAZIO will give us in the months ahead.

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Mr. CAMP. I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from Michigan for the time.

Mr. Speaker, I rise in reluctant support of this bill. I also rise to point out that what we're doing today, in considering the increase for the Highway Trust Fund, is exactly what I sought to do last week through an amendment presented to the Rules Committee. My amendment was aimed at employing a little common sense and transferring excessive resources in the rapid rail appropriations to the much-needed resource category in the Highway Trust Fund. I was seeking to transfer to the trust fund \$3 billion of the \$4 billion that is currently in the rapid rail appropriations in the House version of the FY 2010 transportation appropriations bill. That amendment would have left the \$1 billion for rail that the President had requested. As things now stand, the \$4 billion on top of the \$8 bil-

lion in the stimulus package remains in the rail account, and at least \$2 billion of that is parked for a future infrastructure bank, which is only just an idea, no authorization, nothing. It may be at least a year, and probably much longer, before any of these funds can be spent; and the Highway Trust Fund needs money now, which is what I said last week.

Had my amendment been made in order, it would have passed and been offset. Had it passed, we would be dealing with a much smaller amount today. Unfortunately, the Rules Committee didn't see fit to make the amendment in order and, in the process, make use of funding authority that will not be needed for some time. So once again, politics governed the process. It's very unfortunate. I think it is worth pointing out today to all the Members here that in a June 4 hearing this year, Secretary LaHood, in response to my question regarding offsets for the Highway Trust Fund bailout said, "We have to pay for this. I mean, the administration is committed to paying for the \$5 billion to \$7 billion that is needed to plus up the trust fund in 2009, and it is about \$8 billion or \$10 billion for 2010. We are committed to paying for it; and I hope sooner rather than later, we will be coming back to all of you and saying, here is how we think we should do it."

To my knowledge, in this bill there are no offsets. I know that technically this is an intergovernmental transfer, so there's no PAYGO and technically no scoring on this. But the money will soon be spent by the Treasury.

Just so folks understand what is going on here with this shell game, I will give you an example. I'm the government. I've got \$1 in this pocket—in this case, we're talking about 7 billion of these, which would go to the Moon—and what we're doing is saying that we are transferring this dollar from the right pocket to the left pocket, even though we know that it's already spent in the left pocket. But it doesn't cost anything. It's free money. Why don't we transfer \$1 trillion? It's all free, right? No offset. It's just from one pocket to another. The problem is, folks, we know this is being spent; and there's nothing in this pocket. We're borrowing from our kids and our grandchildren because there is nothing here. We're \$2 trillion in deficit this one year and we're talking about, We don't have to pay for anything. It's all free money. In conclusion, I would just hope that we bring some sanity to this process.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oregon, Congressman DEFAZIO, the Chair of the Highways and Transit Subcommittee of the Transportation Committee.

Mr. DEFAZIO. I thank the gentleman and my friend for the time. Five years

ago, an obstinate penny-wise, pound-foolish Bush administration stonewalled a bipartisan proposal in Congress to increase trust fund revenues. They sent us on this path to insolvency. At the same time, they condemned us to a transportation system in America that is headed toward third-world status. On the National Highway System, 150,000 bridges are either functionally obsolete or structurally deficient. That means they could fall down. Then we have 40 percent of the pavement on the National Highway System in fair or poor condition. Billions of gallons of fuel wasted in congestion and traffic, Americans wasting their lives sitting, frustrated. Businesses losing tens of billions of dollars because of delayed deliveries in a just-in-time competitive world economy.

We need a 6-year investment in our transportation system with new policies and a new vision to move us toward a competitive 21st century transportation system, not living off the dregs of one that we built in the fifties. But on the way to that new future, we need this infusion of cash. The States are out there in good faith, putting millions of people to work, rebuilding as much as they can with inadequate resources. They're bringing in bills for over \$1 billion a week. That's a lot of jobs, folks, out there in America going on today, rebuilding our infrastructure. We need to make good on those obligations with this infusion of money.

I'm willing to pay for the enhanced investment in the coming legislation, and I'd urge my Republican colleagues to keep an open mind. They're either going to deny us the investment we need and condemn us to a transportation system that can't meet America's needs, or they're going to join us in a 6-year bill with adequate investment and funding, fully paid for, investing in the future of America.

Mr. CAMP. I yield myself such time as I may consume.

I would just say that the Obama administration famously predicted that its so-called stimulus plan would save or create 3.5 million jobs. The gentleman referred to millions of jobs being created repairing our infrastructure. However, the unemployment rate is now at 9.5 percent, well above the 8 percent the administration projected if the stimulus passed. That means 2.5 million more Americans are unemployed than the President promised. So not only have no jobs been created in the private sector, in just 4 months, 2 million private sector jobs have been destroyed. Meanwhile, jobs in government have grown slightly, according to the Bureau of Labor Statistics.

At this time, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, may inquire about how much time I have left?

The SPEAKER pro tempore. The gentleman from Georgia has 3½ minutes remaining, and the gentleman from Michigan has 5 minutes remaining.

Mr. CAMP. I will say that we have no further speakers, and I believe the gentleman has the right to close.

Mr. LEWIS of Georgia. I thank the gentleman from Michigan.

Mr. Speaker, having one speaker remaining, I would like to yield 2 minutes to the gentleman from Massachusetts, Congressman OLVER from the Appropriations Committee.

Mr. OLVER. I thank the gentleman for yielding.

As I think we all know, with the collapse of the subprime market and the steep drop in private mortgages available, 25 percent of mortgages written today are backed by FHA. That's up from just 3 percent 2 years ago; and because Ginnie Mae securitizes FHA loans, their volume has increased threefold. With that increased demand, both FHA and Ginnie Mae will reach their loan ceilings in the next few weeks and will be forced to stop operating unless we act today. With the housing market just starting to show some signs of growth and home sales rising for 3 straight months, a first since the year 2004, cutting out 25 percent of available mortgages would be a disaster, decimating the market and hurting million of prospective homeowners out shopping today. This bill ensures that FHA and Ginnie Mae can continue to play their important roles in the mortgage market.

The bill also transfers funds to the Highway Trust Fund to keep it solvent through the end of the fiscal year. Without that transfer, the Department of Transportation will not be able to continue reimbursing States for their highway projects; and States would likely have to scale back on the work they are now doing and would be doing in August and September. There is no question that we will have to eventually do something to guarantee the long-term solvency of the Highway Trust Fund; but we made infrastructure development an important part of the Economic Recovery Act; and it would be foolish and unwise for us to leave town without ensuring that States can continue with their highway projects as we are on recess in this next month. This needs to be done as quickly as possible. I would urge my colleagues to support this bill by voting "yes."

Mr. CAMP. Mr. Speaker, I have no further speakers on my side, so I will yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I fully support H.R. 3357. In the future, the Ways and Means Committee will need to look at different funding proposals and administrative changes to keep the Highway Trust Fund running for the long term. Today we need to make sure it doesn't run out of money.

This very simple bill does not cost a single dollar, and I urge all of my colleagues to support this commonsense, bipartisan piece of legislation.

Mr. LEWIS of California. Mr. Speaker, if there was ever a time when the American public needed to pay close attention to the spending decisions being made in Congress, it is now.

It's ironic that in the week following the adoption of so-called "Pay-Go Rules," the House would be debating a measure to set aside more than \$14 billion—without offsets—to pay for two so-called trust funds that have run dry. "Pay as we Go" has been replaced with "Spend as we Borrow."

Today, the House will vote to borrow another \$7 billion—that's \$7 billion—out of the general fund to replenish the Highway Trust Fund which has become insolvent as a result of high gas prices and the sluggish economy. By this time next month, without a congressional bailout, the so-called Highway Trust Fund will be unable to reimburse states for their highway investments. It was only last year that Congress set aside \$8 billion from the general fund to keep the highway fund solvent.

Clearly, this band-aid approach to fixing this re-occurring problem is not working. One more time, the House is voting to bail out another sector of the economy with money it does not have. This is on the heels of the bank bailout. It's on the heels of the so-called "Recovery Act" which has succeeded in spending billions but has thus far failed to create jobs. It's on the heels of the bailout of automakers in Detroit. And it follows another year of astronomical spending increases for every major government program run out of Washington, DC.

It was only last month that our former colleague, and the present Secretary of Transportation, Ray LaHood, testified before the House Transportation Appropriations Committee. "I want to assure you that we will soon have a plan to address the potential Trust Fund shortfall this summer," he said. "We believe very strongly that any Trust fund fix must be paid for."

An effort was made by the THUD-Appropriations Ranking Member, TOM LATHAM of Iowa, to pay for a solution to the Highway Trust Fund shortfall. But, because my friend Mr. LATHAM is a Republican, his amendment was rejected on a party-line vote in the full Appropriations Committee. In a sign of just how desperate the majority party in the House has become, Mr. LATHAM wasn't even allowed to offer his amendment during consideration of the transportation funding bill last week.

If the bailout of the Highway Trust Fund wasn't enough, Congress is also being called upon to replenish both the Unemployment Trust Fund and increase the limits for two mortgage lending programs under HUD. In the case of the unemployment trust fund, states have been hit with a double whammy of a halting economy and job losses causing more and more people to line up for unemployment benefits.

Over \$400 million was appropriated through the so-called Recovery Act to address this shortfall but those funds have now been depleted. And, to this point, the authorizing committees have failed to take any action to help

those presently receiving benefits or newly unemployed.

Mr. Speaker, with each passing day it's becoming increasingly clear that the public is growing ever more wary about the reliance of this Congress on government spending as a solution to every problem facing our country.

As the Congress spends trillions on bailouts and borrowing—and our record national deficit increases by the day—the President's response thus far has been almost laughable. Yesterday, with much fan fare, the White House proposed saving taxpayers money by double-sided copying of government documents and eliminating unused government e-mail accounts and phone lines. These examples hardly qualify as profiles in courage.

The President and this majority leadership have promised fiscal discipline and a return to economic prosperity. And yet, the record thus far shows nothing but one bailout after another and rising levels of government spending as far as the eye can see.

Mr. RYAN of Wisconsin. Mr. Speaker: I rise in support of H.R. 3357, a bill that would ensure the Unemployment Insurance Trust Fund has the resources it needs to help those who have been hit the hard by the economic recession and are jobless.

However, I am concerned about a provision in this bill that would provide another General Fund transfer to the Highway Trust Fund and increase the deficit.

I support a strong highway program. It's important to our nation's economy and to my home state of Wisconsin that we have world class roads that let goods and people get where they need to go safely and efficiently.

The highway fund was intended to be user financed. Last year we transferred \$8 billion from the General Fund to patch last year's shortfall. Earlier this year we provided \$27 billion in stimulus funds from the General Fund for highways. Now the Highway Trust Fund would get another \$7 billion under this legislation to pay its bills for the rest of Fiscal Year 2009.

Despite claims to the contrary, the real world impact of these transfers is an increase in the deficit, which is already over \$1 trillion and is projected to reach \$1.8 trillion by the end of this fiscal year under the President's budget.

The Highway Trust Fund is broken and needs to be permanently fixed. I want to find a solution that supports critical highway spending but does so responsibly, without adding more debt and deficits.

Mrs. BACHMANN. Mr. Speaker, I rise in support of H.R. 3357, however I do so with great hesitation.

This legislation infuses the Highway Trust Fund with \$7 billion from the Treasury in order to prevent a shortfall that will impact the fund in only a few short weeks. The Highway Trust Fund, which is financed by the gas tax, is facing insolvency, again. For months it has brought in less revenue than previously expected as families have felt the pinch at the pump and were forced to conserve more than ever before.

Important transportation projects across Minnesota would be seriously jeopardized or delayed should this fund go bankrupt. That is simply not something we can allow. And that is why I must vote for this legislation.

You will recall that we faced this very same Hobson's choice last year. Transferring funds from general revenue to cover the HTF shortfall must not become a precedent and Congress must set itself seriously to the task of reforming the way it pays for infrastructure improvements.

Furthermore, this is a stark reminder of the dramatic ripple effect our dependence on foreign oil continues to have throughout our nation. Our failure to aggressively pursue energy independence hurts all aspects of our economy. We must implement an "all of the above" energy strategy and increase our domestic supply of energy resources now so that we do not continue to band-aid this transportation crisis time and again.

Perhaps most disappointing in this specific instance is that the majority also loaded up this legislation with a hodgepodge of entirely unrelated spending, increasing spending levels for three other government programs facing shortfalls. It increased the Federal Housing Administration's capital fund to \$400 billion, from \$315 billion, thereby increasing the fund's statutory floor. It increased Ginnie Mae's guarantee of mortgage-backed securities by \$100 billion, from \$300 billion to \$400 billion. And, finally, it authorized "such sums as necessary" to shore up the Federal Unemployment Account which may encounter a shortfall due to rising claims for unemployment benefits.

Talk about a blank check. In one fell swoop, and after only 40 minutes of debate on the House floor, this bill spends billions upon billions of dollars. Members barely had a chance to know what was being voted on as the text of the legislation was not even available until the very last minute.

We must restore the integrity of this House and stop shoving legislation through that Members have not even had a chance to read and fully digest. I hope that the Majority will work with the Minority in the future to ensure more time and transparency is allotted throughout the legislative process.

And, I hope that we will have an opportunity to address the long-term flaws in each of these programs so that taxpayers are properly protected from these emergency shortfalls.

Mr. HENSARLING. Mr. Speaker, as a member of the House Budget Committee and House Financial Services Committee, one of my top priorities is to get the job engine running again in America. Over the past year, Congress has spent over \$1 trillion to get the economy moving again, but 2.6 million Americans have lost their jobs since President Obama took office and we have the highest unemployment rate in 25 years. Clearly, Washington Democrats' plan for economic recovery has been an abject failure.

I support policies that will provide struggling Texas small businesses with tax relief, enabling small businesses, which create 2 of every 3 jobs in America, to begin hiring workers. But we also must ensure that those who have lost their jobs through no fault of their own have a temporary safety net to help them weather this economic storm. That is why I voted for H.R. 6867 on October 3, 2008. H.R. 6867 provides up to 59 weeks of unemployment compensation benefits, and I was pleased that it was signed into law on November 21, 2008.

The House recently considered H.R. 3357, which transferred \$7 billion from the General Fund to the Highway Trust Fund to cover a projected shortfall of funds. This legislation also would provide funds for the Unemployment Trust Fund.

I support those provisions that would ensure the Unemployment Trust Fund, which is the funding mechanism for federal unemployment compensation benefits, has the resources it needs. In these tough economic times, I know how important unemployment benefits are to those who have lost their job. I do not, however, support provisions of H.R. 3357 that would transfer \$7 billion from the General Fund to the Highway Trust Fund, as this would add \$7 billion to the deficit and send the bill to our children and grandchildren. While I support a first-class highway system and would not want to see the Highway Trust Fund run short of funds, simply adding \$7 billion to the deficit was not the solution to the Highway Trust Fund's problems. This \$7 billion is on top of an \$8 billion transfer in 2008 and the \$27 billion provided to the Highway Trust Fund in the so-called stimulus bill.

Unfortunately, Members of Congress have wasted billions of taxpayer dollars on transportation earmarks over the last decade, helping lead to the depletion of the fund. While not all earmarks are bad, too many have diverted funds from the fund to pay for the Bridge to Nowhere, parking garages and bike paths. Had Members of Congress spent Highway Trust Fund money more wisely, we may not have been forced to replenish the fund.

Even though I support the Unemployment Trust Fund provision of H.R. 3357, at a time when the federal government is running a record debt in excess of \$11 trillion, a projected record deficit of \$1.8 trillion, and a 9.5 percent unemployment rate that is the highest unemployment rate in over 25 years, I simply could not support a bill that would borrow \$7 billion and send the bill to future generations.

Mr. LEWIS of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 3357, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on suspending the rules and passing H.R. 3357, as amended, will be followed by 5-minute votes on motions to suspend the rules with regard to:

H. Res. 496, by the yeas and nays;

H.R. 3072, de novo;

H. Res. 483, de novo.

The vote was taken by electronic device, and there were—yeas 363, nays 68, not voting 2, as follows:

[Roll No. 659]

YEAS—363

Abercrombie	Doggett	LaTourette
Ackerman	Donnelly (IN)	Lee (CA)
Aderholt	Doyle	Lee (NY)
Adler (NJ)	Driehaus	Levin
Alexander	Edwards (MD)	Lewis (GA)
Altmire	Edwards (TX)	Lipinski
Andrews	Ehlers	LoBiondo
Arcuri	Ellison	Loeb sack
Austria	Ellsworth	Lofgren, Zoe
Baca	Emerson	Lowe y
Bachmann	Engel	Lucas
Baird	Eshoo	Luetkemeyer
Baldwin	Etheridge	Lujan
Barrow	Fallin	Lungren, Daniel
Bean	Farr	E.
Becerra	Fattah	Lynch
Berkley	Filner	Maffei
Berman	Fleming	Maloney
Berry	Forbes	Manzullo
Biggert	Fortenberry	Markey (CO)
Bilbray	Foster	Markey (MA)
Bishop (GA)	Frank (MA)	Marshall
Bishop (NY)	Frelinghuysen	Massa
Blumenauer	Fudge	Matheson
Blunt	Gallely	Matsui
Bocchieri	Gerlach	McCollum
Bonner	Giffords	McCotter
Bono Mack	Gonzalez	McDermott
Boozman	Gordon (TN)	McGovern
Boren	Graves	McHenry
Boswell	Grayson	McHugh
Boucher	Green, Al	McIntyre
Boustany	Green, Gene	McKeon
Boyd	Griffith	McMahon
Brady (PA)	Grijalva	McMorris
Braley (IA)	Guthrie	Rodgers
Bright	Gutierrez	McNerney
Brown (SC)	Hall (NY)	Meek (FL)
Brown, Corrine	Hall (TX)	Meeks (NY)
Brown-Waite,	Halvorson	Melancon
Ginny	Hare	Mica
Buchanan	Harman	Michaud
Burton (IN)	Harper	Miller (FL)
Butterfield	Hastings (FL)	Miller (MI)
Buyer	Hastings (WA)	Miller (NC)
Calvert	Heinrich	Miller, Gary
Camp	Heller	Miller, George
Cao	Herseth Sandlin	Minnick
Capito	Higgins	Mitchell
Capps	Hill	Mollohan
Capuano	Himes	Moore (KS)
Cardoza	Hinchey	Moore (WI)
Carnahan	Hinojosa	Moran (KS)
Carney	Hirono	Moran (VA)
Carson (IN)	Hodes	Murphy (CT)
Cassidy	Hoekstra	Murphy (NY)
Castle	Holden	Murphy, Patrick
Castor (FL)	Holt	Murphy, Tim
Chandler	Honda	Murtha
Childers	Hoyer	Nadler (NY)
Chu	Hunter	Napolitano
Clarke	Inslee	Neal (MA)
Clay	Israel	Nye
Cleaver	Jackson (IL)	Oberstar
Clyburn	Jackson-Lee	Obey
Coble	(TX)	Olson
Cohen	Jenkins	Olver
Cole	Johnson (GA)	Ortiz
Connolly (VA)	Johnson (IL)	Pallone
Conyers	Johnson, E. B.	Pascarell
Cooper	Jones	Pastor (AZ)
Costa	Kagen	Paulsen
Costello	Kanjorski	Payne
Courtney	Kaptur	Pence
Crenshaw	Kennedy	Perlmutter
Crowley	Kildee	Perriello
Cuellar	Kilpatrick (MI)	Peters
Cummings	Kilroy	Peterson
Dahlkemper	Kind	Petri
Davis (AL)	King (IA)	Pingree (ME)
Davis (CA)	King (NY)	Platts
Davis (IL)	Kirk	Poe (TX)
Davis (KY)	Kirkpatrick (AZ)	Polis (CO)
Davis (TN)	Kissell	Pomeroy
DeFazio	Klein (FL)	Posey
DeGette	Kline (MN)	Price (NC)
Delahunt	Kosmas	Putnam
DeLauro	Kratovil	Quigley
Dent	Kucinich	Rahall
Diaz-Balart, L.	Langevin	Rangel
Diaz-Balart, M.	Larsen (WA)	Rehberg
Dicks	Larson (CT)	Reichert
Dingell	Latham	Reyes

Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)

Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney

Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—68

Akin
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Blackburn
Boehner
Brady (TX)
Broun (GA)
Burgess
Campbell
Cantor
Carter
Chaffetz
Coffman (CO)
Conaway
Culberson
Deal (GA)
Dreier
Duncan
Flake
Fox

Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hensarling
Herger
Inglis
Issa
Johnson, Sam
Jordan (OH)
Kingston
Lamborn
Lance
Latta
Lewis (CA)
Linder
Lummis
Mack
Marchant
McCarthy (CA)
McCauley

McClintock
Myrick
Neugebauer
Nunes
Paul
Pitts
Price (GA)
Radanovich
Rohrabacher
Royce
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (TX)
Stearns
Sullivan
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—2

Bishop (UT) McCarthy (NY)

□ 1649

Messrs. BACHUS and COFFMAN of Colorado changed their vote from “yea” to “nay.”

Messrs. YOUNG of Alaska, SPRATT, BURTON of Indiana, CRENSHAW, HOEKSTRA, and JONES changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 496, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 496, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 432, nays 0, not voting 1, as follows:

[Roll No. 660]

YEAS—432

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble

Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cueellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare

Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchee
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack

Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Reyes
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen

Payne
Pence
Perlmuter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sherman

Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—1

McCarthy (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1656

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COACH JODIE BAILEY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3072.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3072.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING VETERANS OF FOREIGN WARS DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 483.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 483.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1700

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 3326.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 685 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3326) making appropriations for the Department of De-

fense for the fiscal year ending September 30, 2010, and for other purposes.

□ 1704

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, with Ms. BALDWIN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. Madam Chairman, yesterday I was out at Bethesda, and I saw a young fellow that was wounded 2 years ago. And when he was wounded, his internal organs were outside the body for almost 10 days. And he's been putting up with that ever since, until he came back to Bethesda and had an operation just recently, where they were able to take the bag away that he had and restore his internal organs. That's what this bill's all about.

This Defense bill is all about taking care of the troops, making sure they have what they need. BILL YOUNG and I work together, going to the hospital, seeing the wounded. We listen to what they say and what they need. We listen to them at the bases. We had 37 hearings this year, 51 trips that the staff made all over the country to visit the various installations to find out what the problems were.

I was out at Fort Carson where the commanding officer—and this is not something that I'm divulging, this is something that's already known—his one boy was killed in Iraq, and his other son committed suicide before he was sworn in. So he's been emphasizing how do you reduce suicides in the military. The units that came back, we've just found, have had some terrible problems with people, robberies and actually homicide, some of the actual

units, at least allegedly. That's what we've seen in the newspaper.

These troops are under a tremendous strain. They're deployed too often. When I talked to the 12 troops there at Fort Carson and Fort Benning, they all told me the biggest single problem is the long deployments and the lack of time at home. And JERRY LEWIS, who was chairman of the subcommittee—and BILL will tell you the same thing—when we talk to the troops, they talk about how they need more time at home. They need to spend some time at home. And even when they're home, they're training. They don't have an opportunity to visit with their families as long as they would like.

We've had hundreds of meetings with Members of Congress, hundreds of input from Members of Congress on the floor and in the committee room, trying to make sure we put a bill together that was bipartisan. We've been partners in this thing the whole way through. And we've tried to make sure—and the thrust of this bill has been for the Department to start hiring more people and getting rid of the contractors, in other words, get rid of contractors and hire people because contractors cost \$44,000 more.

Well, we just find every time we turn around we find somebody at the lower level is making all kinds of changes in that policy, and we worry about it. In this bill, we have a number of things that we've done that help, not only military families, but do research for long term. We put the first money in, for instance, military pay. We raised them five tenths of a percent above the request.

First-class medical care is one of the things that we stress. Peer-reviewed research programs. \$150 million for breast cancer research, \$80 million for prostate cancer research, \$30 million for orthopedic research. An amazing thing, the military didn't have any money in for these kinds of things until we stepped in in the subcommittee in the forefront of making sure that that gets done. \$472.4 million for family advocacy programs. I could go on and on. I don't want to go too long on this debate.

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army.....	36,382,736	41,312,448	39,901,547	+3,518,811	-1,410,901
Military Personnel, Navy.....	24,037,553	25,504,472	25,095,581	+1,058,028	-408,891
Military Personnel, Marine Corps.....	11,792,974	12,915,790	12,528,845	+735,871	-386,945
Military Personnel, Air Force.....	25,103,789	26,439,761	25,938,850	+835,061	-500,911
Reserve Personnel, Army.....	3,904,296	4,336,656	4,308,513	+404,217	-28,143
Reserve Personnel, Navy.....	1,855,968	1,938,166	1,918,111	+62,143	-20,055
Reserve Personnel, Marine Corps.....	584,910	617,500	610,580	+25,670	-6,920
Reserve Personnel, Air Force.....	1,423,676	1,607,712	1,600,462	+176,786	-7,250
National Guard Personnel, Army.....	6,616,220	7,621,488	7,525,628	+909,408	-95,860
National Guard Personnel, Air Force.....	2,741,768	2,970,949	2,949,899	+208,131	-21,050
Total, title I, Military Personnel.....	114,443,890	125,264,942	122,378,016	+7,934,126	-2,886,926
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army.....	31,207,243	31,274,882	30,454,152	-753,091	-820,730
Operation and Maintenance, Navy.....	34,410,773	35,070,346	34,885,932	+475,159	-184,414
Operation and Maintenance, Marine Corps.....	5,519,232	5,536,223	5,557,510	+38,278	+21,287
Operation and Maintenance, Air Force.....	34,865,964	34,748,159	33,785,349	-1,080,615	-962,810
Operation and Maintenance, Defense-Wide.....	25,939,466	28,357,246	27,929,377	+1,989,911	-427,869
Operation and Maintenance, Army Reserve.....	2,628,896	2,620,196	2,621,196	-7,700	+1,000
Operation and Maintenance, Navy Reserve.....	1,308,141	1,278,501	1,280,001	-28,140	+1,500
Operation and Maintenance, Marine Corps Reserve.....	212,487	228,925	228,925	+16,438	---
Operation and Maintenance, Air Force Reserve.....	3,018,151	3,079,228	3,079,228	+61,077	---
Operation and Maintenance, Army National Guard.....	5,858,303	6,257,034	6,353,627	+495,324	+96,593
Operation and Maintenance, Air National Guard.....	5,901,044	5,885,761	5,888,741	-12,303	+2,980
Overseas Contingency Operations Transfer Account.....	---	5,000	---	---	-5,000
United States Court of Appeals for the Armed Forces.....	13,254	13,932	13,932	+678	---
Environmental Restoration, Army.....	457,776	415,864	415,864	-41,912	---
Environmental Restoration, Navy.....	290,819	285,869	285,869	-4,950	---
Environmental Restoration, Air Force.....	496,277	494,276	494,276	-2,001	---
Environmental Restoration, Defense-Wide.....	13,175	11,100	11,100	-2,075	---
Environmental Restoration, Formerly Used Defense Sites.....	291,296	267,700	277,700	-13,596	+10,000
Overseas Humanitarian, Disaster, and Civic Aid.....	83,273	109,869	109,869	+26,596	---
Cooperative Threat Reduction Account.....	434,135	404,093	404,093	-30,042	---
Department of Defense Acquisition Workforce Development Fund.....	---	100,000	100,000	+100,000	---
Total, title II, Operation and maintenance.....	152,949,705	156,444,204	154,176,741	+1,227,036	-2,267,463
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army.....	4,900,835	5,315,991	5,144,991	+244,156	-171,000
Missile Procurement, Army.....	2,185,060	1,370,109	1,358,609	-826,451	-11,500
Procurement of Weapons and Tracked Combat Vehicles, Army.....	3,169,128	2,451,952	2,681,952	-487,176	+230,000
Procurement of Ammunition, Army.....	2,287,398	2,051,895	2,053,395	-234,003	+1,500
Other Procurement, Army.....	10,684,014	9,907,151	9,293,801	-1,390,213	-613,350
Aircraft Procurement, Navy.....	14,141,318	18,378,312	18,325,481	+4,184,163	-52,831
Weapons Procurement, Navy.....	3,292,972	3,453,455	3,226,403	-66,569	-227,052
Procurement of Ammunition, Navy and Marine Corps.....	1,085,158	840,675	794,886	-290,272	-45,789
Shipbuilding and Conversion, Navy.....	13,054,367	13,776,867	14,721,532	+1,667,165	+944,665
Other Procurement, Navy.....	5,250,627	5,661,176	5,395,081	+144,454	-266,095
Procurement, Marine Corps.....	1,376,917	1,600,638	1,563,743	+186,826	-36,895
Aircraft Procurement, Air Force.....	13,112,617	11,966,276	11,956,182	-1,156,435	-10,094
Missile Procurement, Air Force.....	5,442,428	6,300,728	6,508,359	+1,065,931	+207,631
Procurement of Ammunition, Air Force.....	859,466	822,462	809,941	-49,525	-12,521
Other Procurement, Air Force.....	16,052,569	17,293,141	16,883,791	+831,222	-409,350
Procurement, Defense-Wide.....	3,306,269	3,984,352	4,036,816	+730,547	+52,464
National Guard and Reserve Equipment.....	750,000	---	---	-750,000	---
Defense Production Act Purchases.....	100,565	38,246	82,846	-17,719	+44,600
Total, title III, Procurement.....	101,051,708	105,213,426	104,837,809	+3,786,101	-375,617

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army.....	12,060,111	10,438,218	11,151,884	-908,227	+713,666
Research, Development, Test and Evaluation, Navy.....	19,764,276	19,270,932	20,197,300	+433,024	+926,368
Research, Development, Test and Evaluation, Air Force.....	27,084,340	27,992,827	27,976,278	+891,938	-16,549
Research, Development, Test and Evaluation, Defense-Wide	21,423,338	20,741,542	20,721,723	-701,615	-19,819
Operational Test and Evaluation, Defense.....	188,772	190,770	190,770	+1,998	---
Total, title IV, Research, Development, Test and Evaluation.....	80,520,837	78,634,289	80,237,955	-282,882	+1,603,666
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds.....	1,489,234	1,455,004	1,455,004	-34,230	---
National Defense Sealift Fund.....	1,666,572	1,642,758	1,692,758	+26,186	+50,000
Defense Coalition Support Fund.....	---	22,000	---	---	-22,000
Total, title V, Revolving and Management Funds..	3,155,806	3,119,762	3,147,762	-8,044	+28,000
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance.....	24,611,369	26,967,919	28,257,565	+3,646,196	+1,289,646
Procurement.....	311,905	322,142	384,142	+72,237	+62,000
Research, development, test and evaluation.....	902,558	613,102	1,249,402	+346,844	+636,300
Total, Defense Health Program.....	25,825,832	27,903,163	29,891,109	+4,065,277	+1,987,946
National Defense Stockpile Transaction Fund transfer to Defense Health program.....	-1,300,000	---	---	+1,300,000	---
Chemical Agents and Munitions Destruction, Defense:					
Operation and maintenance.....	1,152,668	1,146,802	1,146,802	-5,866	---
Procurement.....	64,085	12,689	12,689	-51,396	---
Research, development, test and evaluation.....	288,881	401,269	351,269	+62,388	-50,000
Total, Chemical Agents 1/.....	1,505,634	1,560,760	1,510,760	+5,126	-50,000
Drug Interdiction and Counter-Drug Activities, Defense	1,096,743	1,058,984	1,237,684	+140,941	+178,700
Joint Improvised Explosive Device Defeat Fund 1/.....	---	564,850	364,550	+364,550	-200,300
Rapid Acquisition Fund 1/.....	---	79,300	---	---	-79,300
Office of the Inspector General 1/.....	271,845	272,444	288,100	+16,255	+15,656
Total, title VI, Other Department of Defense Programs.....	27,400,054	31,439,501	33,292,203	+5,892,149	+1,852,702
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund.....	279,200	290,900	290,900	+11,700	---
Intelligence Community Management Account (ICMA).....	710,042	672,812	611,002	-99,040	-61,810
Transfer to Department of Justice.....	(44,000)	---	---	(-44,000)	---
Total, title VII, Related agencies.....	989,242	963,712	901,902	-87,340	-61,810

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005).....	(4,100,000)	(5,000,000)	(4,000,000)	(-100,000)	(-1,000,000)
Indian Financing Act incentives (Sec. 8020).....	15,000	---	15,000	---	+15,000
FFRDC (Sec. 8025).....	-84,000	---	-125,200	-41,200	-125,200
Overseas Military Facility Invest Recovery (Sec. 8030)	1,000	1,000	1,000	---	---
Rescissions (Sec. 8041).....	-1,320,473	---	-1,391,339	-70,866	-1,391,339
O&M, Def-wide transfer authority (Sec.8052).....	(30,000)	(30,000)	(30,000)	---	---
Fisher House Foundation (Sec. 8072).....	8,000	---	5,000	-3,000	+5,000
Military Recruitment Assessment & Vet Empl (Sec. 8079)	3,000	---	3,000	---	+3,000
Special needs students	5,500	---	---	-5,500	---
Various grants (Sec. 8083).....	112,400	---	88,700	-23,700	+88,700
Shipbuilding & conversion funds, Navy (Sec. 8093).....	10,000	10,000	10,000	---	---
Stop Loss transfer fund (Sec. 8103).....	72,000	---	8,300	-63,700	+8,300
ICMA transfer authority (Sec. 8106).....	---	(24,000)	(24,000)	(+24,000)	---
Foreign Currency Fluctuations, Defense (Sec. 8109)....	---	---	400,000	+400,000	+400,000
Excess fuel funding (WCF cash) (Sec. 8110).....	---	---	-289,570	-289,570	-289,570
Tanker Replacement Transfer Fund (Sec. 8112).....	---	---	439,615	+439,615	+439,615
Working Capital Fund excess cash	-859,000	---	---	+859,000	---
Iraqi/Afghan Refugee Resettlement Support (Sec. 8114)	---	---	4,000	+4,000	+4,000
Contractor reductions (Sec.8116).....	-829,780	---	-550,000	+279,780	-550,000
Total, Title VIII, General Provisions.....	-2,866,353	11,000	-1,381,494	+1,484,859	-1,392,494
TITLE IX					
OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES (ODOA) 2/					
DEPARTMENT OF DEFENSE--MILITARY					
Military Personnel					
Military Personnel, Army (ODOA).....	---	9,046,340	10,492,723	+10,492,723	+1,446,383
Military Personnel, Navy (ODOA).....	---	1,175,601	1,622,717	+1,622,717	+447,116
Military Personnel, Marine Corps (ODOA).....	---	670,722	997,470	+997,470	+326,748
Military Personnel, Air Force (ODOA).....	---	1,445,376	1,855,337	+1,855,337	+409,961
Reserve Personnel, Army (ODOA).....	---	294,637	302,637	+302,637	+8,000
Reserve Personnel, Navy (ODOA).....	---	39,040	39,040	+39,040	---
Reserve Personnel, Marine Corps (ODOA).....	---	31,337	31,337	+31,337	---
Reserve Personnel, Air Force (ODOA).....	---	24,822	24,822	+24,822	---
National Guard Personnel, Army (ODOA).....	---	839,966	839,966	+839,966	---
National Guard Personnel, Air Force (ODOA).....	---	18,500	18,500	+18,500	---
Total, Military Personnel.....	---	13,586,341	16,224,549	+16,224,549	+2,638,208
Operation and Maintenance					
Operation & Maintenance, Army (ODOA).....	---	52,170,661	41,836,029	+41,836,029	-10,334,632
Operation & Maintenance, Navy (ODOA).....	---	6,219,583	4,975,665	+4,975,665	-1,243,918
Coast Guard (by transfer) (ODOA).....	---	(241,503)	---	---	(-241,503)
Operation & Maintenance, Marine Corps (ODOA).....	---	3,701,600	2,961,279	+2,961,279	-740,321
Operation & Maintenance, Air Force (ODOA).....	---	10,026,868	7,858,895	+7,858,895	-2,167,973
Operation & Maintenance, Defense-Wide (ODOA).....	---	7,578,300	7,397,800	+7,397,800	-180,500
Coalition support funds (By transfer) (ODOA).....	---	(1,600,000)	(1,540,000)	(+1,540,000)	(-60,000)
Operation & Maintenance, Army Reserve (ODOA).....	---	204,326	163,461	+163,461	-40,865
Operation & Maintenance, Navy Reserve (ODOA).....	---	68,059	54,447	+54,447	-13,612
Operation & Maintenance, Marine Corps Reserve (ODOA)...	---	86,667	69,333	+69,333	-17,334
Operation & Maintenance, Air Force Reserve (ODOA).....	---	125,925	100,740	+100,740	-25,185
Operation & Maintenance, Army National Guard (ODOA)...	---	321,646	257,317	+257,317	-64,329
Operation & Maintenance, Air National Guard (ODOA).....	---	289,862	231,889	+231,889	-57,973
Overseas Contingency Operations Transfer Fund.....	---	---	14,636,901	+14,636,901	+14,636,901
Subtotal, Operation and Maintenance.....	---	80,793,497	80,543,756	+80,543,756	-249,741
Iraq Freedom Fund (ODOA).....	---	115,300	---	---	-115,300
Afghanistan Security Forces Fund (ODOA).....	---	7,462,769	7,462,769	+7,462,769	---
Pakistan Counterinsurgency Capability Fund (ODOA).....	---	700,000	---	---	-700,000
Total, Operation and Maintenance.....	---	89,071,566	88,006,525	+88,006,525	-1,065,041

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Procurement					
Aircraft Procurement, Army (ODOA).....	---	1,636,229	1,636,229	+1,636,229	---
Missile Procurement, Army (ODOA).....	---	531,570	469,470	+469,470	-62,100
Procurement of Weapons and Tracked Combat Vehicles, Army (ODOA).....	---	759,466	1,219,466	+1,219,466	+460,000
Procurement of Ammunition, Army (ODOA).....	---	370,635	370,635	+370,635	---
Other Procurement, Army (ODOA).....	---	6,225,966	5,635,306	+5,635,306	-590,660
Aircraft Procurement, Navy (ODOA).....	---	916,553	889,097	+889,097	-27,456
Weapons Procurement, Navy (ODOA).....	---	73,700	73,700	+73,700	---
Procurement of Ammunition, Navy and Marine Corps..... (ODOA).....	---	710,780	698,780	+698,780	-12,000
Other Procurement, Navy (ODOA).....	---	318,018	260,797	+260,797	-57,221
Procurement, Marine Corps (ODOA).....	---	1,164,445	1,100,268	+1,100,268	-64,177
Aircraft Procurement, Air Force (ODOA).....	---	936,441	825,718	+825,718	-110,723
Missile Procurement, Air Force (ODOA).....	---	36,625	36,625	+36,625	---
Procurement of Ammunition, Air Force (ODOA).....	---	256,819	256,819	+256,819	---
Other Procurement, Air Force (ODOA).....	---	2,321,549	2,275,238	+2,275,238	-46,311
Procurement, Defense-Wide (ODOA).....	---	491,430	489,980	+489,980	-1,450
National Guard and Reserve Equipment (ODOA).....	---	---	500,000	+500,000	+500,000
Mine Resistant Ambush Protected Vehicle Fund (ODOA)...	---	5,456,000	3,606,000	+3,606,000	-1,850,000
Rapid Acquisition Fund (ODOA).....	---	---	40,000	+40,000	+40,000
Total, Procurement.....	---	22,206,226	20,384,128	+20,384,128	-1,822,098
Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Army (ODOA)	---	57,962	57,962	+57,962	---
Research, Development, Test & Evaluation, Navy (ODOA)	---	107,180	38,280	+38,280	-68,900
Research, Development, Test & Evaluation, Air Force (ODOA).....	---	29,286	29,286	+29,286	---
Research, Development, Test and Evaluation, Defense-Wide (ODOA).....	---	115,826	115,826	+115,826	---
Total, Research, Development, Test and Evaluation.....	---	310,254	241,354	+241,354	-68,900
Revolving and Management Funds					
Defense Working Capital Funds (ODOA).....	---	396,915	412,215	+412,215	+15,300
Total, Revolving and Management Funds.....	---	396,915	412,215	+412,215	+15,300
Other Department of Defense Programs					
Defense Health Program (ODOA).....	---	1,155,235	1,155,235	+1,155,235	---
Drug Interdiction and Counter-Drug Activities, Defense (ODOA).....	---	324,603	317,603	+317,603	-7,000
Joint IED Defeat Fund (ODOA).....	---	1,535,000	1,490,000	+1,490,000	-45,000
Office of the Inspector General (ODOA).....	---	8,876	8,876	+8,876	---
Total, Other Department of Defense Programs.....	---	3,023,714	2,971,714	+2,971,714	-52,000
TITLE IX General Provisions					
Additional transfer authority (ODOA) (Sec. 9002).....	---	(4,000,000)	(3,000,000)	(+3,000,000)	(-1,000,000)
Defense Cooperation Account (ODOA) (Sec. 9007).....	---	---	6,500	+6,500	+6,500
Total, General Provisions.....	---	---	6,500	+6,500	+6,500
Total, Title IX	---	128,595,016	128,246,985	+128,246,985	-348,031
Total for the bill (net).....	477,644,889	629,685,852	625,837,879	+148,192,990	-3,847,973

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request

OTHER APPROPRIATIONS					
SUPPLEMENTAL APPROPRIATIONS ACT, 2008 (PL 110-252)					
Title IX, Defense Matters					
Chapter 2, Defense Bridge Fund Appropriations for					
FY 2009 (emergency).....	65,921,157	---	---	-65,921,157	---
Special transfer authority (emergency).....	(4,000,000)	---	---	(-4,000,000)	---
Subtotal, Chapter 2, FY 2009 (emergency).....	65,921,157	---	---	-65,921,157	---
Total, Public Law 110-252 (emergency).....	65,921,157	---	---	-65,921,157	---
=====					
AMERICAN RECOVERY & REINVESTMENT ACT, 2009 (PL 111-5)					
Title III, Department of Defense					
Operation and Maintenance (emergency).....	3,840,000	---	---	-3,840,000	---
Research, Development, Test & Evaluation (emergency)...	300,000	---	---	-300,000	---
Other Department of Defense programs (emergency).....	415,000	---	---	-415,000	---
Total, Public Law 111-5 (emergency).....	4,555,000	---	---	-4,555,000	---
=====					
SUPPLEMENTAL APPROPRIATIONS ACT, 2009 (PL 111-32)					
TITLE III DEPARTMENT OF DEFENSE					
Military Personnel (ODOA).....	18,726,150	---	---	-18,726,150	---
Operation & Maintenance (ODOA).....	28,540,175	---	---	-28,540,175	---
Afghanistan Security Forces Fund (ODOA).....	3,606,939	---	---	-3,606,939	---
Pakistan Counterinsurgency Fund (ODOA).....	400,000	---	---	-400,000	---
Procurement (ODOA).....	25,846,718	---	---	-25,846,718	---
Research, Development, Test and Evaluation (ODOA).....	833,499	---	---	-833,499	---
Revolving and Management Funds (ODOA).....	861,726	---	---	-861,726	---
Other Department of Defense Programs (ODOA).....	2,301,992	---	---	-2,301,992	---
Special DE transfer authority (this title only).....	(2,500,000)	---	---	(-2,500,000)	---
Defense Cooperation Account (ODOA).....	6,500	---	---	-6,500	---
Iraq Security Forces Fund (emergency).....	1,000,000	---	---	-1,000,000	---
(rescission) (emergency).....	-1,000,000	---	---	+1,000,000	---
Fuel (rescission).....	-1,003,007	---	---	+1,003,007	---
(overseas deployments and activities) (rescission)...	-1,906,993	---	---	+1,906,993	---
Classified and other (ODOA) (rescission).....	-1,051,160	---	---	+1,051,160	---
Procurement, Army (ODOA) (rescission).....	-354,000	---	---	+354,000	---
Operation & maintenance, Def-Wide (ODOA) (rescission)...	-181,500	---	---	+181,500	---
Stop Loss Transfer Fund (ODOA).....	534,400	---	---	-534,400	---
Total, Public Law 111-32 (ODOA).....	77,161,439	---	---	-77,161,439	---
Total, Other Appropriations.....	147,637,596	---	---	-147,637,596	---
Net grand total (including other appropriations)	625,282,485	629,685,852	625,837,879	+555,394	-3,847,973
=====					
Total mandatory and discretionary.....	625,282,485	629,685,852	625,837,879	+555,394	-3,847,973
Mandatory.....	279,200	290,900	290,900	+11,700	---
Discretionary.....	625,003,285	629,394,952	625,546,979	+543,694	-3,847,973

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel.....	114,443,890	125,264,942	122,378,016	+7,934,126	-2,886,926
Title II - Operation and Maintenance.....	152,949,705	156,444,204	154,176,741	+1,227,036	-2,267,463
Title III - Procurement.....	101,051,708	105,213,426	104,837,809	+3,786,101	-375,617
Title IV - Research, Development, Test and Evaluation.....	80,520,837	78,634,289	80,237,955	-282,882	+1,603,666
Title V - Revolving and Management Funds.....	3,155,806	3,119,762	3,147,762	-8,044	+28,000
Title VI - Other Department of Defense Programs.....	27,400,054	31,439,501	33,292,203	+5,892,149	+1,852,702
Title VII - Related Agencies.....	989,242	963,712	901,902	-87,340	-61,810
Title VIII - General Provisions (net).....	-2,866,353	11,000	-1,381,494	+1,484,859	-1,392,494
Title IX - Overseas Deployments and Other Activities..	---	128,595,016	128,246,985	+128,246,985	-348,031
Total, Department of Defense.....	477,644,889	629,685,852	625,837,879	+148,192,990	-3,847,973
Other defense appropriations.....	147,637,596	---	---	-147,637,596	---
Total funding available (net).....	625,282,485	629,685,852	625,837,879	+555,394	-3,847,973

FOOTNOTES:

- 1/ Included in Budget under Procurement title.
 2/ Budget proposed Overseas Contingency Operations.
 3/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375) (CBO est)

Let me reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I might consume, and I would like to state my support for this bill. As Chairman MURTHA, has said, the subcommittee worked together without any regard to politics or Republican or Democrat to build a legislative appropriation bill that we thought would take care of training requirements for our military, equipment requirements for our military, and force protection requirements for our military; and we did the best we could with the money that we had available, and we did it together. And we did it in a totally non-political way.

So I rise in strong support of this bill. There will likely be several amendments that we may not be able to agree with, and we'll talk about those a little bit later. But one thing I wanted to mention is, I said that we did the best we could with what we had to work with. We were under the President's budget request. Our 302(b) allocation was reduced. We're over last year by about 4 percent, so that's a plus.

It disturbs me a little bit, though, when I see that the foreign aid bill was 33 percent above last year's bill, and our national defense appropriations bill is only 4 percent above last year's bill. But still we did the best that we could with what we had to work with.

Now, we will have amendments that will be offered. I suspect they're not going to be offered tonight, though. I suspect sometime tomorrow they'll be offered. And there will be some disagreement on some of those amendments. We'll discuss those later. But

one thing I wanted to mention is air superiority. We're not going to have enough time on the amendment that's offered to deal with the future of air superiority for the American military. Mr. MURTHA and I and many of our Members have traveled to far-flung parts of the world where our troops were deployed. We have talked personally to thousands of our men and women in uniform, not only here at home but in places like Korea, like Bosnia, like Kosovo, like Afghanistan and Iraq and Kuwait and all of these places.

And our soldiers tell us, we'll go anywhere. We'll fight whatever battle we're told to fight. But please make sure that if there's an airplane above the battlefield, that it belongs to the United States, that it does not belong to a threatening enemy. And that's one of the things that we will be talking about with the issue of the F-22. The air superiority, the F-22 is supposedly our air superiority aircraft. It will replace the F-15, which is today's tremendous airplane, but it's our air superiority aircraft. We cannot afford to take a chance and risk the lives of troops on the ground if we don't secure the air overhead.

The Defense Department has suggested that, with the limit of 187 new F-22s, or a total of 187 F-22s, that this is a medium to high risk for air superiority on the part of the United States. I think we ought to take that, despite the fact that there's a veto threat on going above the 187. If the Defense Department believes that this is a medium to high risk, I think we ought to pay close attention to that. But we'll talk more in detail about that when we

deal with the amendment that we expect to deal with.

We're told that the Joint Strike Fighter is coming on board and will fill up the gap if we don't have enough F-22s. But to begin with, the Joint Strike Fighter is a different mission aircraft than the F-22, just like the F-16 was a different mission aircraft than the F-15, but they work together in partnership.

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If the F-35, the Joint Strike Fighter, is going to pick up the gap, we'd better do some serious thinking, because the F-35 is not ready to fight. It is not ready to do its mission, let alone the mission of air superiority. We have spent some \$37 billion in the development of the Joint Strike Fighter, and we have been in development and have been ready to go to production just now, this year, with funding for the production. We started in 1997 to create this aircraft, and here it is 2009, and the aircraft is still not ready to be deployed.

So how is that aircraft going to fill the gap if we need fighters to maintain air superiority?

There is a lot more on this issue that we'll talk about later. The bill today provides for additional F-22s, and that's the way we like it.

I reserve the balance of my time.

Mr. MURTHA. Madam Chair, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chair, I would like to yield 2 minutes to the gentleman from California (Mr. LEWIS), the former chairman of the subcommittee and the now ranking member on the full Appropriations Committee.

Mr. LEWIS of California. Madam Chair, I rise simply to express the House's deep appreciation for the work that Mr. MURTHA and Mr. YOUNG do together on behalf of our troops. It's a fabulous display of the way the place should work, and I want you to know that I extend my congratulations.

I have similar reservations, Chairman MURTHA, that have been expressed by my colleague Mr. YOUNG about the F-22. You know of the history when I chaired the committee and when we examined that program very, very carefully. My difficulty is I just can't project out there what the challenges are going to be. If China, for example, should join with Russia and come on line with tactical aircraft, we've got to think ahead, and I'm worried that we may not be doing that.

Mr. YOUNG of Florida. Madam Chairman, I would be happy to yield at this time 4 minutes to the distinguished gentleman from New Jersey, a very important member of the subcommittee, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Madam Chairman, I want to echo the comments of our ranking member, Mr. YOUNG, and I want to thank Mr. MURTHA for a good bill. I do rise to support it.

Clearly, if I'd written the bill, I would have written it differently in certain areas. Overall, I wish our subcommittee could have done more, but I recognize we did the best with the allocation we have. The bill is \$3.5 billion short of the President's request despite the fact that we're engaged in two hard-fought wars in Afghanistan and Iraq that are hardly over. In fact, the President has obligated us to a rather open-ended commitment in Afghanistan where casualties have been rising and where more money may be needed.

Madam Chairman, the first time America tangled with extremists overseas, President John Adams was confronted by partisans who chanted, "Millions for defense, not a penny for tribute." That was then and this is now.

At a time when Congress has found the "will and the wallet" to throw billions of borrowed dollars at every domestic program under the sun, some are finding ways to cut defense spending—sometimes subtly, sometimes not so subtly. I tell my colleagues who have pledged to support a strong national defense that this bill is the high watermark. In fact, it's all downhill from here.

I do support the reform of our military acquisition processes, which have come under examination. I do support Secretary Gates' program to reexamine our national security priorities in light of new, irregular challenges and threats that are proliferating well beyond Iraq and Afghanistan.

Take a look at a more belligerent Russia. Take a look at the Chinese ca-

pabilities in terms of their Navy, their air and their cyberattacks. Take a look at the things that are happening on the Korean peninsula, at the things that are happening in Africa and at the things that are happening in our own hemisphere.

I do worry about this administration's apparent obsession with this war-ism. I urge my colleagues to make sure we make enough investments today to ensure that we will be prepared to defend our interests against all threats in the years to come.

I do support the legislation, and as Mr. MURTHA and Mr. YOUNG have said, there is a pay increase in here for all of our troops, all volunteering. There is first-class medical care, a lot more money, more money for shipbuilding, more money for the procurement of fighters, more money for MRAPs in Afghanistan, and importantly, there is \$500 million for the National Guard equipment for both overseas and home-state missions.

Madam Chairman, I wish we could restore the cuts to our missile defense. I wish we could ensure that our F-22 assembly line could keep going. I wish we had an immediate substitute for our future combat system. These are important elements that need to be addressed. All in all, this is a good bill.

I congratulate the chairman for his leadership, and I congratulate the ranking member. I am pleased to support it.

Mr. MURTHA. Madam Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, I want to thank Mr. MURTHA and the ranking member for the work that they've done for our country, and my remarks are in no way in disrespect of that.

We are talking about \$636 billion, which will help, among other things, to empower the continuation of the war in Iraq and Afghanistan. We will have a brief debate here about \$636 billion. The Congress has been gripped by the debate over health care for months now. We really need to have a serious discussion and debate about both the wars in Iraq and Afghanistan—the wars which are causing casualties to the troops that Mr. MURTHA is so dedicated to. We really need to look at that and figure out when we are going to get out of there.

We need to set a time to get out of Iraq for real, not just the so-called combat troops and leave detachments there, but to get out of Iraq for real and to get out of Afghanistan, where the casualties are increasing. We need to start coming back home and taking care of things here. We need to plus-up our military so we can be strong in defense but not cause our strength to be wasted in wars that are unnecessary.

I really appreciate the work you do, Mr. MURTHA, but I also will tell you

that we really need to have a much bigger debate about whether we should continue to be in that war. I'm going to vote against this bill just on principle. We should get out of Iraq and Afghanistan, and I have the same love for those troops that you have.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to direct their remarks to the Chair.

Mr. YOUNG of Florida. Madam Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from California (Mr. CALVERT), who also is the ranking member of the Select Intelligence Oversight Panel.

Mr. CALVERT. Madam Chair, I am certainly proud to support H.R. 3326, the 2010 Defense Appropriations bill.

I represent four military installations, thousands of military personnel and their families, and I am pleased that this bill includes the \$8.2 billion increase for military personnel accounts from last year. It also includes a 3.4 percent pay raise, which I wholeheartedly support and certainly believe that our troops deserve.

The bill also includes funding for three C-17s, which are vital to our airlift capability. While I am pleased with the additional procurement, I believe that Congress must continue to fund this additional aircraft that is necessary for additional airlift capability.

The C-17 aircraft plays a central role both in the ongoing global war on terror and in the humanitarian relief missions around the world. The three C-17s will be a welcomed addition to the fleet, which includes 8 C-17s attached to March Air Reserve Base's 452nd Air Mobility Wing, which is in my district in California. These will accelerate efforts to ensure that America's airlift needs are met in upcoming years.

I also support the removal of \$100 million, requested by the administration, which would have been used to move detainees out of the Guantanamo Bay detention facility. I commend the language in the bill, which was truly the result of a bipartisan effort. It prevents a single detainee from being released or transferred until the administration produces an acceptable plan—one that includes an assessment of the risks to the American people and that requires that our citizens be informed of any transfers so they will be ensured of their safety. It also requires a certification that any release or transfer of prisoners will not place our troops in harm's way or will hinder their efforts abroad. The language is similar to my bill, H.R. 1069, which I introduced in February of this year. I am hopeful we can work this out in a planned process.

Again, I commend the subcommittee and the full committee chairmen and ranking members for a bipartisan bill that meets the needs of our troops and that provides funding for vital missions around the world.

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes now to the

gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Chair, I rise today to discuss an issue vital to American air superiority.

First, I want to thank Chairman MURTHA and Ranking Member YOUNG for their tireless efforts in support of those who bravely defend us at home and abroad.

While there is much to applaud in this bill, I am very concerned about any steps to remove advanced procurement funds for the F-22A Raptor. Currently, H.R. 3326 contains \$370 million for long lead supplies needed to procure 12 F-22 aircraft in fiscal year 2011. Preserving this funding, Madam Chair, is absolutely critical.

Unfortunately, President Obama and Secretary Gates have expended great capital in recent weeks to ensure that the F-22 program ends at 187 aircraft once and for all. However, their position is not driven by military requirements but, rather, by budget constraints.

The facts are that the F-22 has a flyaway cost of \$142 million—this is a 35 percent decrease since its inception—and the next F-22 will actually be cheaper than the next Joint Strike Fighter.

Madam Chair, is this how we should determine how best to defend our Nation and to ensure American air superiority, or should we rely on the results of over 30 air campaign studies that have been conducted over the last 15 years, which validate a requirement for far more than 187 F-22 Raptors to replace the original force of 800 F-15 A-D Eagles?

We should also listen to those who fly these fighters, Madam Chair. A June 9, 2009, letter from General John Corley, the commander of Air Combat Command, states, "At Air Combat Command, we have held the need for 381 F-22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F-22s puts execution of our current national military strategy at high risk in the near to mid-term."

The CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. I yield the gentleman an additional 30 seconds.

Mr. GINGREY of Georgia. Madam Chair, General Corley goes on to state, "There are no studies that demonstrate 187 F-22s are adequate to support our national military strategy."

I would like to submit this letter for the RECORD, Madam Chair.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR COMBAT COMMAND
Langley Air Force Base, VA, June 9, 2009.

Hon. SAXBY CHAMBLISS,
Russell Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: Thank you for your letter and the opportunity to comment

on the critical issue of F-22 fleet size. At Air Combat Command we have held the need for 381 F-22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F-22s puts execution of our current national military strategy at high risk in the near to mid-term.

To my knowledge, there are no studies that demonstrate 187 F-22s are adequate to support our national military strategy. Air Combat Command analysis, done in concert with Headquarters Air Force, shows a moderate risk force can be obtained with an F-22 fleet of approximately 250 aircraft.

While OSD did not solicit direct input from Air Combat Command, we worked closely with our Headquarters in ensuring our views were available. We realize the tough choices our national leadership must make in balancing current warfighting needs against the fiscal realities our Nation faces.

The F-22, a critical enabler of air dominance, plays a vital role and indispensable role in ensuring joint freedom of action for all forces and underpins our ability to dissuade and deter. Thank you for your continued support of the US Air Force and Air Combat Command.

Sincerely,

JOHN D.W. CORLEY
General, USAF Commander.

I also would like to submit for the RECORD a letter that I sent to President Obama and to Secretary Gates. It's signed by 199 of my House colleagues. It concludes that continued F-22 production is in the national economic interest of the United States.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 21, 2009.

President BARACK OBAMA,
The White House,
1600 Pennsylvania Avenue, NW
Washington, DC.

DEAR MR. PRESIDENT: The Fiscal Year 2009 National Defense Authorization act requires your certification on continued F-22A Raptor production by March 1, 2009. We strongly urge your certification of continued production of this vital program.

Continued F-22 production is critical to the security of our nation. The F-22 is the nation's most capable fighter and the world's only operation 5th generation fighter aircraft in full-rate production. It is the weapon system we need to respond to potential adversaries who are increasing their air combat capabilities both in terms of technology and numbers of aircraft. Several nations have announced that they are developing stealthy, twin-engine, high-altitude, 5th generation fighters that will reach production within the next five to ten years. Additionally, sophisticated and highly lethal air defense systems such as the SA-20 and S-300/400 are proliferating worldwide.

Our nation has committed to procuring a total of just 183 F-22 aircraft. We are convinced that this number is insufficient to meet potential threats. After accounting for test, training, and maintenance aircraft, only about 100 F-22s will be immediately available for combat at any given time. Given that over 30 air campaign studies completed over the last 15 years have validated a requirement for far more than 183 F-22 Raptors to replace the original force of 800 F-15 A-D Eagles, it is clear that such a lean F-22 fleet is not consistent with America's national security interest.

The F-22 is a model production line. Since full-rate production began, the unit flyaway cost has decreased by 35 percent. If this certification is delayed, layoffs will begin as this critical supplier base shuts down. Once we begin to lose the F-22 industrial base that was created with billions of dollars of investment over many years, it will quickly become virtually impossible to reconstitute a production capability.

The F-22 program annually provides over \$12 billion of economic activity to the national economy. As our nation faces one of the most trying economic times in recent history, it is imperative to preserve existing high paying, specialized jobs that are critical to our national defense. Over 25,000 Americans working for more than 1,000 suppliers in 44 states manufacture this aircraft. Moreover, it is estimated that another 70,000 Americans indirectly owe their jobs to this program.

The Honorable Phil Gingrey, MD (GA-11); The Honorable Kay Granger (TX-12); The Honorable Neil Abercrombie (HI-01); The Honorable John Dingell (MI-15); The Honorable Danny Davis (IL-07); The Honorable Chet Edwards (TX-17); The Honorable Todd Tiahrt (KS-04); The Honorable Thomas Price (GA-06); The Honorable Norman Dicks (WA-6); The Honorable David Scott (GA-13); The Honorable Bill Young (FL-10); The Honorable Jack Kingston (GA-01); The Honorable Mac Thornberry (TX-13); Honorable Hank Johnson (GA-04); The Honorable Ellen Tauscher (CA-10); The Honorable Sanford Bishop (GA-02)

The Honorable Ben Ray Lujan (NM-03); The Honorable Brian Higgins (NY-27); The Honorable Gresham Barrett (SC-03); The Honorable Christopher Carney (PA-10); The Honorable Timothy Bishop (NY-01); The Honorable Bill Shuster (PA-09); The Honorable Dean Heller (NV-02); The Honorable Jim McGovern (MA-03); The Honorable Shelley Berkley (NV-01); The Honorable John Barrow (GA-12); The Honorable John Larson (CT-01); The Honorable Phil Hare (IL-17); The Honorable John Sullivan (OK-01); The Honorable Ander Crenshaw (FL-04); The Honorable Adam Putnam (FL-12); The Honorable Mike Rogers (AL-03); The Honorable Michelle Bachmann (MN-06); The Honorable Doug Lamborn (CO-05); The Honorable Mary Bono Mack (CA-45); The Honorable Mike Rogers (MI-08); The Honorable Larry Kissell (NC-08); The Honorable Anna Eshoo (CA-14)

The Honorable Mike Simpson (ID-02); The Honorable Steve LaTourette (OH-14); The Honorable Alcee Hastings (FL-23); The Honorable Greg Walden (OR-02); The Honorable Corrine Brown (FL-03); The Honorable Collin Peterson (MN-07); The Honorable Robert Andrews (NJ-01); The Honorable Lincoln Diaz-Balart (FL-21); The Honorable Mark Souder (IN-03); The Honorable Rick Boucher (VA-09); The Honorable Joe Barton (TX-06); The Honorable Chris Smith; (NJ-04) The Honorable Brian Bilbray (CA-50); The Honorable Gary Miller (CA-42); The Honorable Ciro Rodriguez (TX-23); The Honorable Tom Latham (IA-04); The Honorable Jerry Moran (KS-01); The Honorable Peter Visclosky (IN-01); The Honorable Jo Bonner (AL-01); The Honorable Donald Manzullo (IL-16); The Honorable Don Young (AK-At Large); The Honorable Peter Roskam (IL-06)

The Honorable Mario Diaz-Balart (FL-25); The Honorable Dave Camp (MI-04); The Honorable Kevin Brady (TX-08); The Honorable Paul Broun (GA-10); The Honorable Chris Murphy (CT-05); The Honorable Parker Griffith (AL-05); The Honorable Paul Sarbanes (MD-03); The Honorable Steve Scalise (LA-01); The Honorable John Carter (TX-31); The Honorable Pete Olson (TX-22); The Honorable Connie Mack (FL-14); The Honorable Eric Cantor (VA-07); The Honorable Peter King (NY-03); The Honorable Zack Space (OH-18); The Honorable Patrick Kennedy (RI-01); The Honorable Ginny Brown-Waite (FL-05); The Honorable Tom Price (GA-06); The Honorable Madeleine Bordallo (GU); The Honorable Ted Poe (TX-02); The Honorable Bill Posey (FL-15); The Honorable Jim Marshall (GA-08); The Honorable Louie Gohmert (TX-01)

The Honorable Henry Brown (SC-01); The Honorable Jim Langevin (RI-02); The Honorable Debbie Wasserman-Shultz (FL-20); The Honorable Kristen Gillibrand (NY-20); The Honorable Rob Bishop (UT-01); The Honorable Dean Heller (NV-02); The Honorable Michael Arcuri (NY-24); The Honorable Robert Brady (PA-01); The Honorable John Barrow (GA-12); The Honorable Michael Burgess (TX-26); The Honorable Suzanne Kosmas (FL-24); The Honorable Mike McCaul (TX-10); The Honorable Artur Davis (AL-07); The Honorable Joe Wilson (SC-02); The Honorable Jim Himes (CT-04); The Honorable Joe Courtney (CT-02); The Honorable Dan Boren (OK-02); The Honorable Patrick McHenry (NC-10); The Honorable Charlie Wilson (OH-06); The Honorable Kenny Marchant (TX-24); The Honorable Sue Myrick (NC-09); The Honorable Wally Herger (CA-02)

The Honorable Harry Teague (NM-02); The Honorable Chellie Pingree (ME-01); The Honorable Steve King (IA-05); The Honorable Lynn Westmoreland (GA-03); The Honorable Paul Hodes (NH-02); The Honorable Sam Graves (MO-06); The Honorable Leonard Boswell (IA-03); The Honorable Duncan Hunter (CA-52); The Honorable John Adler (NJ-03); The Honorable Gus Bilirakis (FL-09); The Honorable Michael McMahon (NY-13); The Honorable John Linder (GA-07); The Honorable Kendrick Meek (FL-17); The Honorable John Kline (MN-02); The Honorable Allen Boyd (FL-02); The Honorable Carol Shea-Porter (NH-01); The Honorable Mary Fallin (OK-05); The Honorable Robert Aderholt (AL-04); The Honorable Zach Wamp (TN-03); The Honorable Bobby Scott (VA-03); The Honorable Loretta Sanchez (CA-47); The Honorable Rodney Alexander (LA-05)

The Honorable Dave Reichert (WA-08); The Honorable Dennis Moore (KS-03); The Honorable Mike Turner (OH-03); The Honorable Daniel Maffei (NY-25); The Honorable John Culberson (TX-07); The Honorable Mike Conaway (TX-11); The Honorable Bob Latta (OH-05); The Honorable Richard Neal (MA-02); The Honorable Pete Hoekstra (MI-02); The Honorable Pete Sessions (TX-32); The Honorable Tom Rooney (FL-16); The Honorable Gabrielle Giffords (AZ-08); The Honorable Dan Lipinski (IL-03); The Honorable Steve Austria (OH-07); The Honorable Patrick Murphy (PA-

08); The Honorable John Boozman (AR-03); The Honorable Kevin McCarthy (CA-22); The Honorable Joe Donnelly (IN-02); The Honorable Elijah Cummings (MD-07); The Honorable Buck McKeon (CA-25); The Honorable Nathan Deal (GA-09); The Honorable E. B. Johnson (TX-30)

The Honorable Joe Baca (CA-43); The Honorable Dan Burton (IN-05); The Honorable Elton Gallegly (CA-24); The Honorable Frank Lucas (OK-3); The Honorable Joe Crowley (NY-07); The Honorable Harold Rogers (KY-05); The Honorable Rosa DeLauro (CT-03); The Honorable Frank LoBiondo (NJ-02); The Honorable Bennie Thompson (MS-02); The Honorable Steve Rothman (NJ-09); The Honorable Jim Costa (CA-20); The Honorable Dan Lungren (CA-03); The Honorable Dana Rohrabacher (CA-46); The Honorable Nick Rahall (WV-03); The Honorable John McHugh (NY-23); The Honorable Ralph Hall (TX-04); The Honorable Lamar Smith (TX-21); The Honorable Tim Holden (PA-17); The Honorable Bob Filner (CA-51); The Honorable Maurice Hinchey (NY-22); The Honorable Trent Franks (AZ-02); The Honorable Mark Schauer (MI-07)

The Honorable Blaine Luetkemeyer (MO-09); The Honorable Tim Ryan (OH-17); The Honorable Grace Napolitano (CA-38); The Honorable Maxine Waters (CA-35); The Honorable Darrell Issa (CA-49); The Honorable Jeff Miller (FL-01); The Honorable Mike McIntyre (NC-07); The Honorable Dutch Ruppersberger (MD-02); The Honorable Ileana Ros-Lehtinen (FL-18); The Honorable George Radanovich (CA-19); The Honorable Gregg Harper (MS-03); The Honorable Doc Hastings (WA-04); The Honorable Christopher Lee (NY-26); The Honorable Carolyn McCarthy (NY-04); The Honorable Dennis Rehberg (MN-At Large); The Honorable Randy Forbes (VA-04); The Honorable John Shimkus (IL-19); The Honorable Steve Israel (NY-02); The Honorable Mike Ross (AR-04); The Honorable Steve Buyer (IN-04); The Honorable Paul Tonko (NY-21)

The Honorable Tom Cole (OK-04); The Honorable Donna Christensen (VI); The Honorable Sam Johnson (TX-03); The Honorable Brian Bilbray (CA-50); The Honorable John Fleming (LA-04); The Honorable Mike Coffman (CO-06); The Honorable Henry Cuellar (TX-28).

Madam Chair, I ask all of my colleagues to reject the Obama administration's posture on the F-22 and to support continued F-22 production as we consider this bill.

Mr. YOUNG of Florida. Madam Chair, I yield now 2 minutes to the distinguished gentleman from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank the gentleman for yielding.

Madam Chairman, yet again, the Democratic leadership has decided to close down this process. I have submitted an amendment to the Rules Committee to prohibit funding in this bill from being used to standardize ground combat uniforms across the military services. The House version of the defense authorization has language that was slipped in to require one standardized future ground combat

uniform for the military to eliminate the uniqueness of the branches.

The Marine Corps has stated, "A standardized ground uniform will negatively impact USMC recruiting, retention, and tactical/operational employment for deploying forces." Given the unique and differing missions of each of the branches, I believe that the leadership of each Service should maintain the flexibility to determine what uniform is best-suited for the specific role for its members.

I am very disappointed that we have been denied the opportunity to debate my amendment here today. I want to say I'm a strong supporter of H.R. 3326. I am a marine. Once a marine, always a marine. I am also one who believes in a very strong national defense. I believe the Founding Fathers meant for a strong national defense to be the major function of the Federal Government.

□ 1730

I applaud this bill, and I applaud the leaders on both sides for bringing this strong bill. I want to say I agree with my colleague, Mr. GINGREY, that I believe very firmly that we need to continue funding the F-22 and the C-17.

Mr. YOUNG of Florida. At this time, I yield 2 minutes to the distinguished gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I appreciate the gentleman from Florida for yielding me time and also the entire committee. Putting this particular budget together is not an easy task, and I'm very proud of most of the things that are in this particular budget. I, too, though, have a couple of concerns, as was originally indicated by the ranking member as well as the ranking member of the full committee, that deal with air superiority.

I'm just an old history teacher, but I realize in the 1930s this country decided to save money by cutting back on the P-35 construction. When World War II began, our bombers taking bomber runs were suffering casualty rates well over 20 percent. It was to the point we actually suspended some of those runs until we could go into an emergency production to build enough fighters to accommodate the bombers that we had. The bottom line is we were unprepared for a future we had not anticipated.

We don't have the luxury anymore to be in that type of a situation, which is why the air superiority which we've had since the Korean War is such an essential element of our defense structure and our defense posture.

And there are two elements that are essential for our air superiority. One is technical advancement. The other is production. The numbers that we have is as important as the technology. We cannot afford to find ourselves on the wrong side of history again. The world moves much too rapidly for that.

I have a great deal of gratitude for the long hours that were put in for this

budget, and with a couple of exceptions in there where I have great concerns, I applaud the efforts and would like us to look seriously at that particular element of air superiority one more time.

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I may consume.

Since we have talked so much about the F-22, I thought I would compare just briefly some of the history of our fighter aircraft.

For example, the F-4, which was one of the major aircraft fighters in the Vietnam War, we produced over 4,000 of those airplanes, yet we're only talking about 187 of the F-22s. Of the F-15s, we built 1,118 F-15s. We only have about half of them left today, and they're being phased out. The F-16. We built 2,230 F-16s. Today we only have about half of those left, and one day we will phase those out when Joint Strike Fighter comes on line.

But the history of buying and building the fighter aircraft and losing fighter aircraft when we are involved in hostilities is very, very telling. And it, again, we must say, it is important that our soldiers fighting on the ground have an American airplane overhead and not an enemy airplane with bombs and strafing guns, et cetera. So we'll discuss this more in detail when the amendment is offered.

At this point, I yield back the balance of my time.

Mr. MURTHA. Let me just conclude by thanking BILL YOUNG on all of the work he did and all of the rest of the subcommittee on the work they did.

And let me reiterate this is all about the troops being taken care of, making sure they have what they need. We put the full amount that the President requested for the people in Iraq and Afghanistan, and we made sure that we gave them a pay raise. And when I see those troops—whether it's in the field, at the bases, whether I see them overseas or I see the troops in the hospitals—I have such great admiration for what they do. And we're just trying to make sure they have everything that they need.

The F-22, as the gentleman from Florida says, we're going to argue that later. We would have to have 292 votes in the House; we'd have to have 66 votes in the Senate, so you can see the position I'm in and the problems that we would have if we were to go forward. I just want to make sure that the planes we have are robustly funded.

Ms. LEE of California. Madam Chair, I rise today in opposition to H.R. 3326, the Department of Defense Appropriations Act for FY 2010.

At a time when our nation is facing an unprecedented series of challenges, I believe we must do more to curb the runaway growth in defense spending.

Instead of spending a staggering 52 percent of the federal discretionary budget for the Pentagon, we should be using this money to fund

universal health care for all Americans, or to reform our educational system and train and prepare the next generation to run the green economy of the future, or to reorder our foreign policy around a smart security strategy that emphasizes development and diplomacy.

We cannot and should not continue to throw money at billion dollar cold-war era weapon systems while ignoring the needs and priorities of the American people.

I must note that it is about time we have included the full costs of our overseas deployments and other activities in the regular budget process and Defense Appropriations bill after years of the Bush Administration insisting the costs of the wars in Iraq and Afghanistan be kept from view.

Although I am pleased to see that H.R. 3326 includes language prohibiting the establishment of permanent military bases in Iraq or Afghanistan, it should come as no surprise that I believe the situation in Iraq and in Afghanistan does not lend itself to a military solution.

Madam Chair, I cannot support the \$128 billion included in this bill for overseas operations which may further entrench the United States in conflict and continue us down a path to war without end.

As the daughter of a military veteran, let me close by saying I strongly support our troops as well as respect the necessity of adequately equipping them for the threats they face around the globe.

In the case of this bill, I strongly support the recommendation of our President and our military leadership to halt production of the F-22 at 187 planes.

I urge my colleagues to oppose this bill, and to support the Murtha amendment to reallocate funds away from the F-22 advance procurement program.

Mr. TIAHRT. Madam Chair, I rise in support of H.R. 3326, the Fiscal Year 2010 Defense Appropriations bill. Although I am concerned that advanced capabilities are short-changed in the bill. Overall, the Defense Appropriations Subcommittee has worked in a bi-partisan manner to craft a very good bill. I urge my colleagues to join with me in supporting this legislation.

First, I want to highlight one important provision in this bill regarding the KC-X Tanker Acquisition. Over the past seven years, I have worked with my colleagues on both sides of the aisle to address the real and growing need to recapitalize our aging KC-135 Tanker fleet. The committee has shown a real commitment to this vital program by providing \$440 million in funding and instructive language.

Specifically, the directive language:

Recommends procuring 36 aircraft a year, over the current 12–15 a year. With over 500 KC-135 aircraft, it would take 40 years to replace these aircraft at 12 a year.

Requires production aircraft to be built in the United States—to strengthen our industrial base;

Ensures that any competition includes a 40-year life-cycle cost—to guarantee the American taxpayer get the best return on their investment.

This is the right direction to move the program forward.

Unfortunately the President, in his Statement on Administration Policy, has expressed

strong opposition to the Buy-America language directing that production KC-X aircraft be built in the United States. This comes as both competitors—Boeing and Airbus—have already committed to building their tanker in America.

This provision is essential because Airbus has a history of promising American jobs and then shipping the jobs back to Europe when it suits their interests—as they did with the Light Utility Helicopter. I hope the President drops his opposition to the American worker and stand with us in demanding that the promises defense contractors make to this Congress and the American people are kept.

Second, as I previously stated, I am concerned with the lackluster investment in procurement and research and development accounts in this bill. In 1985, military modernization was around 45 percent of the defense budget. This year the modernization budget is set to represent only 31 percent of the budget request. It appears another defense procurement holiday is on the horizon.

The Obama administration has already slashed procurement budgets along with research and development of almost a dozen advanced weaponry systems our nation will likely need in the future. Some of these cuts include the Airborne Laser, the Future Combat Systems, the C-17, the Navy's next-generation cruiser, the Multiple Kill Vehicle, and the Kinetic Energy Interceptor.

In my opinion, this bill fails to make the adequate investments so our children and grandchildren will have the resources they need to protect this nation in the decades to come.

Despite my concerns, I believe this bill is still worth supporting. I will continue to work for additional resources for our military when we move to conference. In the meantime I urge my colleagues to join me in supporting this important legislation.

Mr. GENE GREEN of Texas. Madam Chair. I rise today in strong support of this bill. The Defense Appropriations bill funds a number of research and education programs, but most importantly it provides for the defense of our nation and for the men and women who serve in our Armed Forces.

This bill includes a pay raise and other benefits for our soldiers, sailors, airmen, and marines, making sure we provide them what they need and deserve. It provides a 3.4 percent military pay increase and \$122.4 billion to fully fund the requested end strength levels for personnel. The bill continues efforts to end the practice of "stop loss" and includes funding to pay troops \$500 for every month their term of service is involuntarily extended in 2010.

The bill also provides for those that have been injured defending our country by including \$500 million for traumatic brain injury and psychological health. The bill also includes a total of \$2.2 billion for the wounded, ill and injured programs. The bill includes \$636 million for peer-reviewed research programs: \$150 million for breast cancer research; \$80 million for prostate cancer research; \$30 million for orthopedic research; \$25 million for ovarian cancer research; \$15 million for spinal cord research; and \$10 million for ALS research.

I would also like to express support for the inclusion of The Science, Technology, Engineering and Mathematics (STEM.) Initiative to

be administered by HoustonWorks USA. Federal support is necessary, because this program will support the national agenda to promote STEM programs and increase exposure to careers in engineering among at-risk or hard-to-serve youth, an untapped human resource in our country's quest to increase the numbers of American engineers. The outcome of STEM awareness programs like this one is part of the process to grow the engineering pipeline, a critical step to answer some of the world's most important questions in science today. This project will benefit numerous individuals in the 29th District, and I thank the Committee for including funding for the project.

I am disappointed, however, funding was not included for restoration of the Battleship Texas. The historic Battleship Texas is the only surviving naval vessel that served in both World War I & II. In order to keep her from deteriorating further, the Battleship Texas Foundation in conjunction with the Parks and Wildlife Department, will permanently remove the USS Texas from the water and construct a dry berth at a cost of \$29,000,000—we have secured funding in the past to assist with this project, but did not receive funding this year for our request. I ask that the Chair reconsider as future bills move forward, and I look forward to working with him on this project.

Madam Chair, overall this is a good bill that provides for the defense of our nation, our troops and their families, and a number of other critical projects and research initiatives. I urge my colleagues to join me in supporting H.R. 3326.

Mr. STARK. Madam Chair, I rise in opposition to the Defense Appropriations bill. As families and businesses struggle in this recession, this bill spends money on the wrong priorities for our Nation and the world.

The legislation provides \$128.3 billion to fund wars in Afghanistan and Iraq that never should have been waged, as well as \$9.3 billion for missile defense funding that doesn't work. According to the Washington Post, over \$6.9 billion in funding is for new ships, planes, helicopters and armored vehicles that the Pentagon doesn't want.

We are wasting money on these projects as defense eats up a larger share of our budget—58 percent of all discretionary spending, up from 51 percent four years ago.

This giveaway to defense contractors comes at the same time that Members of Congress are balking at health care reform that will cost a fraction of our defense spending over the same time period. I urge my colleagues to join me in voting no.

Mr. ETHERIDGE. Madam Chair, I rise today in support of H.R. 3326 the Fiscal Year 2010 Defense Appropriations Act. This bill makes important investments to keep the American people safe, strengthen our military, and support our troops.

This bill contains \$636.3 billion for the Department of Defense next year to provide funding for our troops in Iraq and Afghanistan, enhance recruitment, address critical equipment needs at home, and, perhaps most importantly, support our troops and their families who give so much in defense of our nation. As a Member of the House Budget Committee, I am pleased that H.R. 3326 is fiscally respon-

sible, for the first time including funding for ongoing needs for the war in Iraq and Afghanistan in the regular budgeting process. The decision to hide funding for our engagement abroad in "emergency" spending led to financial mismanagement, and it ends this year. The bill also calls for additional contracting reform and other efficiencies, while ensuring sufficient support for our men and women in uniform.

As a veteran of the U.S. Army, and the representative of Fort Bragg and Pope Air Force Base, I am proud of our troops who serve our country so bravely. Whether in the Army, Air Force or Navy, the Coast Guard, or the Marines; whether in the National Guard or in the Reserves; each soldier deserves our full support and respect. This bill provides our troops with a 3.4 percent pay raise and recognizes the hardship of stop-loss deployment by providing an additional \$500 per month for involuntary extensions of active duty. It provides significant funding for readiness training and medical care, often overlooked aspects of our military support. Knowing that the mission at home for military families is often critical to the soldier's mission abroad, I am pleased that H.R. 3326 fully funds Family Support and Yellow Ribbon programs, as well as providing \$472 million for family advocacy initiatives.

Madam Chair, there is no more important function for Congress than to protect the American people. This bill ensures our troops in Iraq and Afghanistan have the funding and equipment they need, provides support for our troops at home, and improves the health of our entire military. I urge my colleagues to join me in support of H.R. 3326.

Mr. VAN HOLLEN. Madam Chair, I rise in support of the 2010 Department of Defense Appropriations Act. This bill provides \$636.3 billion to fund the defense, military family support, humanitarian assistance and oversight priorities of the American people.

This bill provides the resources to implement President Obama's national security strategy, including the new approach he is taking with respect to Iraq and Afghanistan. The bill also provides funding to support the general quality-of-life needs of our troops and their families. Specifically, the measure provides a 3.4 percent pay increase for military personnel; \$8.3 billion in additional funds to compensate personnel subject to "stop loss" requirements; and \$2.6 billion to support military families—including \$472 million for family advocacy programs that help children and families manage the many challenges of military service.

The bill also provides \$29.9 billion for the defense health program, including \$500 million for traumatic brain injury treatments and funds to treat Post-traumatic Stress Syndrome. And finally, the Defense Appropriations Act includes a number of provisions to improve oversight of defense contractors and \$110 million for international humanitarian assistance including foreign disaster and emergency relief assistance.

Mr. BLUMENAUER. Madam Chair, it was my hope that this year would mark a turning point in the type and amount of we spend on the Department of Defense. Oregonians know I frequently vote against Defense Appropriations bills as spending too much money for the wrong priorities.

I was pleased to see the traditional military pay raise included, as well as an extension of current stop loss compensation to troops extended tours in 2010. I also continue to strongly support provisions that prohibit permanent bases in Iraq and Afghanistan and torture.

Yet the bill also includes funding for programs that have been outdated since the end of the Cold War two decades ago, and which even the Secretary of Defense would like to terminate. The list of these programs funded here is long and runs into the billions: \$80 million for the Missile Defense, Kinetic Energy Interceptor Program, \$369 million for parts for the F-22 and C-17, an extra \$3 billion for Navy ships, and \$674 million for still more unrequested C-17 planes.

These programs come at the expense of other, more worthy projects and investments. I offered two amendments to the Rules Committee for this bill, both of which would have shifted funding to environmental programs. My first amendment would have shifted \$100 million from the unnecessary Joint Strike Fighter (F-35) Alternate Engine Program and toward the chronically-underfunded Defense Department's Environmental Restoration Program. These programs, responsible for the cleaning of toxic wastes and leftover bombs from all active bases and Formerly Used Defense Sites, will receive less funds than they did last year even though the number of sites needing clean up has increased.

My second amendment would have created a small pilot program to fund a practical demonstration of ordnance discrimination technology. Currently over 75 percent of material uncovered during the clearing of leftover and still dangerous bombs and shells is non-dangerous scrap metal. This type of technology, once proven through a live demonstration, would cut cleanup costs by two to three times.

These amendments were commonsense ways to reduce Pentagon liability, save money and resources in the long run, and make our lands safer for our communities and military personnel. I was extremely disappointed that these amendments were unable to receive an up-or-down vote. But I will continue to work to ensure the Federal government is a better partner to communities.

The Administration is moving in the right direction by being willing to make tough decisions to cut or terminate certain favored, yet expensive and unnecessary, programs. It is my hope that Congress can craft a bill in conference that more closely adheres to this principled and practical stance and that meets the needs of our military and our communities.

Mr. MURTHA. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Mr. MURTHA. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. TITUS) having assumed the chair, Ms. BALDWIN, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3326) making appropriations for

the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

HONORING THE MEMORY AND LASTING LEGACY OF SALLY CROWE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Resolution 682 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the resolution is as follows:

H. RES. 682

Whereas Sally Crowe's career spanned 52 years of service, beginning in 1957 as a cashier in the Longworth cafeteria;

Whereas Sally moved to the Members' Dining Room in the U.S. Capitol in the 1960s and remained on the job there until her passing on June 28, 2009;

Whereas throughout her career she provided a warm and personal welcome to generations of Members, staff, and guests;

Whereas regardless of who managed the Members' Dining Room, Sally remained a fixture, serving with distinction and making a special effort to know every Member by name; and

Whereas Sally will be remembered for her sense of humor, her strong work ethic, and her unwavering commitment to serving the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives honors the memory and lasting legacy of Sally Crowe, extends its gratitude for her decades of exemplary service, and expresses its condolences to her family and friends at this time of loss.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of Senate Concurrent Resolution 35 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. DRIEHAUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 24th edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 551,000 copies of the document, of which 441,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$218,379, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

JUDICIAL SURVIVORS PROTECTION ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 1107) to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The text of the bill is as follows:

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Survivors Protection Act of 2009".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "judicial official" refers to incumbent officials defined under section 376(a) of title 28, United States Code.

(2) The term "Judicial Survivors' Annuities Fund" means the fund established under section 3 of the Judicial Survivors' Annuities Reform Act (28 U.S.C. 376 note; Public Law 94-554; 90 Stat. 2611).

(3) The term "Judicial Survivors' Annuities System" means the program established under section 376 of title 28, United States Code.

SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

(a) ELECTION OF JUDICIAL SURVIVORS' ANNUITIES SYSTEM COVERAGE.—An eligible judicial official may elect to participate in the Judicial Survivors' Annuities System during the open enrollment period specified in subsection (d).

(b) MANNER OF MAKING ELECTIONS.—An election under this section shall be made in writing, signed by the person making the election, and received by the Director of the Administrative Office of the United States Courts before the end of the open enrollment period.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Director.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period under this section is the 6-month period beginning 30 days after the date of enactment of this Act.

SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN ENROLLMENT ELECTION.

(a) CONTRIBUTION RATE.—Every active judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period shall be deemed thereby to consent and agree to having deducted from his or her salary a sum equal to 2.75 percent of that salary or a sum equal to 3.5 percent of his or her retirement salary, except that the deduction from any retirement salary—

(1) of a justice or judge of the United States retired from regular active service under section 371(b) or 372(a) of title 28, United States Code;

(2) of a judge of the United States Court of Federal Claims retired under section 178 of title 28, United States Code; or

(3) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of title 28, United States Code,

shall be an amount equal to 2.75 percent of retirement salary.

(b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Contributions made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 5. DEPOSIT FOR PRIOR CREDITABLE SERVICE.

(a) LUMP SUM DEPOSIT.—Any judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period may make a deposit equaling 2.75 percent of salary, plus 3 percent annual, compounded interest, for the last 18 months of prior service, to receive the credit for prior judicial service required for immediate coverage and protection of the official's survivors. Any such deposit shall be made on or before the closure of the open enrollment period.

(b) DEPOSITS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Deposits made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY.

Section 376 of title 28, United States Code, is amended by adding at the end the following:

"(y) For each year of Federal judicial service completed, judicial officials who are enrolled in the Judicial Survivors' Annuities System on the date of enactment of the Judicial Survivors Protection Act of 2009 may purchase, in 3-month increments, up to an additional year of service credit, under the terms set forth in this section. In the case of judicial officials who elect to enroll in the Judicial Survivors' Annuities System during the statutory open enrollment period authorized under the Judicial Survivors Protection Act of 2009, for each year of Federal judicial service completed, such an official

may purchase, in 3-month increments, up to an additional year of service credit for each year of Federal judicial service completed, under the terms set forth in section 4(a) of that Act.”.

SEC. 7. EFFECTIVE DATE.

This Act, including the amendment made by section 6, shall take effect on the date of enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN ARTHUR “JACK” JOHNSON POSTHUMOUS PARDON

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (S. Con. Res. 29) expressing the sense of the Congress that John Arthur “Jack” Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. JACKSON of Illinois. Mr. Speaker, I reserve the right to object.

While it is not my intention to object to the bill, I wanted to thank Representative PETER KING for introducing this legislation in the House, and I was honored to join him as a cosponsor of this bill.

Mr. Speaker, Jack was the first African American to win the world heavyweight boxing championship and was a trailblazer. After defeating Tommy Burns and winning the world heavyweight boxing title in 1908, resentment grew as his wins continued and his flamboyant behavior unfairly earned him the disdain of many. In fact, it was his interracial relationships that led to his arrest on charges of violating the Mann Act’s prohibition against “transporting women across State lines for immoral purposes.”

Mr. Speaker, I felt compelled to come back to this floor because one of the chief advocates of this legislation is the late Vernon Forrest who came to this Congress 3 years ago, met with Members of the Congress in the House, met with Senator McCain in the Senate, we had a press conference in the “swamp” to support this posthumous legislation on behalf of the late Jack Jackson. Vernon Forrest in Atlanta was shot this week 8 times in the back, and he will be memorialized, I believe, later this week or sometime this week-end.

I wanted to say on behalf of a grateful Nation and grateful Congress to the

Forrest family how grateful we were for his conscientiousness, for his willingness to fight for something bigger than himself, and for the extraordinary legacy that he has left us all.

I want to thank the Judiciary Committee and Representative PETER KING for their extraordinary leadership in bringing this very timely bill to the Congress. And, as Ken Burns states, Jack Johnson’s story was “about freedom and one black man’s insistence that he be able to live a life nothing short of a free man.”

Mr. Speaker, I withdraw my reservation and urge the immediate passage of S. Con. Res. 29.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 29

Whereas John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the “great white hope”;

Whereas in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the “Battle of the Century”;

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas between 1901 and 1910, 754 African-Americans were lynched, some for simply for being “too familiar” with White women;

Whereas in 1910, Congress passed the Act of June 25, 1910 (commonly known as the “White Slave Traffic Act” or the “Mann Act”) (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce “for the purpose of prostitution or debauchery, or for any other immoral purpose”;

Whereas in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an “immoral purpose” in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of “prostitution and debauchery”;

Whereas in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

Mr. KING of New York. Mr. Speaker, today I rise in support of S. Con. Res. 29 (the companion bill to H. Con. Res. 91), a resolution granting a posthumous pardon to John Arthur “Jack” Johnson for his 1913 racially motivated conviction. On April 1, 2009, I introduced my resolution with Congressman JESSE JACKSON, Jr. and I join today with my colleagues in urging the House to support this effort.

Jack Johnson became the first black World Heavyweight Boxing Champion in 1908 after defeating Tommy Burns in Australia and kept the title until 1915. He was a flamboyant and controversial figure in American history who paved the way for African-American athletes to participate and succeed in racially integrated professional sports in the United States.

Prompted by his success in the boxing ring and his relationship with a white woman, Jack Johnson was wronged by a racially motivated conviction under the Mann Act. He was convicted in 1913 after fleeing to Canada, Europe and South America and served one year in prison. Being convicted ruined his career and wrongly destroyed his reputation.

Because of this, we believe the President should grant a posthumous pardon to Jack

Johnson to clear his name and recognize his athletic and cultural contributions to society. I am proud to have sponsored this resolution on his behalf.

Mr. Speaker, I urge all my colleagues to support this resolution.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES TO THE FAMILY AND LOVED ONES OF BORDER PATROL AGENT ROBERT ROSAS

Ms. TITUS. Mr. Speaker, I ask unanimous consent that the Committee on Homeland Security be discharged from further consideration of the resolution (H. Res. 681) expressing condolences to the family and loved ones of Agent Robert Rosas and standing in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The text of the resolution is as follows:

H. RES. 681

Whereas since 1919, 108 United States Border Patrol agents have died in the line of duty;

Whereas, on July 23, 2009, on the Shockey Truck Trail near Campo, California, agent Robert Rosas Junior, a member of the United States Border Patrol since May 22, 2006, was killed by gunfire while serving in the line of duty;

Whereas since 2008, more than 50 Border Patrol agents have been targeted by gun fire while hundreds of others have been subject to other forms of attack;

Whereas since 2006, over 10,000 individuals have been killed as a result of ongoing violence on the Southwest border;

Whereas, despite an increased security presence along the Southwest border in recent years, Border Patrol agents are under constant threat of violence and contact with drug, weapons, and human smugglers, drug cartels and other organized crime, and transnational criminals;

Whereas the killing of Agent Rosas represents the ever-present danger associated with the Southwest border, affecting law enforcement and communities in both the United States and Mexico;

Whereas agent Rosas' death serves as an important reminder that we are engaged in a serious effort to secure the Southwest border, led by the approximate 17,000 agents currently stationed along our Nation's 1,969-mile land boundary with Mexico;

Whereas the bravery and devotion to duty demonstrated by agent Rosas has forever earned him a place in the hearts and memory of his fellow Americans and the men and women of the United States Border Patrol who risk their lives daily to protect the safety and security of the United States people;

Whereas agent Rosas, after starting his law enforcement career in 2001 as a reserve officer in El Centro, California, aspired to be a member of the United States Border Patrol;

Whereas agent Rosas was beloved for his desire and dedication to serving others, earning the respect and admiration of his colleagues, but most of all by his devotion to his wife, Rosalie, and their two children; and

Whereas in the face of this loss, the Department of Homeland Security and law enforcement immediately reaffirmed that acts of violence against Border Patrol agents will not stand: Now, therefore, be it

Resolved, That the House of Representatives expresses its condolences to the family and loved ones of Agent Robert Rosas and stands in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders.

Mr. REYES. Mr. Speaker, it is with deep sadness that I rise today in support of H. Res. 681, a resolution which expresses condolences to the family and loved ones of U.S. Border Patrol Agent Robert Rosas. On July 23, 2009, Agent Rosas was killed by gunfire while protecting our nation's southwest border.

Agent Rosas began his law enforcement career in 2001 as a reserve officer in El Centro, California. His desire to one day become a member of the U.S. Border Patrol was fulfilled on May 22, 2006 when he officially joined the Border Patrol family. Agent Rosas was deeply admired and respected by his colleagues for his generosity and service to others and for his dedication to his family. He fully embraced the Border Patrol's mission of securing our nation's borders, and he served with honor and distinction.

Agent Rosas' death serves as a reminder of the many risks that confront Border Patrol agents each day and why we owe them our sincere gratitude for their bravery, service and sacrifice. Before coming to Congress, I served for 26½ years in the Border Patrol, and I will always remain a part of that special family. I know first-hand the challenges and dangers that the agents face each day, and as a Member of Congress, I remain committed to ensuring that they have the resources and support that they need. My thoughts and prayers are with Agent Rosas' family—his wife Rosalie and his two children, Robert and Kayla Alisa. During this extremely difficult time, it is my hope that the family will find some comfort in knowing that Agent Rosas served his country with distinction and that he will be remembered in the hearts of the American people.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1745

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TONKO). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 508, de novo;

H.R. 2093, de novo;

House Resolution 675, de novo;

House Concurrent Resolution 159, de novo.

RECOGNIZING GENERAL AVIATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 508.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 508.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CLEAN COASTAL ENVIRONMENT AND PUBLIC HEALTH ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2093, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 2093, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONDEMNING TERRORIST ATTACK IN INDONESIA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 675.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 675.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE FIFTH ANNIVERSARY OF THE U.S. DECLARATION OF GENOCIDE IN DARFUR

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 159.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 159.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

STIMULUS PACKAGE SAVING AND CREATING JOBS IN CINCINNATI

(Mr. DRIEHAUS asked and was given permission to address the House for 1 minute.)

Mr. DRIEHAUS. Mr. Speaker, if you want to see where the stimulus package is saving and creating jobs, come to Cincinnati.

Yesterday, the Department of Justice announced \$17 million in grants for local law enforcement in my district. These grants will help local governments that are struggling to maintain services. But more than that, this funding is going to keep 66 full-time officers on the streets protecting the people of greater Cincinnati.

Some of my friends in this Chamber have said that the stimulus isn't working. Ask the 66 officers who will still have their jobs whether or not the stimulus is working. Ask their families. Ask people in the neighborhoods they are protecting.

Public safety matters, and the stimulus is working to keep our communities safe.

TRIBUTE TO AMBER AIMAR

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, I rise today to honor a great American who also happens to be a member of my staff.

Mr. Speaker, we all know the vital role our staff members play in our individual offices and in the U.S. Congress as a whole. My scheduler and office manager, Amber Aimar, was instrumental in getting me, a new Member, off the ground and running. I found out firsthand that success of the first few weeks has a huge impact on the months to follow. We succeeded, and it was due in large part to Amber.

Amber has been essential to me, but her contributions have reached far beyond the confines of my office. Numerous times constituents have called with an urgent problem; and, because of Amber, they have found a solution that saved the day.

She began her career working with my colleague and friend, JOE WILSON from South Carolina. Amber was just as instrumental in South Carolina's Second District, and I was very fortunate to get her into the Tennessee delegation.

Amber and her husband, Allen, and their son Alexander are moving to Ohio. This move will begin a new chapter in their lives. We wish them only the best and look forward to their future success.

Mr. Speaker, we will all miss them greatly.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STRUGGLES AND HARDSHIPS FACING KEY WEST, FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday, the host of "The Today Show" profiled Key West, a city in my congressional district. It is a city of natural beauty, coupled with a history that is quite unique. And while viewers were able to see the TV host ride rickshaws and tour many sites, such as Ernest Hemingway's home, and I am glad they featured my good friend from Key West, Tom Oosterhoudt, there is another side of Key West off of Duval Street that warrants attention.

While Key West is a great place to get a slice of key lime pie, it is also a city with high unemployment, high insurance rates, and one of the largest homeless populations for its size. According to recent numbers, the Florida Keys has over 1,000 individuals who are homeless. The reality is that off of Duval Street, there are struggling individuals and struggling families.

Thankfully, there are several noteworthy organizations which serve the Keys community with a selfless dedication to those at-risk individuals. One example is Samuel's House. This is a beacon of hope for those who need help.

Founded in 1985, Samuel's House provides a nurturing environment for homeless women and women with children. It also affords them resources that are beneficial to their physical, mental, emotional and spiritual well-being.

I had the privilege to meet with several staffers from Samuel's House this week here in D.C., and I heard the firsthand account from a mother whose daughter was saved due to the assistance and care provided to her by Samuel's House.

Samuel's House also runs Kathy's Hope, another Key West facility, which

provides permanent housing for women who are chronically homeless and in recovery from alcohol and drug addiction. It is a safe haven where women can go through recovery while also remaining self-sufficient and pursuing their life goals to better themselves.

Key West is also blessed to have the Southernmost Homeless Assistance League, SHAL. Under the direction of Reverend Steven Braddock, SHAL is a community coalition dedicated to the special needs of people who are homeless or at risk of homelessness.

SHAL provides grants to shelters and organizations like Samuel's House so that they can continue their good work for all of us in the community. SHAL also provides housing assistance, medical assistance, substance abuse programs, and job training resources to at-risk individuals and their families.

I am grateful for the dedication and caring exhibited by their staff, and they deserve our recognition.

Another problem unique to the Florida Keys is one of housing. We have a problem with nonconforming downstairs enclosures. Through years of mismanagement and lax oversight by Monroe County and FEMA, many Keys homeowners built what they considered legal downstairs enclosures.

Residents with nonconforming disclosures are denied the ability to acquire flood insurance. In an area with a long history of hurricanes and other severe weather events, this is intolerable. Florida Keys homeowners are required to bear the price of mistakes made by the county and FEMA for structures that were issued permits and were legally constructed.

□ 1800

This is a community which cannot afford the expense of renovating existing structures while they struggle to make ends meet week in and week out. While homeowners continue to struggle with onerous regulations, the issue of water quality is also a major concern for Key West and the entire Keys. The Florida Keys serve as the entry point to Everglades National Park. It's surrounded by the National Marine Sanctuary as well as one of the largest and most vibrant coral reef systems in the world. This is an area of national treasure; and as such, ensuring the cleanliness of the waters surrounding these important ecosystems should be a national concern. Since being elected to represent the Florida Keys in 2002, I have fought hard to bring Federal funding from Washington to the Florida Keys for its wastewater project. To date, the area has received more than \$35 million in congressionally appropriated dollars. I am pleased to note that construction has already started throughout the Florida Keys. And yes, while more Federal funding is needed, I am thankful for the commitment made by Florida Keys residents and the

elected officials to utilize existing Federal funds in the near term. The Florida Keys is an area of great beauty, but we must be aware that even in paradise, people go through struggles and through hard times. These hardships take many faces: an individual on the brink of homelessness, a homeowner who is unable to obtain flood insurance due to a downstairs enclosure, or a community worrying about the cleanliness of their water supply. These are some of the daily trials and tribulations that Keys residents sometimes face off of Duval Street.

Thank you, Mr. Speaker, for the time.

DENOUNCING THE ATTACK ON CAMP ASHRAF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to condemn the brutal attack on the residents of Camp Ashraf, Iranian exiles, by the Iraqi police forces. Yesterday I learned that Iraqi police forces are beating unarmed Camp Ashraf residents and that they have been brutally assaulting them. I have been informed that this attack has resulted in at least eight deaths and over 400 injuries. This beating of unarmed men and women is despicable, and my understanding is that the unjustifiable attack is still underway.

These Iranian exiles are unarmed today because they voluntarily surrendered their weapons to United States forces in exchange for a U.S. guarantee of their security in 2003. They are protected persons under Article 27 of the Fourth Geneva Convention. The attack on these unarmed persons violates not only international law but also basic human rights. The European Parliament, Amnesty International and other international organizations have expressed deep concern about the safety of these Iranian exiles. Furthermore, when United States forces withdrew from Camp Ashraf, the United States and Iraq signed an agreement that the Iraqi Government would guarantee their safety. The Iraqi Government is not keeping its promise, and it is not upholding its obligations under international law.

The Iranian dictatorship's fingerprints are all over this attack. The residents of Camp Ashraf are enemies of the Iranian regime. Camp Ashraf residents have been a vital source of intelligence information on the Iranian regime's nuclear, chemical and biological weapons programs and other important intelligence information. As a result, the Iranian regime, under the direction of the tyrannical so-called Supreme Leader, is putting immense pressure on the Iraq Government to

hand over the Iranian exiles in Camp Ashraf. In a meeting on February 28 of this year, the Supreme Leader urged the Iraqi president to expel the Iranian exiles at Camp Ashraf immediately.

This incursion by Iraqi forces appears to be an ugly attempt by the Iraqi Government to appease the Iranian regime. They may even return these exiles to Iran. That would be a condemnable and cowardly act. In a public statement on August 28, 2008, Amnesty International expressed profound concern that those Iranian exiles would suffer torture and even death if they were forced to return. And as we've seen since the sham election on June 12 of this year, the Iranian dictatorship's deep hatred of those who oppose its cruelty and repression would mean almost certain death for the Iranian exiles and their families if they are repatriated to Iran. We must do everything in our power to prevent such an atrocity from taking place.

Already, the Congressional Iran Human Rights and Democracy Caucus, the chairman and ranking member of the House Committee on Foreign Affairs, the European Parliament's Friends of a Free Iran, the European Parliament's International Committee in Search of Justice and others have expressed deep concern over the treatment of Camp Ashraf residents at the hands of the Iraqi Government. Today Iranian Americans from around the United States have begun a hunger strike at the White House to demand that these attacks be stopped, that abducted Camp Ashraf residents be returned and that international groups such as the United Nations and the Red Cross who want to be able to get into Camp Ashraf be permitted to do so.

I call on President Obama to demand that the Iraqi Government immediately put an end to this attack. We must not stand by and allow physical aggression against unarmed Iranians in exile. We must stand with the Iranian pro-democracy activists, both in exile and inside Iran, who work for the day when the people of Iran can live free, free from fear and free from oppression. We must ensure that the protection that the Iranian exiles were promised by the United States is given to them and that this aggression cease.

DO NOT CUT THE PRODUCTION OF F-22 AIRCRAFT SHORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. The Obama administration and Secretary Gates have gone to great lengths to say that they want to stop the production of the F-22 for the Air Force. I have made a mistake. I have to admit, I have been reading some of the blogs on the comment board, and I am amazed at some of the

shallow analysis of this particular decision. So since tomorrow we are going to be debating and discussing the Defense appropriations bill, I would like to take just a few moments today and simply talk about this issue, the F-22 and the Air Force, along four areas. One is the military necessity for this plane; two and three are the ways we keep our air superiority, both by technology and the number of planes we have; and then finally, the priorities and what it says about this particular Nation.

Two years ago the military was unanimous when they came before our committees and said that we need 381 F-22s and that 250 put us at a moderate risk. Now today Secretary Gates will tell us we only need 187, not the 381 planes. One has to ask, what has changed? Has the threat this Nation faces changed? Or is it simply the political climate that may have changed? In the last 15 years, there have been 30 independent separate studies, all of which say the same thing: 243 is the minimum number of F-22s we need; and at that, our air superiority faces a moderate risk. Air Combat Command General Corley has written a letter saying he needs at least 243 planes, F-22s, and that his command was not consulted when the decision to cap at 187 was actually made. The Air National Guard General Wyatt has also written a letter to our colleagues in the Senate, saying he needs at least 243 to 250 F-22s. General Schwartz, Chief of the Air Force, has already publicly stated that 243 is the minimum we need; and when asked in front of our committee, Is 187, that particular number, a military decision of what we need or is it the political decision of what we can afford?, he simply said, It is what we think we can afford.

The bottom line is that nowhere has there been any study conducted to say that 187 is the correct number. In fact, that number has been contradicted. General Corley of Air Combat Command clearly said that with 187, the Air Combat Command could not fulfill its air force function. Is this a military decision? Does the military still want the F-22? And the answer is clearly, yes. Secretary Gates does not want the F-22. The 187 F-22s is a political, not a military, number; and the House, who has already voted to maintain the higher number should not back off in relationship to what the Senate has particularly done.

Let me go also to this concept of air superiority. The United States has had air superiority since the Korean War, and there are two aspects of that: technology as well as the numbers that we have. I hate to say this, but before I came to Congress, there were air games that the United States engaged in with the Air Force of India. We used F-15s. We didn't use everything at our disposal; but the only reason we won

those air games is because of the ability of our pilots, not because we have the technology to do it. The technology level of the United States, as good as the 15 and the 16 airplanes are—which are 30 years old—is that we still have the same technology advantage as a third-world Air Force. The F-22 moves us forward in that technology debate. However, just having the technology doesn't work if you don't have the numbers. The Russians are already building their fifth generation, and they are scheduled to build about 600 of their next-generation fighters. They will only keep about 350 for themselves. You have to ask the logical question, What will they do with the others? They will sell them. And where will they go? The bidders right now are countries like Venezuela and Iran, countries that are not necessarily friends of ours, but countries that could become a problem with this new generation of fighter that they buy from the Russians.

We have been told that the F-35 is enough for what we need. However, the F-35 is not a replacement for the F-22. And the problem is, we won't even get an F-35 under the best of circumstances before the year 2014, and there is some indication that it may be the year 2016 before that takes place. We are in a situation where this administration clearly puts \$5 billion in programs like ACORN but doesn't want to put \$2 billion to continue the production of the F-22, vital to the defense of this particular country.

Is this plane expensive? Yes. Is this plane militarily required? Yes. Is it useless? No. Is it a Cold War element? Well, actually, almost everything we have is a Cold War element. We just simply try to improve them as time goes on. What we are dealing with now, Mr. Speaker, is simply the concept that we are dealing with what we need in the next 15 to 20 years. And in that particular situation, the F-22 is what we need for the future defense of this country.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-235) on the resolution (H. Res. 691) providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECOGNIZING THE ANNIVERSARY OF THE ENACTMENT OF MEDICAID AND MEDICARE

The SPEAKER pro tempore (Mr. SCHAUER). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as we continue with the debate surrounding health reform, I wish to take a moment to recognize the anniversary of the enactment of Medicare and Medicaid into law. Since July 30, 1965, when Lyndon Johnson signed the bill creating these fundamental health initiatives, these two programs have evolved together to reliably meet the demands of aging and medically vulnerable Americans who may not have had access to medical attention otherwise. Medicare and Medicaid currently provide a lifeline to over 100 million Americans. In my district, I can attest that Medicare and Medicaid serve as an indispensable safety net for many constituents. The Seventh Congressional District of Illinois includes some of the most medically underserved communities in America. Census data show that 24 percent of families and 44 percent of children under 18 live below the poverty line. In fact, some communities on Chicago's west side experience infant mortality rates comparable with third-world countries. In the State of Illinois, 14 percent of all residents are enrolled in Medicare and 19 percent in Medicaid. Clearly these government health programs provide vital health care coverage to Illinoisians when almost one-fifth of the State is covered by Medicaid and one-sixth by Medicare. Indeed, Illinois' mothers and children are the biggest beneficiaries of Medicaid. This Federal program finances 40 percent of total births in Illinois and helps ensure that over 1 million children in Illinois receive access to affordable health care. It is this commitment to our citizens that drives Congress to work actively for comprehensive health reform. We must provide a public option within that reform. Further, we must continue to support and expand community health centers as outstanding deliverers of primary care. These providers are proven to reap solid benefits to our patients, communities, and State and local governments in terms of efficiency. For example, Medicaid beneficiaries relying on health centers for usual care were 19 percent less likely to use the emergency department than Medicaid beneficiaries using outpatient and office-based physicians for usual care. Overall, health centers save the health care system between \$9.9 billion and \$17.6 billion annually, a figure that will grow.

I acknowledge the tremendous step that Lyndon B. Johnson took 44 years ago when he signed the Medicare and Medicaid bills into law as titles XVIII and XIX of the Social Security Act. We

must continue to make use of these programs because they have served us well and will continue to do so.

□ 1815

HONORING OUR BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BILBRAY) is recognized for 5 minutes.

Mr. BILBRAY. Mr. Speaker, on the 23rd of this month, Rosalie Rosas watched her husband go off to work. She stayed at home with Robert, her son, 2, and Alesa, an 11-month-old baby, thinking that the next morning her husband, Agent Rosas, would be back at home with the family. Sadly, that wasn't to be.

Agent Rosas was in the Campo area of southern California serving a nation that he looked forward to serving for so long; a young man who had grown up in the Imperial Valley area, had served as a reservist, always looked forward to being a Border Patrol agent. While alone, he detected individuals crossing the border. Somewhere in the process of confronting the illegals crossing the border, Agent Rosas was murdered by those illegals.

Mr. Speaker, Agent Rosas' situation, and more importantly, the situation of Rosalie and the two children, is something that all Americans should remember, that there are Americans every day that are not only defending this country far, far away, but there are agents every day and every night that stand on the border, stand in ports of entry or throughout this country, standing up and defending this country from incursions from across the border and from foreign lands.

Agent Rosas died in the service of this country, was murdered in the service of this country, and Rosalie and the two kids will never be the same, and neither should this country.

Mr. Speaker, there are Border Patrol agents today that are in the sweltering heat of Yuma, Arizona, across the Texas frontier, that confront smugglers every day from New Mexico to San Diego. And they do not know which one of the individuals they are confronting, if it's just an innocent illegal who happens to not realize that you can't come into this country illegally anymore, somebody that may not mean harm but is being brought in by vicious, terrible smugglers who not only smuggle illegals, but smuggle drugs. That agent doesn't know if the person they're confronting is going to surrender or draw a firearm and kill him immediately.

Agent Rosas was shot in the head and killed. But he was able to wound one of his assailants, and the assailant later was detected as far up as northern California, and he was arrested there. With

the cooperation of Mexican officials, we were able to apprehend individuals in Mexico.

But I think that more important than talking about the crime that was committed at our border—something that I think all Americans should have known was coming when we've seen the violence that has occurred on the other side of the border for far too long—Americans should have known this violence was going to cross over, while we continued to turn a blind eye to the illegal activity along our border, because it just wasn't politically proper to raise the issue that crime and violence is occurring along our frontier.

No, the thing that I would like to remember tonight is that Agent Rosas is just one of many that are out there in the terrible heat of the summer, the terrible cold of the winter, through rain and sleet and snow and whatever it takes to do their duty, and doing it in a nation that tends not to recognize their true service.

Mr. Speaker, we use the word "hero" a lot of times in this country and, sadly, we use it too often instead of using the word victim. But there is a big difference, Mr. Speaker, between a victim and a hero. A victim is someone who is at the wrong place at the wrong time and suffers for it. But a hero is someone who willfully puts themselves in harm's way at the wrong time and suffers for it. And I do not think we should, as a society, ever forget the difference between a victim and a hero.

Agent Rosas is a true hero, somebody who served this country. And we should all remember, as his services are held this week, that his services are in recognition of not only his sacrifice and his family's sacrifice, but of the sacrifice of men and women around this country that defend us along our borders.

I think it goes without saying that all of us in Congress want to send out our heartfelt sympathies to Rosalie and Rob and Alesia for their great loss and their great contribution by losing their father. I hope we all remember that there are fathers and mothers around this country that we ought to appreciate while they're alive and not just honor them when we lose them.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, I appreciate your recognizing us on a very interesting and important topic, something that I believe that anybody who pays much attention to what is happening in Washington, D.C., is quite aware of. That is the subject of health care, something that impacts every single

American in our country, affects our budget, and affects our family members, and is something of great interest.

I would like to start tonight by just backing up, though, about 4 weeks or so to this very Chamber that we are meeting in, that we are talking in today. It was here, during a day that we were debating a bill that was called cap-and-tax, and it was the largest tax increase in the history of our country.

Now, what happened right before that was of interest because at 3 o'clock in the morning a 300-page amendment was passed to an 1,100-page bill. And as we were debating this bill on the floor, because of the speed with which the Democrats moved we didn't even have a copy of the bill on the floor. You are supposed to have a copy at least so in case somebody wants to check a fine point, they could read it.

Of course no one had read the 1,100-page bill. And certainly what was happening right behind me at the dais, we had good staff people hurriedly trying to put those 300 pages of amendments in the 1,100-page bill, and we are debating a bill and there's no copy on the floor. And the thing was passed without, as I recall it, a single Republican voting for it, and Democrats all voted for it.

Now, the public doesn't like it when we pass bills that we don't know what's in them or haven't read them, and we've been embarrassed a number of times this year by that same process. Why do you pass a bill that people haven't had a chance to read or don't know what happened in the dark of night, or the amendments?

Mr. HOEKSTRA. If the gentleman will yield?

Mr. AKIN. I do yield to my very good friend from Michigan. Please jump in.

Mr. HOEKSTRA. I thank my colleague for yielding. But I think the issue that we see in front, that you've highlighted with the cap-and-trade bill, actually begins much earlier in the new Congress and the new administration. It was only the second day of the new administration when the President indicated that we are going to close Gitmo, we are going to close Guantanamo. He announced a whole series of task forces that were going to evaluate and present a plan as to how this was going to happen.

The first thing is, you don't set a deadline without a plan. And the President is now finding out that perhaps he got out in front of himself because a couple of the task forces were supposed to report within the last couple of weeks, and they've missed their deadlines. And the reason they've missed their deadlines is that they started looking at closing Guantanamo—an objective that President Bush had before him—it's like, whoa, this is more difficult than what we thought, and we may not be able to do it. So we had an

objective without a plan. And I'm not sure what's going to happen here, but we may get to the same point where we get to January of 2010, and we won't be able to accomplish it.

Then you go again, before cap-and-trade, \$787 billion in a stimulus plan that was rushed through the House, rushed through the Senate, made its way to the President's desk, and he signed it. And here we are now, what, 4 months—

Mr. AKIN. And just reclaiming my time for a minute, that was the stimulus plan, as I recall—was that the one that had the special bonuses for insurance executives and it was a finger-pointing deal as to who put this in in the dark of night?

Mr. HOEKSTRA. It is. And we're trying to find out exactly who put it in. But it was \$787 billion, and I think the promise was something like, this is going to ensure that the unemployment rate will not exceed 8 or 8.5 percent on a national basis. We are now at 9.5 percent; in Michigan we're at 15.2 percent. The money is going out a lot slower than what people anticipated. It's going to a lot of questionable projects that we are now starting to find out where this money is going. It's \$787 billion on the backs of our kids and our grandkids. We now, last month—

Mr. AKIN. This is exactly the same bill, just to put this in perspective, this is a bill that if we didn't pass it, we might see unemployment at 8 percent, right? Is that the same bill?

Mr. HOEKSTRA. That's right. It's the same bill.

Mr. AKIN. Now unemployment is whatever it is, 9 something.

Mr. HOEKSTRA. 9.5 percent. And I believe next week we will see a new number, and it will probably be somewhat higher.

But we've seen higher unemployment numbers than what was promised under this bill. We see people questioning whether the bill is working or not. It's being spent out slower than what people expected it to be spent out. And last month, at the end of June, think about it, we have, for the first time, exceeded \$1 trillion for a deficit for 1 year.

And then we hurry through and we do cap-and-trade, which, again, you can argue about the bill, but it was passed. And it wasn't passed in the middle of the night—although 350 pages of it were inserted in the middle of the night. And now we are in this mad rush to pass health care. And every day we're hearing about there is going to be this new markup or that new markup. And this affects 16 to 18 percent of the U.S. economy, and it is going to be done without a full hearing.

Mr. AKIN. Just reclaiming my time, what you're saying is pretty incredible. What you're saying is a bill that we've been working on for some number of

weeks that is going to put the government in charge of all of health care in America, basically the government is going to be taking over, what is it, just under 20 percent of the U.S. economy—

Mr. SCALISE. Would the gentleman yield?

Mr. AKIN. I do yield to my friend from Louisiana.

Mr. SCALISE. And I appreciate my friend from Missouri yielding.

Of course when President Obama brought that stimulus bill and he said that this would stave off the unemployment rate that was approaching 8 percent—of course now at 9.5, approaching 10 percent—added \$800 billion to our national debt, a real offshoot of that stimulus bill since the President passed his stimulus bill, 2 million more Americans have lost their jobs. And so we see more people unemployed, in large part because of this big-government approach like the stimulus bill, then that cap-and-trade energy tax that they brought, and now we see this health care bill.

I'm on the Energy and Commerce Committee. We were supposed to have another meeting tonight to take up amendments to this proposal by President Obama and Speaker PELOSI to have a government takeover of health care—a devastating approach to really addressing the problems that we can address in a very specific way instead of this government takeover. But now they're short on votes, and they're definitely having problems getting the votes, which is, I think, in large part because Americans across the country have started to see some of the details of this bill, and they realize how bad of an approach it is.

Just the other day when they canceled the vote on the House floor that was supposed to occur this week, you saw the stock market actually take off. So American families out there who have retirement accounts and pension funds actually saw an increase, not because of the policies of this administration working, but because Americans finally saw that some of this Big Government approach, this government takeover of health care, actually is in trouble, and that's what really got the economy back going again. So I think you can see their approach is actually hurting the economy instead of helping the economy.

And so I yield back to my friend from Missouri.

Mr. AKIN. Reclaiming my time, in summary, then, we've just been taking a look at the last 6 months—and it has been a scary 6 months—but we've seen a pattern. We've seen a pattern of rushing to spend a tremendous amount of money, or rushing to tax the taxpayers a whole lot, without letting people be aware of what's in the bills. And we've had a pattern of a lot of fiscal mistakes.

□ 1830

We have a pattern of an unprecedented level of spending and taxation. But there is also the pattern of doing it in the dark of night, and that's what I wanted to get to on this health care thing.

What I would like to do is let's talk a little bit about whom do you want to keep in the dark on this? Who would naturally be opposed to a government takeover of health care? That's where I would like to go, because I think a lot of people are interested. Well, hey, if I were a congressman or how would I want my congressman to vote or what's my position on this? Well, there are a lot of groups of people that are going to be affected very seriously by this government takeover of health care, and I think that's what we need to talk about.

I yield to my good friend from Michigan.

Mr. HOEKSTRA. I would put forth the premise that maybe we should just set health care aside for a period of time and take a look at this \$800 billion that we have put on the backs of our kids. I mean, if we have committed to spending \$800 billion to stimulate the economy and it's not working—

Mr. AKIN. Unemployment is still going up.

Mr. HOEKSTRA. Unemployment is still going up. Maybe Congress ought to stay in session, and rather than taking a look at another massive program that we're not sure whether it's going to work or not—I am not saying health care reform is not important. It's essential. It's vital that we do it, but—

Mr. AKIN. How you do it is important.

Mr. HOEKSTRA. How we do it is important. But let's step back. Maybe Congress ought to stay in session for the month of August, and rather than doing another half-baked idea, let's take a look at this stimulus program worth another \$800 billion—

Mr. AKIN. Fix the other four or five half-baked ideas we've already started.

Mr. HOEKSTRA. And finish the half-baked ideas that we have started.

Too often we think here in Washington that if we pass the bill, we have solved the problem. In the business community, if you get the agreement from the board of directors and say, okay, PETE, you've got the approval to move ahead with this new product launch. We are going to invest \$2 million to build this product to do the marketing campaign, and you just kind of walk away from it and say, well, I guess I have that one done. No. What the board of directors would ask you is, by the way, we are investing \$3 million, \$4 million, \$5 million on this. We want an update every quarter. As a matter of fact—

Mr. AKIN. So we passed the stimulus bill. The purpose is to make sure that we don't have unemployment and that

we've got plenty of jobs. And here we are, whatever it is 4, 5 months later, and the board of directors, which is the public, is saying we're at 9 percent unemployment, which is a conservative number, and rising, and you guys just spent whatever it was, almost \$800 billion, to make sure this doesn't happen.

Mr. HOEKSTRA. You spent \$800 billion of our money, the public's money, to deliver a result of 8 percent unemployment or less. You're clearly missing the targets. Maybe you ought to go back and reevaluate, and reevaluate the \$800 billion rather than talking about a second stimulus package which is going to spend even more money.

Mr. AKIN. The funny thing is that these are not Republican targets. These are not our targets. This is the President's target. He's saying 8 percent if you don't give me the stimulus. He gets the stimulus bill and now it's 9.

I yield to my friend from Louisiana.

Mr. SCALISE. Back in Louisiana there's something called the "rule of holes." And what the rule of holes says is if you find yourself in a hole, the first thing you do is you stop digging. And here they are. They brought this bill, the stimulus bill, \$800 billion of debt for our children and grandchildren that's actually led to increased unemployment. Clearly their approach didn't work, as many of us predicted it wouldn't. You would think the first thing they would do is say, okay, yes, that was something that they did wrong. Maybe we should go look at some of these Republicans who put alternative ideas on the table and suggested and maybe we'll look at their ideas. And instead they talk about spending even more money. In fact, the Vice President just 2 weeks ago said that they need to keep spending even more money to keep from going bankrupt, as if anybody can make any sense out of that. But then they filed this bill to propose a government takeover of our health care system.

And I want to show you right here, this is a depiction of the actual organizational chart of their proposal.

Mr. AKIN. That actually looks like a structure that will—

Mr. SCALISE. If you look at this, I think—and, clearly, we have reforms that we need to make in our health care system. Commonsense ideas like allowing portability so if somebody leaves a job, they can take their health care with them, or removing the discrimination against preexisting conditions. I don't think it's fair that if somebody gets cancer that they can literally be discriminated against in their health plan. We addressed that in our proposals. Unfortunately, what they proposed is this new system where they have dozens of new bureaucracies.

Mr. AKIN. I hate to interrupt, but I've got this chart up here and you've got that chart up there, and the two charts aren't the same. Even though I

don't like reading complicated charts, it's obvious to me there's a red box on your chart that isn't on my chart. This is my understanding of the Democrat proposal for health care, to take over 20 percent of the economy. And this is very much of a simplified chart of what is being proposed. When the government takes something over, they have got an awful lot of different things to connect. And yet your chart has got this big red box on it. I would like you to explain where that thing came from.

Mr. SCALISE. I think the gentleman from Missouri makes a very important point. We put this chart together based on their bill, the bill that President Obama, Speaker PELOSI, and many of the other liberals who are running Congress put this bill together, proposed a government takeover of health care. They create all these new dozens of bureaucracies.

I think the most important relationship in health care is that relationship between the patient and the doctor. And look at what their bill does to create dozens of new Federal bureaucratic agencies that come in between the doctor and the patient.

So when we put this chart together to actually show what their bill does, the Speaker censored this document, literally said we can't send this out to the public.

Now, I'm holding this up because I have the ability because we're here on the floor, but I, by the rule of the Speaker, can't even send this to my constituents back home. People want to know what their bill does, and they're trying to censor that information from being shown to the public. But the public is figuring it out anyway, and they see dozens of new bureaucrats. A health care czar that can ration care.

Mr. AKIN. Reclaiming my time, what you're saying goes to a little bit more even than the health care debate. We are talking about the right to free speech. What you just said, as a Member of the U.S. Congress from the State of Louisiana, if you'd like to communicate to your constituents a flowchart of the bill that the Democrats proposed, they will not allow you to do that, and if you were to send that to them, they would make you pay for the thing personally. Is that what you're saying?

Mr. SCALISE. That's exactly what I'm saying. I represent about 650,000 people in Southeast Louisiana, people who are starting to look at the details of this bill, and they don't like what they see because what they see is government bureaucrats in Washington telling them which doctor they can see or even if they can get a medical procedure and the ability by this new health care czar that you can't even see because it's censored by the Speaker to ration care—

Mr. AKIN. Reclaiming my time, you're getting at the very heart of

what I want to talk about today, and that is there's a reason to censor something, because you don't want somebody to know something. There is somebody who is not going to like this bill, and you just told us one of the groups.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. AKIN. I would like to yield to my friend, who is actually the top guy in the Intelligence Committee. We need to pay attention to him, my good friend Congressman HOEKSTRA.

Mr. HOEKSTRA. I think one of the things that we need to be a little careful about, we keep talking about "the bill." And being a member of the Energy and Commerce Committee, you know very well that the bill that you have today may be very different than the bill you will see tomorrow if you mark it up because there are all these negotiations going on behind closed doors, very limited groups, that by the time you start working on this bill tomorrow, it may be a very, very different bill than what you think it is today.

So not only is it this bureaucracy, but it is something that is very much in flux, out of the public eye, and you may have to vote on that bill coming out of committee, which is going to be probably very different than what you're looking at right now, by what, maybe Friday?

Mr. SCALISE. I sit on the committee, and yet I'm not even privy to these discussions, these secretive backroom discussions that are going on. This is coming from the administration that said they would be the most transparent in history.

In fact, on this health care bill just 2 weeks ago, we had a hearing with the head of the Congressional Budget Office talking about the cost of the bill. This is a bill in its current form that adds over 240 billion more dollars to our national debt, and we're concerned about the cost. We had the head of the Congressional Budget Office come to our committee to talk about the cost.

Mr. AKIN. I need to reclaim my time again. You're going awfully fast for us.

The first thing you said was if you don't like government bureaucracy and you don't want a government bureaucrat between you and your doctor, then you probably don't like this flowchart. You want something a little simpler where it's you and your doctor making the health care decisions.

You also said if you're worried about fiscal responsibility, you're not going to like this bill, too. That's another group, because you're worried about the government spending. This thing here, even when they try to use every gimmick in the book, it's over a trillion dollars more spending. So if you're worried about that, you don't like it.

I would like to recognize my friend from California. You've been dealing

with this chart, and if you could share it, because you've gotten into the details.

What are we trying to hide here?

Mr. DANIEL E. LUNGREN of California. I don't know.

I appreciate the gentleman's using my chart up here because we have tried to work this out with the majority. In the past on the Franking Commission, we have attempted to allow Members to be involved in vigorous and full debate but not put out what would be considered campaign material. And all of a sudden, the goalposts have been moved on us.

Now, this may not be of interest to the average citizen except for this fact: What we have presented is what we believe to be a reasonable interpretation of the bill as we know it now.

Now, I do know that there was mentioned just a moment ago by the gentleman from Michigan, before he left, that we're talking about "the bill," and that can be a bit of a moving target. In fact, I just left my office and there was a group of reporters hanging around outside my office, not for me, but for a meeting, they said, of the Progressive Democrats. They used to be called liberals. They are now Progressives, who are concerned about what the Blue Dogs are asking for on the Democratic side, and so maybe there will be some changes from what we've seen.

But this is an accurate portrayal from our standpoint of the bureaucratic morass that will result from the grand outlines of the bill as articulated by the President and as presented by the Democratic leadership in the House of Representatives.

And so they objected to this diagram and basically censored it, as we said, because, first of all, they said we called it the House Democrat plan. First of all, they said it wasn't true, and now we have shown that it is a reasonable interpretation of the facts. Secondly, they said there wasn't enough attribution there, and we suggested that it very clearly states that this is developed by the Republicans. Then they said, well, wait a second. You say it's the Democratic health plan but not all Democrats support the health plan. So if they would give us the list of those Democrats they have not yet been able to corral to support it, we'd be happy to talk to those individuals.

Mr. AKIN. Reclaiming my time, you've used a couple of terms that I think some people might not be as familiar with. You talked about a thing called the Franking Commission.

Mr. DANIEL E. LUNGREN of California. Yes.

Mr. AKIN. The Franking Commission is a group of Republicans and Democrats that meet together, and when you're going to send a piece of mail to your district or do something using government money to do the printing

and mailing, it's an agreement that what's going to be there is going to be at least reasonably accurate. It's not a political piece and you're not slamming, but you're trying to simply communicate some information.

Mr. DANIEL E. LUNGREN of California. Yes. We've done things in the past by limiting the number of references you can make to yourself. There are only so many times you can mention your name or say "I," and that's so—

Mr. AKIN. Reclaiming my time, the idea is to have kind of a fair standard so people can communicate with their constituents. We think of it as the First Amendment, just speaking to your constituents.

Mr. DANIEL E. LUNGREN of California. Of course, I have only been here 15 years, but in my 15 years, spread over 30, I have not seen this happen before.

Mr. AKIN. Where something was censored.

Mr. DANIEL E. LUNGREN of California. Well, it's censored. And when you compare it with those things that we have approved on the Democratic side, we had the controversy over President Bush's recommendations to try to, as he saw it, save Social Security and make some recommendations for it. They very strongly criticized the President's package in terms that I would disagree with, but we on the Republican side on the Franking Commission did not say you cannot say that because we don't like the way you said it. When they talked about the prescription pharmacy section of Medicare, the new section that came in, we approved of news letters that went out on the Democratic side that criticized the President's plan and said it didn't do what was needed to do for seniors. They called it the Republican majority plan. And yet they object to our calling this the Democratic plan.

You know, I have said when I first came to Congress, there was something raging at that time called the cold war, and it just reminded me of something in the cold war. There is a word we don't see in the lexicon anymore. So I went and looked it up and tried to make sure people understand what it is. It's called "samizdat," s-a-m-i-z-d-a-t. And samizdat is defined as a system in the USSR and countries within its orbit by which government-suppressed literature was clandestinely printed and distributed.

Now, what does that mean? That means those who were known as refusniks at that time, those who were in disfavor, to say the least, with the government were not allowed to publish anything that could be handed out, whether it was charged for or not. So the freedom underground, if you will, went and had their own printing and they would clandestinely put these things out so that they could get their message of free speech.

□ 1845

So my suggestion is that maybe we re-title our particular—and call it American Samizdat. We're the freedom fighters here, trying to express what we believe to be a reasonably intelligent analysis of a bill that's presented to us, which is going to affect 18 percent of the economy of the United States, which is going to, if it is enacted, forever, at least for our lifetimes, cement the relationship you will have with your doctor and the relationship that government will have in that. And our argument has been that that chart precisely shows the interference of the government which will exist between you and your doctor with some 50-plus organizations, agencies, task forces, czars, bodies of different types.

Mr. AKIN. We've been joined, as you note this evening, by my good friend, Congressman BISHOP, and I'd like to recognize him and let you jump in here in just a minute.

Mr. DANIEL E. LUNGREN of California. But he has no charts.

Mr. AKIN. Well, but he maybe has a couple of ideas about your charts, gentleman. I yield.

Mr. BISHOP of Utah. This is one of the few times I am here without charts, and I feel totally naked on the floor. I apologize for that. But I also appreciate the chart that was here and any effort that you can get to maybe publicize that because it speaks to the problem that we have if, indeed, this kind of expansion of the government takes place.

That chart is the reason why the Federal code of our laws cover 35 volumes, one-sixth of which is about the Federal regulations and bureaucracy, but the Federal regulations is a 200-volume document, and why it has grown from John F. Kennedy's time of 15,000 words to 77,000 words; why Kennedy was able to appoint within 2 months about 300 officials that ran the bureaucracy.

For George W. Bush, it took him almost a year because he had to do 3,300 officials appointed, having been subjected to advice and consent from the Senate. We are expanding this thing enormously. And in this particular project, because my committee, unfortunately, spent 20 hours going through the organizational part, most of the questions that our side had of how this plan worked was, we will have to work that out. Somehow, the new commissioner will solve that problem.

Let me just give you one example, and you can play with this one. In this plan is supposedly a position of a new national ombudsman whose job is to meet with individuals to help them work through their health options. However, the law says that this ombudsman must speak in a linguistically appropriate manner. Now, my problem was, what is a linguistically appropriate manner? It's not defined any-

where in the pages that are in that bill. It's someone's poetic idea of being politically correct. But when you don't have definitions, it opens us up to lawsuits galore. And, once again if we, as Congress, don't take the time and the ability to solve these problems and answer these questions, some bureaucrat, in this case the commissioner, is going to be able to make more and more regulations. And that's why the bureaucracy is sometimes called the unelected faceless people in Washington because there is no interface between people and the bureaucracy.

Mr. AKIN. And, gentleman, just reclaiming my time, what you've just said to us is, again, when we take a look at why do you want to keep this thing secret, why would you want to censor it, why would you want to tell us we couldn't send a flow chart out, part of the reason is because when the American public sees things like that there are going to be people who get worried about it. They're going to vote "no," particularly every single one of us that some day is going to get sick and we're going to want a doctor to help us, and I'm not sure that we really want to have somebody going in between in the Government, some part of this organization, second guessing the doctor the way the insurance companies do too much in our own day.

So if you really like your doctor/patient relationship, then this thing is bad news. That's why they're wanting to censor it. Do you believe that's right, gentleman?

Mr. BISHOP of Utah. I believe it's so. But I will tell the gentleman from Missouri that at least when they are interfering with your doctor, they will do it in a linguistically appropriate way.

Mr. AKIN. A linguistically appropriate way.

Mr. BISHOP of Utah. That gives me confidence.

Mr. AKIN. In other words, if you're like I am, an old geezer at 62 years of age, and you need a new hip the way I do, they're going to say, we're putting you out to pasture; take a few pain pills. But they're going to say that in a really nice way, though, at least. So I hope it's linguistically appropriate, but my hip's still going to be sore anyway.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield for just one moment? I just wanted to make one reference. I talked about the Cold War a minute ago. It also reminds me what Ronald Reagan said when he was negotiating with the Soviet Union and they asked for trust. And his response was trust, but verify. And what we're here to do is to be the verifiers for the American people. We're being asked to trust the bureaucracy to deliver medical care without interference. We're here to verify whether that is or is not true. And to deny us the opportunity to provide, in a very easily understood way, the information

that undergirds this tremendous bureaucratic morass is unworthy of this place.

We ought to be able to debate it vigorously, and the American people ought to expect that we are looking out for them, rather than for some formless bureaucracy that's going to take on dimensions that we can only imagine today.

Mr. AKIN. We've been joined this evening on the floor by a couple of very distinguished Congressmen, a couple of my very good friends, the gentleman from Texas and also the gentleman from Indiana. I'm going to recognize the gentleman from Texas who seems like he's got really something he's got to say. And I'll go right back over to my good friend, Congressman PENCE from Indiana, highly respected on the floor, for your perspective on this.

Mr. GOHMERT. I appreciate the gentleman yielding, because in the discussion about what's linguistically appropriate, and the discussion about how political, supposedly, it is, how politically inappropriate to have a chart that lists all the levels of bureaucracy that the new bill is going to propose and how they think it may be a bit too political to say that it's government-run health care.

Mr. AKIN. Just reclaiming, gentleman, what you just said, I think, is another censored phrase, government-run health care. We're not allowed to say that. And our constituents say, why don't you say something more? And they're telling us if we print "government-run" health care, then we can't, then we have to pay for the mailing out of our own pocket. Isn't that weird?

Mr. GOHMERT. That's what they're saying. But I just went and printed this off Speaker PELOSI's own Web site, and I apparently need help with what's linguistically appropriate. This is on the official Speaker's Web site under the title, "Honest Leadership and Open Government." The first sentence is, the culture of corruption practiced under the Republican-controlled Congress was an affront to the idea of a representative democracy, and its consequences were devastating.

Now, I have a little trouble, and I'm glad I'm here with such bright minds, including our wonderful chairman of our conference. But how is it a little bit too political to use government resources to say the words government-run health care, but it is entirely appropriate for the Speaker of the House to say the culture of corruption practiced under the Republican-controlled Congress was an affront to the idea of representative democracy, and its consequences?

But that's not all. Led by the House Democrats on the other hand, and apparently this is not considered political, this statement, House Democrats have acted to make this Congress the

most honest and open Congress in history. Well, besides being factually wrong, that's—

Mr. AKIN. But you've got to be up at 3:00 in the morning to hear what's going on in committee.

Mr. GOHMERT. Yeah. Let me just read another statement. With honest leadership and open government, America's leaders can, once again, focus on the needs of the American people. So that's as political, it seems to me, as could be.

Mr. AKIN. Reclaiming my time, you're talking about honest leadership and they're saying, as they take a look at this incredible flow chart, they're saying that if you've got a good relationship with your insurance company and your doctor and you like what you have, you can keep what you have. And yet listed in the bill is specific language that says you can't. That doesn't seem to me like they're following what the Web site says.

I'd like to recognize our conference chairman. Maybe you could get us out of this morass, gentleman, because we're a little confused between the politically appropriate language which seems to be okay for Democrats but not for Republicans to call this a Democrat health plan. But I yield to my good friend from Indiana.

Mr. PENCE. First, let me commend the gentleman from Missouri (Mr. AKIN) for his yeoman's work in bringing these important discussions to the floor of the House of Representatives. Judging from YouTube, it appears people in Missouri are pretty interested in the subject of health care reform. And not surprisingly, in the "Show Me State" there seems to be a fair amount of skepticism out there about it. I'd like to speak to this whole business of government takeover, but I won't take more than just a couple of minutes of the gentleman's time.

First, let me say emphatically to anyone that might be looking in, Mr. Speaker, House Republicans support health care reform. We've been calling for health savings accounts to be greatly expanded to small businesses around this country for years. We've been calling for association health plans that would allow people to pool together resources around the country, the way Federal employees do to purchase private health insurance.

We've been talking about trying to end the age of defensive medicine by allowing for the adoption of medical malpractice reform in this country. All these kinds of changes, we believe, would reduce the cost of health insurance, reduce the cost of health care in this country in the long term. What the Democrat plan, even as it's being modified at this very hour, continues to include is a government-run insurance plan that would lead to a government takeover of our health care economy, paid for with nearly \$1 trillion in tax increases.

Now, I saw the President of the United States today on the television giving a speech expressing, with a rather uncharacteristic passion, his frustration with two things, and I wanted to speak to those in the few minutes that I have. First, the President said no one wants to have a government takeover of health care. Well, I don't doubt the President doesn't want it to happen, but there's something about bureaucracy that when, it is unleashed in certain ways, it takes over areas of our economy. It's an unbroken truth of the history of governments around the world that unchecked, unlimited government expands.

And whatever the President's intention, the reality is that should this government create a government-run insurance option to so-called compete with the private sector, that government option would compete with the private sector the way an alligator competes with a duck. It would consume it. And most Americans know that. Now, the other thing the President had a problem with—

Mr. AKIN. Just reclaiming my time a moment, what you just said is mirrored—just a week or so ago we had about 1,100 pages of the bill. I started reading it and it said the commissioner shall, we go to another page, the commissioner shall, and we had page after page, the commissioner shall do this, the commissioner shall do that. It may not be his intention to have the government run it all.

He could have called it the czar. We had some discussion whether it's a commissioner or a czar or a commissar. We weren't sure what. But anyway it was one after the other pages. That's what the bill says. And just to your point. Sorry to interrupt. I yield back.

Mr. PENCE. Well, I thank the gentleman for yielding. But let me say, the other point the President expressed was that some of us, and some independent organizations were trying to scare the American people by suggesting that if the government introduces a government-run insurance option, that you'll lose your health insurance. But the Lewin Group, which has been praised by Republicans and Democrats over the years, actually estimated 114 million Americans would likely lose their health insurance if the Democrat health care plan and the administration's plan were actually to be adopted.

But why is that? Now, to be perfectly fair, the President did make the point today at the podium that nothing in this plan will make people give up their private insurance. And I want to grant that point, Mr. Speaker, for anyone that might be looking in. That's not really the point, though.

What the administration and some of our colleagues fail to understand is that as soon as Uncle Sam offers health insurance, a government health insurance for every American employee for

free, there's almost no employer in America who's not going to sit their employees down during this worst recession in 25 years and say something like, look, I love you; we appreciate your being here, but we're trying to keep the lights on and the doors open at this business, so you know what? We're going to cancel the health insurance that we have through this company, and we're going to send you down to Uncle Sam to apply for it.

□ 1900

That's why the Lewin Group, which is an independent organization, and common sense should tell the American people, if the government introduces an insurance program to compete with the private sector, tens of millions of Americans will lose the health insurance they have.

So, whether it's the intention that we have a government takeover, the fact is, if we insist, as the Democrats in Congress and the administration are, on a government option, even with the tweaks they're putting around the edges, it will result in a government takeover, because tens of millions of Americans will be relegated to that new government program.

That's why I really believe that we have to oppose this program, that we have to scrap this government takeover with its \$1 trillion tax increase and that we have to start over and come around to those bipartisan solutions that Republicans are prepared to work on today.

I yield.

Mr. AKIN. I really appreciate the gentleman's points that have been made here, explaining the fact that one of the people who is not going to like this is somebody who has an insurance policy that he likes, because when the government offers something for free, one can bet that what's going to happen is that the insurance policy is going to go away.

Now, it isn't as though the ideas that are being advocated in this bill are particularly new. They've been tried in other places. Here is one. Massachusetts tried. Basically, everybody has to have insurance, and the government is offering health care. What was the end result? I mean we don't have to reinvent the wheel. We see that what happened was, first of all, Massachusetts took a huge hit financially, and health care access is down because patients have to wait 70 days to see a doctor in Boston.

So, first of all, it is the typical red tape in government. You've got to wait in a line, but what's more, it costs a whole lot of money to wait in line because now your health care costs in Massachusetts are 133 percent more than what the average is. So it's not like we haven't tried this before. It has been tried; yet we're going to want to try and do the exact same thing.

It has been tried in other places. It was tried over here in Europe. We can take a look at that. What happens with cancer? I happen to be a cancer survivor. I'm not a wizard doctor; I'm not even a wizard economist, but I know a little bit about cancer because I survived it.

I see my good friend from California. If you'd like to jump in here, we'd be delighted to yield you time.

Mr. DANIEL E. LUNGREN of California. Yes.

I would like to just follow up on what Mr. PENCE said, which is, if you are concerned that there is the possibility that a public option will lead to a government takeover, you need look no further than at what happened with the student loan program.

The student loan program has a government option, but what is happening now with this Congress and with this President? We are eliminating the private option, and we're going totally to the public option, which now becomes a public monopoly.

Mr. AKIN. Can you get a private student loan now or is it that, basically, you can't get them anymore?

Mr. DANIEL E. LUNGREN of California. The way we are phasing them out, you will not be able to get those. They will be, basically, the Federal student loan programs.

Mr. AKIN. So it's like Henry Ford and his car. You can get any color you want as long as it's black.

So the only kind of student loan you're going to get is a government student loan because we've basically chased the private sector out.

Mr. DANIEL E. LUNGREN of California. Well, we do have a Member on the other side of the aisle, a distinguished Member on the other side of the aisle, who in a townhall meeting admitted that this is going to lead inevitably to a public takeover of health care, and he said, yes, that is a good thing.

Mr. AKIN. A lot of them are quite happy with the idea of socialized health care. They acknowledge that.

Mr. DANIEL E. LUNGREN of California. You can't use that word.

Mr. AKIN. I'm not allowed to say "socialized"? Socialized. Socialized. Socialized.

Mr. DANIEL E. LUNGREN of California. You can't say it in print.

Mr. AKIN. Oh.

Mr. DANIEL E. LUNGREN of California. We're not allowed to say that. We're not allowed to say it on our particular chart of the Democratic health plan. We've been told that that is not allowed if we're going to print it and send it out to our constituents.

The last thing I would just say is this: Look, I happen to be the son of a doctor. My dad was my hero growing up. I used to go on house calls with him. I'd make rounds with him. I thought I was going to be a doctor

until, as I like to say, God sent me a strong message during my sophomore year at Notre Dame called "organic chemistry."

Mr. AKIN. Organic chemistry. As an engineer, I feel your pain, my friend.

Mr. DANIEL E. LUNGREN of California. But I never lost the sense of service that my dad had as a doctor. From my observation of the way he practiced medicine, he taught me that the doctor-patient relationship was paramount. I heard him many times on the phone, arguing on behalf of a patient with somebody who was employed by the insurance company. I heard him arguing with hospitals. I heard him arguing with nurses if he didn't think they were doing a great job. I heard him praise the nurses when they did a great job for his patients. I heard him praise the hospital.

His whole focus was on his patients. He was not only his patients' greatest diagnostician, and not only the greatest doctor they could have, but he was their greatest advocate. That's what I don't want to lose in this or in any other plan.

Mr. AKIN. I think you just put your heart right on what this debate is about.

Mr. DANIEL E. LUNGREN of California. I don't want the government to be my advocate. I want my doctor to be my advocate. I want my family to be my advocate. Listen to what the President said in that interview on television when asked about the 100-year-old woman.

Mr. AKIN. Go through that again.

Mr. DANIEL E. LUNGREN of California. The 100-year-old woman, who was an extraordinary person with great verve in her life, who also had tremendous health, needed a pacemaker. Her doctor thought she should have it because he knew her. He called a specialist who would actually do the implantation of the pacemaker, but he was skeptical. He said he wasn't going to do it on a 100-year-old lady.

He said, Just meet her. Examine her.

He examined her, and his position was changed. She received it at 100. She is now a very active 105-year-old.

It was presented to the President, and it was said, Mr. President, will my 100-year-old mother still be able to have a pacemaker?

The President gave a long, long convoluted answer. At the end, he said this: It may mean that, instead of some sort of surgical procedure, we will give your mother painkillers, pain pills.

Mr. AKIN. What we're really talking about—and this isn't politically correct. I guess I've never learned that very well. We're talking about government-rationed health care, aren't we?

Mr. DANIEL E. LUNGREN of California. Here is the deal. If you're concerned about cost, you can do it in one of two ways to limit cost: competition or rationing.

Now, competition has some premises involved in it. One of them is that we need greater transparency. There's no doubt about it. We need to know what it costs with certain doctors or charges. We need to know, when we go in the hospital, what the infection rates are. It's those sorts of things. Competition from doctors and competition from medical health care providers and from insurance companies will give us tremendous options so that we can make the decision, and that tends to keep costs down.

In a government system, when you have a monopoly, there is only one way you keep costs down. It is called rationing. If you don't believe it, look at England; look at Canada; look at France; look at all of those other systems.

Mr. AKIN. Reclaiming my time, gentlemen, that's what I'd like to do because I have a chart here.

I would also like to recognize my good friend from Texas, Congressman GOHMERT, who is noted, actually, for being, in spite of his humble demeanor, really an expert when it comes to knowing how to phrase things in a tactful and direct kind of way.

Mr. GOHMERT. Well, I appreciate the gentleman for yielding.

I'm still perplexed. Since Republicans are not allowed to comment on anything that's a governmental resource, and so I am wondering, if we phrase in any mail-out or on any Web site, if we say that the Democrat-controlled Congress is taking the Nation in the wrong direction and that too many Americans are paying a heavy price for those wrong choices, including paying record costs for health care, I'm wondering if that would be something that would also be found objectionable for its being a little too political.

I'll yield to find out what you think.

Mr. AKIN. It seems like the basic principle should be to respect your other colleagues and, at the same time, to also tell the truth. It sounded like what you said would be my idea of what the truth is, but then I may not pass the political correctness test.

Let's take a look at this.

Mr. GOHMERT. If the gentleman would yield, let me just say that that's on the Speaker's Web site in the reverse, meaning the Republicans took the Nation in the wrong direction, and too many Americans are paying a heavy price.

So, anyway, it sounds like, if Republicans said that about Democrats, as my friend says, it's probably true, and it would be politically inappropriate under the Franking determination, but it's okay if the Speaker does it, apparently.

Mr. AKIN. I'd like to take a look, though.

You were just talking about there being different ways to control costs.

One of them is, when the government does it, they ration health care or they make various decisions to keep costs down. Here is the result of a comparison. These are 5-year survival rates for all different kinds of cancers.

This is the European Union average. They all have socialized medicine. I guess they do call it "socialized medicine." Here is the U.S. system, which at least is, largely, more of a free enterprise system. It's the beige.

Now, if you'll take a look at these different kinds of cancers, one of the things that you'll notice is that the survival rates are a whole lot better in the U.S. than they are with these socialized systems, and I don't think that that's a coincidence. It's just a fact that free enterprise works a lot better than socialism does.

The particular cancer I had here was called "prostate cancer." Let me see if I can see where it is. Here is "prostate" down here. You've got the survival rate in the United States at 90-something percent. Back over in Europe, it's only at 78 percent. I'll tell you, if I were to have prostate cancer, which I had, I'd want to be treated in America. That's what I'd want.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield for just a moment.

Mr. AKIN. We know that, for the British, for the European Union—in England—this is a 50 percent number.

Now, if I were sick, you could talk to me all you want about the government's giving me free health care, but it wouldn't do me any good if I were dead. This shows you what happens when we go to a government-run system.

I would be happy to yield to my friend.

Mr. DANIEL E. LUNGREN of California. This points out vividly the difference between a system where competition exists and where a monopoly by government exists. Where a monopoly by government exists, inevitably to attempt to try and control costs, you have to impose rationing. That's why you have these variations of survival rates among cancer patients, because they are not getting the care in those other countries that we get here, and they're not getting the care in a timely fashion.

Mr. AKIN. Timeliness. You know, in cancer, they always say, if you can diagnose it early, your probability of success goes up. As for that timely thing, you know, I think the socialized medical system says, We'll give you a free C-section, ma'am, as long as you're willing to wait 12 months.

Mr. DANIEL E. LUNGREN of California. Well, I happen to be someone who had a hip replacement about a year and a half ago. Under the rules that prevail in at least one of those countries, I would not have been able to have it because I'm not 65 years of

age. Had I needed it when I was 80, I would have been too old to get it. They have defined by age the category of people who can receive that operation. It's not just a limitation on time, on how long it's going to be.

The point is, if you look at our younger generation today and look at how active they are in certain sports, with repetitive actions affecting their joints, we are going to have younger people being in need of the replacement of joints—of knees and hips. That runs precisely contrary to what you see as being available in these other countries. That's why this debate is so important.

If, in fact, as we believe, the plan presented by the majority would inevitably lead to government-run health care, these are the consequences. That's why we ought to be able to debate that. They can argue with us and say, No, it's not government-run. We can argue how we believe it is, but at least we ought to be allowed to have that debate so that people can see what the consequences of our actions here in the House are on them and on their personal lives.

Mr. AKIN. I yield.

Mr. GOHMERT. Thank you for yielding.

I wanted to have time to ask my friend from California: Do I sense there is a concern that, if someone with the Federal bureaucracy had seen you move athletically before the hip replacement, they would have said giving you a hip would have been wasted?

Mr. DANIEL E. LUNGREN of California. Only a Texas Aggie would ask that question, and I will take that as a rhetorical question that needs no response.

Mr. AKIN. Well, gentlemen, I would call your attention to another colleague of ours, Congressman ROGERS, from Michigan.

He told the story the other day of when he was, I believe, 18 or 19 years old and had bladder cancer. Now, his doctor didn't know that, of course. He had some blood in the urine. He went to his doctor, who had known him and who had known his family for some period of time. The statistical probability of his having bladder cancer at that age was almost nothing. Yet, because he had that relationship with his doctor, she didn't let it go.

It was just like your father wouldn't, my friend.

She didn't let that thing go. There was something about her intuitive sense of knowing there was a problem there. They checked it out, and found out that he had bladder cancer. He's a Congressman now. This was some 40 years ago.

□ 1915

But you know when you have these statistics saying it just fits in this category, he held up a calculator and he

said, There's nothing in this government calculator that knows anything about health care. All it is is some government agent running statistics.

There was a guy from Canada that I just read about, and he was younger than you are. He was in his fifties, and the Canadians said, You can't have a hip replacement. You're too old. So of course he used the option. He came to America and got it—the free enterprise system.

My good friend from Texas.

Mr. GOHMERT. And I do appreciate you yielding. And obviously I was being facetious and perhaps rhetorical for my friend from California because the point is no government bureaucrat should ever be able to look at any American and say, I don't think you ought to get this treatment. I don't think you ought to get this surgery. That is the last thing you want is the government intervening.

And what has really gotten outrageous and got my attention is when we got the latest numbers we could for 2007 and the total amount of Medicare and Medicaid tax dollars spent and you divide it by the number of households in America, it's about \$9,200, over \$9,200 per household. You look at what President Obama is proposing. CBO says it will be between \$1 trillion and \$2 trillion, \$1 trillion to \$1.6 trillion? You divide just a very conservative amount of that by 117 million households that are estimated right now in America by Census, and you have \$10,000 more per household for every household in America they have to come up with to pay for this plan on top of the \$9,200 in Federal tax dollars they are paying now.

Mr. AKIN. Let's do this again. Every single household in America is going to get hit with an additional \$10,000 per household to make this transition to a socialized medical system that produces this kind of result? Is that what you're saying?

Mr. GOHMERT. That's on top of the \$9,200 average per household in America right now. Around \$19,000 per household.

Mr. AKIN. Here's something that I think is kind of amazing. Take a look at this statement. This was an amendment that was offered to the Democrats' health plan: Nothing in this section shall be construed to allow any Federal employee or political appointee to dictate how a medical provider practices medicine.

Now, I would say I think that's something that a lot of my constituents would say I don't want some bureaucrat telling some doctor what he can and can't do to take care of me. Take a look at the vote when this was done in committee. This was an amendment that was proposed by Dr. GINGREY. He spent his life going to medical school and taking care of patients. And look at the votes. Republicans, 23 votes say-

ing we don't want to put a bureaucrat between you and your doctor, and zero voted against this, of the Republicans. Of the Democrats, only one Democrat voted for this amendment and 32 of them voted against that.

Now, I think a lot of people on Main Street America think why can't we just get along as Republicans and Democrats and just solve problems. But this is a very fundamental difference between the two parties, isn't it? This is what we've been talking about. Do we really want a Federal bureaucrat? And what they just voted to say was we think that in order to control costs, you're going to have to let some government bureaucrat make those decisions and tell a doctor and a patient that they can't get the care.

Mr. DANIEL E. LUNGREN of California. This makes about as much sense as the Vice President's recent statement that in order to avoid bankruptcy, we have to spend more Federal money.

Mr. AKIN. That's not intuitively obvious, in order to avoid bankruptcy, we've gotta spend more money.

Mr. DANIEL E. LUNGREN of California. And the President is basically telling us, by entering the Federal Government in the largest way in the history of the United States into medical care, it is going to cost less and provide more accessibility.

And I think that is—well, what I'm finding from my town hall meetings, my teletown halls, my discussion with people back home, they're not buying it because they know it just doesn't seem to make sense. Just as the gentleman has pointed out on this amendment, if in fact they're not going to put anything between you and your doctor, why would they reject an amendment that says just that?

Mr. AKIN. With only one exception of one Democrat, a straight party-line vote saying we want to put Federal employees between your doctor and you as a patient.

This is pretty serious stuff. This is very serious stuff to me. Because as I said, when I came to Congress, I had a poor health care plan. I came to Congress and found out there were some Navy doctors in this building, and those Navy doctors gave me a physical. I felt bulletproof and everything at 52. I found out that I was bulletproof and doing great except one little detail: I had cancer. And the fact that they discovered that and were able to get treatment without some bureaucrat taking that away from me, that's why I'm alive today.

I can understand why people are going to be very, very cautious entering some government-run plan that produces results for people, something like what the European Union is doing.

I yield to my good friend from Texas.

Mr. GOHMERT. Our time has expired, and I appreciate being a part of

this. This is too serious to let the bureaucrats control people's lives.

Mr. AKIN. I thank you very much. I thank my many good friends who've joined us here for this discussion. I think many understand it's a very serious issue. It's better to go slow and get it right and don't mess it up as we have some of the things that have been passed at 3 o'clock in the morning.

WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 60 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today to continue to ask the question, where are the jobs?

Well, I can tell you where they're not. They're not in my district in southern Ohio because I just got an announcement on Monday night that really shocked me and made my blood boil. I found out that the Department of Energy was going to strip away thousands of jobs in my district.

Now, I just want to give you a little background. Ohio is one of those States that has high unemployment. We're the seventh highest in the Nation. But when you look at my district, what you see is I've got really high unemployment in my district. In fact, two of my counties, Pike and Adams, have over 15 percent unemployment. Scioto County has almost 13 percent unemployment. Much higher than the national average, even higher than our State average of 11.2 percent. So we really need jobs. We need them badly.

And what has occurred to me is that I think there must be a disconnect with the administration and the President. Let me go back and explain what's going on.

I have a facility in my district in Pike County, the county that has 15½ percent unemployment, called the American Centrifuge Plant, and this represents a very early use of commercial—use of new technology that would significantly reduce emissions of air pollutants and greenhouse gasses.

The United States Enrichment Corporation, called USEC, is deploying American Centrifuge technology to provide the dependable, long-term, U.S.-owned and developed nuclear fuel production capability needed to support the country's nuclear power plants, nuclear submarines, and a robust nuclear deterrent.

Mr. Speaker, we have dozens of nuclear power plants in this country that all require nuclear fuel. And we have a Navy who, as I speak, is sailing in every ocean across the globe. And we have weapons of mass destruction that will become a useless deterrent without fresh tritium.

Without the American Centrifuge Plant, in 5 years' time, we will have no

ability in the United States to enrich uranium to keep our lights on, our ships at sea, or a deterrent potential.

In 5 years, we will be forced to purchase uranium from foreign suppliers as we do with most of our oil. I don't want to depend on foreigners for this kind of product.

The American Centrifuge Plant holds great promise. Unfortunately, in order to meet this promise, USEC needed a loan guarantee from the Federal Government. Now, I want to repeat that. It needed a loan guarantee from the Federal Government. You see, USEC has already invested \$1.5 billion and has offered another billion dollars of corporate support. It did this with the expectation that the Department of Energy would make available a \$2 billion loan guarantee needed to finance the full-scale deployment of the American Centrifuge Plants.

Now, I want to refer to this chart here. Why were they so confident in that? Well, you see on September 2, 2008, when President Obama was running for election, he wrote a letter to our Governor, Ted Strickland. This is the full letter so you can see it. I'm not taking it out of context.

He said, Under my administration, energy programs that promote safe and environmentally sound technologies and are domestically produced, such as the enrichment facility in Ohio, will have my full support. I will work with the Department of Energy to help make loan guarantees available for this and other advanced energy programs that reduce carbon emissions and break the tie to high-cost and foreign-energy sources.

This is what this letter said.

So you understand that USEC was very, very confident that they were going to get that loan guarantee. But instead, on Monday night, the Department of Energy really pulled the rug out from all of us. I got a phone call asking me to call the White House, and I learned Monday night that the Department of Energy was going to withdraw its promise and they were actually asking USEC to withdraw its application and to try it again in 18 months.

I was actually told on the phone that if they did that, then the Department of Energy would give them \$45 million, \$30 million, and another \$15 million if they would rescind this. And that kind of shocked me.

The next day it also shocked the folks at USEC because, you see, they had this letter that the President had given to our Governor, Ted Strickland, that said those loan guarantees would be given.

Mr. Speaker, the American Centrifuge Plant currently supports more than 5,700 jobs and will help create 2,300 more within a year of commencement of the loan-guarantee funding. That's 2,300 additional jobs to my district.

Now, because the Department of Energy has contradicted a promise that our President made in September of last year to our Governor and to those men and women in this area of the State, those jobs are in jeopardy. And I was on the phone with one of my constituents earlier today. Pink slips are being given out at the USEC plant.

The Department of Energy has told the media the reasons for their denial were threefold: the cost subsidy estimate, a new requirement for another \$300 million of capital, and the questions of technology.

Well, the first question offered by the DOE is a little laughable. It turns out that the government isn't really backing these loans. Instead, the Department of Energy is charging a risk-of-failure fee to each of the folks that agrees to back the loans. These fees are pulled together to eliminate any risk to the taxpayers that actually have been given a loan guarantee.

They determined that the fee for this loan would be \$800 million on a \$2 billion loan. So USEC is supposed to come up with \$800 million on a \$2 billion loan. I don't know about you, but in my neck of the woods, we call that like loan sharking.

The second reason for denying the guarantee is a new need to set aside an additional 300 million for contingencies. Well, I can think where you and I see that that is headed. After the risk premium is paid, apparently USEC still has to come up with more money to make the Department of Energy feel more comfortable about giving these loans.

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But the last question, I think, is the most surprising, because the last reason is one where they say they have got technical questions, and this is the one that is the most absurd of all, because, quite frankly, this technology is out there. France is using it, England is using it. Would it surprise you to know, Mr. Speaker, that Iran is using it?

But what I found most disturbing is that the Department of Energy hired a technology expert, as required by law, and they went through the technology and wrote a long report, and in fact the guy ran back to give it to the Department of Energy on Tuesday. That was the day after the Department of Energy made their decision. They made that decision on Monday night. They made it without any regard for the report they were relying on for this very important project.

It is not just a project, Mr. Speaker, that continues to help the folks in my district. And it is important to me, because, Mr. Speaker, this is my district, and these are my folks and these are my friends. I have become friends with these people.

This is the part of my community that doesn't have a lot of job opportu-

nities, and they welcomed this job opportunity. They embraced it. And I believe that the President believes in this project, as he stated on September 2, 2008. But I think there must be some sort of disconnect with the Department of Energy.

There is a chart here, and I would like to go through the chart a little bit again so we can clearly understand what is going on.

The issue: credit subsidy cost estimated by the DOE to be \$800 million. Well, let me be a little clearer. The estimate was never provided in writing. The methods of calculation were never disclosed or explained. An \$800 million subsidy cost is not reasonable. I think it is outrageous, given USEC's fully collateralized \$1 billion parent guarantee, standard credit, and, yes, yield exposures of \$24 million to \$74 million based on credit ratings of C to BB-minus and assets recoveries of only 20 to 30 percent of the cost.

The DOE calculation clearly ignores the value of \$1.5 billion invested by USEC to date and another billion of non-project collateral offered by USEC, consisting primarily of natural and enriched uranium inventories.

The second issue, an additional need for \$300 million of additional capital. USEC offered a legally binding capital commitment, which DOE agreed met statutory and regulatory requirements.

USEC's fully collateralized \$1 billion parent guarantee designed to permit loan to commerce while USEC raised additional equity while fully protecting the taxpayers. USEC's financial adviser stated that with the loan guarantee, \$100 million to \$150 million of capital could be raised in the public market. USEC has commenced discussions with strategic suppliers to obtain vendor financing for the balance.

And the final, the technical readiness of American Centrifuge Technology. The DOE LGPO concluded that ACT was not ready to move to commercial scale operations prior to receiving the independent engineer's written assessment. The independent engineer had only been working for 12 days when DOE acted. DOE was scheduled to review the classified independent engineer report on July 28, and the DOE representative traveled to Tennessee to do so, unaware of the LGPO's decision the night before.

American Centrifuge is based on technology which DOE initially developed in the 1970s and the 1980s and subsequently operated it for 10 years. USEC-approved centrifuges have been operating in the Lead Cascade for over 225,000 hours. The DOE has acknowledged that USEC met the milestone under the 2002 agreement between DOE and USEC, which requires obtaining satisfactory reliability and performance data from Lead Cascade operations, the last requirement to be met besides obtaining financing prior to

commencing commercial plant construction and operations.

Mr. Speaker, I don't understand what is going on here, I don't think that this body understands what is going on here, and I am not even sure that the President even understands what is going on here with the Department of Energy.

But I am very confused. More than that, I am very outraged because I believe that we have to have energy independence, but we also have to have security for this Nation. Energy independence depends upon a variety of sources of energy, including nuclear power, but you have to have the stuff to make that nuclear power. In 5 years, we will no longer be the people that are producing the stuff that it takes to make that nuclear power. That is why this project is so important, not just for the 2,000 jobs that will be lost.

Mr. SPACE, can you join me here today? One of the other folks that is affected is my very good friend from a district right across from me, ZACK SPACE.

ZACK, I just laid out what has gone on with the Department of Energy. I have laid out the fact that our President promised that the Department of Energy would give out these loans to Governor Strickland on September 2. I have laid out what I think is a disconnect between the Department of Energy and our President, because I just truly believe the President wants to make good on this promise. I have laid out the impact it has to your community and my community in southern Ohio and also to our security across the Nation.

So, whatever you would like to add, I welcome you to the discussion.

Mr. SPACE. I thank the gentlelady. I appreciate the work that you have done in bringing attention to this very important issue. There are a couple of things I would like to speak about, and I will be as brief as I can.

Mrs. SCHMIDT. Take as much time as you want, ZACK. It is fine with me.

Mr. SPACE. First of all, what is happening in Appalachian Ohio, in fact what is happening in Appalachia America, is the same thing that John Kennedy drew attention to in the early 1960s when he visited Appalachia. He drew attention to poverty and hopelessness, suffering, a lack of infrastructure, a lack of opportunity. I think it is very important not just for you and I to understand this, we do, JEAN, but for our President and the Department of Energy and the American public in general to understand that many of those same needs that Kennedy identified so many years ago still exist.

This Piketon facility has the potential to help breathe new life into a large region in southern Ohio, a region where unemployment rates now are typically on a county-by-county basis reaching 16 percent; a region in which

poverty rates in some of those counties exceed 30 percent; a region where families, working families, men and women, have to take their children to soup kitchens to eat. This is happening in America; this is happening in southern Ohio.

The second thing I would like to point out is this is our future. We have heard so much about the promise afforded by energy-related jobs, the new economic sector in our economy that I believe holds so much potential, so much potential to put people back to work, to provide good wages, to allow families to buy homes, send their kids to college and save for retirement. This project falls squarely within the promise afforded by that new economic sector.

I would like to take this brief moment that you have so graciously allotted me, JEAN, to urge the Department of Energy to reconsider, to look at this situation as one which can provide hope to many Ohioans, many Americans who don't have it right now.

I commend you again for bringing attention to this matter, to advocating for it with the passion that you have, and I pledge to work with you moving forward as we do everything we can to bring vibrancy back to the economy of southern Ohio.

Mrs. SCHMIDT. May I ask you to engage in a little conversation on this. I think it is very important, Mr. Speaker, to note that Mr. SPACE and I, while our districts do connect, we are from different sides of the aisle, and yet I find oftentimes there is as much agreement on both sides of the aisle, far from the rancorous debate that occurs on some of the issues that folks might hear.

This is an issue that is very important to not just me, but to ZACK SPACE as well, because we understand Appalachia. We understand the needs of this community and how when you lose a job in this community, it is so hard to get it back. It is not like other communities, where when you lose one, in time it can be replaced. When you lose one in this part of the world, it doesn't get replaced.

Do you agree, ZACK?

Mr. SPACE. JEAN, I see it and you see it and we all see it far too often where we allow ourselves to be separated by a political divide. This aisle that runs between us now is nothing but an empty space, and when we talk about things like this project, we are not talking about what is right for Democrats or what is right for Republicans, what is right for those who are liberal versus those who are conservative. We are talking about what is right for America.

I think not just in this case, but in all cases we should explore every opportunity to bridge that divide, to forget about the party politics, whether it is energy or health care or job opportu-

nities, like we have here. All of us need to strive much harder to overcome those ideological differences, find common ground and work for what is right for this country.

Mrs. SCHMIDT. Mr. SPACE, I have been reminded that we are on the House floor, and my apologies that I didn't refer to you as Congressman SPACE or Mr. SPACE and talked to you as we do off the floor in a friendly tone. So now I will refer to you as Mr. SPACE.

But you and I agree on this. I think, Mr. SPACE, you will also agree about the importance of this not just to our community, but to the Nation. We need to have uranium enrichment in order to develop nuclear energy in order to keep our lights on in this country. And I don't think you and I want to rely on getting this product from a foreign nation.

We rely too much on getting our oil from foreign governments. We don't want to rely on foreign governments for this, which is so important to keeping our lights on, to our Navy, to our ability to keep the bad guys out of the United States.

Mr. SPACE. I thank the gentlelady for bringing up such an important subject, and that subject is one of national security. There are a lot of different components that go into what makes us strong as a country. Certainly the size of our Army, the money and the resources we allocate to military defense are very important. But perhaps there is no greater ingredient to our national security than developing right here at home within our borders energy independence. We have as a nation waited far too long to aggressively address this issue.

I think many of the painful votes, if you will, many of the divisive issues, many of the arguments that we have on this floor of this great House are happening right now because we have as a nation waited far too long to address the issue of energy independence.

The gentlelady and I are both old enough to remember what it was like in this country back in the early 1970s when OPEC first formed its embargo on oil. It was like a slap in the face to our country. Suddenly, and without warning, we found ourselves almost wholly dependent upon not just other nations, but other nations who meant to do us harm, for something so fundamentally important as our energy needs.

As we look back today to 35 years ago, almost 40 years ago, we think of this: What if, what if we would have done the right thing and aggressively pursued energy independence? What if we would have approached that issue like this Nation has with other issues in the past, the Manhattan Project, the Apollo project, where failure was not an option? What if we had done that?

I will tell you, we would not be having the debate, we would not be having the struggles, we would not be having

the problems with our foreign relations. We would not be having nearly the problems we are experiencing today with our economy if we had done the right thing.

Now is the time to act. This project fits perfectly with what should be all of our priorities, and that is an aim toward energy independence.

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Mrs. SCHMIDT. I totally agree with my good colleague and friend from Ohio. The time is now. I remember the seventies. I remember standing in line—because I was the even day, and my friends were the odd day—to get gasoline. We can't do that again. You and I have seen the price of gasoline last summer be twice the price that it is this summer. Thank heavens it's lower, but we can't afford the opportunity for them to put the squeeze on us and on our economy. While this isn't going to remove our dependence on foreign oil, this project is going to remove our dependence on using oil for things that we don't need to use it for.

That's why we need a total comprehensive energy policy. It has to include nuclear, and we have to have not just the technology but the stuff that it takes to make that technology happen. All I can say is, this project, the American Centrifuge Plant, is producing the uranium enrichment that we need; and if we don't allow this project to go forward, in 5 years you and I are going to be standing here screaming at the well because we're going to be beholden to France or England or another country for this uranium enrichment that we so sorely need right now.

I am so thankful that you are joining me in this fight. I don't know what we can do besides calling the Department of Energy, maybe asking our friends to call the Department of Energy, maybe asking our friends to call the President. I don't know what else you and I can do. But I'm going to fight until we can fight no more, and then I am going to continue on.

Mr. SPACE. In yielding back to the gentlelady, my friend and colleague from Ohio, I would submit that we have taken one very important step in moving in that direction, and that is by ridding ourselves of our partisan bonds and working together in a common cause. You and I both know that oftentimes we do not agree on the issues, but this is one where we can find common ground. Let this be not just the beginning of a rectification of a wrong in southern Ohio with respect to USEC plants, but the beginning of a new relationship, a new day in American politics where Democrats and Republicans work together in solving not Democratic problems, not Republican problems, but American problems.

Mrs. SCHMIDT. I thank the gentleman. I just want to say, Mr. Speak-

er, that I believe we can work across the aisle. I have seen us work across the aisle on other issues. This one is a very, very important issue. I am not going to belabor this point too much longer, but only to say that if we don't act now and ask the Department of Energy to reverse its course, this isn't just something that's going to put a further blight on my district, my good colleague Mr. SPACE's district and the rest of Appalachia and Ohio, but this is going to really put a cloud across our economic security, our national security and our Nation. The Department of Energy can go back. They can look at the technical data, which they didn't do when they issued their decision. They can go back and look at what they're asking USEC to cough up and recognize what USEC has already put on the table. They can go back and understand that the President made this promise to our Governor on September 2. They can go back, and they can do the right thing because it's not just the right thing for my community, Mr. SPACE's community or Ohio. It's not just the right thing because our President made a pledge to our Governor. It's the right thing for our Nation.

I yield back the balance of my time.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, JULY 16, 2009, AT PAGE 18127

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. KAGEN. Mr. Speaker, I ask unanimous consent to withdraw my cosponsorship of H. Res. 648.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following members will be recognized for 5 minutes each.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. TITUS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today and July 30.

Mr. FORBES, for 5 minutes, July 30.

Mr. OLSON, for 5 minutes, today and July 30.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. BILBRAY, for 5 minutes, today.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

ADJOURNMENT

Mrs. SCHMIDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, July 30, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenamidone; Pesticide Tolerances [EPA-HQ-OPP-2008-0458; FRL-8423-8] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dichloromethane; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2005-0477; FRL-8422-2] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2870. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0710; FRL-8425-7] received July 24, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

2871. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerances [EPA-HQ-OPP-2008-0556; FRL-8420-6] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2872. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — N,N,N',N'-Tetrakis-(2-Hydroxypropyl) Ethylenediamine; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0130; FRL-8429-3] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2873. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium monoalkyl and dialkyl (C6-C16) phenoxybenzenedisulfonates and related acids; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0665; FRL-8421-7] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2874. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium N-oleoyl-N-methyl taurine; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0725; FRL-8426-8] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2875. A letter from the Secretary, Department of Defense, transmitting authorization of 7 officers to wear the authorized insignia of the grade of major general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

2876. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2877. A letter from the Asst. Secy. for Communications & Information, Department of Commerce, transmitting the Department's final rule — State Broadband Data and Development Grant Program (RIN: 0660-ZA29) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Correction of Effective Date Under Congressional Review Act [EPA-R01-OAR-2008-0796; A-1-FRL-8930-2] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revision to General Air Quality Rules and the Mass Emissions Cap and Trade Program [EPA-R06-OAR-2007-0905; FRL-8931-1] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Minor Amendments

to the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8422-7] [EPA-HQ-OPPT-2005-0049; FRL-8422-7] (RIN: 2070-AJ48) received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans, Alabama; Birmingham 1997 8-Hour Ozone Contingency Measures [EPA-R04-OAR-2008-0592(a); FRL-8937-2] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Iowa; Update to Materials Incorporated by Reference [FRL-8933-5] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2883. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Nebraska; Update to Materials Incorporated by Reference [FRL-8933-4] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2884. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-0296; FRL-8936-6] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2885. A letter from the Chairman, Nuclear Regulatory Commission, transmitting proposed legislation authorizing appropriations for FY 2010, pursuant to 42 U.S.C. 2017; to the Committee on Energy and Commerce.

2886. A letter from the Assistant Attorney General, Legislative Affairs, Department of Justice, transmitting the Department's report on the use of the Category Rating System during calendar year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

2887. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acquisition Regulation: Guidance on Technical Direction [EPA-HQ-OARM-2007-1115; FRL-8935-6] (RIN: 2030-AA96) received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2888. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Contribution Elections and Contribution Allocations — received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2889. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's Draft Strategic Plan for 2009 through 2014; to the Committee on Oversight and Government Reform.

2890. A letter from the Chair, Election Assistance Commission, transmitting the Commission's final rule — Reorganization of National Voter Registration Act Regulations [Notice 2009 — 17] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

2891. A letter from the Chair, Vice Chair and Commissioner, Election Assistance Commission, transmitting the Commission's reports entitled, "The Election Data Collection Grant Program Evaluation" and "The Impact of the National Voter Registration Act (NVRA)", pursuant to Omnibus Appropriation Act for FY 2008 HAVA Section 802; to the Committee on House Administration.

2892. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 0809121213-9221-02] (RIN: 0648-AX96) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2893. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area [Docket No.: 080521698-9067-02] (RIN: 0648-XQ01) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2894. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Spiny Dogfish; Framework Adjustment 2 [Docket No.: 090129076-9926-02] (RIN: 0648-AX56) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2895. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2009 [Docket No.: 090211163-9795-02] (RIN: 0648-AX69) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2896. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Pacific Whiting Primary Fishery for the Mothership Sector [Docket No.: 090428799-9802-01] (RIN: 0648-XP82) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2897. A letter from the Deputy Assistant Administrator of Operations, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Groupers Fishery off the Southern Atlantic States; Amendment 16 [Docket No. 0808041045-9796-02] (RIN: 0648-AW64) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2898. A letter from the Deputy Assistant Administrator of Operations, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications Modification [Docket No.

090421699-91029-02] (RIN: 0648-XO74) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2899. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Deepwater Grouper Commercial Fishery [Docket No.: 040205043-4043-01] (RIN: 0648-XP56) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2900. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area II Scallop Access Area to Scallop Vessels [Docket No.: 071130780-8013-02] (RIN: 0648-XQ05) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2901. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Greenland Turbot, Arrowtooth Flounder, and Sablefish by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XP97) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2902. A letter from the Major General, AUS (Retired), Deputy Executive Director, Reserve Officers Association, transmitting the Association's Report of Audit for the year ending 31 March 2009, pursuant to Section 16, P.O. 90-595; to the Committee on the Judiciary.

2903. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Summer 2009 Fireworks, Coastal Massachusetts [Docket No.: USCG-2009-0422] (RIN: 1625-AA08, 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2904. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY [Docket No.: USCG-2009-0110] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2905. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Southside Summer Fireworks St. Clair River, Port Huron, MI [Docket No.: USCG-2009-0478] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2906. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sigma Gamma Fireworks, Lake St. Clair, Grosse Pointe Farms, MI [Docket No.: USCG-2009-0477] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2907. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: San Clemente Island Northwest Harbor August and September Training; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0522] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2908. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York [Docket No.: USCG-2009-0045] (RIN: 1625-AA01) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2909. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 460.0 to 470.5, Cincinnati, OH [Docket No.: USCG-2009-0310] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2910. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Summer Nights Fireworks; Mission Bay, San Diego, California [Docket No.: USCG-2009-0268] (RIN: 1625-AA00) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2911. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Twin Falls, ID [Docket No.: FAA-2009-0253; Airspace Docket No.: 09-ANM-2] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2912. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Montrose, CO [Docket No.: FAA-2009-0042; Airspace Docket No.: 09-ANM-1] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2913. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Port Clinton, OH [Docket No.: FAA-2009-0188; Airspace Docket No.: 09-AGL-5] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2914. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Devine, TX [Docket No.: FAA-2009-0089; Airspace Docket No.: 09-ASW-4] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska [Docket No.: FAA-2008-0926; Airspace Docket No.: 08-AAL-24] (RIN No.: 2120-AA66) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2916. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal and Modification of VOR Federal Airways; Alaska [Docket No.: FAA-2008-0940; Airspace

Docket No.: 08-AAL-25] (RIN No.: 2120-AA66) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2917. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Reduction of Fuel Tank Flammability in Transport Category Airplanes [Docket No.: FAA-2005-22997; Amendment Nos. 26-3, 121-345, 125-57, and 129-47], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2918. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30675; Amdt. No. 2239], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2919. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300, and A340-200 and -300 Series Airplanes [Docket No.: FAA-2009-0137; Directorate Identifier 2008-NM-201-AD; Amendment 39-15967; AD 2009-15-04] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2920. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model BD-700-1A10 and BD-700-1A11 Airplanes [Docket No.: FAA-2009-0138; Directorate Identifier 2008-NM-216-AD; Amendment 39-15966; AD 2009-15-03] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2921. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No.: FAA-2008-0832; Directorate Identifier 2008-NM-067-AD; Amendment 39-15965; AD 2009-15-02] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No.: FAA-2009-0638; Directorate Identifier 2009-CE-038-AD; Amendment 39-15968; AD 2009-15-05] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2923. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate previously held by Raytheon Aircraft Company) Model G36 Airplanes [Docket No.: FAA-2009-0633; Directorate Identifier 2009-CE-037-AD; Amendment 39-15964; AD 2009-15-01] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2924. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12, PC-12/45, PC-12/47, and PC-12/47E Airplanes [Docket No.: FAA-2009-0437; Directorate Identifier 2009-CE-018-AD; Amendment 39-15963; AD 2009-14-13] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2925. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives, Turbomeca S.A. ARRIUS 2F Turboshift Engines [Docket No.: FAA-2009-0330; Directorate Identifier 2008-NE-43-AD; Amendment 39-15961; AD 2009-14-11] (RIN 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2926. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No.: FAA-2009-0518; Directorate Identifier 2009-SW-22-AD; Amendment 39-15940; AD 2009-13-01] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2927. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Models PW2037, PW2037(M), and PW2040 Turbofan Engines [Docket No.: FAA-2009-0417; Directorate Identifier 2009-NE-13-AD; Amendment 39-15955; AD 2009-14-05] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2928. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS-PZL "Warszawa-Okecie" S.A. Model PZL-104 WILGA 80 Airplanes [Docket No.: FAA-2009-0446; Directorate Identifier 2009-CE-024-AD; Amendment 39-15960; AD 2009-14-10] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2929. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No.: FAA-2009-0044; Directorate Identifier 2008-NM-132-AD; Amendment 39-15953; AD 2009-14-03] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2930. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1116; Directorate Identifier 2007-NM-231-AD; Amendment 39-15954; AD 2009-14-04] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2931. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000EX Airplanes [Docket No. FAA-2009-0380; Directorate Identifier 2008-NM-153-AD; Amendment 39-15959; AD 2009-14-09] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2932. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No.: FAA-2008-0933; Directorate Identifier 2007-NM-261-AD; Amendment 39-15956; AD 2009-14-06] (RIN: 2120-AA64) received

July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2933. A letter from the Administrator, Research and Innovative Technology Administration, Department of Transportation, transmitting the Transportation Statistics Annual Report 2008, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

2934. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) Models PW305A and PW305B Turbofan Engines [Docket No.: FAA-2009-0046; Directorate Identifier 2008-NE-05-AD; Amendment 39-15962; AD 2009-14-12] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2935. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 20-C5, 20-D5, 20-E5, and 20-F5 Airplanes [Docket No.: FAA-2009-0263; Directorate Identifier 2008-NM-137-AD; Amendment 39-15957; AD 2009-14-07] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2936. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's third quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2749. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes; with an amendment (Rept. 111-234). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 691. Resolution providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes (Rept. 111-235). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DAVIS of Alabama (for himself and Mr. BOUSTANY):

H.R. 3370. A bill to permit qualified withdrawals from a capital construction fund account for the maintenance or repair of United States-flag vessels provided that the maintenance or repair is performed within the United States; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO (for himself, Mr. OBERSTAR, Mr. MICA, Mr. PETRI, Mr. CARNAHAN, Mr. COBLE, Mr. MCMAHON, Mr. DUNCAN, Mr. DEFAZIO, Mr. EHLERS, Mr. FILNER, Mrs. CAPITO, Mr. HOLDEN, Mr. GERLACH, Mr. CAPUANO, Mr. DENT, Mr. LIPINSKI, Mrs. SCHMIDT, Mr. HALL of New York, Mr. COHEN, Mr. ALTMIRE, Mr. SCHAUER, Ms. SLAUGHTER, Mr. LEE of New York, Mr. HIGGINS, Mr. HOLT, Mr. PASCARELL, Ms. NORTON, and Ms. HIRONO):

H.R. 3371. A bill to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of Georgia:

H.R. 3372. A bill to establish Medicare performance-based quality measures, to establish an affirmative defense in medical malpractice actions based on compliance with best practices guidelines, and to provide grants to States for administrative health care tribunals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ:

H.R. 3373. A bill to provide for a study relating to the feasibility of using postal employees as census enumerators; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Washington (for himself and Mrs. MCMORRIS RODGERS):

H.R. 3374. A bill to provide for a demonstration project relating to the impact of health information technology on chronic disease management under the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL (for himself and Mr. HARPER):

H.R. 3375. A bill to amend title 18, United States Code, to increase penalties for certain fraud offenses committed to facilitate terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself and Mr. CUMMINGS):

H.R. 3376. A bill to amend title 46, United States Code, to ensure the traditional right of self-defense of United States mariners against acts of piracy, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 3377. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM (for himself, Mr. BRALEY of Iowa, Mr. LOEBACK, Mr. BOSWELL, and Mr. KING of Iowa):

H.R. 3378. A bill to authorize the Secretary of the Interior to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. OBERSTAR, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. RAHALL, Mr. BOSWELL, Mr. CAPUANO, Mr. LIPINSKI, Mr. CUMMINGS, Mr. DICKS, Mr. HINCHEY, Ms. HIRONO, Mr. THOMPSON of California, Mr. KILDEE, Mr. HARE, Mr. BAIRD, Ms. KAPTUR, Mr. MOLLOHAN, Mr. STARK, Mr. WU, Mr. COSTELLO, Mr. PASCRELL, Mr. FILNER, Mr. PERRIELLO, Mr. BISHOP of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. LARSON of Connecticut, and Mr. OLVER):

H.R. 3379. A bill to amend the Internal Revenue Code of 1986 to impose a tax on transactions in oil futures and options and to deposit the revenues from the tax into the Highway Trust Fund; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself and Mr. ROYCE):

H.R. 3380. A bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CASTLE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAULO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. MITCHELL, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SMITH of Washington, Mr.

SMITH of New Jersey, Ms. SPEIER, Mr. STARK, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. LANCE):

H.R. 3381. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Georgia (for himself, Mr. DEAL of Georgia, Mr. SHULER, Mr. LATTI, Mr. CLAY, Mr. BARROW, Mr. BISHOP of Georgia, and Mr. PASCRELL):

H.R. 3382. A bill to amend the Internal Revenue Code of 1986 to encourage individuals to purchase building products and home furnishings, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself and Ms. GRANGER):

H.R. 3383. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 3384. A bill to remove the testing provisions in the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. BARTON of Texas (for himself, Mr. UPTON, Mr. TERRY, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. BRADY of Texas, Mr. BURGESS, Mr. WHITFIELD, Mr. POE of Texas, Mrs. MYRICK, Mrs. BONO MACK, Mr. GALLAGLY, and Mr. PITTS):

H.R. 3385. A bill to authorize the use of amounts in the Nuclear Waste Fund to promote recycling of spent nuclear fuel, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. LATHAM, Mr. KING of Iowa, Mr. BRALEY of Iowa, and Mr. LOEBACK):

H.R. 3386. A bill to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CASTLE (for himself and Mr. LYNCH):

H.R. 3387. A bill to reiterate that the Secretary of the Treasury is required to submit a report on terrorism financing in accordance with the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Financial Services, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 3388. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 3389. A bill to amend title 37, United States Code, to ensure that members of the

Armed Forces stationed outside the United States during 2009 can take full advantage of the credits available for first-time home buyers, to provide for the waiver of recapture of the credit for members who are restituted, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 3390. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty on distributions from certain retirement plans during periods of high unemployment; to the Committee on Ways and Means.

By Ms. JENKINS (for herself, Mr. MORAN of Kansas, Mr. MOORE of Kansas, and Mr. TIAHRT):

H.R. 3391. A bill to allow for the continuation of critical access hospital designation for certain hospitals in geographic areas experiencing population growth; to the Committee on Ways and Means.

By Ms. KOSMAS (for herself, Ms. TITUS, Mr. KLEIN of Florida, Mr. MICA, Mr. GRAYSON, Ms. CORRINE BROWN of Florida, and Mr. POSEY):

H.R. 3392. A bill to prohibit any department or agency of the Federal Government from establishing a travel or conference policy that takes into account the perception of a location as a resort or vacation destination in determining the location for an event; to the Committee on Oversight and Government Reform.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. BILBRAY):

H.R. 3393. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Oversight and Government Reform.

By Mr. PAUL (for himself and Mr. BURTON of Indiana):

H.R. 3394. A bill to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases involving dietary supplements and dietary ingredients; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself and Mr. BURTON of Indiana):

H.R. 3395. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3396. A bill to amend title 5, United States Code, to prohibit agencies from enforcing rules that result in a specified economic impact until the requirements of those rules are enacted into law by an Act of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. SABLAN:

H.R. 3397. A bill to establish a program that enables college-bound residents of the Northern Mariana Islands to have greater choices among institutions of higher education, and for other purposes; to the Committee on Education and Labor.

By Mr. TIERNEY:

H.R. 3398. A bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes; to the Committee on Education and Labor.

By Mr. KLEIN of Florida:

H. Con. Res. 171. Concurrent resolution authorizing the use of the Capitol Grounds for

an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance; to the Committee on Transportation and Infrastructure.

By Mr. POSEY (for himself, Mr. DANIEL E. LUNGREN of California, Mr. SHAD-EGG, Mr. HERGER, Mr. MCCAUL, Mr. PITTS, Mr. BARTLETT, Mr. PUTNAM, Mr. BRADY of Texas, Mr. LINDER, Mr. BURTON of Indiana, Mr. BURGESS, Mr. SOUDER, Mr. LUCAS, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. GRAVES, Mr. LATHAM, Mr. SULLIVAN, Mr. INGLIS, Mr. BILBRAY, Mr. BROWN of South Carolina, Mrs. BACHMANN, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. KLINE of Minnesota, Mr. LUTKEMEYER, Mr. LATTI, Mr. MCHENRY, Mr. BROUN of Georgia, Ms. FALLIN, Mr. SCALISE, Mr. FLEMING, and Mrs. LUMMIS):

H. Res. 689. A resolution amending the Rules of the House of Representatives to ensure that Members, Delegates, and the Resident Commissioner have a reasonable amount of time to read legislation that will be voted upon, and for other purposes; to the Committee on Rules.

By Mr. BOEHNER:

H. Res. 690. A resolution raising a question of the privileges of the House.

By Mr. ARCURI (for himself, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mrs. LOWEY, and Mr. CARDOZA):

H. Res. 692. A resolution supporting the goals and ideals of Tay-Sachs Awareness Month; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania (for himself, Mr. GERLACH, Ms. SCHWARTZ, Mr. ANDREWS, Mr. SESTAK, Mr. LOBI-ONDO, Mr. DENT, Mr. HOLDEN, Mr. FATTAH, Mr. CASTLE, and Mr. PATRICK J. MURPHY of Pennsylvania):

H. Res. 693. A resolution honoring the life and accomplishments of Jim Johnson and extending the condolences of the House of Representatives to his family on the occasion of his death; to the Committee on Oversight and Government Reform.

By Mr. FORBES:

H. Res. 694. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on a rule or order that dispenses with the first reading or considers a measure as read; to the Committee on Rules.

By Mr. RODRIGUEZ:

H. Res. 695. A resolution supporting an international park between Big Bend National Park in the United States and the protected areas of the Coahuila and Chihuahua States across the border in Mexico; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

139. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 62 MEMORIALIZING CONGRESS TO PROVIDE FOR WAIVERS FROM REQUIREMENTS ATTACHED TO STIMULUS FUNDING THAT WOULD HAMPER THE STATE'S EFFORTS TO MEET ITS CONSTITUTIONAL OBLIGATION TO BALANCE FUTURE BUDGETS; to the Committee on Appropriations.

140. Also, a memorial of the House of Representatives of the Commonwealth of Penn-

sylvania, relative to HOUSE RESOLUTION No. 275 memorializing the Congress of the United States to designate the Honor and Remember Flag as a national emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty; to the Committee on Armed Services.

141. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to HOUSE RESOLUTION No. 311 urging the Congress of the United States to pass and the President to sign legislation instituting a national maximum interest rate for credit cards; to the Committee on Financial Services.

142. Also, a memorial of the House of Representatives of the State of Texas, relative to HOUSE RESOLUTION No. 798 expressing opposition to any federal legislation that would create an optional federal charter for insurers; to the Committee on Financial Services.

143. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 244 urging the United States Congress to designate the month of March, 2010 as National Essential Tremor Awareness Month for the purpose of raising awareness about the nation's number one neurological condition, affecting approximately 10 million Americans; to the Committee on Energy and Commerce.

144. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 11 declaring the week of April 19 to 25, 2009, inclusive, as "National Multicultural Cancer Awareness Week", and encouraging promotion of policies and programs that seek to reduce cancer disparities and as a result, improve cancer prevention, detection, treatment, and followup care for all Californians; to the Committee on Energy and Commerce.

145. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 137 memorializing the Congress of the United States to enact legislation preventing unintended consequences of the Medicaid Federal Medical Assistance Percentage calculation on Louisiana's and other states' Medicaid programs caused by the substantial and temporary infusion of the public and private funds into state economics following major disasters such as hurricanes, floods and earthquakes; to the Committee on Energy and Commerce.

146. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 2 urging the United States government to urge the Mexican government to extend the deadline for submitting a claim; and urging the United States government to urge the Mexican government to accept a variety of documents, including, but not limited to, affidavits or copies of original documents, to prove that a bracero or his or her heir or beneficiary has a valid claim; to the Committee on Foreign Affairs.

147. Also, a memorial of the Legislature of the State of Arizona, relative to HOUSE CONCURRENT MEMORIAL 2009 URGING THE UNITED STATES CONGRESS TO OPPOSE ANY FEDERAL LEGISLATION THAT IMPINGES ON THE INDIVIDUAL RIGHT TO KEEP AND BEAR ARMS; to the Committee on the Judiciary.

148. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No.: 106 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RECTIFY THE IMBALANCE IN FEDERAL TRANSPORTATION FUNDING

THAT HAS CONSISTENTLY PUT MICHIGAN NEAR THE BOTTOM OF THE 50 STATES IN THE PERCENTAGE OF FEDERAL TRANSPORTATION TAX DOLLARS RETURNED TO THIS STATE EACH YEAR; to the Committee on Transportation and Infrastructure.

149. Also, a memorial of the House of Representatives of the State of Louisiana, relative to HOUSE RESOLUTION NO. 120 memorializing the United States Congress to establish an additional classification for airports; to the Committee on Transportation and Infrastructure.

150. Also, a memorial of the House of Representatives of the State of Louisiana, relative to HOUSE CONCURRENT RESOLUTION NO. 173 memorializing the United States Congress to take such actions as are necessary to restore the Medicare-Medicaid crossover payments nationally so all Medicare beneficiaries in Louisiana and nationwide have equal access to Medicare benefits; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. ALEXANDER.
H.R. 122: Mr. MASSA.
H.R. 197: Mr. GRAVES.
H.R. 211: Mr. NADLER of New York, Mr. MARSHALL, and Mr. JOHNSON of Illinois.
H.R. 528: Mr. HIGGINS.
H.R. 574: Mr. SOUDER.
H.R. 707: Mr. SCOTT of Georgia, Mr. MAFFEI, Mr. AUSTRIA, and Mrs. MCMORRIS RODGERS.
H.R. 959: Mr. NYE.
H.R. 1020: Mr. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. BLUMENAUER.
H.R. 1103: Mrs. BLACKBURN and Mr. PAYNE.
H.R. 1134: Mr. MOORE of Kansas.
H.R. 1137: Mr. FILNER.
H.R. 1147: Mr. BISHOP of New York.
H.R. 1173: Mr. BERRY.
H.R. 1182: Mr. COSTA, Mr. BRADY of Pennsylvania, Mr. NYE, Mr. HOLDEN, and Ms. KAPTUR.
H.R. 1255: Mrs. MCMORRIS RODGERS.
H.R. 1283: Mr. ADLER of New Jersey.
H.R. 1327: Mr. MILLER of North Carolina, Mr. AUSTRIA, Mr. YOUNG of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GINGREY of Georgia, Mr. RYAN of Ohio, Mr. DAVIS of Alabama, Ms. SLAUGHTER, Mr. TURNER, Mr. MICA, and Mr. GALLEGLY.
H.R. 1346: Mr. FARR.
H.R. 1362: Mr. BISHOP of New York.
H.R. 1402: Mr. MARCHANT and Mr. WU.
H.R. 1431: Mr. WAMP.
H.R. 1466: Mr. HOLT.
H.R. 1485: Mr. GEORGE MILLER of California.
H.R. 1548: Mr. TEAGUE.
H.R. 1670: Mrs. MCMORRIS RODGERS.
H.R. 1691: Mr. GUTHRIE.
H.R. 1710: Mr. MORAN of Kansas.
H.R. 1826: Mr. MCGOVERN, Mr. COSTELLO, and Mr. LEWIS of Georgia.
H.R. 1831: Ms. KILROY, Mrs. MCMORRIS RODGERS, Mr. LOEBSACK, Mr. SIREN, Mr. WAMP, Mr. PETERS, Mr. LANCE, and Mr. GUTIERREZ.
H.R. 1881: Mr. PETERS, Ms. SCHAKOWSKY, and Mr. FRANK of Massachusetts.
H.R. 1969: Mr. CONNOLLY of Virginia.
H.R. 1970: Mr. TERRY.
H.R. 1974: Mr. MASSA.
H.R. 2026: Mr. SOUDER.
H.R. 2030: Mr. COHEN and Mr. CONNOLLY of Virginia.

H.R. 2058: Mr. MCCARTHY of California.
 H.R. 2125: Mr. CARNEY and Mr. NADLER of New York.
 H.R. 2139: Ms. SLAUGHTER, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. PERRIELLO, and Mr. SCHOCK.
 H.R. 2149: Mr. MASSA.
 H.R. 2214: Mr. HONDA.
 H.R. 2222: Mr. JACKSON of Illinois.
 H.R. 2296: Mr. NUNES, Mr. MICA, Mr. GRAVES, and Mr. DEAL of Georgia.
 H.R. 2304: Mr. KLINE of Minnesota.
 H.R. 2329: Mr. HINOJOSA.
 H.R. 2413: Mr. TIAHRT and Mr. BISHOP of New York.
 H.R. 2414: Mr. KAGEN.
 H.R. 2452: Mr. SMITH of Washington.
 H.R. 2460: Mr. TIERNEY and Mr. HASTINGS of Florida.
 H.R. 2478: Mr. McCOTTER and Mr. SCHOCK.
 H.R. 2480: Mr. TIERNEY.
 H.R. 2578: Mr. JACKSON of Illinois.
 H.R. 2699: Mr. BOREN.
 H.R. 2819: Ms. WOOLSEY.
 H.R. 2852: Ms. SCHAKOWSKY.
 H.R. 2866: Mr. McCOTTER.
 H.R. 2882: Mr. MEEKS of New York.
 H.R. 2891: Mr. STUPAK.
 H.R. 2894: Mr. HOLDEN.
 H.R. 2935: Ms. ROS-LEHTINEN, Mr. MITCHELL, Ms. LINDA T. SÁNCHEZ of California, Mr. CROWLEY, and Ms. JACKSON-LEE of Texas.
 H.R. 2941: Mr. HOLT and Mr. GRIFFITH.
 H.R. 2964: Mr. LATTI.
 H.R. 3017: Mr. LARSON of Connecticut.

H.R. 3042: Mr. PETERS.
 H.R. 3093: Ms. NORTON.
 H.R. 3147: Mr. CLEAVER.
 H.R. 3167: Mr. MCCLINTOCK.
 H.R. 3218: Mr. MCCAUL.
 H.R. 3257: Ms. BORDALLO.
 H.R. 3266: Mr. CLAY, Mr. HALL of New York, Mr. YOUNG of Florida, Mr. FILNER, and Mr. MCNERNEY.
 H.R. 3308: Mr. ROGERS of Michigan, Mr. MARCHANT, and Mr. WAMP.
 H.R. 3309: Mr. PAUL.
 H.R. 3350: Mrs. BACHMANN and Mr. MARIO DIAZ-BALART of Florida.
 H.J. Res. 1: Mr. BRIGHT.
 H.J. Res. 41: Mr. DUNCAN.
 H.J. Res. 42: Mr. GARY G. MILLER of California, Mr. POE of Texas, Mr. BILBRAY, and Ms. GRANGER.
 H.J. Res. 47: Mr. WAMP and Mr. DOYLE.
 H. Con. Res. 59: Mr. FORBES.
 H. Con. Res. 74: Ms. SCHWARTZ and Mr. FRANK of Massachusetts.
 H. Con. Res. 94: Mr. STARK and Mr. HOLT.
 H. Con. Res. 158: Mr. BISHOP of New York and Mrs. McMORRIS RODGERS.
 H. Con. Res. 167: Mr. POSEY.
 H. Con. Res. 169: Mr. ADERHOLT, Mr. LATTI, Mr. GALLEGLY, and Mr. CHAFFETZ.
 H. Res. 6: Mr. KRATOVIL and Mr. DOYLE.
 H. Res. 90: Mr. WAMP.
 H. Res. 111: Ms. WOOLSEY, Mr. GOODLATTE, Mr. RUPPERSBERGER, Mr. COURTNEY, and Mr. SALAZAR.
 H. Res. 376: Mr. PAYNE, Mr. McKEON, Mr. ROE of Tennessee, and Mr. SHULER.

H. Res. 494: Mr. FILNER, Mr. COHEN, and Mr. MARSHALL.
 H. Res. 558: Mr. KENNEDY and Mr. HOLT.
 H. Res. 605: Mr. MARKEY of Massachusetts, Mr. SOUDER, and Mr. SMITH of Texas.
 H. Res. 619: Mr. MICA.
 H. Res. 630: Mr. LEWIS of Georgia.
 H. Res. 659: Mr. AL GREEN of Texas and Mr. MEEKS of New York.
 H. Res. 686: Mr. WEINER, Mr. HARE, Ms. WATSON, Ms. CLARKE, Ms. BERKLEY, Mr. FALCOMA, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Mr. GRIFFITH, Mr. WELCH, Ms. BALDWIN, Mr. RAHALL, Mr. HOLT, Ms. ROS-LEHTINEN, Mr. WALZ, Mr. DOYLE, Mr. HOEKSTRA, Mr. ABERCROMBIE, Mr. CLEAVER, and Ms. BORDALLO.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

62. The SPEAKER presented a petition of City of Miami Commission, FL, relative to Resolution: R-09-0283 URGING PRESIDENT OBAMA TO GRANT TEMPORARY PROTECTIVE STATUS TO HAITIANS IN THE UNITED STATES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS AS STATED HEREIN; which was referred to the Committee on the Judiciary.

SENATE—Wednesday, July 29, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, our Father, thank You for eyes to see and hearts to feel the wonders of Your world. Fill our Senators today with fresh faith in Your power to protect and sustain our Nation and world. May they face challenges with the triumphant confidence that no weapon that has been formed can prevail against Your eternal purpose. Lord, keep them calm in temper, clear in mind, sound in heart, and strong in faith. Enable them to perform faithfully and well what You require, even to do justly, to love mercy, and to walk humbly with You. When this day's work is done, give them refreshment of mind, spirit, and body.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 29, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following the remarks of the two leaders, the Senate will resume consideration of the Energy and Water appropriations bill. Cloture motions were filed last night. As a result, there is a 1 p.m. filing deadline for first-degree amendments. Rollcall votes are possible throughout the day. I would hope that people who want to offer amendments will do so, so we can complete this legislation. There is no reason we should not finish it today.

As I announced last night, I am going to turn to the Agriculture appropriations bill as soon as we complete the action on the bill that is now on the floor of the Senate.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK VIII, DAY III

Mr. MCCONNELL. Mr. President, throughout the debate on health care reform, the administration has made a point of asking various stakeholders to come together and do their part: Doctors and hospitals are being asked to find significant savings, seniors are being asked to make major sacrifices, and so are the States. Every week, it seems, the White House hosts an event aimed at showcasing some sacrifice being made by one group or another—every group, that is, except personal injury lawyers.

It is a glaring omission, since everyone knows that the constant threat of lawsuits is one of the reasons health care premiums for families have skyrocketed more than 100 percent over the past decade and the primary reason many doctors today spend a literal fortune on malpractice insurance even before they open their doors for business. To take just one example, neurosurgeons in Miami can expect to spend more on malpractice insurance every single year than many families in Miami can expect to spend on a new home.

This is a very serious problem, and everyone knows it. Yet we do not hear a word about it—not a word—from any of the Democratic-led committees in Congress that are working on reform. It is not because the administration has not raised the issue. Last month, the President himself acknowledged the widespread use of so-called defen-

sive medicine or the practice of prescribing drugs or tests that are not really needed just to protect oneself from the threat of a lawsuit. During the same speech, the President said we need to explore a whole range of ideas about how to scale back defensive medicine. Well, Democrats in Congress must not have been paying much attention to that part of the speech because I have not heard a single word on this issue from any Democrat since—not one. One exception was the recent suggestion by some in the administration that doctors are performing unnecessary surgeries just to make an extra buck. I think a better explanation is the one the President gave last month when he said doctors often perform certain procedures just to protect themselves from frivolous lawsuits.

The costs associated with ever-increasing malpractice insurance and defensive medicine are indeed substantial, and both are simply, of course, passed along to consumers in the form of higher costs for even basic treatments and procedures. Many Americans pay an even higher price when doctors decide the threat of lawsuits and the cost of insurance just is not worth it and decide to close down their practices altogether. Every State feels the effect of out-of-control malpractice suits. One study suggests that Kentucky alone is 2,300 doctors short of the national average—a shortage that could be reduced, in part, by getting a handle on malpractice suits.

I have spoken before about the effects a culture of jackpot lawsuits has on everyday Americans, on people such as Rashelle Perryman of Crittenden County, KY. According to an article in the Louisville Courier Journal, Rashelle's first two babies were born at Crittenden County Hospital, which is about a 10-minute ride from her home. But her third child had to be delivered about 40 miles away. Why? Well, the rising malpractice rates had forced doctors at Crittenden County Hospital to stop delivering babies altogether. They just could not afford the malpractice insurance.

When the threat of lawsuits drives insurance premiums so high that many doctors are forced to go out of business, that mothers across the country cannot find a local obstetrician, and that health insurance costs for everyone continue to go up, we have a problem that needs to be addressed. Yet every single one of the so-called comprehensive health care reform proposals Democrats are currently putting together in Congress completely and totally ignores this issue.

The only people who benefit from the current system are the personal injury lawyers who can end up taking up to a third of every settlement and, frankly, if it is appealed, an even greater percentage, and protecting them is not what health care reform was supposed to be about. Yet it is hard to escape the conclusion that this is precisely what is going on here. If the administration wants to be comprehensive in its approach, it should ask the personal injury lawyers to make a sacrifice, just as they have asked America's seniors, doctors, Governors, and small business owners to make a sacrifice.

Americans do not want a government takeover of health care. They want reforms that everyone can understand and that all of us can agree on. And nothing could be simpler or more straightforward than putting an end to the junk lawsuits that drive up costs and put doctors out of business. Americans do not want grand schemes, they want commonsense proposals. Medical liability reform would be a very good place to start.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3183, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Dorgan amendment No. 1813, in the nature of a substitute.

Reid amendment No. 1846 (to amendment No. 1813), to modify provisions relating to the Department of the Interior.

Alexander amendment No. 1862 (to amendment No. 1813), to limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

HEALTH CARE

Mr. DORGAN. Mr. President, we are waiting to proceed on the legislation that has come from the Appropriations Subcommittee on Energy and Water, which I chair. We are on the bill, but

we are waiting for amendments and discussion.

But I want to make a point. We have had people coming to the floor of the Senate yesterday, now this morning, incessantly over a long period of time, talking about health care. Health care is, obviously, very important; no question about that. The relentless increase in the cost of health care hurts families. It hurts business. It hurts government programs that provide for health care. So we need to do something about that.

But it is interesting. What I hear on the floor of the Senate from the critics of these issues is: What is wrong? What is wrong? Well, it does not take a lot of energy or a lot of time to determine what is wrong and be a critic. I understand that.

I have often told the story of Mark Twain, who was asked to debate once, and he said: Of course I will be engaged in that debate, as long as I can take the negative side.

They said: Well, we have not even told you the subject of the debate.

He said: Oh, it doesn't matter. The negative side will take no preparation.

So it is with these discussions on the floor that I have just heard a moment ago and heard all day yesterday as I sat here on the floor, talking about what is wrong. Well, do you know what, we know what is wrong. What is wrong is that we have this relentless rise of health care costs. We spend more on health care than anybody else in the world, by far, and we rank somewhere around 41st in life expectancy. We spend twice as much per person than almost everybody else in the world spends on health care.

I notice that all those critics who come out here talking about what is wrong with this plan or that plan never talk about prescription drugs because most of those who have been out here criticizing the various plans are people who vote against legislation to put downward pressure on prescription drugs. Yet one of the fastest rising areas of health care costs is prescription drugs.

Let me, if I might, ask unanimous consent to show on the floor of the Senate two bottles that would contain prescription drugs.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. These two bottles I hold in my hand, which I have shown many times, contain Lipitor. It is medicine produced in Ireland and then shipped all around the world. This Lipitor, as you can see, comes from identical bottles. The same tablet, the same medicine, produced in the same plant by the same company, FDA-approved by our Food and Drug administration in our country, is put in two different bottles. One is shipped to the United States, this one, and the other

is shipped to Canada. What is the difference? Well, there is no difference in the medicine. It came from the same place, produced by the same company. The difference is price. The Canadians get to pay half the price the Americans pay.

It is not just Lipitor, the most popular cholesterol-lowering drug that exists out there. It is not just Lipitor. It is prescription drug after prescription drug. The American people get to pay the highest prices in the world. You want to talk about how you cut health care costs? How about taking a whack at this and saying it is not fair that the American people should pay the highest prices in the world for prescription drugs. Why are they required to pay the highest price in the world? Because there is kind of a sweetheart deal in law that says the only entity that can reimport prescription drugs is the drug manufacturer itself.

Much of the ingredients in these drugs come from all around the world—China, just as an example. The manufacturers can produce these drugs in Ireland, using ingredients from all around the world, and then bring them in to sell to the American consumer. But the American consumer cannot access the same FDA-approved drug sold in virtually every other industrial country at a fraction of the price the American consumer is charged.

Why, when we hear these critics come to the floor on health care issues, do we not hear them suggest: Here is an area where we could substantially cut costs and give the American consumer the opportunity everybody else has; that is, to shop for these FDA-approved drugs in areas where you see much lower prices?

The pharmaceutical industry will say: Well, if you allow the American people to do that and if we can't charge the highest prices to the American people for prescription drugs, we will not have the money to do our research to find new drugs. Well, that is not true. The fact is, the pharmaceutical industry spends more money on research in Europe than they do in the United States and in virtually every European country, the European consumers get to pay less money for the same drugs that American consumers are now charged.

A bipartisan group of us has offered legislation to give the American consumer the right to access these lower cost prescription drugs from areas where you can pay a fraction of the price for the identical drug the American consumer pays the highest price in the world for. But we have a staunch bunch of folks in this Chamber who support the pharmaceutical industry and who decide that the American people shouldn't have this right. I would say to those who are the critics of virtually anything anybody talks about in health care: Maybe you ought to decide

to support those of us who have introduced bipartisan legislation to deal with the issue of the prescription drug prices in which the American people are charged the highest prices in the world. It is not fair; it has gone on too long; and it needs to be changed.

With respect to health care, generally, this issue is one of those issues that is very important. We are in the middle of a very deep recession. I think job one in this country, by far, is to put the country back on track so people can get back on payrolls, get back to work, and have jobs. That makes almost everything else possible. This is the deepest recession since the Great Depression, and we have a lot of work to do. This President inherited a mess, no question about that. He inherited a \$1.3 trillion deficit this year. It is now going to be \$1.9 trillion because the President advanced and the Congress passed an economic recovery program to try to stimulate the economy. But we need to get this economy back on track and then we need to begin trimming back these budget deficits. We cannot, for any length of time, continue to provide a level of government the American people are either unable or unwilling to pay for. That is not a path that is sustainable. It is not a path that works. But the President, when he took office, said there are a number of other things we need to do—one of which is to try to get some control over these escalating health care costs.

I don't know exactly how this is going to end up. I don't know what plan might or might not exist at the end of the day, but I think Congress is going to find a way through this. I think it is useful and important and productive for us to be working and working hard to see: What are the solutions? How do we put downward pressure on prices? How do we try to provide broader coverage for those who don't now have health care coverage? I think we can do this. It might well be it has to be done in a couple phases, the first of which is to put downward pressure on the pricing and the second of which is to extend coverage. However we do it, we need to decide that health care costs are rising far more rapidly than is sustainable. They blow a hole in the federal budget deficit because the Federal Government, through Medicare and through Medicaid, is the largest consumer of health care, so we don't have much choice but to find a way to do this.

I understand there is a lot in this health care system that wants to protect what is, one of which is prescription drugs. I mentioned this prescription drug called Lipitor. Most people would know the name of this. Why? Because when they leaf through Newsweek or Time magazine, they will see a full-page ad for Lipitor. When they shave in the morning or brush their

teeth in the morning, if they have a television near their bathroom, they will understand about Lipitor. They will understand about the purple pill. They will understand about prescription drugs because relentless advertising is driven toward the consumer to say: Go ask your doctor if you shouldn't be taking this drug. Go check with your doctor. Isn't the purple pill right for you? There is relentless consumer advertising for something you can't buy unless a doctor believes you need it and a doctor prescribes it for you. Is that something we ought to take care of maybe? I think so.

There are a whole range of areas that I think are very important in health care that we need to try to do something about. I think we can. It is horribly complicated, very difficult, a very heavy lift, and we need to do it in a way that first and foremost puts downward pressure on health care pricing. The fact is we cannot and should not be spending twice as much as anybody else in the world per capita on health care only to find out that we rank 41st in life expectancy. That means we are spending much more than anybody else and not getting the outcome or the results.

So I would say to the people—including this morning, the first thing out of the box is the critics of health care, once again, relentlessly on the floor telling us what is wrong. As I have said, Mark Twain knew the negative side requires no preparation. So I am not sure these are well-prepared arguments, but they are certainly relentless. It is nice to hear what is wrong. Maybe as 100 Senators who dress up in suits in the morning, we could come and spend the entire day talking about what is right. This is a great country, one of which we have the privilege to live in freedom, we have the privilege to be engaged in public debate. Maybe let's spend a little more time trying to figure out what is right about this country and find out what kinds of solutions can unite us rather than divide us and find out how we get the best of each rather than the worst of both when we talk about the political parties.

If we can do that, maybe we will advance this country's interests.

The fact is we all stand in the same hole. It is a very deep economic hole, the deepest since the Great Depression, and we will all be well advised, it seems to me, to find ways to begin working together to address these issues.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I ask unanimous consent to set aside the pending amendment, in no way to disrupt the order—to come back to that.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, and I will not object, let me further ask unanimous consent that following the presentation of this amendment, we have a unanimous consent agreement to set aside this amendment for a Democratic amendment that is about to be offered.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee is recognized.

AMENDMENT NO. 1865 TO AMENDMENT NO. 1813

Mr. CORKER. Mr. President, I thank the Senator from North Dakota for his agreeing to let me do this.

I wish to call up amendment No. 1865.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 1865 to Amendment No. 1813.

Mr. CORKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated automobile manufacturers, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT; CREATION OF MANAGEMENT AUTHORITY FOR AUTOMOBILE MANUFACTURERS ASSISTED UNDER TARP.

(a) **AUTHORITY TO DESIGNATE MANAGEMENT.**—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: “, and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act”.

(b) **FEDERAL ASSISTANCE LIMITED.**—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) or to carry out the Advanced Technology Vehicles Manufacturing Incentive Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and

common equity in any designated automobile manufacturer to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(C) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(d) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated automobile manufacturers—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated automobile manufacturer; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(e) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011.

(f) DEFINITIONS.—As used in this section—

(1) the term “designated automobile manufacturer” means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78e).

Mr. CORKER. Mr. President, this is an amendment to deal with the ownership that I think many Americans have concerns about in private companies. What this amendment would do is for any company that the U.S. Government owns more than 20 percent of, it would place—such as, by the way, General Motors—what it would do is place those companies into a trust and that trust would be managed by three very professional individuals known to be leaders; people such as, I would hope, Jack Welch and others who have

shown—Warren Buffett—people who have shown the ability to actually look at assets of this nature and they would manage this particular stock ownership through December 24 of 2011. They would dispense these assets in a way that benefits the U.S. taxpayers. In the event that at that time they were able to come to Congress and let us know it was not in the taxpayers’ interests for this to be done, then we could certainly grant an extension.

The point is to make sure the taxpayers benefit from what has happened but at the same time keep all of us—as the Senator from North Carolina alluded to the other day, 100 people in suits—from actually being involved and keeping the administration from being involved, in any way, from managing these companies. I think all of us are very concerned about governmental ownership. This amendment, again, would allow the taxpayers who were sold TARP on the basis that they would get a return on their investment—and, in essence, this company—for instance, General Motors has over \$50 billion in taxpayer money in it today. What this amendment would do is it would separate the line between government and these companies but at the same time allow the taxpayers of this country and our U.S. Government to recoup those moneys to pay down this ever-building debt that our country has.

Other companies would come into this category once we got to the 20-percent level: Citigroup, AIG, obviously, would fall into this category. This amendment solves the issue for the long haul because as companies such as General Motors and others come into ownership by U.S. taxpayers—again, we are uncomfortable with that—it separates that ownership and puts it into a trust. It would be something the administration and this Congress can have nothing to do with. Yet the taxpayers’ assets, these companies that we put lots of money in, are managed to the best interest of the U.S. taxpayer.

With that, I thank my colleague for letting me call up this amendment. I realize this will be set aside, and we will be moving to other business. I hope, at some point during this debate, we will have a vote on this amendment.

I thank you very much for the time and I yield the floor.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1865, AS MODIFIED

Mr. CORKER. Mr. President, I ask that amendment No. 1865, which I called up earlier, be modified as presented at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1865), as modified, is as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “TARP Recipient Ownership Trust Act of 2009”.

SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: “, and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act”.

SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.

(a) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(c) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(d) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that

liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term “designated TARP recipient” means any entity that has received financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Federal Government holds or controls not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

Mr. CORKER. I thank the Chair.

If there is no objection from the managers, I might expand on the amendment one more time, since there is no activity on the floor.

Mr. DORGAN. If the Senator will yield, let me say that I happen to be a cosponsor of the amendment. It is being offered to the Energy and Water appropriations bill. There may well be a rule XVI against it. It appears to be legislating on an appropriations bill.

Before the Senator expands on his remarks, I think he and Senator WARNER have offered a constructive idea, one that I support and have cosponsored prior to it being on the floor. I think it is useful for Senators to hear a complete description of the proposal. If it is not resolved on this bill—and it probably will not be—my hope is it will be resolved on another piece of legislation.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I thank the Senator for his comments. What I have tried to do in this amendment with Senator WARNER—both of us serving on the Banking Committee—is to create a solution that solves the issue of us having U.S. Government ownership in companies, which I think makes most everybody in this body very uncomfortable.

At the same time, we can deal with the issue of this massive Federal deficit. I mentioned earlier that the taxpayers of this country were sold the TARP package, and we voted it into activity last fall on the fact that this \$700 billion that was being invested in financial institutions at the time—as we know, it evolved to General Motors and other companies—that money was going to be invested in these companies, and 100 percent of the repayment was going to be used to pay down the Federal deficit. That is what we all thought we were doing at that time. That bill passed out of this body with 74 or 75 votes, with all of us present in the Chamber.

Again, the American people and all of us in this body have become concerned

about what types of political activities can take place when the U.S. Government owns a bank or automobile company. I have seen it up close and personal, and I understand that political decisions can be made that are not in the best interests of the company and certainly not in the best interests of the taxpayers.

How do you solve that, create a scenario where these companies are separate from us, where Representatives and Senators are not calling up trying to help the companies decide what transactions they are going to be involved in but at the same time make sure the proceeds of sales from these companies or the securities we own in them actually end up reducing the deficit?

This is a balanced approach. Senator WARNER has joined me in this, a bipartisan effort to, again, move away from this body, move away from the administration and the House of Representatives any ability to affect these companies politically but at the same time to ensure that any proceeds coming from the sale of these securities ends up going to pay down the Federal deficit, which I think all of us are concerned about.

We are all aware that under the 10-year budget that is proposed, our deficit doubles from what it has been the entire history of our country—doubles over 5 years and triples over 10 years. I think people around this country, rightly so, are worried. I got a town-hall phone call last night, and people are concerned about the deficit. We are all concerned. This bill will help solve that, not make it worse, and at the same time remove us from any kind of politicization of these companies.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WYDEN. Mr. President, I wish to spend a few minutes this morning talking about some of the positive developments that are taking place right now on this issue of health care reform. For example, this morning, the President is out talking to workers who already have insurance about how health care reform will work for them. He is spending his political capital. He is using the bully pulpit that is the White House. It is clear that this is a priority for the President of the United States.

A second positive development is in the Senate Finance Committee. We have a bipartisan group of six Senators. They are putting in killer hours

at this point. I have been kidding them that I suspect they are being fed intravenously, but they are trying to put together a bipartisan health reform effort, and I appreciate what they are doing.

Third, I note my good friend from Utah on the floor of the Senate this morning. He and I have made it clear that the sponsors of the Healthy Americans Act, a bipartisan group of 15 of senators, are very open to working with Chairman BAUCUS, Chairman DODD, and the President of the United States in a bipartisan fashion to fix health care.

So the question that is front and center in all of these discussions with the President, with the bipartisan group in the Finance Committee, with the bipartisan group of Healthy Americans Act sponsors that Senator BENNETT and I are part of, is how we control costs in health care. What are we going to do to make health care more affordable?

It is our judgment that the key to making health care more affordable is to make sure people have bargaining power and people have choice—the same choice that Members of Congress have. The distinguished Senator from New Mexico, the Senator from Utah, and myself actually belong to something that is pretty much an exchange, which is like a farmers market for health insurance. But essentially what we in the Senate have is the opportunity to choose from a menu of private health policies. We get rewarded for making an economical selection to save on our premiums, and we get rewarded when we choose a program that puts more emphasis on prevention and health. So when Senators shop wisely, they end up being wealthier and healthier as a result of being able to participate in a big exchange.

What Senator BENNETT and I wish to do today is extend that kind of bargaining power to everybody in our country. After a period of time, a phase-in over a few years, everybody in our country ought to have a chance to have the kind of bargaining power and the kind of clout that Members of Congress have. Everybody in our country ought to be in a position to choose a policy that works for them. And when they make a good choice, when they shop wisely, the extra money should go into their own pockets. That is the kind of approach Senator BENNETT and I have advocated. It is a way to focus on these exchanges, these farmers markets which, in my view, are the key to getting health reform right.

What these exchanges do, if we set it up right, is they give all the middle-class people who are insured today in New Mexico, Utah, and Oregon a chance to come out winners under health reform at the get-go. And if you are already insured, the President has said he is going to let you keep the

coverage you have. Now that makes a lot of sense. We senators hear that at every meeting back in our states.

But if, for example, in Utah, Oregon, or New Mexico, you don't like the coverage you have and you can get a better deal at the exchange, something that puts more money in your pocket, something that helps you and your family, let's let people do that under Free Choice.

Under the Free Choice proposal Senator BENNETT and I have advocated, that we have presented to Chairman BAUCUS, Chairman DODD, and the President of the United States, this is something we can do for the insured that helps them save money right at the get-go.

Regrettably, a number of the bills that have been considered in the Congress do not give people those kinds of choices. And when we look at how these bills are set up, there are what are called "firewalls" that restrict people from getting these choices. A lot of the people who are advocating for a public option are not even going to get the choice to enroll in one.

The key to helping people who already have insurance, the 160 million who get coverage through their employer today, is to get these exchanges right and to make sure that everybody has bargaining power within these exchanges as part of a big group.

I have a private policy as a Member of Congress. The people in Oregon, in effect, are my employer. They pay a portion of it. We have a million people in our group. That is the way to spread a lot of cost and risk through a group so you can get real value. Let's set these exchanges up at least so they contain big groups through a regional approach. Senator BENNETT and I said we are open to a variety of ways of doing this. But let's make sure that everybody has some clout in the marketplace. If you are a small business in New Mexico today, you get strangled by the administrative costs of health care. You don't have much clout in the marketplace. As a small employer, you may be paying 30 percent of your health care dollar for administration. It should not be that way. We should be giving those small businesses relief.

What Senator BENNETT and I have said with our free choice proposal is if you are an employer in New Mexico or elsewhere in this country, you may want to take your workers to the exchange. This is employer-sponsored insurance. This is an employer taking their workers to the exchange. As an employer, you can go to the exchange in New Mexico and say you want a discount because you are taking your group of workers to the exchange. That is playing hard ball with the private insurance business. That is saying to the insurers in New Mexico you are not doing good enough; you are not giving me a good enough deal, so I am going

to have a chance to go to the insurance exchange and get a better one. We call it Free Choice: more options for employers and more options for workers. Options that look like what Members of Congress have.

I fear if we do not set up a system that gets this exchange right so that people have bargaining power—employers and employees—we are not going to be able to get the kind of cost containment the President of the United States has identified correctly as the heart of health care reform. It is about holding down costs. It is about making coverage more affordable.

I urge colleagues to look at the article that was written in this morning's Washington Post by Ezra Klein talking about the importance of the exchange and what it can mean for the bargaining power of middle-class people and businesses if it is set up right.

We know how to set it up right because it resembles the system that all of us enjoy in the Senate. At the beginning of the year, senators have a choice, a menu of options. If you make a good one, the money goes right into your pocket.

One last point with respect to Free Choice. Sometimes the best choices are not the most expensive choices. Senator BENNETT knows a lot about this because in Utah they have a system, intermountain, that has illustrated that the best choices are not always the expensive choices. Let's make it easier for people to choose an Intermountain program or a Mayo program or any of the other integrated systems that are regarded as the gold standard in terms of quality.

One of the concerns I have about all of these firewalls in the legislation that is being considered is that Americans around this country, after a big push in the Congress to choose quality, are not even going to have the opportunity to choose a program like Mayo or Intermountain that gets more value for the health care dollar.

There are some positive developments in the health care debate going on today. To highlight some of these developments, the President is out talking to workers; negotiations are going on in the Senate Finance Committee; and there is the very gracious approach that Senator BENNETT and a number of Republicans are taking in terms of saying: Look, we want this to be bipartisan, we want to meet the President halfway.

Each of those developments, it seems to me, is very positive. Fixing health care is absolutely key to fixing the economy.

As Ezra Klein pointed out this morning in the Washington Post, the reason people's take-home pay isn't going up is because medical costs are gobbling up everything in sight. So the key to fixing health care is promoting free choice; getting these exchanges right

so employers and employees have more opportunities to hold costs down.

I think, in view of these positive developments I have highlighted, there is reason for Senators to stay at it and keep working in a bipartisan way, and real progress is going to be made before this body leaves for the August break.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, I have listened with interest to my friend from Oregon outline his relentless determination to get a solution to this problem, and I pay tribute to him for his willingness to do that. I am happy to follow his leadership, as we do our best to support what has been known colloquially around the country as the Wyden-Bennett bill, although in Utah we refer to it as the Bennett-Wyden bill.

We have heard a lot of debate during the time when we should have been dealing with energy and water. Senator after Senator comes down and asks for permission to speak as in morning business, and they always speak about health care. Since we haven't anybody else to speak about the bill on the floor, Chairman DORGAN has indulged them in that bit of morning business.

The one thread that has run through much of the statements about health care has been that we must get rid of the present system, as if that were a debatable issue. Everybody recognizes we must get rid of the present system. The proposal Senator WYDEN and I have been behind gets rid of the present system. And coming to the floor and giving example after example of how the present system has failed Americans is not the same as putting forward a legitimate proposal as to how to deal with the present system. We discussed that a little yesterday, so I will not go into it again.

I wish to make one slight addition to the comments Senator WYDEN made with respect to choice. When I first got here, and the First Lady of the United States, Hillary Clinton, was proposing a health care program, one of the mantras we heard on the street from people who would demonstrate was: We want what Members of Congress have. We want the plan you have.

And I said—half facetiously but half seriously—I want the plan I had before I came here. Because the plan I had was better than the one we got as Members of Congress.

I point out the reason I wanted that plan is that I got to pick what that plan would be. How did I get to pick what that plan would be? I got to pick because I was the CEO of the company that made the choice. I was the only person in that company who got to pick, because once I made the decision that this is what we will have in the company, everybody else in the company was dependent upon my wisdom.

Senator WYDEN has pointed out we do have a wide range of choices in the plan that are available to us as Federal employees. I underscore, when I discuss this with people in Utah, that because I am a Senator, I have the same plan people at Hill Air Force Base have. This is the plan of all Federal employees. Yes, there are a number of choices and, yes, I am satisfied with it and I like it. But it is still true it is my employer—in this case the Federal Government—who designed the plan.

I am glad it is a good plan. I don't think I would want to change it. I think I would take advantage of the promises that have been made in this debate; that if you like what you have, you can keep it. But the point is that someone who is an employer, who has not made that available, is frozen out of the opportunity for choice by virtue of the decision that the CEO of his company made. The one sure-fire question I can ask and know the answer I will get at every town meeting I hold on this is to say: How many of you—in the group gathered—either know somebody or are somebody trapped in a job he or she hates because they are afraid to lose their health care benefits? Every time I ask that question, hands go up all over the room.

That is the kind of thing Senator WYDEN and I are trying to change. These people are locked in a job they hate because they are afraid they will lose their health care. They are not allowed the choice of deciding what their health care dollars will be spent for. It is determined for them by their employer. If we go the direction in which Senator WYDEN and I want to go, employers that continue to offer plans the employees like will find that their employees will exercise their right of choice to stay with that plan. But employers that say: No, we are going to cut corners a little and cut back on things, just because we think it would be better for our bottom line if we do this, will discover that if our legislation passes, their employees will be empowered to say we are taking our health care dollars and going somewhere else and making another choice.

That is the fundamental reason why we have been scored as having the bill that will turn the cost curve down rather than up. We change the present system in a way that will allow market forces to get into the mix and allow people to exercise their free choice and start to save money as a consequence; whereas, all the other plans that are being scored as turning the cost curve up do so because they eliminate any power of individuals in the marketplace to exercise their choice.

I wish we were discussing energy and water. We seem to have turned this into a discussion of health care because the other folks will not come down. I won't intrude upon that any further. But having heard my colleague, I felt it

appropriate for me to make these additional comments.

With that I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a point because we have heard a lot of discussion about health care. My colleague from Oregon and my colleague from Utah talked about this yesterday and today and I think it is important to point out.

When people talk about the choices Members of Congress have, I think it is giving the impression that somehow Members of Congress have some gold-plated health care system that other Federal employees do not have. In fact, I believe the choices available to Members of Congress are the choices available in the Federal Employees Health Benefit system for millions of other Federal employees.

The reason I make that point is we have had a lot of people talk about the choices Members of Congress have with their health plan. This Federal Employees Health Benefit Plan is available to all Federal employees. All Federal employees have the same choices, by and large, and those are the choices Members of Congress have.

Last weekend, I had several people talk to me about the extraordinary health insurance Members of Congress have, and I think part of that comes from this discussion about Members of Congress have all these choices. It is very important for people to understand that we have the same health care plan other Federal employees have—millions of them—and the same choices they have. I just wanted to make sure the RECORD shows that because I think it is important.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, let me pick up on the point made by the Senator from North Dakota because he is very accurate in his assessment.

One of the reasons they like so much this idea of trying to set up a model as we have in the Congress, with our exchanges, is because, for example, somebody who is working for the Forest Service in the State of Oregon has essentially the same kinds of choices I have for the Wyden family.

I think Senator DORGAN's point about trying to make clear to the American people that these choices Members of Congress have, somebody, for example, who works for the Forest Service in Oregon, has essentially the same choices, which involve basic health care—what we think of as preventive care, primary care, being able to go see a doctor, being able to get hospital coverage, and a reasonable catastrophic benefit. That is what Members of Congress can essentially choose from, and that is what somebody has an opportunity to get if they work at the Forest Service.

I think Senator DORGAN's point is very valid. The reason I have come

back to this is because, under our free choice proposal, people in this country would, in effect, be able to go to one of these exchanges, which is similar to a farmer's market, and choose from a menu of private policies, not unlike what a Member of Congress has and somebody who works for the Forest Service. So I think the Senator from North Dakota has made a good point.

We, of course, have a lot of bargaining power because we go into these big groups, and that bargaining power can hold down administrative costs and get a better deal for somebody who has insurance. I would like to see, as we go forward with this legislation, that these exchanges are set up around a lot of the same principles Members of Congress have. Because if you do that, that is going to hold costs down for people who have insurance, and it is going to make their coverage more affordable. For example, the workers the President is going to see today would have additional choices in the future and save money when they are purchasing quality health care.

With that, I thank the Senator from North Dakota for making an important point.

The PRESIDING OFFICER (Mr. BENNET). The Senator from North Dakota.

AMENDMENT NO. 1846 TO AMENDMENT NO. 1813

Mr. DORGAN. Mr. President, we are ready to clear several cleared amendments, so I ask unanimous consent to immediately consider amendment No. 1846, which is already pending.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DORGAN. My understanding is the amendment is cleared on both sides. I believe there is no further debate, and I ask for its immediate consideration.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1846) was agreed to.

AMENDMENTS NOS. 1844 AND 1845, EN BLOC

Mr. DORGAN. Mr. President, I ask unanimous consent to call up amendments Nos. 1844 and 1845, en bloc; further, I ask unanimous consent to dispense with the reading of the amendments.

I believe there is no further debate. These are technical amendments that have been cleared by both sides, and I ask for their immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 1844 and 1845) were agreed to, as follows:

AMENDMENT NO. 1844

(Purpose: Provides a technical correction to a Corps of Engineers project)

Provided further, That the Chief of Engineers is directed to use \$1,500,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design

efforts, execute a project partnership agreement, and initiate construction of the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008:

AMENDMENT NO. 1845

(Purpose: Provides transfer authority for the Corps of Engineers and the Bureau of Reclamation)

SEC. ____ Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end of the Title, the following new section 411:

‘Section 411.— Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: Provided, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: *Provided further*, That funds set aside under this section shall remain available for obligation until September 30, 2012.’

Mr. DORGAN. Mr. President, I believe we will have an amendment by the Senator from Nebraska in a few minutes. But let me say, with the Senator from Utah, we need to have Senators come over and offer amendments. If you have amendments you want to add to this bill, offer, and debate, we expect you to be here. Ultimately, those who have amendments and don't come to offer them are probably going to be precluded at some point because we will move to complete this bill.

We have sat here the day before yesterday, yesterday, and now today. This is a very important piece of legislation that deals with the energy and water projects across the country, and we want to complete this bill, preferably this evening, if we can. In order to do that, we need to at least have some semblance of cooperation, which has been little evident, at least in the past couple days.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I would ask the chairman, since cloture has been filed, doesn't there arise a time at which there is a cutoff by which amendments can be offered?

Mr. DORGAN. I would say to the Senator from Utah there is a 1 p.m. filing deadline today. But the fact is we already have amendments filed but aren't offered. So I expect we will get additional amendments filed. The key is to get people down here to offer their amendments, but there is a 1 p.m. filing deadline.

The cloture motion was filed last evening, and I understand why the Senator from Nevada, the majority leader, filed it. I don't think he had much choice. We bring an appropriations bill

to the floor that has very widespread support and then it largely comes to a standstill. It would not make much sense for us to be here in this position all week.

I think Senator REID had very little choice but to file a cloture motion. My hope is we would not need it. If people will come and offer their amendments, we will work with them. Senator BENNETT and I will work to accept the amendments we can and get the votes and perhaps this evening get this bill completed.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I ask to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1874 TO AMENDMENT NO. 1813

Mr. NELSON of Nebraska. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 1874 to amendment No. 1813.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the investment by the Federal Government in the automotive industry of the United States is temporary)

In the appropriate place, insert the following:

SEC. ____ (a) The Senate finds that—

(1) the United States is facing a deep economic crisis that has caused millions of workers in the United States to lose their jobs;

(2) the collapse of the automotive industry in the United States would have dealt a devastating blow to an already perilous economy;

(3) on December 19, 2008, President George W. Bush stated: “The actions I’m announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination and bounce back from tough times and emerge stronger than before.”;

(4) on March 30, 2009, President Barack Obama stated: “We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it’s an emblem of the American spirit; a once and future symbol of America’s success. It’s what helped build the middle class and sustained it throughout the 20th century. It’s a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It’s a pillar of our economy that has held up the dreams of millions of our people. . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state.”;

(5) the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC in order to provide economic stability to the United States;

(6) the Federal Government should work to protect the investment of the taxpayers of the United States;

(7) the Federal Government should not intervene in the day-to-day management of General Motors or Chrysler; and

(8) the Federal Government should closely monitor General Motors and Chrysler to ensure that they are being responsible stewards of taxpayer dollars and are taking all practicable steps to expeditiously return to viability.

(b) It is the sense of the Senate that—

(1) the Federal government is only a temporary stakeholder in the automotive industry of the United States and should take all practicable steps to protect the taxpayer dollars of the United States and to divest the ownership interests of the Federal Government in automotive companies as expeditiously as practicable; and

(2) the Comptroller General of the United States, the Congressional Oversight Panel, and the Special Inspector General for the Troubled Assets Relief Program should continue to oversee and report to Congress on automotive companies receiving financial assistance so that the Federal Government may complete divestiture without delay.

Mr. NELSON of Nebraska. Mr. President, the amendment I propose serves to address the government's significant ownership and puts the Senate on record and makes absolutely clear that the Federal Government is a temporary shareholder in General Motors and Chrysler and should divest its shareholder position as expeditiously as possible.

It is pretty clear no one ever wanted the government to be in the car business, but the alternative was worse and the turmoil in the auto industry extends far beyond Detroit, as most Americans know.

Dealerships across my State of Nebraska, and I am assuming across your State as well, are feeling the impacts of decisions made by automakers following their bankruptcies. Chrysler has terminated franchise agreements with 9 dealerships in Nebraska, and GM is terminating franchise agreements with 21 dealerships in Nebraska. These decisions are affecting dealerships, their employees, and communities across my State.

However, now that investment has been made, we owe it to the American taxpayer to be clear about what will happen with their money. My amendment states that the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible.

The government should not be involved in day-to-day operations, and as soon as the auto companies have regained their financial footing, the government must divest.

Further, this resolution calls on the Government Accountability Office and inspector general for the Troubled Assets Relief Program, or TARP, to continue to provide oversight and report

to Congress on the automakers' progress so the Federal Government may complete divestiture without delay.

This is not a partisan issue. We have had Presidents of both political parties recognize the need to address the current downfall of the auto industry and recognize the need to remove government involvement as quickly as possible.

Our sense-of-the-Senate resolution affirms what the President has already made clear. Taxpayers should be protected and the government should get out of the auto business as soon as possible. Through this amendment, the Senate leaves no question about the government's future role in the U.S. auto industry. In the event there has been an uncertainty about that ownership, this resolution will clear that up.

I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are awaiting some word from Senator ALEXANDER. He was here earlier this morning to offer an amendment. We indicated we would very much like to have a vote at 11:30 this morning. We are trying to contact Senator ALEXANDER and his staff. There will be a budget point of order against the amendment offered by Senator ALEXANDER, so the vote would be on the point of order that will be made with respect to the budget.

Senator BENNETT and I hope we can get this vote so we can get people to the floor and determine which amendments are going to be offered and when. The majority leader has been extraordinarily patient. He is trying to schedule bills to the floor of the Senate. We bring an Energy and Water appropriations bill to the floor of the Senate, people say they have amendments but they do not come to the floor to offer them, so the majority leader filed cloture last evening, a cloture motion that will ripen tomorrow.

He did not have much choice but to do that, and I think what is happening today demonstrates the requirement that the majority leader had to file a cloture motion. It would be far better for everybody if we can dispose of the amendments.

I think we have three amendments dealing with TARP funds. I think we can dispose of the three of them. If we can have Senator ALEXANDER come and reach an agreement on time and have a vote at 11:30, at least we would at that point get Senators to the floor, dispose

of that amendment on a budget point of order. There will be points of order against the other two TARP amendments as well—different points of order, I might add.

Mr. BENNETT. Mr. President, I have just spoken with Senator ALEXANDER. He is on his way over and is amenable to having a rapid vote. So he would come over and discuss with us the unanimous consent agreement with respect to time.

Mr. DORGAN. Mr. President, we appreciate the cooperation of Senator ALEXANDER. I know he cares a lot about his amendment. As I indicated, there will be a budget point of order that lies against the amendment. I will make that point of order, but then we will have a recorded vote on that point of order. My hope would be that we can do that at 11:30 this morning, for the information of other Senators and their staffs, and we will determine that when Senator ALEXANDER arrives on the floor momentarily.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1862

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Alexander amendment No. 1862 and that Senator DORGAN be recognized to raise a Budget Act 302(f) point of order against the amendment; that once Senator ALEXANDER has moved to waive the relevant point of order, debate on the waiver extend to 11:25 a.m., with the time equally divided and controlled between Senators DORGAN and ALEXANDER or their designees; that at 11:25 a.m., the Senate proceed to vote on the motion to waive, with no amendments in order to the amendment during its pendency.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. ALEXANDER. Mr. President, I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The yeas and nays are ordered.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, we have the time equally divided between now and 11:25; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I would like to reserve the last minute of my time, if I may, for use before the vote. But I will go ahead now.

I thank the managers of the bill for creating the opportunity for this vote. The American people want the government, the Federal Government, out of the auto business. I believe Democrats and Republicans in the Senate would like to have the government out of the auto business. President Obama has said he would like to have the government out of the auto business. Yet we are in the auto business in a big way for the foreseeable future unless we take some action.

The taxpayers have paid almost \$70 billion for 60 percent of the stock in General Motors and about 8 percent of the stock in Chrysler. My amendment is identical to legislation which is co-sponsored by the distinguished Senator from Utah, Mr. BENNETT, and Senator MCCONNELL, Senator KYL, and others. What this amendment would do, most importantly, is have the Treasury, within a year, to declare a stock dividend, which means to give the stock the government owns in General Motors and Chrysler to the 120 million Americans who pay taxes on April 15.

They paid for it. They should own it. Why is that a good idea? Polls show that 95 percent of Americans disagreed "that the government is a good overseer of corporations such as General Motors and Chrysler." We know that. We have seen the incestuous relationship that develops. We own the company, so we call up the managers and say: Change your dealer contracts. Don't close a warehouse in my district. Put your plant in my State. Why are you buying a battery from South Korea when you could be buying one from my congressional district?

We can, and are, summoning the executives of General Motors and Chrysler to the more than 60 committees and subcommittees in Congress that have some say-so over these companies we own, one of which we own a big majority of. So the executives have to drive in their congressionally approved methods of transportation to Washington, DC, and spend time talking to us, who know nothing about building cars, but that doesn't stop us from giving them a lot of advice. Then these executives go back. During that day they have talked to us, they haven't designed or built or sold a car.

We need to get the stock out of the hands of the government and into the hands of the taxpayers. Several Senators have suggested a way to do that. The simplest way is the corporate spin-off or spinout. A spinoff is a new organization or entity formed by a split from a larger one. It typically happens when we have a corporation that has a subsidiary which increasingly doesn't have any relevance to the major corporation's business, so we simply give

the ownership to the owners of the major corporation. That is what Procter & Gamble did with Clorox in 1969. Procter & Gamble decided Clorox didn't have anything to do with Procter & Gamble anymore, so they gave all the stock in Clorox to the owners of Procter & Gamble. In March 2009, Time Warner gave all the stock in Time Warner Cable to the people who paid for the stock in Time Warner. In 1997, PepsiCo gave all the stock in KFC and Pizza Hut and Taco Bell to the people who own stock in PepsiCo. Why should we not do that with General Motors and Chrysler? The taxpayers paid for it. They own it. We should give the stock back to all the taxpayers who paid for it on April 15. We should stop this incestuous political meddling with major American corporations. The only alternative, other than this, is to slowly sell down the stock over a period of years. Over that time, we will meddle so much, General Motors will never survive.

This is the best thing for General Motors. It is the best thing for the country. If we want to reverse this trend of Washington takeovers of banks, insurance companies, and car companies, this is the simplest thing to do.

I urge colleagues to vote yes on the motion to waive the budget point of order.

I yield the floor.

THE PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Illinois.

Mr. DURBIN. Mr. President, I commend my colleague from Tennessee for his ingenuity, creativity, but not necessarily for his wisdom. I don't agree with this amendment, and I am going to oppose it and urge my colleagues to do the same.

The U.S. Government never wanted to get in the automobile business. President Obama has said that. He said he will not run these companies. That is not why he ran for President. What he tried to do is to save some major companies in America and, more importantly, save jobs as well. What he tried to do was create incentives for the companies to make some decisions they needed to make: Chrysler to ally with Fiat for the future; General Motors to basically gear down the number of cars they are going to make and the number of brands, try to be a leaner company that is going to be more responsive to American consumers. That is why we are in the automobile business. The President, nor any member of his Cabinet, is not sitting down on a day-to-day basis making decisions when it comes to the future of the automobile companies.

The Senator from Tennessee wants to take the taxpayers' investment in General Motors and other companies and basically turn it into a couple shares of stock, maybe 10, 20—I am not sure—for every American. That may be an approach, but I don't think it is one that

is well thought out. What happens then at the next General Motors shareholders meeting, after Senator ALEXANDER's wish comes true? Who stands up to the management of the company? Does each of us give up a day of work and go to the meeting to sit down and help make these decisions? Not likely. What is more likely to occur is that the ownership of General Motors will feel no obligation. This stock ownership being distributed across America is going to dilute the impact of shareholder rights and the impact of shareholder power. I would rather have at least the prospect and the possibility that if the administration and management of General Motors goes too far in one direction, they know that TARP, the money being spent there, is going to be a factor they have to take into consideration.

What could they possibly do that would enrage the taxpayers of America who have saved their company? They could do what some of the banks did: They could declare multimillion-dollar bonuses for the people who work for them. What is holding them back? Their largest lender, the U.S. Government, which doesn't exactly like that idea, as most Americans do not. This is going to end up liberating General Motors in many respects—maybe some positive but also some negative, terrible decisions which they could make with impunity after the amendment passes.

There is a reason this was defeated in the Appropriations Committee. There is a reason it should be defeated on the floor of the Senate. Before we embark on this idea of providing a couple shares of stock to every citizen, we ought to step back and ask ourselves: Is this the best outcome to make sure this company and its workers' and retirees' rights survive or is this kind of an ingenuous, creative idea that ought to be thought through? This needs to be kept in the pot, boiling on the stove a little bit longer, before we decide we are going to embark on what is a first of its kind in America. Every example Senator ALEXANDER gave involved shareholders receiving shares in companies. They weren't given to the public at large, which is what he is proposing here. That is a dramatic difference. We are diluting the impact on the shareholders with the Alexander amendment. I hope my colleagues will join me in opposing it.

THE PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. The Senator from Illinois made an eloquent argument about why he believes it is better for the government to run the auto companies. I believe it is better to put it in the hands of the stockholders. Those are the people who pay taxes on April 15.

THE PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. How much time remains?

THE PRESIDING OFFICER. A minute and a half remains under the control of the Senator from North Dakota.

Mr. DORGAN. I understand what Senator ALEXANDER wants to do. I have some of the same instincts. The President does as well. I don't want the Federal Government running America's corporations. We want to divest as quickly as we can. We want the companies to recover. But whatever we do here, we need to do it in a way that protects the interests of the taxpayers. Theirs are the interests that are at risk. To set a date within 1 year does not protect the interests of the taxpayers.

I happen to support a Corker amendment. I was a cosponsor of the Corker amendment that talks about the establishment of trustees, three trustees to actually be engaged in running these companies so the government is not running them. It talks about liquidating that trust by December 2011. But they would submit a report to Congress. That liquidation would not happen unless it maximizes the profitability of the company and the return to the shareholder. That is one thing missing in the Alexander amendment, the question of what maximizes the return to the American taxpayer. They are the ones who are at risk. What do we do to maximize the return, or are we going to leave tens of billions of dollars on the table because somebody simply wants to pass a piece of legislation with an artificial end date?

I don't disagree with the intent of wanting to get out from under this issue of the Federal Government being engaged in these corporations. That is why I cosponsored the Corker amendment.

Mr. LEVIN. Mr. President, I strongly oppose Senator ALEXANDER's amendment, No. 1862. This amendment would undermine the hard work and painful sacrifices that have been made over the last several months by GM, Chrysler, hundreds of auto parts suppliers, thousands of dealerships, and millions of families. It would destroy the viability of the domestic automotive manufacturers, and would cost America thousands of jobs at precisely a time when unemployment is sky-high, and likely to go higher.

This amendment would force the government to divest its interests within an arbitrary timeframe, even if doing so would be detrimental to the taxpayers, the automobile companies, and the country as a whole. If the government has not divested its interest within that timeframe, it would be faced with a choice: it could divest the government's ownership quickly—before the reorganization efforts are complete and benefits realized—or be forced to direct the companies to issue millions of fractional ownership interests to taxpayers.

Approximately 138 million Americans file tax returns, and under this amendment, they would all become shareholders. The automakers will be faced with enormous administrative difficulties and unknown tax consequences. For example, how much would it cost to distribute proxy materials to 140 million "owners"? How about keeping track of ownership interests and tax filings? Berkshire Hathaway famously hosts its annual meetings in a massive sports and entertainment complex. There is not a venue on the planet that could host a shareholder meeting with nearly 140 million owners.

Further, an extremely diffuse ownership base could lead to significant corporate governance concerns, with a management structure that may be less accountable to shareholders, not more. Because there would be so many shareholders, each would have extremely limited ability to affect change. That is exactly the wrong direction. The taxpayers deserve to have a strong voice in return for their significant investments. These penalties would be disastrous for the taxpayers and could be fatal to the companies.

This amendment would impose fiduciary duties onto administration officials, with their goals to be "maximization of the return." The amendment would then also subject these officials to potential civil suits. This obvious attempt to co-opt traditional corporate law fiduciary duties is simply inappropriate here. The Secretary and his designees have duties to uphold the Constitution and the laws of the United States; they are not simply members of boards of directors. They are officials of the government. And they cannot be forced to take actions that may be contrary to their governmental duties.

Of course, imposing this liability would also come with some great costs. The legal costs on the companies would likely be enormous, as would the time demands upon the administration officials, which would keep them from their critical governmental duties.

The amendment would also prohibit the Secretary of the Treasury from spending or obligating any more funds under the Emergency Economic Stabilization Act of 2008 to any automobile manufacturer. Restructuring an entire industry takes patience, sacrifices, and capital. And while we all hope that the capital requirements are behind us, the administration's ability to ensure the success of the restructurings should not be unnecessarily and arbitrarily restricted.

This amendment is a recipe for disaster that could undo the efforts that have gone into preserving the domestic auto industry these past several months, and I urge my colleagues to join me in voting against it.

Ms. STABENOW. I wonder if I might ask unanimous consent for 1 minute before we go to a vote?

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. If I may have an additional minute?

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I know there is a point of order against this amendment, but despite the intent, which I appreciate and agree with, of protecting taxpayer dollars, unfortunately, the way this is designed, it would actually put taxpayer dollars at risk by creating an end deadline so that we would have all of the taxpayers' interests coming up at the same time. It would lower the value. It would put the companies at risk of a takeover, which I don't believe my colleague or anyone in this body would want.

It is incredibly important that we not try to intervene with end dates that are, in a way, going to backfire in terms of putting taxpayer investment in these companies at risk.

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute.

Mr. ALEXANDER. Mr. President, I am surprised by this. I thought we all wanted to get the stock out of the government and into the hands of the taxpayers. The argument I am hearing is that the government is wiser than the marketplace, that it is dangerous to give the stock to the 120 million taxpayers who paid for it. It is their taxpayer money. They should own it. General Motors had 610 million shares before it went bankrupt and 51 percent of American families own stock. This is a classic difference of opinion. Do we want the government to run companies? Do we trust the government or do we trust the shareholders? I trust the shareholders.

I urge colleagues to vote aye.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Alexander amendment No. 1862. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays, 59, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—38

Alexander	Brownback	Coburn
Barrasso	Bunning	Cochran
Bennett	Burr	Collins
Bond	Chambliss	Cornyn

Crapo	Inhofe	Risch
DeMint	Isakson	Roberts
Ensign	Johanns	Sessions
Enzi	Klobuchar	Shelby
Graham	Kyl	Snowe
Grassley	Martinez	Thune
Gregg	McCain	Vitter
Hatch	McConnell	Wicker
Hutchison	Murkowski	

NAYS—59

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Voinovich
Dodd	Lugar	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment fails.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1344

Mr. VITTER. Mr. President, I rise to talk about something I have brought up several times on the floor of the Senate, which is the fact that the highway trust fund, essential to continuing to build out our highway infrastructure, and particularly essential in the midst of a recession, is about to run out of money. We need to do something about that and we need to act responsibly; not merely increase debt, increase deficits, borrow more money but act responsibly to replenish this trust fund in a way that doesn't drive up yet more the public debt and the Federal Government debt. I have a proposal to do that, but it is essential we consider this issue now, this week, and not wait until next week when the House of Representatives will not even be in session so we can correctly address this issue and act in a responsible way.

Again, it is very clear the highway trust fund is running out of money. I

think it is a near universal consensus that we need to act, we need to do something about it so the highway program doesn't end and essential construction in all our States around the country doesn't come to a screeching halt. But how do we do that? That is the issue.

There is absolutely no reason we need to do this by driving up the debt yet more, borrowing yet more money from our lenders, whoever they may be, including the Chinese Government. We can do this with already appropriated dollars. How do we do it? Well, let's move some of the stimulus dollars—a very small percentage of the stimulus bill which is already passed, dollars which have already been appropriated—to the highway trust fund. This solves the problem and does it in a responsible way, without increasing our debt level, without borrowing yet more money from all sorts of sources, including foreign sources.

I summarized this proposal in a letter to Senator REID, cosigned by about 35 of my colleagues, and we sent the distinguished majority leader this letter on July 21. We urged him to get behind in support of this proposal, but we also urged him to take up this matter of the highway trust fund now—sooner, not later—so we can have a full and fair debate on the issue and come to a proper resolution.

Why does it matter when we take this up? Well, for a very simple reason: This week we could address the issue; we could have a full, fair debate; we could amend House action and send it back to the House and include the proposal that funds be shifted from the stimulus to meet this essential need. Next week, we can do the same thing, but I can tell my colleagues the first thing that will come out of the mouth of the majority leader and others will be: Well, the House is gone. The House has left town. It is take it or leave it. It is accede to everything they want. We can't amend it one comma, one period.

That is bogus. We can amend it. We can, in particular, amend it if we act this week. That is what we should do, as soon as we conclude consideration of the Energy and Water appropriations bill, which is on the floor now.

I urge all my colleagues to come together in a reasonable, responsible debate to consider this commonsense solution of replenishing the highway trust fund but doing it out of stimulus dollars, so we don't increase the debt yet more. After all, highway construction is exactly the sort of stimulus we can all agree on. It is precisely the sort of stimulus spending that has very broad, near universal, bipartisan support. So it is fully consistent with the broad goals of the stimulus.

With all that in mind, I would repeat a unanimous consent request that I proffered several days ago. Several

days ago, I asked for unanimous consent that the Senate call up and pass S. 1344, my bill to use stimulus funds to protect the solvency of the highway trust fund. This request was objected to on the Democratic side.

I would now renew that request and specifically ask unanimous consent that the Senate enter a unanimous consent agreement that would provide for a time certain, immediately following the conclusion and consideration of the Energy and Water appropriations bill, to consider this bill and allow for relevant amendments.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, I wish to spend about a minute to explain why I will object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I know Senator VITTER serves on the Environment and Public Works Committee with me. We have worked closely on many issues. I know he is aware that our committee has already voted out an 18-month extension of our highway program, our transportation programs, and he also knows other committees have acted on that same extension—the Banking Committee as well as the Finance Committee.

The Finance Committee has already made sure they can find about \$27 billion and they have acted on that. So the first thing I wish to say is nobody should worry about this. This Senate is acting and we have acted responsibly to extend the fund for 18 months while we write a transformational bill.

I think the Senator knows there is a lot of what he says that has merit.

I certainly say that at the end of the 18-month period, after which the stimulus program was supposed to act, if there are funds left over, I think it makes eminent sense to put them into the trust fund. But to take them out at this time, while we are in this deep recession—and my friend says what better way than to put it in the highway trust fund. We have billions going to highways that have yet to be spent. There could be money taken out of that.

I am going to object to this. The Senate is doing its work. We voted for the 18-month extension. The Finance Committee has come up with \$27 billion of the trust fund assigned. We always have the opportunity to look back when the stimulus program is set to complete and see if there are leftover dollars. Why would we want to take money out of this economy right now, when we still have the job loss rate going up, when we found the money—Senator BAUCUS did—as an intergovernmental transfer of funds.

Therefore, I object to this.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Will the Senator yield before she gets off the floor?

Mrs. BOXER. Sure.

Mr. VITTER. I ask the Senator, through the Chair, to consider the fact that if we don't take up this matter—however you want to fund it or consider it—take it up now, this week, then the argument will be made next week that we have to accede to whatever the House has done, and we cannot do anything differently. That includes a much shorter extension.

I support the idea of an extension for 18 months, as does the distinguished chair of the authorizing committee. But the House is going to pass and is passing now a much shorter extension.

Would the Senator not agree it is a good idea to take up the general matter now, immediately following the Energy and Water bill, and not have the terms of our action dictated to us next week simply because the House has gone out of session?

Mrs. BOXER. Mr. President, I respond to the Senator this way: I agree we should take up the highway bill now with the fix as proposed by Senator BAUCUS. I think it is totally responsible. We have hotlined this reauthorization. If we can get some cooperation on both sides of the aisle not to load that measure with extraneous amendments and we can reach a time agreement, Senator REID has told me to come to him. So we have, in fact, sent out a hotline on both sides.

I would be happy to work with Senator VITTER to see if we can clear the way for a time agreement because, as he knows, these appropriations bills are very important. The first people to object that we are not doing our appropriations bills are some of my friends on the other side. So if we are going to take time out and do the highway bill reauthorization—and I hope it would be 18 months—believe me, I want to do it as much as anybody here, if not more, given that I am chairman of the committee responsible for ensuring that the fund is viable. I hope the Senator can help me.

I ask him, through the Chair, if he would be willing to work with me to get a clean bill forward and a time agreement that we can get moving on this. I agree it is a great idea to do it.

Mr. VITTER. I very much agree with that plan forward. In that cooperative spirit, I would amend my unanimous consent request and ask unanimous consent that immediately following consideration of the Energy and Water appropriations bill, the Democratic proposal the Senator is referring to, which has been hotlined, be made the order on the floor and a time certain to consider that bill and allow relevant amendments, including the Vitter amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, first, I asked if we could get

something done without amendment, and now my friend says we have to have the Vitter amendment. What about the Boxer amendment, the Landrieu amendment, and the rest of the amendments?

Maybe my friend misunderstood me. I said I want to go to a clean 18-month extension, the way it passed out of all the committees, get this done, and have a time agreement on both sides. What my friend is proposing is that we allow amendments, and we don't have the agreement.

I will object to this in the hopes that we can work it out between us and the leaders—a time agreement, hopefully, with no amendments; and that if we have to have one or two, we have agreements on those, with side by sides. Then I think Senator REID would be very open to it.

Obviously, if we are going to bring this up and have 30 Senators filibustering here, that will not help the highway trust fund. I think what we need to do is work together to get a bipartisan agreement, where we can get a time agreement, a couple narrow amendments, if we have to, and then have a vote.

So I will object. I will not object if we can come back with a time agreement, but I object at this time.

Mr. VITTER. Mr. President, I renew the plea that we work on that sort of agreement to consider the matter this week immediately following the Energy and Water appropriations bill.

Yes, I absolutely want a Vitter amendment considered because that is the whole issue I have been pushing—to fund this out of the stimulus, not to run up debt. I believe we can have an agreement for a very limited number of germane amendments. But it is essential for that discussion to be meaningful and that it happen this week.

I renew my encouragement of the chairman to help put together an agreement for consideration of the bill this week, a limited number of amendments, including the concept of funding it out of the stimulus. I believe that is the way we can act responsibly and not be held hostage and be married to whatever the House says is the right answer, simply because they are leaving town at the end of this week.

I look forward to working with the chair of the authorizing committee toward that end. With that, I yield the floor.

Mrs. BOXER. Mr. President, to tie this up, let me make it clear that I have been working with the majority leader. He is very anxious to get this done. If we can get cooperation on both sides of the aisle on a time agreement, we can move this very quickly.

I think Senator VITTER makes the point that is urgent and important. I agree. That is why we hotlined this, and any Senators listening, please don't object to letting us go to this 18-

month extension. We have it figured out and paid for. Let's move forward on it.

Mr. DORGAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 1874.

Mr. DORGAN. Mr. President, pursuant to the Lott precedent, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. Pursuant to the precedent of May 17, 2000, the amendment violates rule XVI. The point of order is sustained and the amendment falls.

Mr. DORGAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 1865, as modified, offered by Senator CORKER.

Mr. DORGAN. I make a point of order that the amendment is legislation on appropriations.

The PRESIDING OFFICER. The amendment violates rule XVI. The point of order is sustained and the amendment falls.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mrs. SHAHEEN. Mr. President, time and time again, we have heard that our health care system is not working. Costs are too high, outcomes are too poor, and access is too limited. I agree with so many of my colleagues who have spoken out over the last several weeks that the status quo is not sustainable. We must take action. We must all work together to ensure that every American has access to quality and affordable health care.

Everyone deserves stable health care coverage that they can count on, regardless of the job they hold or the curveballs that life may throw. All Americans should be able to count on insurance premiums and deductibles that will not continue to rise and eat away more and more of their paychecks. All Americans deserve stable health care that lets them keep their doctor and their health care plan, especially if they trust their doctor and their plan and they have built a relationship with both.

Let me be clear. Health care costs are too high. Every day, in New Hampshire and across our country, families are struggling. The crushing costs of

health care threaten their financial stability, threaten leaving them exposed to higher premiums and deductibles, and put them at risk for possible loss of health insurance coverage and, too often, even bankruptcy. Studies have shown that medical problems contribute to over 40 percent of the personal bankruptcies in the United States today.

Unfortunately, too many of us are just one heart attack away from a potential personal financial disaster due to the cost of health care and inadequate coverage.

In 2007, our Nation spent \$2.2 trillion, or 16.2 percent of the gross domestic product, on health care. This is twice the average of other developed nations. As a country, the quality of care we receive is no better. We still lag behind other countries when it comes to efficiency, access, patient safety, and adoption of information technology.

I have one proposal that I think will help with our current health care situation and, along with Senator SUSAN COLLINS, we have introduced a bipartisan piece of legislation that we are calling the Medicare Transitional Care Act of 2009. It would help address our health care crisis.

The Medicare Transitional Care Act would improve quality of care while saving money. This bill aims to reduce costly hospital readmission and improves the care patients receive while cutting Medicare costs. The legislation will help keep seniors who are discharged from the hospital from having to go back. Simply put, it provides transition planning for seniors on Medicare who are leaving the hospital and, in doing so, it will improve the health care we offer our seniors, while saving money; savings that experts estimate to be \$5,000 per Medicare beneficiary.

According to a report from the New England Journal of Medicine, almost one third of Medicare beneficiaries discharged from the hospital were rehospitalized within 90 days. One-half of the individuals rehospitalized had not visited a physician since their discharge, indicating a real lack of followup care.

The study also estimated that, in 2004, Medicare spent \$17.4 billion on these unplanned rehospitalizations. This problem is costly for our government and troublesome for our seniors. The good news is, it is avoidable.

Research shows the transition from the hospital to the patient's next place of care—whether that is home, a nursing facility or a rehabilitation center—can be complicated and risky. This is especially true for older individuals with multiple chronic illnesses. These patients talk about difficulty in remembering instructions for medications, confusion over the correct use of medications, and general uncertainty about their own condition. Seniors

need support and assistance to manage their health during the vulnerable time after discharge from a hospital to ensure they are not rehospitalized. This legislation provides that support. This is the type of commonsense legislation that needs to be included in our health reform. It saves money and it improves quality.

I am proud that in New Hampshire we have two exciting health reform initiatives underway to address health care costs and improve quality. We have a medical home pilot project with close to 40,000 patients across the State. The medical home pilot is changing the way health care is delivered and the way we think about health care, making it much more patient centered. It is encouraging doctors to collaborate with other providers to create health care plans for each patient. They also utilize electronic medical records to reduce errors, improve quality, and contain costs. It is a new way of practicing medicine, and it is one that will deliver better care for less money.

New Hampshire is also the home for the Dartmouth Institute for Health Policy, which is the leader in comparative effectiveness research. It helps empower patients to make vital health care decisions.

The research provided by the Dartmouth Atlas Project has provided critical analysis about the difference in the amounts of money we spend on health care in different regions of the country. The research also shows that these differences in spending have no impact on health outcomes. I want to repeat that because I think this goes to the crux of one of the problems we are having with our health care system. What the research at the Dartmouth Atlas Project and other places around the country has shown is that differences in spending have no impact on health outcomes.

It is amazing to me that regions that spend more money on health care do not necessarily produce better health care results. We must address this inadequacy as we turn to health care reform, and we must empower patients to make them equal partners in their health care decisions. Research supports this point. In fact, it shows that up to 40 percent of the time, patients who participate in decisions related to their care will choose procedures that are less invasive and less costly. These choices produce better outcomes with higher rates of satisfaction. We must remember to keep patients at the center of this debate on health care reform.

Finally, people are struggling because of the high cost of health insurance. It is a burden to families in New Hampshire and across the country. In my State, there are nearly 150,000 people who have no health insurance, even more who are underinsured with poli-

cies that do not provide the coverage they need. For those who do have insurance, the costs are very high.

Over the past 9 years, premiums for employer-sponsored health insurance have more than doubled—a growth rate that is four times faster than cumulative wage increases. This has created a huge burden on middle-class families.

In my State of New Hampshire, from 2002 to 2006, there was a 41.6-percent increase in the premiums businesses paid for an individual plan for their workers. For our smallest businesses, those with fewer than 10 employees, the increase was almost double that, a 70.6-percent increase. That is staggering, and that disturbing increase in premiums caused what one would expect: Many small businesses dropped their coverages. That is unacceptable. Health care costs and insurance costs must be contained.

Chuck Engborg from Ashland, NH, talked about the high cost of insurance and the instability of the insurance market at a recent health care roundtable I attended in New Hampshire.

Almost 30 years ago, Chuck was diagnosed with type 2 diabetes. He suffered a mild stroke, a heart attack, and he has had five bypass surgeries. He also developed a complication from his diabetes that required him to walk on crutches for 3 years. Despite all of that, Chuck has lived to tell his tale, but the turning point for him came 2 years ago when his wife Kathy was laid off from her job. They had to purchase COBRA health insurance and found that the cost of COBRA, plus high copays, amounted to 50 percent of their annual income. In the meantime, Kathy also suffered a heart attack that resulted in her own bypass surgery. They are two of the lucky ones because Kathy has found new employment and they have health insurance through her job. But that health insurance comes with a very high annual deductible.

I heard a similar situation from a woman named Laura Mick from Manchester who also struggles with high insurance costs. While she has not had surgery in 16 years, the insurance companies are able to target her and charge her outrageous rates under a preexisting condition loophole.

Laura was born with a cyst on her brain. Fortunately, it was recognized by doctors a few weeks after she was born, and at 1 month old she underwent surgery. A shunt was inserted into her brain to drain fluid and another surgery at 16 years old to relieve the pressure. She is currently an active young woman in her late twenties, and she works hard to maintain a healthy lifestyle. But she is not being rewarded for it. She has been denied from every insurance company in New Hampshire unless she accepts the high-premium, high-deductible plans.

We need to enact health care reform to help people like Chuck and Laura.

We need to ensure that every American has access to affordable, quality health care they can count on when they need it. This is a basic principle on which many business groups, labor organizations, and medical professionals now agree. We must take steps as a nation to reduce the costs of health care while improving the quality of care Americans receive.

Health care reform is economic reform, and I believe that for our economy to truly recover and prosper, we must help middle-class families, businesses, and Federal, State, and local governments cope with the skyrocketing health care costs. The status quo is not working, and it is clearly not sustainable.

We need to act, and we need to act soon. I look forward to working with my colleagues on both sides of the aisle to enact health reform that addresses the health care cost crisis and ensures quality, affordable health care for everyone in New Hampshire and across this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise today to join my colleagues in addressing one of the biggest issues facing our economy and our country; that is, the threat posed by global warming. This challenge presents us with an opportunity as well. It is the opportunity to revitalize our economy while simultaneously changing our national energy policy to reduce our dependence on foreign oil and to increase our energy efficiency and conservation, which will save money for the people of Pennsylvania, as well as people across the United States.

We have a long debate ahead and a lot of issues to discuss, but I believe it is critically important, in these weeks in the summer leading up to the break Congress will take, to begin the debate, which I know will continue into the fall and maybe beyond that.

I do agree with a majority of accredited climatologists and scientists that human-caused global warming is a threat. Specifically, global warming is a threat to our economic and national security. It threatens our economic security because the problems we face become more expensive the longer we do not act.

If the past is any indicator of our future, we should be concerned that over the past 28 years—1980 to 2008—the cost of the 90 largest weather events that happened in that time period was \$700 billion—\$700 billion attributable to

those weather events. If we do nothing and the worst-case scenarios become a reality, mitigating the change in our climate will be expensive and difficult.

Global warming threatens our national security by setting off a chain of events that could lead to decreased food production, relocation of large numbers of people, an increase in extreme weather events, and a rise in sea levels.

Like many Americans, I came to understand this challenge in a way that was very poignant. I remember reading a *Time* magazine story a few years back, and it talked about the percentage of the Earth that has been the subject of drought. That percentage of the Earth's surface that has been the subject of drought doubled in about 30 years. That is all we need to know. We know what drought means: it means disease and hunger and darkness and death. That is the threat posed by global warming.

The threat is real enough that we are now currently assessing the readiness of our military to protect us and keep the peace should global warming continue unchecked. One area of the world we are examining in that analysis to determine the impacts is the region that encompasses Pakistan, India, Afghanistan, and the Indus River that is fed by the Himalayan glacier which all three countries share. The changing global climate is causing that glacier to retreat; that is, to melt and disappear. Once the glacier is gone, the Indus River is expected to lose 30 to 40 percent of its waterflow. India, Pakistan, and Afghanistan are already water-stressed countries that rely heavily on that river. I don't think I have to explain to this Chamber or anybody else the national security implications of that threat, especially with regard to Afghanistan and Pakistan.

What a permanent drought would mean for countries is those countries not having enough drinking water and not able to grow food in those countries as a result of that threat.

I understand this may seem a long way off to the people in Pennsylvania or in other States around the country who at this time, and at a time of economic stress, are leading lives of struggle and sacrifice and real hardship. They are struggling to keep their jobs, pay their mortgages, put their kids through college, or pay for this week's groceries. What we do on climate change does affect their lives directly—not indirectly, directly.

I wish to talk this morning about the economy and jobs as it relates to this issue. We all know things are tough for so many people right now in our country. We are suffering through the worst recession since the Great Depression. But I think it is time—instead of talking about how we got here on a day like today—to focus on the future.

One of the solutions is transforming the way we produce and use energy, which saves bill payers money and creates new jobs along the way. The good news is that these jobs are not the same hazy concept as relates to the future. We are creating clean energy jobs right now in Pennsylvania. To give one example among many I could cite, Aztec Solar Power in Philadelphia employs a team of solar experts, certified electricians, installers, and energy consultants to build systems for residential and commercial buildings. Not only is Aztec employing Pennsylvanians in clean energy jobs now, they plan to expand their business. The company is constructing a \$10 million manufacturing facility in York, PA, and will create over 100 new jobs.

I believe we in this country on this issue are right at a crossroads. One direction we could take—and some people in Washington want to take this direction—is business as usual, keep losing jobs, keep losing our competitive edge to countries such as China, which is outinvesting us and outinnovating us when it comes to new energy technologies and the jobs that come from that.

I believe we can take a different direction. We should move down a different path, a path where America will reclaim its competitive edge, bring manufacturing jobs back home to Pennsylvania and States across the country, give us the opportunity to manufacture new technologies for exporting those technologies to other countries, and create a new economic engine that will put people back to work.

This is a strategy for economic renewal. Creating a new energy policy with a focus on building clean energy jobs and innovative energy technologies will take time. Indeed, it will take time, but it will also take leadership. It will take the dedication, the know-how, the ingenuity, and the innovative skills of the American worker. A lot of those workers are in Pennsylvania.

So the choice before us is clear: We can stay on the road we have been on, which we know leads to not just more drought and darkness and death but also leads to job loss in the end because our economy won't have the dynamism to compete with places such as China, or we can take a different path—the path of change, the path of reform, the path of not doing business as usual. I think it is time we create policies that will rebuild our economy and create permanent new energy technology jobs in Pennsylvania and in States across the country. We know how to do this. We have done it before, throughout our entire history in our State as well as States across the country. We have to do it again.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF DAVE DIBETTA

Mr. KAUFMAN. Madam President, I rise once more to recognize our great Federal employees. Many Americans can recall from memory the acronyms of several Federal law enforcement agencies—FBI, DEA, ATF, and TSA, to name a few. These are more than just acronyms. These agencies are composed of thousands of hard-working men and women who risk their lives to ensure our safety. Today I will share the story of one such law enforcement agent from my home State of Delaware.

When speaking about someone from Delaware who has spent a career risking his life in service to others, I cannot help but think of the generation of Delawareans who fought for independence. They, in particular, are part of the tradition of public service and courageous sacrifice that has always characterized the people of the First State.

I am reminded of Caesar Rodney who, on the 1st of July, 1776, rode his horse 80 miles through a thunderstorm from Dover to Philadelphia to cast a decisive vote in favor of independence. I can only imagine the look on the faces of the other delegates when Rodney burst into Independence Hall, soaking wet in his riding boots, eager to do his part for liberty.

Rodney had already risked his life for the cause of American independence. A month before his famous night ride to Philadelphia, he joined with fellow patriot Thomas McKean at the old courthouse in New Castle. There, before the Delaware Colonial Assembly, the two made the case for separation from Great Britain.

The unanimous resolution by the Delaware Assembly in favor of separation was the first of its kind. By this brave act, its members became traitors to the Crown, punishable by death. This went a long way in encouraging the delegates to the Continental Congress to vote for independence.

Delaware has a long legacy as a pioneer among States. We are recognized as the First State because, as many Americans know, Delaware was the first to ratify the Constitution. Just as we took the first step toward independence, we led the way in accepting the ideas about government that were radical in 1787 but which are recognized today as fundamental to preserving our liberty.

So many Delawareans continue in this tradition of service today. One of them is Dave DiBetta of Wilmington, who has been a special agent for the Bureau of Alcohol, Tobacco, Firearms, and Explosives for over 20 years.

Prior to his service with the ATF, Dave served as a military policeman in the U.S. Army, stationed at Fort Miles in Lewes, DE. He also worked as a customs inspector at JFK in New York. In 1988, Dave joined the ATF as a special agent in New York. Two years later, he was transferred to the Houston Division's Special Response Team, which focuses on high-risk missions.

While serving as an agent in New York and Texas, Dave participated in over 350 high-risk operations, and he was decorated with the ATF's Distinguished Service Medal in 1993. In 1996, Dave began work at ATF headquarters, helping to lead large-scale investigations and managing the bureau's photography program with a \$57 million budget. He also taught undercover investigation techniques at the Federal Law Enforcement Training Center.

Dave returned to Delaware in 1999, where he continues his work in the Delaware office, overseeing tobacco and firearm investigations. Dave has assisted in providing security for the 1996 Republican Convention, the 2000 Democratic Convention, as well as the 1996 and 2004 Olympic Games. In the days following the September 11 attacks, Dave was assigned to special duty as air marshal for 6 months, helping to restore public confidence in air travel and serving on the front line against terror.

As part of his duties in Wilmington, Dave represents the ATF at the Dover Downs raceway. He has trained staff how to identify and prevent improvised explosive devices, ensuring the safety of spectators.

Over the course of his two-decade career, Dave has been awarded eight special service awards, the ATF Director's Award, and several letters of commendation. He currently represents the ATF in the leadership of the Federal Law Enforcement Officer Association, and he helped restart the association's Delaware chapter.

When asked about why he decided to work in public service, Dave pointed to the value of voluntarism he learned as an Eagle Scout. He also said he wanted a life characterized by a sense of adventure. Dave said:

I have never had 2 days in my career that were the same. I have traveled to just about every State, been overseas to four countries, I have seen the good and the bad, but one thing I can never say is that it was boring.

Dave and his wife are active in the Wilmington community, volunteering their time for community service projects with St. Anthony's Church and a number of charitable organizations. I had the privilege of meeting Dave last month at the St. Anthony's Italian

Festival in Wilmington, and I am so glad he and his family could be here today at the Capitol.

Dave DiBetta's story is one of so many in Delaware and across the country. His willingness to risk his own safety and serve the common good recalls the heroism of our revolutionary forebears, such as Caesar Rodney, Thomas McKean, and those other Delawareans who were the first to vote for separation and who fought for freedom.

I hope my colleagues will join me in honoring the contribution made by Dave and other Federal law enforcement agents who daily risk their lives to keep our citizens safe. They all deserve our gratitude.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before he departs from the floor, I commend our colleague from Delaware, our new colleague from Delaware, Senator KAUFMAN.

Senator KAUFMAN was appointed to fill the seat of my great friend and colleague and seatmate for many years, JOE BIDEN. And while he has only been here about 6 months as a new Member of the Senate, what a wonderful contribution he has made. I have watched him over the last number of weeks, with his focus and attention on people who work for our country every single day but who probably will never get much credit for showing up every day and doing a wonderful job on behalf of the American people. Whether they be civil servants, police officers or others—the military—the fact he has taken as much time—almost on a daily basis, I say to my colleagues and others who may be watching these proceedings—Senator TED KAUFMAN of Delaware has made it his business to express our collective gratitude to these people who serve our country every single day to keep us safe and secure and to keep us functioning as a society.

It may not seem like much to some, but I will guarantee there are thousands of people today who are at work who appreciate it. And there are millions more, I suspect, whose family members, whose neighbors, whose co-workers, and others appreciate the recognition he has given them, as well as some ideas he has brought to the table legislatively to make a difference for people.

So I commend my fellow colleague. For a relative newcomer and a short timer, he has made a substantial contribution to our country, and I thank him for it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I wish to say that this has been a labor of love for me, talking about great Federal employees. And I must admit that one of the truly great Federal employ-

ees, who embodies everything I talk about when I talk about the other Federal employees—in terms of dedication, in terms of sacrifice, in terms of commitment, in terms of intellect, in terms of participation—is the Senator from Connecticut. I have admired him for many years, and watched how he has done us all proud, and makes every Federal employee proud of the fact that they are a Federal employee, and demonstrates how important our Federal employees are.

I thank the Senator from Connecticut for his kind remarks and for his long and honorable service.

Mr. DODD. I thank the Senator. I did not intend to turn this into a recipient compliment, but I thank him tremendously, and if he wants to talk a little longer, that is fine.

Mr. DODD. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DODD. Madam President, I have been on the floor every day and speaking about health care, for a few minutes anyway, although I know there are other matters of business before this body.

I am privileged to work with the Presiding Officer on the Health, Education, Labor, and Pensions Committee—a new member who has made a tremendous contribution as well to our efforts—and as she knows, back a few weeks ago, we went through that marathon session to try to at least fulfill our obligation on the health care debate and to deal with the matters over which we have jurisdiction—things such as prevention and the quality of health care, the workforce issues, the fraud and abuse questions, as well as other matters. Obviously, the Finance Committee has to grapple with these as well. So I thought it would be worthwhile, over these last number of days, to talk about things we have done in our bill. It will be a part, I hope, of a combination of efforts when we meet hopefully in the next few weeks, depending upon the outcome of the efforts in the Finance Committee, which we are all waiting for with anticipation, and confidence, I might add, as well.

I have a lot of confidence in KENT CONRAD, and MAX BAUCUS, CHUCK GRASSLEY, and JEFF BINGAMAN, and others involved in these negotiations to try to reach some understanding that will allow us to move forward. But I thought in the meantime it would be helpful to talk about various constituencies in the country and what this means to them. Because I think we all want to know how does this affect me and my family—what we are doing here. People are saying: I know you are talking about access, and you are talking about quality of health care, talking about the cost of health care, but I

wish to get some idea of what are you doing and how it affects me and my family, and where is this all heading.

So while we are only in the first stages of developing what we hope will be a comprehensive proposal on health care reform, it is important that we at least communicate with people where we are coming from and how we look at these issues.

We have all heard the numbers, that 47 million Americans have lost or do not have health care today—a statistic I bring up every day, because I think it is important to point out. We completed our work about 2 weeks ago on the Affordable Health Choices Act. Since we completed our work 2 weeks ago, 196,000 fellow citizens have lost their health insurance. About 14,000 a day lose their health care coverage. About 100 people in Connecticut lose their health coverage, for one reason or another—they lose their jobs or their employers decide to drop their coverage; all sorts of reasons that can cause someone to lose their health care. Overall, it is about 14,000 a day.

These are people who have health insurance but are losing it. These are not people who have no insurance. They are just added to the rolls. And some people get health insurance as well and come off the rolls. So it is important to point out that happens as well.

But it is worthwhile to note that every single day we go forward in this process—and it is an important and deliberative process. I am not in favor of rushing something through. We need to get this thing right. It is a terribly complex matter. We have all noted that almost every single Congress over the last 70 years, along with almost every administration over the last 70 years, has tried to solve this issue. Some have succeeded in part. But there is a reason this has not happened up to now. It is because it is not easy. I commend our colleagues for trying as well as commend the Obama administration for insisting this issue be such a high priority.

Why is that the case? It is not just because it would be nice to get it done. It is because if we do not get something done, the status quo is debilitating, to put it mildly—first, in macroeconomic terms of what it does to our country, in terms of consuming such a large part of our gross domestic product, that easily could jump to 35 percent. What does that mean to the average family? That gross domestic product number, which may not mean much to many people—what does that mean? It means the average family could, in 8 to 10 years, if we did nothing and let the status quo continue, that about 50 percent of your gross income would be consumed in paying for health care premiums if you wish to have your family covered. Obviously, that is unacceptable and unsustainable. If we were to end up consuming that much of our

gross domestic product and our incomes each year, families could not survive.

Today I would like to speak for a few minutes about a group of Americans who are being cheated by the current system. Those are the very people who are affected by this number, people who have health coverage but lose it every day because of various economic circumstances or other problems they face and for whom I would also say the status quo is unacceptable. These are Americans who have insurance but are underinsured. Their numbers are roughly 25 to 30 million of our fellow citizens. Obviously, it changes every day as many lose their coverage. These are about 25 to 30 million people who cannot get the care they need. These people paid good money for health insurance, and they think in exchange they are going to receive at least some guarantee that if things go wrong—if someone in their family gets a cancer diagnosis or is hit by an automobile or some other injury occurs—at least they will not have to be concerned about whether they can afford to pay for the care they need.

They worry, obviously, about getting better, getting back on their feet. But there is that sense of stability and certainty that I have a health care plan. I am not going to get wiped out. I am not going to get ruined economically. I have insurance. It may not be great, but I am in pretty good shape. I feel pretty confident, if something tragic happens, I will be OK. That is what insurance literally is supposed to mean.

Life is uncertain. Unfortunately, things happen to all of us. People get ill, injured, people get hurt. While you expect to get better, you want to be sure you are not going to get wiped out. But in our Nation, the wealthiest in the world, of course, nobody should lose their home or their economic security because of an illness or injury, in my view. We write checks to insurance companies every month or see premiums deducted from our paycheck and what do we expect in return? We expect that if something happens, we at least will not have to worry about anything but getting better, getting back on our feet again.

Unfortunately, for tens of millions of our fellow citizens, that is not how it works at all. These are people who have insurance, but they cannot be sure about anything. There is the uncertainty of what will happen. Some find out the hard way that their insurance does not cover what they thought it covered. That fine print you kind of glazed over when you signed onto that contract, I know we all wish we had read it better, understood it better, but the reality is, when you finally are in some situation and you go to this company and say I think I am covered, they say: I am sorry, but if you had read this more carefully you would

have understood that fact situation is not covered, that your preexisting condition that you didn't properly let us know about excludes you from the kind of coverage in these situations. You may have high deductibles and copays. You may have an injury that can be taken care of for \$5,000 or \$10,000, but your insurance doesn't kick in until after that.

Five or ten thousand dollars may not seem like much for some, but for a working family, that can also be a major economic crisis.

Some who suffer from serious illnesses, such as cancer, hit an annual or lifetime benefit cap; thus, the sickest Americans find themselves cut off entirely.

Our legislation, by the way, that we adopted, the Presiding Officer, myself, and 21 other Members of the Senate, we eliminate preexisting conditions so you never again have to be excluded from coverage because of that preexisting condition. We will not exclude you because of portability. Today if you moved you could lose your coverage. And we will not allow these caps either. Today you could find out that while you have a serious illness, your coverage will take care of you for a week or two, or three or four or five visits, but that is it. Our legislation eliminates those kinds of concerns that people have worried about for a long time.

Many of our fellow citizens, of course, have children. Children have different health care needs than adults. For millions of children who fall under insurance provided by their parents' employer, those needs are not covered. Some have that coverage taken away by a profit-hungry bureaucrat at the moment when they need it the most, and many of our fellow citizens watch as skyrocketing premiums slowly consume more and more of their family budget until they have to choose between having their kids uninsured or having them receive the kind of benefits they ought to be receiving as children.

When we talk about health care reform, we are not talking about a free gift for the American people. We are talking about keeping a promise to our fellow citizens. We are talking about guaranteeing that insurance actually insures against economic ruin for working families. As it stands today, millions of our fellow citizens with health insurance are spending their life savings on care; 50.7 million insured Americans spent more than a dime out of every \$1 they earned on health care last year. That is, more than 10 percent of their income today is spent on health care; last year, more than 50 million of our fellow citizens. For almost 14 million of our fellow insured Americans it was more than 25 cents out of every \$1 of their income that was spent on health care. As it stands,

millions of our fellow citizens, not just the uninsured, are unable to get the care they need when they need it.

Let me share some numbers, if I can. I am always reluctant to do this because numbers can glaze over the eyes of people, but people can find themselves in these situations. These numbers affect people with insurance primarily. Some here are without insurance but primarily with insurance. Today I wish to focus on the underinsured—not the people, the 47 million without insurance, I am talking about the 30 million now underinsured or those who have insurance but have high deductibles and expect out-of-pocket expenses.

Thirty-seven percent of people insured in our country took home remedies or over-the-counter drugs instead of seeing a doctor. They decide to go that route rather than getting the kind of care that would reduce their health care problems; or 31 percent postponed getting health care they need because of cost; or they skipped a recommended test or treatment, 27 percent; or they did not get a prescription filled, around 25 percent; and close to 20 percent cut pills in half or skipped doses altogether in order to try to meet their health care obligations. Obviously, in doing so they put themselves at greater risk for even more problems medically, thus raising the cost for care when they end up going back in to treat a problem that could have been contained if, in fact, they were taking the medication as prescribed.

This gives you some idea of the kind of choices people make who are insured. These are not the uninsured now, these are insured. This is in terms of what they need in order to provide for themselves.

When we talk about health care reform, I think it is very important we talk about the many people in this country who believe they are in good shape and are not worried they are going to lack coverage if, in fact, a health care crisis confronts them. The reality is, this constituency of our fellow citizens with insurance has much to worry about with the status quo; thus, the necessity for reforming a system in areas where it is broken and leaving alone those areas where it works pretty well.

This is not just people, again, who do not have insurance. These numbers include people, obviously, who have insurance. Americans with health insurance are forced into bankruptcy, as we know, as well. The numbers are not ones I make up; 62 percent of the bankruptcies in our country over the last several years occur because of a health care crisis in that family. That statistic is alarming. The next statistic is even more alarming to me—75 percent of that 62 percent are people with insurance. Here are people with insurance who ended up in bankruptcy be-

cause of a health care crisis. That is the last thing you would assume to have happen to you. If you have health insurance and you run into a major health care problem, you are assuming because you paid those premiums you are not going to be put into bankruptcy or financial ruin. Three out of four people in that 62-percent number had health insurance and still ended up being bankrupt or put into a bankruptcy situation.

Fifty percent of foreclosures—there are 10,000 foreclosure notices every day in the country, roughly. Those have been rather static for a long time. But 50 percent of those notices went out to families who are losing their homes because of a health care crisis.

I don't know the number of how many of that 50 percent had insurance or not. I don't have the same statistic as I did for the numbers of bankruptcies. We ought to try to get that number if we can, to find out what percentage of the 50 percent actually had insurance at the time they got the foreclosure notice.

Americans with health insurance give up the financial foundation they have worked a lifetime to build because we have not taken the action to fix the system that too often is designed to deprive them of the coverage they thought they bought at the very critical moment they need it. What I discovered over the years is there are sort of two groups of people within the insured category. Everyone in that category has insurance. As long as you have never had to deal with it, then you feel pretty secure about it—and you should—because you think you are covered. If all of a sudden you find yourself dealing with it and you thought you had the coverage, that is when it drives you to frustration, to put it mildly, when you discover that condition was a preexisting condition; there were caps on how much you could get for that; that, in fact, the very illness you have was never covered under the insurance policy.

That is where an awful lot of people discover, despite that sense of security they had, that the present system is more designed to deprive them of the coverage they need rather than to help out during those crises. That is why this issue is so important.

Again, this is a complicated one. There are no simple answers to it. We are not going to resolve all those problems even with one bill. It will be a perpetual struggle for us to get this right in the years ahead, but we need to from an economic standpoint, as well as serving the needs of individual people.

This debate is not just about the uninsured. I think we make a huge mistake if we leave that impression with our fellow citizens. This is not just about the 47 million without insurance. We would all like to do something to

see to it that people who are uninsured get coverage, but it is about the millions of people who have insurance, the 30 million underinsured, and the many more who have insurance but could find themselves without the kind of coverage they anticipate having.

Each one of us, of course, insured or not, is hurt by inaction. Premiums are rising faster than wages. One insurance company in my State of Connecticut the other day announced they were raising their rates by 32 percent. Imagine that, a 32-percent increase in premium cost for health insurance coverage.

The average family writes a check for \$1,100 in our country, \$1,100 to cover the uninsured because we in this country take care of people. If you are uninsured in Connecticut or North Carolina and something terrible happens to you and you show up in a hospital in Charlotte or Hartford, we take care of people. That is because of who we are. If you walk into the emergency room, we do not throw you out, we take care of you. I am proud I live in a country that does that. But Americans need to know it is not free when people show up without insurance, with no ability to pay for the care they get in North Carolina, Connecticut or anywhere else. That bill gets passed on.

To whom does it get passed on? To the insured who get added costs in premiums to get covered. That is a tax you are paying each year, about \$1,100 to pay because of uncompensated care. We try to address that because we ought to.

That is one way to bring down the costs for the insured in our country. There are other ideas as well that our committee worked on: prevention; the quality of care; reducing some of the problems with the five chronic illnesses that consume 75 cents of every \$1 in our Nation for health care. These are measures we take to try to move that curve, if you will, downward when it comes to affordability and cost, as well as, of course, improving the quality of health for all our fellow citizens.

Of course, in this body, we all have health insurance—I made that point over and over again, every Member of Congress, every Member of this body. I never had to go to bed at night with one eye open, wondering whether, if something happened to my 4-year-old or 7-year-old daughters, I would be able to pay for it in the morning with the policies we have. I am glad we do have good health insurance. I just think it is important, as we are here, to remember a lot of the people we represent are not in that situation, to remember the uncertainty and lack of stability they live with. When a crisis happens—and it happens every single day to people—when that happens, they ought not to have a sense of free-fall: I will get wiped out; I can't possibly take care of this; I can't even provide the care my child needs.

I will never forget Senator KENNEDY—who is the chairman of the committee I have been asked to help, to temporarily step in and write this legislation because of his own illness. Senator KENNEDY has told the story over the years of when his 11- or 12-year-old son, Teddy Kennedy, Jr., developed cancer, and it was a serious form of cancer, one that was very dangerous and could take his life. He had to have his leg amputated. But there were some protocols to determine whether they could treat that cancer. They let Senator KENNEDY's son be part of that protocol because during that kind of test they welcome you into it. It doesn't cost anything.

Halfway through that test, that protocol, it was determined that treatment actually worked. It could save Senator KENNEDY's son's life, as it could the lives of the other children who were utilizing that drug. The difference was, of course, once the protocol was determined to be successful, it no longer was free, and it was very expensive—thousands and thousands of dollars.

Senator KENNEDY, obviously, as he tells the story, comes from a family who had the resources to be able to write that check to continue to make sure his son would get the treatment that allowed Teddy, Jr. to recover, to lead a very healthy life. Today he lives in my State of Connecticut with his wife Kiki and their children, and he got that kind of medicine.

But he tells the story of other families at that time, years ago now, who did not have the money and begged the hospitals and doctors: Could they get a quarter of the treatment, could they get a half of it, to see that their child may have the same chance to succeed and recover as Senator KENNEDY's son did.

It was that moment that Senator KENNEDY, some 40 years ago, 35 years ago, decided this would be the cause of his life, when his child, because they had the resources to get the treatment, could get back on his feet but some other child, through economic circumstances, could not.

In the United States of America, no child ought to be deprived the opportunity—or that family—to get back on his or her feet again. I think that is what joins us here together. I think this is hard. We realize that. It is difficult. But I believe it demands our attention and time.

So for those who are insured today, and while they are feeling pretty secure—and I hope you do—understand that these moments can happen. If you are uninsured, obviously it is a frightening feeling of what can happen in your family. I know these are difficult questions and there are not going to be easy answers. There is going to be some shared responsibility in all of this. But I believe we have an obliga-

tion, as U.S. Senators, at this moment in our history, to rise to that challenge and not to fail, as others have in years past because it is too hard.

There was a great line Edward R. Murrow once used when talking about another subject matter. He said: The one excuse history will never forgive you for is that the problem was too difficult.

I do not think history will forgive us if the answer we give is: It was just too hard. We just could not figure out how to come together. I think history will judge us harshly if that is the excuse we use for not rising to the moment and dealing with this issue in a comprehensive and thoughtful manner. It can never be too difficult. It is hard. We ought to have the ability to resolve this issue. That is my plea today.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. First, let me compliment my colleague from Connecticut for his great leadership on the issue of health care. As the acting head of the HELP Committee, he has done a great job on a bill that has garnered wide support and praise from the one end of the country to the other. So I salute him for his work and his diligence.

I rise today to speak in support of the critical resources provided in the Energy and Water bill, the bill we are debating, for Federal hydrogen and fuel cell research technology which will give America's automotive industry a much needed shot in the arm that it needs to revitalize and compete in the global market for fuel-efficient vehicles.

In June, I joined a bipartisan coalition of 17 Senators, and we wrote to protect the funding for this critical technology after hearing that the administration had significantly cut the budget for hydrogen research.

I generally agree with the administration on energy policy, but in this area, they are wrong. Hydrogen research is one of our futures. As a result, I thank Chairman DORGAN for helping. The fiscal year 2010 Energy and Water appropriations bill contains \$190 million in much needed investment in hydrogen technology and fuel research and development. The \$190 million that is included in the bill for hydrogen technology and fuel cell research is \$37 million more than the House appropriations bill.

It is my hope that some of this money, particularly given the fact that we have added extra money, will go to

the General Motors Honeoye Falls, NY, fuel cell facility. It has the potential to create 400 clean energy jobs. The facility is ideally situated to play a leadership role in transforming this technology into reliable and affordable options for all American drivers.

The bottom line is, the facility at Honeoye Falls is the only GM hydrogen fuel cell research facility in North America. There will not be another facility with its potential or progress. It is one of only four facilities in the world that can go from research to application in fuel cell development, and the only one in America. There is one in Germany and there are two in Japan.

If we are going to abandon this vital area of research, several years from now it will create real problems for our automobile companies which we hope can get back on their feet.

This is the only facility in the United States that can go directly from science to vehicle, as it did for General Motors in Project Driveway, where at Honeoye Falls the researchers there developed, designed, and engineered GM's Equinox fuel cell fleet. As I said, these are good-paying jobs in the Rochester area. Honeoye Falls is a suburb of Rochester where we desperately need jobs and have a great educated workforce. It will keep us globally competitive with Japan and Germany, which are ahead of us in fuel cell development and infrastructure—something we cannot afford. At Honeoye Falls, zero tailpipe emissions and research, development, and engineering are all under one roof and are an American treasure.

Let me now talk a little more generally, not simply about Honeoye Falls but about hydrogen fuel research and the need for us to move forward.

As the United States forges a global relationship role in the development of new energy ideas and initiatives, it is critical that we protect the areas where we are already leading the competition. That includes hydrogen and fuel cell technologies. Any compromise in our Nation's investment in this cutting-edge area of research will diminish our accomplishments to date, hamper our ability to compete with other nations, and hamper the ability of companies such as General Motors and Chrysler to come back and be at the competitive edge. We have come too far to close the door on this important research, only to hand over the gains we have made to other nations such as Japan and Germany. By cutting this kind of research, by not funding Honeoye Falls, we would do just that.

In confronting the daunting challenge of climate change and dependence on foreign oil from dangerous areas of the world, we need to have all of the tools in our arsenal to achieve our long-term goals. No one should question the fact that hydrogen technology has a clear and important role to play.

As we all know, hydrogen is the most plentiful element in the universe. We are never going to run out of it. Fuel cell vehicles are gasoline free, representing a dramatic opportunity to break from our current addiction to foreign oil. And fuel cell vehicles are emission free.

The National Research Council found that fuel cell vehicle technology should be a necessary part of our energy portfolio for achieving the target of 80 percent global greenhouse reduction in 2050. In fact, it is hard to see, if we do not do this, how we will meet that goal. That is an important goal.

In short, cars running on hydrogen have the potential to revolutionize on-road transportation, change our everyday travel experience, and clean up our environment by eliminating tailpipe emissions. Our Nation's automotive companies have made significant strides in meeting or exceeding the administration's interim goals for fuel cell cost, but they still have much work to do.

Meanwhile, while the United States—and I have just seen the chairman of the Energy and Water Subcommittee come on the floor, and I salute him for understanding the need for hydrogen fuel cells. As I said, this is one area where the administration has a hard-to-explain blindspot.

While we are twiddling our thumbs in this area, debating whether we should fund it, other countries understand the importance of this technology and are aggressively moving ahead to develop hydrogen vehicles. By protecting our Nation's investment in this program, we can protect our current leadership position and develop hydrogen and fuel cells on a faster timeline than competing nations. The alternative—to abandon a promising technology and allow our work to be the foundation of our competitors' success—is not acceptable.

In conclusion, I hope this legislation, with its increase in hydrogen fuel cell funding, passes. I hope that in its wisdom the Energy Department will understand the necessity of continuing the research at Honeoye Falls and fund it accordingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HEALTH CARE REFORM

Mr. BROWN. Madam President, in 1945, President Truman delivered a speech to a joint session of Congress in which he declared:

Millions of our citizens do not have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection.

Unfortunately, little happened after President Truman's speech. It is my hope that 64 years later, we will finally

be able to achieve the health reform President Truman envisioned and our country deserves. We cannot settle for marginal improvements. We must fight for substantial reforms that significantly improve our health insurance system.

Every day, Ohioans are frustrated with health insurance that is nearly impossible to afford. Every day, Ohioans are stuck with health insurance that fails to protect them from catastrophic health costs. Every day, Ohioans deal with health insurance that too often discriminates based on age and gender and location and medical history. Millions of Americans are one illness away from financial ruin. Some 14,000 Americans lose their coverage every day, and 45 million Americans are uninsured and tens of millions more are underinsured.

We can find a way for Americans who have coverage to keep it and for those Americans who lack coverage to buy it. We can find the will to boost our health care system so that it is far less costly, is inclusive, and it is far more patient centered. We can make historic improvements in our health care system which harken back to the day, 44 years ago tomorrow, July 30, 1965, when President Johnson signed Medicare into law.

What lessons can we learn from Medicare and from its passage? The Medicare experience taught us that progress in this country does not come easily, especially in the face of false claims, inflammatory rhetoric, and twisted facts. It also taught us that progress is not always a function of bipartisanship, as much as we would like it to be. Most Republicans today will not support fundamental reform regardless of what form it takes. We learned that lesson from Medicare. If you go back to key congressional votes on Medicare in 1965, an overwhelming number of Republicans voted no and an overwhelming number of the Democratic majority vote yes. Gerald Ford voted no, Strom Thurmond voted no, Donald Rumsfeld voted no, and Bob Dole voted no. In fact, Bob Dole said in the 1965 debate, speaking for the great majority of Republicans in the House and Senate—he bragged:

Fighting . . . voting against Medicare . . . because we knew it wouldn't work.

It is no surprise that the only time Republicans had a chance to make meaningful reform to Medicare, when the stars aligned, when they had a conservative Republican President and large Republican majorities in both Houses for the first time since Medicare was formed—in 2003, they partially privatized Medicare. They did it—I was there in the House of Representatives—literally in the middle of the night, literally by one vote, when most Americans were asleep. I do not blame them in those days for hiding that bill from the American people. It

was a Medicare bill written for the insurance companies and by the insurance companies, and it, purely and simply, started Medicare down the road to privatization 6 years ago when it happened.

We are seeing the same tactics today. Many Republicans want to defeat health care reform in order to break President Obama, making it, in the words of one of my conservative colleagues, his Waterloo—a fine example of partisanship trumping the national interest. Special interests groups, the health insurance industry, and the drug industry are spending millions of dollars—millions of dollars—to influence health reform legislation. They are deriding anything that does not inflate their profits. Special interests are pulling out all of the stops to subvert sound public policy.

It is the same page out of a tired playbook that informed then-private citizen Ronald Reagan in the early 1960s when he warned Americans that if Medicare were enacted, “one of these days, you and I are going to spend our sunset years telling our children and our children's children what it was like to live in America when men were free.” That is what he thought of Medicare.

The American people didn't share Ronald Reagan's opposition to Medicare but influential special interests did. They played every card in an attempt to derail health care coverage for seniors. Before Medicare was signed into law, 50 percent of senior citizens were uninsured; 44 years ago today, 50 percent of senior citizens were uninsured. Today only 3 percent are.

In 1995, Speaker of the House Newt Gingrich said he wished Medicare would “wither on the vine.” That was the beginning of privatization efforts.

Progress has never come easily in our history. Passage of the Civil Rights Act in 1964 was not easy. Passage of the Voting Rights Act in 1965 was not easy. Enactment of Medicare and Medicaid in 1965 was not easy. Every major step forward in our Nation's history, every progressive move forward is never easy.

As Senator HARKIN said, passage of legislation to prohibit discrimination against women, the elderly, and people with disabilities was not easy. That doesn't mean we stand down. It doesn't mean a popular President or Democratic majorities in Congress should give in on every major principle as we enact health care reform. Medicare changed our Nation. It helped pull millions of seniors out of poverty, fostered independence, helped fuel our economy, and helped retirees live long and healthy lives. The United States does not rank particularly high in life expectancy compared to other rich industrial democracies, but if you reach 65 in America, we rank near the top for life expectancy. So if you get to be 65 in the United States, you are likely to

live a longer, healthier life than the great majority of people around the world, even in rich industrial countries.

Health care reform will change our Nation. It will end uncertainty about health care coverage because public and private insurance will always be available. That is why we have the public option that is supported by so many of us, including the Presiding Officer. It will confront the needless redtape, medical errors and the fraud and abuse that inflate health care costs and compromise quality. It will harness the power of market competition to drive premiums down and customer satisfaction up. We want competition. We want a public option competing with private plans. Both will get better as a result. It will finally allow our Nation to move on from the human tragedy, from health care-related bankruptcies, from the endless march of double-digit premium increases, from the competitive disadvantages American businesses face as health care expenses explode.

The HELP Committee made the first strong step toward health insurance reform that keeps what works and fixes what is broken. Our work will not be done until crucial national priorities are no longer crowded out by health care spending. Our work will not be done until exploding health care costs no longer cut into family budgets, no longer weigh down businesses, and no longer drain tax dollars from local and State coffers and from the Federal budget. We must keep working and keep fighting for the change people demand.

We will keep fighting for the Ohioans I met in Cleveland last week at MedWorks, where hundreds of people were provided free medical care from volunteer doctors, nurses, and hospitals, when Zac Ponsky, a young banker in Cleveland, decided to put this MedWorks program together.

None of this will be easy. When President Johnson signed Medicare 44 years ago tomorrow in Independence, with Harry Truman alongside him, he demonstrated that the hardest fought battles yield the greatest victories. When our 44th President signs health care reform into law later this year, we will finally realize Harry Truman's vision six decades and 10 Presidents later.

I yield the floor.

AMENDMENT NO. 1855 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to set aside the pending business and call up amendment No. 1855.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1855 to amendment No. 1813.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require all agencies to include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . AGENCY ADMINISTRATIVE EXPENSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term “administrative expenses” has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term “agency”—

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administrative expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

Mr. DORGAN. Madam President, this amendment has been cleared on both sides. I believe there is no further debate. I ask for its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1855.

The amendment (No. 1855) was agreed to.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. While Senator BENNETT and I await our colleagues to offer amendments on the underlying appropriations bill, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. DORGAN. Madam President, our country is in a very deep economic hole, the most significant economic decline since the Great Depression. Much of it is attributable to the fact that we have created an economy in recent years, especially the last two decades, in which we have responsible business men and women engaged in casino-like gambling. They do it under the rubric of business.

In 1994, I wrote a cover story for the Washington Monthly magazine titled “Very Risky Business.” The subtitle of that article was about the banks trading very risky derivatives, which I said I believed could lead to taxpayers being on the hook for a bailout. That was 15 years ago. At that point, there was \$16 trillion of notional value in derivatives. And banks, even then, which prompted me to write the article, were trading very risky derivatives on their own proprietary accounts, which I believed was unbelievably ignorant of the risk involved.

The \$16 trillion in notional value of derivatives exploded way beyond anyone's expectation. Then at the same time that the trading of derivatives was exploding, new instruments were being developed, credit default swaps and CDOs and all kinds of exotic instruments to be traded back and forth, creating a dramatic amount of additional risk.

Even as that was occurring, we saw the development of a subprime loan scandal in which we were watching brokers and mortgage banks provide entreaties to those who had homes or those who wished to buy homes: Come and get a mortgage from us. You have bad credit, slow pay, no pay, you have been bankrupt, come to us. We would like to give you a loan. Subprime home loans—some called liars loans—you don't even have to tell the person giving you the loan what your income is. By the way, you don't have to pay any principle. We will wrap that around the backside, just pay interest. Can't pay interest, then name your own payment. Don't want to do that, then don't pay any principle and don't pay all your interest. We will wrap it around the backside, and you don't even have to describe what your income is. By the way, when you get a mortgage from us, we will not tell you it is going to reset in 2–3 years because we are giving you a 2-percent teaser rate right now, which means your home loan payment will be way down here, and it is going to look good. But the reset that will happen in 24 or 36 months, you will never be able to make the payments.

Everybody was fat and happy, making a lot of money putting out bad loans and then slicing them up into mortgage-backed securities and then trading them up to the hedge funds and investment banks, and everybody was making a lot of money, not asking any

questions. Then the whole thing collapsed. And it is derivatives, it is swaps, it is mortgage-backed securities. It all collapsed in a sea of greed with unbelievable risk, and it brought down with it some of America's largest financial institutions.

I describe all of that gambling and all of that risk because something else happened last year that has the American people concerned and worried—and they should be wondering: What was the cause of it?

Here is what happened last year. I have this chart in the Chamber that shows the price of crude oil. It actually went from \$60 a barrel, in October of 2006, up to \$147 a barrel in July of 2008. It went up like a Roman candle, and then came right back down. By the way, the same folks who made the money on the upside made the money going back the other way, starting last July. It was unbelievable speculation in a market called the oil futures market.

This is not an abstract graph. This means right up here someplace, as shown on the chart, every American who went to the gas pump to fill up their vehicle with gasoline was paying through the nose—\$4, \$4.50 a gallon.

So the question for them, and the question for other users—airlines, for example, were hemorrhaging in red ink, unable to pay the cost of this kind of oil price—the question was: What has caused all of this? What has resulted in this unbelievable spike in oil prices?

The answer? An orgy of speculation in the oil futures market by interests that were never before—at that point—manipulating that marketplace. Investment banks, for the first time, were actually buying oil storage and holding it off the marketplace until the price rose, as an example.

The oil futures market, it is estimated, was populated in terms of the trades by somewhere between two-thirds to three-fourths of the trades coming from speculators—not people who were moving the physical commodity back and forth, at least people who would want to sell the physical commodity to somebody who wanted to buy the physical commodity because they want oil. Instead, it was speculators who were simply betting on this. They could have gone to Las Vegas. They did not need to. They were able to go to the oil futures market and make a lot of money going up and a lot of money going down; and, meanwhile, the victims were the American drivers who had to fill their gas tanks with gasoline.

I am describing this because yesterday there was a hearing in this town by the Commodity Futures Trading Commission, a commission that has largely been dead from the neck up for some while, uninterested in regulating—despite the fact that is their charge—sit-

ting on their hands, doing nothing. And all of last year while this was going on, while the price of oil was going up, up, up, the CFTC largely explained it away as saying: Well, this is supply and demand. That is what is going on.

There is another agency other than the Commodity Futures Trading Commission that did not do its job. This is an agency we are actually funding. Senator BENNETT and I are actually funding it in this bill. It is called EIA, the Energy Information Administration. It has several hundred people working there. It is a very important agency. It provides substantial amounts of information to our country, to policymakers, about what is happening with energy.

I want to show you what has happened with the EIA. We spend about \$110 million a year on this agency with several hundred people. They are good people, smart people, the best in the business, we assume. Here is what happened. In May of 2007, they had to make an estimate. That is what they do. They make an estimate: What is the price of oil going to be? Well, they started here, as shown on the graph, and they said: Here is where we think the price of oil is going, right that way. So in May of 2007—I do not know what they had to eat back then, but something was affecting the brain. Here is what happened to the price of oil. Here is where they estimated the price of oil would be.

These are smart people. These are the best. We are spending a lot of money getting their advice. So let's pick January of 2008. They made a new estimate: Here is where we think the price of oil is going to go. Well, the price of oil did not do this. The price of oil went like this—almost straight up. So what did they get wrong? In April of 2008: Here is what we think the price of oil will be. Here is what it was.

My point is, this agency, along with the Commodity Futures Trading Commission, would come to our committee at a hearing, and I would say: Why is it that you get it so unbelievably wrong? They said: Well, it is supply and demand.

That is total rubbish. The fact is, even while this was happening, the supply was going up and demand was going down, which meant that the price of oil would not be going up like a Roman candle. In fact, the price would be moderating. Instead, speculators captured that market. That is why EIA got it so wrong. They did not have the foggiest idea what they were doing. Supply and demand—total nonsense. But we know what happened to these prices.

The reason I want to discuss this for a moment is because yesterday the Wall Street Journal had a story. The Commodity Futures Trading Commission—this is the commission that last year spent all of their time telling us this was just supply and demand. We

knew better. But either they knew better as well and would not admit it or they did not know better. That agency was insisting it was supply and demand. Well, the very same agency now, with a new head, is going to issue a report next month, according to the Wall Street Journal, "suggesting speculators played a significant role in driving wild swings in oil prices."

Three people in my hometown café—I come from a small town of 300 people—3 people, over a strong cup of coffee, knew that last year. Wild swings in oil prices as a result of speculators.

Last year, the same U.S. futures market agency pinned oil price swings primarily on supply and demand. But the new report will say that analysis was based on "deeply flawed data."

So the question is, What does all this mean? It means if we are going to have some impact on an economy where we put it back on some solid foundation, we have to have markets that work, and we have to have regulators who are not blind.

I happen to think the free market system is the best system of allocating goods and services that I know of. I taught economics ever so briefly in college, and I always say I was able to overcome that, nonetheless, and lead a productive life. But the field of economics is something that is so important in terms of understanding how markets work. I believe the free market system is an incredibly good system—not perfect. The free market system needs effective oversight and regulation from time to time. That means we have regulators who are supposed to be wearing the striped shirts, blowing the whistle, and calling the fouls because, yes, there are fouls in the free market system.

Go back and ask Teddy Roosevelt, when he was a big trust buster. What was he doing? He was busting those interests that were trying to subvert the free market system. The same thing happens today. We have interests—and I described it earlier—that want to subvert the system by getting engaged in substantial risk and establishing mechanisms by which they can control a market at the expense of the rest of the American people.

That is what I believe has happened in the oil futures market. The oil futures market is very important, and we need to make it work the right way. It ought to work responding to the urges of supply and demand. But, regrettably, that has not been the case. My hope is now the Commodity Futures Trading Commission will be able to take the kind of action necessary to straighten this market out.

Every market needs liquidity. That means some speculators will play a role in the market. But when speculators capture the market, and begin to play the kind of games that were played last year, that has a profound

impact on this country's economy. We should expect the agencies that are hired to do the regulatory oversight do their jobs, and do it properly. That has not been the case for some while.

So my hope will be—with the new report coming out that will finally assign the responsibility of excess speculation in this perversion of the marketplace—my hope will be we will have effective regulators who will take action. What should that action be? My own view is the Commodity Futures Trading Commission should designate a distinction between the traders in this marketplace: those who are truly trading a physical commodity because they are engaged in the marketplace because that is the business they are in and those who are just speculators. The Commodity Futures Trading Commission could at that point determine what kind of margin requirements, what kind of speculative limits should exist so that activity does not subvert the marketplace.

Let me be quick to say there are people who will listen to me, and who hear what I say, and they will say: Do you know what. You don't have the foggiest idea what you are talking about. All of this system works. None of that which you describe existed. All of that risk by the smartest people in the room, the top investment banks that took on this massive amount of risk, the investment banks that were buying oil storage, to buy oil and take it off the market until it goes up in price—all of that is just business.

It is not just business. Just business is running a business the right way. Does anybody believe it was just business to have the biggest financial enterprises in the country run into the ditch because of bad behavior by those who were running the companies—by the way, some of whom are still running the same companies?

By the way, with respect to solutions, does anybody think it is just business to decide we had institutions in this country that were too big to fail—that loaded up with risk and then failed—and the taxpayer is told they cannot be allowed to fail, they are too big, and you have to bail them out? And now we say to those same businesses: We are not going to get rid of "too big to fail." In fact, we are going to allow you to merge with other firms, which makes you much too big to fail—too much bigger to fail.

We have a lot of work to do this year to address these issues and address some of the causes that caused the economic collapse last year. I want us to put this economy back on track. First and foremost, it starts with jobs and restoring confidence. Confidence is everything about this economy. When people have confidence, they will do the things that are expansive to this economy: buy clothes, buy a car, take a trip, buy a house. That expands the

economy. When they are not confident, they do exactly the opposite.

I want the American people to have confidence. I want them to have confidence in believing that Federal agencies that hire regulators are going to look over their shoulder and provide the oversight to make sure this is not going to happen again, to make sure someone is not going to subvert a marketplace that makes the rest of the American people victims.

All of this, in my judgment, with good government, can be done. But it will not be done if we have regulators who boast about being willfully blind. It will be done if we understand our responsibility to make sure the free market system is indeed free.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, it is nearly 2 o'clock on Wednesday. We have been on this bill since Monday. Senator BENNETT and I have spent a lot of time on the floor waiting for amendments to be offered. We have had several and we appreciate that, but we have many filed but not offered.

I know the majority leader has filed a cloture motion which would ripen tomorrow, so we would have a cloture vote tomorrow. Our hope has been we would not get to that point.

Inasmuch as we have waited and waited very patiently for Senators who do have amendments that they wish to offer but have not come to offer them, Senator BENNETT and I have talked about perhaps going to third reading this afternoon at 5 o'clock. So I ask, if there are those Senators and/or staff who have amendments they wish to have considered on this legislation they would keep that in mind.

We have a couple of hours here. Senator BENNETT and I have talked about going to third reading by 5 o'clock. I would ask people to come and offer amendments, let's have debates on the amendments and have votes and see if we can resolve this legislation this afternoon.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. CARDIN. Mr. President, I have taken the floor before to talk about the need for health insurance reform, health care reform. I talked about the high cost of health care and how we need to get a handle on the amount of resources we spend as a nation on health care. I have talked about the need to improve prevention and wellness programs. I have talked about the public insurance option and why I think it is so important to have a public insurance option.

But today I want to talk about a different issue. I want to talk about what happens if we do nothing because I think the people of this Nation need to understand that our current health care system is causing huge challenges for the people of our Nation. Whether you have health insurance or do not have health insurance, you are impacted by the fact that your options are limited.

Let me give an example. Maryland citizens will continue to lose health care coverage every day if we do not reform our health care system. There are currently 760,000 Marylanders who have no health insurance. That number has been growing during this economic crisis. And now 230 Marylanders are losing their coverage every single day.

There are people in our community who currently have adequate health insurance—at least they think they do—but they are liable to wake up tomorrow and find out that because their company is going out of business or because their employer can no longer afford to provide health coverage for their employees, they no longer have health insurance to count on.

Marylanders have seen an 11-percent increase in the number of uninsured since 2007. What does this mean? As the number of uninsured increases, there is more and more cost shift. That means those of us who have health insurance are paying higher premiums than we otherwise would have to pay because we are paying for those who do not have health insurance. It means those of us who pay our doctor bills or our hospital bills are paying more than we should because we are paying for those who cannot pay their bills, who have no health insurance, who are part of uncompensated care. It is a never-ending struggle because as we cost shift more to those who have insurance, insurance becomes more expensive, and therefore fewer people can afford insurance and we have a higher number of uninsured. And that is happening today.

Marylanders with health insurance are paying more. If we do not fix the system, those in my community and in your community who have health insurance are going to end up paying more.

The average family premium in Maryland costs \$1,100 more each year because our health care system fails to cover everybody, because we have the cost shifting, because we have not gotten health care costs under control. The fact is, health insurance premiums for Maryland families have been increasing rapidly over the last 8 years, going up by 64 percent from 2000 to 2007. Whether you pay that premium directly or your employer helps contribute to it, it is part of your family cost. It reflects in the compensation you would otherwise receive in salaries as an employee. It has been a 64-percent increase for Marylanders since 2000.

For family health care coverage, the average annual premium rose from \$7,200 to almost \$12,000 during that period of time from 2000 to 2007. For individual health coverage, the average premium rose from \$2,600 to \$4,100.

If we fail to enact health care reform and if we do nothing to control the escalating cost of health care, if we do nothing to deal with those who are uninsured and an increasing number of those who do not have health insurance, if we do not deal with wellness and prevention, if we do not deal with medical technology and with a more cost-effective system, then these trends are going to continue and we are going to see these types of double-digit increases in health care costs, which means more Marylanders, more people in this country will not be able to afford their current insurance coverage.

Let me mention one other fact which is something we all talk about. We want to maintain choice. One of the prime objectives of health care reform is to maintain choice—choice so you can choose your doctor; choice so you and your doctor make decisions concerning your medical needs; and choice, I would hope, in terms of what type of health coverage is out there to meet your needs.

Right now, two insurance companies in Maryland hold 71 percent of the Maryland market. For most Marylanders who have health insurance through work, they do not have a choice today. We want to offer more choice so we can keep costs down. You can tailor a health care plan to meet your family needs.

We can do better. The current status quo should be unacceptable to everyone in my State, whether they currently have good health care insurance or they are uninsured, whether they are a small business owner or work for a large company.

Let me give a couple examples of stories from Maryland. Let me give you this one. A constituent named Catherine from Baltimore wrote me a letter:

Mr. CARDIN: I just received my health insurance bill from [an insurance company]. The premium for next year went from \$666 to

\$968. This is a quarterly bill. . . . We have high medical expenses and I cannot afford this increase. I cannot go to another insurance company because I am high risk and I have been turned down from other medical insurance [companies]. I cannot receive medical assistance because they say we make too much. . . . I am 51 years old. When I called my insurance carrier and asked about the increase, I was laughed at and told either accept it or go somewhere else. When I asked if I could pay monthly, I was told, "Indeed not." What am I to do? I need medical help, but no one wants to help. Please, could you please look into this matter and see what you can do for me?

This is a person who has health insurance, and if we don't do anything, that person is going to lose her health insurance and, quite frankly, access to quality care will also be jeopardized.

I will give another story about a small business owner, Alexis from Baltimore, who owns a small software production company that oversees IT for the city of Baltimore. He competes against much larger companies for business. He wants to do the right thing, so he has health insurance for his employees. He has 20 employees. He paid half of the cost of the employees' coverage. Some of his employees came in and said: Hey, look, can't you help us with family coverage? He would like to provide family coverage for his employees; he just cannot afford to do it and be able to compete against larger companies. He goes on to tell me that his premiums are increasing much faster than what is happening with the larger companies against which he has to compete. He doesn't have the options the larger companies have. The status quo discriminates against small companies in their health care plans.

What we need to do in health reform is to deal with these issues. That is why I come to the floor. I know there are different views as to what we need to do with health care reform, but I hope the one option that would not be on the table is the status quo. We cannot say to the Catherine's of our community: We are not going to do anything to help you. We have to listen to the Catherine's who are telling us: Look, get a handle on what is happening with health costs, whether we have health insurance or we do not have health insurance. Get a handle on helping those who don't have insurance so we don't have the cost shifting that goes on, that we can provide quality health care for all, that we can bring down the cost of health care in our community. Listen to Alexis, who says: Help the small business owner do the right thing for their employees. Help bring down the cost of health care.

I urge my colleagues, we can have a robust debate as to what should be included in health care reform, but I hope at the end of the day we will listen to our constituents and provide the type of reform that will allow for people in our communities to have access to affordable, quality health care,

make health care costs manageable, bring down the cost of health care, and provide prevention and wellness programs to keep people healthy. If we do that, then we are really listening to our constituents and will help our economy and help our Nation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise today to address one of the defining challenges of our time—the restructuring of our Nation's energy supply. Reforming our energy policy is critical for multiple reasons: to improve our national security, to create jobs and rebuild our economy, and to protect our children and our communities from the damaging effects of carbon pollution. Today I want to focus on just the first of these—improving our national security.

It has been said before and it will be said again, but it deserves repeating until we in Congress act to change it: Our Nation is addicted to foreign oil. This dependence makes us vulnerable to the whims of nations that do not have our best interests at heart.

This afternoon, I will examine this problem in some detail and consider the implications for a national energy policy that will strengthen our national security and end our addiction to imported oil. I emphasize that there is a cure. If we as a nation focus on smarter, wiser use of energy and aggressive development of homegrown renewable energy sources, we can indeed greatly reduce or eliminate dependence on imported oil, improve our national security, and strengthen our national economy, all at the same time.

Well, let's talk about dependence on foreign oil. Our dependence on foreign oil comes from two intertwined factors: First, our economy depends upon oil for transportation. Cars, trucks, trains, planes, boats that we use to move ourselves and our goods around the country are entirely dependent on oil. Indeed, 95 percent of the energy used in our transportation sector comes from oil. Second, our oil addiction relies on foreign imports: 58 percent of the oil we consume is imported. Thus, access to foreign oil is essential to the vitality of our economy. The result is that maintaining access to this oil becomes a very high priority for our national security.

Exactly whom do we depend on? The good news is, nearly 30 percent of our imported oil comes from our democratic neighbors to the north and south in North America. But that is where the good news ends. Take a look at this chart. Seventy percent of our imported

oil comes from outside North America, and this chart shows the top four nations outside North America from which we import oil.

All four of these countries represent security challenges for the United States. Saudi Arabia is No. 1 on the list. It is the source of one in nine barrels of imported oil. Before addressing the fact that it presents national security challenges, it should be noted Saudi Arabia has often been a significant ally to the United States in our interests, in a relationship going back decades. Nevertheless, the dependency on their oil creates two national security issues:

First, the oil infrastructure and delivery systems of Saudi Arabia are vulnerable to terrorist attack or to manipulation by governments in the region. Consider the Strait of Hormuz. The Strait of Hormuz is a vulnerability for all Persian Gulf oil, 90 percent of which moves through the Strait. The Strait is 21 miles wide, with a narrow shipping channel. So, geographically, it is vulnerable to disruption, and Iran has explicitly threatened to put pressure on traffic going through the Strait or attempt to control it outright.

Second, the wealth we send to Saudi Arabia in exchange for petroleum has not always served us well. Former CIA Director James Woolsey testified in the Senate a few years ago that over the last three decades the Saudis have spent between \$70 billion and \$100 billion to support conservative institutions that often promulgate viewpoints and actions hostile to the United States. The wealth dispensed in this manner has, in some cases, migrated into terrorist organizations such as al-Qaida to recruit and build institutional capacity. This has led former CIA Director Woolsey to say of our current military conflicts: This is the first time since the Civil War that we have financed both sides of a conflict.

Venezuela is No. 2 on the list. It is, of course, led by President Hugo Chavez, a vocal critic of our country who has expressly threatened to cut off U.S. oil supplies. He told an Argentine newspaper that Venezuela has:

A strong oil card to play on the geopolitical stage . . . a card that we are going to play with toughness against the toughest country in the world, the United States.

The third nation on this list is Nigeria. Nigeria has had a series of disruptions just this year due to civil unrest. In February, oil companies reported to Reuters that 17 percent of the country's oil capacity was cut off from export because of attacks and sabotage by militants. According to testimony given to our Senate Foreign Relations Committee by the National Defense Council Foundation in 2006, Nigeria loses 135,000 barrels per day to theft.

Iraq, No. 4 on our list, has gone through enormous upheavals. Saddam Hussein's forces destroyed much of the

nation's oil infrastructure when President Bush launched the Iraq war in 2003. That infrastructure has been subject to ongoing sabotage over the last 6 years. A significant share of Iraqi oil, similar to its neighbors, moves through the Strait of Hormuz, an additional point of vulnerability. Moreover, Iraq has not succeeded yet in passing a national law to share oil wealth among the ethnic groups in the nation, and the friction that comes from this continues to allow the possibility of factional conflict and disruptions in supply.

Iran isn't on this list. We have an embargo against Iran. We don't import oil from there, but it is still worth mentioning. Many of our allies get oil from Iran and their oil supplies are large enough to affect the world markets and thereby the stability and cost of our own supply. Again, turning to former CIA Director Woolsey testifying in the Senate, he noted that Iran derives 40 percent of its government budget from oil exports. According to the RAND Corporation, higher oil revenues have not just emboldened the Iranian Government to defy the United Nations regarding their nuclear program but also helped Iran to finance the activities of Hezbollah and Hamas.

Our dependence on foreign oil makes us vulnerable to a disrupted energy supply, and the risk is heightened because most of the world's proven reserves are controlled by just a few governments. State control means countries can and do manipulate energy supply. We had a case this last year when Russia manipulated gas markets to dominate new democracies in Eastern Europe.

The Energy Modeling Forum at Stanford University brought together a group of leading experts to assess the chances of a major oil supply disruption. They identified major areas of the globe where oil disruptions are most likely due to geopolitical, military or terrorist threats. Those areas include Saudi Arabia, the rest of the Persian Gulf, Russia, the Caspian states, and a group of nations in Africa and South America—which account for 60 percent of world oil production.

So the threat of disrupted supply is a serious one for our economy, as we found out during the oil shocks of the 1970s, which cost our economy about \$2.5 trillion. If repeated today, such a crisis would cost our American economy about \$8 trillion. We were reminded of the threat of supply disruption again when Hurricanes Katrina and Rita disrupted supplies and caused price spikes here in our Nation.

These don't supply the United States, but they do supply our allies, and in a global oil market these supplies are interdependent. A disruption of European oil supplies would have effects on our economy.

We also expend extraordinary resources to maintain our access to for-

eign oil because it is so important. It is important to the success of our economy. While estimates vary, according to a study produced by the National Defense Council Foundation, the indirect security and military costs relating to securing our access to oil amount to about \$825 billion. That equates to more than \$5 a gallon, on top of the price we pay at the pump. So we cannot allow our Nation's security and the health of the American economy to rely on the whims of unstable, unreliable, even hostile governments.

If we refuse to address our single greatest point of vulnerability, we fail in our most fundamental duty to protect this Nation. It is clear we need to end this addiction. We need to be energy self-sufficient. But how are we going to get there? One answer, which we heard chanted in rallies across America last year, was: Drill, baby, drill.

It is true we could increase production from American reserves in the short term with an aggressive drilling strategy. In fact, I support changing leases on hundreds of thousands of acres already approved for petroleum drilling and converting those into "use it or lose it" leases because major oil companies have secured those leases, and they are sitting on them without doing a thing.

Nevertheless, drilling is not, and cannot be, a long-term strategy for the security of our Nation for one simple reason: America uses a lot of oil but has, globally speaking, limited reserves. In fact, the United States has just 2 percent of the world's oil reserves, as this chart shows right here. Here we are, down here at the small end, with Mexico and Europe. Then, we see Eurasia, with 7 percent; Africa, with 9 percent; Central and South America, with a little bit more; then Canada; and then the whopper, the Middle East, which makes my point about security for our supplies.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MERKLEY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, if the distinguished Senator from Oregon would care to complete his remarks, I would have no objection. I don't suspect anyone else would.

Mr. MERKLEY. I thank the Senator for that offer. I think that would be a period of about 5 or 6 more minutes, if that would be acceptable.

Mr. WHITEHOUSE. Absolutely.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would have no objection. We are limiting morning statement business up to 10 minutes. We are on the business of the energy and water appropriations bill, waiting for amendments to be filed. So

we have a general order on this bill that morning business speeches will be 10 minutes.

I have no objection if the Senator wishes to take a few minutes extra, but I did want both Senators to understand that we are on the energy and water appropriations bill, and morning business is done under the consideration of that legislation. So I have no objection.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. MERKLEY. I would certainly defer to the Senator from North Dakota, if he feels there is other business he wishes to conduct. But I will proceed if he feels that is acceptable.

I thank my colleague.

Mr. President, we have looked at the reserves side of this, but now let's look at the consumption side. As this chart shows, America, which has only 2 percent of the reserves, consumes 24 percent of the world's oil. So we only have one-fifth of the supply but we consume one-fourth of the output. That is a formula for trouble. A nation would be in a strong position if it had very high reserves and very low consumption, but it is vulnerable if it has very low reserves and high consumption. Unfortunately, that is right where America is.

To make things worse, the price of petroleum is going to continue to rise as the thirst from China and India increases. Because of the position we are in, our addiction to imported oil will only grow if we don't significantly change our energy strategy.

So what about other fossil fuels? In my home State, energy speculators are looking to build terminals to import LNG or liquefied natural gas. There are vulnerabilities there as well. Where does LNG come from? Top producers include Qatar, Indonesia, Malaysia, United Arab Emirates, and Oman.

Other folks argue we can extract more oil from Canadian tar sands or turn our abundant oil into transportation fuel. But it is worth observing that these strategies require extraordinary energy to produce fuel and emit extraordinary amounts of pollution in the process. So we have to look elsewhere to find a solution, and the place to look is energy efficiency and renewable energy.

Energy efficiency is the fastest and cheapest way out of our dependence, and we know it works. In response to the 1970s oil crisis, the Nation doubled the required gas mileage performance of our cars and trucks and saw per capita oil consumption plummet, even as our economy grew. Our progress in this area has not been steady, however. It has stagnated over the last two decades.

Progress resumed this year, when President Obama made the announcement that we would increase gas mileage standards to more than 35 miles

per gallon 5 years ahead of the date scheduled. But we can do better. China will beat us to 35 miles per gallon, and 35 miles per gallon is not sufficient. We could aggressively develop and employ plug-in hybrid technology—cars with highly regenerative braking that can go at least 30 miles on a charge, enough to cover the daily commute, with no petroleum at all.

We need to deploy efficient strategies for the trucks that carry out our commerce—similar strategies with efficient body design. We need to move goods by rail and barge. A barge can move a ton of cargo 576 miles on a gallon of fuel, and a train can move a ton of cargo 413 miles on a gallon of fuel.

We should give our families and workers better transportation options, better access to rail and bus lines. We know from experience that with the right policy choices, we can use far less energy to power our economic activity.

We use a fraction of the energy today for gross domestic product that we did 30 years ago. If we give American scientists, engineers, and businesses the right incentives, tomorrow's economy will be orders of magnitude more efficient.

The other half of the equation is renewable energy, produced right here in America. It is the second major weapon in the war against oil addiction. Renewable electric energy can replace oil by providing power for plug-in electric vehicles.

I have heard Senator REID describe Nevada as the Saudi Arabia of solar power renewable electric energy, and I have heard the good Senator from North Dakota describe North Dakota as the Saudi Arabia of wind power renewable electric energy. We need to seize this Nation's potential for renewable electric in wind, solar, wave, and geothermal.

We can also transition to homegrown renewable liquid fuels in the form of biofuels. In my State of Oregon, as one example, we have lots of fiber that can be converted, forced biomass that can be converted into fuel. We can produce biobutanol, biodiesel, and bioethanol. Producing biofuels from agricultural and forestry waste and waste from cellulosic nonfood crops raised on marginal lands, we can produce significant quantities of energy and create jobs and wealth for America's farmers and timber workers.

If an American car can go 30 miles with renewable electricity and then, if needed, switch over to a 50-mile-per-gallon engine burning cellulosic biofuels derived from forest biomass, that car is not using a single drop of imported foreign oil. It is running on 100 percent red, white, and blue energy.

In energy efficiency and renewable energy, we have twin elements that can break our addiction to foreign oil, but to achieve that self-sufficiency we need a comprehensive energy policy, a

comprehensive strategy for saving energy and producing our energy here at home. That is what President Obama called for and what the Senate Committee on Environment and Public Works is developing—drafting a comprehensive system of incentives and investment that, in combination with energy policies crafted by the Senate Committee on Energy and Natural Resources, will reduce our fossil fuel dependence and put us on the track to energy self-sufficiency.

Some say that energy conservation and renewable energy are too expensive. They could not be more wrong. Every economist will tell you that the cheapest energy is the energy you never use. Even today, renewable solar, wind, and geothermal are cheaper than imported oil when you factor in the huge price we pay to maintain our access to that oil.

Let me add, when we stop spending \$2 billion a day on imported oil and spend that money on renewable fuels here in the United States, we are going to create a lot of good-paying jobs for America's families.

Depending on a few foreign nations for imported oil is a colossal mistake. We need to change course, improve our national security, and spend our energy dollars here in America to create jobs. That is why I hope every Member of the Senate will join me in supporting our 2009 clean energy and jobs bill when it comes to the Senate floor this fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the 1 o'clock time has passed for the filing of amendments as a result of the cloture motion being filed last evening. I believe we now have about 90 amendments filed to this bill. Not all of them will be offered, certainly, but 90 amendments represent the determination of people who wish to alter this bill, who wish, presumably, to come and offer amendments, have a debate on amendments, and perhaps have a vote on their amendments. Yet no one arrives.

I indicated earlier that Senator BENNETT and I have talked about a third reading on this legislation to move it through the Senate. The fact is, the majority leader will not have the patience to allow us to sit here with nothing to do and people saying they want to offer amendments but not being willing to show up to offer amendments. We have been here since Monday afternoon, and very little has been done.

I again say to the staff that may be watching or Senators who are watching, I think we ought to conclude this bill. If people are not interested in offering amendments—filing amendments is not offering them. If they do not have the interest in coming to the

floor of the Senate to offer them, I am going to push very hard with the majority leader to go to third reading and finish this legislation this afternoon.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, while we await the arrival of Senators who may be interested in offering their amendments, I ask unanimous consent to speak for up to 12 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I rise today to join my colleague from Oregon in discussing the challenges and opportunities America faces as we look to ensure our economic leadership and prosperity for the 21st century and beyond.

America has always been a land of innovation and entrepreneurship. We led the way during the industrial revolution, which began at Slater Mill in Pawtucket in my home State of Rhode Island. We led the way in the information technology revolution that began in Silicon Valley. It is in American DNA to think boldly and through hard work to translate bold thinking into practical solutions, solutions that improve people's lives all over the world and bring prosperity to our shores.

It is time for us to lead again. A clean energy economy beckons, and we must not, we cannot ignore the call. Congress must act to pass clean energy legislation that will promote, here at home, cleaner, cheaper renewable energy sources such as wind, solar, and biofuels. I stand here today in strong support of such legislation.

Our transition to a clean energy economy is past due. This country has run on the same fuels at basically the same efficiency levels since the start of the industrial revolution over a century and a half ago. This was acceptable in 1900, perhaps even in 1950, but where does it leave us today, in 2009?

First, it leaves us dependent on foreign oil. Approximately 40 percent of our energy needs are met through oil, and more than 70 percent of this oil, at a cost of \$630 billion out of the American taxpayers' pocket every year, comes from foreign sources including Saudi Arabia, Venezuela, and other regimes that do not wish us well. It is the largest transfer of wealth in history, and we are on the losing end of it, and international big oil is only too happy to profit off America's decline.

Second, while we enrich hostile foreign governments and international big oil, other countries have embraced the development, manufacture, and export of renewable clean energy technology, such as wind turbines and solar panels, so that now half of America's existing wind turbines are manufactured overseas. The United States invented the

first solar cell, but we now rank fifth among countries that manufacture solar components. The United States is home to only one of the world's top 10 companies manufacturing solar energy components and to only one of the world's top 10 companies manufacturing wind turbines.

Recently, two wind turbines went up in Portsmouth, RI. One was manufactured by Vestas, a Danish company, and the other by an Austrian company with a Canadian distributor that delivered the components to Rhode Island. These turbines are very welcome. It was like a barn raising when they went up. People came out to watch. As a result, Rhode Island and America got the benefit of cleaner, cheaper energy, but we missed out on the manufacturing jobs these projects should have created for American workers.

Other countries that have embraced the demand for clean energy technology, such as China, Germany, Japan, and Brazil, are all investing more per capita in clean energy than the United States.

I ask unanimous consent to have printed in the RECORD a Washington Post article dated July 16, 2009, "Asian Nations Could Outpace U.S. in Developing Clean Energy."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 16, 2009]

ASIAN NATIONS COULD OUTPACE U.S. IN
DEVELOPING CLEAN ENERGY
(By Steven Mufson)

President Obama has often described his push to fund "clean" energy technology as key to America's drive for international competitiveness as well as a way to combat climate change.

"There's no longer a question about whether the jobs and the industries of the 21st century will be centered around clean, renewable energy," he said on June 25. "The only question is: Which country will create these jobs and these industries? And I want that answer to be the United States of America."

But the leaders of India, South Korea, China and Japan may have different answers. Those Asian nations are pouring money into renewable energy industries, funding research and development and setting ambitious targets for renewable energy use. These plans could outpace the programs in Obama's economic stimulus package or in the House climate bill sponsored by Reps. Henry A. Waxman (D-Calif.) and Edward J. Markey (D-Mass.).

"If the Waxman-Markey climate bill is the United States' entry into the clean energy race, we'll be left in the dust by Asia's cleantech tigers," said Jesse Jenkins, director of energy and climate policy at the Breakthrough Institute, an Oakland, Calif.-based think tank that favors massive government spending to address global warming.

Energy Secretary Steven Chu and Commerce Secretary Gary Locke are visiting China this week to discuss cooperation on energy efficiency, renewable energy and climate change. But even though developing nations refused to agree to an international ceiling for greenhouse gases last week, China and other Asian nations are already devoting

more attention to cutting their use of traditional fossil fuels such as oil, natural gas and coal.

South Korea recently said it plans to invest about 2 percent of its GDP annually in environment-related and renewable energy industries over the next five years, for a total of \$84.5 billion. The government said it would try to boost South Korea's international market share of "green technology" products to 8 percent by expanding research and development spending and strengthening industries such as those that produce light-emitting diodes, solar batteries and hybrid cars.

China and India are kick-starting their solar industries. India aims to install 20 gigawatts of solar power by 2020, more than three times as much as the photovoltaic solar power installed by the entire world last year, the industry's best year ever. And China's new stimulus plan raises the nation's 2020 target for solar power from 1.8 gigawatts to 20 gigawatts. (A gigawatt is about what a new nuclear power plant might generate.)

"China is trying to catch up in a global race to find alternatives to fossil fuels," the official China Daily said in an article last week.

"A lot of people underestimate how focused China is on becoming a global leader in clean technology," said Brian Fan, senior director of research at the Cleantech Group, a market research firm. China now provides a \$3-a-watt subsidy upfront for solar projects, he said, enough to cover about half the capital cost. Fan said it is "the most generous subsidy in the world" for solar power.

China is also expected to boost its long-term wind requirement to 150 gigawatts, up from the current 100 gigawatt target, by 2020, industry sources said. Jenkins said China could provide \$44 billion to \$66 billion for wind, solar, plug-in hybrid vehicles and other projects. Fan said China also plans to make sure that many of the orders go to its own firms, Gold Wind and Sinovel.

The big Asian research and investment initiatives come as U.S. policy makers boast about their own plans, giving ammunition to those who say this country needs to do more.

"That R&D represents America's chance to become the world's leader in the most important emerging economic sector: energy technology," said House Majority Leader Steny H. Hoyer (D-Md.) in a May 13 speech to the U.S. Chamber of Commerce. "In the years to come, I hope that America will be selling clean technology to China and India and not the other way around."

Confident that the United States will develop top-notch technology, the House voted overwhelmingly on June 10 to oppose any global climate change treaty that weakens the intellectual property rights of American green technology.

"We can cede the race for the 21st century, or we can embrace the reality that our competitors already have: The nation that leads the world in creating a new clean energy economy will be the nation that leads the 21st century global economy," Obama said on June 29.

But countries in Asia are not standing still waiting for U.S. advances.

That both excites and worries U.S. manufacturers torn between opportunity and fear of a boost for Asian competitors at a time when the world's biggest market, the United States, has slowed down sharply. "This is heavy manufacturing business. The U.S. has had a great position over the last several years," said Vic Abate, vice president of renewables at General Electric, the world's

number two wind turbine company. "If it slows down and if investment doubles down in China, it will be a lot harder to catch up."

"We have already been left behind in some areas," said Mark Levine, director of the environmental energy technologies division at Lawrence Berkeley National Laboratory. "But . . . there remain many opportunities," he said, adding that "the U.S. can carve out key areas in clean energy technology."

Although GE is the only U.S. company among the world's top 10 wind turbine makers (China has two, Germany has three), Levine said "there are areas in wind energy where we are likely to develop crucial technologies that we will both exploit and likely license to others." He cited advanced materials that would permit stronger rotors and techniques for taking advantage of higher wind speeds at greater heights.

Levine said the United States is unlikely to "become the or even a leading photovoltaic manufacturer. But our scientific talent . . . has a good chance of developing the next-generation PV systems which we could either manufacture in China or another country . . . or license to foreign companies. . . . Even if the manufacturing is done abroad, this will lead to very real and large benefits to the U.S. from licensing fees, not to say sales in the U.S. and elsewhere."

Mr. WHITEHOUSE. We have some catching up to do, and while we do that catching up, millions of Americans are out of work.

My home State of Rhode Island has one of the highest unemployment rates in our country. Across my State and across our country, couples are sitting at the kitchen table at night after the kids are in bed, with the bills on the table in front of them, and they are trying to figure out how to make ends meet and it is not adding up. That is the reality many Americans face when we cling to the failed policy of the past, when we care more about keeping big oil happy than about finding new, inventive ways for the average American worker to find lasting, secure employment in the tradition of American entrepreneurship.

Remarkably, there are those in Congress who would have us do nothing, who would remain wedded to tired, centuries-old technologies and left in the dust as other nations race for leadership in the new clean energy world. I submit this do-nothing caucus is selling America short. Don't they trust that when it comes to inventing new technologies and manufacturing valuable products, we are the best in the world?

If Congress passes strong clean energy legislation that creates the necessary incentives for the research, development, manufacture, and sale of clean energy technologies, that spirit of innovation and entrepreneurialism will again lead the world, as it has so often over the centuries. We can have confidence in that.

We have already seen some progress. It is clear, at least, that people outside the beltway get it. In the last 10 years, jobs in the technology sector have grown nearly 2½ times faster than

overall. In 2006 alone, the American Solar Energy Society estimates that Federal, State, and local governments spent \$8.6 billion on energy efficiency, creating 64,000 direct jobs and 83,000 indirect jobs. Their investment of an additional \$3.2 billion in expanding new energy production created more than 7,000 direct jobs and nearly 9,000 indirect jobs.

Every day in America, real people and real companies are moving into the clean energy economy. In Rhode Island, Newport Biodiesel is producing a cheaper form of home heating oil for Rhode Island families by recycling restaurant grease. Alteris Renewables is creating jobs in Rhode Island installing solar energy systems on residential homes. I recently visited a home in Charleston, RI, where a family has a new Alteris solar energy system on their roof and heard from them about the significant energy savings they will achieve.

But this is only a fraction of the scale needed to revolutionize our economy. The American people, our researchers, entrepreneurs, and workers from the largest, most sophisticated research institutions and corporations to our smallest local businesses, can create clean energy jobs everywhere in the United States—in urban areas as well as rural, in the Rust Belt as well as the Wheat Belt, in our deserts and on our coasts. All they need is for us in Congress to set the economic parameters correctly, to level the playing field with foreign competition, to meet the market for investment in these products. America is waiting for Congress to act.

As I close, let me address a couple of the points we often hear from the do-nothing caucus and their see-nothing supporters in the boardrooms of the big polluters.

First, we simply cannot drill our way toward a secure energy future. It would take 10 years before we would see any tangible results from drilling, and the result would be negligible when it came. The United States has only 3 percent of known oil reserves. Yet we use 25 percent of the world's oil production. We cannot drill our way out of that math. The United States could supply 20 percent of our energy needs through wind power alone, not even factoring other forms of renewable energy.

The choice is a clear one for the future: Do we continue to enrich ExxonMobil and continue our dependence on foreign oil from places such as Saudi Arabia and Venezuela or do we decide to lead the world and tap into America's most abundant resource, the innovation and entrepreneurship of the American people?

We should also be skeptical of the champions of the status quo when they exaggerate the cost associated with transitioning to a clean energy econ-

omy. Our CBO has projected that clean energy jobs legislation would cost most American households on average less than a postage stamp per day, and it actually puts money back into the pockets of the poorest families, and that didn't even consider the savings to individuals and companies from energy efficiency practices and technologies. If prices go up a little but efficiency reduces demand and reduces use, families save. They always leave that part out of their see-nothing scenarios. We can easily increase our energy efficiency to cover 15 percent of our energy needs by 2020 and save American families and businesses nearly \$170 billion in electricity costs.

Of course, the do-nothing caucus overlooks the cost of doing nothing. Unchecked greenhouse gas pollution has already begun to melt our glaciers and warm our oceans, leading to stronger, more frequent storms and rising sea levels. America's insurers are worried about our coasts, home to over 53 percent of the U.S. population, where we generate over 83 percent of our gross domestic product. We put a lot at risk if we follow the lead of the do-nothing caucus.

We have heard the "Do Nothing Caucus" argue that strong environmental legislation would hurt the economy and cost us jobs. It is the same old polluters' argument. It is as wrong now as it has always been before.

In the 1990 debate on the acid rain program, manufacturers warned that the health benefits of the program were unclear and that their adoption could deal a "crushing blow to U.S. business." But when the acid rain program was enacted, the program began delivering \$70 billion annually in human health benefits, at a benefit-to-cost ratio of more than 40 to 1. Industry and environmentalists alike now agree the program was a success. Oops to that argument.

In 1995, DuPont warned the costs of phasing out ozone-depleting chemicals would exceed \$135 billion and that "entire industries would fold." But when the phaseout became law, compliance costs turned out to be less than 1 percent of the doomsday projection. DuPont made millions selling substitutes for the phased-out chemicals, and we managed to shrink the hole in the ozone layer of our Earth's atmosphere. Oops again.

We are at a crossroads. We can step toward the clean energy economy that beckons and show the world our capacity for leadership in the world economy, as we have done time and time again, or we can cling to the status quo, heads firmly wedged in the sand, and trade in our future for the well being of big oil and the Saudi Arabia royal family.

The right choice is clear, and I am confident we will make it.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Texas is recognized.

TORT REFORM

Mr. CORNYN. I know a number of our colleagues have come to the floor and talked about health care reform. I think this is not only an important debate, I think the American people deserve our best work and certainly our closest attention to something that will impact not just some of us but literally all 300 million of us living here in the United States.

I want to focus my remarks on the next few minutes on what is missing, what is missing from the bills moving in the Senate and the House of Representatives. Millions of Americans are paying attention to what is in these bills. That is a good thing. Everybody wants to see what Congress is up to and everybody wants to understand what is in these bills and how it will impact their health care.

As I talk to my constituents in Texas, they tell me that Congress may well make the problem worse, and for good reason. Families are worried that Congress will increase the cost of their health care or force them into a government plan, a pathway to a single-payer system.

Small business owners are concerned that higher taxes and new mandates will make it harder for them to weather the current recession. Physicians and other health care providers are worried that we will not fix the problem with Medicare and Medicaid, and will make their hassles even worse by creating new government programs on top of flawed and unsustainable current government programs.

Patients—that would be all of us—are worried about the quality of care and whether the government will ultimately deny treatment or delay treatment as in Canada and the United Kingdom and other places where the government has taken over health care. And everybody is, frankly, worried about spending more taxpayer dollars, especially after the spending spree we saw earlier this year with the flawed stimulus package which spent more than \$1 trillion, including interest, of borrowed money, and which has failed so far to meet its intended goal of keeping unemployment down to 8 percent or less.

I believe the people of this country will have greater confidence in Congress if we focus on reforms that will actually lower the cost of health care and not reduce access or quality, and that will actually increase access and quality.

One proven way of doing that is not even on the table. I think the American people would be justified in asking: Why? Why is that not on the table? Why are we not talking about eliminating junk lawsuits that create the practice of defensive medicine and

which do nothing but exacerbate and worsen high health care costs in this country?

Medical liability laws exist for a very good reason, to compensate victims of negligence and other medical errors. Every victim of medical malpractice deserves access to the courts and for their case to be heard. But over the years our laws have somehow encouraged a wave of frivolous litigation which has done little but enrich trial lawyers and encourage the practice of defensive medicine and increase the cost of health care for all of us. It is estimated that defensive medicine costs the American taxpayer more than \$100 billion every year, \$100 billion of additional cost. That is according to economists Daniel P. Kessler and Mark B. McClellan.

Yet despite this potential savings of \$100 billion, trial lawyers have not been asked to make the same sacrifices as others have to lower health care costs.

We know there is a lot of arm twisting going on here in Washington these days. Hospitals, drug makers, insurers, and others have all been asked to pitch in, make a commitment to help. But so far there is one contingent that has not been asked for one dime. That is the trial lawyers. They have not been asked to step up and take one for the team.

Medical liability reform can lower costs while expanding access to care. I would respectfully suggest to my colleagues that they look to the experiment we have recently conducted in the State of Texas. It is a successful experiment to increase access and lower costs. Texas illustrates both the problem and the solution. In the early part of the decade, Texas was a trial lawyer's dream and a doctor's nightmare. Our State had become a haven for medical malpractice lawsuits. As a result, physicians' medical malpractice premiums had doubled and many insurers simply gave up and left the State and would no longer write medical malpractice insurance coverage at all. In fact, the number of physician liability insurers writing policies in Texas fell from about 17 to 4. Many doctors left the State or restricted the procedures they were willing to perform or simply retired early. This reduced access to health care as well as quality for millions of people across the State of Texas.

Our legislature and our Governor at the time saw the problem, and in a series of legislative reforms culminating in 2003, they took action. They placed a \$750,000 cap on noneconomic damages in medical malpractice cases. They required the punitive damages; that is, damages that are awarded for punishment, not as compensation, be approved by juries unanimously. They imposed a firmer statute of limitations saying you needed to bring your claim within a specified time rather than sit

on your rights and allow this claim to be stale and witnesses' memories dim. They set a higher standard for expert witnesses, the so-called out-of-town folks with a briefcase who are willing to testify for or against a particular claim depending on their compensation.

These and other reforms were designed to create an honest and predictable civil justice system, in which victims would receive just and timely compensation; bad actors would be held to account; and the good doctors could afford to practice in our State.

As I indicated, the results of this experiment have been dramatic. Average premiums for medical malpractice fell by 27 percent on average, 27 percent lower premiums, and in some cases by more than 50 percent.

Patients saw lower premiums for health care because doctors no longer had to pay skyrocketing premiums for their medical liability insurance. That translated into lower premiums for patients for their health care.

More than 400,000 Texans are now covered by health insurance because premiums have become more affordable. That is 400,000 more since these reforms took place.

Another amazing phenomenon here is that physicians literally flocked to our State. They literally returned to the Lone Star State in large numbers. We saw the overall growth rate of 31 percent in the number of new physicians moving to our State, including underserved areas such as El Paso, TX, where a 76-percent increase in that underserved area was seen as a result of this reform.

We also saw a number of key medical specialists who had simply fled critical parts of our State—such as obstetricians, neurosurgeons, orthopedic surgeons—return to practice and provide access to good quality health care.

Some Texans who had never had access to prenatal care or emergency care available in their county now have greater access, which means shorter drive times and wait times and healthier babies and happier families.

The results in Texas, I would submit, have simply been remarkable. But what a great laboratory for us to learn from in enacting commonsense medical liability reform as part of our overall health care debate. But, of course, Texas is not unique in this experience. Other States have reformed their laws as well to similar effect, including California, Colorado, Florida, Indiana, Montana, and Virginia. They have seen lower costs and greater access to health care. What works in the State can also work here in Washington, DC and around the whole country generally if we were simply to have the courage to embrace it. We must include medical liability reform in eliminating junk lawsuits and frivolous litigation as part of any comprehensive health care reform bill.

Specifically, we should enact standards that cap noneconomic damages, establish firmer statutes of limitations so that claims will be brought on a timely basis and not after memories fail and evidence is lost. We should implement several other reforms that have proved to be so successful both in Texas and around our States. These reforms will lower the cost of health care for all Americans.

But do not take my word for it. Ask the Congressional Budget Office. The nonpartisan Congressional Budget Office has been under tremendous political pressure these days, including an unprecedented invitation by the President of the United States for the current Director to come over to the White House and explain why they have come back with such eye-popping, sticker-shock numbers as they have with some of the proposals that have been made.

But the Congressional Budget Office took a look at the potential cost savings if Washington adopted national reform along the lines of what we have done in Texas. They estimated that the Federal Government alone would directly save \$5.6 billion from these types of reforms and that total health care spending could be reduced further if these reforms reduced the practice of defensive medicine.

CBO also concluded that such reforms would likely increase access to health care as we have seen in Texas, where doctors, instead of retiring, decide to continue to practice where they will feel less like hunted prey and more like the health care provider they always have wanted to be, and provide healing and comfort and care to people without access to care right now.

Medical liability reform cannot solve all of the problems in our health care system, but no health care reform bill will ever be comprehensive without it. I would ask my colleagues why it is that every other idea under the Sun seems to have made its way into the health care reform bills we have been debating except for one of the most obvious, which is medical liability reform.

Even President Obama acknowledged that huge liability judgments lead doctors to practice defensive medicine, which drives up the cost of health care for all of us.

Now is the time for Congress to reach the same conclusion and to take steps that have proven so successful in a number of States. If we reform medical liability laws nationwide, eliminating junk lawsuits and frivolous litigation, we will lower the cost of health care, we will expand access to health care, and we will show the American people that we are listening to them and focusing on solutions that will work.

I yield the floor.

AMENDMENT NO. 1903 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I call up amendment No. 1903.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 1903 to amendment No. 1813.

Mr. SANDERS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional amounts for technical assistance grants)

On page 34, line 7, before the period, insert the following: “: *Provided further*, That within existing funds for industrial technologies \$15,000,000 shall be used to make technical assistance grants under subsection (b) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1(b)):

Mr. SANDERS. Mr. President, this amendment addresses the issue of district heating which has incredible potential as a force for sustainable energy. Specifically, what this amendment would do is provide \$15 million in technical assistance grants to institutional entities such as municipal utilities, institutions of higher learning, public school districts, local government or a designee of any of these entities through section 399A of the Energy Policy and Conservation Act as incorporated by the Energy Independence and Security Act of 2007. It would do this by directing \$15 million within the \$100 million for the DOE industrial technologies program to be directed toward district energy and combined heat and power.

This Nation has a huge opportunity to reduce greenhouse gas emissions, create jobs, and provide reliable energy for heating and cooling and electricity by moving toward district energy and combined heat and power. District energy systems provide heating and cooling to two or more buildings or facilities through underground pipes. These systems can efficiently meet the heating and cooling needs of towns and cities. Much of Copenhagen, for example, is now heated through district heating. It can provide electricity and heating for college campuses, for hospitals, public buildings, and other facilities.

Combined heat and power refers to the production of both electricity and thermal energy. You are creating electricity and heat from the same powerplant. Combined heat and powerplants can provide thermal energy for district energy systems.

In my city of Burlington, VT, where I had the honor of being mayor for 8 years, we built the largest wood chip burning plant in the State of Vermont. This plant has a 50-megawatt capacity that runs on wood chips and wood waste. Roughly 60 percent of the energy produced by this plant is lost as

wasted heat. Burlington, similar to other cities around the country, could capture that waste heat and use it to provide heating and cooling to multiple buildings downtown.

According to a 2008 Department of Energy report, combined heat and power systems, particularly in coordination with district energy systems, could make a huge impact in meeting our energy needs while lowering greenhouse gas emissions. Approximately 40 percent of our energy consumption is for heating and cooling of our buildings as well as industrial process heat. Combined heat and power represents roughly 9 percent of our electric power capacity today. If we can move to 20 percent combined heat and power by 2020, we could, according to the DOE, create more than 1 million new jobs and avoid more than 800 million metric tons of carbon dioxide emissions. This would avoid more than 60 percent of the projected growth in carbon dioxide emissions between now and 2030. In other words, this is a big deal. We are talking about real technology that is deployable today, not 50 years in the future. It is here today, ready to be utilized.

In Copenhagen, district energy provides clean heating to 97 percent of the city. This has saved energy, reduced fossil fuel consumption, and avoided greenhouse gas emissions. In our own country, in St. Paul, MN, district energy and combined heat and power provide 65 megawatts of thermal energy and 25 megawatts of electricity from renewable urban wood waste. That is an extraordinary development. This heats more than 185 buildings, 300 homes, and cools an additional 95 buildings. This has reduced emissions and provided exceedingly reliable energy for St. Paul. Same story, smaller scale, Jamestown, NY.

I offer amendment No. 1903, which will provide \$15 million for technical assistance grants under a program authorized in the 2007 Energy Independence and Security Act. These grants will help with engineering studies and feasibility studies. The grants do require a match of between 25 and 60 percent so we are leveraging Federal dollars wisely. These grants were authorized but have never received funding. In fact, we have long neglected district energy and combined heat and power systems. We should be providing Federal support for these efficient technologies.

Interestingly, according to the Biomass Resource Center and the International District Energy Association, there are hundreds of shovel-ready projects that need capital for infrastructure to go forward right now. We are on the verge of putting people to work, cutting greenhouse gas emissions, making these systems more energy efficient. We also have many programs around the country that are in

need of money for feasibility studies. By providing for technical assistance grants, we are taking an important step to move these projects forward.

I ask the chairman of the committee, I have offered this amendment. How does he suggest we proceed?

Mr. DORGAN. Mr. President, I am prepared to accept the amendment. My colleague, Senator BENNETT, is as well. The amendment has been cleared. We have reviewed it. We think it has merit, and we have approved it on both sides. I suggest we ask for consideration and have a vote on the amendment at this point.

Mr. SANDERS. I thank the chairman.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1903) was agreed to.

Mr. DORGAN. I thank the Senator from Vermont. I know he cares passionately about this issue. The description he has given demonstrates the merit of this proposal. Frankly, I am happy to be supportive.

Mr. SANDERS. I thank the Senator.

AMENDMENT NO. 1895 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and Coburn amendment No. 1879 be called up.

Mr. DORGAN. Might I ask the Senator to yield for a question?

Mr. COBURN. I am happy to yield.

Mr. DORGAN. Senator COBURN and I and Senator BENNETT talked about the order of his amendments. I believe he has three amendments. We intend to accept one. I had indicated to him on the contracting amendment he intends to offer, I will offer an amendment as well, and we will have side-by-side votes. I wonder if I might offer my amendment to have it pending. The Senator would then offer his amendment and discuss it and I would offer my amendment on behalf of myself and Senator BENNETT. If that is acceptable to the Senator from Oklahoma, I believe my amendment is filed. I ask unanimous consent that that amendment be called up. It is amendment No. 1895. I ask that on behalf of myself and Senator BENNETT.

The PRESIDING OFFICER. Without objection, the clerk will report the Dorgan amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. BENNETT, proposes an amendment numbered 1895 to amendment No. 1813.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide requirements regarding the authority of the Department of Energy to enter into certain contracts)

On page 63, after line 23, add the following: SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes."

AMENDMENT NO. 1879 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The clerk will report the Coburn amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1879 to amendment No. 1813.

The amendment is as follows:

(Purpose: To reduce the appropriation for Departmental Administration of the Department of Energy so that the Department can set an example for all Americans by reducing unnecessary energy usage)

On page 44, line 4, strike "\$293,684,000" and insert "\$279,884,000".

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Let me first discuss the amendment No. 1895. The American people need to know what this is.

This is a way to say we are following the law on everything in terms of contracting except if it is an earmark. That is what this amendment does. It says we will follow all the laws on contracting except if we have an earmark that we want some company to get that might be a political friend or political donor or might be something we think is better than somebody else might think. Dorgan 1895 essentially guts transparency for this country in terms of when we buy, what we buy, and how we buy.

My amendment says anything we buy is going to be competitively bid. Senator DORGAN may have something he believes in strongly and believes should be done. There is nothing wrong with that, especially if it is authorized. But there is plenty wrong with saying who is going to get the benefit from that being done, which company, which firm, which special interest group. Most often earmarks are for the well heeled, the well connected in this body. When I bring an amendment to the floor that says we will have transparency, the American people will get value. Even if we do an earmark, at least we know we will buy that earmark at a competitive price compared to what we could have bought it for otherwise.

What the Dorgan amendment does is guts that. It says we will follow the law

all the time, the Federal contracting statutes, except when we have earmarked something. So what it does, it allows them to vote to say they are following the law with the exclusion of all earmarks. Whereas my amendment says if you are going to earmark something, at least in these times of trillions of dollars of deficit, maybe the American taxpayer ought to get the benefit of having it competitively bid so that we get real value for it. It is not any more complicated than that.

What we say in my amendment is if it is out there, get good value for the American people, competitively bid it. Make sure it is online. Make sure we follow all the rules and regs. Today it is much more important than ever because government purchasing is more important to those people whose businesses are down-sliding. So we are having many more people interested in competing for the dollars on government work. Yet we have an amendment that is going to be voted on side by side for political cover only that sounds good. It sounds good. It says:

None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any Federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act . . . or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute . . .

That is code word for earmark, "unless such contract is otherwise authorized by statute."

If you vote for the Dorgan amendment, you want to continue to connect the well heeled, the well connected and you don't want transparency and you don't want competitive bid prices on what we as Americans pay through our tax dollars for what the government buys. It is as simple as that. What my amendment says is, each time, every time, unless it is in the interest of national security, we will, in fact, competitively bid. We may not all agree where Senator DORGAN or I may want something done, but at least when we are doing it, we will buy it in a more efficient, more effective way and save money for the American taxpayer.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. COBURN. Is the order that we will pool votes for a later time?

Mr. DORGAN. Mr. President, I will respond, of course, to the comments of the Senator from Oklahoma. If he would wish, it might be sensible for him to proceed to offer his other amendments, calling them up, setting aside this amendment, and we will have them all in front of us. Then we can discuss them and develop an order by which we might vote.

AMENDMENT NO. 1878 AS MODIFIED TO
AMENDMENT NO. 1813

Mr. COBURN. I ask that the pending amendment be set aside and I call up amendment 1878; further, that it be in order to modify the amendment with the change I send to the desk. I understand Senator DORGAN has approved this change.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1878, as modified to amendment No. 1813.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To require public disclosure of reports required in appropriations bills)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in an appropriations Act shall be posted on the public Website of that Agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Mr. COBURN. Mr. President, throughout this appropriations bill, we have a lot of reports we are asking agencies to come up with. This is another amendment about transparency. I appreciate the fact that the chairman and ranking member will accept this amendment.

What this says is, if we get a report, the agency has to report it to the American people. In other words, they have to publish it. We get to see what the results of that report are. There are exceptions for national intelligence and the military, but in those areas where there is not a reason for the American people not to see it in terms of national defense or our own security, what this amendment says is the agencies have to release the reports and put them online and make them available to the American people. You paid for the report; you ought to be able to see the results. Far too often around here, we get reports but only certain people get the reports. Some of us never get reports. So what this says is, the reports that come out of here that are not related to national security or defense and otherwise are appropriate will be made available by the agency to the American public.

With that, I yield to the chairman.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, Senator BENNETT and I have reviewed this amendment and think it has merit and support it and hope we could vote on this by voice vote and that we might do so immediately. So, Mr. President, if the Senator from Oklahoma is ready, I will suggest that we dispose of this amendment by consent.

Mr. COBURN. Mr. President, it is fine for us to accept it.

Mr. DORGAN. It has been cleared by both the Republican side and Democratic side.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1878), as modified, was agreed to.

Mr. COBURN. So I understand, Mr. President, we have accepted amendment No. 1878. I also understand that amendment No. 1884, which requires contracts, has a side-by-side with Dorgan amendment No. 1895.

AMENDMENT NO. 1879

Mr. President, is amendment No. 1879 pending?

The PRESIDING OFFICER. Yes, it is.

Mr. COBURN. At the Department of Energy, one of its tasks in this country is to help us with energy efficiency, to help us with a lot of what we would expect to be within the Department of Energy. It is peculiar, however, when the Department of Energy has looked at themselves, they are highly inefficient, according to their own inspector general, with the utilization of energy. They have 9,000 buildings. The inspector general said last year they wasted at least \$13.8 million in energy costs—\$13.8 million. There is \$13.8 million they could have saved had they done some small, simple, straightforward things like they request every other agency in the Federal Government to do. Isn't it ironic that the very agency that is telling all the rest of the agencies to save money by becoming efficient with their computers, by becoming efficient with their heating and cooling systems, by becoming efficient with their utilization of lighting, does not even follow their rules they ask the rest of the agencies to follow.

This is a very simple amendment. We know at least \$13.8 million was wasted last year. That is probably just the tip of the iceberg. This amendment says we are going to reduce their funds by \$13.8 million. And I can tell them the steps tomorrow as to how they can save \$13.8 million so it will have no net effect on the agency. So with what we do, the American taxpayers get \$13.8 million, as a minimum, of energy savings out of the Department of Energy. That is as straightforward as I can say it.

Here is another one of those reports that nobody reads except our staff, and you see the IG is doing their actual work, and now we are bringing an

amendment to the floor. It has not been agreed to. It has not been accepted. But it is absolute common sense. I do not understand why it is not accepted, when the IG has plainly listed out where you can save the money and how you can do it. Why would we not reduce their funding to force them to do that?

So it is a no-net-revenue-loss for them because they are going to save the \$13.8 million as they reconfigure computers, as they follow their own regulations within the Department of Energy. I will not go on in detail. But this is the kind of commonsense amendment we need to be doing in the Senate to hold the agencies accountable to follow their own rules, as they force everybody else to follow the same set of rules. This is not "do as I do." This is "do what you see us doing." That is the model, and that is the example.

AMENDMENT NO. 1884 TO AMENDMENT NO. 1813

Mr. President, it is my understanding that amendment No. 1884 still needs to be called up. So at this time, I ask unanimous consent to set aside the pending amendment, call up amendment No. 1884, and then following its calling up, to set it aside and resume the present amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1884 to amendment No. 1813.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit no bid contracts by requiring the use of competitive procedures to award contracts and grants funded under this Act)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award the grant uses competitive procedures to select the grantee or award recipient.

AMENDMENT NO. 1879

Mr. COBURN. Mr. President, it is my understanding we are back on the previous amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. One last point I would like to make is that the Department of Energy is responsible for numerous private sector energy-efficient programs and for the enforcement of those programs. It makes sense that if they are going to be the enforcer and be responsible, they ought to follow those same energy efficiencies to regain the confidence of the very people they are saying they want change from. It is pretty hard to expect people to swallow making changes for energy efficiency in all the rest of the government agencies when the very agency that is telling you to do it does not follow its own rules. So this is straightforward.

I know the appropriators do not like somebody coming and cutting money, but this is a no-net-cost to the agency. All they have to do is about 15 small steps—very inconsequential in terms of cost—and they can save almost \$14 million next year. Probably they will save \$20 million or \$25 million, and that is just based on the two IG reports we have from the fall of last year and the spring of this year. So this is not old data. This is brandnew data. These are brandnew reports from the IG.

I hope my colleagues would reconsider and accept this amendment because it is one of the ways we can save \$13.8 million. It is an easy deal.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, as always, the Senator from Oklahoma is thoughtful and courteous, and we appreciate—Senator BENNETT and I appreciate—him coming to the floor and offering his amendments.

Let me say to the Senator from Oklahoma, we cut the administration budget in the Department of Energy by \$8 million as we brought it to the floor. But even more important than that, we have cut \$643 million from the Department of Energy from the President's budget. So as CBO recalculates the President's request to the Congress, we have cut \$643 million. And we have cut \$8 million in the administration budget in the Department of Energy.

So I sympathize with his notion. I certainly strongly support what he is suggesting to the Department of Energy they should do. I just say to him, we have already made those cuts and far, far more in terms of what the President wanted for the Department of Energy. We are \$643 million below the President's request and \$8 million below in the administration accounts in the Department of Energy.

Mr. President, I will be happy to yield to the Senator.

Mr. COBURN. Mr. President, the Senator would admit, would he not, that the President's request is what he requested, it is not what was actually spent last year? That is No. 1. What you have done is cut \$8 million from actual expenditures in administration last year.

Mr. DORGAN. That is correct.

Mr. COBURN. So therefore would the Senator agree to accept my amendment to just adding \$5.5 million to the \$8 million you have already cut, because you are going to get it back in energy savings?

Mr. DORGAN. Mr. President, again, I agree that what we ought to be doing is encouraging the Department of Energy—all Departments—to be engaged in energy savings and efficiencies and so on. I will be glad to visit the Senator about cuts. But, as I said, we already made substantial cuts. I think the Senator from Oklahoma knows that the President's request, in the context of the broad range of budget requests for a broad group of Federal agencies, was what he felt he wanted and needed in order to have some sort of transformational energy future.

We are working on a wide range of new and innovative energy approaches: decarbonizing coal, additional production in wind and solar and biomass, additional production offshore in the gulf. We are working on a lot of issues, and some of that requires substantial research and development. So the President had a pretty good appetite for what he felt was needed. We cut that by \$643 million.

The reason I am emphasizing that to the Senator is Senator BENNETT and I did not just saddle up and say: Well, whatever you want, here it is. We cut it, and we cut it because we felt those cuts were deserved.

I certainly appreciate the Senator from Oklahoma coming to the floor wanting additional cuts. But \$643 million is a pretty substantial walk away from what the President had originally requested for that agency.

My hope is that we can include—we will include—certainly I will be the chairman of the conference—we will include very strong and assertive language of the type the Senator is requiring of the Department of Energy. I would insist, as well, that the Department of Energy—all agencies—demonstrate efficiencies and conservation and the kinds of things that can and should be done to address the overusage of energy.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I would associate myself with the chairman's remarks and simply add a few more figures. In the energy efficiency and renewable account, we reduced funding for program direction by \$85 million, and program support funding was reduced by \$48 million. In the Office of Science, we have cut funding for field offices by \$13 million and cut headquarters funding by \$6 million. And the President's request for the personnel and program direction account we cut by \$160 million.

So these are a little more granular than the overall figure the chairman

mentioned. But I mention them to point out that we have indeed looked at each one of these individual items very carefully and produced the result the chairman described.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me just make a comment.

I know the Senator feels strongly about contract reform, and on the two amendments in front of us, the Senator from Oklahoma talked a lot about earmarks. But, of course, he is well aware that his amendment deals with far more than just earmarks. The issue of formula awards to State and local governments which are carried in this legislation, the issue of competitive grants, the contract competition model that the Senator seems to suggest the Senator believes is appropriate for the competition and research and development, many of which are very exotic and interesting and cutting-edge, world-class research projects in the Department of Energy—I do not know that—I guess the people who do know suggest that the contract competition model for some of those kinds of things does not work very well because you are looking at things that go well beyond just who is going to bid the lowest on the kind of research and very high-tech, exotic research we are doing in a wide range of energy fields.

I generally have always supported contract competition. There is nobody who has been tougher on the Department of Defense, for example, on some of these contracts, particularly no-bid contracts to those who are contracting in Iraq. Next Monday will be my 20th hearing on issues like that. I strongly support competition in contracting.

I think this amendment that has been offered is not an amendment that very well fits this bill and addresses, in a very broad-stroke way, some things that should not be addressed that way. So that is the reason I have offered an alternative to it. My hope is that the Senate will agree with the alternative.

I might say, I believe this exact debate was held 2 weeks ago on the Homeland Security bill and has already been resolved by the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I enjoy my debates with the appropriators. I love you guys. I think it is great.

The one thing that was not mentioned is that in the stimulus bill the Department of Energy got an additional billion dollars. So there has been no net cut. There has actually been a massive increase in the Department of Energy when you count the stimulus bill.

No. 2 is, you have ramped up the FEMP the Federal Energy Management Program, by 50 percent, going from \$22 million to \$33 million, the very program that they are enforcing

on everybody else. Yet they won't comply with it.

I also would say the Senate is going to get to decide this every time we have an appropriations bill as far as transparency in contracting. I may get smarter at the way I write it, but the American people deserve to have great value.

If you want to change the contracting law to say there are certain times we shouldn't do that in terms of highly specific scientific things, that is fine with me; but the fact is billions and billions and billions of dollars are well placed directly to businesses in this country at higher rates than they would have been otherwise had we had competitive bidding and open contracting. Nobody can deny that fact. Nobody can deny that fact. I am talking about all across the government.

So we are going to get a vote on competitive bidding on every appropriations bill that comes before the Senate. The American people get it. It is a great defense you are offering, but it isn't going to pass the smell test with the American people. They deserve the best value they can get on every penny we spend of their money, not our money.

I understand we think we have decided it. We are going to keep voting it; we are going to keep voting against it, and we are going to keep telling the American people we are still going to connect up with our buddies, we are still going to make sure these people who are well heeled and well connected are going to get the contracts.

I will grant to the chairman there are certain things that should be outside of this that are highly scientific, that are limited to very few potential bidders, and maybe even only one. But, remember, we have FutureGen going in Chicago now, a \$2 billion earmark that is going to be a \$4 billion earmark that is going to be a \$6 billion earmark that we said only one person can do, and MIT says nobody can do it because the technology isn't finished. We have that going. That is a Department of Energy earmark. So it is not just hundreds of thousands of dollars; it is billions and billions and billions of dollars.

America should hear that what we are going to see is we have all the reasons in the world why we are not going to be competitively bid. We are going to give you all the reasons why we are not going to be efficient with your dollars, why now is not the time, why we shouldn't do this now. But the fact is that while we shouldn't be doing it, we are cutting the legs off of our children and grandchildren.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Oklahoma is not going to win a debate we are not having.

I agree with most of what the Senator from Oklahoma said. I support

contract—but the Senator from Oklahoma himself suggested maybe we should have a different model for the highly exotic research contracts. By the way, they are not just a few. You go to the labs and take a look at the contracts that are going on around the country in very exotic, high-tech research; cutting-edge, world-class research. If, in fact, there should be perhaps a different model for that, it is not in this amendment. That is my point.

I would be happy to sit down with the Senator from Oklahoma to bring an amendment to the floor that does address things in the right way, but to bring an amendment to the floor that has a very broad brush that covers everything when the Senator himself acknowledges that probably something other than that should be done with respect to these kinds of exotic research programs—he didn't respond to the issue of State formula grants and so on—but again, we are not having a debate about the merits of what you aspire to achieve.

I want us to have contracting rules that give the American people the best value for their dollar, that advance this country in the most significant, capable way. We want the same things. But my point is, when one offers an amendment such as this that says, All right, do it all this way, and even—I would say to the Senator from Oklahoma, even the Senator acknowledges there are areas that perhaps shouldn't be handled that way. So let's do it in a way that resolves it in the right way.

I know he is frustrated that we likely won't pass this amendment, but if he is going to bring it up time and time again, the next time or the time after, let's do it in a way that gets closer to that which we believe will address all of these issues the right way for the American taxpayer, and I will be on his side.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I say to both the chairman and the Senator from Oklahoma, if there is going to be a meeting to try to write this in the proper way, I want to be a part of it, because I agree absolutely with the effort the Senator is making.

But the Senator from Oklahoma made one reference to efficiency. He said we want a bidding process that is efficient. I want to step out for a moment from the scientific debate into another circumstance that has to do with this bill, that has to do with my own State that I can give an exact example for.

We have a cleanup program in southern Utah dealing with the cleanup of an old uranium plant. The tailings from that plant are right next to the Colorado River, and the fear is that the leaching from the tailings of that plant is going into the Colorado River, not

only threatening the fish but the population downstream, downstream States, and the country of Mexico, and significant problems. All right. A contractor was necessary to clean up the tailings pile and there was competitive bidding that went on and the contractor was chosen and is now involved in a very significant, multimillion-dollar cleanup program.

As I understand the language of the amendment of the Senator from Oklahoma, because we are appropriating more money for that cleanup program in this bill, we need another competitive bidding proceeding to see if that is the right contractor. This is a contractor who is looking at 10 years, 12 years for the contract, and every time a new appropriation is necessary in each bill. It would seem to me it makes sense that once we have picked the contractor through competitive bidding, there does not have to be a competitive bid every year to see whether another contractor can now move in, take over, and make this work. It is possible we could. It is possible that this first contractor might be running up costs in fashions he shouldn't be doing and there should be a review. But I agree with the Senator from North Dakota that this is too much of a broad brush in that kind of area.

I was involved as a freshman Senator with respect to concessions at national parks, and I angered the ranking member of that committee when I sided with some other Senators in the majority—the Democrats at the time—to change the rules with respect to concessions in national parks because I said this is a rigged bidding situation where the incumbent contractor is always going to be taken care of. We finally got that done.

I am completely in sympathy with what is trying to be done here, but I discovered in going through that process—the same general idea, different set of facts—that it is more difficult than it looks on the surface. That is why I am supporting the chairman in the amendment he is offering. But if there is going to be a discussion of how this gets more efficient in the pattern in which it is written, I want to be a part of that, because I am completely sympathetic to the effort of trying to see to it that we have open contracting wherever it makes sense.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. The Senator from Utah mischaracterizes both the intent and the function of the amendment. If something is already contracted that has already been appropriated for, it won't be affected. It is new contracts and new bids. That is the intent.

The reason I come with this is because nothing ever changes here. If, in fact, we pass my amendment, you know what. We will have to change the

contracting. How do we change contracting with everything that is coming across the floor? How do we get it through committee? We will never move it until we are forced to move it. That is why this amendment is written this way, because all of us know the great deal of difficulty to get anything done in this body.

So if, in fact—we are going to do three bills in the next 2 weeks: one on the transportation trust fund, one on unemployment insurance, and one on HUD that has to be done. They will get done. So the reason it is written this way is because it will have to get done and we will do it. We will never get it done the other way, and both of my colleagues recognize that there is truth in that statement.

I am going to insist we have a vote on the amendment. I thank the chairman and ranking member for their debate. I remind the American people that there is always an excuse in Washington not to have transparency, not to be efficient, and not to be effective. We will always find a way not to get good value for your money.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, without prolonging this debate, let me say to the Senator from Oklahoma there are other ways to get things done as well. I mean, look, some of the most significant contracts that have gone out of this town recently in the last 10 years or so—the LOGCAP contract which provides services by contractors in Iraq—sole-source contract, billions and billions of dollars—most of it went to Halliburton and KBR, by the way; not all of it but the fact is massive amounts of money.

I have held 20 hearings as of Monday on these issues. You know what. Finally, they are bidding all of those contracts. Finally, they are bidding them. When you hold up some of the abuses, you can actually require change, in my judgment. Yesterday the inspector general said those who were providing electrical services to the military bases in Iraq were responsible for the electrocution of soldiers because they were hiring third-country nationals who didn't know how to ground electrical wires, didn't know how to speak English. You know what. Those contracts are now going in other directions. There was a contract to provide water to military bases and the non-potable water was more contaminated than raw water from the Euphrates River, paid for by our taxpayers to contractors who didn't have the foggiest idea what they were doing and got billions of dollars of contracts they didn't have to bid on.

The fact is this sort of thing is despicable and needs to change. I take no backseat to any Member of the Senate about trying to change these things. I

have held 20 hearings on these contract issues in recent years. The Senator from Oklahoma comes and raises important questions, always. I understand that. My point to him was simple: This amendment, in my judgment, doesn't respond to all of the issues the Senator needs to respond to if the Senator is going to do an amendment that does reform contracting. I am very interested in working with him. He is on the right subject, in my judgment, just the wrong amendment.

I wanted to say, there are a lot of ways to change things. Yes, with an amendment here on the floor of the Senate; in committees; and I am sure the Senator from Oklahoma does that as well; pressing Federal agencies. You can get change by putting all of the spotlights on the same spot in a Federal agency to say, How do you justify this? We demand you change.

So there is a lot of good work that goes on by people who care about forcing change, and many of us have done it.

I wanted to say there are a lot of ways to do this and I encourage the Senator from Oklahoma to continue. I want to be a part of constructive change on contracting. I have been in the past and will be in the future.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. DORGAN. Mr. President, let me ask if the Senator would agree, if he would withhold—I believe the Senator from Missouri wishes to make a very brief statement and she may be offering an amendment—I don't know that she is going to require a vote on it—and then we could line up—I believe we will have three recorded votes.

Mr. COBURN. That will be fine with me.

Mr. DORGAN. If we could turn to the Senator from Missouri at this point and then we could line up three successive votes on the Coburn amendments, two by Senator COBURN and one by myself and Senator BENNETT.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I thank the Senator from North Dakota. I wish to agree with my friend, the Senator from Oklahoma, on his amendment on contracting competition. Maybe it is fitting that in the Energy bill, I am probably doing a Don Quixote here, tilting at a windmill.

I have learned during my time in the Senate that there are certain things that are very protected, and one of them is the earmarking process. I think most people would acknowledge that we have billions in noncompetitive contracts through earmarks, and they are not all for exotic research. Yes, we have noncompetitive contracts a lot of places and we should try to get rid of all of them, every last one of them. If it is exotic to research, then there are probably not going to be very many people who have bid on it.

So I don't agree with my friend from North Dakota on this issue of carving out earmarks as an area of noncompetite. I think—

Mr. DORGAN. Mr. President, will the Senator yield?

Mrs. MCCASKILL. Yes.

Mr. DORGAN. The Senator is not describing my position. I did not suggest carving out earmarks. The Senator has not heard that this afternoon.

Mrs. MCCASKILL. I just listened to the debate.

Mr. DORGAN. You didn't hear that during the debate.

Mrs. MCCASKILL. Let me restate what I heard. I heard the Senator from Oklahoma wants to pass an amendment that would require competition for all of the earmarks in the bill. I think that is a good idea. I think competing for all earmarks is a good idea. I think it is not correct that the non-competitive earmarks are all exotic research or any other kind of earmark that could lend itself to competition. I think there are many that could easily lend themselves to competition. I believe that once we get to competition, it is going to provide transparency the American people are aching for in this area of earmarking.

(Mr. BURRIS assumed the Chair.)

Mr. DORGAN. Will the Senator yield again?

Mrs. MCCASKILL. Yes.

Mr. DORGAN. The discussion wasn't just about earmarks. Perhaps it included them, but if the Senator is describing an amendment that only requires competition, or competitive bidding on earmarks, that is not the amendment.

Mrs. MCCASKILL. My discussion is about the noncompetitive earmarks. I think whatever amendment gets us to more competition, I am for it. I think there are way too many. I could not be a bigger fan of the Senator from North Dakota and what he has done on contracting relating to the war in Iraq. I followed those hearings before I came to the Senate, and I continue to follow them. He has been a groundbreaker in the area of wanting competition.

If you look at the billions of dollars that were wasted in the Iraq war over noncompetitive contracts, and if you look at the atrocities committed in the name of noncompetition which the Senator from North Dakota has exposed, he has been terrific on that. Some of us just disagree about whether earmarks should be competed. Although I try to agree on every bill that removes all earmarks, I generally don't go into and pick out an earmark to complain about. I generally don't vote for amendments that do, because in many ways I think the process of picking on one amendment here or there, or one earmark here and one earmark there can be as arbitrary as the process of earmarking sometimes appears to be. So I generally don't do that.

But in this instance, there is an earmark in the bill that I know a lot about. The Senator from North Dakota has done this because he believes very much in having another study on the Missouri River. We have been fighting over water in this country for as long as this country has been around. Water is very important in Missouri. Navigation of the Missouri River is incredibly important to our farmers and to our utility companies.

There was, in fact, a large study undertaken on the Missouri River that was completed in 2004. It cost the taxpayers \$35 million. It took 15 years to complete, and there were all kinds of lawsuits over it between the various States up and down the river. There were a couple of things that came out of the study. One of them was there was an agreement that began the Missouri Recovery and Implementation Committee. It is a committee that includes stakeholders from all along the river who meet several times a year to help develop a long-term management plan for the river. This process has recently begun. It hasn't even had time to work.

I feel strongly that repeating another study is unnecessary, when there is nothing that has dramatically changed since we spent the \$35 million on the study done in 2004. And now we are going to begin another \$25 million study by the same group, looking at the same issues. That, to me, is wasteful.

I think considering the fact that the Senator from North Dakota did participate aggressively in the long-term management proposal on the MRIC, Missouri Recovery and Implementation Committee, I hope we can give it time to work before we embark on another policy. I know there was a GAO study that talked about navigation, and I know that study showed there are less goods being shipped on the Missouri River. But that GAO study didn't take into account a couple of things. One was that the navigation season has been severely limited by the Corps. That drives away the shippers. The GAO study also didn't include the value of the goods shipped, the jobs associated with the shipments, or the impact on utilities.

We have, in fact, four powerplants located along the river that need the water in the Missouri River to cool their plants. I think this study is not going to end the fight over the river. I cannot fathom what a \$35 million study failed to accomplish that a new \$25 million study is now going to accomplish. This is a great example of studies to try to impact policy, so that you keep having continuous studies.

The amendment I have offered would remove the money for this study, because I think it is wasteful duplication, and I believe very strongly that, in fact, we should not be embarking on

another one of these studies. It is wasteful and it is duplicative, and I want to continue to work with the Senator from North Dakota. Obviously, we don't see eye to eye on who should get all the water on the Missouri River. I look forward to working with him and, hopefully, as we move forward with the MRIC, we can have all the stakeholders at the table and continue to negotiate in a cost-effective way for the taxpayers that doesn't harm the State of North Dakota or any of the other States along the Missouri River.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the Senator from Missouri is an active, avid, and aggressive fighter for the interests of her State. I understand and recognize that. I would not expect anything else. But I will tell you a story about water and about the Missouri River. The Missouri River was a big old wild tangled river for a long time. It used to flood; it flooded a lot. In the spring, when the floods came from the river, it would devastate parts of my State, and South Dakota, and other States down South, and it would ruin the parks and flood them in St. Louis, MO, and so on. So some people came to North Dakota from the Federal Government and said: We would like to harness that Missouri River. They cannot play softball in the parks in St. Louis because of the flooding, and we would like to get the benefits of flood control. Our deal is this: If you will allow us, in the middle of North Dakota, to put in a flood that will come and stay forever—a big old flood, half a million acres of permanent flood, if you allow us to do that, we will allow you to have some benefits. We understand we are asking to flood your State in order to protect the downstream States. But if you allow us to do that, and if Montana and South Dakota will allow us to do that, we can put in these big old floods in the upstream States; and we understand there is a cost to you to have this flood, so we will let you move water around to benefit your State, and it will be good and you will appreciate it. The folks in my State, believing this was on the level, signed contracts and said that would be OK. They moved the Indians off the bottomland from reservations of the three affiliated tribes, and built the big old dam, and President Dwight Eisenhower came out to dedicate the dam. They backed up the water, and we have the half million acre flood. The Elbow Woods Indian Hospital is now under water, and has been for 50 years. So we have the flood that comes and stays.

The problem with the way the river is managed, after they built six main-stream dams, in order to harness the Missouri River, the way they manage it today is the way they planned to do

it 60 years ago. They said we have a vision. We will be able to navigate the river down South with barges, and we will haul material on barges. What a great thing. Think of the value of having barge navigation on the downstream reaches of the Missouri River. Do you know what. There are days when—and I can get you reports—there is only one miserable boat floating in the downstream reaches of the Missouri. Yet we are furiously releasing water from the upstream dams to support one little old barge. By the way, that barge is hauling mostly sand and gravel, which is something of relatively low value. So we have this big fight about how the river should be managed.

In the old days, they predicted a lot of commercial value of barge traffic. But, in fact, that is not the case. The upstream value of recreation, tourism, and fishing is now almost 10 times the value of the downstream value of barge traffic. Yet the river is still managed for the minnow and not the whale, which is typical of the Corps of Engineers: Never change. Resist change. Never change, no matter what.

So they did an evaluation of the river, and all of the States, except Missouri—which was an outlier, and they wouldn't agree to anything—they did an evaluation, and finally a study was developed. That study had a lot more to do with the Endangered Species Act and managing those issues than for determining whether we are making the best use of the river system in our current management scheme.

The answer is that the current management scheme makes no sense at all. We are releasing the water in the middle of a drought, which we did, by the way. It is a river system that has a capacity of around a 55 million to 58 million acre-feet of water. It was down to, I think, 35 million acre-feet of water, and we were releasing water to float one boat. That is unbelievable to me.

Last year, I included funding for a study that will study the management of this river, what is appropriate and should be done, with some semblance of common sense here. I know people objected to doing that because the answer may well be an answer that moves away from what I have called a "one State hog rule," meaning give us all you have when we need it, and keep it all when we don't want it. It is an interesting way to manage the river, but that is the way some States on the Missouri have suggested it be managed.

It is not fair to us. We are waiting, 60 years later, for all of the benefits promised us if we would allow a permanent flood to stay forever in the middle of our State. Our ancestors did that. They said we will sign up for that, but we got all of the costs and have not yet received the benefits.

With respect to the management of the Missouri River system, it is long

past time that the river be managed with the recognition of its current use. When we are still releasing water for one little barge, on 1 day, on the lower reaches of the Missouri, somebody ought to have their head examined. We cannot examine their head, but we can examine the master manual. That is what we are going to do with this study.

I have so much more to say, but let me resist and defer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that at 5:15 p.m. today, the Senate proceed to vote in relation to the following amendments in the following order, with no amendments in order to any of the amendments covered in this agreement, with the time until then equally divided and controlled in the usual form; that after the first vote, the succeeding votes in the sequence be limited to 10 minutes each: Coburn amendment No. 1879, Dorgan amendment No. 1895—that is Dorgan-Bennett—and Coburn amendment No. 1884. Those three amendments are again No. 1879, No. 1895, and No. 1884.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, Senator BENNETT and I have discussed—and I have also visited with the majority leader within the last hour—my hope that we will be able to go to third reading, with the consent of Senator BENNETT and the majority leader, following these votes and following a period in which we would gather together whatever remains. There are a few amendments that remain that we can clear. We have waited all day, and we waited all day yesterday. Senators have had plenty of opportunity, plenty of time, and their staffs have had plenty of notice, to come and offer amendments.

For the next hour, we will be here. We will have the vote at 5:15 p.m., and following that vote, it is my intention that we finish this bill very shortly following that vote by going to third reading. We don't want to preclude opportunities for people to offer amendments, but no one can hardly come to the Senate floor with a straight face and suggest they have been precluded from anything, given the fact that Senator BENNETT and I have been sitting here patiently for well over the past 2 days.

Again, with the cooperation of our colleagues and with the hard work of our staff and our colleagues, I think we can finish this bill this evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask that the time during which we are in the quorum call be equally divided between both sides.

Mr. BENNETT. Mr. President, I have no objection to that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1891

Mr. KAUFMAN. Mr. President, I rise today to speak about an amendment Senator CARPER and I filed earlier today, amendment No. 1891. This is a simple amendment, and one I hope the Senate will support.

Our amendment addresses the Delaware River Deepening Project. This is a project to deepen the river's shipping channel from a depth of 40 feet to one of 45 feet in an effort to bring more commerce.

Twenty-nine miles of the shipping channel run through the State of Delaware on its way to the ports in Philadelphia and New Jersey.

Those of us with ties to the three States that are involved know the long history of this project. The project has had a lot of starts and stops over the years—that I won't go into now—and it was put on hold in 2002 before being restarted in 2007.

What our amendment does is prohibit the use of any funds from this bill on the portion of the deepening project that is within Delaware, until the State government issues the applicable permit.

This action is necessary for several reasons.

Earlier this month, the Delaware Department of Natural Resources and Environmental Control denied a permit for this project that had been pending for 8 years, since 2001.

During that time, the scope of the project had changed substantially, and the State was lacking current scientific data. The rejection of the old permit application, however, was made without prejudice, permitting the Corps to apply for a new permit.

Furthermore, the Army Corps has not yet provided the State with an up-

dated and detailed Environmental Assessment of the deepening, nor has the State been given any detailed information regarding the placement of the dredged soils that will result from the project.

Finally, the Government Accountability Office is undertaking a reanalysis of the costs versus benefits of the deepening project. This analysis is due out at the end of this year.

These are important questions that the people of Delaware deserve to have answered and that is why we offered this amendment.

This amendment merely prohibits funding in the bill from being used to carry out this project within Delaware, until the State government has given its approval.

This will give DNREC the opportunity to do its job—and protect the river's environment. And it will give the State the ability to obtain information vital to the citizens of Delaware prior to any deepening being done in our own State.

I would hope all of my colleagues can understand and identify with this.

If it were their State, I suspect they would feel the same way.

Again, I hope the Senate will support the adoption of the amendment, which I will introduce later.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1879

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1879.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—35

Barrasso	Ensign	Johanns
Bayh	Enzi	Kyl
Bunning	Feingold	Lincoln
Burr	Graham	Lugar
Chambliss	Grassley	Martinez
Coburn	Gregg	McCain
Corker	Hatch	McCaskill
Cornyn	Hutchison	McConnell
Crapo	Inhofe	Nelson (NE)
DeMint	Isakson	

Risch
SessionsSnowe
ThuneVitter
WickerRoberts
Rockefeller
Sanders
Schumer
Shaheen
Shelby
SnoweSpecter
Stabenow
Tester
Thune
Udall (CO)
Udall (NM)
VoinovichWarner
Webb
Whitehouse
Wicker
Wyden

NAYS—62

Akaka
Alexander
Baucus
Begich
Bennet
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Burris
Cantwell
Cardin
Carper
Casey
Cochran
Collins
Conrad
Dodd
DorganDurbin
Feinstein
Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Menendez
Merkley
Muskowski
MurrayNelson (FL)
Pryor
Reed
Reid
Roberts
Rockefeller
Sanders
Schumer
Shaheen
Shelby
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—18

Barrasso
Bunning
Burr
Chambliss
Coburn
CornynDeMint
Ensign
Enzi
Grassley
Inhofe
IsaksonJohanns
Kyl
McCain
McCaskill
Sessions
Vitter

NOT VOTING—3

Byrd

Kennedy

Mikulski

The amendment (No. 1895) was agreed to.

VOTE ON AMENDMENT NO. 1884

Mr. DORGAN. Mr. President, under the previous unanimous consent agreement, amendment No. 1884 is next to be voted on.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. (Mr. BENNETT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 71, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—26

Barrasso
Bunning
Burr
Carper
Chambliss
Coburn
Corker
Cornyn
CrapoDeMint
Ensign
Enzi
Feingold
Graham
Grassley
Inhofe
Isakson
JohannsKyl
Martinez
McCain
McCaskill
Risch
Sessions
Thune
Vitter

NAYS—71

Akaka
Alexander
Baucus
Bayh
Begich
Bennet
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Burris
Cantwell
Cardin
Carper
Casey
Cochran
Collins
ConradCorker
Crapo
Dodd
Dorgan
Durbin
Feingold
Feinstein
Franken
Gillibrand
Graham
Gregg
Hagan
Harkin
Hatch
Hutchison
Inouye
Johnson
Kaufman
Kerry
KlobucharKohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McConnell
Menendez
Merkley
Muskowski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Risch

NOT VOTING—3

Byrd

Kennedy

Mikulski

The amendment (No. 1884) was rejected.

Mr. NELSON of Nebraska. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1864, AS MODIFIED

Mr. DORGAN. Mr. President, if I might have the attention of the Senate, I wish to make a unanimous consent request.

I ask unanimous consent that we proceed with one part of my unanimous consent request and that is Senator HUTCHISON's amendment she wishes to offer, which I believe will now be a voice vote. So I ask unanimous consent that she now be recognized to offer her amendment, No. 1864, as modified.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that amendment No. 1864 be called up and changed with the modifications at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1864, as modified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

Of the \$85,000,000 provided under the wind energy subaccount under Energy Efficiency & Renewable Energy, up to \$8,000,000 shall be competitively awarded to universities for turbine and equipment purchases for the purposes of studying turbine to turbine wake interaction, wind farm interaction, and wind energy efficiencies, provided that such equipment shall not be used for merchant power protection.

Mrs. HUTCHISON. Mr. President, this is an amendment that basically is to fill a needed gap in wind energy research.

I ask unanimous consent to have printed in the RECORD letters of support from the National Renewable Energy Laboratory in Colorado; from Professor Daniel Kammen at the University of California, Berkeley; and from the American Wind Energy Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RENEWABLE
ENERGY LABORATORY,
Golden, CO, February 25, 2009.

Re: National Research Wind Farm At Pantex, Research Initiation Partnership on 20% Wind by 2030: Overcoming the Challenges DOE/EERE FOA DE-PS36-09G099009.

DEAR PROPOSAL REVIEWERS: The recent DOE WHPT 20% workshop identified the operating environment within multiple array windfarms as the most probable source of premature turbine component failures and power underperformance. The need to evolve a more comprehensive physical understanding of the causal relationships between atmospheric inflow phenomena and windfarm interaction was identified as the key remaining science issue before new technology and microclimatology concerns could be addressed.

We have been briefed in detail on the plans of Texas Tech University and Pantex/NNSA for the funding, installation and operation of a research windfarm near Amarillo, Texas to help address this technology challenge. This facility will not only meet the requirements of the President's Executive Order 13423 for the DOE it will also serve as a publicly-accessible large-scale, windfarm research vehicle addressing the principal concerns of industry in advancing operation, performance and technology. This facility is a unique opportunity to address immediate science and technology gaps while helping achieve the nation's goal of attaining 20% of its electrical energy supply from renewables by 2030.

To initiate the research planning and utilization of this facility, Texas Tech has applied for a FOA award to plan for its utilization to meet the research needs of the US wind industry and allied stakeholders. Based on preliminary discussions, we are happy to provide support during these initial planning phases and estimate our level of effort at \$50K per year for the first two years. Of course, a more detailed cost estimate will be prepared with a successful award and with concurrence of our DOE sponsors.

We strongly support the establishment of this new research facility and are looking forward to our continued and long standing RD&D relationship with Texas Tech along with other national laboratories, industry and academic partners involved with this program.

If we can answer questions about the project or how it can meet the needs of the US wind industry, please do not hesitate to contact us.

Sincerely,

MICHAEL C. ROBINSON,
Acting Center Director,
NREL's National Wind Technology Center.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, CA, July 2, 2009.

Re National Wind Resource Center, managed by Texas Tech University and Wind Farm.

Dr. STEVEN CHU,
Secretary of Energy,
Washington, DC.

DEAR SECRETARY CHU: The Renewable and Appropriate Energy Laboratory (RAEL) at the University of California, Berkeley, is a unique energy research, development, project implementation, and community outreach facility. RAEL focuses on designing, testing, and disseminating renewable and appropriate energy systems. The laboratory's mission is to help these technologies

realize their full potential to contribute to environmentally sustainable development in both industrialized and developing nations while also addressing the cultural context and range of potential social impacts of any new technology or resource management system.

I am writing to support and recommend that the Department of Energy create a world-class research wind farm and National Wind Resource Center. We believe this project will help ensure significant access to the wind farm for public research, led by Texas Tech University and supported by their research partners and alliances. The National Wind Resource will include partnerships with industry, public research institutions and members of academia and will provide an effective vehicle to help reach our renewable energy objectives as a nation. RAEL's work on integrating low-carbon energy systems fits well with the mission of Texas Tech University's project and will make the efforts of both institutions stronger in their service of national clean energy independence.

The Wind Science and Engineering Center at Texas Tech brings their 38 years of expertise as a leader in wind energy research to the partnership to create a national wind research and resources center on their 5,800 acres parcel adjacent to the Pantex site. This national center will provide multi-disciplinary research along with workforce training and development programs to address the critical issues facing the wind power industry. An important aspect of this project is the broad partnerships with other national laboratories, and academic and industry partners will be invited by Texas Tech University to collaborate and have a presence in the center.

Once again, I want to express my strong support for this innovative renewable energy project. This initiative represents an innovative approach in demonstrating the United States leadership in wind energy, and will establish a multi-faceted use of the wind farm and facility for research and workforce development. Please do not hesitate to contact me to discuss this matter further.

Sincerely,

DANIEL M. KAMMEN.

AMERICAN WIND ENERGY ASSOCIATION,
Washington, DC, July 16, 2009.

Re National Wind Resource Center, Managed by Texas Tech University.

Dr. STEVEN CHU,
Secretary of Energy,
Washington, DC.

DEAR SECRETARY CHU: AWEA is a national trade association representing wind power project developers, equipment suppliers, services providers, parts manufacturers, utilities, researchers, and others involved in the wind industry—one of the world's fastest growing energy industries. In addition, AWEA represents hundreds of wind energy advocates from around the world. With over 2,000 members & advocates, the American Wind Energy Association (AWEA) is the hub of the wind energy industry. AWEA promotes wind energy as a clean source of electricity for consumers around the world.

I am writing to encourage the efforts of Texas Tech University to develop a world class research wind farm and national wind resource center. We believe this project will help ensure significant access to the wind farm for public research, led by Texas Tech University and supported by their research partners and alliances. Though the National Wind Resource Center will focus on a variety

of issues, I understand the Center is specifically focusing on the resolution of key technological and research issues outlined by DOE. This proposed project is designed to include partnerships with industry, public research institutions and members of academia and will provide an effective vehicle to help reach our renewable energy objectives as a nation.

The Wind Science and Engineering Center at Texas Tech brings their 38 years of expertise as a leader in wind energy research to the partnership to create a national wind research and resources center on their 5,800 acres parcel. This national center will provide multi-disciplinary research along with workforce training and development programs to address the critical issues facing the wind power industry. In addition to the partnerships noted above, I understand other national laboratories, along with academic and industry partners will be invited by Texas Tech University to collaborate and have a presence in the center.

Once again, I support this innovative renewable energy project. This initiative represents an innovative approach in demonstrating the United States leadership in wind energy, and will establish a multi-faceted use of the wind farm and facility for research and workforce development. Please do not hesitate to contact me to discuss this matter further.

Sincerely,

DENISE BODE,
Chief Executive Office.

Mrs. HUTCHISON. Mr. President, I ask that we pass this amendment, which would require \$8 million of the \$85 million already in the bill for energy efficiency and renewable energy to be competitively awarded to universities for turbine equipment purchases to study turbine performance, because there is a lack of understanding about why wind farms are experiencing premature turbine component failures and power underperformance, and this is an area we need to address.

I ask my colleagues to support the acceptance of my amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I support the amendment. I would defer to Senator BENNETT, but I believe it is agreed to by myself and Senator BENNETT.

Mr. BENNETT. Mr. President, I support the amendment and hope we will now vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1864), as modified, was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1859, AS MODIFIED, 1867, AS MODIFIED, 1842, 1888, AS MODIFIED, 1891, AND 1892, EN BLOC

Mr. DORGAN. Mr. President, I think we are very close to final passage. We need to clear that, but Senator BENNETT and I wish to proceed to the amendments that have been cleared on both sides as part of the managers' package. They have been considered by both sides and agreed to.

I ask unanimous consent to bring up, en bloc, the following amendments: 1859, as modified, and I send the modifications to the desk; 1867, as modified, and I send those modifications to the desk; 1842; 1888, as modified, and I send the modifications to the desk; 1891; and 1892.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to dispense with the reading of the amendments that I sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, to clarify, I said 1892 as the last amendment.

Again, those amendments have been cleared on both sides, and I believe there is no further debate. I would yield to my colleague, Senator BENNETT, for his comments, and I would hope then for immediate consideration of the amendments.

Mr. BENNETT. Mr. President, I will confirm that the amendments have been cleared, and I appreciate the cooperative way in which the two staffs have been diligently doing this. We are glad, after the long period of wait, that we finally are hurrying up. The old army line "hurry up and wait," we have turned it around: Wait, and now we have hurried up. So I am delighted we are moving.

Mr. DORGAN. Mr. President, I ask unanimous consent for the immediate consideration of the amendments I sent to the desk, en bloc.

The PRESIDING OFFICER. The amendments are pending, en bloc.

Mr. DORGAN. Mr. President, I ask unanimous consent that they be agreed to, en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1859, AS MODIFIED

(Purpose: To permit certain water transfers)

On page 33, between lines 13 and 14, insert the following:

SEC. _____. (a) Section 3405(a)(1)(M) of Public Law 102-575 (106 Stat. 4709) is amended.

"(b) A transfer of water between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor approved during a two-year period beginning on the date of enactment of this Act shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102-575 (106 Stat. 4709), if the

transfer under this clause (1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111-11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act)."; and (2) is completed by September 30, 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (*Thamnophis gigas*).

AMENDMENT NO. 1867, AS MODIFIED

(Purpose: To clarify that the Secretary of Energy is required to consider low-risk finance programs that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies as eligible for certain loan guarantees)

On page 43, line 16, before the period, insert the following: "Provided further, That, in administering amounts made available by prior Acts for projects covered by title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), the Secretary of Energy is required by that title to consider low-risk finance programs that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies as eligible for loan guarantees authorized under sections 1703 and 1705 of that Act (42 U.S.C. 16513, 16516)".

AMENDMENT NO. 1842

(Purpose: To extend the period for offering certain leases for cabin sites at Fort Peck Lake, Montana)

On page 33, between lines 13 and 14, insert the following:

SEC. _____. Section 805(a)(2) of Public Law 106-541 (114 Stat. 2704) is amended by striking "2010" each place it appears and inserting "2013".

AMENDMENT NO. 1888, AS MODIFIED

(Purpose: To require the Secretary of the Army to conduct a study of the residual risks associated with the options relating to the project for permanent pumps and closure structures, Lake Pontchartrain, Louisiana)

On page 17, between lines 16 and 17, insert the following:

SEC. 1. PROJECT FOR PERMANENT PUMPS AND CLOSURE STRUCTURES, LAKE PONTCHARTRAIN, LOUISIANA.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term "project" means the project for permanent pumps and closure structures at or near the lakefront at Lake Pontchartrain and modifications to the 17th Street, Orleans Avenue, and London Avenue canals in and near the city of New Orleans that is—

(A) authorized by the matter under the heading "General Projects" in section 204 of the Flood Control Act of 1965 (Public Law 89-298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)" under the heading "Corps of Engineers—Civil" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chap-

ter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1279); and

(iii) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES" under the heading "Corps of Engineers—Civil" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(2) PUMPING STATION REPORT.—The term "pumping station report" means the report—

(A) prepared by the Secretary that contains the results of the investigation required under section 4303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 154); and

(B) dated August 30, 2007.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) STUDY.—

(1) IN GENERAL.—In implementing the project, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a study of the residual risks associated with the options identified as "Option 1", "Option 2", and "Option 2a", as described in the pumping station report.

(2) REQUIREMENTS.—In carrying out the study under paragraph (1), the Secretary shall identify which option described in that paragraph—

(A) is most technically advantageous;

(B) is most effective from an operational perspective in providing the greatest long-term reliability in reducing the risk of flooding to the New Orleans area;

(C) is most advantageous considering the engineering challenges and construction complexities of each option; and

(D) is most cost-effective.

(3) INDEPENDENT EXTERNAL PEER REVIEW.—

(A) DUTY OF SECRETARY.—In accordance with Section 2034 of the Water Resource Development Act of 2007, the Chief shall carry out an independent external peer review of—

(i) the results of the study under paragraph (1); and

(ii) each cost estimate completed for each option described in paragraph (1).

(B) REPORT.—

(i) IN GENERAL.—Not later than 90 days after the date of completion of the independent external peer review under subparagraph (A), in accordance with clause (ii), the Secretary shall submit a report to—

(I) the Committee on Environment and Public Works of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(ii) CONTENTS.—The report described in clause (i) shall contain—

(I) the results of the study described in paragraph (1); and

(II) a description of the findings of the independent external peer review carried out under subparagraph (A).

(III) a written response for any recommendations adopted or not adopted from the peer review.

(4) **SUSPENSION OF CERTAIN ACTIVITIES.**—The Secretary shall suspend each activity of the Secretary that would result in the design and construction of any pumping station covered by the pumping station report unless the activity is consistent with each option described in paragraph (1).

(5) **FEASIBILITY REPORT.**—Within 18 months of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains a feasibility level of analysis (including a cost estimate) for the project, as modified under this subsection.

(6) **FUNDING.**—In carrying out this subsection, the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in the matter under the heading “FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCUSSION OF FUNDS)” under the heading “Corps of Engineers—Civil” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454).

AMENDMENT NO. 1891

(Purpose: To prevent Federal preemption of the planning processes of the State of Delaware regarding the Delaware River Main Channel Deepening Project)

On page 5, line 8, strike “Project.” and insert the following:

Project: *Provided further*, That none of the funds made available by this Act may be used to carry out any portion of the Delaware River Main Channel Deepening Project identified in the committee report accompanying this Act that is located in the State of Delaware until the date on which the government of the State of Delaware issues an applicable project permit for the Delaware River Main Channel Deepening Project.

AMENDMENT NO. 1892

(Purpose: To prohibit funds appropriated for the Strategic Petroleum Reserve from being made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran)

On page 63, after line 23, insert the following:

SEC. 312. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act—

(1) is selling refined petroleum products valued at \$1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at \$1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any

goods, services, or technology valued at \$1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3), that person shall no longer be ineligible under this section.

AMENDMENT NO. 1859

Mrs. BOXER. Mr. President, I rise to discuss amendment No. 1859.

This amendment, cosponsored by Senator FEINSTEIN, would allow for critical water transfers to agricultural users in California’s San Joaquin Valley.

Three years of below-average precipitation have restricted water supplies for much of California. Drought conditions have particularly affected agricultural communities in the San Joaquin Valley.

In Fresno County alone, the drought has impacted more than 450,000 acres of cropland, contributed to the loss of 3,265 jobs, and may jeopardize an additional 2,200 more jobs in the near future.

Some cities on the west side of the San Joaquin Valley are facing nearly 40 percent unemployment, and people wait in line for hours at food banks to secure basic staples to feed their families.

Working with many Members of California’s House delegation, Senator FEINSTEIN and I have worked to identify solutions to the drought.

Senator DORGAN’s subcommittee included funds in the underlying bill to expedite the timely evaluation of projects to improve operational flexibility of water management, such as the intertie between the Delta-Mendota Canal and the California Aqueduct, and “Two Gates,” the construction of two temporary gates in Old River and Connection Slough in the Sacramento-San Joaquin River Delta.

And Senator FEINSTEIN and I worked with the California delegation in the House to include language in their Energy and Water bill that would permanently allow voluntary water transfers among Central Valley Project contractors, providing operational flexibility to help get water to agricultural communities when they need it most.

The House provision would allow these transfers permanently—this is the outcome we want, and it is the outcome we will fight for in conference.

However, at this time we understand that allowing permanent water transfers is not an approach acceptable to the chairman of the Senate Energy Committee without first holding hearings on the subject.

I thank Senator BINGAMAN for working with us on an amendment that

would allow Central Valley Project water transfers to occur for a 2-year period. This amendment ensures that the Senate is not silent, and instead is taking one step forward on this critical issue.

It is critical that we continue to work on solutions for farmers in California who have lost up to 90 percent of their expected water allocations this year.

These measures alone will not solve California’s water crisis, but they are a good first step toward helping these communities as we develop long-term solutions to improve water management in California.

Mr. DORGAN. Mr. President, I believe we are again within minutes of being able to get to final passage. I make a point of order a quorum is not present.

The PRESIDING OFFICER. Does the Senator from North Dakota withhold his request?

Mr. DORGAN. I withhold my request.

Mrs. BOXER. Thank you so much. Mr. President, I wanted to take a minute, on behalf of myself and Senator FEINSTEIN, to thank the two managers. We had such an important amendment dealing with water transfers at a time of such severe drought, and both these managers have worked so hard with us to make sure we could get this done tonight.

Senator FEINSTEIN and I are very grateful. We had support in the community for this, across party lines, and it wound up that we had support across party lines here. So I wish to say to both managers, from the bottom of my heart, you are making a difference tonight. In some of these towns, we have a 40-percent unemployment rate because of the drought. So you are making a difference. We hope to get this into conference and to make this final.

So, again, my deepest thanks.

Mr. SPECTER. Mr. President, I seek recognition to briefly comment on two amendments that I filed to the fiscal year 2010 Energy and Water appropriations bill.

The first amendment deals with the Bloomsburg Flood Control Project. This project was authorized by Congress in the Water Resources Development Act of 2007 to protect the town of Bloomsburg from chronic flooding that has plagued it throughout its history. Bloomsburg has suffered 33 floods since 1990. The proposed floodwall will protect more than 400 homes, 7 businesses, and 1,200 people affected by flooding. The project was authorized at a total cost of \$44.5 million. However, I am advised that the U.S. Army Corps of Engineers Interagency Performance Evaluation Task Force issued revised criteria for floodwalls which increase the project’s cost. The amendment would raise the authorization amount to \$65 million to account for this change and proceed with this important project to protect the citizens of Bloomsburg.

The second amendment deals with the Scranton Flood Control Project. This project was initially authorized in 1992 and modified in 1996, and this amendment would further modify it so that the city of Scranton can proceed with downstream mitigation activities and construction of a recreational trail. The amendment also provides that the city shall receive credit against its nonFederal share for mitigation activities it already completed.

I urge my colleagues to adopt these amendments to improve flood protection in Pennsylvania.

Ms. SNOWE. Mr. President, I rise to speak regarding the Energy and Water Appropriations Act for fiscal year 2010 and voice my strong support for the inclusion of resources for the National Deepwater Offshore Research Center at the University of Maine, which Senator COLLINS and I jointly requested. In a time of economic distress, I believe it is even more important for Congress to focus on short-term relief as well as on a long-term comprehensive energy strategy that reduces America's dependence on foreign oil, creates jobs, embraces renewable and alternative sources of energy, and, most importantly, makes energy prices affordable for consumers.

Developing deep water offshore wind technology can transform the way we generate energy to power the planet, and Maine is uniquely poised to be a leader in this effort. In fact, within 50 miles of the coast of Maine lie wind resources that can generate the energy equivalent to approximately 40 nuclear powerplants. This is exactly the type of investment that our country must make, and I am pleased that this Appropriations bill includes \$5 million for this critical research. Without question, as President Obama stated in his speech to Congress in February, the United States must not simply follow in the wake of other nations as they develop the new clean energy technologies of the 21st century and monopolize the jobs and financial rewards that will inevitably follow. But already countries such as China, Germany, South Korea, Norway, and Denmark are boldly adopting plans to develop these technologies: energy efficiency, solar, hybrid engines, and offshore wind. In fact, a Norwegian company is now moving forward with deployment of the first deepwater offshore floating turbine, which will be located in more than 328 feet of water. Clearly, our competitors are rapidly moving forward to position themselves at the forefront as we exit this economic morass. We must expand our research into offshore wind, and Maine is uniquely positioned to be successful in the U.S. development of offshore wind energy.

The oceanographic conditions in Maine's own State waters, within 3 miles of shore, provide excellent wind resources and water deep enough to de-

ploy floating turbines. These are ideal conditions for the installation, testing, and maintenance of deepwater offshore wind turbines. In fact, Maine is the only State on the east coast with the appropriate oceanographic and meteorological conditions for such testing inside State waters. Additionally, there has been strong support by both the Governor and the Maine Legislature in their commitment to developing and deploying this technology in Maine by passing legislation earlier this summer that will allow this research off our shores.

Considering that the majority of the U.S. population lives in coastal States, offshore wind energy could be a significant part of our Nation's energy future. The U.S. has nearly 2,500 gigawatts, GW, of offshore wind potential within 50 nautical miles, but more than half of this resource, about 1,500 GW, is in waters deeper than 200 feet. Unlocking this vast energy potential requires the development of next generation fixed foundation offshore wind turbine technologies, as well as testing of floating platform prototypes.

With 80 percent of homes using heating oil, Maine is extremely vulnerable to rising crude oil prices. By 2018, the cost of energy, the sum of gasoline plus heating oil plus electricity, could consume as much as 40 percent of the average Maine household's income. Maine has, however, abundant natural resources to generate clean renewable energy, particularly wind energy. In fact, the wind is so powerful off the coast of Maine, on average, a wind turbine in the gulf of Maine can generate twice the energy that the same turbine will generate in the Kansas-Texas wind corridor.

I would like my colleagues to be aware that the Department of Energy recently released a report, "20 percent Wind Energy by 2030," which recommended seven key long-term offshore development research priorities, including the need to develop low-cost foundations, anchors, and moorings and increase the economic viability of large-scale, deepwater offshore wind turbines. The University of Maine is in a unique position to provide this critical research assistance. During the past several years, the University of Maine's Advanced Engineered Wood Composites, AEWC, Center has been solving challenges driven by the energy crisis, focusing on the vast potential of Maine's offshore wind resource and the need for expertise and innovation in advanced structures and noncorrosive composite materials to harness the wind resource in the gulf of Maine. In fact, this facility has also developed blades for wind turbines using composite materials that are stronger, lighter, and more durable than today's commercially available technology. The University of Maine is well poised, with the research and technology capa-

bilities already in place, to ensure that offshore wind development becomes a success along the east coast.

The goal of the National Deepwater Offshore Wind Research Center would be to enable the design and testing of a large-scale, floating, offshore wind platform that could serve as the basis of a large-scale offshore wind industry. This would be an opportunity for Mainers to use their skills and experience, specifically in deep water relatively close to shore, to lead the Nation in developing a new source of clean and renewable energy.

Mr. ALEXANDER. Mr. President, I want to express my disappointment that the Energy-Water appropriations bill before us today does not fully fund the administration's request for its energy innovation hubs. As my colleagues know, I have a long history of support of federal investments in science and research, and in energy research in particular. I have called for a series of "mini-Manhattan projects" on seven clean energy grand challenges: improving batteries for plug-in vehicles, making solar power cost competitive, making carbon capture a reality, safely recycling used nuclear fuel, perfecting advanced biofuels, designing green buildings, and providing energy from nuclear fusion.

It should come as no surprise, therefore, that I am a strong supporter of the administration's proposed energy innovation hubs.

In testimony earlier this year, Energy Secretary Chu has indicated that these hubs are one of his top priorities and will focus on overcoming the most significant barriers to achieving national energy and climate goals.

The challenges the Secretary has asked these hubs to address are very similar to the grand challenges I outlined last year. I believe Congress and the Federal Government should tackle these seven grand scientific challenges during the next 5 years in order to put the United States firmly on the path toward clean energy independence within a generation. If we are to end our energy dependence and make renewable energy cost-competitive then we must double our investment in energy research and development.

I believe the administration's hubs are a firm commitment to put us on this path to energy independence.

I know the energy research community is eager to compete for this funding and to meet the challenges before our Nation. The passion and commitment of our researchers is palatable both at home in Tennessee and across the country. In fact, my home State boasts some of the finest energy researchers in the country at Oak Ridge National Laboratory as well as research institutions such as Vanderbilt and the University of Tennessee. At these institutions and similar institu-

are eager to make progress on these pressing issues to improve the lives of their fellow citizens and solve some of our greatest energy challenges. It is our obligation to ensure that they have the full backing and support of the U.S. Government, which means funding these energy innovation hubs.

These multidisciplinary research hubs will harness the best and brightest researchers at our universities and national labs as well as in industry. Each one could very well become a world-class research facility in its given program of focus. They are conceived as highly collaborative, integrated centers of innovative thinking that will focus teams of researchers from multiple institutions on developing novel ideas to overcome major scientific and technological barriers. Their efforts will complement—not duplicate—other DOE programs such as the Energy Frontier Research Centers, EFRCs and the Advanced Projects Agency for Energy, ARPA-E, differing from these programs in their larger scale, their duration, and their breadth spanning basic and applied science as well as limited technological development efforts. Moreover, the hubs are designed so as to permit flexibility and to allow for the quick reallocation of funding within each topic area to pursue new research opportunities or alternatives quickly, as they emerge—without the delays that may impede other government programs.

I recognize that the Department may not have had all the details fleshed out when they initially presented the hubs to the Congress. Despite its best efforts, the Department is not yet operating with a full staff—although I hope this situation is improving daily. But my colleagues are right to ask for a fuller explanation of this concept and its role in the greater Federal research enterprise. The funding level requested is not insignificant and deserves careful scrutiny. So I am pleased to report that additional details have now been submitted which address many of the very valid questions and concerns my colleagues have raised. I hope that this additional information will permit us to move forward with full funding for all eight hubs.

Mr. NELSON of Florida. Mr. President, first, I would like to recognize the efforts of the Appropriations Committee and Chairman INOUE and Ranking Member COCHRAN and the chair and ranking member of the Energy and Water Subcommittee, Chairman DORGAN and Ranking Member BENNETT. These leaders have a hard job to balance the many interests involved in their vital legislation.

I would like to focus on the decision of the Senate Appropriations Committee to ban new Army Corps of Engineer projects from being receiving funding in this bill.

I want to make a point that, when it comes to the Comprehensive Ever-

glades Restoration Plan, CERP, a strong case can be made that the two authorized projects that this legislation does not fund are not new starts.

I am speaking of the Indian River Lagoon project and the Site One Impoundment project, both of which have been duly authorized by Congress. They are elements of the CERP that was authorized by the Water Resources Development Act of 2000. At the time of its authorization, CERP was a plan that envisioned over 60 separate modifications to the old Central and Southern Florida Flood Control Project, C&SF Project. It is clear to me that CERP is an extension of the old Central and Southern Florida Flood Control Project, C&SF Project.

The disastrous flood of 1947, which followed a severe drought in 1945, and the serious intrusion of saltwater gave rise to a demand for a new and effective water management system. In response to public demand, the Army Corps of Engineers Jacksonville District conducted public hearings throughout South Florida to collect information on how best to revamp the water management system. A comprehensive report was prepared by the Corps and submitted to Corps headquarters in December of 1947.

The report cited the problems of flood protection, drainage, and water control and determined that the St. Johns, Kissimmee, Lake Okeechobee, Caloosahatchee, and Everglades drainage areas composed a single system and economic unit. The report included a plan to deal with the problems of water management. This plan became the Central and Southern Florida Flood Control Project, C&SF Project.

The C&SF project was approved by Congress as a part of the Flood Control Act of 1948. The stated goal of the plan was to “restore the natural balance between soil and water in this area insofar as possible by establishing protective works, controls, and procedures for conservation and use of water and land.” But this project worked too well and caused far-reaching and devastating environmental impacts.

In response, Congress directed a Restudy to modify the C&SF Project and to restore the Everglades and Florida Bay ecosystems while providing for the other water-related needs of the region. The Restudy developed the Comprehensive Everglades Restoration Plan, CERP, that was submitted to Congress and authorized in the Water Resources Development Act of 2000.

This chain of events shows that indeed CERP and its individual units are part of the C&SF Project that has received hundreds of millions of dollars in Federal funding over the years. The Corps fiscal year 2009 budget request document states: “The C&SF Project includes the Comprehensive Everglades Restoration Plan (CERP).”

The language of WRDA 2007 includes the term “Central and Southern Flor-

ida” when describing the Indian River Lagoon, Picayune Strand, and Site One Impoundment projects. These projects are a modification of an existing project that remains under construction.

In its fact sheet for the fiscal year 2009 budget, the Corps states the following: “The C&SF Project includes the Comprehensive Everglades Restoration Plan (CERP)”

I also would note that in the Secretary of the Army’s Annual Report for fiscal year 2007 on Civil Works Activities the following appears in paragraph 76: “CENTRAL AND SOUTHERN FLORIDA, INCLUDING COMPREHENSIVE EVERGLADES RESTORATION PLAN”.

I think it is clear that we do not have a situation of separate projects involved in CERP. CERP is a unified and comprehensive continuation of the old Central and Southern Project.

Senator MARTINEZ and I have filed amendments to put the projects back in the bill. The Florida Congressional delegation made sure the projects were fully funded and included in the House-passed bill.

Therefore, when the legislation goes to conference, I urge the leaders of the full committee and the subcommittee to consider this unique situation involving these two components of the CERP—the Indian River Lagoon and the Site One Impoundment projects. I respectfully ask them to keep an open mind on this issue in conference and would further add the House version of the legislation would fund those projects.

Now may I say a few words about these projects.

Mr. President, I grew up on the Indian River Lagoon. It is a wonderfully diverse area. The St. Lucie River and the Indian River Lagoon are periodically devastated by discharges from Lake Okeechobee and the areas surrounding the estuaries. The local citizens of Martin County have assessed themselves to raise money to buy land to be restored and used for reservoirs for the project. So far they have spent some \$50 million. They have done their part.

The Site One Impoundment project will save water from being discharged to sea and use it to benefit the Loxahatchee National Wildlife Refuge and provide benefits, including improved water quality, to downstream estuaries. It will also improve water flow into the Everglades, protect local water supplies, and provide environmental benefits to Water Conservation Areas.

These projects are vital to restoring America’s Everglades. I again urge the leaders of the Committee to consider these facts in conference.

Mr. DURBIN. Mr. President, the fiscal year 2010 Energy and Water Development appropriations bill provides

important funding for the Department of Energy, the U.S. Army Corps of Engineers, and other agencies.

This bill starts to make good on our efforts to develop new sources of energy—clean energy, that creates jobs and cuts back on greenhouse gas emissions.

The bill would provide \$2.23 billion for the Department of Energy's energy efficiency and renewable energy programs.

For many families in Illinois and across the Nation, energy costs are a big part of the budget.

Adding insulation, sealing leaks, or upgrading the furnace can help families cut their energy bills by 30 percent—sometimes more.

The weatherization program at the Department of Energy has helped more than 6 million low-income households seal up their homes.

But many more families are eligible for this help. The President has set a goal of weatherizing 1 million American homes annually.

This bill includes \$200 million to help meet that target.

This bill also puts \$200 million into R&D to produce buildings that produce as much energy as they consume.

And another \$50 million is included for the State Energy Program to help States adopt new energy efficiency and renewable energy technologies.

The bill increases funding for research and development on clean energy technologies to power our cars, homes, and businesses.

One of the most promising areas is the \$235 million dedicated to developing electricity and high-performance fuels from agricultural and forestry residues, municipal solid waste, industrial waste, crops, and algae.

These homegrown energy sources could help us reduce carbon emissions, and the research on these fuels is creating economic opportunities in Illinois and across the country.

And to bring alternative energies mainstream, the bill provides \$255 million for R&D on solar energy, \$85 million for wind; \$50 million for geothermal; and \$60 million for water power energy.

To make use of all this new power, we need to overhaul the Nation's electric grid.

We need new transmission lines to transport energy from wind farms to population centers. We need more research on energy storage so that electricity will be available when it is needed, not just when the Sun shines or the wind blows.

The American Recovery and Reinvestment Act took a giant step toward modernizing the electric grid and integrating renewable energy sources.

This appropriations bill builds on that effort, with \$180 million to make the grid more modern, reliable and secure.

America gets more than half its electricity from coal. We have over 600 coal-based power plants—along with many thousands of power and industrial facilities—that all contribute to greenhouse gas emissions.

Most of these facilities will remain in service for 10 to 30 years to meet our energy demands, and new facilities will be constructed.

That is a reality. So we have to pursue research and development into how we can use fossil energy in a cleaner way.

Funding programs within the Department of Energy's Office of Fossil Energy will allow us to accelerate fossil energy research.

The investments made in this bill will help us shift to a clean energy economy, strengthen our national security against the threats that energy dependence creates, and protect the environment.

The Department of Energy is the largest source of Federal funding for basic physical science research in the United States.

The bill increases funding for the Department's Office of Science to \$4.899 billion. This funding will support the good work undertaken at Argonne and Fermi National Laboratories in Illinois, as well as research at laboratories and universities across the Nation.

This bill provides \$5.125 billion for the Army Corps of Engineers.

The Corps provides quality, responsive engineering services to the country. The Corps provides planning, designing, building and operating water resources. It also designs and manages the construction of military facilities for the Army and Air Force.

Every year, the Corps carries out a variety of projects through its Civil Works Program, from environmental protection and restoration to controlling flood damage.

Traveling through my State of Illinois, the work of the Corps is evident. The best place to start is the shores of beautiful Lake Michigan.

For the past decade, the Corps has worked with the Chicago Park District to rebuild the deteriorating shoreline and protect millions of dollars of property, and water supplies.

The Corps has also been working in Chicago's western suburbs to address regular flooding in Des Plaines and surrounding communities. These flood control efforts will provide safety and peace of mind for thousands of property owners in affected areas.

On the western edge of the State is the mighty Mississippi River. The Rock Island and St. Louis Corps districts ensure a majority of the Illinois portion of the river is navigable. Barges travel the length of the Mississippi, which provide an important transportation option for our agricultural producers.

It is difficult to overstate the importance of the Corps when considering

the disaster preparedness and response efforts during the historic floods of 2008. I joined sandbagging efforts in communities that were fighting rising floodwaters, and civilian and military Corps employees were providing supplies and guidance on how to prepare for the rising waters.

The Corps' mission didn't end with the flood; they have worked with the State of Illinois and FEMA to help communities recover.

The Mississippi flows south to St. Louis and my birthplace, East St. Louis. These communities are protected by several levees built and maintained by the Corps of Engineers.

In central and southern Illinois, Lake Shelbyville and Carlyle and Rend Lakes are beautiful recreational areas maintained by the Corps.

In addition to providing flood control, these areas allow for boating, camping and other activities for Illinoisans and others visiting my State. The communities around these lakes benefit as well the recreation areas boost the local economies.

In recent years, the Corps has taken a more active approach to environmental protection and restoration.

These efforts should be encouraged. The Federal Government needs to continue its investment in these areas.

Restoring wetlands can help reduce the incidence of flooding, and we need to understand that the development of acreage upstream can have significant negative impacts downstream.

The Corps' work in this area can be seen at Emiquon Refuge in Central Illinois. Since its establishment in 1993, the major habitat management efforts on Emiquon Refuge have been the restoration of the historic Illinois River floodplain and associated wildlife communities.

Through restoration of altered habitats and protection of existing areas, Emiquon Refuge will be managed to provide the diversity of native plant and animal communities found in this area prior to drainage and conversion to cropland.

I would like to thank Senator DORGAN and Senator BENNETT for their hard work on this bill. They had many competing interests to consider, but the bill we are considering today is balanced. I hope the Senate can complete work on the fiscal year 2010 Energy and Water appropriations bill in a timely manner.

Mr. AKAKA. Mr. President, I support the Energy and Water Development Appropriations Act for fiscal year 2010. This bill provides critical investments that will support the development of clean and alternative energy and utilization of domestic energy resources. Further, this legislation provides much needed resources to improve our Nation's water infrastructure.

This bill fosters American innovation in clean energy and energy efficiency.

It supports worthy programs that further hydrogen, wind, hydropower, and solar technologies, as well as weatherization assistance for families and programs for building and industrial technologies. These programs better our Nation's security and economy by putting people to work advancing energy independence and sustainability.

I am very pleased that working with the senior Senator from Hawaii, we were able to include \$6 million in this legislation for the Hawaii Energy Sustainability Program at the University of Hawaii's Hawaii Natural Energy Institute. This funding will allow for the continuation of the program's important work supporting increased use of clean, safe sources of energy. We must continue to invest in the development and implementation of systems to allow for a transition away from foreign oil. As Hawaii relies on imported oil for about 90 percent of its energy needs, work to facilitate this transition is critical to the State's energy security. Moreover, the Hawaii Energy Sustainability Program will provide economic development benefits and will further research valuable in applications both in Hawaii and nationwide.

This bill will also help address water infrastructure needs around the country. Provisions contained within the bill permit the U.S. Army Corps of Engineers to conduct essential navigation, flood control, and environmental restoration projects. Such projects are particularly important for Hawaii, given our remote geography and our interconnected and diverse ecosystems. I appreciate the inclusion of nearly \$14 million for Hawaii water development and infrastructure projects.

As Hawaii is susceptible to threats from severe weather and flooding, I was proud the bill contained specific provisions addressing this need. Working with Senator INOUE, \$1 million was included to assist the State of Hawaii and Pacific Territories with updating and preparing comprehensive flood plans. Also, much needed funding for the Ala Wai Canal and Waiakea-Palai Stream flood damage reduction projects is included in the legislation. On Oahu, accumulation of silt and debris from the Manoa, Palolo, and Makiki streams has significantly reduced the carrying capacity of the Ala Wai Canal. Funding of \$233,000 has been provided to complete necessary studies that will mitigate and reduce flooding threats to property and roads in the Waikiki and neighboring areas, while ensuring public safety and enhancing human and environmental health. Given the damage to roads, residences, bridges, drainage systems, and personal property over the years due to the flooding of Waiakea and Palai Streams, \$300,000 has been included to initiate the Preconstruction Engineering and Design phase needed to minimize flooding in the affected communities.

We know from experience that investment in wise stewardship and management at a watershed level will have a significant positive impact on numerous natural resources. For the island of Maui, I was involved in securing \$100,000 for the West Maui Watershed to initiate a study that may ultimately result in additional watershed improvements. A completed reconnaissance study for the area has already identified flood damage reduction, aquatic and marine ecosystem restoration, and shoreline protection projects that could be undertaken by the Corps of Engineers along with county and State agency partners.

Further, recognizing that shoreline erosion threatens upland development and coastal habitats along much of Hawaii's shoreline, I worked to include \$500,000 for a regional sediment management demonstration program to better understand the dynamics of complex coastal processes and promote the development of long-term strategies for sediment management. These resources will assist in protecting communities from severe weather and further conservation efforts in coastal communities.

I am encouraged by the inclusion of provisions that will invest in our science and technology sectors and enhance U.S. competitiveness. It is vital that we support the research and development of sustainable and clean energy technologies. Such efforts empower us as a country to reduce our reliability on foreign oil and strengthen our ability to meet our energy needs domestically.

In conclusion, I thank the senior Senator from Hawaii, chairman of the Appropriations Committee, as well as the chairman and ranking member of the Senate Appropriations Energy and Water Development Subcommittee for their efforts in developing and managing this bill through the legislative process.

Mrs. BOXER. Mr. President, the fiscal year 2010 Energy and Water Development appropriations bill would provide \$629,000 for Yazoo Basin—Yazoo Backwater, MS. I want to clarify that nothing in the language is intended to: (1) override or otherwise affect the final determination that was effective August 31, 2008, and published in the Federal Register on September 19, 2008, of the U.S. Environmental Protection Agency under section 404(c) of the Clean Water Act that prohibits the use of wetlands and other waters of the United States in Issaquena County, MS, as a disposal site for the discharge of dredged or fill material for the construction of the proposed Yazoo Backwater Area Pumps Project, (2) create or imply any exception with respect to the project to the requirements of the Clean Water Act, including any exceptions from the prohibitions and regulatory requirements of the Clean Water

Act under section 404(r); or (3) affect the application of any other environmental laws with respect to the project.

As chairman of the committee with jurisdiction over the Clean Water Act and authorizations for the civil works program of the Corps of Engineers, I believe it is critical that our environmental laws be adhered to in the planning, construction, and operation and maintenance of all Corps of Engineers projects.

Mr. REID. Mr. President, I am pleased that the Senate has included my amendment to allocate \$75.7 million in Desert Terminal Lakes funding as part of the Energy and Water Development Appropriations Act, 2010. The legislation builds on the many projects and research to benefit all of Nevada's desert terminal lakes—Walker, Pyramid, and Summit. I appreciate Senator ENSIGN's cosponsorship of the amendment.

Briefly, the legislation allocated \$8.5 million for continued work in the Truckee River Basin. The bill provides \$1.5 million to help the city of Fernley and the Pyramid Lake Paiutes continue their efforts towards accomplishing their mutually beneficial goals of securing a municipal water source and protecting a renowned resource, Pyramid Lake. The bill also helps the States of Nevada and California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal watermaster implement the Truckee Settlement Act and the Truckee River Operating Agreement. I am committed to seeing the full implementation of the Operating Agreement, and my legislation supports this effort.

But I rise today primarily to discuss this legislation's \$67.2 million allocation for work in the Walker River Basin.

Over the years, money that I have secured for work in the Walker River Basin has created jobs and other opportunities for Nevadans.

For example, this funding has resulted in world-class research completed by some of Nevada's best faculty and researchers at the University of Nevada, Reno, and the Desert Research Institute. A resulting publication and international conference on desert terminal lakes will feature their work.

The Walker River Paiute Tribe has accessed funds to implement a 5-year water leasing program for its farmers, develop efforts to strengthen a fishery at Walker Lake, and work on efforts to combat invasive species along the stretch of the Walker River that runs through their reservation and to Walker Lake. Working with the tribe and others, the U.S. Fish and Wildlife Service and other Federal agencies have been able to develop long-term plans to strengthen the presence of Lahontan cutthroat trout at Walker Lake, one of

Nevada's most interesting and threatened treasures, and improving the Walker River riparian habitat. Funding is also being used to increase the instream flow of the Walker Rivers that end in Walker Lake.

But today's legislation is different. I believe it marks a new chapter of collaborative efforts in the Walker River Basin.

The legislation brings new partners to develop solutions to address competing water uses in the Walker River Basin.

Working with local partners, the National Fish and Wildlife Foundation will coordinate the Walker Basin Restoration Program, a program that includes a water rights acquisitions program, a demonstration water leasing program, various conservation and stewardship activities, and an alternative agriculture project.

Of particular importance to their efforts, the foundation brings the necessary expertise to complete complex water transactions in a way that preserves and protects the Walker River watershed. Working in the Columbia River Basin, the foundation has the experience of working with Federal and State agencies, tribes, municipalities, irrigation districts, and individual farmers and ranchers to bring about creative, business-wise, and responsible solutions to balance the many demands on water uses—for agriculture, for municipal use, and for fishing and recreation. I am pleased with their commitment to work with Federal and State agencies in Nevada, Mineral and Lyon Counties, the Walker River Irrigation District, the Walker River Paiute Tribe, and many individuals in Smith and Mason Valley and to develop a local entity to guide their efforts in the basin.

In addition, the Walker River Irrigation District has accepted a leadership role in finding a cost-effective way to increase in-stream flows in the Walker River while preserving agriculture interests. The district has agreed to administer and manage a \$25 million, 3-year demonstration leasing program that will help get water to Walker Lake while providing farmers an additional opportunity to strengthen their operations. I appreciate the years of negotiations and conversations that has led to the district taking on this important program, and I hope that it is successful in achieving its purpose.

I support the agricultural communities in northern Nevada, and I have pushed for this demonstration leasing program and \$200,000 for alternative crops and agriculture cooperatives. Providing farmers and ranchers with more resources to manage their businesses and opportunities to explore new markets will stimulate the agriculture economy in Lyon County, NV, and maintain the agricultural setting and livelihood enjoyed by generations of Nevadans.

Throughout the years, I have stated that I would work to assure the viability of agriculture in Smith and Mason Valleys. This legislation does this—by providing Nevada's hard-working farmers with more tools to make good business decisions.

While helping farmers and dedicating water rights for the benefit of Walker Lake is part of a solution to restore and maintain Walker Lake; the other part requires coordinated conservation and stewardship activities. This bill supports the National Fish and Wildlife Foundation's efforts to coordinate watershed planning, water management, and habitat restoration efforts, among other activities. It supports efforts by the U.S. Geological Survey to work with other agencies and interested entities to develop a water monitoring plan in the Walker River Basin. Of course, with this data and through other efforts, the University and Desert Research Institute will be able to assess whether these activities are successful in improving instream flows and getting water to Walker Lake.

The health of the Walker River Basin and Walker Lake depends on people working together—the Federal, State and local governments and agencies; the tribe; the Irrigation District; the National Fish and Wildlife Foundation, and others. This legislation reflects the many ways farmers, ranchers, sports men and women, and agencies can participate in this effort. The millions that will be spent in the Walker Basin—through the water leasing demonstration program, additional alternative agriculture programs, additional water acquisition funds, and broader conservation opportunities—means that willing and interested people can choose ways to participate in a solution for the basin that best serves their business, personal and community's interests.

After my years of working on efforts in the Walker River Basin, I am hopeful that this legislation will help communities work together to protect what is important to all Nevadans—preserve our unique natural resources enjoyed by sportsmen and the right of individuals and communities to choose the what will make our businesses successful, our local economies more diverse, and our resources more attractive to the public.

This is an opportunity to make significant progress in the Walker River Basin, and I am committed to seeing these Desert Terminal Lakes funding priorities signed into law by the President.

Mr. DORGAN. Mr. President, I wanted in these moments to say a special thank you to Senator BENNETT and the staff on the minority side and majority side who put this bill together and worked with us. This is a bill that funds the energy programs and water in this country. It is a bill that is very

important. It has taken us a while on the floor to get it done.

I believe we have two amendments also remaining that we are trying to clear. We hope to clear those by voice vote momentarily. Then we will go to final passage. Hopefully we will get clearance to do that so we could be done in 10 or 15 minutes. It has been a long saga on the floor of the Senate here on this bill for the last several days, but I think the work is valuable and important and useful for the country. It is a good investment in our future.

As I said when we started this process, Senator BENNETT is a great Senator to work with, a great Senator to partner with on some very important issues. He and his staff have done a great job, as has the staff on the majority side, putting this bill together. I am going to include all their names in the RECORD. I included most of their names at the start of this discussion a couple of days ago, but I want recognition paid to the people who spent time to put this bill together.

I want to alert colleagues I hope within a matter of 5 or 10 minutes to be able to do the two amendments remaining by voice and then go to final passage.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank the chairman for his kind words and echo his comments about the staff and the hard work they have done. We are grateful to Doug Clapp and Barry Gaffney, Roger Cockrell, and Franz Wuerfmannsdobler, Brad Fuller, as well as Tyler Owens, Ben Hammond, the floor staff, and of course Scott O'Malia of the committee staff who has worked so hard with me.

This has been a challenge for Scott and others because this is my first experience as the ranking member of this subcommittee. I was far more comfortable working on agricultural matters. But to have moved from the Agriculture Subcommittee to the Energy and Water Subcommittee has been a significant challenge and I am grateful to the chairman and the others for their willingness to work with me as I have come through this maiden experience.

I agree with the chairman that this is a very important bill addressing one of the most significant challenges we face in this country, which is getting our energy policy right and getting the energy initiatives properly funded. I am grateful it has finally come to the point where we are in fact within moments of final passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I think the Senator from Florida is going to seek recognition in a moment. I wish to mention for the RECORD the names of those staff who have contributed to the construction of this appropriations bill on the Energy and Water Subcommittee: Doug Clapp, Scott O'Malia, Roger Cockrell, Barry Gaffney, Franz Wuerfmannsdobler, Molly Barackman, Ben Hammond, Tyler Owens.

We have had a lot of staff people who have put in a great deal of time. I wished to mention them by name as my colleague has done as well. We are very grateful for the amount of time people put in to make these things happen. This bill was a very important bill. I think it was constructed very well.

We had a markup in the subcommittee, the full committee, and now good discussion on the floor of the Senate. We are very close to final passage. We are waiting because a couple Senators are asking for commitments on amendments on a bill that does not relate to this before they will agree to final passage. I think we are very close to having their appetite for that satisfied and we can go to final passage.

I believe the Senator from Florida is going to talk about two amendments that have been cleared on both sides that could then be cleared.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENTS NOS. 1852 AND 1893, AS MODIFIED

Mr. NELSON of Florida. I call up en bloc amendment Nos. 1852 and 1893, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of FLORIDA. Mr. President, I ask unanimous consent that Senator MARTINEZ be added as a cosponsor to amendment No. 1852 and that I, Senator NELSON of Florida, be added as a cosponsor to amendment No. 1893.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, it is my understanding that this has been agreed to by both sides. I would ask for a voice vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Both the minority and majority have cleared both these amendments. I would ask for a voice vote on the amendments.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 1852

(Purpose: To provide for the Federal share of the cost of the Ten Mile Creek Water Preserve Area)

On page 17, between lines 16 and 17, insert the following:

SEC. 1. TEN MILE CREEK WATER PRESERVE AREA.

Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking “subclause (II)” and inserting “subclauses (II) and (III)”;

and

(2) by adding at the end the following:

“(III) TEN MILE CREEK WATER PRESERVE AREA.—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed \$25,000,000 by an amount equal to not more than \$3,500,000, which shall be used to pay the Federal share of the cost of—

“(aa) the completion of a post authorization change report; and

“(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013.”.

AMENDMENT NO. 1893, AS MODIFIED

(Purpose: To ensure that previously appropriated funding for the Tampa Harbor Big Bend Channel project is used for the original intended purpose of the funding and not reprogrammed)

On page 17, between lines 16 and 17, insert the following:

SEC 1. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army may reimburse the non-Federal sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I wish to make a few comments on the bill. First, let me commend Chairman DORGAN and Senator BENNETT for their excellent work, not only on this legislation but also on the Recovery Act that was passed a few months ago.

Both bills apply significant money to deal with issues and infrastructure that are so important, that would promote green jobs, alternative energy and energy efficiency. They have done an extraordinary job, and I wish to thank them personally.

There is one issue I do want to address, though, and that is the issue of weatherization. In the Recovery Act, there was \$5 billion for weatherization. That is now flowing out to the States, localities. We are going to see, particularly in the next few weeks or months, an increase in activity which is going to put people to work and also to, in the long run, curb our use of energy.

This was a major accomplishment. I know Senator DORGAN and Senator BENNETT were key to getting it included in the Recovery Act. The bill we have before us now includes a very small amount, in my view—I am a pro-

ponent of weatherization—for weatherization.

Essentially, the President asked for \$220 million, the bill has \$130 million and two \$35 million pilot projects. But one of the aspects of the decrease from \$200 million to \$130 million is that every State will get a haircut, if you will. Rhode Island, for example, would have, if it was \$200 million, \$350,000 more to spend on weatherization.

Going forward with the weatherization money from the Recovery Act, this might be something we can bridge this year. But if we do not return to a base of at least \$200 million, we are going to see severe disruptions going forward.

The \$350,000 seems like a small sum. But my State has a 12-percent unemployment rate. Any money that can be used, particularly since we have geared up this program for the Recovery Act, would put people to work and would be deeply appreciated. This issue is the same for many other States. New York, they would lose \$6 million; Michigan, \$4 million; Maine, \$1 million; Nevada, \$300,000; all across the States.

I would hope we could have met the President's objective of \$220 million. But one of the other issues is that \$70 million for this funding was carved out for a pilot program. I would hope that, again, if we are doing pilot programs, we could not go after the basic weatherization fund but find them elsewhere to initiate these pilots.

One of the pilots is basically to demonstrate energy savings through the use of insulating and sealing homes built before 1980. There are many individuals and organizations that question whether this is a pilot program that is worthy of \$35 million or so.

One of the things it does is undercut the notion that the whole house should be weatherized, that there is no magic of just insulating, there are windows, there are door jams, there are energy-efficient appliances. All these things should be considered. So a single, one-dimensional approach raises question with many of the organizations that are actively engaged in weatherization.

For these reasons and more—in fact, I will mention one more that is critical, which is that, under the law, these homes that are insulated would be ineligible for additional weatherization, for weatherization treatment. That is sort of one bite at the apple.

As a result, they would not be able to perhaps be more efficiently weatherized in the future. So I think that is something that has to be considered. As a result, the National Association for State Community Services Programs, the National Community Action Foundation, both of them have written with concerns about this proposal.

I ask unanimous consent to have printed in the RECORD a letter from these two groups.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. REED. We originally, Senator SNOWE and I, filed an amendment to see if we could restore the funding. But I think at this moment, what we want to see is this bill move forward to conference. I would love to work with the chairman and the ranking member on this issue. Also, I would expect that if these pilot projects for this year are fully evaluated, that next year, we take another hard and close look, if we cannot resolve it in conference, on the use of these funds for pilot programs.

Finally, again, we are fortunate because of the work of Senators DORGAN and Senator BENNETT that we have a significant amount of weatherization money through the Recovery Act. But, again, I think we should have to insist that we maintain a good base fund, and I would hope we could do that going forward.

I yield the floor.

EXHIBIT 1

Hon. DANIEL INOUE, *Chairman, U.S. Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.*

Hon. BYRON DORGAN, *Chairman, Subcommittee on Energy and Water Development, U.S. Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.*

DEAR CHAIRMAN INOUE AND CHAIRMAN DORGAN: The National Association for State Community Services Programs (NASCSPP) represents the state administrators of the Weatherization Assistance Program and the National Community Action Foundation (NCAF) represents the local Community Action Agencies that deliver the program's services. We are very concerned about the language in the FY 2010 Committee Report, which allocates \$70 million for alternative and vaguely specified uses to be determined by the Department of Energy. Those funds could be used to weatherize nearly 11,000 low-income homes. The disappointing appropriations level of \$200 million itself is only 80% of President Obama's Request. After the funding earmarked for alternative uses is taken away from state allocations, just \$130 million would remain for the core program. This is the lowest program allocation since 1998.

This diversion of funds from the core program suggests the Committee lacks confidence in the burgeoning expansion of Weatherization service delivery. We believe such fears are not supported by the facts as laid out in the multi-year plans recently approved for state Program growth under the American Recovery and Reinvestment Act of 2009 (ARRA). Many states even plan to complete ARRA-funded work before the end of FY 2010 and are counting on the 'regular', appropriated funds to prevent the collapse of the program and moderate the loss of its workforce.

Further, we question the value of both of the alternative, federally-run projects to be funded. One tests insulation in older homes. Older homes already make up the vast majority of housing stock weatherized today. Additionally, insulation is just one component of a comprehensive weatherization project. The intent of the program may be to test new insulation materials developed by a

manufacturer; in that case, a dedicated program is unnecessary because the core program provides a path for incorporating new technologies and materials. Appendix A to Title 10, Part 440, Direct Final Rule—Federal Register, June 22, 2006, specifies how test results on materials are submitted to DOE technical review and then placed on the approved list. However, if the project is intended to test batt insulation manufacturers' suggestion of an insulation-only program rather than a systematic approach to the house as a system of space conditioning systems and baseload usage, there are better ways. One would be the long-delayed program evaluation of a sample of thousands of homes where some will have received only insulation. Another is to use the evaluations performed on similar experiments conducted by utility DSM programs and to incorporate the results into WAP practices.

The second pilot program, funds "partnerships between the Department and traditional and/or nontraditional weatherization providers" to increase private leveraged funding. In other words the program is intended to act without the states or local agencies that would, in the end, need to test and adopt innovations. It is apparently to be a new, direct federal Weatherization program with new delivery agencies which would circumvent the statutory requirement to use the experienced local network providers. It is not necessary to earmark funding for leveraging activities, as the statute allows substantial investment in activities to leverage private funding; the millions won by Weatherizers in utility rate-payer programs attest to the efficacy and frequency of states' investments in innovative private partnerships.

The Committee Report also suggests there should be a new private funding match requirement for federal funds which is not reflected in the re-authorization bill recently reported by the Energy Committee. We question the practicality of this requirement and believe hearings on the proposal's impact would be appropriate.

Thank you for considering our concerns regarding this matter.

Sincerely,

TIMOTHY R. WARFIELD,
*Executive Director,
National Association
for State Community
Service Programs.*

DAVID BRADLEY,
*Executive Director,
National Community
Action Foundation.*

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I support the expansion of nuclear power, and so do the American people. Seventy percent, according to the Nuclear Energy Institute, believe we should either build new or expand existing nuclear powerplants. It is the key to our energy future in several different ways.

I believe we ought to have a robust goal toward expanding nuclear power, and that we should work to build 100 nuclear plants as quickly as possible. We built them quickly in wave of construction, and hopefully, we will be able to have a cookie-cutter design for plants that can be used on a regular basis with good engineering, and be a step above the plants we have today.

Nuclear energy is a clean source of domestic energy. It is American-made

energy. It is the kind of energy the American people support. It has a role to play in reducing our dependence on foreign oil and bringing down the price of gasoline. If we could convert more cars to utilizing electricity through plug-in hybrids, then 24-hour-a-day base load nuclear power can charge automobile batteries at night when the grid is not at full demand and a person can drive 40 miles or so the next day without using a drop of gasoline.

Nuclear powerplants will provide long-term economic benefits. It makes great strides in reducing the amount of imported oil from foreign countries and it keeps our wealth at home. It certainly creates high-paying, clean American jobs. It is a serious solution to our energy future. New nuclear plant construction will supply as much as 50,000 megawatts of additional clean and affordable electricity to meet the demands of a growing economy.

Nuclear power is the most cost-effective way to generate electricity. While wind and solar certainly have roles, they simply will not take us far enough. The average nuclear production costs have declined more than 30 percent in the last 10 years to an average of 1.7 cents per kilowatt hour. This includes the cost of operating and maintaining the plant, purchasing the nuclear fuel, and paying for the management of used fuel. The low and stable cost of nuclear power helps to reduce the price of electricity paid by consumers. We cannot just say that we need to use energy sources that are clean; we must also produce electricity at an affordable price, and nuclear power meets both of these criteria.

One thing I am disappointed about in the bill we are working on today, is how this measure deals with the storage of nuclear waste. Yucca Mountain was chosen as the government's location for a deep geologic repository for the safe storage of used nuclear fuel. All aspects of the geological, hydrological, geochemical, and environmental impacts have been studied, including a detailed evaluation of how conditions might evolve over hundreds of thousands of years at Yucca Mountain. To date, we have spent more than 25 years and \$10 billion on these studies, and the Department of Energy has summarized these studies in several scientific reports which served as the basis for the 2002 decision to approve Yucca Mountain as a site repository. These reports, which included input from extensive public review and comment, formed the foundation of DOE's June 2008 application to the Nuclear Regulatory Commission for a license to construct the repository.

Ending Yucca Mountain could not only hinder new nuclear construction, it could also pose a serious budget question. The repository is currently financed through the Nuclear Waste Fund. Presently, ratepayers pay a one-

tenth of 1 cent fee for every kilowatt hour of nuclear power they consume. This is collected through the monthly utility bill paid by ratepayers.

Under the Nuclear Waste Policy Act, DOE must review the adequacy of the Nuclear Waste Fund fee every year. DOE last performed a fee assessment in August of 2008, when it found the fee was adequate. As a result, the total amount of money paid into the fund is approximately \$750 million per year and about \$1 billion in interest per year. The Congressional Budget Office cost estimate unit told the House Budget Committee that CBO could not estimate what the fee should be:

In light of the [Obama] Administration's policy to terminate the Yucca Mountain project and pursue an alternative means of waste disposal, there is no current basis to judge the adequacy of the fee to cover future costs because the method of disposal and its lifecycle costs are unknown.

That is certainly true. Therefore, utilities and regulators are now asking the Department of Energy to suspend the fee on nuclear power. Why should they pay a fee that is supposed to ensure their wasted nuclear fuel will be taken to a repository when this administration has sought to stop this repository and seems to be making progress in that direction?

Suspending payments of the Nuclear Waste Fund could also complicate general budget matters as the Nuclear Waste Fund is included as a part of the General Treasury Fund, not a trust fund, and can be appropriated on an annual basis. The result is that these funds are often used for purposes other than the disposal of nuclear waste, with only IOUs being held to carry out the fund's purpose. For example, according to CBO, the fund provided \$8 billion through 2006 in government spending that did not contribute to the deficit. In other words, they took this money from the fund. So we can see the issue. If the IOUs are ever paid, the money must come from somewhere, and that payment will be scored as an expenditure of the government. In fact, if lawsuits filed by utilities paying this fee to the government are successful, we are going to have to spend the money, according to the law, it seems to me, for nuclear waste disposal. If so, where will the money come from? We will have to find it in some other fashion. If we do like we do everything else around here, we will just add it to the deficit, another \$8 billion to the current debt.

Additionally, we cannot forget that the Nation's \$11 trillion deficit must also be factored into the debate. Regardless of what the President's Blue Ribbon Commission decides concerning Yucca Mountain, the DOE will have to pay for the disposal of nuclear waste. That is the legal requirement.

There are numerous lawsuits stemming from the delay. The courts have

already found DOE partially in breach of contract for not taking the used fuel from the nuclear powerplants as required in exchange for the nuclear waste fee they have been paying. This has resulted in the Federal Government paying approximately \$300 million to utilities in compensation costs, which is paid out of a judgment fund and not out of the Nuclear Waste Fund. They are not paying back the money with the funds already contributed by the utilities. They are taking it from the General Treasury, a judgment fund, and paying it out of that. And there may be more judgments coming along.

Also, DOE has appealed judgments totaling approximately \$400 million in additional cases they may well lose. That will be another \$400 million that will have to be found and there are close to 40 lawsuits that have not yet gone to trial.

According to CBO, because judicial claims for damages are made retrospectively, many more cases can be expected in the coming decades as utilities seek to recover their own costs for storing nuclear waste on site long after they expected it would be removed to a permanent disposal site.

The repository is also slated to hold high-level waste left over from the Cold War, and the government may be liable for compensation costs from States currently hosting defense waste as well. The Treasury Department has estimated it will cost DOE about \$300 billion to clean up and monitor several government sites that are contaminated with hazardous and radioactive materials.

I ask my colleagues to listen to that number. As a result of activities in early nuclear development, there are waste sites in the country. The Department of Treasury has estimated it will cost about \$300 billion to monitor and clean up several of those sites. I think that number is so breathtaking that I am amazed that more discussion has not occurred about it. I have raised the issue with the Department of Energy and the Department of Defense, as I serve on both Committees, and I believe it can be done for less than that. It has to be done for less than that. We do not have the \$300 billion. We have to look for a better and more responsible way to deal with these cleanups. The waste needs to be stored somewhere. The President has indicated that Yucca Mountain is not one of the options for disposal of nuclear waste.

I was disappointed to hear that. However, we must remember that Yucca Mountain remains the law of the land and that the administration does not have the ability to unilaterally terminate the project. In order to eliminate Yucca Mountain, Congress would have to amend the Nuclear Waste Policy Act, which set a deadline for the Federal Government to begin disposing of used fuel. However, more than a decade

later, we still have not settled on a policy for how to accomplish this, and we have sunk nearly \$10 billion into Yucca Mountain. That is a huge sum of money, even for the amounts we talk about today. Not to mention that it is the most studied geology on the planet.

I do not think we should abandon this project simply because of political pressure. Regardless of what this administration says, we will continue to face the problem of nuclear waste management. We must have a successful plan to dispose of nuclear waste, whether it is through direct disposal or recycling. I believe we need to go forward with recycling and I have offered legislation to do just that. Either way, we are going to need a site, but if we recycle this waste, it would be less toxic. It would be radioactive for far fewer years than would be the case if it were not recycled and perhaps would then be more palatable to those who object to the site.

Perhaps an answer, which to me makes sense, is to move the Nuclear Waste Fund off budget to a dedicated account so that the money will be used for what it was intended. Currently, it is being spent in other places and being replaced with an IOU. Why should utilities pay money into a fund when they are not getting any benefits that they were promised? It just lead us into liability and lawsuits, some of which are already being lost.

I believe nuclear power has proven to be exceedingly safe in America. Not one American has lost their life operating a nuclear powerplant.

The Three Mile Island situation, which caused so much fear and concern in America, did not result in even one person in the studies afterwards to have been sick. But the plants today, and the new ones we will build, will be even safer. They will be set up in such a way that even without power they would automatically shut themselves down through gravity flow into the reactor core. It is a new and safer design. They can be built in mass production quantities, resulting in lower costs per plant, and perfecting the technology and construction techniques that should result in reducing costs. It would allow the components to be produced in larger numbers, reducing costs, and help the Nuclear Regulatory Commission, because of the uniform nature of these plants, to regulate them even more effectively.

Mr. President, I thank the Presiding Officer and would say again, nuclear power produces about 20 percent of our electricity today. It emits no CO₂ or other global warming gases into the atmosphere. It is cost effective, it is all American, and it does not require us to expend large amounts of American wealth to foreign countries in order to maintain our energy supply. Nuclear power is the right thing to do, and I

hope we will continue to work on it because I believe the country is ready to move in that direction.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that no further amendments be in order; that the substitute amendment, as amended, be agreed to and the motion to reconsider be considered made and laid upon the table; that the bill, as amended, be read a third time and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; provided further that if a budget point of order is raised against the substitute amendment and the point of order is not waived, then it be in order for another substitute amendment to be offered, minus the offending provisions but including any amendments which had been agreed to previously, and that then no further amendments be in order; that the new substitute amendment, as amended, be agreed to with the remaining provisions beyond the adoption of the substitute amendment remaining in effect; further, that the subcommittee plus Senator INOUE be appointed as conferees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The majority leader.

UNANIMOUS-CONSENT REQUEST—S. 1498

Mr. REID. Mr. President, I ask unanimous consent to proceed to the immediate consideration of Calendar No. 126, S. 1498, the Surface Transportation Extension Act of 2009; that a Boxer substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand my friend has objected. I would not belabor the point, but the Environment and Public Works Committee worked very hard. This is an 18-month extension of the highway bill. It is all paid for. But we understand and we will continue working on this and we will see what we can come up with at a later time.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that tomorrow, Thursday, July 30, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to H.R. 3357; and that when the bill is considered, it be considered under the following limitations: That there be general debate of 20 minutes equally divided and controlled in the usual form, with the time under the control of the leaders or their designees; that the only amendments in order be the following and that debate time on each amendment be limited to 60 minutes equally divided and controlled in the usual form; that no other amendments be in order; that upon disposition of the listed amendments, the bill, as amended, if amended, be read a third time, and the Senate then proceed to vote on passage of the bill: Ensign amendment regarding unemployment benefits, Bond amendment regarding SAFETEA-LU, the Vitter amendment regarding the highway trust fund, the DeMint amendment with the offset on the housing substitute.

Further, that upon disposition of H.R. 3357, the Senate proceed to the consideration of Calendar No. 105, H.R. 2997, the Agricultural, Rural Development, Food and Drug Administration and Related Agencies programs; that once the bill is reported, Senator KOHL be recognized to offer a substitute amendment, which is the text of the Senate committee-reported bill, S. 1406; further, that once this agreement is entered, the aforementioned amendments be filed and printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, could the majority leader give me an indication of when we might turn to this matter tomorrow?

Mr. REID. I indicated to our floor staffs that we will do our very best to get it here as early as we can tomorrow afternoon.

Mr. MCCONNELL. Early tomorrow afternoon?

Mr. REID. As early as we can get it over here. If we are fortunate, we may get it here in the morning, but we will get it here as early as we can. I would say to my friend, the bill is passed, so it is just clerical stuff. It shouldn't be difficult at all to get it over here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the substitute amendment, No. 1813, as amended, is agreed to, and the motion to reconsider is laid upon the table.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on passage of the bill, as amended.

The majority leader.

Mr. REID. Mr. President, this will be the last vote of the night, and we will then work on these issues as soon as we can. The sooner we get the stuff from the House, the sooner we can wrap up, and Senator KOHL will be here to begin work on the agricultural bill. So we should have a full load tomorrow.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 9, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—85

Akaka	Enzi	Nelson (NE)
Alexander	Feingold	Nelson (FL)
Barrasso	Feinstein	Pryor
Baucus	Franken	Reed
Bayh	Gillibrand	Reid
Begich	Graham	Risch
Bennet	Grassley	Roberts
Bennett	Gregg	Rockefeller
Bingaman	Hagan	Sanders
Bond	Harkin	Schumer
Boxer	Hatch	Sessions
Brown	Hutchison	Shaheen
Brownback	Inouye	Shelby
Bunning	Johanns	Snowe
Burr	Johnson	Specter
Burris	Kaufman	Stabenow
Cantwell	Kerry	Tester
Cardin	Klobuchar	Thune
Carper	Kohl	Udall (CO)
Casey	Landrieu	Udall (NM)
Cochran	Lautenberg	Vitter
Collins	Leahy	Voinovich
Conrad	Levin	Warner
Corker	Lincoln	Webb
Cornyn	Lugar	Whitehouse
Crapo	McConnell	Wicker
Dodd	Merkley	Wyden
Dorgan	Murkowski	
Durbin	Murray	

NAYS—9

Chambliss	Ensign	Kyl
Coburn	Inhofe	McCain
DeMint	Isakson	McCaskill

NOT VOTING—6

Byrd	Lieberman	Menendez
Kennedy	Martinez	Mikulski

The bill (H.R. 3183), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists

on its amendment and requests a conference with the House, and the Chair is authorized to appoint the following conferees.

The Presiding Officer appointed Mr. DORGAN, Mr. BYRD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. HARKIN, Mr. TESTER, Mr. INOUE, Mr. BENNETT of Utah, Mr. COCHRAN, Mr. MCCONNELL, Mr. BOND, Mrs. HUTCHISON, Mr. SHELBY, Mr. ALEXANDER, and Mr. VOINOVICH conferees on the part of the Senate.

• Mr. LIEBERMAN. Mr. President, I was unable to participate in the roll-call vote on final passage of H.R. 3183, as amended, the Energy and Water Development and Related Agencies Appropriations Act. Had I been present, I would have voted yea in support of the bill.

I would like to commend the chairman of the subcommittee, Senator DORGAN, and the ranking member, Senator BENNETT, for their bipartisan work on this important bill that will fund energy and conservation programs that are critical for my State of Connecticut and the rest of the country. •

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I rise this evening before we adjourn to share some letters I have received from constituents of mine in Ohio. I represent the Buckeye State in this body.

I have received probably hundreds of letters similar to the ones I am going to read, and thousands of calls and e-mails and faxes and visits from people asking that we move forward on health insurance legislation, that we do not let special interest groups slow us down, that we do not let people who want to see this fail get in the way of its passage.

I wanted to share some of these letters, because in this body, we talk about exclusivity periods, we talk about the public option, we talk about the exchange, the gateway, employer mandates, all of those things that matter to us. They are public policy; they are important. But we do not talk enough about individuals about people in Juneau or Fairbanks, in the Presiding Officer's State, about what people in Galion, in Mansfield and Bucyrus and Crestline, and Findlay and Zanesville in my State think.

I want to share a handful of these letters I received in the last few days from people in my State.

I will start with Brenton from Franklin County. That is the Columbus area in Central Ohio:

My health care story is similar to that of many young people across the country. I am 26, healthy, college-educated. I have a full-time job. But even with these advantages I'm unable to afford health care coverage without significant help from my parents.

After graduating college 3 years ago, I took a part time job and went without

health coverage for about a year. Unfortunately, I came down with a case of strep throat and put off going to a doctor for several weeks until it became severe.

Obviously, he did not have insurance. It was expensive.

When I finally sought medical attention, my case of strep proved to be drug resistant and I had to pay for several hundred dollars in different medications. I lost my job due to medical absence before I returned to good health.

After this scare, I found a full-time job with health coverage, but I still need help from my parents to cover the high premiums. I realize I am fortunate to be healthy and insured when compared to many Americans.

But it's a shame that in a country as great as ours that there could be any question as to whether a young able-bodied man, such as myself, should feel secure in his future if presented with even a minor illness.

Think about that. This is a young man who, because he did not have insurance, even though he worked full time, was playing by the rules, could not get insurance. He gets sick. He puts off going to the doctor. It ends up costing him out of pocket in the health care system a whole lot more money. He lost his job because he missed work.

If we had our health care bill in place, the legislation that passed out of the HELP Committee, if we had that bill in place, a bill that protects what works in the system and fixes what is wrong, then Brenton would still hold his job and would be in a much better position.

Richard from Youngstown in northeast Ohio is near the Pennsylvania border. Youngstown, I might add, was voted in Entrepreneur Magazine recently as one of the 10 best places in America to start a business.

Richard writes:

I ascribe my good health to regular preventive care efforts to stay healthy: no smoking, regular exercise, weight control. But five years ago, I had surgery for early stage prostate cancer.

Fortunately, I am still cancer free. The surgery itself was a miracle of modern medicine . . . and I've enjoyed similar high standards of care from my doctors' vigilance.

Three years ago, at the age of 61, I hiked through the Appalachian Trail as well as the Pacific Crest Trail. More recently I passed my recent physical with flying colors.

Imagine my consternation when my insurance company told me the reason my premium had been raised 30 percent was because I was "in such poor health"!

The insurance company wrote that my premiums increased because I had moved up into a different age bracket and because of my cancer history. They said for me to wait until the 5 year anniversary of my cancer to shop around for a different plan.

In the past, I wouldn't hesitate to visit my doctor or a specialist to manage my care.

Now, I'm among the under-insured. As a retiree whose retirement savings has been devastated, I have to face living on a reduced income.

Now, I might put off that doctor visit.

That's why I'm so strongly in favor of a public alternative to the existing for-profit insurance companies in the health care re-

form legislation currently making its way through Congress.

Under our legislation, there would be no longer the discrimination of pre-existing condition, of cutting off people when they got their insurance. There would be no copays for preventive care, all the kinds of things that Richard talks about that were lacking in his health care plan when he had insurance are dealt with and will simply not happen in the health insurance bill passed out of our committee.

Next is Marcia from Cuyahoga County, which is Cleveland. Cleveland has become a center for alternative energy in our State. In the next couple years, there will likely be a field of wind turbines in Lake Erie, the first time that has been done anywhere in the world in freshwater. There are a lot of things going on in Cleveland that work for our State and country.

Marcia writes:

I am a 56 year old continuously insured professional female, but currently unemployed.

Since my last job, each year my health insurance has skyrocketed.

With each of these premium increases, the coverage decreases, while co-pays and more deductibles go higher and higher.

It is a slippery slope.

Last year my health insurance had a triple increase in three months, which is equal to almost 1 week of my extended unemployment.

I was on a COBRA for 18 months. Then I had to find my own private health insurance.

That allows one to buy insurance after they lose their job. But they have to pay their own premiums and they have to pay their employer premium which very few people can afford once they have lost their jobs.

Marcia continues:

I applied to 5 companies and was rejected by 4 of them.

One rejection occurred before I even filled out the application.

The application forms are so complex and time consuming to recount one's entire life's medical care.

The one company that accepted me charged a 50 percent markup due to my prior conditions. Note, I had no major diseases but a few treated conditions.

I now realize that anyone with an illness is uninsurable.

One of the most important things to realize about this health insurance legislation is not just that it provides insurance for those who are uninsured or that it will assist those who are under-insured get better insurance. It also helps those who now have insurance. It allows them to keep the insurance they have, if they are satisfied. It also says we will have consumer protections built in so insurance companies no longer are allowed to deny you care because of preexisting conditions or allowed to game the community rating system, no longer allowed to deny care for a whole host of reasons that insurance companies do now. These consumer protections will help people who are newly insured and people who are

now underinsured, as we provide more insurance, and it will help those people—these consumer protections will be built into existing insurance policies that people have today—who are generally satisfied with their insurance. They are satisfied now until they have a major claim where the insurance companies might discontinue their care and might cut them off. Under our plan, the insurance companies would not be able to do that.

My last letter is from Justin from Cincinnati. That is in southwest Ohio along the Ohio River.

Justin writes:

I am a 25-year-old software tester with a wife and two daughters that rely on my income.

I've seen my health insurance costs more than double over the last year.

This is more than my mortgage, and it is absolutely crippling.

I've been living on advances trying to make ends meet.

Please fight for me; all I can do is plead and hope that you listen.

If that doesn't remind us how important this work on providing health insurance reform is to the people of this Nation.

Justin continues:

It drives me crazy that I pay so much a month to a company that takes my money and then uses it to try to defeat legislation that will help ease my financial burden.

He has read in the paper or seen on the Internet or heard on the radio or watched on channel 9 or channel 12, he has heard about lobbyists spending \$1 million a day to lobby the House and the Senate, pharmaceutical company lobbyists, health insurance lobbyists, to weaken this bill. He resents that he is paying these companies for his insurance and prescription drugs to pay the lobbyists to lobby Congress to weaken what we ought to be doing right for Justin and so many others.

Justin concludes:

Please take a stand for me and Americans that say we need a public option. This is literally a matter of life and death for many people.

It can't fail this time, we can't afford for it to.

Justin referred to the public option. There have been a lot of things said about the public option, most of them not true. The public option is a program that will be a government option, a government insurance policy, a choice provided by the Federal Government giving people the option. You can choose Aetna, a mutual company such as Medical Mutual in Ohio or Blue Cross or you can choose to go on the public option. The public option will have lower administrative costs. The public option will keep the insurance companies honest because we know what insurance companies do when they discontinue care, when they discriminate against people because of preexisting conditions. The public option also will save money because of

competition. The public option simply makes sense.

I support strongly a public option. Senator WHITEHOUSE and I wrote the public option in the HELP Committee bill that passed. We wrote that public option because we believe in good old-fashioned American competition. I want the insurance companies to compete. I want the public option to compete. We are going to get a better public option because of private competition, and we will get better private insurance because of public option competition. It is as simple as that. It is not a big government program. It simply says: Let's inject competition into the system so we get better health insurance.

There are a lot of accusations and untruths thrown around by opponents, the same people who tried to stop the creation of Medicare years ago and the same people who tried to privatize Medicare a few years ago. We know this bill protects what works and will fix what is wrong. We will all be better off as a result.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that an article by Martin Feldstein, "Obama's Plan Isn't the Answer" printed in the Washington Post, Tuesday, July 28, 2009, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 28, 2009]

OBAMA'S PLAN ISN'T THE ANSWER

(By Martin Feldstein)

For the 85 percent of Americans who already have health insurance, the Obama health plan is bad news. It means higher taxes, less health care and no protection if they lose their current insurance because of unemployment or early retirement.

President Obama's primary goal is to extend formal health insurance to those low-income individuals who are currently uninsured despite the nearly \$300-billion-a-year Medicaid program. Doing so the Obama way would cost more than \$1 trillion over the next 10 years. There surely must be better and less costly ways to improve the health and health care of that low-income group.

Although the president claims he can finance the enormous increase in costs by raising taxes only on high-income individuals, tax experts know that this won't work. Experience shows that raising the top income-tax rate from 35 percent today to more than 45 percent—the effect of adding the proposed health surcharge to the increase resulting from letting the Bush tax cuts expire for high-income taxpayers—would change the behavior of high-income individuals in ways that would shrink their taxable incomes and therefore produce less revenue. The result would be larger deficits and higher taxes on the middle class. Because of the unprecedented deficits forecast for the next decade, this is definitely not a time to start a major new spending program.

A second key goal of the Obama health plan is to slow the growth of health-care spending. The president's budget calls explicitly for cutting Medicare to help pay for the expanded benefits for low-income individuals. But the administration's goal is bigger than that. It is to cut dramatically the amount of health care that we all consume.

A recent report by the White House Council of Economic Advisers claims that the government can cut the projected level of health spending by 15 percent over the next decade and by 30 percent over the next 20 years. Although the reduced spending would result from fewer services rather than lower payments to providers, we are told that this can be done without lowering the quality of care or diminishing our health. I don't believe it.

To support their claim that costs can be radically reduced without adverse effects, the health planners point to the fact that about half of all hospital costs are for patients in the last year of life. I don't find that persuasive. Do doctors really know which of their very ill patients will benefit from expensive care and which will die regardless of the care they receive? In a world of uncertainty, many of us will want to hope that care will help.

We are also often told that patients in Minnesota receive many fewer dollars of care per capita than patients in New York and California without adverse health effects. When I hear that, I wonder whether we should cut back on care, as these experts advocate, move to Minnesota, or wish we had the genetic stock of Minnesotans.

The administration's health planners believe that the new "cost effectiveness research" will allow officials to eliminate wasteful spending by defining the "appropriate" care that will be paid for by the government and by private insurance. Such a constrained, one-size-fits-all form of medicine may be necessary in some European health programs in which the government pays all the bills. But Americans have shown that we prefer to retain a diversity of options and the ability to choose among doctors, hospitals and standards of care.

At a time when medical science offers the hope of major improvements in the treatment of a wide range of dread diseases, should Washington be limiting the available care and, in the process, discouraging medical researchers from developing new procedures and products? Although health care is much more expensive than it was 30 years ago, who today would settle for the health care of the 1970s?

Obama has said that he would favor a British-style "single payer" system in which the government owns the hospitals and the doctors are salaried but that he recognizes that such a shift would be too disruptive to the

health-care industry. The Obama plan to have a government insurance provider that can undercut the premiums charged by private insurers would undoubtedly speed the arrival of such a single-payer plan. It is hard to think of any other reason for the administration to want a government insurer when there is already a very competitive private insurance market that could be made more so by removing government restrictions on interstate competition.

There is much that can be done to improve our health-care system, but the Obama plan is not the way to do it. One helpful change that could be made right away is fixing the COBRA system so that middle-income households that lose their insurance because of early retirement or a permanent layoff are not deterred by the cost of continuing their previous coverage.

Now that congressional leaders have made it clear that Obama will not see health legislation until at least the end of the year, the president should look beyond health policy and turn his attention to the problems that are impeding our economic recovery.

FURTHER CHANGES TO S. CON.
RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in

such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is \$90.745 billion, and for 2010, it is \$130 billion.

On June 25, 2009, the Senate Appropriations Committee reported H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010, with an amendment in the nature of a substitute. The reported legislation contains \$126 million in funding that has been designated for overseas deployments and other activities pursuant to section 401(c)(4). The Congressional Budget Office estimates that the \$126 million in budget authority will result in \$104 million in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010. When combined with previous adjustments made pursuant to section 401(c)(4), \$379 million has been designated so far for overseas deployments and other activities for 2010.

In addition, section 401(c)(2)(B) of the 2010 budget resolution permits the chairman to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 and aggregates for legislation making ap-

propriations for fiscal year 2010 that both appropriates \$7.1 billion and provides an additional appropriation of up to \$890 million to the Internal Revenue Service for enhanced tax enforcement to address the tax gap, the difference between the amount of taxes owed and the amount of taxes paid.

On July 9, 2009, the Senate Appropriations Committee reported S. 1432, the financial services and general government appropriations Bill, 2010. The reported bill contains \$890 million in funding that satisfies the conditions of section 401(c)(2)(B). The Congressional Budget Office estimates that the \$890 million in budget authority will result in \$837 million in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010.

When combining the effects of the two adjustments, I am revising today both the discretionary spending limits and the allocation to the Senate Committee on Appropriations by a total of \$1,016 million for budget authority and \$941 million for outlays.

I ask unanimous consent to have the following revisions to S. Con. Res. 13 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTIONS 401(c)(4) AND 401(c)(2)(B) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

	In millions of dollars	Current Allocation/ Limit	Adjustment	Revised Allocation/Limit
FY 2009 Discretionary Budget Authority		1,482,201	0	1,482,201
FY 2009 Discretionary Outlays		1,247,872	0	1,247,872
FY 2010 Discretionary Budget Authority		1,086,269	1,016	1,087,285
FY 2010 Discretionary Outlays		1,306,259	941	1,307,200

WASP CONGRESSIONAL GOLD
MEDAL

Mr. DODD. Mr. President, as chairman of the Committee on Banking, Housing, and Urban Affairs, it is the responsibility of my committee colleagues and I to oversee and consider legislation to award Congressional Gold Medals to prospective candidates deemed worthy of the honor. Indeed, it is the highest honor that Congress can bestow on an individual or group, and as such, my committee has to ensure that these bills garner broad bipartisan support in the form of two-thirds co-sponsorship in the Senate before they can receive full consideration. This year, I am pleased that a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots, or WASP, secured my committee's ap-

proval and passed the Senate unanimously on May 20, 2009.

This bill, authored by Senators HUTCHISON and MIKULSKI, recognizes the brave actions of more than a thousand women who served our country so courageously during World War II. Their patriotism and sacrifice were essential to our war effort. Quite simply, they were responsible for transporting critical military aircraft throughout the United States. Ferrying over 12,000 aircraft, of nearly 80 different types, these groundbreaking women operated war machines, from the fabled B-29 Superfortress to the lethal P-51 Mustang fighter. The purpose of their missions was to prepare these aircraft for combat and ensure their readiness.

The WASPs were so effective that they logged over 50 percent of these kinds of missions for our Nation, flying more than 60 million miles over the

course of the war. Their likes included Jacqueline Cochran, one of the greatest female pilots of all time, who was chosen to be the director of the WASPs flight training. Jacqueline set the women's U.S. high altitude and international speed records and was also the winner of the coveted Bendix trophy in 1938. During the famous air race, she earned an epic victory flying from Los Angeles to Cleveland in just over 8 hours. Jacqueline was further commended for her service during the war when she was awarded the Distinguished Service Medal, the highest decoration she could have received from the military without being recognized as an Active-Duty servicemember. When the war ended, Jacqueline's passion for flying would drive her to set new aviation records, becoming the first female pilot to fly a bomber across the Atlantic. Additionally, six

WASPs are still living in my home State of Connecticut. One of them, Gloria Heath, flew a dangerous mission as a B-26 bomber pilot, flying at 6,000 feet while towing a banner that fighter pilots would use for target practice during live fire exercises. Now Gloria is nationally recognized as a leader in aviation safety, having served as a founding board member of the Flight Safety Foundation. She also established an international safety information dissemination service to provide a unified, global response to emergencies on the land, in the air, and on the sea. Her pioneering efforts to ensure the safety of pilots and travelers all over the world have undoubtedly saved lives. Throughout her endeavors, Gloria never lost sight of her lifelong commitment to flying. She would become the director of summer aviation programs at Connecticut College, helping young students discover their passion for flight, just as she did half a decade before.

But these women did more than just serve our country; they were also pioneers for women's rights. They will forever have the honor of being the first female aviators in American military history, serving as the forerunners to women's equality in the Armed Forces. In doing so, they paved the way for women's rights in the military and other workforces across the country. And although much still remains to be done to eradicate gender discrimination, women military combat pilots are now flying alongside their brothers in arms a true testament to the barriers broken down by the WASPs more than six decades ago.

These women often faced scorn and ridicule, but they refused to back down in their conviction that they could fly as proficiently as men. Ultimately, they were proven right and demonstrated that success should be measured in terms of merit and talent, not by gender.

Therefore it is with great pride and honor, Mr. President, that I support this bill. I commend Senators HUTCHISON and MIKULSKI for all their hard work and join them in their gratitude for the pioneering women of the WASP program.

INSPECTORS GENERAL

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, intend to object to the proceeding to H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act, and a similar Senate bill, S. 1354, dated July 29, 2009, for the following reasons."

I object to provisions regarding inspectors general in H.R. 885, and a similar Senate bill, S. 1354, based on my reading of the language in the Improved Financial and Commodity Markets Oversight and Accountability Act.

The act is intended to require Presidential appointments and Senate confirmation for the following five inspectors general: Commodity Futures Trading Commission, CFTC; the National Credit Union Administration, NCUA; the Pension Benefit Guaranty Corporation, PBGC; the Board of Governors of the Federal Reserve System, FRB; and the Securities and Exchange Commission.

In essence, the act will change dramatically the historical and longstanding classification of these five organizations from "designated federal entities" DFE, under the original Inspector General Act of 1978, to Presidential appointees.

These IGs, who are all nonpartisan civil servants, oppose H.R. 885. I have come to agree with their conclusion that the act will neither improve the independence of the five IGs nor enhance their accountability to the American people. Requiring that these five IGs be made Presidential appointees introduces the potential for partisan politics where none currently exists. This is especially true because we have an administration that is not even a year old and three IGs have already been dismissed. I have not yet seen a consistent policy reason articulated for treating these five IGs differently from other DFE IGs. If Congress wants to increase the independence and accountability of all inspectors general, there are numerous, more effective ways of doing so, and I would be eager to work toward that common goal. However, this legislation has not had a full and, complete hearing in the Senate, targets only five of the DFE inspectors general for reasons that are unclear, and does not appear to achieve its stated purpose.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. KERRY. Mr. President, I thank Senator KYL and Senator LEVIN for working out a second-degree amendment last week to Senator KYL's earlier amendment, No. 1760, to the National Defense Authorization Act relating to the post-START agreement that the United States is negotiating with the Russian Federation. In my view, the earlier amendment—and section 1239 of the House version of the NDAA, on which that amendment was based—would have undermined the constitutional role of the Senate as the body that considers treaties, as well as the President's role in negotiating treaties. The Senate decided wisely not to adopt the House approach of trying to bar U.S. compliance with a treaty before the treaty has even been negotiated. The substitute amendment we adopted last week was a good result.

The bill approved by the Senate, as amended by Senator KYL's modified amendment, would require the Presi-

dent to report to the Congress on his plan to enhance the safety, security and reliability of the U.S. nuclear weapons stockpile, to modernize the nuclear weapons complex, and to maintain the delivery platforms. I would encourage the administration to see that requirement not as a burden, but as an opportunity. If U.S. ratification of the Comprehensive Nuclear Test-Ban Treaty is to be approved by the Senate, Members will have to be convinced that the executive branch is prepared to sustain our nuclear deterrence by maintaining a stockpile of safe, secure, and reliable nuclear weapons, without resorting to nuclear testing. This report requirement underscores that concern and the need to address it forthrightly.

I believe that this administration has the will to maintain our nuclear stockpile, and the successes of stockpile stewardship over the last decade have been greater than even its proponents predicted when we last considered CTBT. The report required by this amendment would offer an opportunity to explain to the Senate how far we have come, where we are going next, and how we will fund stockpile stewardship to ensure that we will sustain our deterrent posture even as the United States works with other countries to reduce the numbers and importance of these weapons worldwide. It may be only a preliminary report, if the National Defense Authorization Act is enacted well before the Nuclear Posture Review and the President's fiscal year 2011 budget request are completed, but it will still be an opportunity to educate the Senate.

The Kyl amendment as modified also states that the Senate urges the President to maintain his position that the post-START agreement will not contain limitations on ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States. I am absolutely confident, based on the Obama-Medvedev statements of April 1 and July 6, 2009, that their instructions to negotiators are not to include such limitations in the agreement.

For example, there will be "a provision on the interrelationship of strategic offensive and strategic defensive arms," but "a provision" does not mean a limitation on U.S. missile defense or space capabilities. Similarly, the existing START Treaty has "a provision" regarding antiballistic missile systems but does not limit those systems.

Regarding the Senate's desire to avoid limitations on "advanced conventional weapons," I would just emphasize that the adoption of this substitute amendment is not intended to be a backdoor way to oppose limitations on strategic delivery vehicles.

In short, I believe that the Kyl substitute amendment adopted last week

should do no harm and that the administration can use it to begin the process of educating the Senate on a matter we will have to address in any event. Again, I commend Senators KYL and LEVIN for reaching this result.

NOMINATION OF THOMAS A. SHANNON, JR.

Mr. GRASSLEY. Mr. President, I want to note for the record that I will object to any unanimous consent request relating to the nomination of Thomas A. Shannon Jr., to be Ambassador to Brazil. On July 28, I wrote a letter to Secretary of State Hillary Clinton and U.S. Trade Representative Ron Kirk asking for a clarification of the President's position regarding the U.S. ethanol tariff in light of Mr. Shannon's stated view on the tariff. I will continue to object to any unanimous consent request proffered with respect to Mr. Shannon's nomination until such time as the administration responds to my letter and I have an opportunity to review such response.

OIL SPILL PREVENTION ACT

Mr. LAUTENBERG. Mr. President, the managers' amendment to S. 685, the Oil Spill Prevention Act, will eliminate the authorization of appropriations from the international seafarer protection provision, reduce a bi-annual Coast Guard reporting requirement to an annual reporting requirement, and remove an annual Coast Guard reporting requirement that is no longer necessary or appropriate. These modifications to the committee-reported bill render it revenue neutral.

CONGRATULATING JOHN LECLAIR

Mr. LEAHY. Mr. President, I wish to congratulate St. Albans VT, native John LeClair for being chosen as a 2009 inductee into the U.S. Hockey Hall of Fame.

John LeClair had a remarkable amateur and professional hockey career. The first American-born player to record three consecutive 50-goal seasons in the National Hockey League, LeClair played 16 years in the NHL—with stops in Montreal, Philadelphia, and Pittsburgh—and he helped the Montreal Canadiens capture the Stanley Cup in 1993. He registered 406 goals and 413 assists for 819 points in 967 career games, which ranks him 13th on the NHL's alltime points list among American-born players. LeClair also was a 2-time Olympian, where he netted 34 career points, 22–12, 31 games in a Team USA uniform.

Most hockey fans remember LeClair for his dramatic two game-winning goals in overtime during the 1993 Stanley Cup Finals, for being a member of the dreaded "Legion of Doom" line

with the Philadelphia Flyers, and for leading Team USA to a Silver Medal in the 2002 Winter Olympics.

Vermonters, though, go further back with their native son. After his high school graduation from Bellows Free Academy in St. Albans, the Montreal Canadiens drafted LeClair with the 33rd pick in the 1987 entry draft. Instead of immediately going to the NHL, LeClair chose to attend the University of Vermont, where he thrilled Catamount fans for four, exciting seasons. Less than a week after playing his final collegiate game, LeClair signed with Montreal and hit the ice with the Canadiens right away.

While LeClair quickly went on to stardom and fame in the NHL, he always enjoyed a loyal following back home. Many Vermonters are naturally Canadiens fans because Montreal is so close to Vermont, but it was amazing to see how many people converted to Flyer fans when LeClair moved to Philadelphia and Penguin fans when he moved to Pittsburgh. I remember that no matter whether it was hockey season or not, it seemed like you couldn't walk down the street in St. Albans or Burlington or Rutland without seeing someone wearing some sort of Flyers paraphernalia, which stood out because of the team's distinguishing orange and black colors.

Once again, I congratulate John LeClair on this high honor of being selected as a member of the U.S. Hockey Hall of Fame. I ask unanimous consent to have a copy of a July 29 article from the Burlington Free Press printed in the RECORD.

The material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, July 29, 2009]

LECLAIR TO ENTER U.S. HOCKEY HALL OF FAME—ST. ALBANS NATIVE IS AMONG CLASS OF '09

COLORADO SPRINGS, COLO.—Former University of Vermont and NHL star John LeClair of St. Albans, Vt., will be inducted into the United States Hockey Hall of Fame.

USA hockey's 2009 class was announced Tuesday, and it also includes former NHL players Tony Amonte and Tom Barrasso, the 1998 U.S. Olympic women's team and the late Frank Zamboni, inventor of the storied ice resurfacing machine.

The date of the induction ceremony will be announced in August.

During an NHL career that included five seasons with the Montreal Canadiens, 10 with the Philadelphia Flyers and two as a Pittsburgh Penguin, LeClair registered 406 goals and 413 assists for 819 points in 967 career games.

The winger helped Montreal win the Stanley Cup in 1993, was the first American-born player with three straight 50-goal seasons from 1995 to 1998, and was on USA's silver-medal team at the 2002 Olympics in Salt Lake City.

LeClair is also a member of UVM's Hall of Fame. He netted 56 goals and 60 assists in four years as a Catamount.

Amonte scored the winning goal against Canada in the deciding game of the first World Cup of Hockey in 1996.

Barrasso won two Stanley Cups as a goalie for the Pittsburgh Penguins.

The 1998 U.S. Olympic Women's team won the gold medal at the Winter Games in Nagano, Japan.

ADDITIONAL STATEMENTS

75TH BIRTHDAY OF REUBEN K. HARPOLE, JR.

• Mr. KOHL. Mr. President, today I honor Reuben K. Harpole, Jr.—a man who has changed countless lives in Wisconsin through his selfless devotion to helping people.

Reuben developed an entrepreneurial spirit growing up in Milwaukee. His family worked at the family grocery store, sold their home-raised chickens in the front yard, and rented out bicycles. This work ethic went with him throughout his life. He went on to serve our Nation in Korea from 1957 to 1959. Then he came back home, earned his bachelor's degree, and began his professional life as a teacher and community activist.

With 31 years service to University of Wisconsin-Milwaukee and continued community activism, Reuben helped mold the future of Wisconsin. In the 1960s Reuben began working to direct youth away from gangs into fruitful career paths. When central Milwaukee's health services were shutting down in the 1970s, Reuben worked with local, county, and university officials to reinstate much needed assistance. He helped establish the Isaac Coggs Health Center and a coalition of neighborhood health organizations. Reuben also founded or developed the College Prep Program at Marquette University High School, the UWM Center for Urban Community Development, the Harambee Ombudsman Program, and the Children's Performing Arts Group that has evolved into the renowned Ko Thi Dance Company.

Reuben has also been an outstanding advocate for our African-American community in Milwaukee. He has written forewords for several books about African-American history in Milwaukee. He voluntarily conducts tours of Black Milwaukee, which brings a real-life perspective to his work in African-American history. A multitude of African-American programs and organizations are indebted to his service including the NTU African Rites of Passage Program, the Asentu Adult Rites of Passage Institute, the Black Holocaust Museum, and the Milwaukee 100 Black Men Group. In fact, it was on Reuben's invitation to a gathering that I met with Martin Luther King, Jr., during one of his few visits to Milwaukee many years ago.

Even after retirement, he continues to be a great leader in the community. Most notably, he joined the Helen Bader Foundation. Through this he is able to help programs and centers secure the funds they need to function

and more successfully serve the community.

The work he has done for Milwaukee continues to grow as the many people he has inspired are starting to follow in his footsteps. I would like to specifically note the Volunteer Reading Tutoring Program at the UWM Reading Clinic. A truly great person is one who not only does great works but also inspires others to do so as well.

I am proud to call Reuben a fellow Wisconsinite and a dear friend. I wish him and his lovely wife Mildred good health, happiness, and many more years to come.●

CONGRATULATING EILEEN COLLINS

● Mrs. GILLIBRAND. Mr. President, I would like to add to the RECORD my most heartfelt congratulations to Eileen Collins for her recent induction into the National Aviation Hall of Fame. As an Elmira, NY, native, Eileen is the first female pilot and commander of a NASA shuttle. She has orbited the Earth 573 times. As a child, Eileen was inspired to be a pilot by watching the planes over the Elmira-Corning Regional Airport and the Harris Hill glider field. She joined the Air Force in 1978 and was recruited to join NASA as one of its earliest female pilots in 1990. The communities of New York's Southern Tier are so proud of Eileen's historic achievements.

As the first female pilot and shuttle commander, Eileen Collins is an inspiration and true role model to girls and young women nationwide. Her achievements prove that women everywhere can, and should, reach for the stars.●

CONGRATULATING ABBY WAMBACH

● Mrs. GILLIBRAND. Mr. President, I would like to add to the RECORD my most heartfelt congratulations to Abby Wambach for her history making 100th goal. This achievement is only the fifth in women's USA soccer history that 100 goals have been scored by one player. As this goal is felt throughout the USA and worldwide soccer community, I especially want to recognize how much Abby and her remarkable achievement mean to the Rochester community. As seen by the cheering in her game on July 19, there is no more fitting place to achieve this momentous goal and Rochester could not be prouder.

Abby Wambach has made a lasting impression on the women's USA soccer team and has inspired generations of young women throughout New York and the Nation. She has helped her team win Olympic gold in Athens and countless World Cup matches. I applaud her tremendous achievement and it is my hope that her accomplishment will inspire countless generations of our youth to strive for excellence.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution:

H.R. 509. An act to reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes.

H.R. 556. An act to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter.

H.R. 1035. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

H.R. 1293. An act to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services.

H.R. 1803. An act to amend the Small Business Act to establish a Veterans Business Center program, and for other purposes.

H.R. 1807. An act to provide distance learning to potential and existing entrepreneurs, and for other purposes.

H.R. 3325. An act to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

H.J. Res. 44. Joint Resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

At 2:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following act, without amendment:

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 509. An act to reauthorize the Marine Turtle Conservation Act of 2004, and for

other purposes; to the Committee on Environment and Public Works.

H.R. 556. An act to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Commerce, Science, and Transportation.

H.R. 1293. An act to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services; to the Committee on Veterans' Affairs.

H.R. 1803. An act to amend the Small Business Act to establish a Veterans Business Center program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 1807. An act to provide distance learning to potential and existing entrepreneurs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 3325. An act to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program; to the Committee on Finance.

H.J. Res. 44. Joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2505. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Israel for equipment installation and support services related to the Digital Army Program on behalf of the Israeli Ministry of Defense in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2506. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Turkey to perform maintenance and service of F110-GE-100 and F110-GE-129 aircraft engines installed on Turkish Air Force F-16 in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2507. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of an application for a license for the export of technical data, defense services, and defense articles to Australia for future commercial activities related to the IS-22 Commercial Communications Satellite and its associated ground network in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2508. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license

agreement to include the export of technical data, defense services, and defense articles to Germany for the manufacture of chemical defense fabrics; to the Committee on Foreign Relations.

EC-2509. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, a report concerning an amendment to Part 123 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC-2510. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, defense services, and hardware for the manufacture of the AN/GPA-124 IFF Coder/Decoder and the AN/GPM-64 Test Set for Japan; to the Committee on Foreign Relations.

EC-2511. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, defense services, and hardware to support the manufacture, modernization, upgrade, and overhaul of the M113 Family of Vehicles in Turkey in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2512. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, defense services, and hardware for the manufacture of Mk 46 Torpedo assemblies and components for Japan in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2513. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, defense services, and hardware to Singapore, and the United Kingdom to support the manufacture of display monitors, display assembly kits, and display unit subassemblies for Raytheon Company in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2514. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0088—2009-0089); to the Committee on Foreign Relations.

EC-2515. A communication from the Assistant General Counsel of the Division of Regulatory Services, National Institute on Disability and Rehabilitation Research Projects and Centers Program, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Rehabilitation Research and Training Centers" (CFDA No. 84.133B) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2516. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to

law, the Fiscal Year 2008 Performance Report to Congress; to the Committee on Health, Education, Labor, and Pensions.

EC-2517. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Sufficiency Certification for the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-2518. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-137, "Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009" received in the Office of the President of the Senate on July 27, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2519. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-139, "Closing of a Paper Alley in Square 5401, S.O. 07-121, Act of 2009" received in the Office of the President of the Senate on July 27, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2520. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Annual Privacy Activity Report for 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-2521. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-138, "Commission on Uniform State Laws Appointment Authorization Temporary Act of 2009" received in the Office of the President of the Senate on July 27, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2522. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2523. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice on Treatment of Fails Charges for Purposes of Sections 871, 881, 1441, and 1442" (Notice 2009-61) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Finance.

EC-2524. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Cost-Sharing Payments; Forest Health Protection Program" (Rev. Rul. 2009-23) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Finance.

EC-2525. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Elimination of Requirements for Prior Signature Consent and Pre- and Post Test Counseling for HIV Testing" (RIN2900-AN20) received in the Office of the President of the

Senate on July 28, 2009; to the Committee on Veterans' Affairs.

EC-2526. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, the report of a nomination in the position of Director of the Peace Corps, received in the Office of the President of the Senate on July 28, 2009; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1533. An original bill to provide an extension of public transportation programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Rept. No. 111-61).

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2010" (Rept. No. 111-62).

By Mr. BAUCUS, from the Committee on Finance:

Report to accompany S.J. Res. 17, A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (Rept. No. 111-63).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Gary L. North, to be General.

Air Force nomination of Maj. Gen. Frank Gorenc, to be Lieutenant General.

Air Force nomination of Brig. Gen. Ronnie D. Hawkins, Jr., to be Major General.

Air Force nomination of Lt. Gen. Philip M. Breedlove, to be Lieutenant General.

Air Force nomination of Lt. Gen. Raymond E. Johns, Jr., to be General.

Air Force nomination of Colonel Howard B. Baker, to be Brigadier General.

Air Force nomination of Brigadier General Noel T. Jones, to be Major General.

Air Force nomination of Col. Bart O. Iddins, to be Brigadier General.

Army nominations beginning with Col. Thomas E. Ayres and ending with Col. John W. Miller II, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nomination of Brig. Gen. Dana K. Chipman, to be Lieutenant General.

Army nomination of Col. Daniel L. York, to be Brigadier General.

Army nomination of Col. Charlotte L. Miller, to be Brigadier General.

Army nomination of Maj. Gen. John E. Sterling, Jr., to be Lieutenant General.

Army nomination of Maj. Gen. Purl K. Keen, to be Lieutenant General.

Army nomination of Lt. Gen. Lloyd J. Austin III, to be Lieutenant General.

Army nomination of Lt. Gen. Kenneth W. Hunzeker, to be Lieutenant General.

Army nomination of Maj. Gen. Robert P. Lennox, to be Lieutenant General.

Army nomination of Brig. Gen. Clyde J. Tate II, to be Major General.

Army nomination of Lt. Gen. Ricky Lynch, to be Lieutenant General.

Army nomination of Maj. Gen. Michael D. Barbero, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Willie J. Williams, to be Lieutenant General.

Marine Corps nomination of Gen. James E. Cartwright, to be General.

Navy nominations beginning with Capt. Randolph L. Mahr and ending with Capt. Timothy S. Matthews, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nominations beginning with Capt. Gretchen S. Herbert and ending with Capt. Diane E. H. Webber, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nominations beginning with Capt. Paul B. Becker and ending with Capt. Elizabeth L. Train, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nominations beginning with Capt. Dennis J. Moynihan and ending with Capt. Harold E. Pittman, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nominations beginning with Capt. Richard D. Berkey and ending with Capt. David H. Lewis, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nomination of Capt. Nanette M. Derenzi, to be Rear Admiral.

Navy nomination of Rear Adm. James W. Houck, to be Vice Admiral.

Navy nomination of Adm. Robert F. Wilard, to be Admiral.

Navy nomination of Capt. Clinton F. Faison III, to be Rear Admiral (lower half).

Navy nomination of Capt. Eleanor V. Valentin, to be Rear Admiral (lower half).

Navy nominations beginning with Rear Adm. (lh) Mark A. Handley and ending with Rear Adm. (lh) Christopher J. Mossey, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2009.

Navy nominations beginning with Captain Richard P. Breckenridge and ending with Captain David B. Woods, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with John M. Wightman and ending with Shannon L. Mccamey, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Air Force nominations beginning with Michelle Bongiovi and ending with Jennifer A. Korkosz, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Air Force nominations beginning with Scott M. Baker and ending with Dee A. Weed, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Air Force nomination of Ira S. Eadie, to be Major.

Air Force nomination of James C. Ewald, to be Lieutenant Colonel.

Air Force nomination of Jacqueline A. Nave, to be Colonel.

Air Force nominations beginning with Jesus Clemente and ending with Lynn G. Norton, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Air Force nomination of Brandon T. Grover, to be Major.

Air Force nomination of Stephen H. Montaldi, to be Major.

Air Force nominations beginning with Antonio J. Alfonso and ending with Sina M. Ziemak, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nominations beginning with Ebon S. Alley and ending with Richard Y. K. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nominations beginning with Elise A. Ahlsweide and ending with Deedra L. Zabokrtsky, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nominations beginning with Raan R. Aalgaard and ending with Gregory S. Zehner, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nomination of David A. MacGregor, to be Major.

Army nomination of Michael L. Steinberg, to be Lieutenant Colonel.

Army nomination of Paul W. Maetzold, to be Major.

Army nominations beginning with Sheryl L. Dacy and ending with James M. Leith, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nominations beginning with James R. Finley and ending with Craig M. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nominations beginning with Oscar T. Arauco and ending with D070807, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nominations beginning with Dennis K. Bennett and ending with Jose M. Vargas, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nominations beginning with Ernest T. Forrest and ending with Walton D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nomination of Philip M. Chandler, to be Colonel.

Army nomination of Alan K. Ueoka, to be Lieutenant Colonel.

Army nomination of Martin W. Kinnison, to be Major.

Army nomination of Brian G. Donahue, to be Major.

Army nominations beginning with Robert L. Doran and ending with Sheba L. Waterford, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Army nominations beginning with John A. Aardappel and ending with D071039, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Army nominations beginning with Clara H. Abraham and ending with X1381, which

nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Army nominations beginning with Allen D. Acosta and ending with D060270, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Army nomination of Scott A. Neusre, to be Major.

Army nomination of Jennifer M. Cradier, to be Major.

Army nomination of Carol Haertleinsells, to be Major.

Army nominations beginning with Michale L. Boothe and ending with Murray M. Reef, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Paul E. Habener and ending with Marc A. Silverstein, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Denise K. Askew and ending with Martha M. Oner, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Laura Nihan and ending with James M. Rogers, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Samuel A. Frazer and ending with Vincent D. Zahnle, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Alaine C. Encabo and ending with Scott C. Sharp, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Kris R. Poppe and ending with Casey P. Nix, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Anne B. Warwick and ending with Rod W. Callicott, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Michael F. Boyek and ending with Gerald S. Maxwell, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Wesley L. Girvin and ending with Anthony W. Parker, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Luis Diaz and ending with Mark J. Sauer, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nomination of Charles R. Whitsett, to be Lieutenant Colonel.

Army nomination of Dallas A. Wingate, to be Colonel.

Army nominations beginning with Holmes C. Aita and ending with Ryan J. Wang, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Army nominations beginning with Jayson D. Aydelotte and ending with D070684, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Army nomination of Nathaniel Johnson, Jr., to be Colonel.

Army nominations beginning with Jason E. Johnson and ending with Cary A. Shillcutt, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Richard P. Adams and ending with Michael J. Stewart, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Kirsten M. Anke and ending with Rebecca A. Yurek, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Mary C. Adamschallenger and ending with David A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Charles C. Dodd and ending with Daniel C. Wakefield, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Sheila R. Adams and ending with D060502, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Jeffrey M. Adcock and ending with Dentonio Worrell, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Joel T. Abbott and ending with Thomas L. Zickgraf, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nomination of Jane B. Prather, to be Colonel.

Army nomination of Hunt W. Kerrigan, to be Colonel.

Army nominations beginning with Michele L. Hill and ending with William S. Like, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with Warren G. Thompson and ending with Frederick M. Karrer, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with Yvonne S. Breece and ending with Michael J. Ufford, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with Dana C. Allmond and ending with D070985, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with Tyrone C. Abero and ending with X001255, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with David S. Abrahams and ending with D060861, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Navy nominations beginning with Matthew J. Bellair and ending with Justin W. Westfall, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2009.

Navy nominations beginning with Stephen W. Paulette and ending with Alan E. Siegel, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Navy nomination of Johnson Ming-Yu Liu, to be Captain.

Navy nominations beginning with Roberto M. Abubo and ending with Vincent E. Smith, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Timothy A. Anderson and ending with Sean D. Robinson, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Jacob A. Baileydaystar and ending with Tony S. W. Park, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Brook Dewalt and ending with Wendy L. Snyder, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Sowon S. Ahn and ending with Scott D. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Jason B. Babcock and ending with Allisa M. Walker, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Byron V. T. Alexander and ending with Marcia L. Ziemba, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with John A. Blocker and ending with Jeffrey M. Vicario, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Angel Bellido and ending with Bret A. Washburn, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Lee G. Baird and ending with Daniel F. Youch, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Jerry L. Alexander, Jr. and ending with Maria T. Wilke, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Ryan D. Aaron and ending with David G. Zook, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Joseph P. Burns and ending with Brian Stranahan, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2009.

Navy nominations beginning with Eddie L. Nixon and ending with Dennis M. Weppner, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2009.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Wilma A. Lewis, of the Virgin Islands, to be an Assistant Secretary of the Interior.

*Richard G. Newell, of North Carolina, to be Administrator of the Energy Information Administration.

*Robert V. Abbey, of Nevada, to be Director of the Bureau of Land Management.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Samuel D. Hamilton, of Mississippi, to be Director of the United States Fish and Wildlife Service.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Tara Jeanne O'Toole, of Maryland, to be Under Secretary for Science and Technology, Department of Homeland Security.

*Christine M. Griffin, of Massachusetts, to be Deputy Director of the Office of Personnel Management.

*Stuart Gordon Nash, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. NELSON of Florida, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1530. A bill to prohibit an agency or department of the United States from establishing or implementing an internal policy that discourages or prohibits the selection of a resort or vacation destination as the location for a conference or event, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PRYOR:

S. 1531. A bill to amend title 38, United States Code, to establish within the Department of Veterans Affairs the position of Assistant Secretary for Acquisition, Logistics, and Construction, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself, Mr. BROWN, and Mr. SANDERS):

S. 1532. A bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 1533. An original bill to provide an extension of public transportation programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. REID (for Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CASEY, Mr. WEBB, Mr. SHELBY, and Mr. WARNER):

S. 1534. A bill to complete construction of the 13-States Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself and Mr. CARDIN):

S. 1535. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. HAGAN, and Ms. LANDRIEU):

S. 1536. A bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. CONRAD):

S. 1537. A bill to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Ms. CANTWELL, Mr. NELSON of Florida, and Mr. BEGICH):

S. 1538. A bill to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself and Mr. NELSON of Florida):

S. 1539. A bill to authorize the National Oceanic and Atmospheric Administration to establish a comprehensive greenhouse gas observation and analysis system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself and Mrs. HUTCHISON):

S. Res. 226. A resolution designating September 2009 as "Gospel Music Heritage Month" and honoring gospel music for its valuable contributions to the culture of the United States; to the Committee on the Judiciary.

By Mr. BROWN:

S. Res. 227. A resolution designating September 2009 as "Tay-Sachs Awareness Month"; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Mr. KERRY, Mr. BROWNBACK, Mr. KENNEDY, Ms. COLLINS, Mr. CARPER, Mr. BUNNING, Ms. SNOWE, Mr. DODD, and Mr. SCHUMER):

S. Res. 228. A resolution designating the week beginning September 14, 2009, as "National Direct Support Professionals Recognition Week"; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. SESSIONS, Mr. SPECTER, Ms. STABENOW, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WICKER):

S. Res. 229. A resolution designating the week beginning August 30, 2009, as "National Historically Black Colleges and Universities Week"; considered and agreed to.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 230. A resolution designating Richard A. Baker as Historian Emeritus of the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 259

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 370

At the request of Mr. INHOFE, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator

from Georgia (Mr. ISAKSON), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Idaho (Mr. RISCH), the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Mr. VITTER), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 370, a bill to prohibit the use of funds to transfer detainees of the United States at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or to construct any facility for such detainees in the United States, and for other purposes.

S. 446

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 446, a bill to permit the televising of Supreme Court proceedings.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 621

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 621, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 685

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 685, a bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

S. 694

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 717

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 827

At the request of Mr. ROCKEFELLER, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 850

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 908

At the request of Mr. BAYH, the names of the Senator from Utah (Mr. HATCH) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 928

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 928, a bill to enhance disclosures regarding the use of funds under the Troubled Asset Relief Program, and for other purposes.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private

health plans and make health coverage more affordable, predictable, and accessible.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1244

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1505

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1505, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program, and for other purposes.

S. 1508

At the request of Mr. CARPER, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 1508, a bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

S. 1518

At the request of Mr. BURR, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. CON. RES. 36

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

AMENDMENT NO. 1849

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1849 intended to be proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1852

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 1852 proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1857

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1857 intended to be proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1861

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1861 intended to be proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1862

At the request of Mr. KYL, his name was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. GREGG, his name was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, *supra*.

At the request of Mr. BURR, his name was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, *supra*.

At the request of Mr. ROBERTS, his name was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, *supra*.

At the request of Mr. ALEXANDER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, *supra*.

AMENDMENT NO. 1863

At the request of Mr. ALEXANDER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 1863 intended to be proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. NELSON of Florida, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1530. A bill to prohibit an agency or department of the United States from establishing or implementing an internal policy that discourages or prohibits the selection of a resort or vacation destination as the location for a conference or event, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Resort Cities from Discrimination Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Tourism, including conventions and meetings, is an important part of the United States economy that generates billions of dollars in tax revenues for many localities.

(2) Analysts estimate that approximately 90 percent of employers in the travel industry are small businesses and more than 12 percent of United States employees are employed by the travel industry.

(3) Many local economies around the country have developed into destinations for vacationers and conventioners alike, and those local economies depend on the travel industry to support local employment, create new jobs, and generate tax revenues for critical public services.

(4) These same destinations are home to large and small businesses that have unique

skills, amenities, and resources for planning and facilitating meetings and conventions for all purposes and, consequently, may deliver value and convenience for individuals and organizations in need of a location for an official event.

(5) Locating an official event in such a city frequently may save taxpayer dollars, as compared to other locations.

(6) Agencies and departments of the United States have a responsibility to find ways to maximize taxpayer dollars in conducting official business, including planning and conducting official meetings attended by Federal employees.

(7) In deciding where to locate an official government meeting by applying this principle of maximizing taxpayer dollars, government officials often will conclude that many locations known as resort destinations also will provide the best value and convenience for official meetings and business.

(8) Resort and vacation destination cities tend to be affected disproportionately during economic downturns and, therefore, are especially vulnerable to discrimination by meeting and convention planners, which could exacerbate unemployment and related demands on United States taxpayers.

SEC. 3. LIMITATION ON CERTAIN TRAVEL AND CONFERENCES POLICIES OF AGENCIES OF THE UNITED STATES.

No agency or department of the United States may establish or implement an internal policy regarding travel, event, meeting, or conference locations that discourages or prohibits the selection of such a location because the location is perceived to be a resort or vacation destination.

By Mr. REID (for Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CASEY, Mr. WEBB, Mr. SHELBY, and Mr. WARNER)):

S. 1534. A bill to complete construction of the 13-States Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

Mr. BYRD. Mr. President, today I am introducing legislation to reauthorize the Appalachian Development Highway System. This network of highways and corridors, known as the ADHS, was designed to provide access to and from communities in Appalachia. The concept of the ADHS was born 45 years ago. It was, and is, an important promise made by the Federal Government to the people of my State and the rest of Appalachia. I thank the cosponsors of my bill: Senators ROCKEFELLER, CASEY, and WEBB, and I look forward to working with Environment and Public Works Committee Chairwoman BOXER to have my legislation included in the next highway reauthorization.

While serving in the House of Representatives, I cast my vote in favor of establishing the Interstate Highway System back in 1958. I have had a long history of advancing the cause of our Nation's highway systems and of emphasizing the immense economic and safety benefits that come with the improvement of all surface transportation.

The ADHS's inception was in 1964, when it was recognized by the first Appalachian Regional Commission that,

while the Interstate Highway System would provide historic economic benefits to most of our Nation, the system was designed to bypass the Appalachian region. This was primarily due to the difficulties involved in building roads upon Appalachia's beautiful, but very rugged topography. Absent the Appalachian Development Highway System, my State, as well as the whole of the Appalachian region, would have been left solely with a transportation infrastructure of dangerous, narrow, winding roads which follow the paths of river valleys and stream beds, winding around mountains and hills. Thus, the limited access to these regions has tended to stifle economic opportunities for countless communities—a problem that still exists all these years later.

In addition to the Federal Government's responsibility to keep the promise made decades ago to the people of Appalachia, new benefits—benefits to the entire Nation—have evolved because of the ADHS. In a recent economic analysis conducted by the Appalachian Regional Commission, the study found that completion of the ADHS will result in significant reductions in travel time for personal, business, and long-distance freight trips. By 2020, the aggregate savings in travel time is estimated to be over 67 million hours, 240,000 hours daily of travel time saved, and grow to almost 180 million hours of reduced travel time by 2035.

ADHS corridor improvements will produce significant monetized travel benefits to individuals and businesses both within and outside the ARC region. Total user benefits—travel time, fuel and non-fuel operating costs, and safety—are estimated to be \$1.3 billion in 2020, the year of system completion, and grow to \$4.3 billion by 2035. Over half the benefit is expected to accrue to business-related travel—commodity-based truck flows, local nonfreight truck trips, and on-the-clock auto trips.

The reason for the existence of the Appalachian Development Highway System is no less valid today than when it was established in 1964. The benefits of completion of the ADHS are twofold: continue to make inroads into isolated communities, and address and alleviate an already overly burdened Interstate Highway System.

Unfortunately, there are still children in Appalachia who lack decent transportation routes to local schools. There are thousands upon thousands of people who cannot obtain sustainable, well-paying jobs because of poor transportation access to major employment centers. Some of the most beautiful places in the country are in Appalachia, but for tourism to thrive, Americans must be able to actually get to these beautiful destinations.

It is time for this Congress, in concert with the administration, to take the last great leap forward and to authorize sufficient contract authority to

finally complete the Appalachian Development Highway System. The legislation I am introducing today will provide sufficient contract authority to complete the system, and the completion of the system will provide additional economic opportunities, safer modes of travel, and ease the strain on our current transportation infrastructure.

By Mrs. FEINSTEIN (for herself and Mr. CARDIN):

S. 1535. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to prevent the cruel and unsportsmanlike practice of hunting from airplanes.

This practice undermines the hunting principle of a fair chase and often leads to a slow and painful death for the hunted animals.

I firmly believe that slaughter must be the very last option when it comes to wildlife management. Moreover, if slaughter must be carried out, it should be done in the most humane method possible.

In my opinion, allowing private citizens to hunt from airplanes runs contrary to this belief.

Specifically, the Protect America's Wildlife Act closes the loophole in current law that allows private citizens to hunt from aircraft. It limits airborne hunting to employees of state fish and wildlife agencies, the U.S. Department of Agriculture and the Department of the Interior.

It eliminates the practice of "land-and-shoot" hunting by prohibiting the chasing or exhausting of animals from an aircraft.

It provides an exception to allow airborne hunting during biological emergencies, which is defined as a case where a wildlife population's sustainability is significantly threatened by an excess of predators.

It also ensures that this exception only applies to when it is the only way to prevent a biological emergency, and limits the number of animals killed to a minimum.

Finally, it increases fines for violations of the Airborne Hunting Act from \$5,000 to \$50,000.

It does not preclude States or Federal agencies from carrying out responsible wildlife management programs.

Congress initially passed the Airborne Hunting Act of 1971 as a result of the public's reaction to film of this practice broadcast over television.

Currently, a loophole in the Airborne Hunting Act permits States to allow private citizens to engage in airborne hunting of wildlife—in most cases wolves and bears—under the guise of wildlife management.

It was clear in the 1970's, as it is now, that airborne hunting is inhumane and must be stopped.

In my opinion, aerial hunting methods are cruel and unnecessary for wildlife management—and undermine the principles of sportsmanship.

Since 2003, more than 1,000 wolves have been killed from the air in the State of Alaska. According to the animal welfare group the Defenders of Wildlife, more than 250 wolves have been shot dead during the current hunting season alone.

Aerial hunting is typically carried out in one of two ways:

In the first method, a hunter will shoot the wolf directly from the aircraft while flying overhead. This frequently wounds the wolf, leading to a slow, painful death.

In the second method, known as "land-and-shoot," a hunter flying in an aircraft will chase the wolf until it is exhausted, land, and kill the animal from point-blank range.

So, I am introducing a bill today to close the airborne hunting loophole that allows it to continue.

This legislation would not impinge on legitimate hunting rights.

This bill does not prohibit the use of airplanes for transportation. A hunter would still be able to legally fly anywhere, anytime, and hunt as they otherwise would.

Further, all other legal methods of transportation or hunting may also continue: on foot, by snowmobile, by all-terrain vehicle, etc.

The State of Alaska, where airborne hunting is more prevalent, argues that wolf populations must be limited to support sustainable levels of moose and caribou.

The State continues to carry out airborne hunting by private citizens with authority from the State Department of Game, which argues that the moose and caribou populations must be increased.

It is estimated that the State's resident hunters alone contribute roughly \$662 million annually to the economy. The hunting industry also sustains 10,000 jobs.

With this in mind, it is certainly not my intention to prevent Alaska, or any other state for that matter, from maintaining a robust hunting and tourism industry.

This is a balanced bill that will enable states to responsibly manage wildlife populations, while banning the most egregious cases of aerial hunting by civilians.

It limits the practice of airborne hunting to employees of State and Federal wildlife agencies without impinging on legitimate sport hunting practices.

It is also supported by former members of the Alaska Board of Game that agree this practice should be controlled.

I became concerned about inhumane wildlife management practices due to the slaughter of nonnative deer in my own State.

Beginning in the summer of 2007, the National Park Service began culling Axis and Fallow deer at Point Reyes National Seashore near San Francisco. This inhumane shooting resulted in a number of deer dying slow and painful deaths. Some were left to rot in the Park.

Hundreds of constituents from the Bay Area raised an outcry about this practice and I am pleased that the National Park Service has stopped slaughtering the deer.

In conclusion, this bill prohibits the cruel practice of aerial sport hunting, while safeguarding the rights of legitimate hunters and allowing States and the Federal Government to maintain responsible wildlife management.

I am certainly open to the suggestions of my colleagues who have ideas for improving this legislation and look forward to working with them to pass it quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect America's Wildlife Act of 2009".

SEC. 2. ADDITIONAL PROHIBITIONS.

Section 13(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j-1(a)) is amended—

(1) in paragraph (1), by striking "or" after the semicolon;

(2) in paragraph (2), by striking "or" after the semicolon;

(3) in paragraph (3), by adding "or" after the semicolon; and

(4) by inserting after paragraph (3) the following:

"(4) knowingly violates any regulation promulgated under this Act;" and

(5) in the matter following paragraph (4) (as inserted by this section), by striking "\$5,000" and inserting "\$50,000".

SEC. 3. EXCEPTIONS TO PROHIBITIONS.

Section 13(b) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j-1(b)) is amended—

(1) in paragraph (1), by striking "This section" and inserting "Subject to paragraph (3), this section";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "issues a permit referred to in" and inserting "authorizes an employee, agent, or person operating under a license or permit to take an action under";

(B) in subparagraph (A), by striking "to whom a permit was issued" and inserting "so authorized";

(C) in subparagraph (B), by striking "thereunder";

(D) in subparagraph (C), by striking "to whom a permit was issued"; and

(E) in subparagraph (D), by striking "issuing the permit" and inserting "authorizing the action, including the scientific

basis for actions identified in subsection (a) that are warranted to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops"; and

(3) by adding at the end the following:

"(3) ENHANCING THE PROPAGATION AND SURVIVAL OF WILDLIFE.—No person exempted under paragraph (1) may shoot, attempt to shoot, or harass any wolf, bear, or wolverine for the purpose of enhancing the propagation and survival of wildlife, including game populations, unless—

"(A) the head of the fish and wildlife agency of the State and, for game populations on land under the jurisdiction of the Department of the Interior, the Secretary of the Interior, or for game populations on land under the jurisdiction of the Department of Agriculture, the Secretary of Agriculture, determines, based on the best scientific data available, that—

"(i) a biological emergency is imminent; and

"(ii) all other practicable means to prevent the biological emergency, including stopping regulated takes of the declining population, have been implemented;

"(B) the action is carried out—

"(i) by an officer or employee of—

"(I) the fish and wildlife agency of the State; or

"(II)(aa) for game populations on land under the jurisdiction of the Department of the Interior, the Department of the Interior; or

"(bb) for game populations on land under the jurisdiction of the Department of Agriculture, the Department of Agriculture; and

"(ii) only in the specific geographical area in which the imminent biological emergency is located; and

"(C) the action results in the removal of not more than the minimum number of predators necessary to prevent the biological emergency.

"(4) EXCEPTION RELATING TO ACTIONS AUTHORIZED BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior may authorize any action described in subsection (a)—

"(A) to prevent the extinction of a species that is listed as a threatened or endangered species under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)); and

"(B) if the Secretary of the Interior determines that there is no other means available to address the threat of extinction of the species described in subparagraph (A)."

SEC. 4. DEFINITIONS.

Section 13 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j-1) is amended by striking subsection (c) and inserting the following:

"(c) DEFINITIONS.—In this section:

"(1) AIRCRAFT.—The term 'aircraft' means any contrivance used for flight in the air.

"(2) BIOLOGICAL EMERGENCY.—The term 'biological emergency' means the likely extirpation or a significant and imminent threat to the sustainability of a wildlife population due to predation by wolves, bears, or wolverines, or any combination of those animals.

"(3) HARASS.—The term 'harass' means—

"(A) chasing or exhausting an animal; and

"(B) such other activities as are determined by the Secretary."

By Mr. ROCKEFELLER (for himself, Ms. CANTWELL, Mr. NELSON of Florida, and Mr. BEGICH):

S. 1538: A bill to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that sup-

ports observations, monitoring, modeling, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, as our Nation wrestles with the impacts of a changing climate, we need strong science to inform our decision-making. Today, I am introducing two bills to support that effort.

The first, the Black Carbon, S. 1538, and Other Aerosols Research Act, S. 1539, would direct research dollars towards improving our understanding of a major component of climate change—atmospheric aerosols. We need more information about how aerosols, including black carbon, impact climate change and how limiting their emissions will ultimately affect the rate of melting in the Arctic and overall climate change. Emerging research shows that black carbon and other aerosols have a major impact on global climate change. In fact, the effect of black carbon is thought to be second only to carbon dioxide. In order to reduce the impacts of aerosols on climate and air quality, we need to better understand their effects. Improved aerosols monitoring, measurements, and models are therefore necessary to improve our response to climate change. This legislation would authorize a program within the National Oceanic and Atmospheric Administration to observe, monitor, and model black carbon and other aerosols to better understand the roles of black carbon and other aerosols in climate change.

Identifying and quantifying human and natural emissions of greenhouse gases are necessary to make informed decisions about emission reduction strategies. Effective policy to address climate change requires monitoring and validation of emissions from specific sources and projects. Given the investments required to meet the challenge of greenhouse gas reductions, it is critical that efforts to reduce emissions be verifiable at local, regional, national, and international levels and consistent with evidence in the atmosphere. The second bill I am introducing today, the Greenhouse Gas Observing and Analysis System Act, would establish a robust monitoring and analysis program to provide more precise and verified estimates of the amount of greenhouse gases in the atmosphere. This would help us monitor the effectiveness of programs and policies designed to reduce emissions.

We need continued research investments to answer the "hows," and the "whys," regarding climate change. How are we going to be impacted? Why is our atmosphere and planet responding the way it is? We need sound answers to these questions to be agile and to adapt to the changes our globe is experiencing. These bills will help us answer these and many other questions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Carbon and Other Aerosols Research Act of 2009".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to develop a monitoring and research plan—

(A) to identify natural and anthropogenic sources of black carbon and other aerosols and to monitor their atmospheric and deposited concentrations on both a temporal and a spatial scale;

(B) to measure, monitor, model, and assess black carbon and other aerosols in regard to their atmospheric concentrations and deposited forms—

(i) to establish how these substances impact regional- and global-scale climate change and air quality;

(ii) to determine their regional impacts, with a focus on the polar regions and other snow and ice covered areas; and

(iii) to estimate, in the United States and globally, spatial and temporal black carbon and other aerosol concentrations, and deposition trends in collaboration with the National Institute of Standards and Technology and other appropriate partners; and

(C) to develop models to assist policy makers and to increase understanding of—

(i) the transport and transformation of black carbon and other aerosols to improve knowledge of their distributions and climate-forcing properties; and

(ii) the individual and combined roles of black carbon and other aerosols on regional and global climate change on both a temporal and a spatial scale; and

(2) to establish a black carbon and other aerosols monitoring and research program within the National Oceanic and Atmospheric Administration.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) BLACK CARBON.—The term "black carbon" means the strongly light absorbing aerosol that—

(A) is composed of fine particles containing carbon produced by the incomplete combustion of fossil fuels, biofuel, and biomass and other activities;

(B) exists in both atmospheric and deposited forms; and

(C) is sometimes associated with impaired air quality and climate change.

(3) OTHER AEROSOLS.—The term "other aerosols" means the components of atmospheric aerosols, fine particles suspended in air, that contribute to climate-forcing and climate change, including inorganic, organic, dust, and carbonaceous substances, either separately or in combination.

SEC. 4. BLACK CARBON AND OTHER AEROSOLS MONITORING AND RESEARCH PLAN.

(a) IN GENERAL.—The Administrator shall develop an observation, monitoring, modeling, and research plan for black carbon and other aerosols that includes—

(1) analysis of gaps in scientific methods and research on—

(A) black carbon and other aerosols; and
(B) the effect of black carbon, both singly and in combination with other factors, on climate change and air quality on both a regional and a global scale; and

(2) identification of priorities for Federal research on black carbon and other aerosols necessary to understand their role in climate change and air quality on both a regional and a global scale;

(3) a framework for modeling—

(A) the temporal and spatial effects of black carbon and other aerosols on climate, both singly and in combination, on regional and global scales and processes;

(B) the transportation and transformation of black carbon and other aerosols to gain insight into their distribution and climate-forcing properties; and

(C) the influence of black carbon on clouds and cloud particles to understand and quantify their role in large-scale circulation and the hydrologic cycle;

(4) appropriate methods that—

(A) identify sources of black carbon and other aerosols, both anthropogenic and naturally occurring; and

(B) measure, monitor, and increase understanding of the atmospheric concentrations and properties as well as the deposited forms, on both a temporal and a spatial scale;

(5) a comparative evaluation of the global and regional climate-forcing properties of black carbon and other aerosols and their effect on regional and global climate change and the loss of Arctic sea ice; and

(6) observation systems, needs, and assets necessary to develop and implement a black carbon and other aerosols monitoring and research program within the National Oceanic and Atmospheric Administration.

(b) **ADVISORY PANEL.**—The Administrator shall establish a Black Carbon and Other Aerosols Advisory Panel to assist in the development and implementation of the plan.

(c) **REPORT.**—No later than 270 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology describing the plan required by subsection (a).

SEC. 5. BLACK CARBON AND OTHER AEROSOLS RESEARCH AND MONITORING PROGRAM.

(a) **IN GENERAL.**—The Administrator shall establish and maintain a black carbon and other aerosols monitoring and research program that combines observations, research, monitoring, modeling, and other activities within the National Oceanic and Atmospheric Administration, consistent with the plan required by section 4(a), that includes—

(1) coordinated monitoring and research activities to improve understanding of the sources, atmospheric concentrations, deposited forms, and interactions among black carbon and other aerosols that influence their contribution to climate change processes on both a regional and a global scale;

(2) strategic modeling activities that improve understanding of—

(A) the transportation and transformation of aerosols, to improve knowledge of their distributions and climate-forcing properties; and

(B) the separate and combined roles of black carbon and other aerosols in regional and global climate change and air quality, on regional, global and temporal scales, to

improve understanding of these substances and their roles in climate change;

(3) educational opportunities that—

(A) encourage an interdisciplinary and international approach to exploring the associated sources and impacts of black carbon and other aerosols; and

(B) increase interactions between the measurement and modeling communities in order to optimize use of available data;

(4) public outreach activities that improve understanding of the current scientific knowledge of black carbon and other aerosols and their impact on climate change;

(5) coordination of black carbon and other aerosols monitoring research with the National Institute of Standards and Technology and other appropriate international and national government agencies, private entities, and others; and

(6) an assessment of the role black carbon and other aerosols have in regional and global climate change and air quality.

(b) **GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Administrator shall establish a grant program to provide grants for critical research and projects that improve the ability to measure, monitor, model, and assess black carbon and other aerosols with respect to their atmospheric concentrations and deposited forms, including research that supports means of reducing the impacts of black carbon and other aerosols on climate.

(2) **CONSULTATION WITH PANEL.**—The Administrator shall consult with the Black Carbon and Other Aerosols Advisory Panel, and shall work cooperatively with the National Institute of Standards and Technology and other Federal agencies, to establish criteria for such research and projects.

(3) **PARTICIPATION BY FEDERAL AGENCIES.**—Federal agencies may collaborate with, and participate in, such research and projects to the extent requested by the grant recipient.

(4) **AWARD PROCESS.**—Grants under this subsection shall be awarded extramurally through a competitive peer-reviewed, merit-based process that may be conducted jointly with other Federal agencies working on black carbon and aerosols and their role in and relationship to climate change.

(c) **COORDINATION WITH OTHER AGENCIES.**—The Administrator shall coordinate development of the plan under section 4 and the monitoring and research program under subsection (a) of this section with the National Institute of Standards and Technology and other relevant Federal agencies.

(d) **ADDITIONAL AUTHORITY.**—In conducting the program, the Administrator may execute and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act on such terms as the Administrator considers appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator for each of fiscal years 2010 through 2015—

(1) \$10,000,000 for grants under section 5(b); and

(2) \$10,000,000 for the National Oceanic and Atmospheric Administration to carry out the other provisions of this Act.

By Mr. ROCKEFELLER (for himself and Mr. NELSON of Florida):

S. 1539. A bill to authorize the National Oceanic and Atmospheric Administration to establish a comprehensive greenhouse gas observation and analysis system, and for other pur-

poses; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Greenhouse Gas Observation and Analysis System Act”.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish a comprehensive national greenhouse gas observation and analysis system to support verification of greenhouse gas emissions;

(2) to establish a baseline characterizing the influence of current and past greenhouse gas emissions on atmospheric composition; and

(3) to provide a scientifically-robust record of atmospheric greenhouse gas concentrations.

SEC. 3. ESTABLISHMENT OF GREENHOUSE GAS OBSERVATION AND ANALYSIS SYSTEM.

(a) **IN GENERAL.**—The Administrator shall establish a greenhouse gas observation and analysis system that will offer the resolution and widespread coverage required to verify reduction and mitigation of greenhouse gases. In establishing the system, the Administrator shall coordinate with the Department of Commerce’s National Institute of Standards and Technology, the National Aeronautics and Space Administration, the National Science Foundation, the Department of Energy, the Department of Agriculture, and the United States Geological Survey.

(b) **SYSTEM COMPONENTS.**—The system—

(1) shall be an operational and scientifically-robust greenhouse gas observation and analysis system that includes local and regional ground-based observations, space-based observations, carbon-cycle modeling, greenhouse gas inventories, meta-analysis, and extensive data integration and distribution to provide quantitative information about sources, sinks, and fluxes of greenhouse gases at relevant temporal and spatial scales; and

(2) shall be capable of—

(A) differentiating between source and sink exchanges;

(B) identifying types of emissions (fossil-fuel and non-fossil fuel sources); and

(C) tracking agricultural and other sinks; and

(3) shall include—

(A) sustained ground, sea, and air-based measurements;

(B) sustained space-based observations;

(C) measurements of tracer, including isotopes and non-carbon dioxide gases;

(D) carbon cycle monitoring;

(E) carbon cycle modeling;

(F) traceability to the International System of Units; and

(G) data assimilation and analysis.

(c) **COORDINATION.**—The Administrator shall, to the extent appropriate—

(1) facilitate coordination of—

(A) observations and modeling;

(B) data and information management systems, including archive and access; and

(C) the development and transfer of technologies to facilitate the evaluation of

greenhouse gas emission reductions, offsets, and other mitigation strategies;

(2) coordinate with the National Institute of Standards and Technology to make sure that the greenhouse gas observation and analysis system is based upon quantitative measurements traceable to international standards; and

(3) coordinate with other Federal agencies and international organizations and agencies involved in international or domestic programs.

SEC. 4. SYSTEM PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall, in coordination with the agencies described in section 3, develop and submit a plan for an integrated and comprehensive greenhouse gas observation and analysis system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe current national and international greenhouse gas observation networks, modeling, and data analysis efforts;

(2) contain an inventory of agency data relevant to greenhouse gases;

(3) assess gaps, conflicts, and opportunities with respect to the matters described in paragraphs (1) and (2);

(4) establish priorities, define agency roles, and make recommendations on necessary capacity and capabilities for—

(A) ground, sea, air-based measurements;

(B) sustained space-based observations;

(C) measurements of tracer, including isotopes and non-carbon dioxide gases;

(D) carbon cycle monitoring;

(E) carbon cycle modeling;

(F) measurement traceability and comparability;

(G) data assimilation and analysis; and

(H) data archive management and data access; and

(5) establish and define mechanisms for ensuring continuity of domestic and international greenhouse gas measurements, and contribute to international efforts to build and operate a global greenhouse gas information system, in coordination with the World Meteorological Organization and other international organizations and agencies, as appropriate.

SEC. 5. REPORTS.

The Administrator shall, not less than every 4 years after the date of enactment of this Act and in coordination with the agencies described in section 3, submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology that includes—

(1) an analysis of the progress made toward achieving the goals and objectives of the plan outlined in section 4;

(2) an evaluation of the effectiveness of the system;

(3) recommendations concerning modifications to the system;

(4) an analysis of the consistency of reported greenhouse gas emission reductions with independent observations of atmospheric and Earth-system trends; and

(5) an update on changes or trends in Earth-system sources and sinks of greenhouse gases.

SEC. 6. AGREEMENTS.

(a) IN GENERAL.—The Administrator may enter into and perform such contracts, leases, grants, cooperative agreements, or other agreements as may be necessary to carry out the purposes of this Act.

(b) SPECIFIC AUTHORITY.—Notwithstanding any other provision of law, the Administrator may—

(1) enter into long-term leases of up to 20 years for the use of unimproved land to site small shelter facilities, antennae, and equipment including weather, tide, tidal currents, river, and air sampling or measuring equipment;

(2) enter into long-term licenses of up to 20 years at no cost to site facilities and equipment including weather, tide, tidal currents, river, and air sampling or measuring equipment;

(3) acquire (by purchase, lease, or otherwise), lease, sell, and dispose of or convey services, money, securities, or property (whether real, personal, intellectual, or of any other kind) or an interest therein;

(4) construct, improve, repair, operate, maintain, outgrant, and dispose of real or personal property, including buildings, facilities, and land; and

(5) waive capital lease scoring requirements for any lease of space on commercial antennas to support weather radio equipment, air sampling, or measuring equipment.

(c) CERTAIN LEASED EQUIPMENT.—Notwithstanding any other provision of law, rule, or regulation, leases of antenna or equipment on towers or other structures shall be considered operating leases for the purpose of capital lease scoring.

SEC. 7. EFFECT ON OTHER LAWS.

Nothing in this Act shall be construed to supersede or alter the existing authorities of any Federal agency with respect to Earth science research or greenhouse gas mitigation.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) EARTH-SYSTEM.—The term “Earth-system” means the Earth’s biosphere, including the ocean, atmosphere, and soils that influence the amounts of greenhouse gas in the atmosphere.

(3) GREENHOUSE GAS.—The term “greenhouse gas” means a gas in the atmosphere that increases the radiative forcing of the Earth-atmosphere system.

(4) INTERNATIONAL SYSTEM OF UNITS.—The term “International System of Units” means the modern metric system of units established in 1960 by the 11th General Conference on Weight and Measures.

(5) RADIATIVE FORCING.—The term “radiative forcing” means the measure of the influence that a substance or process has in altering the balance of incoming and outgoing energy in the Earth-system.

(6) SINK.—The term “sink” means the removal of a greenhouse gas from the atmosphere.

(7) SOURCE.—The term “source” means the emission of a greenhouse gas into the atmosphere.

(8) SYSTEM.—The term “system” means the national greenhouse gas observation and analysis system established under section 3.

(9) TRACER.—The term “tracer” means an atmospheric substance that can be used to assess or determine the origin of a greenhouse gas.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as appropriate to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 226—DESIGNATING SEPTEMBER 2009 AS “GOSPEL MUSIC HERITAGE MONTH” AND HONORING GOSPEL MUSIC FOR ITS VALUABLE CONTRIBUTIONS TO THE CULTURE OF THE UNITED STATES

Mrs. LINCOLN (for herself and Mrs. HUTCHISON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 226

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as “Gospel Music Heritage Month”; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

SENATE RESOLUTION 227—DESIGNATING SEPTEMBER 2009 AS “TAY-SACHS AWARENESS MONTH”

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 227

Whereas Tay-Sachs disease is a rare, genetic disorder that causes destruction of nerve cells in the brain and spinal cord due to the poor functioning of an enzyme called hexosaminidase A;

Whereas there is no proven treatment or cure for Tay-Sachs disease and the disease is always fatal in children;

Whereas the disorder was named after Warren Tay, an ophthalmologist from the United Kingdom, and Bernard Sachs, a neurologist from the United States, both of whom contributed to the discovery of the disease in the 1880s;

Whereas Tay-Sachs disease often affects families with no prior history of the disease;

Whereas approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, 1 in 50 Irish Americans, and 1 in every 250 people are carriers of Tay-Sachs disease, which means approximately 1,500,000 people in the United States are carriers;

Whereas unaffected carriers of the disease possess the recessive gene that can trigger the disease in future generations;

Whereas, if both parents of a child are carriers of Tay-Sachs disease, there is a 1 in 4 chance that the child will develop Tay-Sachs disease;

Whereas a simple and inexpensive blood test can determine if an individual is a carrier of Tay-Sachs disease, and all people in

the United States, especially those people who are members of high-risk populations, should be screened; and

Whereas raising awareness of Tay-Sachs disease is the best way to fight this horrific disease: Now, therefore, be it

Resolved, That the Senate designates September 2009 as "Tay-Sachs Awareness Month".

SENATE RESOLUTION 228—DESIGNATING THE WEEK BEGINNING SEPTEMBER 14, 2009, AS "NATIONAL DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK"

Mr. NELSON of Nebraska (for himself, Mr. KERRY, Mr. BROWNBACK, Mr. KENNEDY, Ms. COLLINS, Mr. CARPER, Mr. BUNNING, Ms. SNOWE, Mr. DODD, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 228

Whereas direct support workers, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals (referred to in this preamble as "direct support professionals") are the primary providers of publicly funded long term support and services for millions of individuals;

Whereas a direct support professional must build a close, trusted relationship with an individual with disabilities;

Whereas a direct support professional assists an individual with disabilities with the most intimate needs, on a daily basis;

Whereas direct support professionals provide a broad range of support, including—

- (1) preparation of meals;
- (2) helping with medications;
- (3) bathing;
- (4) dressing;
- (5) mobility;
- (6) getting to school, work, religious, and recreational activities; and
- (7) general daily affairs;

Whereas a direct support professional provides essential support to help keep an individual with disabilities connected to the family and community of the individual;

Whereas direct support professionals enable individuals with disabilities to live meaningful, productive lives;

Whereas direct support professionals are the key to allowing an individual with disabilities to live successfully in the community of the individual, and to avoid more costly institutional care;

Whereas the majority of direct support professionals are female, and many are the sole breadwinners of their families;

Whereas direct support professionals work and pay taxes, but many remain impoverished and are eligible for the same Federal and State public assistance programs on which the individuals with disabilities served by the direct support professionals must depend;

Whereas Federal and State policies, as well as the Supreme Court, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), assert the right of an individual to live in the home and community of the individual;

Whereas, in 2008, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase over the next decade;

Whereas there is a documented critical and growing shortage of direct support profes-

sionals in every community throughout the United States; and

Whereas many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of support to individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 14, 2009, as "National Direct Support Professionals Recognition Week";

(2) recognizes the dedication and vital role of direct support professionals in enhancing the lives of individuals with disabilities of all ages;

(3) appreciates the contribution of direct support professionals in supporting the needs that reach beyond the capacities of millions of families in the United States;

(4) commends direct support professionals as integral in supporting the long-term support and services system of the United States; and

(5) finds that the successful implementation of the public policies of the United States depends on the dedication of direct support professionals.

SENATE RESOLUTION 229—DESIGNATING THE WEEK BEGINNING AUGUST 30, 2009, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. SESSIONS, Mr. SPECTER, Ms. STABENOW, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning August 30, 2009, as "National Historically Black Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for histori-

cally Black colleges and universities in the United States.

SENATE RESOLUTION 230—DESIGNATING RICHARD A. BAKER AS HISTORIAN EMERITUS OF THE UNITED STATES SENATE

Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 230

Whereas, Richard A. Baker will retire from the United States Senate after serving with distinction as the Senate's first historian from 1975 to 2009, and as acting curator from 1969 to 1970;

Whereas, Richard A. Baker has dedicated his Senate service to preserving, protecting, and promoting the history of the Senate and its members;

Whereas, Richard A. Baker has produced or directed production of numerous books, articles, and pamphlets detailing the rich institutional history of the Senate;

Whereas, Richard A. Baker has worked with senators and Senate committees to archive their records and to make them available for scholarly research in a timely manner;

Whereas, Richard A. Baker has assisted in the Senate's commemoration of events of historical significance and in the development of exhibitions and educational programs on the history of the Senate and the U.S. Capitol;

Whereas, Richard A. Baker has upheld the high standards and traditions of the Senate with abiding devotion, and has performed his Senate duties in an impartial and professional manner;

Whereas Richard A. Baker has earned the respect, affection, and esteem of the United States Senate: Now, therefore, be it

Resolved, That, effective September 1, 2009, as a token of the appreciation of the Senate for his long and faithful service, Richard A. Baker is hereby designated as Historian Emeritus of the United States Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1865. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

SA 1866. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1867. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1868. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1869. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1870. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1871. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1872. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1873. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1874. Mr. NELSON, of Nebraska proposed an amendment to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1875. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes; which was ordered to lie on the table.

SA 1876. Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1877. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1878. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra.

SA 1879. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1880. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1881. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1882. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1883. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1884. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1885. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1886. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1887. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1888. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1889. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1890. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1891. Mr. KAUFMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1892. Mr. KYL (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1893. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1894. Mr. REID submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1895. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1896. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1897. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1898. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1899. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1900. Mr. MENENDEZ (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1901. Mr. NELSON, of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1902. Mr. NELSON, of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1903. Mr. SANDERS (for himself, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1904. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table.

SA 1905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3357, supra; which was ordered to lie on the table.

SA 1906. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3357, supra; which was ordered to lie on the table.

SA 1907. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3357, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1865. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT; CREATION OF MANAGEMENT AUTHORITY FOR AUTOMOBILE MANUFACTURERS ASSISTED UNDER TARP.

(a) **AUTHORITY TO DESIGNATE MANAGEMENT.**—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: “, and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act”.

(b) **FEDERAL ASSISTANCE LIMITED.**—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) or to carry out the Advanced Technology Vehicles Manufacturing Incentive Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated automobile manufacturer to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(c) **APPOINTMENT OF TRUSTEES.**—

(1) **IN GENERAL.**—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) **CRITERIA.**—Trustees appointed under this subsection

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and (C) shall serve without compensation for their services under his section.

(d) **DUTIES OF TRUST.**—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated automobile manufacturers

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated automobile manufacturer; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(e) **LIQUIDATION.**—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011.

(f) **DEFINITIONS.**—As used in this section—

(1) the term “designated automobile manufacturer” means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and (3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1866. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agency, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer's or distributor's proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer's distributor for—

(1) the cost incurred by such dealers in acquisition of all parts and inventory in the dealer's possession as of the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer's distributor is commenced, on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer's distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer's distributor, including, without limitation, franchise agreement or dealer agreements.

(b) **INCLUSION IN TERMS.**—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer's distributor and the Government (or any agency, department, or subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer's distributor to obtain credit under section 364 of title 11, United States Code, unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) **EFFECTIVENESS OF REJECTION.**—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer's distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement, or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

SA 1867. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water de-

velopment and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 43, line 16, before the period, insert the following: “: *Provided further*, That, in administering amounts made available by prior Act for projects covered by title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), the Secretary of Energy is required by that title to consider the taxable obligations of low-risk finance programs that substantially reduce or eliminate up-front costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies eligible for loan guarantees authorized under sections 1703 and 1705 of that Act (42 U.S.C. 16513, 16516)”.

SA 1868. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, add the following:

SEC. 3 ____ . No funds made available under this Act may be used for the permitting of any liquefied natural gas terminal in the United States if the terminal could liquify and export natural gas from any source located in the United States.

SA 1869. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, add the following:

SEC. 3 ____ . No funds made available under this Act may be used for the permitting of any liquefied natural gas terminal in the State of Oregon if the terminal could liquify and export natural gas from any source located in the United States.

SA 1870. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 117. Of amounts not obligated under title IV of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$22,067,000 shall be made available to the Chief of Engineers for the Indian River Lagoon-South Project, Florida.

SA 1871. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and

water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows;

On page 3, line 11, strike "\$1,924,000,000" and insert "\$1,946,067,000".

On page 5, line 8, strike "Project." and insert the following: "Project: *Provided further*, That \$22,067,000 shall be made available for the Indian River Lagoon-South Project, Florida."

SA 1872. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows;

On page 3, line 11, strike "\$1,924,000,000" and insert "\$1,946,067,000".

On page 5, line 8, strike "Project." and insert the following: "Project: *Provided further*, That \$22,067,000 shall be made available for the Indian River Lagoon-South Project, Florida."

On page 68, between lines 15 and 16, insert the following:

SEC. 503. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by \$22,067,000.

SA 1873. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, Line 2, after "that", insert the following:

"\$8,000,000 is provided for the National Wind Resource Center: *Provided further*, That"

SA 1874. Mr. NELSON of Nebraska proposed an amendment to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

In the appropriate place, insert the following:

SEC. _____. (a) The Senate finds that—

(1) the United States is facing a deep economic crisis that has caused millions of workers in the United States to lose their jobs;

(2) the collapse of the automotive industry in the United States would have dealt a devastating blow to an already perilous economy;

(3) on December 19, 2008, President George W. Bush stated: "The actions I'm announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to ad-

dress this challenge facing our nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination and bounce back from tough times and emerge stronger than before.";

(4) on March 30, 2009, President Barack Obama stated: "We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it's an emblem of the American spirit; a once and future symbol of America's success. It's what helped build the middle class and sustained it throughout the 20th century. It's a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It's a pillar of our economy that has held up the dreams of millions of our people. . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state.";

(5) the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC in order to provide economic stability to the United States;

(6) the Federal Government should work to protect the investment of the taxpayers of the United States;

(7) the Federal Government should not intervene in the day-to-day management of General Motors or Chrysler; and

(8) the Federal Government should closely monitor General Motors and Chrysler to ensure that they are being responsible stewards of taxpayer dollars and are taking all practicable steps to expeditiously return to viability.

(b) It is the sense of the Senate that—

(1) the Federal government is only a temporary stakeholder in the automotive industry of the United States and should take all practicable steps to protect the taxpayer dollars of the United States and to divest the ownership interests of the Federal Government in automotive companies as expeditiously as practicable; and

(2) the Comptroller General of the United States, the Congressional Oversight Panel, and the Special Inspector General for the Troubled Assets Relief Program should continue to oversee and report to Congress on automotive companies receiving financial assistance so that the Federal Government may complete divestiture without delay.

SA 1875. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 13, insert "and" after the semicolon.

On page 24, strike lines 14 and 15.

On page 24, line 16, strike "(D)" and insert "(C)".

On page 33, line 7, insert closing quotation marks and a period after "section."

On page 33, strike lines 8 through 10.

At the end of the bill add the following:

SEC. 11. ELIMINATION OF CERTAIN REPORTS.

(a) INCIDENT REPORTS OF COAST GUARD FIRING ON VESSELS WITHOUT WARNING.—Section 205(d) of the Coast Guard and Maritime Transportation Act of 2004 (14 U.S.C. 637 note) is repealed.

(b) BIENNIAL AREA SECURITY MARITIME EXERCISE PROGRAM REPORTS.—Notwithstanding

the direction of the House of Representatives Committee on Appropriations on page 60 of Report 109-79 (109th Congress, 1st Session) under the headings "UNITED STATES COAST GUARD OPERATING EXPENSES" and "AREA SECURITY MARITIME EXERCISE PROGRAM", concerning the submission by the Coast Guard of reports to that Committee on the results of port security terrorism exercises, beginning with October, 2010, the Coast Guard shall submit only 1 such report each year.

SA 1876. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 1 and all that follows through page 6, line 10, and insert the following:

CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,926,000,000, to remain available until expended; of which \$2,500,000 shall be made available for the Acequias Irrigation System, New Mexico; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Chief of Engineers is directed to use \$18,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use \$21,750,000 of funds available for the Marlinton, West Virginia Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and construct the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008: *Provided further*, That the Federal and non-Federal shares shall be

determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986, as amended: *Provided further*, That the Chief of Engineers is directed to use \$2,750,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use \$4,000,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$340,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$10,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,448,000,000, to remain available until expended, of which \$2,188,000 shall be made available for the Upper Rio Grande Water Operations Model Study, New Mexico; of which such sums as

SA 1877. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 8, strike "Project." and insert the following:
Project: *Provided further*, That \$100,000 shall be made available for the Norfolk Harbor, Craney Island, Virginia, project: *Provided further*, That \$900,000 shall be made available for the Norfolk Harbor and Channels (Deepening), Virginia, project.

SA 1878. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the

fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in an appropriations Act shall be posted on the public Website of that committee upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SA 1879. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 44, line 4, strike "\$293,684,000" and insert "\$279,884,000".

SA 1880. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Not more than \$20,000,000 of the funds made available by this Act may be used to carry out the Nuclear Power 21 demonstration program.

SA 1881. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available in this Act may be used to refurbish the Los Alamos Neutron Science Center.

SA 1882. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 11, strike "\$1,924,000,000" and insert "\$1,680,000,000".

SA 1883. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available in this Act may be used to carry out water and waste water environmental infrastructure projects.

SA 1884. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award the grant uses competitive procedures to select the grantee or award recipient.

SA 1885. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. BARRIER ISLAND RESTORATION; ECOSYSTEM RESTORATION.

The matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of title IV of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1875) is amended, in the second proviso, by striking "the Mississippi Gulf Coast" and inserting "all barrier islands affected by Hurricane Katrina".

SA 1886. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 7, before the period, insert the following: "Provided further, That an additional \$100,000,000 shall be used to make grants for energy efficiency improvement and energy sustainability under subsections (c) and (d) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1): *Provided further*, That the amount made

available under the heading 'NUCLEAR ENERGY' shall be reduced by \$100,000,000".

SA 1887. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 8, before the period, insert the following: "Provided further, That, of the amount appropriated in this paragraph, \$25,000,000 shall be made available for the Clean Coal Power Initiative Round II".

SA 1888. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. PROJECT FOR PERMANENT PUMPS AND CLOSURE STRUCTURES, LAKE PONTCHARTRAIN, LOUISIANA.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term "project" means the project for permanent pumps and closure structures at or near the lakefront at Lake Pontchartrain and modifications to the 17th Street, Orleans Avenue, and London Avenue canals in and near the city of New Orleans that is—

(A) authorized by the matter under the heading "GENERAL PROJECTS" in section 204 of the Flood Control Act of 1965 (Public Law 89-298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1279); and

(iii) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(2) PUMPING STATION REPORT.—The term "pumping station report" means the report—

(A) prepared by the Secretary that contains the results of the investigation required under section 4303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 154); and

(B) dated August 30, 2007.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) STUDY.—

(1) IN GENERAL.—In implementing the project, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a study of the residual risks associated with the options identified as "Option 1", "Option 2", and "Option 2a", as described in the pumping station report.

(2) REQUIREMENTS.—In carrying out the study under paragraph (1), the Secretary shall identify which option described in that paragraph—

(A) is most technically advantageous;

(B) is most effective from an operational perspective in providing the greatest long-term reliability in reducing the risk of flooding to the New Orleans area; and

(C) would increase the overall drainage capacity of the region for all types of events.

(3) INDEPENDENT EXTERNAL PEER REVIEW.—

(A) DUTY OF SECRETARY.—In accordance with procedures established by the Chief of Engineers, the Secretary shall carry out an independent external peer review of—

(i) the results of the study under paragraph (1); and

(ii) each cost estimate completed for each option described in paragraph (1).

(B) REPORT.—

(i) IN GENERAL.—Not later than 90 days after the date of completion of the independent external peer review under subparagraph (A), in accordance with clause (ii), the Secretary shall submit a report to—

(I) the Committee on Environment and Public Works of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(ii) CONTENTS.—The report described in clause (i) shall contain—

(I) the results of the study described in paragraph (1); and

(II) a description of the findings of the independent external peer review carried out under subparagraph (A).

(4) SUSPENSION OF CERTAIN ACTIVITIES.—The Secretary shall suspend each activity of the Secretary that would result in the design and construction of any pumping station covered by the pumping station report unless the activity is consistent with each option described in paragraph (1).

(5) FEASIBILITY REPORT.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains a feasibility level of analysis (including a cost estimate) for the project, as modified under this subsection.

(6) FUNDING.—In carrying out this subsection, the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454).

SA 1889. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. Section 1001(38) of the Water Resources Development Act of 2007 (121 Stat. 1055) is amended—

(1) by striking "\$44,500,000" and inserting "\$65,000,000";

(2) by striking "\$28,925,000" and inserting "\$42,250,000"; and

(3) by striking "\$15,575,000" and inserting "\$22,750,000".

SA 1890. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1. (a) The project for flood protection, Lackawanna River at Scranton, Pennsylvania, as authorized under section 101(17) of the Water Resources Development Act of 1992 (106 Stat. 4803; 110 Stat. 3672), is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to implement nonstructural flood control measures in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(b) The non-Federal sponsor for the project described in subsection (a) shall receive credit towards the share of the nonstructural project costs of the non-Federal sponsor for work carried out by the non-Federal sponsor, as described in the document entitled "Federal Emergency Management Agency Mitigation Plan, Scranton, Pennsylvania" and dated June 2009.

SA 1891. Mr. KAUFMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 5, line 8, strike "Project." and insert the following:

Project: *Provided further*, That none of the funds made available by this Act may be used to carry out any portion of the Delaware River Main Channel Deepening Project identified in the committee report accompanying this Act that is located in the State of Delaware until the date on which the government of the State of Delaware issues an applicable project permit for the Delaware River Main Channel Deepening Project.

SA 1892. Mr. KYL (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment

SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 63, after line 23, insert the following:

SEC. 312. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act—

(1) is selling refined petroleum products valued at \$1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at \$1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any goods, services, or technology valued at \$1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3) that person shall no longer be ineligible under this section.

SA 1893. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1 _____. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army shall reimburse the non-Federal Sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

SA 1894. Mr. REID submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 25, strike “such funds.” and insert the following:

such funds: *Provided further*, That, of the funds made available under this Act, \$5,000,000 shall be made available to the Secretary of Energy to carry out the Blue Ribbon Commission on nuclear waste to consider alternative solutions for nuclear waste management and disposal.

SA 1895. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 63, after line 23, add the following:

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.”

SA 1896. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 13 and 14, insert the following:

SEC. _____. (a) Section 3405(a)(1)(M) of Public Law 102-575 (106 Stat. 4709) is amended by striking “countries” and inserting “counties”.

(b) A transfer of water between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor, approved during a two-year period beginning on the date of enactment of this Act shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405 (a)(1) of Public Law 102-575 (106 Stat. 4709) if the transfer under this clause (1) does not interfere with the San Joaquin River Restoration Settlement Act (Part I of subtitle A of title X of Public Law 111-11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement) and the Settlement (as defined in section 10003 of that Act), and (2) is completed by September 30, 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize and implement the applicable draft recovery plan for the Giant Garter Snake (*Thamnophis gigas*).

SA 1897. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, after line 16, add the following:

SEC. 503. AUTOMOBILE DEALER ECONOMIC RIGHTS RESTORATION.

(a) FINDINGS.—Congress finds the following:

(1) Automobile dealers are an asset to automobile manufacturers that make it possible to serve communities and sell automobiles nationally.

(2) Forcing the closure of automobile dealers would have an especially devastating economic impact in rural communities, where dealers play an integral role in the community, provide essential services, and serve as a critical economic engine.

(3) The automobile manufacturers obtain the benefits from having a national dealer network at no material cost to the manufacturers.

(4) Historically, automobile dealers have had franchise agreement protections under State law.

(b) RESTORATION OF ECONOMIC RIGHTS.—

(1) IN GENERAL.—In order to protect assets of the Federal Government and better assure the viability of automobile manufacturers in which the Federal Government has an ownership interest, or to which it is a lender, an automobile manufacturer in which the Federal Government has an ownership interest, or which receives loans from the Federal Government, may not deprive an automobile dealer of its economic rights and shall honor those rights as they existed, for Chrysler LLC dealers, prior to the commencement of the bankruptcy case by Chrysler LLC on April 30, 2009, and for General Motors Corp. dealers, prior to the commencement of the bankruptcy case by General Motors Corp. on June 1, 2009, including the dealer's rights to recourse under State law.

(2) RESTORATION OF FRANCHISE AGREEMENTS.—In order to preserve economic rights pursuant to paragraph (1), at the request of an automobile dealer, an automobile manufacturer covered under this section shall restore the franchise agreement between that automobile dealer and Chrysler LLC or General Motors Corp. that was in effect prior to the commencement of their respective bankruptcy cases and take assignment of such agreements.

(3) CONSTRUCTION.—Except as set forth herein, nothing in this section shall be construed to make null and void—

(A) the court approved transfer of substantially all the assets of Chrysler LLC to New CarCo Acquisition LLC; or

(B) a transfer of substantially all the assets of General Motors Corp. that could be approved by a court after June 8, 2009.

SA 1898. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 8, strike “Project.” and insert the following:

Project: *Provided further*, That \$26,500,000 shall be made available for the Site One Impoundment Project, Florida: *Provided further*, That, notwithstanding any other provision of this Act, each amount provided by this Act (other than the amount provided by the preceding proviso) is reduced by the pro rata percentage required to reduce the total amount provided by this Act by \$26,500,000.

SA 1899. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 8, strike "Project." and insert the following:

Project: *Provided further*, That \$26,500,000 shall be made available for the Site One Impoundment Project, Florida.

SA 1900. Mr. MENENDEZ (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, add the following:

SEC. 3. (a) The Secretary of Energy may make grants to original equipment manufacturers of light-duty and heavy-duty natural gas vehicles for the development of engines that reduce emissions, improve performance and efficiency, and lower cost.

(b) The aggregate amount of grants under subsection (a) for any fiscal year shall not exceed \$5,000,000.

SA 1901. Mr. NELSON of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . LIMITATION ON CERTAIN TRAVEL AND CONFERENCES POLICIES.

No agency or department of the United States may establish a travel or conference policy that takes into account the perception of a location as a resort or vacation destination in determining the location for an event.

SA 1902. Mr. NELSON of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 745. No agency or department of the United States may use funds made available under this Act to enforce a travel or conference policy that prohibits an event from being held in a certain location based on a perception that the location is a resort or vacation destination.

SA 1903. Mr. SANDERS (for himself, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 34, line 7, before the period, insert the following: "Provided further, That within existing funds for industrial technologies \$15,000,000 shall be used to make technical assistance grants under subsection (b) of section 399A of the Energy Policy and Conversation Act (42 U.S.C. 6371h-1(b))"

SA 1904. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESCISSION OF UNOBLIGATED BALANCES.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1937) is repealed.

SA 1905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 8, add the following:

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS TO REPLENISH UNEMPLOYMENT TRUST FUND.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$7,500,000,000 in order to offset the amount appropriated to the Unemployment Trust Fund under the amendment made by section 2 of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 1906. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and replace:

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

(2) by adding at the end the following new "(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund \$7,000,000,000."

SEC. 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to "Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds" in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 754) is amended by striking "to remain available through September 30, 2010" and all that follows (before the heading for the following item) and inserting "such sums as may be necessary".

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to "Federal Housing Administration—Mutual Mortgage Insurance Program Account" in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 966) is amended by striking "\$315,000,000,000" and inserting "\$400,000,000,000".

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY.

The item relating to "Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account" in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 967) is amended by striking "\$300,000,000,000" and inserting "\$400,000,000,000".

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is rescinded pro rata such that the aggregate amount of such rescissions equals the aggregate amount appropriated under the amendments made by this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 1907. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 401, 402, 403, and 404, and insert the following:

SEC. 401. TEMPORARY PROTECTION OF HIGHWAY TRUST FUND SOLVENCY.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer to the Highway Trust Fund such sums as the Secretary of Transportation determines in the aggregate will be necessary to ensure that the Highway Trust Fund balance does not fall below the threshold that would require a change from daily payments to weekly or biweekly payments of expenditures from the Highway Trust Fund through March 31, 2011. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so transferred within the jurisdiction of such committee. The amounts so transferred shall remain available without fiscal year limitation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, on July 29, 2009 at 2:30 p.m., to conduct a hearing entitled "Protecting Shareholders and Enhancing Public Confidence by Improving Corporate Governance."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 29, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 29, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 29, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 29, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 29, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 29, 2009, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 29, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, July 29, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DORGAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 29, 2009, from 2-4 p.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DODD. Madam President, I ask unanimous consent that Rachael Holt, an intern in my office, be granted the privileges of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that a member of my staff, Ramona McGee, and four of our law clerks, Amanda Hinson, Belisa Lay, Marisa Maleck, and John Heath, be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Patrick Chaney, be accorded the privilege of the floor for the duration of today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

On Thursday, July 23, 2009, the Senate passed H.R. 2647, as amended, as follows:

H.R. 2647

Resolved, That the bill from the House of Representatives (H.R. 2647) entitled "An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2010".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) *DIVISIONS.*—*This Act is organized into seven divisions as follows:*

(1) *Division A—Department of Defense Authorizations.*

(2) *Division B—Military Construction Authorizations.*

(3) *Division C—Department of Energy National Security Authorizations and Other Authorizations.*

(4) *Division D—Funding Tables.*

(5) *Division E—Matthew Shepard Hate Crimes Prevention Act.*

(6) *Division F—SBIR/STTR Reauthorization.*

(7) *Division G—Maritime Administration Authorization.*

(b) *TABLE OF CONTENTS.*—*The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Funding table.

Sec. 106. Elimination of F-22A aircraft procurement funding.

Subtitle B—Navy Programs

Sec. 111. Treatment of Littoral Combat Ship program as a major defense acquisition program.

Sec. 112. Report on strategic plan for homeporting the Littoral Combat Ship.

Sec. 113. Procurement programs for future naval surface combatants.

Sec. 114. Report on a service life extension program for Oliver Hazard Perry class frigates.

Sec. 115. Competitive bidding for procurement of steam turbines for ships service turbine generators and main propulsion turbines for Ohio-class submarine replacement program.

Subtitle C—Air Force Matters

Sec. 121. Limitation on retirement of C-5 aircraft.

Sec. 122. Revised availability of certain funds available for the F-22A fighter aircraft.

Sec. 123. Report on potential foreign military sales of the F-22A fighter aircraft.

Sec. 124. Next generation bomber aircraft.

Sec. 125. AC-130 gunships.

Sec. 126. Report on E-8C Joint Surveillance and Target Attack Radar System reengineering.

Subtitle D—Joint and Multiservice Matters

Sec. 131. Modification of nature of data link utilizable by tactical unmanned aerial vehicles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Limitation on use of funds for an alternative propulsion system for the F-35 Joint Strike Fighter program; increase in funding for procurement of UH-1Y/AH-1Z rotary wing aircraft and for management reserves for the F-35 Joint Strike Fighter program.
- Sec. 212. Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the Major Range and Test Facility Base.
- Sec. 213. Guidance on specification of funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities.
- Sec. 214. Permanent authority for the Joint Defense Manufacturing Technology Panel.
- Sec. 215. Extension and enhancement of Global Research Watch Program.
- Sec. 216. Three-year extension of authority for prizes for advanced technology achievements.
- Sec. 217. Modification of report requirements regarding Defense Science and Technology Program.
- Sec. 218. Programs for ground combat vehicle and self propelled howitzer capabilities for the Army.
- Sec. 219. Assessment of technological maturity and integration risk of Army modernization programs.
- Sec. 220. Assessment of strategy for technology for modernization of the combat vehicle and tactical wheeled vehicle fleets.
- Sec. 221. Systems engineering and prototyping program.

Subtitle C—Missile Defense Programs

- Sec. 241. Sense of Congress on ballistic missile defense.
- Sec. 242. Comprehensive plan for test and evaluation of the Ballistic Missile Defense System.
- Sec. 243. Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.
- Sec. 244. Report on potential missile defense cooperation with Russia.
- Sec. 245. Continued production of Ground-based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska.
- Sec. 246. Sense of Senate on and reservation of funds for development and deployment of missile defense systems in Europe.
- Sec. 247. Extension of deadline for study on boost-phase missile defense.

Subtitle D—Other Matters

- Sec. 251. Repeal of requirement for biennial joint warfighting science and technology plan.
- Sec. 252. Modification of reporting requirement for defense nanotechnology research and development program.
- Sec. 253. Evaluation of Extended Range Modular Sniper Rifle Systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

- Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with the former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
- Sec. 322. Improvement of inventory management practices.
- Sec. 323. Temporary suspension of authority for public-private competitions.
- Sec. 323A. Public-private competition required before conversion of any department of defense function performed by civilian employees to contractor performance.
- Sec. 323B. Time limitation on duration of public-private competitions.
- Sec. 323C. Termination of certain public-private competitions for conversion of department of defense functions to performance by a contractor.
- Sec. 324. Extension of arsenal support program initiative.
- Sec. 325. Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads.

Subtitle D—Energy Provisions

- Sec. 331. Energy security on Department of Defense installations.
- Sec. 332. Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs.
- Sec. 333. Alternative Aviation Fuel Initiative.
- Sec. 334. Authorization of appropriations for Director of Operational Energy.
- Sec. 335. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.

Subtitle E—Reports

- Sec. 341. Study on Army modularity.
- Sec. 342. Plan for managing vegetative encroachment at training ranges.
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Subtitle C—Other Matters

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- Sec. 5001. Short title.
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- Sec. 5201. Rural and State outreach.
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- Sec. 5203. Technical assistance for awardees.
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- Sec. 5301. Streamlining annual evaluation requirements.
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TITLE LIV—POLICY DIRECTIVES

- Sec. 5401. Conforming amendments to the SBIR and the STTR Policy Directives.
 Sec. 5402. Priorities for certain research initiatives.
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DIVISION G—MARITIME ADMINISTRATION AUTHORIZATION**TITLE LX—MARITIME ADMINISTRATION**

- Sec. 6001. Short title.
 Sec. 6002. Cooperative agreements, administrative expenses, and contracting authority.
 Sec. 6003. Use of funding for DOT maritime heritage property.
 Sec. 6004. Liquidation of unused leave balance at the Merchant Marine Academy.
 Sec. 6005. Permanent authority to hire adjunct professors at the Merchant Marine Academy.
 Sec. 6006. Use of midshipman fees.
 Sec. 6007. Construction of vessels in the United States policy.
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 Sec. 6009. Reefs for marine life conservation program.
 Sec. 6010. Student incentive payment agreements.
 Sec. 6011. United States merchant marine academy graduate program receipt, disbursement, and accounting for non-appropriated funds.
 Sec. 6012. America's short sea transportation grants for the development of marine highways.
 Sec. 6013. Expansion of the marine view system.
 Sec. 6014. Authorization of appropriations for fiscal year 2010.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**TITLE I—PROCUREMENT****Subtitle A—Authorization of Appropriations****SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Army as follows:

- (1) For aircraft, \$5,144,891,000.
- (2) For missiles, \$1,375,109,000.

- (3) For weapons and tracked combat vehicles, \$2,451,952,000.
- (4) For ammunition, \$2,059,895,000.
- (5) For other procurement, \$9,617,991,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Navy as follows:

- (1) For aircraft, \$18,655,412,000.
- (2) For weapons, including missiles and torpedoes, \$3,515,455,000.
- (3) For shipbuilding and conversion, \$13,776,867,000.
- (4) For other procurement, \$5,595,176,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of \$1,600,638,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$840,675,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Air Force as follows:

- (1) For aircraft, \$13,077,876,000.
- (2) For missiles, \$6,107,728,000.
- (3) For ammunition, \$822,462,000.
- (4) For other procurement, \$17,245,341,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement as follows:

- (1) For Defense-wide procurement, \$4,050,052,000.
- (2) For the Rapid Acquisition Fund, \$79,300,000.
- (3) For the Mine Resistant Ambush Protected Vehicle Fund, \$1,200,000,000.

SEC. 105. FUNDING TABLE.

The amounts authorized to be appropriated by sections 101, 102, 103, and 104 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4101.

SEC. 106. ELIMINATION OF F-22A AIRCRAFT PROCUREMENT FUNDING.

(a) ELIMINATION OF FUNDING.—The amount authorized to be appropriated by section 103(1) for procurement for the Air Force for aircraft procurement is hereby decreased by \$1,750,000,000, with the amount of the decrease to be derived from amounts available for F-22A aircraft procurement.

(b) RESTORED FUNDING.—

(1) OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by \$350,000,000.

(2) OPERATION AND MAINTENANCE, NAVY.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by \$100,000,000.

(3) OPERATION AND MAINTENANCE, AIR FORCE.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by \$250,000,000.

(4) OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$150,000,000.

(5) MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421(a)(1) for military personnel is hereby increased by \$400,000,000.

(6) DIVISION A AND DIVISION B GENERALLY.—In addition to the amounts specified in paragraphs (1) through (5), the total amount authorized to

be appropriated for the Department of Defense by divisions A and B is hereby increased by \$500,000,000.

Subtitle B—Navy Programs

SEC. 111. TREATMENT OF LITTORAL COMBAT SHIP PROGRAM AS A MAJOR DEFENSE ACQUISITION PROGRAM.

Effective as of the date of the enactment of this Act, the program for the Littoral Combat Ship shall be treated as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 112. REPORT ON STRATEGIC PLAN FOR HOMEPORING THE LITTORAL COMBAT SHIP.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the strategic plan of the Navy for homeporting the Littoral Combat Ship (LCS) on the East Coast and West Coast of the United States.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) The requirements for homeporting of the Littoral Combat ship of the commanders of the combatant commands, set forth by geographic area of responsibility (AOR).

(2) A description of the manner in which the Navy will meet the requirements identified under paragraph (1).

(3) An assessment of the effect of each type of Littoral Combat Ship on each port in which such ship could be homeported.

(4) A map, based on the current plan of 55 Littoral Combat Ships, identifying where each ship will homeport and how such ports will accommodate both types of Littoral Combat Ships, based on the current program and a 313-ship Navy.

(5) An estimate of the costs of infrastructure required for Littoral Combat Ships at each homeport, including—

- (A) existing infrastructure; and
- (B) such upgraded infrastructure as may be required.

SEC. 113. PROCUREMENT PROGRAMS FOR FUTURE NAVAL SURFACE COMBATANTS.

(a) **LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORTS ABOUT SURFACE COMBATANT SHIPBUILDING PROGRAMS.**—The Secretary of the Navy may not obligate or expend funds for the construction of, or advanced procurement of materials for, a surface combatant to be constructed after fiscal year 2011 until the Secretary has submitted to Congress each of the following:

(1) An acquisition strategy for such surface combatants that has been approved by the Department of Defense.

(2) The results of reviews by the Joint Requirements Oversight Council for an Acquisition Category 1 program that supports the need for an acquisition strategy to procure surface combatants after fiscal year 2011.

(3) A verification by an independent review panel convened by the Secretary of Defense that, in evaluating the shipbuilding program concerned, the Secretary of the Navy considered each of the following:

(A) Modeling and simulation, including war gaming conclusions regarding combat effectiveness for the selected ship platforms as compared to other reasonable alternative approaches.

(B) Assessments of platform operational availability.

(C) Life cycle costs from vessel manning levels to accomplish missions.

(4) An intelligence analysis reflecting a coordinated threat assessment of the Defense Intelligence Agency that provides the basis for deriving the mix of platforms in the shipbuilding

program concerned when compared with the surface combatants in the 2009 shipbuilding plan.

(5) The differences in cost and schedule arising from the need to accommodate new sensors and weapons in future surface combatants to counter the future threats referred to in paragraph (4) when compared with the cost and schedule arising from the need to accommodate sensors and weapons on surface combatants as contemplated by the 2009 shipbuilding plan for the vessels concerned.

(6) A verification by the commanders of the combatant commands that the shipbuilding program for the vessels concerned would be preferable to the surface combatants included in the 2009 shipbuilding plan for the vessels concerned in meeting all of their future mission requirements.

(7) A joint review by the Navy and the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense (BMD) beyond the number of DDG-51 and CG-47 vessels planned to be equipped for this mission area in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) **FUTURE SURFACE COMBATANT ACQUISITION STRATEGY.**—Not later than the date upon which President submits to Congress the budget for fiscal year 2012 (as so submitted), the Secretary of the Navy shall submit to the congressional defense committees a plan to provide for full and open competition on the combat systems for surface combatants proposed in the future-years defense program submitted to Congress under section 221 of title 10, United States Code, together with such budget. The plan shall include specifics on the intent of the Navy to satisfy criteria described in subsection (a) and evaluate applicable technologies during the request for proposal and selection process.

(c) **NAVAL SURFACE FIRE SUPPORT.**—Not later than 120 days after the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an update to the March 2006 Report to Congress on Naval Surface Fire Support. The update shall identify how the Department of Defense intends to address any shortfalls between required naval surface fire support capability and the plan of the Navy to provide that capability. The update shall include addenda by the Chief of Naval Operations and Commandant of the Marine Corps, as was the case in the 2006 report.

(d) **TECHNOLOGY ROADMAP FOR FUTURE SURFACE COMBATANTS AND FLEET MODERNIZATION.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall develop a plan to incorporate into surface combatants constructed after 2011, and into fleet modernization programs, the technologies developed for the DDG-1000 destroyer and the DDG-51 and CG-47 Aegis ships, including the following:

- (A) For the DDG-1000 destroyer—
 - (i) combat system;
 - (ii) multi-function and dual-band radars;
 - (iii) hull, mechanical and electrical systems achieving significant manpower savings; and
 - (iv) integrated electric propulsion technologies.

(B) For the DDG-51 and CG-47 Aegis ships—

- (i) combat system, including missile defense capability;

(ii) hull, mechanical and electrical systems achieving manpower savings; and

(iii) anti-submarine warfare sensor systems designed for operating in open ocean areas.

(2) **SCOPE OF PLAN.**—The plan required by paragraph (1) shall include sufficient detail for systems and subsystems to ensure that the plan—

(A) avoids redundant development for common functions;

(B) reflects implementation of Navy plans for achieving an open architecture for all naval surface combat systems; and

(C) fosters full and open competition.

(e) **DEFINITION.**—In this section:

(1) The term “2009 shipbuilding plan” means the 30-year shipbuilding plan submitted to Congress pursuant to section 231, title 10, United States Code, together with the budget of the President for fiscal year 2009 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(2) The term “surface combatant” means a cruiser, a destroyer, or any naval vessel under a program currently designated as a future surface combatant program.

SEC. 114. REPORT ON A SERVICE LIFE EXTENSION PROGRAM FOR OLIVER HAZARD PERRY CLASS FRIGATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the following:

(1) A detailed analysis of a service life extension program (SLEP) for the Oliver Hazard Perry class frigates (FFGs), including—

- (A) the cost of the program;
- (B) a schedule for the program; and
- (C) the shipyards available to carry out the work under the program.

(2) A detailed plan of the Navy for achieving a 313-ship fleet as contemplated by the 2006 Quadrennial Defense Review, including a comparison for purposes of that plan of decommissioning Oliver Hazard Perry class frigates as scheduled with extending the service life of such frigates under the service life extension program.

(3) The strategic plan of the Navy for the manner in which the Littoral Combat Ship (LCS) will fulfill the roles and missions currently performed by the Oliver Hazard Perry class frigates as they are decommissioned.

(4) The strategic plan of the Navy for the Littoral Combat Ship if the extension of the service life of the Oliver Hazard Perry class frigates alleviates demand arising under the current capabilities gap in the Littoral Combat Ship.

(5) A description of the manner in which the Navy has met the needs of the United States Southern Command over time, including the assets and vessels the Navy has deployed for military-to-military engagements, UNITAS exercises, and counterdrug operations in support of the Commander of the United States Southern Command during the five-year period ending on the date of the report.

SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF STEAM TURBINES FOR SHIPS SERVICE TURBINE GENERATORS AND MAIN PROPULSION TURBINES FOR OHIO-CLASS SUBMARINE REPLACEMENT PROGRAM.

The Secretary of the Navy shall take measures to ensure competition, or the option of competition, for steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program in accordance with section 202 of the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note).

Subtitle C—Air Force Matters

SEC. 121. LIMITATION ON RETIREMENT OF C-5 AIRCRAFT.

(a) **LIMITATION.**—The Secretary of the Air Force may not proceed with a decision to retire C-5A aircraft from the active inventory of the Air Force in any number that would reduce the total number of such aircraft in the active inventory below 111 until—

(1) the Air Force has modified a C-5A aircraft to the configuration referred to as the Reliability Enhancement and Reengining Program

(RERP) configuration, as planned under the C-5 System Development and Demonstration program as of May 1, 2003; and

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) conducts an operational evaluation of that aircraft, as so modified; and

(B) provides to the Secretary of Defense and the congressional defense committees an operational assessment.

(b) **OPERATIONAL EVALUATION.**—An operational evaluation for purposes of paragraph (2)(A) of subsection (a) is an evaluation, conducted during operational testing and evaluation of the aircraft, as so modified, of the performance of the aircraft with respect to reliability, maintainability, and availability and with respect to critical operational issues.

(c) **OPERATIONAL ASSESSMENT.**—An operational assessment for purposes of paragraph (2)(B) of subsection (a) is an operational assessment of the program to modify C-5A aircraft to the configuration referred to in subsection (a)(1) regarding both overall suitability and deficiencies of the program to improve performance of the C-5A aircraft relative to requirements and specifications for reliability, maintainability, and availability of that aircraft as in effect on May 1, 2003.

(d) **ADDITIONAL LIMITATIONS ON RETIREMENT OF AIRCRAFT.**—The Secretary of the Air Force may not retire C-5 aircraft from the active inventory as of the date of this Act until the later of the following:

(1) The date that is 150 days after the date on which the Director of Operational Test and Evaluation submits the report referred to in subsection (a)(2)(B).

(2) The date that is 120 days after the date on which the Secretary submits the report required under subsection (e).

(3) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(A) the retirement of such aircraft will not increase the operational risk of meeting the National Defense Strategy; and

(B) the retirement of such aircraft will not reduce the total strategic airlift force structure below 324 strategic airlift aircraft.

(e) **REPORT ON RETIREMENT OF AIRCRAFT.**—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(1) The rationale for the retirement of existing C-5 aircraft and a cost/benefit analysis of alternative strategic airlift force structures, including the force structure that would result from the retirement of such aircraft.

(2) An assessment of the costs and benefits of applying the Reliability Enhancement and Re-engineering Program (RERP) modification to the entire the C-5A aircraft fleet.

(3) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of operating a mix of C-5A aircraft and C-5M aircraft.

(4) An assessment of the costs and benefits of increasing the number of C-5 aircraft in Back-up Aircraft Inventory (BAI) status as a hedge against future requirements of such aircraft.

(5) An assessment of the costs, benefits, and implications of transferring C-5 aircraft to United States flag carriers operating in the Civil Reserve Air Fleet (CRAF) program or to coalition partners in lieu of the retirement of such aircraft.

(6) Such other matters relating to the retirement of C-5 aircraft as the Secretary considers appropriate.

(f) **MAINTENANCE OF AIRCRAFT UPON RETIREMENT.**—The Secretary of the Air Force shall maintain any C-5 aircraft retired after the date of the enactment of this Act in Type 1000 stor-

age until opportunities for the transfer of such aircraft as described in subsection (e)(5) have been fully exhausted.

SEC. 122. REVISED AVAILABILITY OF CERTAIN FUNDS AVAILABLE FOR THE F-22A FIGHTER AIRCRAFT.

(a) **REPEAL OF AUTHORITY ON AVAILABILITY OF FISCAL YEAR 2009 FUNDS.**—Section 134 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4378) is repealed.

(b) **AVAILABILITY OF ADVANCE PROCUREMENT FUNDS FOR OTHER F-22A AIRCRAFT MODERNIZATION PRIORITIES.**—Subject to the provisions of appropriations Acts and applicable requirements relating to the transfer of funds, the Secretary of the Air Force may transfer amounts authorized to be appropriated for fiscal year 2009 by section 103(1) for aircraft procurement for the Air Force and available for advance procurement for the F-22A fighter aircraft within that subaccount or to other subaccounts for aircraft procurement for the Air Force for purposes of providing funds for other modernization priorities with respect to the F-22A fighter aircraft.

SEC. 123. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F-22A FIGHTER AIRCRAFT.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on potential foreign military sales of the F-22A fighter aircraft.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An estimate of the costs to the United States Government, industry, and any foreign military sales customer of developing an exportable version of the F-22A fighter aircraft.

(2) An assessment whether an exportable version of the F-22A fighter aircraft is technically feasible and executable, and, if so, a timeline for achieving an exportable version of the aircraft.

(3) An assessment of the potential strategic implications of permitting foreign military sales of the F-22A fighter aircraft.

(4) An assessment of the impact of foreign military sales of the F-22A fighter aircraft on the United States aerospace and aviation industry, and the advantages and disadvantages of such sales for sustaining that industry.

(5) An identification of any modifications to current law that are required to authorize foreign military sales of the F-22A fighter aircraft.

(c) **ADDITIONAL REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide for a federally funded research and development center which will submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, through the Secretary of Defense, a report on potential foreign military sales of the F-22A fighter aircraft, addressing the same elements as in subsection (b) of this section.

SEC. 124. NEXT GENERATION BOMBER AIRCRAFT.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Long-range strike is a critical mission in which the United States needs to retain a credible and dominant capability.

(2) Long range, penetrating strike systems provide—

(A) a hedge against being unable to obtain access to forward bases for political reasons;

(B) a capacity to respond quickly to contingencies;

(C) the ability to base outside the reach of emerging adversary anti-access and area-denial capabilities; and

(D) the ability to impose disproportionate defensive costs on prospective adversaries of the United States.

(3) The 2006 Quadrennial Defense Review found that there was a requirement for a next generation bomber aircraft and directed the United States Air Force to “develop a new land-based, penetrating long range strike capability to be fielded by 2018”.

(4) On April 6, 2009, Secretary Gates announced that the United States “will not pursue a development program for a follow-on Air Force bomber until we have a better understanding of the need, the requirement and the technology”.

(5) On May 7, 2009, President Barack Obama announced the termination of the next generation bomber aircraft program in the document of the Office of Management and Budget entitled “Terminations, Reductions, and Savings”, stating that “there is no urgent need to begin an expensive development program for a new bomber” and that “the future bomber fleet may not be affordable over the next six years”.

(6) The United States will need a new long-range strike capability because the conflicts of the future will likely feature heavily defended airspace, due in large part to the proliferation of relatively inexpensive, but sophisticated and deadly, air defense systems.

(7) General Michael Maples, the Director of the Defense Intelligence Agency, noted during a March 10, 2009, hearing of the Committee on Armed Services of the Senate on worldwide threats that “Russia, quite frankly, is the developer of most of those [advanced air defense] systems and is exporting those systems both to China and to other countries in the world”.

(8) The Final Report of the Congressional Commission on the Strategic Posture of the United States, submitted to Congress on May 6, 2009, states that “[t]he bomber force is valuable particularly for extending deterrence in time of crisis, as their deployment is visible and signals U.S. commitment. Bombers also impose a significant cost burden on potential adversaries in terms of the need to invest in advanced air defenses”.

(9) The commanders of the United States Pacific Command, the United States Strategic Command, and the United States Joint Forces Command have each testified before the Committee on Armed Services of the Senate in support of the capability that the next generation bomber aircraft would provide.

(10) On June 17, 2009, General James Cartwright, Vice-Chairman of the Joint Chiefs of Staff and chair of the Joint Requirements Oversight Council, stated during a hearing before the Committee on Armed Services of the Senate that “the nation needs a new bomber”.

(11) Nearly half of the United States bomber aircraft inventory (47 percent) pre-dates the Cuban Missile Crisis.

(12) The only air-breathing strike platforms the United States possesses today with reach and survivability to have a chance of successfully executing missions more than 1,000 nautical miles into enemy territory from the last air-to-air refueling are 16 combat ready B-2 bomber aircraft.

(13) The B-2 bomber aircraft was designed in the 1980s and achieved initial operational capability over a decade ago.

(14) The crash of an operational B-2 bomber aircraft during takeoff at Guam in early 2008 indicates that attrition can and does occur even in peacetime.

(15) The primary mission requirement of the next generation bomber aircraft is the ability to strike targets anywhere on the globe with whatever weapons the contingency requires.

(16) The requisite aerodynamic, structural, and low-observable technologies to develop the next generation bomber aircraft already exist in fifth-generation fighter aircraft.

(b) **POLICY ON CONTINUED DEVELOPMENT OF NEXT GENERATION BOMBER AIRCRAFT IN FISCAL YEAR 2010.**—It is the policy of the United States to support a development program for next generation bomber aircraft technologies.

SEC. 125. AC-130 GUNSHIPS.

(a) **REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC-130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC-130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC-130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **ANALYSIS OF ALTERNATIVES.**—The Secretary of the Air Force, in consultation with the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

SEC. 126. REPORT ON E-8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINEING.

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on replacing the engines of E-8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft. The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) **LIMITATION ON CERTAIN ACTIONS.**—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

Subtitle D—Joint and Multiservice Matters

SEC. 131. MODIFICATION OF NATURE OF DATA LINK UTILIZABLE BY TACTICAL UNMANNED AERIAL VEHICLES.

Section 141(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3164) is amended by striking “, until such time as the Tactical Common Data Link is replaced by an updated standard for use by those vehicles” and inserting “or a data link that uses waveform capable of transmitting and receiving Internet Protocol communications”.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$10,863,003,000.

(2) For the Navy, \$19,597,696,000.

(3) For the Air Force, \$28,693,952,000.

(4) For Defense-wide activities, \$20,555,270,000.

(5) For Operational Test and Evaluation, Defense, \$190,770,000.

(b) **FUNDING TABLE.**—The amounts authorized to be appropriated by subsection (a) shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM; INCREASE IN FUNDING FOR PROCUREMENT OF UH-1Y/AH-1Z ROTARY WING AIRCRAFT AND FOR MANAGEMENT RESERVES FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.

(a) **LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.**—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F-35 Joint Strike Fighter program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

(A) reduce the total life-cycle costs of the F-35 Joint Strike Fighter program; and

(B) improve the operational readiness of the fleet of F-35 Joint Strike Fighter aircraft; and

(2) will not—

(A) disrupt the F-35 Joint Strike Fighter program during the research, development, and procurement phases of the program; or

(B) result in the procurement of fewer F-35 Joint Strike Fighter aircraft during the life cycle of the program.

(b) **ADDITIONAL AMOUNT FOR UH-1Y/AH-1Z ROTARY WING AIRCRAFT.**—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is increased by \$282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH-1Y/AH-1Z rotary wing aircraft.

(c) **RESTORATION OF MANAGEMENT RESERVES FOR F-35 JOINT STRIKE FIGHTER PROGRAM.**—

(1) **NAVY JOINT STRIKE FIGHTER.**—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800N) for management reserves.

(2) **AIR FORCE JOINT STRIKE FIGHTER.**—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) **OFFSETS.**—

(1) **NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.**—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby decreased by \$219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800N) for F136 development.

(2) **AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.**—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby decreased by \$219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800F) for F136 development.

SEC. 212. ENHANCEMENT OF DUTIES OF DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER WITH RESPECT TO THE MAJOR RANGE AND TEST FACILITY BASE.

(a) **AUTHORITY TO REVIEW PROPOSALS FOR SIGNIFICANT CHANGES.**—Section 196(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by inserting “(1)” before “The Director”;

(4) by redesignating subparagraphs (B), (C), and (D), as so redesignated, as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (A), as so redesignated, the following new subparagraph (B):

“(B) To review proposed significant changes to the test and evaluation facilities and resources of the Major Range and Test Facility Base before they are implemented by the Secretaries of the military departments or the heads of the Defense Agencies with test and evaluation responsibilities and advise the Secretary of Defense and the Under Secretary of Acquisition, Technology, and Logistics of the impact of such changes on the adequacy of such test and evaluation facilities and resources to meet the test and evaluation requirements of the Department.”

(b) **ACCESS TO RECORDS AND DATA.**—Such section is further amended by adding at the end the following new paragraph:

“(2) The Director shall have access to all records and data of the test and evaluation activities, facilities, and elements of the Major Range and Test Facility Base, including the records and data of each military department and Defense Agency, that the Director considers necessary in order to carry out the Director’s duties under paragraph (1)(B).”

SEC. 213. GUIDANCE ON SPECIFICATION OF FUNDING REQUESTED FOR OPERATION, SUSTAINMENT, MODERNIZATION, AND PERSONNEL OF MAJOR RANGES AND TEST FACILITIES.

(a) **GUIDANCE ON SPECIFICATION OF FUNDING.**—The Secretary of Defense shall, acting

through the Under Secretary of Defense (Comptroller) and the Director of the Department of Defense Test Resource Management Center, issue guidance on the specification by the military departments and Defense Agencies of amounts to be requested in the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for funding for each facility and resource of the Major Range and Test Facility Base in connection with each of the following:

- (1) Operation.
- (2) Sustainment.
- (3) Investment and modernization.
- (4) Government personnel.
- (5) Contractor personnel.

(b) **APPLICABILITY.**—The guidance issued under subsection (a) shall apply with respect to budgets of the President for fiscal years after fiscal year 2010.

(c) **MAJOR RANGE AND TEST FACILITY BASE DEFINED.**—In this section, the term “Major Range and Test Facility Base” has the meaning given that term in section 196(h) of title 10, United States Code.

SEC. 214. PERMANENT AUTHORITY FOR THE JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.

Section 2521 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) **JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.**—(1) There is in the Department of Defense the Joint Defense Manufacturing Technology Panel.

“(2)(A) The Chair of the Joint Defense Manufacturing Technology Panel shall be the head of the Panel. The Chair shall be appointed, on a rotating basis, from among the appropriate personnel of the military departments and Defense Agencies with manufacturing technology programs.

“(B) The Panel shall be composed of at least one individual from among appropriate personnel of each military department and Defense Agency with manufacturing technology programs. The Panel may include as ex-officio members such individuals from other government organizations, academia, and industry as the Chair considers appropriate.

“(3) The purposes of the Panel shall be as follows:

“(A) To identify and integrate requirements for the program.

“(B) To conduct joint planning for the program.

“(C) To develop joint strategies for the program.

“(4) In carrying out the purposes specified in paragraph (3), the Panel shall perform the functions as follows:

“(A) Conduct comprehensive reviews and assessments of defense-related manufacturing issues being addressed by the manufacturing technology programs and related activities of the Department of Defense.

“(B) Execute strategic planning to identify joint planning opportunities for increased cooperation in the development and implementation of technological products and the leveraging of funding for such purposes with the private sector and other government agencies.

“(C) Ensure the integration and coordination of requirements and programs under the program with Office of the Secretary of Defense and other national-level initiatives, including the establishment of information exchange processes with other government agencies, private industry, academia, and professional associations.

“(D) Conduct such other functions as the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify.

“(5) The Panel shall report to and receive direction from the Director of Defense Research and Engineering on manufacturing technology issues of multi-service concern and application.

“(6) The administrative expenses of the Panel shall be borne by each military department and Defense Agency with manufacturing technology programs in such manner as the Panel shall provide.”.

SEC. 215. EXTENSION AND ENHANCEMENT OF GLOBAL RESEARCH WATCH PROGRAM.

(a) **LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR MILITARY DEPARTMENTS PENDING PROVISION OF ASSISTANCE UNDER PROGRAM.**—Subsection (d) of section 2365 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) Funds available to a military department for a fiscal year for monitoring or analyzing the research activities and capabilities of foreign nations may not be obligated or expended until the Director certifies to the Under Secretary of Defense for Acquisition, Technology, and Logistics that the Secretary of such military department has provided the assistance required under paragraph (2).

“(B) The limitation in subparagraph (A) shall not be construed to alter or effect the availability to a military department of funds for intelligence activities.”.

(b) **FOUR-YEAR EXTENSION OF PROGRAM.**—Subsection (f) of such section is amended by striking “September 30, 2011” and inserting “September 30, 2015”.

SEC. 216. THREE-YEAR EXTENSION OF AUTHORITY FOR PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 2374a(f) of title 10, United States Code, is amended by striking “September 30, 2010” and inserting “September 30, 2013”.

SEC. 217. MODIFICATION OF REPORT REQUIREMENTS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

Section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is amended by striking subsection (b), (c), and (d) and inserting the following new subsections:

“(b) **FUNDING OBJECTIVE.**—It is the sense of Congress that it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program of each military department, for each fiscal year after fiscal year 2010 over the budget for that program for the preceding fiscal year by a percent that is at least equal to the rate of inflation, as determined by the Office of Management and Budget.

“(c) **ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.**—If the proposed budget of the Department of Defense for a fiscal year fails to comply with the objective set forth in subsection (b), the Secretary of Defense shall submit to the congressional defense committees each of the following:

“(1) Not later than 60 days after the proposed budget is submitted to Congress, a detailed, prioritized list, including estimates of required funding, of proposals for science and technology projects received by the Department through competitive solicitations in the fiscal year preceding the fiscal year covered by the proposed budget which were not funded but represent science and technology opportunities that support the research and development programs and goals of the military departments and the Defense Agencies.

“(2) Not later than six months after the proposed budget is submitted to Congress, an inde-

pendent assessment, in both classified and unclassified form (as necessary), of any research, technology, or engineering areas that are of interest to the Department in which the United States may not have global technical leadership within the next 10 years.

“(d) **SUNSET.**—The requirements of this section shall terminate on December 31, 2014.”.

SEC. 218. PROGRAMS FOR GROUND COMBAT VEHICLE AND SELF PROPELLED HOWITZER CAPABILITIES FOR THE ARMY.

(a) **PROGRAMS REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall carry out a separate program to achieve each of the following:

(A) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation ground combat vehicle for the Army.

(B) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation self-propelled howitzer capability for the Army.

(2) **COMPLIANCE WITH CERTAIN ACQUISITION REQUIREMENTS.**—Each program under paragraph (1) shall comply with the requirements of the Weapons Systems Acquisition Reform Act of 2009, and the amendments made by that Act.

(b) **STRATEGY AND PLAN FOR ACQUISITION.**—

(1) **IN GENERAL.**—Not later than March 31, 2010, the Secretary shall submit to the congressional defense committees a report setting forth a strategy and plan for the acquisition of weapon systems under the programs required by subsection (a). Each strategy and plan shall include measurable goals and objectives for the acquisition of such weapon systems, and shall identify all proposed major development, testing, procurement, and fielding events toward the achievement of such goals and objectives.

(2) **ELEMENTS.**—In developing each strategy and plan under paragraph (1), the Secretary shall consider the following:

(A) A single vehicle or family of vehicles utilizing a common chassis and automotive components.

(B) The incorporation of weapon, vehicle, communications, network, and system of systems common operating environment technologies developed under the Future Combat Systems program.

(c) **ANNUAL REPORTS.**—

(1) **REPORTS REQUIRED.**—The Secretary shall submit to the congressional defense committees, at the same time the President submits to Congress the budget for each of fiscal years 2011 through 2015 (as submitted pursuant to section 1105(a) of title 31, United States Code), a report on the investments proposed to be made under such budget with respect to each program required by subsection (a).

(2) **ELEMENTS.**—Each report under paragraph (1) shall set forth, for the fiscal year covered by the budget with which such report is submitted—

(A) the manner in which amounts requested in such budget would be available for each program required by subsection (a); and

(B) an assessment of the extent to which utilizing such amount in such manner would improve ground combat capabilities for the Army.

SEC. 219. ASSESSMENT OF TECHNOLOGICAL MATURITY AND INTEGRATION RISK OF ARMY MODERNIZATION PROGRAMS.

(a) **ASSESSMENT REQUIRED.**—The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, review and assess the technological maturity and integration risk of critical technologies (as jointly identified by the Director and the Secretary of the Army for purposes of this section) of Army modernization programs and appropriate associated programs, including the programs as follows:

(1) Manned Ground Vehicle and Ground Combat Vehicle.

(2) Future Combat Systems network hardware and software.

(3) Warfighter Information Network—Tactical, Increment 3.

(4) Joint Tactical Radio System.

(5) Reconnaissance unmanned aerial vehicles.

(6) Future Combat Systems Spin Out technologies.

(7) Any other programs jointly identified by the Director and the Secretary for purposes of this section.

(b) **REPORT.**—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the technological maturity and integration risk of critical technologies of Army modernization and associated programs covered by the review and assessment required under subsection (a), as determined pursuant to that assessment.

SEC. 220. ASSESSMENT OF STRATEGY FOR TECHNOLOGY FOR MODERNIZATION OF THE COMBAT VEHICLE AND TACTICAL WHEELED VEHICLE FLEETS.

(a) **INDEPENDENT ASSESSMENT OF STRATEGY REQUIRED.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an independent assessment of current, anticipated, and potential research and engineering activities for or applicable to the modernization of the combat vehicle fleet and tactical wheeled vehicle fleet of the Department of Defense.

(2) **ACCESS TO INFORMATION AND RESOURCES.**—The Secretary shall provide the entity with which the Secretary contracts under paragraph (1) access to such information and resources as are appropriate to conduct the assessment required by that paragraph.

(b) **REPORT.**—

(1) **IN GENERAL.**—The contract required by subsection (a) shall provide that the entity with which the Secretary contracts under that subsection shall submit to the Secretary of Defense and the congressional defense committees a report on the assessment required by that subsection not later than December 31, 2010.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A detailed discussion of the requirements and capability needs identified or proposed for current and prospective combat vehicles and tactical wheeled vehicles.

(B) An identification of capability gaps for combat vehicles and tactical wheeled vehicles based on lessons learned from recent conflicts and an assessment of emerging threats.

(C) An identification of the critical technology elements or integration risks associated with particular categories of combat vehicles and tactical wheeled vehicles, and with particular missions of such vehicles.

(D) Recommendations for a plan to develop and deploy within the next 10 years critical technology capabilities to address the capability gaps identified pursuant to subparagraph (B), including an identification of high priority science and technology, research & engineering, and prototyping opportunities.

(E) Such other matters as the Secretary considers appropriate.

SEC. 221. SYSTEMS ENGINEERING AND PROTOTYPING PROGRAM.

(a) **PROGRAM REQUIRED.**—The Secretary of Defense shall, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, carry out a program to encourage and fund systems engineering and prototyping efforts in support of Department of Defense goals and missions.

(b) **OBJECTIVES.**—The objectives of the program required by subsection (a) shall be as follows:

(1) To develop system prototypes for systems that provide capabilities supportive of addressing Department of Defense goals, needs, and requirements.

(2) To successfully demonstrate new systems in relevant environments.

(3) To encourage the training of systems engineers and the development of systems engineering tools and practices.

(c) **SELECTION OF PROJECTS.**—

(1) **PROGRAM AREAS.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the military departments and the Defense Agencies, designate general areas for systems engineering and prototype projects under the program required by subsection (a).

(2) **SOLICITATION OF PROJECTS.**—The Under Secretary shall solicit for the selection of projects under the program within the areas designated under paragraph (1) from among other government entities, federally-funded research and development centers, academia, the private sector, and such other persons, organizations, and entities as the Under Secretary considers appropriate.

(3) **SELECTION.**—The Under Secretary shall select projects for implementation under the program from among responses to the solicitations made under paragraph (2). The Under Secretary shall select such projects on a competitive basis.

(d) **IMPLEMENTATION OF PROJECTS.**—For each project selected under subsection (c)(3), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate a military department or Defense Agency to implement the project as part of the program required by subsection (a).

(e) **FUNDING OF PROJECTS.**—

(1) **IN GENERAL.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, subject to paragraphs (2) and (3), provide funds for each project selected under subsection (c)(3) in an amount jointly determined by the Under Secretary and the acquisition executive of the military department or Defense Agency concerned.

(2) **LIMITATION ON AMOUNT OF FUNDS.**—The amount of funds provided to a project under paragraph (1) shall be not greater than the amount equal to 50 percent of the total cost of the project.

(3) **LIMITATION ON PERIOD OF FUNDING.**—A project may not be provided funds under this subsection for more than three fiscal years.

(4) **SOURCE OF OTHER FUNDING.**—Any funds required for a project under this section that are not provided under this subsection shall be derived from funds available to the military department or Defense Agency concerned, or another appropriate source other than this subsection.

(f) **ANNUAL REPORT.**—Not later than March 31 each year, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the activities carried out under the program required by subsection (a) during the preceding fiscal year.

(g) **ACQUISITION EXECUTIVE DEFINED.**—In this section, the term “acquisition executive”, with respect to a military department or Defense Agency, means the official designated as the senior procurement executive for the military department or Defense Agency for the purposes of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414 (c)).

Subtitle C—Missile Defense Programs

SEC. 241. SENSE OF CONGRESS ON BALLISTIC MISSILE DEFENSE.

It is the sense of Congress that—

(1) the United States should develop, test, field, and maintain operationally effective, cost-effective, affordable, reliable, suitable, and survivable ballistic missile defense systems that are capable of defending the United States, its forward-deployed forces, allies, and other friendly nations from the threat of ballistic missile attacks from nations such as North Korea and Iran;

(2) the missile defense force structure and inventory levels of such missile defense systems should be determined based on an assessment of ballistic missile threats and a determination by senior military leaders, combatant commanders, and defense officials of the requirements and capabilities needed to address those threats; and

(3) the test and evaluation program for such missile defense systems should be rigorous, robust, operationally realistic, and capable of providing a high level of confidence in the capability of such systems (including their continuing effectiveness over the course of their service lives), and adequate resources should be available for that test and evaluation program (including interceptor missiles and targets for flight tests).

SEC. 242. COMPREHENSIVE PLAN FOR TEST AND EVALUATION OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish a comprehensive plan for the developmental and operational testing and evaluation of the Ballistic Missile Defense System and its various elements.

(2) **PERIOD OF PLAN.**—The plan shall cover the period covered by the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(3) **INPUT.**—In establishing the plan, the Secretary shall receive input on matters covered by the plan from the following:

(A) The Director of the Missile Defense Agency.

(B) The Director of Operational Test and Evaluation.

(C) The operational test components of the military departments.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include, with regard to developmental and operational testing of the Ballistic Missile Defense System, the following:

(1) Test and evaluation objectives.

(2) Test and evaluation criteria and metrics.

(3) Test and evaluation procedures and methodology.

(4) Data requirements.

(5) System and element configuration under test.

(6) Approaches to verification, validation, and accreditation of models and simulations.

(7) The relative role of models and simulations, ground tests, and flight tests in achieving the objectives of the plan.

(8) Test infrastructure and resources, including test range limitations and potential range enhancements.

(9) Test readiness review approaches and methodology.

(10) Testing for system and element integration and interoperability.

(11) Means for achieving operational realism and means of demonstrating operational effectiveness, suitability and survivability.

(12) Detailed descriptions of planned tests.

(13) A description of the resources required to implement the plan.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than March 1, 2011, the Secretary shall submit to the congressional defense committees a report setting forth and describing the plan required by subsection

(a) and each of the elements required in the plan under subsection (b).

(2) **ADDITIONAL INFORMATION ON GROUND-BASED MIDCOURSE DEFENSE.**—The report required by this subsection shall, in addition to the matters specified in paragraph (1), include a detailed description of the test and evaluation activities pertaining to the Ground-based Midcourse Defense (GMD) element of the Ballistic Missile Defense System as follows:

(A) Plans for salvo testing.

(B) Plans for multiple simultaneous engagement testing.

(C) Plans for intercept testing using the Cobra Dane radar as the engagement sensor.

(D) Plans to test and demonstrate the ability of the system to accomplish its mission over the planned term of its operational service life (also known as “sustainment testing”).

(3) **FORM.**—The report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 243. ASSESSMENT AND PLAN FOR THE GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Ground-based Midcourse Defense (GMD) element of the Ballistic Missile Defense System should be an operationally effective, cost-effective, affordable, reliable, suitable, and survivable system capable of defending the United States from the threat of long-range missile attacks from nations such as North Korea and Iran, and adequate resources should be available to create and maintain such a capability (including continuing effectiveness over the course of its service life);

(2) the force structure and inventory levels of the Ground-based Midcourse Defense element should be determined based on an assessment of ballistic missile threats from nations such as North Korea and Iran and a determination by senior military leaders, combatant commanders, and defense officials of the requirements and capabilities needed to address those threats; and

(3) the test and evaluation program for the Ground-based Midcourse Defense element should be rigorous, robust, operationally realistic, and capable of providing a high degree of confidence in the capability of the system (including testing to demonstrate the continuing effectiveness of the system over the course of its service life), and adequate resources should be available for that test and evaluation program (including interceptor missiles and targets for flight tests).

(b) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—As part of the Quadrennial Defense Review and the Ballistic Missile Defense Review, the Secretary of Defense shall conduct an assessment of the following:

(A) Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(B) Future options for the Ground-based Midcourse Defense element.

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The ballistic missile threat against which the Ground-based Midcourse Defense element is intended to defend.

(B) The military requirement for Ground-based Midcourse Defense capabilities against such missile threat.

(C) The current capabilities of the Ground-based Midcourse Defense element.

(D) The planned capabilities of the Ground-based Midcourse Defense element, if different from the capabilities under subparagraph (B).

(E) The force structure and inventory levels necessary for the Ground-based Midcourse Defense element to achieve the planned capabilities of that element, including an analysis of the

costs and the potential advantages and disadvantages of deploying 44 operational Ground-based Interceptor missiles.

(F) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(G) The number of Ground-based Interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(3) **REPORT.**—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(c) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—In addition to the assessment required by subsection (b), the Secretary shall establish a plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System. The plan shall cover the period of the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following elements:

(A) The schedule for achieving the planned capability of the Ground-based Midcourse Defense element, including the completion of operational silos, the delivery of operational Ground-Based Interceptors, and the deployment of such interceptors in those silos.

(B) The plan for funding the development, production, deployment, testing, improvement, and sustainment of the Ground-based Midcourse Defense element.

(C) The plan to maintain the operational effectiveness of the Ground-based Midcourse Defense element over the course of its service life, including any modernization or capability enhancement efforts, and any sustainment efforts.

(D) The plan for flight testing the Ground-based Midcourse Defense element, including aging and surveillance tests to demonstrate the continuing effectiveness of the system over the course of its service life.

(E) The plan for production of Ground-Based Interceptor missiles necessary for operational assets, developmental and operational test assets, aging and surveillance test assets, and spare missiles.

(3) **REPORT.**—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the plan required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(d) **CONSTRUCTION.**—Nothing in this section shall be construed as altering or revising the continued production of all Ground-Based Interceptor missiles on contract as of June 23, 2009.

(e) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review.

SEC. 244. REPORT ON POTENTIAL MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Sec-

retary of Defense shall submit to the congressional defense committees a report setting forth potential options for cooperation among or between the United States, the North Atlantic Treaty Organization (NATO), and the Russian Federation on ballistic missile defense.

(2) **FORM.**—The report shall be submitted in unclassified form, but may include a classified annex.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of proposals made by the United States, the North Atlantic Treaty Organization, or the Russian Federation since January 1, 2007, for potential missile defense cooperation among or between such countries and that organization, including data sharing, cooperative regional missile defense architectures, joint exercises, and transparency and confidence building measures.

(2) A description of options for the sharing by such countries and that organization of ballistic missile surveillance or early warning data, including data from the Russian early warning radars at Gabala in Azerbaijan, and Armavir in southern Russia or other radars, such as the United States radar proposed for deployment in the Czech Republic.

(3) An assessment of the potential for implementation of the agreement between the United States and the Russian Federation on the establishment of a Joint Data Exchange Center.

(4) An assessment of the potential for missile defense cooperation between the Russian Federation and the North Atlantic Treaty Organization, including through the NATO-Russia Council.

(5) An assessment of the potential security benefits to the United States, Russia, and the North Atlantic Treaty Organization of the cooperation described in paragraph (4).

(6) Such other matters as the Secretary considers appropriate.

SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.

(a) **LIMITATION ON BREAK IN PRODUCTION.**—The Secretary of Defense shall ensure that the Missile Defense Agency does not allow a break in production of the Ground-based Interceptor missile until the Department of Defense has—

(1) completed the Ballistic Missile Defense Review; and

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(b) **LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT GREELY, ALASKA.**—

(1) **LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.**—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been emplaced at Missile Field 2 at Fort Greely.

(2) **LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.**—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 at Fort Greely, Alaska, until that date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees.

SEC. 246. SENSE OF SENATE ON AND RESERVATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF MISSILE DEFENSE SYSTEMS IN EUROPE.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) In the North Atlantic Treaty Organization (NATO) Bucharest Summit Declaration of April

3, 2008, the Heads of State and Government participating in the meeting of the North Atlantic Council declared that “[b]allistic missile proliferation poses an increasing threat to Allies’ forces, territory and populations. Missile defence forms part of a broader response to counter this threat. We therefore recognize the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets”.

(2) The Bucharest Summit Declaration also stated that “[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision”.

(3) In the Bucharest Summit Declaration, the North Atlantic Council also reaffirmed to Russia that “current, as well as any future, NATO Missile Defence efforts are intended to better address the security challenges we all face, and reiterate that, far from posing a threat to our relationship, they offer opportunities to deepen levels of cooperation and stability”.

(4) In the Strasbourg/Kehl Summit Declaration of April 4, 2009, the heads of state and government participating in the meeting of the North Atlantic Council reaffirmed “the conclusions of the Bucharest Summit about missile defense,” and declared that “we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk”.

(5) Iran is rapidly developing its ballistic missile capabilities, including its inventory of short-range and medium-range ballistic missiles that can strike portions of Eastern and Southern North Atlantic Treaty Organization European territory, as well as the pursuit of long-range ballistic missiles that could reach Europe or the United States.

(6) On July 8, 2008, the Government of the United States and the Government of the Czech Republic signed an agreement to base a radar facility in the Czech Republic that is part of a proposed missile defense system to protect Europe and the United States against a potential future Iranian long-range ballistic missile threat.

(7) On August 20, 2008, the United States and the Republic of Poland signed an agreement concerning the deployment of ground-based ballistic missile defense interceptors in the territory of the Republic of Poland.

(8) Section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4393; 10 U.S.C. 2431 note) establishes conditions for the availability of funds for procurement, construction, and deployment of the planned missile defense system in Europe, including that the host nations must ratify any missile defense agreements with the United States and that the Secretary of Defense must certify that the system has demonstrated the ability to accomplish the mission.

(9) On April 5, 2009, President Barack Obama, speaking in Prague, Czech Republic, stated, “As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed.”.

(10) On June 16, 2009, Deputy Secretary of Defense William Lynn testified before the Committee on Armed Services of the Senate that the United States Government is reviewing its options for developing and deploying operationally

effective, cost-effective missile defense capabilities to Europe against potential future Iranian missile threats, in addition to the proposed deployment of a missile defense system in Poland and the Czech Republic.

(11) On July 9, 2009, General James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that the Department of Defense was considering some 40 different missile defense architecture options for Europe that could provide a “regional defense capability to protect the nations” of Europe, and a “redundant capability that would assist in protecting the United States,” and that the Department was considering “what kind of an architecture best suits the defense of the region, the defense of the homeland, and the regional stability”.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense (GMD) system, including a midcourse radar in the Czech Republic and Ground-Based Interceptors in Poland, consistent with section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009;

(2) in conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against current and future Iranian ballistic missile capabilities;

(3) any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and

(4) any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization missile defense systems.

(c) RESERVATION OF FUNDS FOR MISSILE DEFENSE SYSTEMS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, \$353,100,000 shall be available only for the purposes described in paragraph (2).

(2) USE OF FUNDS.—The purposes described in this paragraph are the following:

(A) Research, development, test, and evaluation of—

(i) the proposed midcourse radar element of the Ground-based Midcourse Defense system in the Czech Republic; and

(ii) the proposed long-range missile defense interceptor site element of such defense system in Poland.

(B) Research, development, test, and evaluation, procurement, construction, or deployment of other missile defense systems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense committees a report certifying that such systems are expected to be—

(i) consistent with the direction from the North Atlantic Council to address ballistic missile threats to Europe and the United States in a prioritized manner that includes consideration of the imminence of the threat and the level of acceptable risk;

(ii) operationally effective and cost-effective in providing protection for Europe, and the

United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(iii) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(d) CONSTRUCTION.—Nothing in this section shall be construed as limiting or preventing the Department of Defense from pursuing the development or deployment of operationally effective and cost-effective ballistic missile defense systems in Europe.

SEC. 247. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4392) is amended by striking “October 31, 2010” and inserting “March 1, 2011”.

Subtitle D—Other Matters

SEC. 251. REPEAL OF REQUIREMENT FOR BIENNIAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is repealed.

SEC. 252. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

“(e) REPORTS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section.”.

SEC. 253. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.

(a) IN GENERAL.—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies capable of—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) FUNDING.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct the evaluation required by subsection (a) using amounts appropriated for fiscal year 2009 for extended range modular sniper rifle system research (PE # 0604802A) that are unobligated.

(c) REPORT.—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$30,932,882,000.
- (2) For the Navy, \$35,890,046,000.
- (3) For the Marine Corps, \$5,547,223,000.
- (4) For the Air Force, \$34,053,559,000.
- (5) For Defense-wide activities, \$27,645,997,000.
- (6) For the Army Reserve, \$2,623,796,000.
- (7) For the Navy Reserve, \$1,278,501,000.
- (8) For the Marine Corps Reserve, \$228,925,000.
- (9) For the Air Force Reserve, \$3,079,228,000.
- (10) For the Army National Guard, \$6,260,634,000.
- (11) For the Air National Guard, \$5,888,461,000.
- (12) For the United States Court of Appeals for the Armed Forces, \$13,932,000.
- (13) For the Acquisition Development Workforce Fund, \$100,000,000.
- (14) For Environmental Restoration, Army, \$415,864,000.
- (15) For Environmental Restoration, Navy, \$285,869,000.
- (16) For Environmental Restoration, Air Force, \$494,276,000.
- (17) For Environmental Restoration, Defense-wide, \$11,100,000.
- (18) For Environmental Restoration, Formerly Used Defense Sites, \$267,700,000.
- (19) For Overseas Humanitarian, Disaster and Civic Aid programs, \$109,869,000.
- (20) For Cooperative Threat Reduction programs, \$424,093,000.
- (21) For Overseas Contingency Operations Transfer Fund, \$5,000,000.
- (b) **FUNDING TABLE.**—The amounts authorized by subsection (a) shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4301.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

- (a) **AUTHORITY TO REIMBURSE.**—
- (1) **TRANSFER AMOUNT.**—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than \$68,623 during fiscal year 2010 to the Former Nansemond Ordnance Depot Site Special Account, within the Hazardous Substance Superfund.
- (2) **PURPOSE OF REIMBURSEMENT.**—The payment under paragraph (1) is final payment to reimburse the Environmental Protection Agency for all costs incurred in overseeing a time critical removal action performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.
- (3) **INTERAGENCY AGREEMENT.**—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Former Nansemond Ordnance Depot Site in December 1999.
- (b) **SOURCE OF FUNDS.**—Any payment under subsection (a) shall be made using funds au-

thorized to be appropriated by section 301(a)(18) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) **USE OF FUNDS.**—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Former Nansemond Ordnance Depot Site.

Subtitle C—Workplace and Depot Issues

SEC. 321. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) **CLARIFICATION OF AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS.**—The second sentence of section 4544(a) of title 10, United States Code, as added by section 328(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 66), is amended by inserting after “not more than eight contracts or cooperative agreements” the following: “in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181)”.

(b) **ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS OF USE OF AUTHORITY.**—Section 328(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 67) is amended—

- (1) by striking “a report assessing the advisability” and inserting the following: “a report—
- “(A) assessing the advisability”; and
- (2) by striking “pursuant to such authority,” and inserting the following: “pursuant to such authority;
- “(B) assessing the benefit to the Federal Government of using such authority;
- “(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and
- “(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.”.

SEC. 322. IMPROVEMENT OF INVENTORY MANAGEMENT PRACTICES.

(a) **INVENTORY MANAGEMENT PRACTICES IMPROVEMENT PLAN REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory management systems of the military departments and the Defense Logistics Agency with the objective of reducing the acquisition and storage of secondary inventory that is excess to requirements.

(b) **ELEMENTS.**—The plan under subsection (a) shall include the following:

- (1) A plan for a comprehensive review of demand-forecasting procedures to identify and correct any systematic weaknesses in such procedures, including the development of metrics to identify bias toward over-forecasting and adjust forecasting methods accordingly.
- (2) A plan to accelerate the efforts of the Department of Defense to achieve total asset visibility, including efforts to link wholesale and retail inventory levels through multi-echelon modeling.
- (3) A plan to reduce the average level of on-order secondary inventory that is excess to requirements, including a requirement for the systemic review of such inventory for possible contract termination.
- (4) A plan for the review and validation of methods used by the military departments and the Defense Logistics Agency to establish economic retention requirements.
- (5) A plan for an independent review of methods used by the military departments and the Defense Logistics Agency to establish contingency retention requirements.

(6) A plan to identify items stored in secondary inventory that require substantial amounts of storage space and shift such items, where practicable, to direct vendor delivery.

(7) A plan for a comprehensive assessment of inventory items on hand that have no recurring demands, including the development of—

(A) metrics to track years of no demand for items in stock; and

(B) procedures for ensuring the systemic review of such items for potential reutilization or disposal.

(8) A plan to more aggressively pursue disposal reviews and actions on stocks identified for potential reutilization or disposal.

(c) **GAO REPORTS.**—

(1) **ASSESSMENT OF PLAN.**—Not later than 60 days after the date on which the plan required by subsection (a) is submitted as specified in that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan meets the requirements of this section.

(2) **ASSESSMENT OF IMPLEMENTATION.**—Not later than 18 months after the date on which the plan required by subsection (a) is submitted, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan has been effectively implemented by each military department and by the Defense Logistics Agency.

(d) **INVENTORY THAT IS EXCESS TO REQUIREMENTS DEFINED.**—In this section, the term “inventory that is excess to requirements” means inventory that—

- (1) is excess to the approved acquisition objective concerned; and
- (2) is not needed for the purposes of economic retention or contingency retention.

SEC. 323. TEMPORARY SUSPENSION OF AUTHORITY FOR PUBLIC-PRIVATE COMPETITIONS.

(a) **TEMPORARY SUSPENSION.**—During the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary of Defense submits to the congressional defense committees the certification described in subsection (b), no study or public-private competition regarding the conversion to contractor performance of any function of the Department of Defense performed by civilian employees may be begun or announced pursuant to section 2461 of title 10, United States Code, Office of Management and Budget Circular A-76, or any other authority.

(b) **CERTIFICATION.**—The certification described in this subsection is a certification that—

- (1) the Secretary of Defense has completed and submitted to Congress a complete inventory of contracts for services for or on behalf of the Department of Defense in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code; and
- (2) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory is in compliance with the review and planning requirements of subsection (e) of such section.

SEC. 323A. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) **REQUIREMENT.**—Section 2461(a)(1) of title 10, United States Code, is amended—

- (1) by striking “A function” and inserting “No function”; and
- (2) by striking “10 or more”; and
- (3) by striking “may not be converted” and inserting “may be converted”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to a

function for which a public-private competition is commenced on or after the date of the enactment of this Act.

SEC. 323B. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) **TIME LIMITATION.**—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed the period of specified in paragraph (B), commencing on the date on which funds are obligated for contractor support of the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

“(B) The period referred to in paragraph (A) is 30 months with respect to a single formation activity and 36 months with respect to a multi-formation activity.

“(C) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims.

“(D) In this paragraph, the term ‘preliminary planning’ with respect to a public-private competition means any action taken to carry out any of the following activities:

“(i) Determining the scope of the competition.
“(ii) Conducting research to determine the appropriate grouping of functions for the competition.

“(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

“(iv) Determining the baseline cost of any function for which the competition is conducted.”.

(b) **EFFECTIVE DATE.**—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 323C. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

Any Department of Defense public-private competition that exceeds the time limits established in section 2461(a) shall be reviewed by the Secretary of Defense and considered for termination. If the Secretary of Defense does not terminate the competition, he shall report to Congress on the reasons for his decision.

SEC. 324. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note), as amended by section 341 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 69), is amended—

(1) in subsection (a), by striking “2010” and inserting “2011”; and

(2) in subsection (g)(1), by striking “2010” and inserting “2011”.

SEC. 325. MODIFICATION OF DATE FOR SUBMITTAL TO CONGRESS OF ANNUAL REPORT ON FUNDING FOR PUBLIC AND PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

Section 2466(d)(1) of title 10, United States Code, is amended by striking “April 1 of each

year” and inserting “90 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31”.

Subtitle D—Energy Provisions

SEC. 331. ENERGY SECURITY ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) **PLAN FOR ENERGY SECURITY REQUIRED.**—
(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for identifying and addressing areas in which the electricity needed to carry out critical military missions on Department of Defense installations is vulnerable to disruption.

(2) **ELEMENTS.**—The plan developed under paragraph (1) shall include, at a minimum, the following:

(A) An identification of the areas of vulnerability as described in paragraph (1), and an identification of priorities in addressing such areas of vulnerability.

(B) A schedule for the actions to be taken by the Department to address such areas of vulnerability.

(C) A strategy for working with other public or private sector entities to address such areas of vulnerability that are beyond the control of the Department.

(b) **WORK WITH NON-DEPARTMENT OF DEFENSE ENTITIES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall work with other Federal entities, and with State and local government entities, to develop any regulations or other mechanisms needed to require or encourage actions to address areas of vulnerability identified pursuant to the plan developed under subsection (a) that are beyond the control of the Department of Defense.

(2) **CONTRACT AUTHORITY.**—Where necessary to achieve the purposes of this section, the Secretary may enter into a contract, grant, or other agreement with one or more appropriate public or private sector entities under which such entity or entities agree to carry out actions required to address areas of vulnerability identified pursuant to the plan developed under subsection (a) that are beyond the control of the Department. Any such contract, grant, or agreement may provide for the full or partial reimbursement of the entity concerned by the Department for actions taken by the entity under such contract, grant, or agreement.

SEC. 332. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

(a) **NEW REPORTING REQUIREMENTS.**—Section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1054) is amended to read as follows:

“(e) **REPORTING REQUIREMENTS.**—

“(1) **IN GENERAL.**—Not later one year after the date of the enactment of this Act, and each January 1 thereafter through 2020, the Secretary shall submit to the congressional defense a report regarding progress made toward achieving the energy efficiency goals of the Department of Defense, consistent with the provisions of section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8521 note) and section 11(b) of Executive Order 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

“(2) **REPORTS SUBMITTED AFTER JANUARY 1, 2009.**—Each report required under paragraph (1) that is submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 shall include the following:

“(A) A table detailing funding, by account, for all energy projects and investments.

“(B) A description of the funding and steps taken to achieve the renewable energy goals in the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) and Executive Order 13423 by fiscal year

2015, and section 2911(e) of title 10, United States Code, by fiscal year 2025.

“(C) A description of steps taken to ensure that facility and installation management goals are consistent with current legislative and other requirements, including applicable requirements under the Energy Independence and Security Act of 2007 (Public Law 110-140).

“(D) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations in order to use the data for better energy management.

“(E) A description of steps taken to comply with requirements of the Energy Independence and Security Act of 2007, including new design and construction requirements for buildings.

“(F) A description of steps taken to comply with section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), regarding the supply by the General Services Administration and the Defense Logistics Agency of Energy Star and Federal Energy Management Program (FEMP) designated products to its Department of Defense customers.

“(G) A description of steps taken to encourage the use of Energy Star and FEMP designated products at military installations in government or contract maintenance activities.

“(H) A description of steps taken to comply with standards for projects built using appropriated funds and established by the Energy Independence and Security Act of 2007 for privatized construction projects, whether residential, administrative, or industrial.

“(I) A description of any other issues and strategies the Secretary determines relevant to a comprehensive and renewable energy policy.”.

(b) **ADDITIONAL MATERIAL REQUIRED FOR FIRST EXPANDED REPORT.**—The first report submitted by the Secretary of Defense under section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1054), as amended by subsection (a), after the date of the enactment of this Act shall include, in addition to the matters required under such section, the following:

(1) A determination of whether the existing tools, such as the Energy Conservation Investment Program (ECIP) and the Energy Savings Performance Contracts (ESPC) program, are sufficient to support renewable energy projects to achieve the Department's installation energy goals, or if new funding mechanisms would be beneficial.

(2) An appropriate goal or goals for the use of alternative fuels for ground vehicles, aircraft, sea vessels, and applicable weapons systems, taking into consideration a broad range of factors, including cost, availability, technological feasibility, energy independence and security, and environmental impact.

(3) A determination of the cost and feasibility of a policy that would require new power generation projects established on installations to be able to switch to provide power for military operations in the event of a commercial grid outage.

(4) An assessment of the extent to which State and regional laws and regulations and market structures provide opportunities or obstacles to establish renewable energy projects on military installations.

(5) A determination of the cost and feasibility of developing or acquiring equipment or systems that would result in the complete use of renewable energy sources at contingency locations.

(6) A determination of the cost and feasibility of implementing the recommendations of the 2008 Defense Science Board Report entitled, “More Fight – Less Fuel”.

SEC. 333. ALTERNATIVE AVIATION FUEL INITIATIVE.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The dramatically fluctuating price of fuel can have a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The Air Force's Alternative Aviation Fuel Initiative includes certification and testing of both biomass-derived ("biofuel") and synthetic fuel blends produced via the Fischer-Tropsch (FT) process. By not later than December 31, 2016, the Air Force will be prepared to cost competitively acquire 50 percent of the Air Force's domestic aviation fuel requirement via an alternative fuel blend in which the alternative component is derived from domestic sources produced in a manner that is greener than fuels produced from conventional petroleum.

(7) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force with a goal of—

(A) certifying its aircraft, applicable vehicles and support equipment, and associated storage and distribution infrastructure for unrestricted operational use of a synthetic fuel blend by early 2011;

(B) being prepared to acquire 50 percent of its domestic aviation fuel requirement from alternative or synthetic fuels (including blends of alternative or synthetic fuels with conventional fuels) by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall be equal to or lower than such emissions from conventional fuels that are used in the same application, as determined in accordance with guidance by the Department of Energy and the Environmental Protection Agency; and

(ii) prices for such fuels are cost competitive with petroleum-based alternatives that are used for the same functions;

(C) taking actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) taking actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ADJUSTMENT OF GOAL.—The Secretary of the Air Force may adjust the goal of acquiring 50 percent of Air Force domestic fuel requirements from alternative or synthetic fuels by not later than December 31, 2016, if the Secretary determines in writing that it would not be practicable, or in the best interests of the Air Force, to do so and informs the congressional defense committees within 30 days of the basis for such determination.

(3) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter in each of fiscal years 2011 through 2016, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of alternative or synthetic fuels (including blends of alternative or synthetic fuels with conventional fuels) purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment or adjustment of goals and objectives for the current fiscal year or for future years.

(c) ANNUAL REPORT FOR ARMY AND NAVY.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in each of fiscal years 2011 through 2016, the Secretary of the Army and the Secretary of the Navy shall each submit to Congress a report on goals and progress to research, test, and certify the use of alternative fuels in their respective aircraft fleets.

(d) DEFENSE SCIENCE BOARD REVIEW.—

(1) REPORT REQUIRED.—Not later than October 1, 2011, the Defense Science Board shall report to the Secretary of Defense on the feasibility and advisability of achieving the goals established in subsection (b)(1). The report shall address—

(A) the technological and economic achievability of the goals;

(B) the impact of actions required to meet such goals on the military readiness of the Air Force, energy costs, environmental performance, and dependence on foreign oil; and

(C) any recommendations the Defense Science Board may have for improving the Air Force program.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after receiving the report required by under paragraph (1), the Secretary of Defense shall forward the report to Congress, together with the comments and recommendations of the Secretary.

SEC. 334. AUTHORIZATION OF APPROPRIATIONS FOR DIRECTOR OF OPERATIONAL ENERGY.

Of the amounts authorized to be appropriated for Operation and Maintenance, Defense-wide, \$5,000,000 is for the Director of Operational Energy Plans and Programs to carry out the duties prescribed for the Director under section 139b of title 10, United States Code, to be made available upon the confirmation of an individual to serve as the Director of Operational Energy Plans and Programs.

SEC. 335. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

"§2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods

"(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

"(1) An electric utility

"(2) An independent system operator.

"(3) A State agency.

"(4) A third party entity (such as a demand response aggregator or curtailment service pro-

vider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

"(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations Act. The Secretary concerned or the head of the Defense Agency or other instrumentality, as the case may be, shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

"(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts derived from financial incentives awarded to a military installation as described in subsection (b) and provided for in advance by an appropriations Act—

"(1) not less than 100 percent shall be made available for use at such military installation; and

"(2) not less than 30 percent shall be made available for energy management initiatives at such installation."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods."

Subtitle E—Reports

SEC. 341. STUDY ON ARMY MODULARITY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center (FFRDC) to conduct a study on the current and planned modularity structures of the Army to determine the following:

(A) The operational capability of the Army to execute its core mission to contribute land power to joint operations.

(B) The ability to manage flexibility and versatility of Army forces across the range of military operations.

(C) The tactical, operational, and strategic risk associated with the heavy and light modular combat brigades and functional brigades.

(D) The required and planned end strength for the Army.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) The Army's historical experience with separate brigade structures.

(B) The original Army analysis, including explicit or implicit assumptions, upon which the brigade combat team, functional brigade, and higher headquarters' designs were based.

(C) Subsequent analysis that confirmed or modified the original designs.

(D) Lessons learned from Operations Iraqi Freedom and Enduring Freedom that confirmed or modified the original designs.

(E) Improvements in brigade and headquarters designs the Army has made or is implementing.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the FFRDC conducting the study has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with comments by

the Chief of Staff of the Army and the Secretary of Defense.

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

Section 366(a)(5) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 113 note) is amended—

(1) by striking “(5) At the same time” and inserting “(5)(A) At the same time”; and

(2) by adding at the end the following new subparagraph:

“(B) Beginning with the report submitted to Congress at the same time as the President submits the budget for fiscal year 2011, the report required under this subsection shall include the following:

“(i) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

“(ii) Identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

“(iii)(I) As part of the first such report submitted, a plan to address training constraints caused by vegetation and overgrowth.

“(II) As part of each subsequent report, any necessary updates to such plan.”.

SEC. 343. REPORT ON STATUS OF AIR NATIONAL GUARD AND AIR FORCE RESERVE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, the Chief of the Air Force Reserve, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the Air National Guard and the Air Force Reserve; and

(2) the plans of the Department of Defense to ensure that the Air National Guard and the Air Force Reserve remain ready to meet the requirements of the Air Force and the combatant commands and for homeland defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2010, as follows:

- (1) The Army, 547,400.
- (2) The Navy, 328,800.
- (3) The Marine Corps, 202,100.
- (4) The Air Force, 331,700.

SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2010, 2011, AND 2012.

(a) **AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTH.**—

(1) **AUTHORITY.**—For each of fiscal years 2010, 2011, and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) **PURPOSE OF INCREASES.**—The purposes for which an increase may be made in the active duty end strength for the Army under paragraph (1) are the following:

(A) To increase dwell time for members of the Army on active duty.

(B) To support operational missions.

(C) To achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(b) **RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.**—Nothing in this section shall be construed to limit the authority of the President under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) **RELATIONSHIP TO OTHER VARIANCE AUTHORITY.**—The authority in subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) **BUDGET TREATMENT.**—

(1) **IN GENERAL.**—If the Secretary of Defense increases active-duty end strength for the Army for fiscal year 2010 under subsection (a), the Secretary may fund such an increase through Department of Defense reserve funds or through an emergency supplemental appropriation.

(2) **FISCAL YEARS 2011 AND 2012.**—(2) If the Secretary of Defense plans to increase the active-duty end strength for the Army for fiscal year 2011 or 2012, the budget for the Department of Defense for such fiscal year as submitted to Congress shall include the amounts necessary for funding the active-duty end strength for the Army in excess of the fiscal-year 2010 baseline.

(e) **DEFINITIONS.**—In this section:

(1) **FISCAL-YEAR 2010 BASELINE.**—The term “fiscal-year 2010 baseline”, with respect to the Army, means the active-duty end strength authorized for the Army in section 401(1).

(2) **ACTIVE-DUTY END STRENGTH.**—The term “active-duty end strength”, with respect to the Army for a fiscal year, means the strength for active duty personnel of Army as of the last day of the fiscal year.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2010, as follows:

- (1) The Army National Guard of the United States, 358,200.
- (2) The Army Reserve, 205,000.
- (3) The Navy Reserve, 65,500.
- (4) The Marine Corps Reserve, 39,600.
- (5) The Air National Guard of the United States, 106,700.
- (6) The Air Force Reserve, 69,500.
- (7) The Coast Guard Reserve, 10,000.

(b) **ADJUSTMENTS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2010, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the

purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 32,060.
- (2) The Army Reserve, 16,261.
- (3) The Navy Reserve, 10,818.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 14,555.
- (6) The Air Force Reserve, 2,896.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2010 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army Reserve, 8,395.
- (2) For the Army National Guard of the United States, 27,210.
- (3) For the Air Force Reserve, 10,417.
- (4) For the Air National Guard of the United States, 22,313.

SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2010, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) **ARMY RESERVE.**—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2010, may not exceed 595.

(3) **AIR FORCE RESERVE.**—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2010, may not exceed 90.

(b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2010, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

- (1) The Army National Guard of the United States, 17,000.
- (2) The Army Reserve, 13,000.
- (3) The Navy Reserve, 6,200.
- (4) The Marine Corps Reserve, 3,000.
- (5) The Air National Guard of the United States, 16,000.
- (6) The Air Force Reserve, 14,000.

SEC. 416. REPORT ON TRAINEE ACCOUNT FOR THE ARMY NATIONAL GUARD.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth an assessment of the establishment within the Army National Guard of a trainees, transients, holdees, and students account (commonly referred to as a “TTHS” account).

(b) **ELEMENTS.**—The report required by subsection (a) shall include an assessment of the feasibility and advisability of permitting the Army National Guard to have, without regard to its authorized end strength levels for a fiscal

year, a trainees, transients, holdees, and students account for assigning all members of the Army National Guard who have not completed initial entry training in order to ensure that all personnel of fully manned and deployable units of the Army National Guard have completed initial entry training.

SEC. 417. AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR SELECTED RESERVE END STRENGTHS.

Section 115(g) of title 10, United States Code, is amended to read as follows:

“(g) **AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.**—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

“(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

“(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

“(2) Any increase under paragraph (1) of the end strength for an armed force or the Selected Reserve of a reserve component of an armed force shall be counted as part of the increase for that armed force or Selected Reserve for that fiscal year authorized under subsection (f)(1) or subsection (f)(3), respectively.”.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense for military personnel amounts as follows:

(1) For military personnel, \$124,864,942,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, \$10,751,339,000.

(b) **CONSTRUCTION OF AUTHORIZATION.**—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2010.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF LIMITATIONS ON GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) **CLARIFICATION OF DISTRIBUTION LIMITS.**—Section 525 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

“(a) For purposes of the applicable limitation in section 526(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made as follows:

“(1) in the Army, if that appointment would result in more than—

“(A) 7 officers in the grade of general;

“(B) 45 officers in a grade above the grade of major general; or

“(C) 90 officers in the grade of major general;

“(2) in the Air Force, if that appointment would result in more than—

“(A) 9 officers in the grade of general;

“(B) 43 officers in a grade above the grade of major general; or

“(C) 73 officers in the grade of major general;

“(3) in the Navy, if that appointment would result in more than—

“(A) 6 officers in the grade of admiral;

“(B) 32 officers in a grade above the grade of rear admiral; or

“(C) 50 officers in the grade of rear admiral;

“(4) in the Marine Corps, if that appointment would result in more than—

“(A) 2 officers in the grade of general;

“(B) 15 officers in a grade above the grade of major general; or

“(C) 22 officers in the grade of major general.

“(b)(1) The limitations of subsection (a) do not include the following:

“(A) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than 3 officers from each armed force may be on active duty who are excluded under this subparagraph.

“(B) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title.

“(C) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.

“(D) An officer while serving as Chief of the National Guard Bureau.

“(2) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under subsection (a). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under subsection (a). An officer while serving as Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under subsection (a).”.

(b) **CLARIFICATION ON OFFSETTING REDUCTIONS.**—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

“(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and” and

(B) in subparagraph (B), by striking “subsection (b)(2)” and inserting “this section”;

(2) in paragraph (3)(A), by striking “the number equal to 10 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps under subsection (b)” and inserting “15”; and

(3) in paragraph (3)(B), by striking “the number equal to 15 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps” and inserting “5”.

(c) **OTHER DISTRIBUTION CLARIFICATIONS.**—Such section is further amended—

(1) in subsection (e), by striking “In determining the total number of general officers or flag officers of an armed force on active duty for purposes of this section, the following officers shall not be counted:” in the matter preceding paragraph (1) and inserting “The following officers shall not be counted for purposes of this section:”; and

(2) by adding at the end the following new subsection:

“(g) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty and serving in a position that is a joint duty assignment for the purposes of chapter 38 of this title for a period not to exceed three years.”.

(d) **CHANGE TO AUTHORIZED STRENGTHS.**—Subsection (a) of section 526 of such title is amended—

(1) in paragraph (1), by striking “307” and inserting “230”;

(2) in paragraph (2), by striking “216” and inserting “160”;

(3) in paragraph (3), by striking “279” and inserting “208”; and

(4) in paragraph (4), by striking “81” and inserting “60”.

(e) **CHANGES TO LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.**—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking “Chairman of the Joint Chiefs of Staff” and inserting “Secretary of Defense”; (B) by striking “65” and inserting “324”; and

(C) by striking the second sentence and inserting the following new sentence: “The Secretary of Defense shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.”;

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

“(2) Unless the Secretary of Defense determines that a lower number is in the best interest of the Department, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

“(A) For the Army, 85.

“(B) For the Navy, 61.

“(C) For the Air Force, 76.

“(D) For the Marine Corps, 21.

“(3) The number excluded under paragraph (1) and serving in positions designated under that paragraph—

“(A) in the grade of general or admiral may not exceed 20;

“(B) in a grade above the grade of major general or rear admiral may not exceed 68; and

“(C) in the grade of major general or rear admiral may not exceed 144.”.

(f) **OTHER AUTHORIZATION CLARIFICATIONS.**—Such section is further amended—

(1) in subsection (d), by adding at the end the following new paragraph:

“(3) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty and serving in a position that is a joint duty assignment for the purposes of chapter 38 of this title for a period not to exceed three years.”; and

(2) by adding at the end the following new subsections:

“(g) **TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.**—(1) The limitations in subsection (a) and in section 525(a) of this title do not apply to a general or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

“(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this

subsection from the limitations in subsection (a) for a period of longer than one year.

“(h) **EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.**—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment; except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day by an additional 120 days, but no more than 3 officers from each armed force may be on active duty who are excluded under this subsection.”.

(g) **REPEAL OF LIMITATIONS ON GENERAL AND FLAG OFFICER ACTIVITIES OUTSIDE THE OFFICER'S OWN SERVICE.**—

(1) **REPEAL.**—Section 721 of such title is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(h) **REPEAL OF SUPERSEDED AUTHORITY.**—Section 506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4434; 10 U.S.C. 525 note) is repealed.

SEC. 502. REVISIONS TO ANNUAL REPORT REQUIREMENT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by striking “and their education and experience”;

(2) by striking paragraph (3);

(3) by transferring subparagraph (B) of paragraph (4) to the end of paragraph (1), redesignating that subparagraph as subparagraph (C), aligning that subparagraph with the margin of subparagraph (B) of paragraph (1), and capitalizing the first word of that subparagraph;

(4) by striking the remainder of paragraph (4), as amended by paragraph (3) of this section;

(5) by redesignating paragraph (5) as paragraph (3);

(6) by striking paragraph (6);

(7) by redesignating paragraphs (7) through (11) as paragraphs (4) through (8), respectively;

(8) by redesignating paragraph (12) as paragraph (9) and in that paragraph striking “each time the” and all that follows and inserting “the principal courses of instruction for Joint Professional Military Education Level II, the number of officers graduating from each of the following:

“(A) The Joint Forces Staff College.

“(B) The National Defense University.

“(C) Senior Service Schools.”; and

(9) by redesignating paragraph (13) as paragraph (10).

SEC. 503. GRADE OF LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) **IN GENERAL.**—Section 156(c) of title 10, United States Code, is amended by striking “, while so serving, hold the” and inserting “be appointed in the regular”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Legal Counsel to the Chairman of the Joint Chiefs of Staff on or after that date.

SEC. 504. CHIEF AND DEPUTY CHIEF OF CHAPLAINS OF THE AIR FORCE.

(a) **IN GENERAL.**—Chapter 805 of title 10, United States Code, is amended by inserting after section 8038 the following new section:

“§8039. Chief and Deputy Chief of Chaplains: appointment; duties

“(a) **CHIEF OF CHAPLAINS.**—(1) There is a Chief of Chaplains in the Air Force, who shall be appointed by the President, by and with the

advice and consent of the Senate, from active duty officers of the Air Force Chaplain Corps serving in the grade of colonel or above who have served on active duty as a chaplain for at least eight years.

“(2) An officer appointed as the Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

“(3) The Chief of Chaplains shall be appointed in the regular grade of major general.

“(4) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and by law.

“(b) **DEPUTY CHIEF OF CHAPLAINS.**—(1) There is a Deputy Chief of Chaplains in the Air Force who shall be appointed by the President by and with the advice and consent of the Senate from active duty officers of the Air Force Chaplain Corps serving in the grade of colonel who have served on active duty as a chaplain for at least eight years.

“(2) An officer appointed as the Deputy Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

“(3) The Deputy Chief of Chaplains shall be appointed in the regular grade of brigadier general.

“(4) The Deputy Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force, the Chief of Chaplains, and by law.

“(c) **SELECTION OF RECOMMENDED OFFICERS THROUGH SELECTION BOARD PROCEDURES.**—Under regulations approved by the Secretary of Defense, the Secretary of the Air Force in selecting an officer for recommendation to the President under subsection (a) for appointment as the Chief of Chaplains or under subsection (b) for appointment as the Deputy Chief of Chaplains shall ensure that the officer selected is recommended by a board of officers that, insofar as is practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 805 of such title is amended by inserting after the item related to section 8038 the following new item:

“8039. Chief and Deputy Chief of Chaplains: appointment; duties.”.

Subtitle B—Reserve Component Management

SEC. 511. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(1) A description of the types of duties performed for the National Guard by non-dual status technicians.

(2) A description of the current requirements of the National Guard for non-dual status technicians.

(3) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(b) **CONSIDERATIONS.**—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

Subtitle C—Education and Training

SEC. 521. GRADE OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) **MEDICAL STUDENTS OF USUHS.**—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: “Each medical student shall be appointed as a regular officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the regular grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades.”; and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”.

(b) **PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.**—Section 2121(c) of such title is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: “Each person so commissioned shall be appointed as a reserve officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the reserve grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades for a period of 45 days during each year of participation in the program.”; and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”.

(c) **OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.**—Subsection (e) of section 2004a of such title is amended—

(1) in the subsection heading, by striking “APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE” and inserting “SERVICE ON ACTIVE DUTY”; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) A commissioned officer detailed under subsection (a) shall serve on active duty, subject to the limitations on grade specified in section 2114(b)(1) of this title and with the entitlement to basic pay as specified in section 2114(b)(2) of this title.”.

SEC. 522. EXPANSION OF CRITERIA FOR APPOINTMENT AS MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113a(b)(1) of title 10, United States Code, is amended by striking “health and health education” and inserting “health care, higher education administration, and public policy”.

SEC. 523. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT SCHOOLS OF PSYCHOLOGY.

(a) **IN GENERAL.**—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004 the following new section:

“§2004a. Detail of commissioned officers as students at schools of psychology

“(a) **DETAIL AUTHORIZED.**—The Secretary of each military department may detail commissioned officers of the armed forces as students at accredited schools of psychology located in the United States for a period of training leading to the degree of Doctor of Philosophy in clinical psychology. No more than 25 officers from each

military department may commence such training in any single fiscal year.

“(b) **ELIGIBILITY FOR DETAIL.**—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

“(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0–3 or below as of the time the training is to begin; and

“(2) sign an agreement that unless sooner separated the officer will—

“(A) complete the educational course of psychological training;

“(B) accept transfer or detail as a commissioned officer within the military department concerned when the officer's training is completed; and

“(C) agree to serve, following completion of the officer's training, on active duty (or on active duty and in the Selected Reserve) for a period as specified pursuant to subsection (c).

“(c) **SERVICE OBLIGATION.**—(1) Except as provided in paragraph (2), the agreement of an officer under subsection (b) shall provide that the officer shall serve on active duty for two years for each year or part thereof of the officer's training under subsection (a).

“(2) The agreement of an officer may authorize the officer to serve a portion of the officer's service obligation on active duty and to complete the service obligation that remains upon separation from active duty in the Selected Reserve. Under any such agreement, an officer shall serve three years in the Selected Reserve for each year or part thereof of the officer's training under subsection (a) for any service obligation that was not completed before separation from active duty.

“(d) **SELECTION OF OFFICERS FOR DETAIL.**—Officers detailed for training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

“(e) **RELATION OF SERVICE OBLIGATIONS TO OTHER SERVICE OBLIGATIONS.**—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

“(f) **EXPENSES.**—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

“(g) **FAILURE TO COMPLETE PROGRAM.**—(1) An officer who is dropped from a program of psychological training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

“(2) In no case shall an officer be required to serve on active duty under paragraph (1) for any period in excess of one year for each year or part thereof the officer participated in the program.

“(h) **LIMITATION ON DETAILS.**—No agreement detailing an officer of the armed forces to an accredited school of psychology may be entered into during any period in which the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2004 the following new item:

“2004a. Detail of commissioned officers as students at schools of psychology.”.

SEC. 524. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) **IN GENERAL.**—Chapter 903 of title 10, United States Code, is amended by inserting after section 9361 the following new section:

“§9362. Air Force Academy athletic programs support

“(a) **ESTABLISHMENT AUTHORIZED.**—

“(1) **IN GENERAL.**—The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation to support the athletic programs of the Academy (in this section referred to as the ‘corporation’). All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

“(2) **PURPOSE.**—The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

“(b) **CORPORATE ORGANIZATION.**—The corporation shall be organized and operated—

“(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

“(2) in accordance with this section; and

“(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

“(c) **CORPORATE BOARD OF DIRECTORS.**—

“(1) **COMPENSATION.**—The members of the board of directors shall serve without compensation, except for reasonable travel and other related expenses for attendance at meetings.

“(2) **AIR FORCE PERSONNEL.**—The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors, but such personnel shall not hold more than one third of the directorships.

“(d) **TRANSFER FROM NONAPPROPRIATED FUND OPERATION.**—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

“(e) **ACCEPTANCE OF GIFTS.**—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in, or in support of, Academy or corporate events related to the Academy athletic programs.

“(f) **LEASING.**—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the Academy athletic programs. Money rentals received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9361 the following new item:

“9362. Air Force Academy athletic programs support.”.

Subtitle D—Defense Dependents' Education Matters

SEC. 531. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) **ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.**—Of the amount authorized to be appropriated for

fiscal year 2010 pursuant to section 301(a)(5) for operation and maintenance for Defense-wide activities, \$30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) **ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.**—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572, as amended by section 533 of this Act.

(c) **LOCAL EDUCATIONAL AGENCY DEFINED.**—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 532. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(a)(5) for operation and maintenance for Defense-wide activities, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 533. TWO-YEAR EXTENSION OF AUTHORITY FOR ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.

Section 572(b)(4) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b(b)(4)) is amended by striking “September 30, 2010” and inserting “September 30, 2012”.

SEC. 534. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) **PERMANENT AUTHORITY.**—Subsection (a)(2) of section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended by striking “, and only through the 2010–2011 school year”.

(b) **COMBATANT COMMANDER ADVICE AND ASSISTANCE.**—Subsection (c)(1) of such section is amended by inserting after “Secretary” the following: “, with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium,”.

SEC. 535. STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DO NOT ATTEND DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS.

(a) **STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES.**—

(1) **STUDY REQUIRED.**—The Secretary of Defense shall, in consultation with the Secretary of Education, conduct a study on options for educational opportunities that are, or may be, available for dependent children of members of the Armed Forces who do not attend Department of Defense dependents' schools when the public elementary and secondary schools attended by such children are determined to be in need of improvement pursuant to the No Child Left Behind Act of 2001 (Public Law 110–117).

(2) **OPTIONS.**—The options to be considered under the study required by paragraph (1) shall include the following:

(A) Vouchers.

(B) Education provided by the Department of Defense through the Internet.

(C) Charter schools.

(D) Such other options as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate for purposes of the study.

(3) **ELEMENTS.**—The study required by paragraph (1) shall address the following matters:

(A) The challenges faced by parents in military families in securing quality elementary and secondary education for their children when the public elementary and secondary schools attended by their children are identified as being in need of improvement.

(B) The extent to which perceptions of differing degrees of quality in public elementary and secondary schools in different regions of the United States affect plans of military families to relocate, including relocation pursuant to a permanent change of duty station.

(C) The various reasons why military families seek educational opportunities for their children other than those available through local public elementary and secondary schools.

(D) The current level of student achievement in public elementary and secondary schools in school districts which have a high percentage of students who are children of military families.

(E) The educational needs of children of military families who are required by location to attend public elementary and secondary schools identified as being in need of improvement.

(F) The value and impact of a school voucher or other alternative educational program for military families.

(G) The extent to which the options referred to in paragraph (2) would provide a meaningful option for education for military children when the public elementary and secondary schools attended by such children are determined to be in need of improvement.

(H) The extent to which the options referred to in paragraph (2) would improve the quality of education available for students with special needs, including students with learning disabilities and gifted students.

(I) Such other matters as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate for purposes of the study.

(b) **REPORT.**—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (b). The report shall include the following:

(1) A description of the results of the study.

(2) Such recommendations for legislative or administrative action as the Secretary of Defense considers appropriate in light of the results of the study.

SEC. 536. SENSE OF SENATE ON THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The incongruity in how States assess and enroll transfer students creates challenges for the moving military family and can, in some cases, be detrimental to the higher education opportunities of military children.

(2) The inability to transfer credits, maintain the proper number of school-year hours, missing exams, and other obstacles can make moving as a military family difficult.

(3) The average military child moves six to nine times between kindergarten and high school graduation, creating a variety of challenges and obstacles related to permanent change of station moves.

(4) The demands and strains on members of the Armed Forces and their families continue to

increase and will do so for the foreseeable future as the United States continues overseas contingency operations, and children and adolescents are acutely vulnerable to family stresses caused by the high operational tempo and may therefore be at a heightened risk for emotional distress.

(5) The routine of the school environment can be a source of stability for military children as they cope with the disruptive challenges caused by the deployment of a parent or a relocation.

(b) **SENSE OF SENATE.**—It is the sense of the Senate to—

(1) express strong support and commendation for Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, Florida, Hawaii, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, Texas, Virginia, and Washington as States that have successfully enacted the Interstate Compact on Educational Opportunity for Military Children;

(2) express its strong support and encourage all remaining States to enact the Interstate Compact on Educational Opportunity for Military Children;

(3) recognize the importance of the components of the Interstate Compact on Educational Opportunity for Military Children, including—

(A) the transfer of educational records to expedite the proper enrollment and placement of students;

(B) the ability of students to continue their enrollment at a grade level in the receiving State commensurate with their grade level from the sending State;

(C) priority for attendance to children of members of the Armed Forces assuming the school district accepts transfer students;

(D) the ability of students to continue their course placement, including but not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses;

(E) the recalculation of grades to consider the weights offered by a receiving school for the same performance in the same course when a student transfers from one grading system to another system (for example, number-based system to letter-based system);

(F) the waiver of specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or the provision of an alternative means of acquiring required coursework so that graduation may occur on time; and

(G) the recognition of an appointed guardian as a custodial parent while the child's parent or parents are deployed; and

(4) express strong support for States to develop a State Council to provide for the coordination among their agencies of government, local education agencies, and military installations concerning the participation of a State in the Interstate Compact on Educational Opportunity for Military Children.

SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) **ASSISTANCE SPECIFIED.**—The assistance specified in this subsection is—

(1) assistance provided under—

(A) section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b);

(B) section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1917);

(C) section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1474);

(D) section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2514);

(E) section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1063); or

(F) section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-76); and

(2) payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(c) **REPORT.**—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

SEC. 538. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) **TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.**—(1) The Secretary may authorize the enrollment in an education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

“(2) An individual referred to in paragraph (1) is any of the following:

“(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

“(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.”.

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 541. INDEPENDENT REVIEW OF JUDGE ADVOCATE REQUIREMENTS OF THE DEPARTMENT OF THE NAVY.

(a) **INDEPENDENT PANEL FOR REVIEW.**—

(1) **ESTABLISHMENT.**—There is hereby established an independent panel to review the judge advocate requirements of the Department of the Navy.

(2) **COMPOSITION.**—The panel shall be composed of five members, appointed by the Secretary of Defense from among private United States citizens who have expertise in law, military manpower policies, the missions of the Navy and Marine Corps, and the current responsibilities of Navy and Marine Corps judge advocates in ensuring competent legal representation and advice to commanders.

(3) **CHAIR.**—The chair of the panel shall be appointed by the Secretary from among the members of the panel appointed under paragraph (2).

(4) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(5) **MEETINGS.**—The panel shall meet at the call of the chair.

(6) **DEADLINE FOR APPOINTMENTS.**—All original appointments to the panel shall be made not later than April 1, 2010.

(7) **FIRST MEETING.**—The chair shall call the first meeting of the panel not later than June 1, 2010.

(b) **DUTIES.**—

(1) **IN GENERAL.**—The panel established under subsection (a) shall carry out a study of the policies and management and organizational practices of the Navy and Marine Corps with respect to the responsibilities, assignment, and career development of judge advocates for purposes of determining the number of judge advocates required to fulfill the legal mission of the Department of the Navy.

(2) **REVIEW.**—In carrying out the study required by paragraph (1), the panel shall—

(A) review the emergent operational law requirements of the Navy and Marine Corps, including requirements for judge advocates on joint task forces, in support of rule of law objectives in Iraq and Afghanistan, and in operational units;

(B) review new requirements to support the Office of Military Commissions and to support the disability evaluation system for members of the Armed Forces;

(C) review the judge advocate requirements of the Department of the Navy for the military justice mission, including assignment policies, training and education, increasing complexity of court-martial litigation, and the performance of the Navy and Marine Corps in providing legally sufficient post-trial processing of cases in general courts-martial and special courts-martial;

(D) review the role of the Judge Advocate General of the Navy, as the senior uniformed legal officer of the Department of the Navy, to determine whether additional authority for the Judge Advocate General over manpower policies and assignments of judge advocates in the Navy and Marine Corps is warranted;

(E) review directives issued by the Navy and the Marine Corps pertaining to jointly-shared missions requiring legal support;

(F) review career patterns for Marine Corps judge advocates in order to identify and validate assignments to nonlegal billets required for professional development and promotion; and

(G) review, evaluate, and assess such other matters and materials as the panel considers appropriate for purposes of the study.

(3) **UTILIZATION OF OTHER STUDIES.**—In carrying out the study required by paragraph (1), the panel may review, and incorporate as appropriate, the findings of applicable ongoing and completed studies in future manpower requirements, including the two-part study by CNA Analysis and Solutions entitled “An Analysis of Navy JAG Corps Future Manpower Requirements”.

(4) **REPORT.**—Not later than 120 days after its first meeting under subsection (a)(7), the panel shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the study. The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

(c) **PERSONNEL MATTERS.**—

(1) **PAY OF MEMBERS.**—(A) Members of the panel established under subsection (a) shall serve without pay by reason of their work on the panel.

(B) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this section.

(2) **TRAVEL EXPENSES.**—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.

Subtitle F—Military Family Readiness Matters

SEC. 551. ADDITIONAL MEMBERS ON THE DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Section 1781a(b)(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) In addition to the representatives appointed under subparagraph (B)—

“(i) one representative from the National Guard, who shall be appointed by the Secretary of Defense; and

“(ii) one representative from a reserve component of the armed forces (other than the National Guard), who shall be so appointed.”; and

(3) in subparagraph (E), as redesignated by paragraph (1), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”.

SEC. 552. COMPREHENSIVE PLAN ON PREVENTION, DIAGNOSIS, AND TREATMENT OF SUBSTANCE USE DISORDERS AND DISPOSITION OF SUBSTANCE ABUSE OFFENDERS IN THE ARMED FORCES.

(a) **REVIEW AND ASSESSMENT OF CURRENT CAPABILITIES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, conduct a comprehensive review of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) **ELEMENTS.**—The review conducted under paragraph (1) shall include, but not be limited to, an assessment of each of the following:

(A) The current state and effectiveness of the programs of the Department of Defense and the military departments relating to the prevention, diagnosis, and treatment of substance use disorders.

(B) The adequacy of the availability of and access to care for substance abusers in military medical treatment facilities and under the TRICARE program.

(C) The adequacy of oversight by the Department of Defense of programs relating to the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces.

(D) The adequacy and appropriateness of current credentials and other requirements for healthcare professionals treating members of the Armed Forces with substance use disorders.

(E) The advisable ratio of physician and non-physician care providers for substance use disorders to members of the Armed Forces with such disorders.

(F) The adequacy and appropriateness of protocols and directives for the diagnosis and treatment of substance use disorders in members of the Armed Forces and for the disposition, including disciplinary action and administrative separation, of members of the Armed Forces who abuse substances.

(G) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces, including an identification of any obstacles that are unique to the prevention, diagnosis, and treatment of substance use disorders and the appropriate disposition of substance abuse offenders (including disciplinary action and administrative separation) in members of the reserve components of the Armed Forces.

(H) The adequacy of the prevention, diagnosis, and treatment of substance use disorders in family members of members of the Armed Forces.

(I) Any gaps in the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the findings and recommendations of the Secretary as a result of the review conducted under paragraph (1). The report shall—

(A) set forth the findings and recommendations of the Secretary regarding each element of the review specified in paragraph (2);

(B) set forth relevant statistics on the frequency of substance use disorders, disciplinary actions, and administrative separations for substance abuse in members of the regular components of the Armed Forces, members of the reserve component of the Armed Forces, and to the extent applicable, dependents of such members (including spouses and children); and

(C) include such other findings and recommendations on improvements to the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and the policies relating to the disposition, including disciplinary action and administrative separation, of members of the Armed Forces for substance abuse, as the Secretary considers appropriate.

(b) **PLAN FOR IMPROVEMENT AND ENHANCEMENT OF PROGRAMS AND POLICIES.**—

(1) **PLAN REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the improvement and enhancement of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependent family members.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) **BASIS.**—The comprehensive plan required by paragraph (1) shall take into account the following:

(A) The results of the review and assessment conducted under subsection (a).

(B) Similar initiatives of the Secretary of Veterans Affairs to expand and improve care for substance use disorders among veterans, including the programs and activities conducted under title I of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 112 Stat. 4112).

(3) **COMPREHENSIVE STATEMENT OF POLICY.**—The comprehensive plan required by paragraph (1) shall include a comprehensive statement of the following:

(A) The policy of the Department of Defense regarding the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependent family members.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(4) AVAILABILITY OF SERVICES AND TREATMENT.—The comprehensive plan required by paragraph (1) shall include mechanisms to ensure the availability to members of the Armed Forces and their dependent family members of a core of evidence-based practices across the spectrum of medical and non-medical services and treatments for substance use disorders.

(5) PREVENTION AND REDUCTION OF DISORDERS.—The comprehensive plan required by paragraph (1) shall include mechanisms to facilitate the prevention and reduction of substance use disorders in members of the Armed Forces through science-based initiatives, including education programs, for members of the Armed Forces and their families.

(6) SPECIFIC INSTRUCTIONS.—The comprehensive plan required by paragraph (1) shall include each of the following:

(A) SUBSTANCES OF ABUSE.—Instructions on the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces, including the abuse of alcohol, illicit drugs, and nonmedical use and abuse of prescription drugs.

(B) HEALTHCARE PROFESSIONALS.—Instructions on—

(i) appropriate training of healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces;

(ii) appropriate staffing levels for healthcare professionals at military medical treatment facilities for the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces; and

(iii) such uniform training and credentialing requirements for physician and nonphysician healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces as the Secretary considers appropriate.

(C) SERVICES FOR DEPENDENT FAMILY MEMBERS.—Instructions on the availability of services for substance use disorders for dependent family members of members of the Armed Forces, including instructions on making such services available to such dependents to the maximum extent practicable.

(D) RELATIONSHIP BETWEEN DISCIPLINARY ACTION AND TREATMENT.—Policy on the relationship between disciplinary actions and administrative separation processing and prevention and treatment of substance use disorders in members of the Armed Forces.

(E) CONFIDENTIALITY.—Recommendations regarding policies pertaining to confidentiality for members of the Armed Forces in seeking or receiving services or treatment for substance use disorders.

(F) PARTICIPATION OF CHAIN OF COMMAND.—Policy on appropriate consultation, reference to, and involvement of the chain of command of members of the Armed Forces in matters relating to the diagnosis and treatment of substance abuse and disposition of military members who abuse substances.

(G) CONSIDERATION OF GENDER.—Instructions on gender specific requirements, if appropriate, in the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces, including gender specific care and treatment requirements.

(H) COORDINATION WITH OTHER HEALTHCARE INITIATIVES.—Instructions on the integration of efforts on the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces with efforts to address co-occurring health care disorders (such as post-traumatic stress disorder (PTSD) and depression) and suicide prevention.

(7) OTHER ELEMENTS.—In addition to the matters specified in paragraph (3), the comprehensive plan required by paragraph (1) shall include the following:

(A) IMPLEMENTATION PLAN.—An implementation plan for the achievement of the goals of the comprehensive plan, including goals relating to the following:

(i) Enhanced education of members of the Armed Forces and their families regarding substance use disorders.

(ii) Enhanced and improved identification and diagnosis of substance use disorders in members of the Armed Forces and their families.

(iii) Enhanced and improved access of members of the Armed Forces to services and treatment for and management of substance use disorders.

(iv) Appropriate staffing of military medical treatment facilities and other facilities for the treatment of substance use disorders in members of the Armed Forces.

(B) BEST PRACTICES.—The incorporation of evidence-based best practices utilized in current military and civilian approaches to the prevention, diagnosis, treatment, and management of substance use disorders.

(C) AVAILABLE RESEARCH.—The incorporation of applicable results of available studies, research, and academic reviews on the prevention, diagnosis, treatment, and management of substance use disorders.

(8) UPDATE IN LIGHT OF INDEPENDENT STUDY.—Upon the completion of the study required by subsection (c), the Secretary of Defense shall—

(A) in consultation with the Secretaries of the military departments, make such modifications and improvements to the comprehensive plan required by paragraph (1) as the Secretary of Defense considers appropriate in light of the findings and recommendations of the study; and

(B) submit to the congressional defense committees a report setting forth the comprehensive plan as modified and improved under subparagraph (A).

(c) INDEPENDENT REPORT ON SUBSTANCE USE DISORDERS PROGRAMS FOR MEMBERS OF THE ARMED FORCES.—

(1) STUDY REQUIRED.—Upon completion of the policy review required by subsection (a), the Secretary of Defense shall provide for a study on substance use disorders programs for members of the Armed Forces to be conducted by the Institute of Medicine of the National Academies of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

(2) ELEMENTS.—The study required by paragraph (1) shall include a review and assessment of the following:

(A) The adequacy and appropriateness of protocols for the diagnosis, treatment, and management of substance use disorders in members of the Armed Forces.

(B) The adequacy of the availability of and access to care for substance use disorders in military medical treatment facilities and under the TRICARE program.

(C) The adequacy and appropriateness of current credentials and other requirements for physician and non-physician healthcare professionals treating members of the Armed Forces with substance use disorders.

(D) The advisable ratio of physician and non-physician care providers for substance use disorders to members of the Armed Forces with such disorders.

(E) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces when compared with the availability of and access to care for substance use disorders for members of the regular components of the Armed Forces.

(F) The adequacy of the prevention, diagnosis, treatment, and management of substance use disorder programs for dependent family members of members of the Armed Forces, whether such family members suffer from their own substance use disorder or because of the substance use disorder of a member of the Armed Forces.

(G) Such other matters as the Secretary considers appropriate for purposes of the study.

(3) REPORT.—Not later than two years after the date of the enactment of this Act, the entity conducting the study required by paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the study. The report shall set forth the findings and recommendations of the entity as a result of the study.

SEC. 553. MILITARY COMMUNITY SUPPORT FOR CHILDREN WITH AUTISM AND THEIR FAMILIES.

(a) POLICY ON MILITARY COMMUNITY SUPPORT REQUIRED.—The Secretary of Defense shall develop and implement a policy for the Department of Defense on the support of military children with autism and their families. The policy shall seek to establish and further an integrated, family-centered approach to providing services to military children with autism and their families by leveraging the resources of local military communities and local and national public and private entities devoted to research and services for autism.

(b) PROGRAM ON SUPPORT.—

(1) PROGRAM REQUIRED.—In carrying out the policy required by subsection (a), the Secretary shall develop and carry out a program on support for military children with autism and their families.

(2) ELEMENTS.—The program required by this subsection shall provide for broad-based services, including the following:

(A) Research.

(B) Early intervention.

(C) Evidence-based therapeutic and medical services.

(D) Education and training on autism for family members.

(E) Appropriate coordination with applicable school programs.

(F) Vocational training for adolescent military children with autism.

(G) Family counseling for families of military children with autism.

(3) PILOT PROJECTS.—In carrying out the program required by this subsection, the Secretary shall conduct one or more pilot projects to assess the effectiveness of various approaches to developing and enhancing integrated community support for military children with autism, including adolescent military children with autism, and their families utilizing the program elements specified in paragraph (2).

(4) CONSULTATION.—For purposes of carrying out the requirements of this subsection, the Secretary shall establish a partnership with one or more entities (whether public or private) that provide services or support for, or conduct research on, individuals with autism spectrum disorder and their families.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the actions the Secretary proposes to take to carry out this section and a proposed schedule for the taking of such actions.

(2) PILOT PROJECTS.—Not later than 60 days after the date of the completion of the pilot project or projects conducted under subsection (b)(3), the Secretary shall submit to the congressional defense committees a report on the pilot project or projects. The report shall include a

description of the pilot project or projects, an assessment of the lessons learned from the pilot project or projects, and a discussion of the manner in which the lessons so learned shall be integrated into the policy required by subsection (a) and the program required by subsection (b).

(d) **FUNDING.**—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(a)(5) for operation and maintenance, Defense-wide activities, \$5,000,000 may be available to carry out this section.

(e) **MILITARY CHILDREN WITH AUTISM DEFINED.**—In this section, the term “military children with autism” means dependent children of members of the Armed Forces with autism spectrum disorder.

SEC. 554. REPORTS ON EFFECTS OF DEPLOYMENTS ON MILITARY CHILDREN AND THE AVAILABILITY OF MENTAL HEALTH CARE AND COUNSELING SERVICES FOR MILITARY CHILDREN.

(a) **IMPACT OF DEPLOYMENTS OF MILITARY PARENTS ON MILITARY CHILDREN.**—

(1) **IN GENERAL.**—The Secretary of Defense shall undertake a comprehensive assessment of the impacts of military deployment on dependent children of members of the Armed Forces. The assessment shall separately address each of the categories of such children as follows:

- (A) Preschool-age children.
- (B) Elementary-school age children.
- (C) Teenage or adolescent children.

(2) **ELEMENTS.**—The assessment undertaken under paragraph (1) shall include an assessment of the following:

(A) The impact that separation due to the deployment of a military parent or parents has on children.

(B) The impact that multiple deployments of a military parent or parents have on children.

(C) The impact that the return from deployment of a severely wounded or injured military parent or parents has on children.

(D) The impact that the death of a military parent or parents in connection with a deployment has on children.

(E) The impact that deployment of a military parent or parents has on children with pre-existing psychological conditions, such as anxiety and depression.

(F) The impact that deployment of a military parent or parents has on risk factors such as child abuse, child neglect, family violence, substance abuse by children, or parental substance abuse.

(G) Such other matters as the Secretary considers appropriate.

(3) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment undertaken under paragraph (1), including the findings and recommendations of the Secretary as a result of the assessment.

(b) **MENTAL HEALTH CARE AND COUNSELING SERVICES AVAILABLE TO MILITARY CHILDREN.**—

(1) **IN GENERAL.**—The Secretary of Defense shall conduct a comprehensive review of the mental health care and counseling services available to dependent children of members of the Armed Forces through the Department of Defense.

(2) **ELEMENTS.**—The review under paragraph (1) shall include an assessment of the following:

(A) The availability, quality, and effectiveness of Department of Defense programs intended to meet the mental health care needs of military children.

(B) The availability, quality, and effectiveness of Department of Defense programs intended to promote resiliency in military children in coping with deployment cycles, injury, or death in military parents.

(C) The extent of access to, adequacy, and availability of mental health care and coun-

seling services for military children in military medical treatment facilities, in family assistance centers, through Military OneSource, under the TRICARE program, and in Department of Defense dependents' schools.

(D) Whether the status of a member of the Armed Forces on active duty, or in reserve active status, affects the access of a military child to mental health care and counseling services.

(E) Whether, and to what extent, waiting lists, geographic distance, and other factors may obstruct the receipt by military children of mental health care and counseling services.

(F) The extent of access to, availability, and viability of specialized mental health care for military children (including adolescents).

(G) The extent of any gaps in the current capabilities of the Department of Defense to provide preventive mental health services for military children.

(H) Such other matters as the Secretary considers appropriate.

(3) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under paragraph (1), including the findings and recommendations of the Secretary as a result of the review.

(4) **COMPREHENSIVE PLAN FOR IMPROVEMENTS IN ACCESS TO CARE AND COUNSELING.**—The Secretary shall develop a comprehensive plan for improvements in access to quality mental health care and counseling services for military children in order to develop and promote psychological health and resilience in children of deploying and deployed members of the Armed Forces. The information in the report required by paragraph (3) shall provide the basis for the development of the plan.

SEC. 555. REPORT ON CHILD CUSTODY LITIGATION INVOLVING SERVICE OF MEMBERS OF THE ARMED FORCES.

(a) **REPORT REQUIRED.**—Not later than June 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all known reported cases since September 2003 involving child custody disputes in which the service of a member of the Armed Forces, whether a member of a regular component of the Armed Forces or a member of a reserve component of the Armed Forces, was an issue in the custody dispute.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A statement of the total number of cases, by Armed Force, in which members of the Armed Forces have lost custody of a child as a result of deployment, or the prospect of deployment, under military orders.

(2) A summary of applicable Federal law pertaining to child custody disputes involving members of the Armed Forces.

(3) An analysis of the litigation history of all available reported cases involving child custody disputes in which the deployment of a member of the Armed Forces was an issue in the dispute, and a discussion of the rationale presented by deciding judges and courts of the reasons for their rulings.

(4) An assessment of the nature and extent of the problem, if any, for members of the Armed Forces who are custodial parents in being able to deploy and perform their operational mission while continuing to fulfill their role as parents with sole or joint custody of minor children.

(5) A discussion of measures being taken by the States, or which are under consideration by State legislatures, to address matters relating to child custody disputes in which one of the parties is a member of the Armed Forces, and an assessment whether State legislatures and State

courts are cognizant of issues involving members of the Armed Forces with minor children.

(6) A discussion of Family Care Plan policies aimed at ensuring that appropriate measures are taken by members of the Armed Forces to avoid litigation in child custody disputes.

(7) Such recommendations as the Secretary considers appropriate regarding how best to assist members of the Armed Forces who are single, custodial parents with respect to child custody disputes in connection with the performance of military duties, including the need for legislative or administrative action to provide such assistance.

(8) Such other recommendations for legislative or administrative action as the Secretary considers appropriate.

SEC. 556. SENSE OF SENATE ON PREPARATION AND COORDINATION OF FAMILY CARE PLANS.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Family Care Plans provide a military tool to document the plan by which members of the Armed Forces provide for the care of their family members when military duties prevent members of the Armed Forces from doing so themselves. Properly prepared Family Care Plans are essential to military readiness. Minimizing the strain on members of the Armed Forces of unresolved, challenged, or voided child custody arrangements arising during deployments or temporary duty directly contributes to the national defense by enabling members of the Armed Forces to devote their entire energy to their military mission and duties.

(2) When Family Care Plans are properly prepared and coordinated with all affected parties, the legal difficulties that may otherwise arise in the absence of the military custodial parent often can be minimized, if not eliminated.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the responsibility for establishing workable and legally supportable Family Care Plans lies with the members of the Armed Forces;

(2) notwithstanding that responsibility, commanders should—

(A) ensure that the members of their command fully understand the purpose of the Family Care Plan and its limitations, including the overriding authority of State courts to determine child custody arrangements notwithstanding a Family Care Plan;

(B) understand and emphasize to their members that failure to involve, or at least inform, the non-custodial parent of custody arrangements in anticipation of an absence can undermine the Family Care Plan or even render it useless, in such cases; and

(C) apprise their members of the risks described in subparagraph (B), and strongly encourage them to seek legal assistance, as far in advance of actual absences as practicable;

(3) the Secretary of Defense, and the Secretary of Homeland Security with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy, should ensure that members of the Armed Forces update their Family Care Plans and emphasize—

(A) the importance of prior planning;

(B) that Family Care Plans are necessary not only for the single parent and for the dual military couple but also for a married member of the Armed Forces who has custody of a child pursuant to a court order or separation agreement or who has custody of a child whose other parent is not the current spouse of the member;

(C) that in spite of how important Family Care Plans are to readiness, they are not legal documents that can change a court-mandated custodial arrangement or interfere with the other parent's right to custody of his or her child;

(D) that, to the greatest extent possible, a member of the Armed Forces should inform the other parent of the member's impending absence due to military orders if such absence prohibits the member from fulfilling the member's custody responsibilities and inform that other parent of the Family Care Plan;

(E) that a member of the Armed Forces should attempt to obtain the consent of the non-custodial or adoptive parent to any Family Care Plan that would leave the child in the care of a third party; and

(F) that if a member of the Armed Forces cannot or will not contact the non-custodial parent or cannot obtain that parent's consent to the Family Care Plan, the commander of the member should—

(i) counsel the member about the implications; and

(ii) encourage in the strongest possible terms that the member seek immediate help from a legal assistance attorney or other qualified legal counsel; and

(4) attorneys providing legal assistance as described in paragraph (3)(F)(ii) should provide members of the Armed Forces a full explanation of the dangers of not involving the non-custodial parent and discuss appropriate courses of action.

SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

(2) by adding at the end the following new subsection:

“(i) **SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.**—

“(1) **ESTABLISHMENT.**—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

“(2) **DESIGN.**—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

“(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

“(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

“(3) **OPERATION.**—

“(A) **SUICIDE PREVENTION TRAINING.**—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

“(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(ii) examining the influence of military culture on risk and protective factors for suicide; and

“(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(B) **COMMUNITY HEALING AND RESPONSE TRAINING.**—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that pro-

mote individual and community healing. Such training shall include—

“(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

“(C) **COLLABORATION WITH CENTERS OF EXCELLENCE.**—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

“(4) **TERMINATION.**—The program established under this subsection shall terminate on October 1, 2012.”.

SEC. 558. REPORT ON YELLOW RIBBON REINTEGRATION PROGRAM.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of National Guard and Reserve members and their families.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An evaluation of the initial implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including an assessment of the best practices from pilot programs offered by various States to provide supplemental services to Yellow Ribbon and the feasibility of incorporating those practices into Yellow Ribbon.

(2) An assessment of the extent to which Yellow Ribbon funding, although requested in multiple component accounts, supports robust joint programs that provide reintegration and support services to National Guard and Reserve members and their families regardless of military affiliation.

(3) An assessment of the extent to which Yellow Ribbon programs are coordinating closely with the Department of Veterans Affairs and its various veterans' programs.

(4) Plans for further implementation of the Yellow Ribbon Reintegration Program in fiscal year 2010.

SEC. 559. IMPROVED ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) **INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop and implement a plan to expand existing initiatives of the Department of Defense to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following:

(A) Programs and activities to educate family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Efforts to expand counseling activities for such family members in local communities.

(b) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and at such times thereafter as the Secretary of Defense considers appropriate, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) **ELEMENTS.**—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SEC. 560. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) **EXPANDED INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall expand existing Department of Defense initiatives to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) **ELEMENTS.**—The expanded initiatives, which shall build upon and be consistent with ongoing efforts, shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Guidelines for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and at such times as the Secretary deems appropriate thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) **ELEMENTS.**—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed

overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SEC. 561. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR DEPLOYED MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) *IN GENERAL.*—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representative a report on financial assistance for child care provided by the Department of Defense, including through the Operation: Military Child Care and Military Child Care in Your Neighborhood programs, to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(b) *ELEMENTS.*—The report required by subsection (a) shall include an assessment of the following:

(1) The types of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) Any other matters the Comptroller General determines relevant to the improvement of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

Subtitle G—Other Matters

SEC. 571. DEADLINE FOR REPORT ON SEXUAL ASSAULT IN THE ARMED FORCES BY DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE MILITARY SERVICES.

Section 576(e)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1924; 10

U.S.C. 4331 note) is amended by striking “one year after the initiation of its examination under subsection (b)” and inserting “December 1, 2009”.

SEC. 572. CLARIFICATION OF PERFORMANCE POLICIES FOR MILITARY MUSICAL UNITS AND MUSICIANS.

(a) *CLARIFICATION.*—Section 974 of title 10, United States Code, is amended to read as follows:

“§974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians

“(a) *MILITARY MUSICIANS PERFORMING IN AN OFFICIAL CAPACITY.*—(1) A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not engage in the performance of music in competition with local civilian musicians.

“(2) For purposes of paragraph (1), the following shall, except as provided in paragraph (3), be included among the performances that are considered to be a performance of music in competition with local civilian musicians:

“(A) A performance that is more than incidental to an event that—

“(i) is not supported, in whole or in part, by United States Government funds; and

“(ii) is not free to the public.

“(B) A performance of background, dinner, dance, or other social music at an event that—

“(i) is not supported, in whole or in part, by United States Government funds; and

“(ii) is held at a location not on a military installation.

“(3) For purposes of paragraph (1), the following shall not be considered to be a performance of music in competition with local civilian musicians:

“(A) A performance (including background, dinner, dance, or other social music) at an official United States Government event that is supported, in whole or in part, by United States Government funds.

“(B) A performance at a concert, parade, or other event, that—

“(i) is a patriotic event or a celebration of a national holiday; and

“(ii) is free to the public.

“(C) A performance that is incidental to an event that—

“(i) is not supported, in whole or in part, by United States Government funds; or

“(ii) is not free to the public.

“(D) A performance (including background, dinner, dance, or other social music) at—

“(i) an event that is sponsored by or for a military welfare society, as defined in section 2566 of this title;

“(ii) an event that is a traditional military event intended to foster the morale and welfare of members of the armed forces and their families; or

“(iii) an event that is specifically for the benefit or recognition of members of the armed forces, their family members, veterans, civilian employees of the Department of Defense, or former civilian employees of the Department of Defense, to the extent provided in regulations prescribed by the Secretary of Defense.

“(E) A performance (including background, dinner, dance, or other social music)—

“(i) to uphold the standing and prestige of the United States with dignitaries and distinguished or prominent persons or groups of the United States or another nation; or

“(ii) in support of fostering and sustaining a cooperative relationship with another nation.

“(b) *PROHIBITION OF MILITARY MUSICIANS ACCEPTING ADDITIONAL REMUNERATION FOR OFFICIAL PERFORMANCES.*—A military musical unit, and a member of the armed forces who is a mem-

ber of such a unit performing in an official capacity, may not receive remuneration for an official performance, other than applicable military pay and allowances.

“(c) *RECORDINGS.*—(1) When authorized under regulations prescribed by the Secretary of Defense for purposes of this section, a military musical unit may produce recordings for distribution to the public, at a cost not to exceed expenses of production and distribution.

“(2) Amounts received in payment for a recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of the recording. Any amount so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) *PERFORMANCES AT FOREIGN LOCATIONS.*—Subsection (a) does not apply to a performance outside the United States, its commonwealths, or its possessions.

“(e) *MILITARY MUSICAL UNIT DEFINED.*—In this section, the term ‘military musical unit’ means a band, ensemble, chorus, or similar musical unit of the armed forces.”.

(b) *CLERICAL AMENDMENT.*—The item relating to such section in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

“974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians.”.

SEC. 573. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) *IN GENERAL.*—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking “For” and inserting the following:

“(a) *IN GENERAL.*—For”;

(2) by adding at the end the following new subsection:

“(b) *SPOUSES.*—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person’s spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”; and

(3) in the section heading, by inserting “**AND SPOUSES OF MILITARY PERSONNEL**” before the period at the end.

(b) *CLERICAL AMENDMENT.*—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

“Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.”.

(c) *APPLICATION.*—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

SEC. 574. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking “A servicemember” and inserting the following:

“(1) IN GENERAL.—A servicemember”; and

(B) by adding at the end the following:

“(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember’s military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.”;

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

“(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders.”; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting “or the spouse of a servicemember” after “The personal property of a servicemember”; and

(B) in paragraph (2), by inserting “or the spouse’s” after “servicemember’s”.

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting “or the spouse of such servicemember” after “a servicemember in military service”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

SEC. 576. MODIFICATION OF DEPARTMENT OF DEFENSE SHARE OF EXPENSES UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) MODIFICATION.—Section 509(d)(1) of title 32, United States Code, is amended by striking “may not exceed” and all that follows and inserting “may not exceed the amount as follows: “(A) In the case of a State program of the Program in either of its first two years of operation, an amount equal to 100 percent of the costs of operating the State program in that fiscal year.

“(B) In the case of any other State program of the Program, an amount equal to 75 percent of the costs of operating the State program in that fiscal year.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 577. PROVISION TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES OF COMPREHENSIVE INFORMATION ON BENEFITS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) PROVISION OF COMPREHENSIVE INFORMATION REQUIRED.—The Secretary of the military department concerned shall, at each time specified in subsection (b), provide to each member of the Armed Forces and, when practicable, the family members of such member comprehensive information on the benefits available to such member and family members as described in subsection (c), including the estimated monetary amount of such benefits and of any applicable offsets to such benefits.

(b) TIMES FOR PROVISION OF INFORMATION.—Comprehensive information on benefits shall be provided a member of the Armed Forces and family members at each time as follows:

(1) Within 180 days of the enlistment, accession, or commissioning of the member as a member of the Armed Forces.

(2) Within 180 days of a determination that the member—

(A) has incurred a service-connected disability; and

(B) is unfit to perform the duties of the member’s office, grade, rank, or rating because of such disability.

(3) Upon the discharge, separation, retirement, or release of the member from the Armed Forces.

(c) COVERED BENEFITS.—The benefits on which a member of the Armed Forces and family members shall be provided comprehensive information under this section shall be as follows:

(1) At all the times described in subsection (b), the benefits shall include the following:

(A) Financial compensation, including financial counseling.

(B) Health care and life insurance programs for members of the Armed Forces and their families.

(C) Death benefits.

(D) Entitlements and survivor benefits for dependents of the Armed Forces, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(E) Educational assistance benefits, including limitations on and the transferability of such assistance.

(F) Housing assistance benefits, including counseling.

(G) Relocation planning and preparation.

(H) Such other benefits as the Secretary concerned considers appropriate.

(2) At the time described in paragraph (1) of such subsection, the benefits shall include the following:

(A) Maintaining military records.

(B) Legal assistance.

(C) Quality of life programs.

(D) Family and community programs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(3) At the times described in paragraphs (2) and (3) of such subsection, the benefits shall include the following:

(A) Employment assistance.

(B) Continuing Reserve Component service.

(C) Disability benefits, including offsets in connection with the receipt of such benefits.

(D) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(d) BIENNIAL NOTICE TO MEMBERS OF THE ARMED FORCES ON THE VALUE OF PAY AND BENEFITS.—

(1) BIENNIAL NOTICE REQUIRED.—The Secretary of each military department shall provide

to each member of the Armed Forces under the jurisdiction of such Secretary on a biennial basis notice on the value of the pay and benefits paid or provided to such member by law during the preceding year. The notice may be provided in writing or electronically, at the election of the Secretary.

(2) ELEMENTS.—Each notice provided a member under paragraph (1) shall include the following:

(A) A statement of the estimated value of the military health care, retirement benefits, disability benefits, commissary and exchange privileges, government-provided housing, tax benefits associated with service in the Armed Forces, and special pays paid or provided the member during the preceding 24 months.

(B) A notice regarding the death and survivor benefits, including Servicemembers’ Group Life Insurance, to which the family of the member would be entitled in the event of the death of the member, and a description of any offsets that might be applicable to such benefits.

(C) Information on other programs available to members of the Armed Forces generally, such as access to morale, welfare, and recreation (MWR) facilities, child care, and education tuition assistance, and the estimated value, if ascertainable, of the availability of such programs in the area where the member is stationed or resides.

(e) OTHER OUTREACH.—

(1) IN GENERAL.—The Secretaries of the military departments shall, on a periodic basis, conduct outreach on the pay, benefits, and programs and services available to members of the Armed Forces by reason of service in the Armed Forces. The outreach shall be conducted pursuant to public service announcements, publications, and such other announcements through general media as will serve to disseminate the information broadly among the general public.

(2) INTERNET OUTREACH WEBSITE.—

(A) IN GENERAL.—The Secretary of Defense shall establish an Internet website for the purpose of providing the comprehensive information about the benefits and offsets described in subsection (c) to members of the Armed Forces and their families.

(B) CONTACT INFORMATION.—The Internet website required by subparagraph (A) shall provide contact information, both telephone and e-mail, that a member of the Armed Forces and a family member of the member can use to get personalized information about the benefits and offsets described in subsection (c).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the requirements of this section by the Department of Defense. Such report shall include a description of the quality and scope of available online resources that provide information about benefits for members of the Armed Forces and their families.

(2) RECORDS MAINTAINED.—The Secretary of Defense or the military department concerned shall maintain records that contain the number of individuals that received a briefing under this section in the previous year disaggregated by the following:

(A) Whether the individual is a member of the Armed Forces or a family member of a member of the Armed Forces.

(B) The Armed Force of the members.

(C) The State or territory in which the briefing occurred.

(D) The subject of the briefing.

Subtitle H—Military Voting

SEC. 581. SHORT TITLE.

This subtitle may be cited as the “Military and Overseas Voter Empowerment Act”.

SEC. 582. FINDINGS.

Congress makes the following findings:

- (1) The right to vote is a fundamental right.
- (2) Due to logistical, geographical, operational and environmental barriers, military and overseas voters are burdened by many obstacles that impact their right to vote and register to vote, the most critical of which include problems transmitting balloting materials and not being given enough time to vote.
- (3) States play an essential role in facilitating the ability of military and overseas voters to register to vote and have their ballots cast and counted, especially with respect to timing and improvement of absentee voter registration and absentee ballot procedures.
- (4) The Department of Defense educates military and overseas voters of their rights under the Uniformed and Overseas Citizens Absentee Voting Act and plays an indispensable role in facilitating the procedural channels that allow military and overseas voters to have their votes count.
- (5) The local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in conjunction to provide voter registration services and balloting materials in a secure and expeditious manner.

SEC. 583. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.

A State may delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

SEC. 584. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

- (1) in subsection (a)—
- (A) in paragraph (4), by striking “and” at the end;
- (B) in paragraph (5), by striking the period at the end and inserting “; and”; and
- (C) by adding at the end the following new paragraph:

“(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

“(C) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail or electronically.”; and

(2) by adding at the end the following new subsection:

“(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

“(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

“(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

“(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

“(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(6) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 585. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 584, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).”; and

(2) by adding at the end the following new subsection:

“(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

“(1) IN GENERAL.—Each State shall establish procedures—

“(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

“(B) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such blank absentee ballot to be transmitted by mail or electronically.

“(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)), as amended by section 585, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

“(A) except as provided in subsection (g), in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

“(B) in the case where the request is received less than 45 days before an election for Federal office—

“(i) in accordance with State law; and

“(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.”.

(2) by adding at the end the following new subsection:

“(g) **HARDSHIP EXEMPTION.**—

“(1) **IN GENERAL.**—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

“(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

“(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

“(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

“(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

“(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

“(2) **APPROVAL OF WAIVER REQUEST.**—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:

“(i) The State’s primary election date prohibits the State from complying with subsection (a)(8)(A).

“(ii) The State has suffered a delay in generating ballots due to a legal contest.

“(iii) The State Constitution prohibits the State from complying with such subsection.

“(3) **TIMING OF WAIVER.**—

“(A) **IN GENERAL.**—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not

later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

“(B) **EXCEPTION.**—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

“(4) **APPLICATION OF WAIVER.**—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.”.

(b) **RUNOFF ELECTIONS.**—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a), is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) **IN GENERAL.**—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

“(a) **ESTABLISHMENT OF PROCEDURES.**—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

“(b) **DELIVERY TO APPROPRIATE ELECTION OFFICIALS.**—

“(1) **IN GENERAL.**—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

“(2) **COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.**—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services

voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

“(3) **DEADLINE DESCRIBED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

“(B) **AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.**—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

“(4) **NO POSTAGE REQUIREMENT.**—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

“(5) **DATE OF MAILING.**—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

“(c) **OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.**—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

“(d) **ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.**—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”.

(b) **CONFORMING AMENDMENT.**—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”.

(c) **STATE RESPONSIBILITIES.**—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph:

“(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”.

(d) **TRACKING MARKED BALLOTS.**—Section 102 of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended by adding at the end the following new subsection:

“(h) **TRACKING MARKED BALLOTS.**—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services

voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.”.

(e) **PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.**—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to the greatest extent practicable, take such actions as may be necessary—

“(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

“(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) **USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.**—

(1) **IN GENERAL.**—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(A) in subsection (a), by striking “general elections for Federal office” and inserting “general, special, primary, and runoff elections for Federal office”; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking “a general election” and inserting “a general, special, primary, or runoff election for Federal office”; and

(C) in subsection (f), by striking “the general election” each place it appears and inserting “the general, special, primary, or runoff election for Federal office”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) **PROMOTION AND EXPANSION OF USE.**—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(1) by striking “GENERAL.—The Presidential” and inserting “GENERAL.—

“(1) **FEDERAL WRITE-IN ABSENTEE BALLOT.**—The Presidential”; and

(2) by adding at the end the following new paragraph:

“(2) **PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.**—

“(A) **IN GENERAL.**—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

“(B) **USE OF TECHNOLOGY.**—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

“(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

“(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked

Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

“(C) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.”.

SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.

(a) **VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 587, is amended by adding at the end the following new subsection:

“(i) **PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.**—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”.

(b) **FEDERAL WRITE-IN ABSENTEE BALLOT.**—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) **PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.**—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) **FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**—

(1) **IN GENERAL.**—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 587, is amended by inserting after section 103A the following new section:

“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

“(a) **DUTIES.**—The Presidential designee shall carry out the following duties:

“(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

“(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uni-

formed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

“(b) **CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.**—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.”.

(2) **CONFORMING AMENDMENTS.**—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 587, is amended—

(A) in subparagraph (b)—

(i) by striking “and” at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting “; and”; and

(iii) by adding at the end the following new paragraph:

“(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.”; and

(B) by adding at the end the following new subsection:

“(d) **AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).”.

(b) **VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 589, is amended by adding at the end the following new subsection:

“(f) **VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.**—

“(1) **DESIGNATING AN OFFICE AS A VOTER REGISTRATION AGENCY ON EACH INSTALLATION OF THE ARMED FORCES.**—Not later than 180 days after the date of enactment of this subsection, each Secretary of a military department shall take appropriate actions to designate an office on each installation of the Armed Forces under the jurisdiction of such Secretary (excluding any installation in a theater of combat), consistent across every installation of the department of the Secretary concerned, to provide each individual described in paragraph (3)—

“(A) written information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101);

“(B) the opportunity to register to vote in an election for Federal office;

“(C) the opportunity to update the individual's voter registration information, including clear written notice and instructions for the absent uniformed services voter to change their address by submitting the official post card form prescribed under section 101 to the appropriate State election official; and

“(D) the opportunity to request an absentee ballot under this Act.

“(2) **DEVELOPMENT OF PROCEDURES.**—Each Secretary of a military department shall develop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

“(3) **INDIVIDUALS DESCRIBED.**—The following individuals are described in this paragraph:

“(A) An absent uniformed services voter—

“(i) who is undergoing a permanent change of duty station;

“(ii) who is deploying overseas for at least 6 months;

“(iii) who is or returning from an overseas deployment of at least 6 months; or

“(iv) who at any time requests assistance related to voter registration.

“(B) All other absent uniformed services voters (as defined in section 107(1)).

“(4) **TIMING OF PROVISION OF ASSISTANCE.**—The assistance described in paragraph (1) shall be provided to an absent uniformed services voter—

“(A) described in clause (i) of paragraph (3)(A), as part of the administrative in-processing of the member upon arrival at the new duty station of the absent uniformed services voter;

“(B) described in clause (ii) of such paragraph, as part of the administrative in-processing of the member upon deployment from the home duty station of the absent uniformed services voter;

“(C) described in clause (iii) of such paragraph, as part of the administrative in-processing of the member upon return to the home duty station of the absent uniformed services voter;

“(D) described in clause (iv) of such paragraph, at any time the absent uniformed services voter requests such assistance; and

“(E) described in paragraph (3)(B), at any time the absent uniformed services voter requests such assistance.

“(5) **PAY, PERSONNEL, AND IDENTIFICATION OFFICES OF THE DEPARTMENT OF DEFENSE.**—The Secretary of Defense may designate pay, personnel, and identification offices of the Department of Defense for persons to apply to register to vote, update the individual's voter registration information, and request an absentee ballot under this Act.

“(6) **TREATMENT OF OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES.**—An office designated under paragraph (1) or (5) shall be considered to be a voter registration agency designated under section 7(a)(2) of the National Voter Registration Act of 1993 for all purposes of such Act.

“(7) **OUTREACH TO ABSENT UNIFORMED SERVICES VOTERS.**—The Secretary of each military department or the Presidential designee shall take appropriate actions to inform absent uniformed services voters of the assistance available under this subsection including—

“(A) the availability of voter registration assistance at offices designated under paragraphs (1) and (5); and

“(B) the time, location, and manner in which an absent uniformed voter may utilize such assistance.

“(8) **DEFINITION OF MILITARY DEPARTMENT AND SECRETARY CONCERNED.**—In this subsection, the terms ‘military department’ and ‘Secretary concerned’ have the meaning given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

“(9) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) **IN GENERAL.**—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by section 590, is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

“(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

“(B) for the Presidential designee to store the data reported.”

(b) **CONFORMING AMENDMENT.**—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by section 587, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

(a) **IN GENERAL.**—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–3) are repealed.

(b) **CONFORMING AMENDMENTS.**—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking “, for use by States in accordance with section 104”; and

(B) in paragraph (4), by striking “for use by States in accordance with section 104”; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking “**USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS**” and inserting “**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**”; and

(B) in subsection (e), by striking “(e) **PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.**—”

SEC. 593. REPORTING REQUIREMENTS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

“SEC. 105A. REPORTING REQUIREMENTS.

“(a) **REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.**—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

“(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

“(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

“(A) A thorough and complete assessment of whether the Program, as configured and imple-

mented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

“(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

“(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

“(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 102(j), including the designation of offices under paragraphs (1) and (5) of such section.

“(b) **ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.**—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

“(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

“(2) A description of the utilization of voter registration assistance under section 102(j), which shall include the following:

“(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

“(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

“(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

“(c) **DEFINITIONS.**—In this section:

“(1) **ABSENT OVERSEAS UNIFORMED SERVICES VOTER.**—The term ‘absent overseas uniformed services voter’ has the meaning given such term in section 103A(d).

“(2) **PRESIDENTIAL DESIGNEE.**—The term ‘Presidential designee’ means the Presidential designee under section 101(a).

“(3) **RELEVANT COMMITTEES OF CONGRESS DEFINED.**—The term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.”

SEC. 594. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–4) is amended—

(1) by striking “The Attorney” and inserting “(a) **IN GENERAL.**—The Attorney”; and

(2) by adding at the end the following new subsection:

“(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.”.

SEC. 595. REQUIREMENTS PAYMENTS.

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

and

(2) by adding at the end the following new paragraph:

“(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(b) REQUIREMENTS.—

(1) STATE PLAN.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

“(14) How the State plan will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(2) CONFORMING AMENDMENTS.—Section 253(b) of the Help America Vote Act of 2002 (42 U.S.C. 15403(b)) is amended—

(A) in paragraph (1)(A), by striking “section 254” and inserting “subsection (a) of section 254 (or, in the case where a State is seeking a requirements payment made using funds appropriated pursuant to the authorization under section 257(4), paragraph (14) of section 254)”;

and

(B) in paragraph (2)—

(i) by striking “(2) The State” and inserting “(2)(A) Subject to subparagraph (B), the State”;

and

(ii) by inserting after subparagraph (A), as added by clause (i), the following new subparagraph:

“(B) The requirement under subparagraph (A) shall not apply in the case of a requirements payment made using funds appropriated pursuant to the authorization under section 257(4).”.

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

“(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).”.

SEC. 596. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term “overseas voter” has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term “Presidential designee” means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Election Assistance Commission and the National Institute of Standards and Technology shall work with the Presidential designee to support the pilot program or programs established under this section through best practices or standards and in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(2) REPORT.—In the case where the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after enactment of this Act, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission's actions in establishing such guidelines since the date of enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “relevant committees of Congress” means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

SEC. 602. COMPTROLLER GENERAL OF THE UNITED STATES COMPARATIVE ASSESSMENT OF MILITARY AND PRIVATE-SECTOR PAY AND BENEFITS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study comparing pay and benefits provided by law to members of the Armed Forces with pay and benefits provided by the private sector to comparably situated private-sector employees.

(b) ELEMENTS.—The study required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of total military compensation for officers and for enlisted personnel, including basic pay, the basic allowance for housing (BAH), the basic allowance for subsistence (BAS), tax benefits applicable to military pay and allowances under Federal law (including the Social Security laws) and State law, military retirement benefits, commissary and exchange privileges, and military healthcare benefits.

(2) An assessment of private-sector pay and benefits for civilians of similar age, education, and experience in like fields of officers and enlisted personnel of the Armed Forces, including pay, bonuses, employee options, fringe benefits, retirement benefits, individual retirement investment benefits, flexible spending accounts and health savings accounts, and any other elements of private-sector compensation that the Comptroller General considers appropriate.

(3) An identification of the percentile of comparable private-sector compensation at which members of the Armed Forces are paid, including an assessment of the adequacy of percentile comparisons generally and whether the Department of Defense goal of compensating members of the Armed Forces at the 80th percentile of comparable private-sector compensation, as described in the 10th Quadrennial Review of Military Compensation, is appropriate and adequate to achieve comparability of pay between members of the Armed Forces and private-sector employees.

(c) REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a) by not later than April 1, 2010.

SEC. 603. INCREASE IN MAXIMUM MONTHLY AMOUNT OF SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) INCREASE IN MAXIMUM MONTHLY AMOUNT.—Section 402a(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking “\$500” and inserting “\$1,100”; and

(2) in paragraph (3)(B), by striking “\$500” and inserting “\$1,100”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to monthly supplemental subsistence allowances for low-income members with dependents payable on or after that date.

(c) **REPORT ON ELIMINATION OF RELIANCE ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM TO MEET NUTRITIONAL NEEDS OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**—

(1) **IN GENERAL.**—Not later than September 1, 2010, the Secretary of Defense shall, in consultation with the Secretary of Agriculture, submit to the congressional defense committees a report setting forth a plan for actions to eliminate the need for members of the Armed Forces and their dependents to rely on the supplemental nutrition assistance program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) for their monthly nutritional needs.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall address the following:

(A) An appropriate amount or amounts for the monthly supplemental subsistence allowance for low-income members with dependents payable under section 402a of title 37, United States Code.

(B) Such modifications, if any, to the eligibility requirements for the monthly supplemental subsistence allowance, including limitations on the maximum size of the household of a member for purposes of eligibility for the allowance, as the Secretary of Defense considers appropriate.

(C) The advisability of requiring members of the Armed Forces to apply for the monthly supplemental subsistence allowance before seeking assistance under the supplemental nutrition assistance program.

(D) Such other matters as the Secretary of Defense considers appropriate.

SEC. 604. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) **IN GENERAL.**—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) **BENEFITS.**—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) **EXCLUSION OF CERTAIN FORMER MEMBERS.**—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) **MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.**—The number of days of benefits providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) **FORM OF PAYMENT.**—The paid benefits providable under subsection (b) may be paid in

a lump sum or installments, at the election of the Secretary concerned.

(f) **CONSTRUCTION WITH OTHER PAY AND LEAVE.**—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) **DEFINITIONS.**—In this section:

(1) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(h) **TERMINATION.**—

(1) **IN GENERAL.**—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) **CONSTRUCTION.**—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

Subtitle B—Bonuses and Special and Incentive Pays

**SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESE-
RVED FORCES.**

(a) **SELECTED RESERVE REENLISTMENT BONUS.**—Section 308b(g) of title 37, United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.**—Section 308c(i) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section 308d(c) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(d) **READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.**—Section 308g(f)(2) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(e) **READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Section 308h(e) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(f) **SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Section 308i(f) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(g) **INCOME REPLACEMENT PAYMENTS.**—Section 910(g) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) **NURSE OFFICER CANDIDATE ACCESSION PROGRAM.**—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.**—Section 16302(d) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **ACCESSION AND RETENTION BONUSES FOR PSYCHOLOGISTS.**—Section 302c-1(f) of title 37,

United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(d) **ACCESSION BONUS FOR REGISTERED NURSES.**—Section 302d(a)(1) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(e) **INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.**—Section 302e(a)(1) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(f) **SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.**—Section 302g(e) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(g) **ACCESSION BONUS FOR DENTAL OFFICERS.**—Section 302h(a)(1) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(h) **ACCESSION BONUS FOR PHARMACY OFFICERS.**—Section 302j(a) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(i) **ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.**—Section 302k(f) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(j) **ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.**—Section 302l(g) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) **SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.**—Section 312(f) of title 37, United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **NUCLEAR CAREER ACCESSION BONUS.**—Section 312b(c) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **NUCLEAR CAREER ANNUAL INCENTIVE BONUS.**—Section 312c(d) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

(a) **GENERAL BONUS AUTHORITY FOR ENLISTED MEMBERS.**—Section 331(h) of title 37, United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **GENERAL BONUS AUTHORITY FOR OFFICERS.**—Section 332(g) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **SPECIAL BONUS AND INCENTIVE PAY AUTHORITIES FOR NUCLEAR OFFICERS.**—Section 333(i) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(d) **SPECIAL AVIATION INCENTIVE PAY AND BONUS AUTHORITIES.**—Section 334(i) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(e) **SPECIAL HEALTH PROFESSIONS INCENTIVE PAY AND BONUS AUTHORITIES.**—Section 335(k) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(f) **HAZARDOUS DUTY PAY.**—Section 351(i) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(g) **ASSIGNMENT PAY OR SPECIAL DUTY PAY.**—Section 352(g) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(h) **SKILL INCENTIVE PAY OR PROFICIENCY BONUS.**—Section 353(j) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(i) **RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.**—Section 355(i) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

(a) **AVIATION OFFICER RETENTION BONUS.**—Section 301b(a) of title 37, United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **ASSIGNMENT INCENTIVE PAY.**—Section 307a(g) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **REENLISTMENT BONUS FOR ACTIVE MEMBERS.**—Section 308(g) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(d) **ENLISTMENT BONUS.**—Section 309(e) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(e) **ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.**—Section 324(g) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(f) **INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.**—Section 326(g) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(g) **INCENTIVE BONUS FOR TRANSFER BETWEEN ARMED FORCES.**—Section 327(h) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(h) **ACCESSION BONUS FOR OFFICER CANDIDATES.**—Section 330(f) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 616. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) **HEALTH PROFESSIONS REFERRAL BONUS.**—Section 1030(i) of title 10, United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **ARMY REFERRAL BONUS.**—Section 3252(h) of such title is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 617. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH SERIOUS INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) **IN GENERAL.**—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

“§439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living

“(a) **MONTHLY COMPENSATION.**—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

“(b) **COVERED MEMBERS.**—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

“(1) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

“(2) has a serious injury, disorder, or disease of either a temporary or permanent nature that—

“(A) is incurred or aggravated in the line of duty; and

“(B) compromises the member’s ability to carry out one or more activities of daily living or requires the member to be constantly supervised to avoid physical harm to the member or to others; and

“(3) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

“(c) **AMOUNT.**—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

“(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:

“(A) The extent to which home health care and related services are being provided by the Government.

“(B) The extent to which aid and attendance services are being provided by family and friends who may be compensated with funds provided through the monthly special compensation.

“(d) **PAYMENT UNTIL MEDICAL RETIREMENT.**—Monthly special compensation is payable under this section to a member described in subsection (b) for any month that begins before the date on which the member is medically retired.

“(e) **CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.**—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

“(f) **BENEFIT INFORMATION.**—The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families.

“(g) **REGULATIONS.**—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.”.

(b) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a report on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.

(B) The number of members of the uniformed services receiving compensation under such section.

(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.

(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for the compensation.

(E) A summary of the types of injuries, disorders, and diseases of members of the uniformed services receiving such compensation that made such members eligible for such compensation.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

“439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.”.

SEC. 618. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES.

(a) **SPECIAL PAY AUTHORIZED.**—The Secretary of the military department concerned may pay monthly special pay to any member of the Armed Forces described in subsection (b) for any month or portion of a month in which the member serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, or has the member’s eligibility for retirement from the Armed Forces suspended, as described in that subsection.

(b) **COVERED MEMBERS.**—A member of the Armed Forces described in this subsection is any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) who, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, while the member’s enlistment or period of obligated service is extended, or has the member’s eligibility for retirement suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a “stop-loss authority”) authorizing the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(c) **AMOUNT.**—The amount of monthly special pay payable to a member under this section for a month may not exceed \$500.

(d) **CONSTRUCTION WITH OTHER PAYS.**—Monthly special pay payable to a member under this section is in addition to any other amounts payable to the member by law.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS OF THE UNIFORMED SERVICES FOR DURATION OF INPATIENT TREATMENT.

(a) **AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.**—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “family members of a member described in paragraph (2)” and inserting “individuals who, with respect to a member described in paragraph (2), are designated individuals for that member”;

(B) by striking “that the presence of the family member” and inserting “, with respect to any such individual, that the presence of such individual”;

(C) by striking “of family members” and inserting “of designated individuals”;

(2) by adding at the end the following new paragraph:

“(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.”.

(b) **DEFINITION OF DESIGNATED INDIVIDUAL.**—

(1) **IN GENERAL.**—Paragraph (1) of subsection (b) of such section is amended by striking “the

term" and all that follows and inserting "the term 'designated individual', with respect to a member, means—

"(A) an individual designated by the member for the purposes of this section; or

"(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence may aid and support the health and welfare of the member during the duration of the member's inpatient treatment."

(2) DESIGNATIONS NOT PERMANENT.—Paragraph (2) of such subsection is amended to read as follows:

"(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time."

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of section (a)(2) of such section is amended—

(A) in clause (i), by striking "in or outside the United States"; and

(B) in clause (ii), by striking "in the United States".

(2) CLARIFICATION OF MEMBERS COVERED.—Such subparagraph is further amended—

(A) in clause (i), by inserting "seriously wounded," after "(i) is"; and

(B) in clause (ii)—
(i) by striking "an injury" and inserting "a wound or an injury"; and

(ii) by striking "that injury" and inserting "that wound or injury".

(d) COVERAGE OF MEMBERS WITH SERIOUS MENTAL DISORDERS.—

(1) IN GENERAL.—Subsection (a)(2)(B)(i) of such section, as amended by subsection (c) of this section, is further amended by inserting "(including having a serious mental disorder)" after "seriously injured".

(2) SERIOUS MENTAL DISORDER DEFINED.—Subsection (b) of such section 411h, as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

"(4)(A) In this section, the term 'serious mental disorder', in the case of a member, means that the member has been diagnosed with a mental disorder that requires intensive mental health treatment or hospitalization.

"(B) The circumstances in which a member shall be considered to have a serious mental disorder for purposes of this section shall include, but not be limited to, the following:

"(i) The member is considered to be a potential danger to self or others as a result of a diagnosed mental disorder that requires intensive mental health treatment or hospitalization.

"(ii) The member is diagnosed with a mental disorder and has psychotic symptoms that require intensive mental health treatment or hospitalization.

"(iii) The member is diagnosed with a mental disorder and has severe symptoms or severe impairment in functioning that require intensive mental health treatment or hospitalization."

(e) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section 411h is amended to read as follows:

"(3) Not more than a total of three roundtrips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who, with respect to a member, are the designated individuals of that member in effect

during that period. However, if the Secretary concerned has granted a waiver under the second sentence of paragraph (1) with respect to a member, then for any 60-day period in which the waiver is in effect the limitation in the preceding sentence shall be adjusted accordingly. In addition, during any period during which there is in effect a non-medical attendant designation for a member under section 411h-1 of this title, not more than a total of two roundtrips may be provided under paragraph (1) in any 60-day period at Government expense until there no longer is a designation of a non-medical attendant or that designation transfers to another individual, in which case during the transfer period three roundtrip tickets may be provided."

(f) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking "(a)(1)" and inserting "(a) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1)";

(2) in subsection (b)—

(A) by striking "(b)(1)" and inserting "(b) DEFINITIONS.—(1)"; and

(B) in paragraph (3)—

(i) by inserting "(A)" after "(3)"; and

(ii) by adding at the end the following new subparagraph:

"(B) In this paragraph, the term 'family member', with respect to a member, means the following:

"(i) The member's spouse.

"(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

"(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

"(iv) Siblings of the member.

"(v) A person related to the member as described in clause (i), (ii), (iii), or (iv) who is also a member of the uniformed services."

(3) in subsection (c)—

(A) by striking "(c)(1)" and inserting "(c) ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—(1)"; and

(B) in paragraph (1), by striking "family member" and inserting "designated individual"; and

(d) in subsection (d), by striking "(d)(1)" and inserting "(d) METHOD OF TRANSPORTATION AUTHORIZED.—(1)".

(g) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury."

(h) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Section 1602(4) of the Wounded Warrior Act (10 U.S.C. 1071 note) is amended by striking "411h(b)(1)" and inserting "411h(b)(3)(B)".

(i) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the

amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS OF SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS OF THE UNIFORMED SERVICES.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411h the following new section:

"§411h-1. Travel and transportation allowances: transportation of non-medical attendants for members who are seriously wounded, ill, or injured

"(a) IN GENERAL.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member jointly determine that the presence of such an attendant may contribute to the member's health and welfare.

"(b) QUALIFIED NON-MEDICAL ATTENDANT.—

For purposes of this section, a qualified non-medical attendant with respect to a member described in subsection (c) is an individual who—

"(1) the member designates for purposes of this section to be a non-medical attendant for the member; or

"(2) the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member jointly determine is an appropriate non-medical attendant for the member whose presence may contribute to the member's health and welfare.

"(c) COVERED MEMBERS.—A member of the uniformed services described in this subsection is a member who—

"(1) is serving on active duty, is entitled to pay and allowances under section 204(g) of this title (or would be so entitled if not for offsetting earned income described in that subsection), or is retired for the wound, illness, or injury for which the member is categorized as described in paragraph (2);

"(2) has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or in the category known as 'seriously wounded, ill, and injured'; and

"(3) either—

"(A) is hospitalized for treatment of the wound, illness, or injury for which the member is so categorized; or

"(B) requires continuing outpatient treatment for such wound, illness, or injury.

"(d) TRAVEL AND TRANSPORTATION.—(1)(A) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment, including transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment.

"(B) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement, or a combination thereof, for the actual and necessary expenses of travel as described in subparagraph (A), but at rates not to exceed the rates for travel established under section 404(d) of this title.

"(2) The transportation authorized by subsection (a) includes transportation, while accompanying the member, necessary to obtain treatment for the member at the location to which the member is permanently assigned.

“(3) The transportation authorized by subsection (a) may be provided by any means as follows:

“(A) Transportation in-kind.

“(B) A monetary allowance in place of transportation in-kind.

“(C) Reimbursement for the cost of commercial transportation.

“(4) An allowance payable under this subsection may be paid in advance.

“(5) Reimbursement payable under this subsection for air travel may not exceed the cost of Government-procured commercial round-trip air travel.

“(e) COORDINATION WITH TRANSPORTATION AND ALLOWANCES FOR DESIGNATED INDIVIDUALS.—An individual may not receive travel and transportation allowances under section 411h of this title and this section simultaneously.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item related to section 411h the following new item:

“411h-1. Travel and transportation allowances: transportation of non-medical attendants for members who are seriously wounded, ill, or injured.”

(b) APPLICABILITY.—No reimbursement may be provided under section 411h-1 of title 37, United States Code (as added by subsection (a)), for any costs of travel or transportation incurred before the date of the enactment of this Act.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

“**§411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training**

“(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

“(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

“(1) In the case of a member who travels between a temporary duty station and permanent duty station by air transportation, if the distance between such stations is not less than 300 miles.

“(2) In the case of a member who travels between a temporary duty station and permanent duty station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

“(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

“(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

“(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

“411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

SEC. 634. REIMBURSEMENT OF TRAVEL EXPENSES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND THEIR DEPENDENTS FOR TRAVEL FOR SPECIALTY CARE UNDER EXCEPTIONAL CIRCUMSTANCES.

(a) REIMBURSEMENT AUTHORIZED.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) REIMBURSEMENT FOR TRAVEL UNDER EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Defense may provide reimbursement for reasonable travel expenses of travel of members of the armed forces on active duty and their dependents, and accompaniment, to a specialty care provider not otherwise authorized by subsection (a) under such exceptional circumstances as the Secretary considers appropriate for purposes of this section.”

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by inserting “of Defense” after “the Secretary”.

SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.”

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended—

(1) by striking “subsection (a)(1)” the first place it appears and inserting “paragraphs (1) and (2) of subsection (a)”;

(2) by striking “subsection (a)(1)” the second place it appears and inserting “paragraph (1) or (2) of subsection (a)”.

Subtitle D—Other Matters

SEC. 651. AUTHORITY TO CONTINUE PROVISION OF INCENTIVES AFTER TERMINATION OF TEMPORARY ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006

(Public Law 109-163; 119 Stat. 3321) is amended to read as follows:

“(i) TERMINATION OF AUTHORITY.—

“(1) IN GENERAL.—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2009.

“(2) CONTINUATION OF INCENTIVES.—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.”

SEC. 652. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection

(f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) **EFFECTIVE DATE.**—The sections and the amendments made by this section shall take effect on the later of—

- (1) the first day of the first month that begins after the date of the enactment of this Act; or
- (2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 653. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Armed Forces is comprised of over 1,450,000 active-duty members from every State and territory of the United States who are assigned to thousands of installations, stations, and ships worldwide and who oftentimes must travel long distances by air at their own expense to enjoy the benefits of leave and liberty.

(2) The United States is indebted to the members of the all volunteer Armed Forces and their families who protect our Nation, often experiencing long separations due to the demands of military service and in life threatening circumstances.

(3) Military service often precludes long range planning for leave and liberty to provide opportunities for reunions and recreation with loved ones and requires changes in planning due to military necessity which results in last minute changes in planning.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) all United States commercial carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties for military personnel;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

SEC. 654. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger

pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

“(A) cleared by appropriate authorities for continuation on active duty; or

“(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

“(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

“(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

“(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

“(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.”.

SEC. 655. USE OF LOCAL RESIDENCES FOR COMMUNITY-BASED CARE FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) **USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.**—(1)(A) A member of a reserve component described by subparagraph (B) may be assigned to the community-based warrior transition unit located nearest to the member's permanent place of residence if residing at that location is—

“(i) medically feasible, as determined by a licensed military health care provider; and

“(ii) consistent with—

“(I) the needs of the armed forces; and

“(II) the optimal course of medical treatment of the member.

“(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

“(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member's fitness for duty.

“(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member's permanent place of residence under this subsection in connection with travel from the member's permanent place of residence to a medical facility during the period in which the member is covered by this subsection.”.

SEC. 656. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) **IN GENERAL.**—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

“§1218a. **Discharge or release from active duty: transition assistance**

“The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

“(1) Information on the availability of care and administrative processing through community based warrior transition units.

“(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

“(3) An opportunity to consult with a member of the applicable judge advocate general's corps, or other qualified legal assistance attorney, regarding the member's eligibility for compensation, disability, or other transitional benefits.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

“1218a. Discharge or release from active duty: transition assistance.”.

SEC. 657. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) A description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and retention of officers and enlisted personnel by the Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

SEC. 658. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—It is the sense of Congress that, the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) **CONSIDERATIONS.**—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and

the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

SEC. 659. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) *IN GENERAL.*—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) *APPLICABILITY.*—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) *WORLD WAR II DEFINED.*—In this section, the term “World War II” has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 660. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “September 11, 2001”; and

(2) by striking “in any fiscal year after such date” and inserting “in any fiscal year after fiscal year 2001”.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE, AND FAMILY MEMBERS, WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) *IN GENERAL.*—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

“§ 1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

“(a) *ELIGIBILITY.*—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the Armed Forces who is qualified for a non-regular retirement at age 60 under chapter 1223, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

“(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

“(b) *TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE COVERAGE.*—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE coverage at age 60 under section 1086 of this title.

“(c) *FAMILY MEMBERS.*—While a member of a reserve component is covered by TRICARE Standard under the section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of

the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

“(d) *PREMIUMS.*—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

“(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

“(3)(A) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

“(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined in the manner specified in section 1076d(d)(3)(B) of this title with respect to the cost of coverage applicable under subparagraph (A).

“(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

“(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

“(e) *REGULATIONS.*—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

“(f) *DEFINITIONS.*—In this section:

“(1) The term ‘immediate family’, with respect to a member of a reserve component, means all of the member’s dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

“(2) The term ‘TRICARE Standard’ means—

“(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.”.

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1076d the following new item:

“1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.”.

(c) *EFFECTIVE DATE.*—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SEC. 702. EXPANSION OF ELIGIBILITY OF SURVIVORS UNDER THE TRICARE DENTAL PROGRAM.

Section 1076a(k)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: “, except that, in the case of a dependent described by subparagraph (D) or (I) of section 1072(2) of this title, the pe-

riod of continuing eligibility shall be the longer of the following periods beginning on such date:

“(A) Three years.

“(B) The period ending on the date on which the dependent attains 21 years of age.

“(C) In the case of a dependent who, at 21 years of age, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was, at the time of the member’s death, in fact dependent on the member for over one-half of the dependent’s support, the period ending on the earlier of the following dates:

“(i) The date on which the dependent ceases to pursue such a course of study, as determined by the administering Secretary.

“(ii) The date on which the dependent attains 23 years of age”.

SEC. 703. CONSTRUCTIVE ELIGIBILITY FOR TRICARE BENEFITS OF CERTAIN PERSONS OTHERWISE INELIGIBLE UNDER RETROACTIVE DETERMINATION OF ENTITLEMENT TO MEDICARE PART A HOSPITAL INSURANCE BENEFITS.

Section 1086(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) If a person referred to in subsection (c) and described by paragraph (2)(B) is subject to a retroactive determination by the Social Security Administration of entitlement to hospital insurance benefits described in paragraph (1), the person shall, during the period described in subparagraph (B), be deemed for purposes of health benefits under this section—

“(i) not to have been covered by paragraph (1); and

“(ii) not to have been subject to the requirements of section 1079(j)(1) of this title, whether through the operation of such section or subsection (g) of this section.

“(B) The period described in this subparagraph with respect to a person covered by subparagraph (A) is the period that—

“(i) begins on the date that eligibility of the person for hospital insurance benefits referred to in paragraph (1) is effective under the retroactive determination of eligibility with respect to the person as described in subparagraph (A); and

“(ii) ends on the date of the issuance of such retroactive determination of eligibility by the Social Security Administration.”.

SEC. 704. REFORM AND IMPROVEMENT OF THE TRICARE PROGRAM.

(a) *IN GENERAL.*—Commencing not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the other administering Secretaries, undertake actions to reform and improve the TRICARE program.

(b) *ELEMENTS.*—In undertaking actions to reform and improve the TRICARE program under subsection (a), the Secretary shall consider actions as follows:

(1) Actions to guarantee the availability of care without delay for eligible beneficiaries.

(2) Actions to expand and enhance sharing of health care resources among Federal health care programs, including designated providers (as that term is defined in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 1073 note)).

(3) Actions utilizing medical technology to speed and simplify referrals for specialty care.

(4) Actions, including a comprehensive plan, for the enhanced availability of prevention and wellness care.

(5) Actions to expand and enhance options for mental health care.

(6) Actions utilizing technology to improve direct communication with beneficiaries regarding health and preventive care.

(7) Actions regarding additional financing options for health care provided by civilian providers.

(8) Actions to improve regional or national staffing capabilities in order to enhance support provided to military medical treatment facilities facing staff shortages.

(9) Actions to reduce administrative costs.

(10) Actions to control the cost of health care and pharmaceuticals.

(11) Actions to ensure consistency throughout the TRICARE program, including actions to hold commanders of military medical treatment facilities and civilian providers accountable for compliance with access standards.

(12) Actions to create performance metrics by which to measure improvement in the TRICARE program.

(13) Such other actions as the Secretary, in consultation with the other administering Secretaries, considers appropriate.

(c) **CONSULTATION.**—In considering actions to be undertaken under this section, and in undertaking such actions, the Secretary shall consult with a broad range of national health care and military advocacy organizations.

(d) **REPORTS.**—

(1) **IN GENERAL.**—The Secretary shall, on a periodic basis, submit to the congressional defense committees a report on the progress being made in the reform and improvement of the TRICARE program under this section.

(2) **ELEMENTS.**—Each report under this subsection shall include the following:

(A) A description and assessment of the progress made as of the date of such report in the reform and improvement of the TRICARE program.

(B) Such recommendations for administrative or legislative action as the Secretary considers appropriate to expedite and enhance the reform and improvement of the TRICARE program.

(e) **DEFINITIONS.**—In this section:

(1) The term “administering Secretaries” has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 705. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION OF REQUIREMENTS ON THE RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH PLANS.

(a) **REPORT REQUIRED.**—Not later than March 31, 2010, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of section 1097c of title 10, United States Code, relating to the relationship between the TRICARE program and employer-sponsored group health plans.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the extent to which the Department of Defense has established measures to assess the effectiveness of section 1097c of title 10, United States Code, in reducing health care costs to the Department for military retirees and their families, and an assessment of the effectiveness of any measures so established.

(2) An assessment of the extent to which the implementation of such section 1097c has resulted in the migration of military retirees from coverage under the TRICARE Standard option of the TRICARE program to coverage under the TRICARE Prime option of the TRICARE program.

(3) A description of the exceptions adopted under subsection (a)(2) of such section 1097c to the requirements under such section 1097c, and an assessment of the effect of the exercise of any exceptions adopted on the administration of such section 1097c.

(4) An assessment of the extent to which the Department collects and assembles data on the treatment of employees eligible for participation in the TRICARE program in comparison with similar employees who are not eligible for participation in that program.

(5) A description of the outreach conducted by the Department to inform individuals eligible for participation in the TRICARE program and employers of their respective rights and responsibilities under such section 1097c, and an assessment of the effectiveness of any outreach so conducted.

(6) Such other matters with respect to the administration and effectiveness of the authorities in such section 1097c as the Comptroller General considers appropriate.

SEC. 706. SENSE OF THE SENATE ON HEALTH CARE BENEFITS AND COSTS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current combat operations, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of retirement benefits, including lifetime health benefits, that a grateful Nation provides for those who choose to subordinate their personal life to the national interest for so many years.

(4) Currently serving and retired members of the uniformed services and their families and survivors deserve benefits equal to their commitment and service to our Nation.

(5) Many employers are curtailing health benefits and shifting costs to their employees, which may result in retired members of the Armed Forces returning to the Department of Defense, and its TRICARE program, for health care benefits during retirement, and contribute to health care cost growth.

(6) Defense health costs also expand as a result of service-unique military readiness requirements, wartime requirements, and other necessary requirements that represent the “cost of business” for the Department of Defense.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, too many of those efforts have been devoted to shifting a larger share of the costs of benefits under that program to retired members of the Armed Forces who have earned health care benefits in return for a career of military service.

(8) In some cases health care providers refuse to accept TRICARE patients because that program pays less than other public and private payors and imposes unique administrative requirements.

(9) The Department of Defense records deposits to the Department of Defense Military Retiree Health Care Fund as discretionary costs to the Department in spite of legislation enacted in 2006 that requires such deposits to be made directly from the Treasury of the United States.

(10) As a result, annual payments for the future costs of servicemember health care continue to compete with other readiness needs of the Armed Forces.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the Department of Defense and the Nation have an obligation to provide health care bene-

fits to retired members of the Armed Forces that equals the quality of their selfless service to our country;

(2) past proposals by the Department of Defense to impose substantial fee increases on military beneficiaries have failed to acknowledge properly the findings addressed in subsection (a); and

(3) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the Armed Forces who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program.

SEC. 707. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

“SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

“(a) **IN GENERAL.**—The Secretary of Defense shall establish procedures for identifying individuals described in subsection (b). The Secretary of Defense shall immediately notify individuals identified under the preceding sentence that they are no longer eligible for health care benefits under the TRICARE program under chapter 55 of title 10, United States Code, and of any options available for enrollment of the individual under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). The Secretary of Defense shall consult with the Secretary of Health and Human Services to accurately identify and notify individuals described in subsection (b) under this subsection.

“(b) **INDIVIDUALS DESCRIBED.**—An individual described in this subsection is an individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A of title XVIII of the Social Security Act under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426–1) and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period under part B of such title.”.

Subtitle B—Other Health Care Benefits

SEC. 711. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) **MENTAL HEALTH ASSESSMENTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the provision of a person-to-person mental health assessment for each member of the Armed Forces who is deployed in connection with a contingency operation as follows:

(A) At a time during the period beginning 60 days before the date of deployment in connection with the contingency operation.

(B) At a time during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after the date of redeployment from the contingency operation.

(C) Subject to subsection (d), not later than each of 6 months, 12 months, and 24 months after return from deployment.

(2) **EXCLUSION OF CERTAIN MEMBERS.**—A mental health assessment is not required for a member of the Armed Forces under subparagraphs (B) and (C) of paragraph (1) if the Secretary determines that the member was not subjected or

exposed to operational risk factors during deployment in the contingency operation concerned.

(b) **PURPOSE.**—The purpose of the mental health assessments provided pursuant to this section shall be to identify Post Traumatic Stress Disorder (PTSD), suicidal tendencies, and other behavioral health issues identified among members of the Armed Forces described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health issues.

(c) **ELEMENTS.**—

(1) **IN GENERAL.**—The mental health assessments provided pursuant to this section shall—

(A) be performed by personnel trained and certified to perform such assessments and may be performed by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks;

(B) include a person-to-person dialogue between members of the Armed Forces described in subsection (a) and the professionals or personnel described by paragraph (1), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns; and

(D) be provided in a consistent manner across the military departments.

(2) **TREATMENT OF CURRENT ASSESSMENTS.**—The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the Armed Forces as of the date of the enactment of this Act as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

(d) **CESSATION OF ASSESSMENTS.**—No mental health assessment is required to be provided to an individual under subsection (a)(1)(C) after the individual's discharge or release from the Armed Forces.

(e) **SHARING OF INFORMATION.**—

(1) **IN GENERAL.**—The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the Armed Forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this Act, as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the Armed Forces during their transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

(2) **PROTOCOLS.**—Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), including in particular, section 1614 of that Act (122 Stat. 443; 10 U.S.C. 1071 note).

(B) Section 1720F of title 38, United States Code.

(f) **CONTINGENCY OPERATION DEFINED.**—In this section, the term “contingency operation”

has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(g) **REPORTS.**—

(1) **REPORT ON GUIDANCE.**—Upon the issuance of the guidance required by subsection (a), the Secretary of Defense shall submit to Congress a report describing the guidance.

(2) **REPORTS ON IMPLEMENTATION OF GUIDANCE.**—

(A) **INITIAL REPORT.**—Not later than 270 days after the date of the issuance of the guidance, the Secretary shall submit to Congress an initial report on the implementation of the guidance by the military departments.

(B) **SUBSEQUENT REPORT.**—Not later than two years after the date of the issuance of the guidance, the Secretary shall submit to Congress a report on the implementation of the guidance by the military departments. The report shall include an evidence based assessment of the effectiveness of the mental health assessments provided pursuant to the guidance in achieving the purpose specified in subsection (b) for such assessments.

SEC. 712. ENHANCEMENT OF TRANSITIONAL DENTAL CARE FOR MEMBERS OF THE RESERVE COMPONENTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “paragraph (3)” and inserting “paragraph (4)”; and

(B) in subparagraph (A), by inserting “except as provided in paragraph (3),” before “medical and dental care”;

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for more than 30 days is entitled under section 1074 of this title.”; and

(4) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking “paragraph (4)” and inserting “paragraph (5)”.

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) **REDUCTION.**—Section 1074i(a) of title 10, United States Code, is amended by striking “100 miles” and inserting “50 miles”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

(c) **OFFSET.**—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby decreased by \$14,000,000, with the amount of the decrease to be derived from unobligated balances.

SEC. 714. REPORT ON POST-DEPLOYMENT HEALTH ASSESSMENTS OF GUARD AND RESERVE MEMBERS.

(a) **REPORT REQUIRED.**—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on post-deployment health assessments of Guard and Reserve members.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) An assessment of the feasibility of administering a Post-Deployment Health Assessment (PDHA) to each member of a reserve component of the Armed Forces returning to the member's home station from deployment in connection with a contingency operation at such home station or in the county of residence of the member within the following timeframes:

(A) In the case of a member of the Individual Ready Reserve, an assessment administered by not later than the member's release from active duty following such deployment or 10 days after the member's return to such station or county, whichever occurs earlier.

(B) In the case of any other member of a reserve component of the Armed Forces returning from deployment, by not later than the member's release from active duty following such deployment.

(2) An assessment of the feasibility of requiring that Post-Deployment Health Assessments described under paragraph (1) be performed by a practitioner trained and certified as qualified to participate in the performance of Post-Deployment Health Assessments or Post-Deployment Health Reassessments.

(3) A description of—

(A) the availability of personnel described under paragraph (2) to perform assessments described under this subsection at the home stations or counties of residence of members of the reserve components of the Armed Forces; and

(B) if such personnel are not available at such locations, the additional resources necessary to ensure such availability within one year after the date of the enactment of this Act.

Subtitle C—Health Care Administration

SEC. 721. COMPREHENSIVE POLICY ON PAIN MANAGEMENT BY THE MILITARY HEALTH CARE SYSTEM.

(a) **COMPREHENSIVE POLICY REQUIRED.**—Not later than October 1, 2010, the Secretary of Defense shall develop and implement a comprehensive policy on pain management by the military health care system.

(b) **SCOPE OF POLICY.**—The policy required by subsection (a) shall cover each of the following:

(1) The management of acute and chronic pain.

(2) The standard of care for pain management to be used throughout the Department.

(3) The consistent application of pain assessments throughout the Department.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department when medically necessary.

(5) Programs of research related to acute and chronic pain, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare, brain injuries, and chronic migraine headache.

(6) Programs of pain care education and training for health care personnel of the Department.

(7) Programs of patient education for members suffering from acute or chronic pain and their families.

(c) **UPDATES.**—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the commencement of the implementation of the policy required by subsection (a), and on October 1 each year thereafter through 2018, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy.

(2) **ELEMENTS.**—Each report required by paragraph (1) shall include the following:

(A) A description of the policy implemented under subsection (a), and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of the policy in improving pain care for beneficiaries enrolled in the military health care system.

(C) An assessment of the adequacy of Department pain management services based on a current survey of patients managed in Department clinics.

(D) An assessment of the research projects of the Department relevant to the treatment of the types of acute and chronic pain suffered by members of the Armed Forces and their families.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the pain care education programs of the Department.

(G) An assessment of the dissemination of information on pain management to beneficiaries enrolled in the military health care system.

SEC. 722. PLAN TO INCREASE THE BEHAVIORAL HEALTH CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop and implement a plan to significantly increase the number of military and civilian behavioral health personnel of the Department of Defense by September 30, 2013.

(2) **ELEMENTS.**—The plan required by paragraph (1) may include the following:

(A) The allocation of scholarships and financial assistance under the Health Professions Scholarship and Financial Assistance Program under subchapter I of chapter 105 of title 10, United States Code, to students pursuing advanced degrees in clinical psychology and other behavioral health professions.

(B) The offering of accession and retention bonuses for psychologists as authorized by section 620 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4489).

(C) An expansion of the capacity for training doctoral-level clinical psychologists at the Uniformed Services University of the Health Sciences.

(D) An expansion of the capacity of the Department of Defense for training masters-level clinical psychologists and social workers with expertise in deployment-related mental health disorders, such as post traumatic stress disorder.

(E) The detail of commissioned officers of the Armed Forces to accredited schools of psychology for training leading to a doctoral degree in clinical psychology or social work.

(F) The reassignment of military behavioral health providers from administrative positions to clinical positions in support of military units.

(G) The offering of civilian hiring incentives and bonuses and the utilization of direct hiring authority to increase the number of behavioral health personnel of the Department of Defense.

(H) Such other mechanisms to increase the number of behavioral health personnel of the Department of Defense as the Secretary considers appropriate.

(3) **REPORT.**—Not later than January 31, 2010, the Secretary shall submit to the congressional defense committees a report on the plan required by paragraph (1). The report shall include a comprehensive description of the plan and the actions the Secretary proposes to undertake in the implementation of the plan.

(b) **REPORT ON ADDITIONAL OFFICER OR ENLISTED MILITARY SPECIALTIES FOR BEHAVIORAL HEALTH COUNSELORS.**—

(1) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the feasibility and advisability of establishing one or more military specialties

for officers or enlisted members of the Armed Forces as counselors with behavioral health expertise in order to better meet the mental health care needs of members of the Armed Forces and their families.

(2) **ELEMENTS.**—The report required by paragraph (1) shall set forth the following:

(A) A recommendation as to the feasibility and advisability of establishing one or more military specialties for officers or enlisted members of the Armed Forces as counselors with behavioral health expertise.

(B) For each military specialty recommended to be established under subparagraph (A)—

(i) a description of the qualifications required for such specialty, which qualifications shall reflect lessons learned from best practices in academia and the civilian health care industry regarding positions analogous to such specialty; and

(ii) a description of the incentives or other mechanisms, if any, that would be advisable to facilitate recruitment and retention of individuals to and in such specialty.

SEC. 723. DEPARTMENT OF DEFENSE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) **ELEMENTS.**—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the risk of misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that may increase the risks of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the Armed Forces, other departments and agencies of government, and the private sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risks of misadministration of medications and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) **REPORT.**—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a). The report shall include such findings and recommendations as the Secretary considers appropriate in light of the study.

SEC. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN.

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than June 30, 2010, and annually thereafter until June 30, 2015, the Secretary of Defense shall submit to Congress a report on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

(2) **CONTENT.**—The report required under paragraph (1) shall include—

(A) the numbers and percentages of troops that have served or are serving in Iraq and Af-

ghanistan since January 1, 2005, who have been prescribed antidepressants or drugs to treat anxiety, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs); and

(B) the policies and patient management practices of the Department of Defense with respect to the prescription of such drugs.

(b) **NATIONAL INSTITUTE OF MENTAL HEALTH STUDY.**—

(1) **STUDY.**—The National Institute of Mental Health shall conduct a study on the potential relationship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, drugs to treat anxiety, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to the National Institute of Mental Health all data necessary to complete the study.

(2) **REPORT ON FINDINGS.**—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

Subtitle D—Wounded Warrior Matters

SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COGNITIVE REHABILITATIVE THERAPY SERVICES UNDER THE TRICARE PROGRAM.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense may, in consultation with the entities and officials referred to in subsection (d), carry out a pilot program under the TRICARE program to determine the feasibility and advisability of expanding the availability of cognitive rehabilitative therapy services for members or former members of the Armed Forces described in subsection (b).

(b) **COVERED MEMBERS AND FORMER MEMBERS.**—A member or former member of the Armed Forces is described in this subsection if—

(1) the member or former member—

(A) is otherwise eligible for medical care under the TRICARE program;

(B) has been diagnosed with a moderate to severe traumatic brain injury incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom;

(C) is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code; and

(D) is referred by a qualified physician for cognitive rehabilitative therapy; and

(2) cognitive rehabilitative therapy is not reasonably available to the member or former member through the Department of Veterans Affairs.

(c) **ELEMENTS OF PILOT PROGRAM.**—The Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), develop for inclusion in the pilot program the following:

(1) Procedures for access to cognitive rehabilitative therapy services.

(2) Qualifications and supervisory requirements for licensed and certified health care professionals providing such services.

(3) A methodology for reimbursing providers for such services.

(d) **ENTITIES AND OFFICIALS TO BE CONSULTED.**—The entities and officials referred to in this subsection are the following:

(1) The Secretary of Veterans Affairs.

(2) The Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

(3) Relevant national organizations with experience in treating traumatic brain injury.

(e) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees

on Armed Services of the Senate and the House of Representatives a report—

(1) evaluating the effectiveness of the pilot program in providing increased access to safe, effective, and quality cognitive rehabilitative therapy services for members and former members of the Armed Forces described in subsection (b); and

(2) making recommendations with respect to the effectiveness of cognitive rehabilitative therapy services and the appropriateness of including such services as a benefit under the TRICARE program.

(f) **TRICARE PROGRAM DEFINED.**—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

(g) **FUNDING.**—Of the amount authorized to be appropriated by section 1403 for the Defense Health Program, not more than \$5,000,000 may be available to carry out the pilot program under this section.

SEC. 732. DEPARTMENT OF DEFENSE TASK FORCE ON THE CARE, MANAGEMENT, AND TRANSITION OF RECOVERING WOUNDED, ILL, AND INJURED MEMBERS OF THE ARMED FORCES.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish within the Department of Defense a task force to be known as the “Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces” (in this section referred to as the “Task Force”).

(2) **PURPOSE.**—The purpose of the Task Force shall be to assess the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, and to make recommendations for the further improvement of such policies and programs.

(b) **COMPOSITION.**—

(1) **MEMBERS.**—The Task Force shall consist of not more than 14 members, appointed by the Secretary of Defense from among the individuals as described in paragraph (2).

(2) **COVERED INDIVIDUALS.**—The individuals appointed to the Task Force shall include the following:

(A) At least one member of each of the regular components of the Army, the Navy, the Air Force, and the Marine Corps.

(B) One member of the National Guard.

(C) One member of a reserve component of the Armed Forces other than National Guard.

(D) A number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the Task Force.

(E) Persons who have experience in—

(i) medical care and coordination for wounded, ill, and injured members of the Armed Forces;

(ii) medical case management;

(iii) non-medical case management;

(iv) the disability evaluation process for members of the Armed Forces;

(v) veterans benefits;

(vi) treatment of traumatic brain injury and post-traumatic stress disorder;

(vii) family support;

(viii) medical research;

(ix) vocational rehabilitation; or

(x) disability benefits.

(F) At least one family member of a wounded, ill, or injured member of the Armed Forces or veteran who has experience working with wounded, ill, and injured members of the Armed Forces or their families.

(3) **INDIVIDUALS APPOINTED FROM WITHIN DEPARTMENT OF DEFENSE.**—At least one of the individuals appointed to the Task Force from within the Department of Defense shall be the surgeon general of an Armed Force.

(4) **INDIVIDUALS APPOINTED FROM OUTSIDE DEPARTMENT OF DEFENSE.**—The individuals appointed to the Task Force from outside the Department of Defense—

(A) with the concurrence of the Secretary of Veterans Affairs, shall include an officer or employee of the Department of Veterans Affairs; and

(B) may include individuals from other departments or agencies of the Federal Government, from State and local agencies, or from the private sector.

(5) **DEADLINE FOR APPOINTMENTS.**—All original appointments to the Task Force shall be made not later than 120 days after the date of the enactment of this Act.

(6) **CO-CHAIRS.**—There shall be two co-chairs of the Task Force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the individuals appointed to the Task Force from within the Department of Defense. The other co-chair shall be selected from among the individuals appointed from outside the Department of Defense by those individuals.

(c) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 12 months after the date on which all members of the Task Force have been appointed, the Task Force shall submit to the Secretary of Defense a report. The report shall include the following:

(A) The findings and conclusions of the Task Force as a result of its assessment of the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(B) A description of various ways in which the Department of Defense and the military departments could more effectively address matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, including members of the regular components, and members of the reserve components, and support for their families.

(C) Such recommendations for other legislative or administrative action as the Task Force considers appropriate for measures to improve the policies and programs described in subparagraph (A).

(2) **METHODOLOGY.**—For purposes of the report, the Task Force—

(A) shall conduct site visits and interviews as the Task Force considers appropriate;

(B) may consider the findings and recommendations of previous reviews and evaluations of the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces; and

(C) may utilize such other means for directly obtaining information relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces as the Task Force considers appropriate.

(3) **MATTERS TO BE REVIEWED AND ASSESSED.**—For purposes of the report, the Task Force shall review and assess the following:

(A) Case management, including the numbers and types of case managers (including Federal Recovery Coordinators, Recovery Care Coordinators, National Guard or Reserve case managers, and other case managers) assigned to recovering wounded, ill, and injured members of the Armed Forces, the training provided such case managers, and the effectiveness of such case managers in providing care and support to recov-

ering wounded, ill, and injured members of the Armed Forces.

(B) The effectiveness of the Interagency Program Office in achieving fully interoperable electronic health records by September 30, 2009, in accordance with section 1635 of the Wounded Warrior Act (10 U.S.C. 1071 note).

(C) Staffing of Army Warrior Transition Units, Marine Corps Wounded Warrior Regiments, Navy and Air Force Medical Hold or Medical Holdover Units, and other service-related programs or units for recovering wounded, ill, and injured members of the Armed Forces, including the use of applicable hiring authorities to ensure the proper staffing of such programs and units.

(D) The legal support available to recovering wounded, ill, and injured members of the Armed Forces and their families.

(E) The support and assistance provided to recovering wounded, ill, and injured members of the Armed Forces as they progress through the military disability evaluation system.

(F) The effectiveness of any measures under pilot programs to improve or enhance the military disability evaluation system.

(G) The effectiveness of the Senior Oversight Committee in facilitating and overseeing collaboration between the Department of Defense and the Department of Veterans Affairs on matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(H) The establishment and effectiveness of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, and the centers of excellence for military eye injuries, hearing loss and auditory system injuries, and traumatic extremity injuries and amputations.

(I) The establishment and effectiveness of performance and accountability standards for warrior transition units and programs.

(J) The support available to family caregivers of recovering wounded, ill, and injured members of the Armed Forces.

(K) The availability of vocational training for recovering wounded, ill, and injured members of the Armed Forces seeking to transition to civilian life.

(L) The availability of services for traumatic brain injury and post-traumatic stress disorder.

(M) The support systems in place to ease the transition of recovering wounded, ill, and injured members of the Armed Forces from the Department of Defense to the Department of Veterans Affairs.

(N) The effectiveness of wounded warrior information resources, including the Wounded Warrior Resource Center, the National Resource Directory, Military OneSource, Family Assistance Centers, and Service hotlines, in providing meaningful information for recovering wounded, ill, and injured members of the Armed Forces.

(O) Interagency matters affecting recovering wounded, ill, and injured members of the Armed Forces in their transition to civilian life.

(P) Overall coordination between the Department of Defense and the Department of Veterans Affairs on the matters specified in this paragraph.

(Q) Such other matters as the Task Force considers appropriate in connection with the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(4) **TRANSMITTAL.**—Not later than 90 days after receipt of the report required by paragraph (1) the Secretary of Defense shall transmit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and the House of Representatives.

(d) **PLAN REQUIRED.**—Not later than six months after the receipt under subsection (c) of

the report of the Task Force under that subsection, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to implement the recommendations of the Task Force as included in the report of the Task Force under subsection (c).

(e) **ADMINISTRATIVE MATTERS.**—

(1) **COMPENSATION.**—Each member of the Task Force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve on the Task Force without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the Task Force shall be appointed in accordance with, and subject to, the provisions of section 3161 of title 5, United States Code.

(2) **OVERSIGHT.**—The Under Secretary of Defense for Personnel and Readiness shall oversee the Task Force. The Washington Headquarters Services of the Department of Defense shall provide the Task Force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the Task Force.

(3) **VISITS TO MILITARY FACILITIES.**—Any visit by the Task Force to a military installation or facility shall be undertaken through the Deputy Under Secretary of Defense for Personnel and Readiness, in coordination with the Secretaries of the military departments.

(f) **TERMINATION.**—The Task Force shall terminate 90 days after the date on which the Task Force submits to the Secretary of Defense the report of the Task Force under subsection (c).

SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) **IN GENERAL.**—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on research related to post-traumatic stress disorder.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) The status of all studies and clinical trials that involve treatments of post-traumatic stress disorder conducted by the Department of Defense and the Department of Veterans Affairs.

(2) The effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(3) Identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans Affairs of the House of Representatives.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. CONTRACT AUTHORITY FOR ADVANCED DEVELOPMENT OF PROTOTYPE UNITS.

(a) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359b the following new section:

“§2359c. Contract authority for advanced development of prototype units

“(a) **AUTHORITY.**—A contract initially awarded from the competitive selection of a proposal resulting from a broad agency announcement pursuant to section 2302(2)(B) of this title may contain a contract line item or an option, including not-to-exceed prices, for either of the following:

“(1) The delivery of a specified number of prototype items to demonstrate technology developed under the contract.

“(2) The provision, for a specified period of time, of advanced component development effort or effort to prototype technology developed under the contract.

“(b) **LIMITATIONS.**—(1) The number of prototype items specified pursuant to subsection (a)(1) may not exceed the minimum number required to ensure that research and development work can continue without interruption during the solicitation and award of a follow-on competitive contract.

“(2) The period of time specified under subsection (a)(2) may not exceed 12 months.

“(3) The dollar value of the work to be performed pursuant to a contract line item or option under subsection (a) may not exceed the lesser of the amounts as follows:

“(A) The amount that is three times the dollar value of the work previously performed under the contract.

“(B) \$20,000,000.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2359b the following new item:

“2359c. Contract authority for advanced development of prototype units.”

(b) **SUNSET.**—

(1) **IN GENERAL.**—Effective on the date that is five years after the date of the enactment of this Act—

(A) section 2359c of title 10, United States Code (as added by subsection (a)), is repealed; and

(B) the table of sections at the beginning of chapter 139 of such title (as amended by subsection (a)) is further amended by striking the item relating to section 2359c.

(2) **CONTINUATION OF LINE ITEMS AND OPTIONS.**—The repeal of section 2359c of title 10, United States Code (as so added), by paragraph (1) shall not affect the authority of the Department of Defense to exercise any contract line item or option included in a contract under the authority of such section before the effective date of the repeal of such section under paragraph (1).

(c) **REPORT.**—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by section 2359c of title 10, United States Code (as added by subsection (a)). The report shall, at a minimum—

(1) identify the number of times the authority in section 2359c of title 10, United States Code (as so added), has been used by each military department and Defense Agency, and the dollar amount of contract line items or options exercised pursuant to such authority;

(2) assess the effectiveness of the authority in promoting the maturation of technologies and in addressing potential gaps between science and technology projects and acquisition programs;

(3) assess any potential anti-competitive impacts resulting from the use of the authority; and

(4) make such recommendations as the Secretary considers appropriate.

SEC. 802. JUSTIFICATION AND APPROVAL OF SOLE-SOURCE CONTRACTS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the

Secretary of Defense shall modify the Department of Defense Supplement to the Federal Acquisition Regulation to provide that the head of an agency may not award a sole-source contract for an amount exceeding \$20,000,000 unless—

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing; and

(2) the justification is approved by an official designated in section 2304(f)(1)(B) of title 10, United States Code, to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract.

(b) **ELEMENTS OF JUSTIFICATION.**—The justification of a sole-source contract required pursuant to subsection (a) shall include the following:

(1) A description of the needs of the agency concerned for the matters covered by the contract.

(2) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract.

(3) A determination that the use of a sole-source contract is in the best interest of the Department of Defense.

(4) A determination that the anticipated cost of the contract will be fair and reasonable.

(5) Such other matters as the Secretary shall specify for purposes of this section.

(c) **CONSTRUCTION WITH COMPETITION IN CONTRACTING ACT REQUIREMENTS.**—In the case of any contract for which a justification and approval is required under section 2304(f) of title 10, United States Code, a justification and approval meeting the requirements of such section may be treated as meeting the requirements of this section for purposes of the award of a sole-source contract.

Subtitle B—Acquisition Policy and Management

SEC. 811. REPORTING REQUIREMENTS FOR PROGRAMS THAT QUALIFY AS BOTH MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS AND MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **IN GENERAL.**—Section 2445d of title 10, United States Code, is amended by striking “of this title” and all that follows and inserting “of this title, the Secretary may designate the program to be treated only as a major automated information system program covered by this chapter or to be treated only as a major defense acquisition program covered by such chapter 144.”

(b) **GUIDANCE REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on the implementation of section 2445d of title 10, United States Code (as amended by subsection (a)). The guidance shall provide that, as a general rule—

(1) a program covered by such section that requires the development of customized hardware shall be treated only as a major defense acquisition program under chapter 144 of title 10, United States Code; and

(2) a program covered by such section that does not require the development of customized hardware shall be treated only as a major automated information system program under chapter 144A of title 10, United States Code.

SEC. 812. FUNDING OF DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) **ADDITIONAL ELEMENT OF FUND.**—Subsection (d) of section 1705 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) Amounts transferred to the Fund pursuant to paragraph (3).”; and

(2) by adding at the end the following new paragraph:

“(3) **TRANSFER OF CERTAIN UNOBLIGATED BALANCES.**—To the extent provided in appropriations Acts, the Secretary of Defense may, during the 24-month period following the expiration of availability for obligation of any appropriations made to the Department of Defense for procurement, research, development, test, and evaluation, or operation and maintenance, transfer to the Fund any unobligated balance of such appropriations. Any amount so transferred shall be credited to the Fund.”.

(b) **NATURE OF EXPENDED AMOUNTS PROVIDING BASIS FOR CREDIT TO FUND.**—Subparagraph (A) of paragraph (2) of such subsection is amended by striking “, other than” and all that follows and inserting “from amounts available for operation and maintenance.”.

(c) **REMITTANCES.**—Subparagraph (B) of paragraph (2) of such subsection is amended by inserting “, from amounts available to such military department or Defense Agency, as the case may be, for operation and maintenance,” after “remit to the Secretary of Defense”.

(d) **ADDITIONAL MATTERS RELATING TO REMITTANCES.**—Such subsection is further amended—

(1) in paragraph (2)(B), by striking “Not later than” and inserting “Subject to paragraph (4), not later than”; and

(2) by adding at the end the following new paragraph:

“(4) **ADDITIONAL REQUIREMENTS AND LIMITATIONS ON REMITTANCES.**—(A) In the event amounts are transferred to the Fund during a fiscal year pursuant to paragraph (1)(B) or appropriated to the Fund for a fiscal year pursuant to paragraph (1)(C), the aggregate amount otherwise required to be remitted to the Fund for that fiscal year pursuant to paragraph (2)(B) shall be reduced by the amount equal to the amounts so transferred or appropriated to the Fund during or for that fiscal year. Any reduction in the aggregate amount required to be remitted to the Fund for a fiscal year under this subparagraph shall be allocated as provided in applicable provisions of appropriations Acts or, absent such provisions, on a pro rata basis among the military departments and Defense Agencies required to make remittances to the Fund for that fiscal year under paragraph (2)(B).
“(B) Any remittance of amounts to the Fund for a fiscal year under paragraph (2) shall be subject to the availability of appropriations for that purpose.”.

(e) **REMITTANCE AMOUNTS.**—Paragraph (2) of such subsection is further amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

“(C) For purposes of this paragraph, the applicable percentage for a fiscal year is the percentage that results in the credit to the Fund in such fiscal year of an amount as follows:

“(i) For fiscal year 2010, \$570,000,000.

“(ii) For fiscal year 2011, \$770,000,000.

“(iii) For fiscal year 2012, \$900,000,000.

“(iv) For fiscal year 2013, \$1,180,000,000.

“(v) For fiscal year 2014, \$1,330,000,000.

“(vi) For fiscal year 2015, \$1,470,000,000.

“(D) The Secretary of Defense may reduce a percentage specified in subparagraph (C) for a fiscal year if the Secretary determines that the application of such percentage would result in the crediting to the Fund in such fiscal year of an amount greater than is reasonably needed for purposes of the Fund. The percentage for a fiscal year, as so reduced, may not be a percentage that will result in the credit to the Fund in such fiscal year of an amount that is less than 80 percent of the amount otherwise specified in subparagraph (C) for such fiscal year.”.

(f) **CLARIFICATION OF LIMITATION ON PAY OF BASE SALARY OF CURRENT EMPLOYEES.**—Subsection (e)(5) of such section is amended by striking “as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “serving in a position in the acquisition workforce as of January 28, 2008”.

(g) **TECHNICAL AMENDMENTS.**—

(1) Subsection (a) of such section is amended by inserting “Development” after “Workforce”.

(2) Subsection (f) of such section is amended in the matter preceding paragraph (1) by striking “beginning with fiscal year 2008”.

(h) **EFFECTIVE DATES.**—

(1) **FUNDING AMENDMENTS.**—The amendments made by subsections (a) through (e) shall take effect on October 1, 2009.

(2) **TECHNICAL AMENDMENTS.**—The amendments made by subsections (f) and (g) shall take effect on the date of the enactment of this Act.

SEC. 813. ENHANCEMENT OF EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) **IN GENERAL.**—Paragraph (1) of section 1705(h) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “acquisition positions within the Department of Defense as shortage category position” and inserting “acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need”; and

(2) in subparagraph (B), by striking “highly qualified” and inserting “appropriately qualified”.

(b) **EXTENSION.**—Paragraph (2) of such section is amended by striking “September 30, 2012” and inserting “September 30, 2015”.

(c) **TECHNICAL AMENDMENT.**—Paragraph (1) of such section is further amended by striking “United States Code,” in the matter preceding subparagraph (A).

SEC. 814. TREATMENT OF NON-DEFENSE AGENCY PROCUREMENTS UNDER JOINT PROGRAMS WITH THE DEPARTMENT OF DEFENSE UNDER LIMITATIONS ON NON-DEFENSE AGENCY PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

Section 801(b) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

“(3) **TREATMENT OF PROCUREMENTS UNDER JOINT PROGRAMS.**—For purposes of this subsection, a contract entered by a non-defense agency for the performance of a joint program conducted to meet the needs of the Department of Defense and the non-defense agency shall not be considered a procurement of property or services for the Department of Defense through a non-defense agency.”.

SEC. 815. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON TRAINING OF ACQUISITION AND AUDIT PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the efficacy of Department of Defense training for acquisition and audit personnel of the Department of Defense.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, at a minimum, the following:

(1) An assessment of the nature and efficacy of training (including training materials and methods) required for acquisition and audit personnel of the Department of Defense.

(2) An assessment of the timeliness and manner in which the Department of Defense provides training for such personnel.

(3) An assessment of the extent to which such training reaches appropriate acquisition personnel, including personnel outside the acquisition workforce who exercise significant acquisition responsibilities.

(4) An assessment of the extent to which each of the Department of Defense and the Department of the Army have implemented the recommendations of the Commission on Army Acquisition and Program Management in Expeditionary Operations relating to training of acquisition personnel.

(5) Such recommendations as the Comptroller General considers appropriate regarding training of acquisition and audit personnel of the Department of Defense, including recommendations regarding best practices and objectives for improved training of such acquisition and audit personnel.

Subtitle C—Contractor Matters

SEC. 821. AUTHORITY FOR GOVERNMENT SUPPORT CONTRACTORS TO HAVE ACCESS TO TECHNICAL DATA BELONGING TO PRIME CONTRACTORS.

(a) **AUTHORITY.**—

(1) **ACCESS TO TECHNICAL DATA.**—Subsection (c) of section 2320 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “or” at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) notwithstanding any limitation upon the license rights conveyed under subsection (a), allowing a covered Government support contractor access to and use of any technical data delivered under a contract for the sole purpose of furnishing independent and impartial advice or technical assistance directly to the Government in support of the Government’s management and oversight of the program or effort to which such technical data relates; or”.

(2) **COVERED GOVERNMENT SUPPORT CONTRACTOR DEFINED.**—Such section is further amended by adding at the end the following new subsection:

“(f) In this section, the term ‘covered Government support contractor’ means a contractor under a contract the primary purpose of which is to furnish independent and impartial advice or technical assistance directly to the Government in support of the Government’s management and oversight of a program or effort (rather than to directly furnish an end item or service to accomplish a program or effort), which contractor—

“(1) is not affiliated with the prime contractor or a first-tier subcontractor on the program or effort, or with any direct competitor of such prime contractor or any such first-tier subcontractor in furnishing end items or services of the type developed or produced on the program or effort; and

“(2) executes a contract with the Government agreeing to and acknowledging—

“(A) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

“(B) that a breach of that contract by the covered Government support contractor with regard to a third party’s ownership or rights in such technical data may subject the covered Government support contractor—

“(i) to criminal, civil, administrative, and contractual actions in law and equity for penalties, damages, and other appropriate remedies by the United States; and

“(ii) to civil actions for damages and other appropriate remedies by the contractor or subcontractor whose technical data is affected by the breach;

“(C) that such technical data provided to the covered Government support contractor under

the authority of this section shall not be used by the covered Government support contractor to compete against the third party for Government or non-Government contracts; and

“(D) that any breach of the nondisclosure obligations under subparagraphs (A) through (C) may constitute a violation of section 1905 of title 18.”.

(b) **CRIMINAL PENALTY.**—Section 1905 of title 18, United States Code, is amended by inserting “or being an officer, agent, or employee of a private sector organization having a contractual nondisclosure agreement under the authority of section 2320(f)(2) of title 10,” after “Antitrust Civil Process Act (15 U.S.C. 1311-1314).”.

SEC. 822. EXTENSION AND ENHANCEMENT OF AUTHORITIES ON THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) **DATE OF FINAL REPORT.**—Subsection (d)(3) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 230) is amended by striking “two years” and inserting “three years”.

(b) **ASSISTANCE FROM FEDERAL AGENCIES.**—Such section is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **ASSISTANCE FROM FEDERAL AGENCIES.**—

“(1) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall provide to the Commission administrative support for the performance of the Commission’s functions in carrying out the requirements of this section.

“(2) **TRAVEL AND LODGING IN COMBAT THEATERS.**—The administrative support provided the Commission under paragraph (1) shall include travel and lodging undertaken in combat theaters, which support shall be provided on a non-reimbursable basis.

“(3) **OTHER DEPARTMENTS AND AGENCIES.**—In addition to the support required by paragraph (1), any department or agency of the Federal Government may provide to the Commission such services, funds, facilities, staff, and other support services for the performance of the Commission’s functions as the head of such department or agency considers advisable, or as may otherwise be authorized by law.”.

SEC. 823. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) **REGULATIONS REQUIRED.**—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be modified to provide the following:

(1) That the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to contractor personnel.

(2) That contractor personnel with proper training and security clearances may be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions in interrogations of persons as described in paragraph (1) if such personnel are subject to the same rules, procedures, policies, and laws pertaining to detainee operations and interrogations as apply to government personnel in such positions in such interrogations.

(b) **DISCHARGE BY GOVERNMENT PERSONNEL.**—The Secretary of Defense shall take appropriate actions to ensure that, by not later than one year after the date of the enactment of this Act, the Department of Defense has the resources needed to ensure that interrogations described

in subsection (a)(1) are conducted by appropriately qualified government personnel.

SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

Subsection (c) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4556) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraphs:

“(6) Each audit report that, as determined by an Inspector General or the head of an audit agency responsible for the report, contains significant adverse information about a contractor that should be included in the database.

“(7) Each contract action that, as determined by the head of the contracting activity responsible for the contract action, reflects information about contractor performance or integrity that should be included in the database.”.

Subtitle D—Other Matters

SEC. 831. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN CENTRAL ASIA, PAKISTAN, AND THE SOUTH CAUCASUS.

(a) **IN GENERAL.**—In the case of a product or service to be acquired in support of military operations or stability operations (including security, transition, reconstruction, and humanitarian relief activities) in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Central Asia, Pakistan, or the South Caucasus;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Central Asia, Pakistan, or the South Caucasus; or

(3) a preference is provided for products or services that are from Central Asia, Pakistan, or the South Caucasus.

(b) **DETERMINATION.**—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by military forces, police, or other security personnel of Afghanistan; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary—

(i) to improve local market and transportation infrastructure in Central Asia, Pakistan, or the South Caucasus in order to reduce overall United States transportation costs and risks in shipping goods in support of operations in Afghanistan; or

(ii) to encourage states of Central Asia, Pakistan, or the South Caucasus to cooperate in expanding supply routes through their territory in support of operations in Afghanistan; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) operations in Afghanistan; or

(ii) the United States industrial base.

(c) **PRODUCTS, SERVICES, AND SOURCES FROM CENTRAL ASIA, PAKISTAN, OR THE SOUTH CAUCASUS.**—For the purposes of this section:

(1) A product is from Central Asia, Pakistan, or the South Caucasus if it is mined, produced, or manufactured in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

(2) A service is from Central Asia, Pakistan, or the South Caucasus if it is performed in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan by citizens or permanent resident aliens of Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

(3) A source is from Central Asia, Pakistan, or the South Caucasus if it—

(A) is located in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan; and

(B) offers products or services that are from Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

(d) **CONSTRUCTION WITH OTHER AUTHORITY.**—The authority in subsection (a) is in addition to the authority in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 266; 10 U.S.C. 2302 note).

(e) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than December 31 each year, the Secretary shall submit to Congress a report on the exercise of the authority in subsection (a) during the preceding fiscal year.

(2) **ELEMENTS.**—Each report under this subsection shall include, for the fiscal year covered by such report, the following:

(A) A statement of the number of occasions on which the Secretary made a determination under subsection (a) with respect to the exercise of the authority in subsection (a), regardless of whether or not the determination resulted in the exercise of such authority.

(B) The total amount of all procurements pursuant to the exercise of such authority, and the total amount of procurements for each country with respect to which such authority was exercised.

(C) A description and assessment of the extent to which procurements pursuant to the exercise of such authority furthered the national security interest of the United States.

(f) **SUNSET.**—The authority in subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

SEC. 832. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

(a) **AUTHORITY TO MODIFY DEFINITION OF “SMALL ARMS PRODUCTION INDUSTRIAL BASE”.**—Section 2473(c) of title 10, United States Code, is amended by inserting before the period at the end the following: “, and any subsequent modifications to such list of firms pursuant to a review by the Secretary of Defense”.

(b) **REVIEW OF SMALL ARMS PRODUCTION INDUSTRIAL BASE.**—

(1) **REVIEW.**—Not later than March 31, 2010, the Secretary of Defense shall review and determine, based upon manufacturing capability and capacity—

(A) whether any firms included in the small arms production industrial base (as that term is defined in section 2473(c) of title 10, United States Code) should be eliminated or modified and whether any additional firms should be included; and

(B) whether any of the small arms listed in section 2473(d) of title 10, United States Code, should be eliminated from the list or modified on the list, and whether any additional small arms should be included in the list.

(2) **REPORT.**—Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the review conducted under this subsection, including any recommendations for changes to the list maintained pursuant to subsection (c) of section 2473(d) of title 10, United States Code, or the list under subsection (d) of such section.

SEC. 833. EXTENSION OF SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) **SBIR EXTENSION.**—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking “The authorization” and inserting the following:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the authorization”; and

(2) by adding at the end the following:

“(2) **EXCEPTION FOR DEPARTMENT OF DEFENSE.**—The Secretary of Defense and the Secretary of each military department is authorized to carry out the Small Business Innovation Research Program of the Department of Defense until September 30, 2023.”.

(b) **STTR REAUTHORIZATION.**—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking “With respect” and inserting the following:

“(i) **FEDERAL AGENCIES GENERALLY.**—Except as provided in clause (i), with respect”; and

(2) by adding at the end the following:

“(ii) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense and the Secretary of each military department shall carry out clause (i) with respect to each fiscal year through fiscal year 2023.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on July 30, 2009.

SEC. 834. EXPANSION AND PERMANENT AUTHORITY FOR SMALL BUSINESS INNOVATION RESEARCH COMMERCIALIZATION PROGRAM.

(a) **EXPANSION TO INCLUDE SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.**—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended in paragraphs (1), (2), and (4) by inserting “and the Small Business Technology Transfer Program” after “Small Business Innovation Research Program”.

(b) **PERMANENT AUTHORITY.**—

(1) **IN GENERAL.**—Such section is further amended by striking paragraph (6).

(2) **CONFORMING AMENDMENTS.**—Such section is further amended—

(A) in the subsection heading, by striking “PILOT”; and

(B) by striking “Pilot” each place it appears.

SEC. 835. MEASURES TO ENSURE THE SAFETY OF FACILITIES, INFRASTRUCTURE, AND EQUIPMENT FOR MILITARY OPERATIONS.

(a) **POLICY.**—It shall be the policy of the Department of Defense to incorporate generally accepted industry standards for the safety and health of personnel, to the maximum extent practicable, into requirements for facilities, infrastructure, and equipment that are intended for use by military or civilian personnel of the Department in current and future contingency operations.

(b) **CONTRACTS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing that actions that the Department of Defense has taken, or plans to take, to ensure that each contract or task or delivery order entered into for the construction, installation, repair, maintenance, or operation of facilities for use by military or civilian personnel of the Department in current and future contingency operations complies with the policy established in subsection (a).

(c) **GENERALLY ACCEPTED INDUSTRY STANDARDS FOR SAFETY.**—For the purposes of this section, generally accepted industry standards for the safety of personnel include—

(1) appropriate standards with respect to fire protection and structural integrity; and

(2) standards with respect to electrical systems, water treatment, and telecommunications networks.

SEC. 836. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1543) is repealed.

SEC. 837. DEFENSE SCIENCE BOARD REPORT ON RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Defense Science Board shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the usage of rare earth materials in the supply chain of the Department of Defense.

(b) **ELEMENTS.**—The report required by subsection (a) shall address, at a minimum, the following:

(1) The current and projected domestic and world-wide availability of rare earth materials for use by the Department of Defense in its weapon systems.

(2) The extent to which weapon systems acquired by the Department of Defense are currently dependent on, or are projected to become dependent on, rare earth materials supplied by sources that could be interrupted.

(3) The risk to national security, if any, of dependence on such sources for rare earth materials.

(4) Any steps that the Department of Defense has taken or is planning to take to address any such risk to national security.

(5) Such recommendations for further action to address the matters covered by the report as the Defense Science Board considers appropriate.

(c) **DEFINITIONS.**—In this section:

(1) The term “rare earth” means the chemical elements in the periodic table beginning with lanthanum and continuing to lutetium, and any associated elements.

(2) The term “rare earth material” includes rare earth ores, semi-finished rare earth products, and components containing rare earth materials.

SEC. 838. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.

Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and inserting “may”.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT
Subtitle A—Department of Defense Management

SEC. 901. DEPUTY UNDER SECRETARIES OF DEFENSE AND ASSISTANT SECRETARIES OF DEFENSE.

(a) **DEPUTY UNDER SECRETARIES OF DEFENSE.**—Chapter 4 of title 10, United States Code, is amended by adding after section 137 the following new section:

“§ 137a. Deputy Under Secretaries of Defense

“(a)(1) There are five Deputy Under Secretaries of Defense.

“(2)(A) The Deputy Under Secretaries of Defense referred to in paragraphs (1) through (3) of subsection (c) shall be appointed as provided in the applicable paragraph.

“(B) The Deputy Under Secretaries of Defense referred to in paragraphs (4) and (5) of subsection (c) shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(3) The five Deputy Under Secretaries of Defense authorized by this section are the only Deputy Under Secretaries of Defense.

“(b) Each Deputy Under Secretary of Defense shall be the first assistant to an Under Secretary of Defense and shall assist such Under Secretary in the performance of the duties of the position of such Under Secretary and shall act for, and exercise the powers of, such Under Secretary when such Under Secretary is absent or disabled.

“(c)(1) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics appointed pursuant to section 133a of this title.

“(2) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Policy appointed pursuant to section 134a of this title.

“(3) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Personnel and Readiness appointed pursuant to section 136a of this title.

“(4) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense (Comptroller).

“(5) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense for Intelligence.

“(d) The Deputy Under Secretaries of Defense take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Deputy Chief Management Officer of the Department of Defense.”.

(b) **ASSISTANT SECRETARIES OF DEFENSE.**—

(1) **REDESIGNATION OF DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS AS ASSISTANT SECRETARY.**—Chapter 4 of such title is further amended—

(A) by transferring section 133b to appear after section 138 and redesignating such section, as so transferred, as section 138a; and

(B) in such section, as so transferred and redesignated, by striking “Deputy Under Secretary” each place it appears and inserting “Assistant Secretary”.

(2) **ADDITIONAL ASSISTANT SECRETARIES.**—Section 138 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

“(a)(1) There are 16 Assistant Secretaries of Defense.

“(2)(A) The Assistant Secretary of Defense referred to in subsection (b)(7) shall be appointed as provided in that subsection.

“(B) The other Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.”; and

(B) in subsection (b), by adding the following new paragraphs:

“(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition. The Assistant Secretary of Defense for Acquisition is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to acquisition.

“(7) One of the Assistant Secretaries is the Assistant Secretary of Defense for Logistics and Materiel Readiness appointed pursuant to section 138a of this title. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Logistics and Materiel Readiness shall have the duties specified in section 138a of this title.

“(8) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Installations and Environment. The Assistant Secretary of Defense for Installations and Environment is the principal adviser to the Secretary of Defense

and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to Department of Defense installations and environmental policy.

“(9) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Manufacturing and Industrial Base. The Assistant Secretary of Defense for Manufacturing and Industrial Base is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to the defense industrial base, carrying out the requirements of chapter 148 of this title, and executing the authorities provided by the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.).

“(10) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Readiness. The Assistant Secretary of Defense for Readiness is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness on matters relating to military readiness.

“(11) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Strategy, Plans, and Forces. The Assistant Secretary of Defense for Strategy, Plans, and Forces is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Policy on matters relating to strategy, plans, and forces.”.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—

(A) Section 133a of such title is amended—

(i) by striking “Deputy Under Secretary of Defense for Acquisition and Technology” each place it appears and inserting “Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics”; and

(ii) by striking “duties relating to acquisition and technology” and inserting “duties”.

(B) Section 134a of such title is amended by striking “Deputy Under Secretary” each place it appears and inserting “Principal Deputy Under Secretary”.

(C) Section 134b of such title is repealed.

(D) Section 136a of such title is amended by striking “Deputy Under Secretary” each place it appears and inserting “Principal Deputy Under Secretary”.

(2) SECTION HEADING AMENDMENTS.—

(A) The heading of section 133a of such title is amended to read as follows:

“§ 133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics”.

(B) The heading of section 134a of such title is amended to read as follows:

“§ 134a. Principal Deputy Under Secretary of Defense for Policy”.

(C) The heading of section 136a of such title is amended to read as follows:

“§ 136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness”.

(D) The heading of section 138a of such title, as transferred and redesignated by subsection (b)(1) of this section, is amended to read as follows:

“§ 138a. Assistant Secretary of Defense for Logistics and Materiel Readiness”.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 133a and inserting the following new item:

“133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.”;

(B) by striking the items relating to sections 134a and 134b and inserting the following new item:

“134a. Principal Deputy Under Secretary of Defense for Policy.”;

(C) by striking the item relating to section 136a and inserting the following new item:

“136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness.”;

(D) by inserting after the item relating to section 137 the following new item:

“137a. Deputy Under Secretaries of Defense.”; and

(E) by inserting after the item relating to section 138 the following new item:

“138a. Assistant Secretary of Defense for Logistics and Materiel Readiness.”.

(d) EXECUTIVE SCHEDULE MATTERS.—

(1) LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Acquisition and Technology and inserting the following new item:

“Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.”.

(2) LEVEL IV.—Section 5315 of such title is amended—

(A) by striking the item relating to the Assistant Secretaries of Defense and inserting the following new item:

“Assistant Secretaries of Defense (16).”; and

(B) by striking the items relating to the Deputy Under Secretary of Defense for Policy, the Deputy Under Secretary of Defense for Personnel and Readiness, and the Deputy Under Secretary of Defense for Logistics and Materiel Readiness and inserting the following new items:

“Principal Deputy Under Secretary of Defense for Policy.

“Principal Deputy Under Secretary of Defense for Personnel and Readiness.

“Principal Deputy Under Secretary of Defense (Comptroller).

“Principal Deputy Under Secretary of Defense for Intelligence.”.

SEC. 902. REPEAL OF CERTAIN LIMITATIONS ON PERSONNEL AND CONSOLIDATION OF REPORTS ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.

(a) REPEAL OF CERTAIN LIMITATIONS ON PERSONNEL ASSIGNED TO MAJOR HEADQUARTERS ACTIVITIES.—

(1) REPEALS.—The following provisions of law are repealed:

(A) Section 143 of title 10, United States Code.

(B) Section 194 of such title.

(C) Sections 3014(f), 5014(f), and 8014(f) of such title.

(D) Section 601 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (10 U.S.C. 194 note).

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 143.

(B) The table of sections at the beginning of subchapter I of chapter 8 of such title is amended by striking the item relating to section 194.

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended by inserting after subsection (e) the following new subsection:

“(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

“(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such

numbers for the current fiscal year and the budget fiscal year.

“(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number associated with the replacement of contracts performing inherently governmental or exempt functions.

“(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.”.

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of such section is amended by inserting “defense” before “manpower requirements report”.

(B)(i) The heading of such section is amended to read as follows:

“§ 115a. Annual defense manpower requirements report”.

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

“115a. Annual defense manpower requirements report.”.

(3) CONFORMING REPEALS.—The following provisions of law are repealed:

(A) Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 272).

(B) Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4619).

SEC. 903. SENSE OF SENATE ON THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Western Hemisphere Institute for Security Cooperation was established by section 911 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-226).

(2) The Western Hemisphere Institute for Security Cooperation provides professional education and training to military personnel, law enforcement officials, and civilian personnel in support of the democratic principles set forth in the Charter of the Organization of American States. The Institute effectively promotes mutual knowledge, transparency, confidence, and cooperation among participating nations. It also effectively builds strategic partnerships to address the great security challenges in the region while encouraging democratic values, respect for human rights, subordination to civilian authority, and understanding of United States customs and traditions.

(3) The Western Hemisphere Institute for Security Cooperation supports the Security Cooperation Guidance of the Secretary of Defense by addressing the building partner capacity education and training needs of the United States Southern Command and the United States Northern Command.

(4) In a joint letter, dated April 9, 2009, General Renuart, the Commander of the United States Northern Command, and Admiral Stavridis, the Commander of the United States Southern Command, write “[t]he outstanding service that WHINSEC provides directly supports the United States Southern Command’s and United States Northern Command’s strategic objective of fostering lasting partnerships that will ensure security, enhance stability, and enable prosperity throughout the Americas” and notes that the Institute provides “culturally-sensitive training, with a strong emphasis on the values of democracy and human rights”.

(5) In establishing the Western Hemisphere Institute for Security Cooperation, Congress mandates that participants at the Institute receive a minimum of 8 hours of instruction on human rights, due process, the rule of law, the role of the Armed Forces in a democratic society, and civilian control of the military. Every course devotes at least 10 percent of its course work to democracy, ethics, and human rights issues. The Institute is also required to develop a curriculum that includes leadership development, counterdrug operations, peacekeeping, resource management, and disaster relief planning. In fiscal year 2008, the Institute presented 39 courses and hosted 1,196 students in residence at Fort Benning, Georgia, of whom 292 were police personnel, and trained an additional 280 students through the Mobile Training Team programs of the Institute.

(6) Congress mandated the formation of a Federal advisory committee—an oversight committee unique to the Western Hemisphere Institute for Security Cooperation. It provides recommendations and an independent review of the Institute and its curriculum to ensure the uniform adherence of the Institute to United States law, regulations, and policies. The Board of Visitors of the Institute includes the Chairman and Ranking Member of the Committee on Armed Services of the Senate, the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives, the Secretary of State, the Commander of the United States Southern Command, the Commander of the United States Northern Command, the Commander of the United States Training and Doctrine Command, and six members designated by the Secretary of Defense. The six members designated by the Secretary of Defense include, to the extent practicable, individuals from academia and the religious and human rights communities. In addition to the 13 members of the Board of Visitors, advisors and subject matter experts assist the Board in areas the Board considers necessary and appropriate.

(7) The Western Hemisphere Institute for Security Cooperation operates in accordance with section 8130 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2335) that prohibits United States military assistance to foreign military units that violate human rights, including security assistance programs funded through appropriations available for foreign operations and training programs funded through appropriations made available for the Department of Defense.

(8) The Western Hemisphere Institute for Security Cooperation does not select students for participation in its courses. A partner nation nominates students to attend the Institute, and in accordance with the law of the United States and the policies of the Department of Defense and the Department of State, the United States Embassy in such partner nation screens and conducts background checks on such nominees. The vetting process of nominees for participation in the Institute includes a background check by United States embassies in partner nations, as well as checks by the Bureau of Western Hemisphere Affairs and the Bureau of Democracy, Human Rights, and Labor at the Department of State. The Department of State also uses the Abuse Case Evaluation System, a central database that aggregates human rights abuse data into a single, searchable location, to ensure nominees have not been accused of any human rights abuses.

(9) The training provided by the Western Hemisphere Institute for Security Cooperation is transparent and the Institute is open to visitors at any time. Visitors are welcome to sit in on classes, talk with students and faculty, and review instructional materials. Every year, the Institute hosts more than a thousand visiting students, faculty, civilian, and military officials.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the Western Hemisphere Institute for Security Cooperation—

(A) offers quality professional military bilingual instruction for military officers and non-commissioned officers that promotes democracy, subordination to civilian authority, and respect for human rights; and

(B) is uniquely positioned to support the modernization of Latin America security forces as they work to transcend their own controversial pasts;

(2) the Western Hemisphere Institute for Security Cooperation is building partner capacity which enhances regional and global security while encouraging respect for human rights and promoting democratic principles among eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere;

(3) the Western Hemisphere Institute for Security Cooperation is an invaluable education and training facility whose curriculum is not duplicated in any of the military departments and is not replaceable by professional military education funded by appropriations for International Military Education and Training (IMET), which education is not conducted in Spanish and does not concentrate on regional challenges; and

(4) the Western Hemisphere Institute for Security Cooperation is an essential tool to educate future generations of Latin American leaders and improve United States relationships with partner nations that are working with the United States to promote democracy, prosperity, and stability in the Western Hemisphere.

SEC. 904. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) **REESTABLISHMENT OF POSITION.**—

(1) **IN GENERAL.**—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

“§ 10505. Vice Chief of the National Guard Bureau

“(a) **APPOINTMENT.**—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(C) are in a grade above the grade of colonel.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) **DUTIES.**—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) **GRADE.**—The Vice Chief of the National Guard Bureau shall be appointed to serve in a grade decided by the Secretary of Defense.

“(d) **FUNCTIONS AS ACTING CHIEF.**—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

“10505. Vice Chief of the National Guard Bureau.

“10505a. Director of the Joint Staff of the National Guard Bureau.”.

(b) **CONFORMING AMENDMENT.**—Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “, the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau”.

Subtitle B—Space Matters

SEC. 911. PROVISION OF SPACE SITUATIONAL AWARENESS SERVICES AND INFORMATION TO NON-UNITED STATES GOVERNMENT ENTITIES.

(a) **IN GENERAL.**—Section 2274 of title 10, United States Code, is amended to read as follows:

“§ 2274. Space situational awareness services and information: provision to non-United States Government entities

“(a) **AUTHORITY.**—The Secretary of Defense may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities in accordance with this section. Any such action may be taken only if the Secretary determines that such action is consistent with the national security interests of the United States.

“(b) **ELIGIBLE ENTITIES.**—The Secretary may provide services and information under subsection (a) to, and may obtain data and information under subsection (a) from, any non-United States Government entity, including any of the following:

“(1) A State.

“(2) A political subdivision of a State.

“(3) A United States commercial entity.

“(4) The government of a foreign country.

“(5) A foreign commercial entity.

“(c) **AGREEMENT.**—The Secretary may not provide space situational awareness services and information under subsection (a) to a non-United States Government entity unless that entity enters into an agreement with the Secretary under which the entity—

“(1) agrees to pay an amount that may be charged by the Secretary under subsection (d);

“(2) agrees not to transfer any data or technical information received under the agreement, including the analysis of data, to any other entity without the express approval of the Secretary; and

“(3) agrees to any other terms and conditions considered necessary by the Secretary.

“(d) **CHARGES.**—(1) As a condition of an agreement under subsection (c), the Secretary may (except as provided in paragraph (2)) require the non-United States Government entity entering into the agreement to pay to the Department of Defense such amounts as the Secretary determines appropriate to reimburse the Department for the costs to the Department of providing space situational awareness services or information under the agreement.

“(2) The Secretary may not require the government of a State, or of a political subdivision of a State, to pay any amount under paragraph (1).

“(e) CREDITING OF FUNDS RECEIVED.—(1) Funds received for the provision of space situational awareness services or information pursuant to an agreement under this section shall be credited, at the election of the Secretary, to the following:

“(A) The appropriation, fund, or account used in incurring the obligation.

“(B) An appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

“(2) Funds credited under paragraph (1) shall be merged with, and remain available for obligation with, the funds in the appropriation, fund, or account to which credited.

“(f) PROCEDURES.—The Secretary shall establish procedures by which the authority under this section shall be carried out. As part of those procedures, the Secretary may allow space situational awareness services or information to be provided through a contractor of the Department of Defense.

“(g) NONDISCLOSURE.—Any information received under subsection (a), records of agreements entered into under subsection (c), and analyses or data provided as a part of the provision of services or information under this section shall be exempt from disclosure under section 552(b)(3) of title 5.

“(h) IMMUNITY.—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by striking the item relating to section 2274 and inserting the following new item:

“2274. Space situational awareness services and information: provision to non-United States Government entities.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 912. PLAN FOR MANAGEMENT AND FUNDING OF NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, the Secretary of Commerce, and the Administrator of the National Aeronautics and Space Administration shall jointly develop a plan for the management and funding of the National Polar-Orbiting Operational Environmental Satellite System Program (in this section referred to as the “Program”) by the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

(b) ELEMENTS.—The plan required under subsection (a) shall include the following:

(1) Requirements for the Program.

(2) The management structure of the Program.

(3) A funding profile for the Program for each year of the Program for the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 by section 201(a)(3) for research, development, test, and evaluation for the Air Force and available for the Program, not more than 50 percent of such amounts may be obligated or expended before the date on which the plan developed under subsection (a) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transpor-

tation of the Senate, and the Committee on Energy and Commerce of the House of Representatives.

(d) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the National Polar-Orbiting Operational Environmental Satellite System Program, including the sensors, satellites, and orbits included in the Program, should be maintained;

(2) the National Polar-Orbiting Operational Environmental Satellite System preparatory project should be managed and treated as an operational satellite;

(3) the responsibility of Department of Defense milestone decision authority for the Program should be delegated to the Department of Defense Executive Agent for Space, and the Department of Defense Executive Agent for Space should become the member of the Tri-Agency Executive Committee from the Department of Defense;

(4) the Program Executive Office of the Program should report directly to and take direction exclusively from the Tri-Agency Executive Committee;

(5) the acquisition procedures of the Department of Defense should continue to be used in the Program;

(6) the Administrator of the National Aeronautics and Space Administration and the Secretary of the Air Force should make support from the Goddard Space Flight Center and the Space and Missile Systems Center, respectively, available for the Program, as needed;

(7) the budget for the Program should not be less than the estimate of the Cost Analysis Improvement Group of the Department of Defense for the Program;

(8) the Program should continue to be managed by a single program manager;

(9) the Program should be managed as a long-term operational program; and

(10) once all requirements for the Program are fully agreed to by the Secretary of Defense, the Secretary of Commerce, and the Administrator of the National Aeronautics and Space Administration, the Program should be executed with no modifications to those requirements that would increase the cost, or extend the schedule, of the Program.

Subtitle C—Intelligence Matters

SEC. 921. INCLUSION OF DEFENSE INTELLIGENCE AGENCY IN AUTHORITY TO USE PROCEEDS FROM COUNTERINTELLIGENCE OPERATIONS.

(a) IN GENERAL.—Section 423 of title 10, United States Code, is amended by inserting “and the Defense Intelligence Agency” after “the military departments” each place it appears in subsections (a) and (c).

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§423. Authority to use proceeds from counterintelligence operations of the military departments and the Defense Intelligence Agency”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 21 of such title is amended by striking the item relating to section 423 and inserting the following new item:

“423. Authority to use proceeds from counterintelligence operations of the military departments and the Defense Intelligence Agency.”

Subtitle D—Other Matters

SEC. 931. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

“§2118. United States Military Cancer Institute

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the

United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

“(b) PURPOSES.—The purposes of the Institute are as follows:

“(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

“(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

“(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

“(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for affiliation with the Institute.

“(2) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

“(e) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

“(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins within the members of the armed forces.

“(B) The prevention and early detection of cancer among members and former members of the armed forces.

“(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

“(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

“(f) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

“(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

“(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

“2118. United States Military Cancer Institute.”

SEC. 932. INSTRUCTION OF PRIVATE SECTOR EMPLOYEES IN CYBER SECURITY COURSES OF THE DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY.

(a) AUTHORITY TO RECEIVE INSTRUCTION.—

(1) IN GENERAL.—The Secretary of Defense may permit eligible private sector employees to enroll in and receive instruction at the Defense Cyber Investigations Training Academy operated under the direction of the Defense Cyber Crime Center.

(2) LIMITATION.—Not more than the equivalent of 200 full-time student positions at the Defense Cyber Investigations Training Academy may be filled at any one time by private sector employees enrolled under this section.

(3) **CERTIFICATION.**—Upon successful completion of a course of instruction at the Defense Cyber Investigations Training Academy under this section, a private sector employee may be awarded an appropriate certification or diploma.

(b) **ELIGIBLE PRIVATE SECTOR EMPLOYEES.**—

(1) **IN GENERAL.**—For purposes of this section, an eligible private sector employee is an individual employed by a private entity, as determined by the Secretary—

(A) that is engaged in providing to the Department of Defense or other departments or agencies of the Federal Government significant and substantial defense-related systems, products, or services; or

(B) whose work product is relevant to national security policy or strategy.

(2) **DURATION OF TREATMENT.**—An individual is eligible for treatment as a private sector employee for purposes of this section only so long as the individual remains employed by a private entity described in paragraph (1).

(c) **CURRICULA OPEN TO ENROLLEES.**—The curricula of instruction for which eligible private sector employees may enroll at the Defense Cyber Investigations Training Academy under this section may only include curricula of instruction otherwise offered by the Academy that, as determined by the Secretary, are not readily available through other educational institutions.

(d) **TUITION.**—A private sector employee enrolled at the Defense Cyber Investigations Training Academy under this section shall be charged tuition at a rate equal to the rate charged for civilian employees of the Federal Government at the Academy.

(e) **STANDARDS OF CONDUCT.**—While receiving instruction at the Defense Cyber Investigations Training Academy under this section, private sector employees enrolled at the Academy under this section shall, to the extent practicable, be subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to civilian employees of the Federal Government receiving instruction at the Academy.

(f) **USE OF FUNDS.**—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, amounts received by the Defense Cyber Investigations Training Academy for the instruction of private sector employees enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source and disposition of funds so retained and utilized shall be specifically identified in records of the Academy.

SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of Homeland Security, jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide access to the national airspace for unmanned aircraft of the Department of Defense.

(2) Specific milestones, aligned to operational and training needs, for providing access to the national airspace for unmanned aircraft and a transition plan for sites programmed to be activated as unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the

Department of Transportation to accommodate unmanned aircraft assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a)

SEC. 1002. AUDIT READINESS OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) **AUDIT READINESS OBJECTIVES.**—It shall be the objective of the Department of Defense to ensure that—

(1) the financial statements of the Department of the Army are validated as ready for audit by not later than March 31, 2017;

(2) the financial statements of the Department of the Navy are validated as ready for audit by not later than March 31, 2016;

(3) the financial statements of the Department of the Air Force are validated as ready for audit by not later than September 30, 2016;

(4) the financial statements of the Defense Logistics Agency are validated as ready for audit by not later than September 30, 2017; and

(5) the financial statements of the Department of Defense are validated as ready for audit by not later than September 30, 2017.

(b) **ADJUSTMENT OF DEADLINE FOR OBJECTIVES.**—

(1) **IN GENERAL.**—In the event that the appropriate chief management officer determines that the Department of Defense, a military depart-

ment, or the Defense Logistics Agency will be unable to meet the deadline for an objective as specified in subsection (a), the chief management officer may adjust the deadline for meeting such objective.

(2) **REPORT.**—Not later than 30 days after adjusting the deadline for an objective pursuant to paragraph (1), the chief management officer concerned shall submit to the congressional defense committees a report setting forth—

(A) a statement of the reasons why the Department of Defense, the military department, or the Defense Logistics Agency, as applicable, will be unable to meet the deadline for such objective;

(B) a proposed completion date for the achievement of compliance with such objective; and

(C) a description of the actions that have been taken and are planned to be taken by the Department of Defense, the military department, or the Defense Logistics Agency, as applicable, to meet such objective.

(3) **APPROPRIATE CHIEF MANAGEMENT OFFICER.**—For the purposes of this subsection, the appropriate chief management officer is as follows:

(A) For the objective in subsection (a)(1), the Chief Management Officer of the Army.

(B) For the objective in subsection (a)(2), the Chief Management Officer of the Navy.

(C) For the objective in subsection (a)(3), the Chief Management Officer of the Air Force.

(D) For the objective in subsection (a)(4), the Deputy Chief Management Officer of the Department of Defense.

(E) For the objective in subsection (a)(5), the Chief Management Officer of the Department of Defense.

(c) **FINANCIAL IMPROVEMENT AUDIT READINESS PLAN.**—

(1) **IN GENERAL.**—The Chief Management Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense (Comptroller), develop and maintain a plan to be known as the “Financial Improvement and Audit Readiness Plan”.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall—

(A) describe specific actions to be taken to—

(i) correct financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(ii) meet the objectives specified in subsection (a); and

(B) systematically tie the actions described under subparagraph (A) to process and control improvements and business systems modernization efforts described in the business enterprise architecture and transition plan required by section 2222 of title 10, United States Code.

(d) **SEMI-ANNUAL REPORTS ON FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.**—

(1) **IN GENERAL.**—Not later than May 15 and November 15 each year, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the status of the implementation by the Department of Defense of the Financial Improvement and Audit Readiness Plan required by subsection (c).

(2) **ELEMENTS.**—Each report under paragraph (1) shall include, at a minimum—

(A) an overview of the steps the Department has taken or plans to take to meet the objectives specified in subsection (a), including any interim objectives established by the Department for that purpose; and

(B) a description of any impediments identified in the efforts of the Department to meet such objectives, and of the actions the Department has taken or plans to take to address such impediments.

(3) **ADDITIONAL ISSUES TO BE ADDRESSED IN FIRST REPORT.**—The first report submitted under

paragraph (1) after the date of the enactment of this Act shall address, in addition to the elements required by paragraph (2), the actions taken or to be taken by the Department as follows:

(A) To develop standardized guidance for financial improvement plans by components of the Department.

(B) To establish a baseline of financial management capabilities and weaknesses at the component level of the Department.

(C) To provide results-oriented metrics for measuring and reporting quantifiable results toward addressing financial management deficiencies.

(D) To define the oversight roles of the Chief Management Officer of the Department of Defense, the chief management officers of the military departments, and other appropriate elements of the Department to ensure that the requirements of the Financial Improvement and Audit Readiness Plan are carried out.

(E) To assign accountability for carrying out specific elements of the Financial Improvement and Audit Readiness Plan to appropriate officials and organizations at the component level of the Department.

(F) To develop mechanisms to track budgets and expenditures for the implementation of the requirements of the Financial Improvement and Audit Readiness Plan.

(e) **RELATIONSHIP TO EXISTING LAW.**—The requirements of this section shall be implemented in a manner that is consistent with the requirements of section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1204; 10 U.S.C. 2222 note).

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. TEMPORARY REDUCTION IN MINIMUM NUMBER OF AIRCRAFT CARRIERS IN ACTIVE SERVICE.

Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the decommissioning of the U.S.S. Enterprise (CVN 65) and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN 78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

SEC. 1012. REPEAL OF POLICY RELATING TO THE MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 303) is repealed.

SEC. 1013. SENSE OF SENATE ON THE MAINTENANCE OF A 313-SHIP NAVY.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The Department of the Navy has a stated requirement for a 313-ship fleet.

(2) The Navy can better meet this requirement—

(A) by procuring sufficient numbers of new ships; and

(B) by ensuring the sound material condition of existing ships that will enable the Navy to utilize them for their full planned service lives.

(3) When procuring new classes of ships, the Navy must exercise greater caution than it has exhibited to date in proceeding from one stage of the acquisition cycle to the next before a ship program has achieved a level of maturity that significantly lowers the risk of cost growth and schedule slippage.

(4) In retaining existing assets, the Navy can do a much better job of achieving the full planned service lives of ships and extending the service lives of certain ships so as to keep their unique capabilities in the fleet while the Navy takes the time necessary to develop and field next-generation capabilities under a low risk program.

(5) The Navy can undertake certain development approaches that can help the Navy control the total costs of ownership of a ship or class of ships, including emphasizing common hull designs, open architecture combat systems, and other common ship systems in order to achieve efficiency in acquiring and supporting various classes of ships.

(6) The Navy needs to continue its efforts toward achieving an open architecture for existing combat systems, as this will have great benefit in reducing the costs and risks of fielding new classes of ships, and will yield recurring savings from reducing the costs of buying later ships in a program and reducing life cycle support costs for ships and classes of ships.

(7) The Navy can also undertake other measures to acquire new ships and maintain the current fleet with greater efficiency, including—

(A) greater use of fixed-price contracts;

(B) maximizing competition (or the option of competition) throughout the life cycle of its ships;

(C) entering into multiyear contracts when warranted; and

(D) employing an incremental approach to developing new technologies.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the Navy should meet its requirement for a 313-ship fleet;

(2) the Navy should take greater care to achieve the full planned service life of existing ships and reduce the incidence of early ship decommissioning;

(3) the Navy should exercise greater restraint on the acquisition process for ships in order to achieve on-time, on-cost shipbuilding programs; and

(4) Congress should support the Navy when it is acting responsibly to undertake measures that can help the Navy achieve the requirement for a 313-ship fleet and maintain a fleet that is adequate to meet the national security needs of the United States.

SEC. 1014. DESIGNATION OF U.S.S. CONSTITUTION AS AMERICA'S SHIP OF STATE.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The 3rd Congress authorized, in the Act entitled “An Act to Provide a Naval Armament”, approved on March 27, 1794 (1 Stat. 350, Chap. XII), the construction of six frigates as the first ships to be built for the United States Navy.

(2) One of the six frigates was built in Boston between 1794 and 1797, and is the only one of the original six ships to survive.

(3) President George Washington named this frigate “Constitution” to represent the Nation’s founding document.

(4) President Thomas Jefferson, asserting the right of the United States to trade on the high seas, dispatched the frigate Constitution in 1803 as the flagship of the Mediterranean Squadron to end the depredations of the Barbary States against United States ships and shipping, which led to a treaty being signed with the Bashaw of Tripoli in the Captain’s cabin aboard the frigate Constitution on June 4, 1805.

(5) The frigate Constitution, with her defeat of HMS Guerriere, secured the first major victory by the young United States Navy against the Royal Navy during the War of 1812, gaining in the process the nickname “Old Ironsides”, which she has proudly carried since.

(6) Congress awarded gold medals to four of the ship’s commanding officers (Preble, Hull, Stewart, and Bainbridge), a record unmatched by any other United States Navy vessel.

(7) The frigate Constitution emerged from the War of 1812 undefeated, having secured victories over three additional ships of the Royal Navy.

(8) As early as May 1815, the frigate Constitution had already been adopted as a symbol of

the young Republic, as attested by the [Washington] National Intelligencer which proclaimed, “Let us keep ‘Old Ironsides’ at home. She has, literally become the Nation’s Ship . . . and should thus be preserved . . . in honorable pomp, as a glorious Monument of her own, and our other Naval Victories.”.

(9) Rumors in 1830 that “Old Ironsides,” an aging frigate, was about to be scrapped resulted in a public uproar demanding that the ship be restored and preserved, spurred by Oliver Wendell Holmes’ immortal poem “Old Ironsides”.

(10) “Old Ironsides” circumnavigated the world between 1844 and 1846, showing the American flag as she searched for future coaling stations that would eventually fuel the steam-powered navy of the United States.

(11) The first Pope to set foot on United States sovereign territory was Pius IX onboard the frigate Constitution in 1849.

(12) “Old Ironsides” helped evacuate the United States Naval Academy from Annapolis, Maryland, to Newport, Rhode Island, in 1860 to prevent this esteemed ship from falling into Confederate hands.

(13) Congressman John F. “Honey Fitz” Fitzgerald introduced legislation in 1896 to return “Old Ironsides” from the Portsmouth (New Hampshire) Naval Shipyard, where she was moored pier side and largely forgotten, to Boston for her 100th birthday.

(14) Thousands of school children contributed pennies between 1925 and 1927 to help fund a much needed restoration for “Old Ironsides”.

(15) Between 1931 and 1934, more than 4,500,000 Americans gained inspiration, at the depth of the Great Depression, by going aboard “Old Ironsides” as she was towed to 76 ports on the Atlantic, Gulf, and Pacific coasts.

(16) The 83rd Congress enacted the Act of July 23, 1954 (68 Stat. 527, chapter 565), which directed the Secretary of the Navy to transfer to the States and appropriate commissions four other historic ships then on the Navy inventory, and to repair and equip U.S.S. Constitution, as much as practicable, to her original condition, but not for active service.

(17) Queen Elizabeth II paid a formal visit to U.S.S. Constitution in 1976, at the start of her state visit marking the Bicentennial of the United States.

(18) The U.S.S. Constitution, in celebration of her bicentennial, returned to sea under sail on July 21, 1997 for the first time since 1881, proudly setting sails purchased by the contributions of thousands of pennies given by school children across the United States.

(19) The U.S.S. Constitution is the oldest commissioned warship afloat in the world.

(20) The U.S.S. Constitution is a National Historic Landmark.

(21) The U.S.S. Constitution continues to perform official, ceremonial duties, including in recent years hosting a congressional dinner honoring the late Senator John Chafee of Rhode Island, a special salute for the dedication of the John Moakley Federal Courthouse, a luncheon honoring British Ambassador Sir David Manning, and a special underway demonstration during which 60 Medal of Honor recipients each received a personal Medal of Honor flag.

(22) The U.S.S. Constitution celebrated on October 21, 2007, the 210th anniversary of her launching.

(23) The U.S.S. Constitution will remain a commissioned ship in the United States Navy, with the Navy retaining control of the ship, its material condition, and its employment.

(24) The U.S.S. Constitution’s primary mission will remain education and public outreach, and any Ship of State functions will be an adjunct to the ship’s primary mission.

(b) **DESIGNATION AS AMERICA’S SHIP OF STATE.**—

(1) IN GENERAL.—The U.S.S. Constitution is hereby designated as “America’s Ship of State”.

(2) REFERENCES.—The U.S.S. Constitution may be known or referred to as “America’s Ship of State”.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President, Vice President, executive branch officials, and members of Congress should utilize the U.S.S. Constitution for the conducting of pertinent matters of state, such as hosting visiting heads of state, signing legislation relating to the Armed Forces, and signing maritime related treaties.

(4) FEE OR REIMBURSEMENT STRUCTURE FOR NON-DEPARTMENT OF THE NAVY USE.—The Secretary of the Navy shall determine an appropriate fee or reimbursement structure for any non-Department of the Navy entities using the U.S.S. Constitution for Ship of State purposes.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593), section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), section 1022 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), and section 1024 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by striking “2009” and inserting “2010”.

(b) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking “or” before “\$75,000,000”; and

(2) by striking the period at the end and inserting “, or \$100,000,000 during fiscal year 2010.”.

(c) CONDITIONS ON PROVISION OF SUPPORT.—Subsection (f)(2) of such section is amended in the matter preceding subparagraph (A) by striking “for fiscal year 2009 to carry out this section and the first fiscal year in which the support is to be provided” and inserting “and available for support”.

(d) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “fiscal year 2009” and inserting “for each fiscal year”; and

(2) in paragraph (7), by striking “fiscal year 2009, and thereafter, for the first fiscal year in which support is to be provided” and inserting “each fiscal year in which support is to be provided a government”.

SEC. 1022. ONE-YEAR EXTENSION OF AUTHORITY FOR JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) ONE-YEAR EXTENSION.—Subsection (b) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking “2009” and inserting “2010”.

(b) ANNUAL REPORT.—Subsection (c) of such section is amended to read as follows:

“(c) ANNUAL REPORT.—Not later than December 31 of each year after 2008 in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report setting forth, for the one-year period ending on the date of such report, the following:

“(1) An assessment of the effect on counter-drug and counter-terrorism activities and objec-

tives of using counter-drug funds of a joint task force to provide counterterrorism support authorized by subsection (a).

“(2) A description of the type of support and any recipient of support provided under subsection (a).

“(3) A list of current joint task forces conducting counter-drug operations.”.

SEC. 1023. ONE-YEAR EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382) and section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended—

(1) in subsection (a)(1), by striking “2009” and inserting “2010”; and

(2) in subsection (c), by striking “2009” and inserting “2010”.

Subtitle D—Military Commissions

SEC. 1031. MILITARY COMMISSIONS.

(a) IN GENERAL.—Chapter 47A of title 10, United States Code, is amended to read as follows:

“CHAPTER 47A—MILITARY COMMISSIONS

“SUBCHAPTER	Sec.
“I. General Provisions	948a.
“II. Composition of Military Commissions	948h.
“III. Pre-Trial Procedure	948g.
“IV. Trial Procedure	949a.
“V. Classified Information Procedures ..	949p–1.
“VI. Sentences	949s.
“VII. Post-Trial Procedures and Review of Military Commissions	950a.
“VIII. Punitive Matters	950p.

“SUBCHAPTER I—GENERAL PROVISIONS

“Sec.	
“948a. Definitions.	
“948b. Military commissions generally.	
“948c. Persons subject to military commissions.	
“948d. Jurisdiction of military commissions.	

“§948a. Definitions

“In this chapter:

“(1) ALIEN.—The term ‘alien’ means an individual who is not a citizen of the United States.

“(2) CLASSIFIED INFORMATION.—The term ‘classified information’ means the following:

“(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

“(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

“(3) COALITION PARTNER.—The term ‘coalition partner’, with respect to hostilities engaged in by the United States, means any State or armed force directly engaged along with the United States in such hostilities or providing direct operational support to the United States in connection with such hostilities.

“(4) GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.—The term ‘Geneva Convention Relative to the Treatment of Prisoners of War’ means the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

“(5) GENEVA CONVENTIONS.—The term ‘Geneva Conventions’ means the international conventions signed at Geneva on August 12, 1949.

“(6) PRIVILEGED BELLIGERENT.—The term ‘privileged belligerent’ means an individual be-

longing to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.

“(7) UNPRIVILEGED ENEMY BELLIGERENT.—The term ‘unprivileged enemy belligerent’ means an individual (other than a privileged belligerent) who—

“(A) has engaged in hostilities against the United States or its coalition partners;

“(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

“(C) is a member of al Qaeda.

“(8) NATIONAL SECURITY.—The term ‘national security’ means the national defense and foreign relations of the United States.

“§948b. Military commissions generally

“(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unprivileged enemy belligerents for violations of the law of war and other offenses triable by military commission.

“(b) AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

“(c) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided therein or in this chapter, and many of the provisions of chapter 47 of this title are by their terms inapplicable to military commissions. The judicial construction and application of chapter 47 of this title, while instructive, is therefore not of its own force binding on military commissions established under this chapter.

“(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

“(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

“(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

“(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

“(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by the terms of such provisions or by this chapter.

“(e) TREATMENT OF RULINGS AND PRECEDENTS.—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

“(f) GENEVA CONVENTIONS NOT ESTABLISHING PRIVATE RIGHT OF ACTION.—No alien unprivileged enemy belligerent subject to trial by military commission under this chapter may invoke the Geneva Conventions as a basis for a private right of action.

“§948c. Persons subject to military commissions

“Any alien unprivileged enemy belligerent having engaged in hostilities or having supported hostilities against the United States is

subject to trial by military commission as set forth in this chapter.

“§948d. Jurisdiction of military commissions

“A military commission under this chapter shall have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter, sections 904 and 906 of this title (articles 104 and 106 of the Uniform Code of Military Justice), or the law of war, and may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when specifically authorized under this chapter. A military commission is a competent tribunal to make a finding sufficient for jurisdiction.

“SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

“Sec.

“948h. Who may convene military commissions.

“948i. Who may serve on military commissions.

“948j. Military judge of a military commission.

“948k. Detail of trial counsel and defense counsel.

“948l. Detail or employment of reporters and interpreters.

“948m. Number of members; excuse of members; absent and additional members.

“§948h. Who may convene military commissions

“Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

“§948i. Who may serve on military commissions

“(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter, including commissioned officers of the reserve components of the armed forces on active duty, commissioned officers of the National Guard on active duty in Federal service, or retired commissioned officers recalled to active duty.

“(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members thereof such members of the armed forces eligible under subsection (a) who, as in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

“(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

“§948j. Military judge of a military commission

“(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which he has been detailed.

“(b) ELIGIBILITY.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge in general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

“(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if he is the accuser or a witness or has acted as investigator or a counsel in the same case.

“(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may he vote with the members.

“(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to him by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

“(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to his performance of duty as a military judge on the military commission.

“§948k. Detail of trial counsel and defense counsel

“(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

“(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

“(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable.

“(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such military commissions.

“(b) TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

“(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

“(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

“(2) a civilian who is—

“(A) a member of the bar of a Federal court or of the highest court of a State; and

“(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

“(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (e), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

“(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

“(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

“(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

“(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

“§948l. Detail or employment of reporters and interpreters

“(a) COURT REPORTERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the military commission qualified court reporters, who shall prepare a verbatim record of the proceedings of and testimony taken before the military commission.

“(b) INTERPRETERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the military commission, and, as necessary, for trial counsel and defense counsel for the military commission, and for the accused.

“(c) TRANSCRIPT; RECORD.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the military commission, who shall also be responsible for preparing the record of the proceedings of the military commission.

“§948m. Number of members; excuse of members; absent and additional members

“(a) NUMBER OF MEMBERS.—(1) A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

“(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

“(b) EXCUSE OF MEMBERS.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

“(1) as a result of challenge;

“(2) by the military judge for physical disability or other good cause; or

“(3) by order of the convening authority for good cause.

“(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

“SUBCHAPTER III—PRE-TRIAL PROCEDURE

“Sec.

“948q. Charges and specifications.

“948r. Compulsory self-incrimination prohibited; statements obtained by torture or cruel, inhuman, or degrading treatment.

“948s. Service of charges.

“§948q. Charges and specifications

“(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

“(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

“(2) that they are true in fact to the best of his knowledge and belief.

“(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against him as soon as practicable.

“§948r. Compulsory self-incrimination prohibited; statements obtained by torture or cruel, inhuman, or degrading treatment

“(a) IN GENERAL.—No person shall be required to testify against himself at a proceeding of a military commission under this chapter.

“(b) STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture, whether or not under color of law, shall not be admissible in a trial by military commission under this chapter, except against a person accused of torture as evidence the statement was made.

“(c) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—A statement in which the degree of coercion is disputed may be admissible in a trial by military commission under this chapter only if the military judge finds that—

“(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

“(2) the interests of justice would best be served by admission of the statement into evidence; and

“(3) the interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading treatment prohibited by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd).

“§948s. Service of charges

“The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

“SUBCHAPTER IV—TRIAL PROCEDURE

“Sec.

“949a. Rules.

“949b. Unlawfully influencing action of military commission.

“949c. Duties of trial counsel and defense counsel.

“949d. Sessions.

“949e. Continuances.

“949f. Challenges.

“949g. Oaths.

“949h. Former jeopardy.

“949i. Pleas of the accused.

“949j. Opportunity to obtain witnesses and other evidence.

“949k. Defense of lack of mental responsibility.

“949l. Voting and rulings.

“949m. Number of votes required.

“949n. Military commission to announce action.

“949o. Record of trial.

“§949a. Rules

“(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense.

Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial of the United States shall apply in trials by military commission under this chapter.

“(b) EXCEPTIONS.—(1) The Secretary of Defense, in consultation with the Attorney General, may make such exceptions in the applicability in trials by military commission under this chapter from the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military and intelligence operations during hostilities or by other practical need.

“(2) Notwithstanding any exceptions authorized by paragraph (1), the procedures and rules of evidence in trials by military commission under this chapter shall include, at a minimum, the following rights:

“(A) To present evidence in his defense, to cross-examine the witnesses who testify against him, and to examine and respond to all evidence admitted against him on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

“(B) To be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

“(C) To be represented before a military commission by civilian counsel if provided at no expense to the Government, and by either the defense counsel detailed or by military counsel of the accused's own selection, if reasonably available.

“(D) To self-representation, if the accused knowingly and competently waives the assistance of counsel, subject to the provisions of paragraph (4).

“(E) To the suppression of evidence that is not reliable or probative.

“(F) To the suppression of evidence the probative value of which is substantially outweighed by—

“(i) the danger of unfair prejudice, confusion of the issues, or misleading the members; or

“(ii) considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

“(3) In making exceptions in the applicability in trials by military commission under this chapter from the procedures and rules otherwise applicable in general courts-martial, the Secretary of Defense may provide the following:

“(A) Evidence seized outside the United States shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or authorization.

“(B) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

“(C) Evidence shall be admitted as authentic so long as—

“(i) the military judge of the military commission determines that there is sufficient evidence that the evidence is what it is claimed to be; and

“(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

“(D) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission only if—

“(i) the proponent of the evidence makes known to the adverse party, sufficiently in ad-

vance to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

“(ii) the military judge, after taking into account all of the circumstances surrounding the taking of the statement, the degree to which the statement is corroborated, and the indicia of reliability within the statement itself, determines that—

“(I) the statement is offered as evidence of a material fact;

“(II) either—

“(aa) direct testimony from the witness is not available as a practical matter, taking into consideration the physical location of the witness and the unique circumstances of the conduct of military and intelligence operations during hostilities; or

“(bb) the production of the witness would have an adverse impact on military or intelligence operations; and

“(III) the general purposes of the rules of evidence and the interests of justice will best be served by admission of the statement into evidence.

“(4)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (2)(D) shall conform his deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

“(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (2)(D). In such case, the military counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

“(c) DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

“§949b. Unlawfully influencing action of military commission

“(a) IN GENERAL.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or their functions in the conduct of the proceedings.

“(2) No person may attempt to coerce or, by any unauthorized means, influence—

“(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

“(B) the action of any convening, approving, or reviewing authority with respect to their judicial acts; or

“(C) the exercise of professional judgment by trial counsel or defense counsel.

“(3) The provisions of this subsection shall not apply with respect to—

“(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

“(B) statements and instructions given in open proceedings by a military judge or counsel.

“(b) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether

any such officer should be retained on active duty, no person may—

“(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

“(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

“§949c. Duties of trial counsel and defense counsel

“(a) TRIAL COUNSEL.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

“(b) DEFENSE COUNSEL.—(1) The accused shall be represented in his defense before a military commission under this chapter as provided in this subsection.

“(2) The accused may be represented by military counsel detailed under section 948k of this title or by military counsel of the accused's own selection, if reasonably available.

“(3) The accused may be represented by civilian counsel if retained by the accused, provided that such civilian counsel—

“(A) is a United States citizen;

“(B) is admitted to the practice of law in a State, district, or possession of the United States, or before a Federal court;

“(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

“(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

“(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

“(4) If the accused is represented by civilian counsel, military counsel shall act as associate counsel.

“(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in such person's sole discretion, may detail additional military counsel to represent the accused.

“(6) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

“(7) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information, and may not divulge such information to any person not authorized to receive it.

“§949d. Sessions

“(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

“(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

“(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

“(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

“(D) performing any other procedural function which may be performed by the military

judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

“(2) Except as provided in subsections (b), (c), and (d), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

“(b) DELIBERATION OR VOTE OF MEMBERS.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

“(c) CLOSURE OF PROCEEDINGS.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter.

“(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

“(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

“(B) ensure the physical safety of individuals.

“(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

“(d) EXCLUSION OF ACCUSED FROM CERTAIN PROCEEDINGS.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

“(1) to ensure the physical safety of individuals; or

“(2) to prevent disruption of the proceedings by the accused.

“§949e. Continuances

“The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

“§949f. Challenges

“(a) CHALLENGES AUTHORIZED.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the military commission. The military judge shall determine the relevance and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

“(b) PEREMPTORY CHALLENGES.—The accused and trial counsel are each entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

“(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, the accused and trial counsel are each entitled to one peremptory challenge against members not previously subject to peremptory challenge.

“§949g. Oaths

“(a) IN GENERAL.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

“(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording thereof, and whether the oath shall be taken for all cases in

which duties are to be performed or for a particular case, shall be as provided in regulations prescribed by the Secretary of Defense. The regulations may provide that—

“(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

“(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

“(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

“(c) OATH DEFINED.—In this section, the term ‘oath’ includes an affirmation.

“§949h. Former jeopardy

“(a) IN GENERAL.—No person may, without his consent, be tried by a military commission under this chapter a second time for the same offense.

“(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

“§949i. Pleas of the accused

“(a) PLEA OF NOT GUILTY.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

“(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the military commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

“§949j. Opportunity to obtain witnesses and other evidence

“(a) IN GENERAL.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense.

“(2) Process issued in military commissions under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

“(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

“(B) shall run to any place where the United States shall have jurisdiction thereof.

“(b) DISCLOSURE OF EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel in a military commission under this chapter shall disclose to the defense the existence of any evidence that reasonably tends to—

“(A) negate the guilt of the accused of an offense charged; or

“(B) reduce the degree of guilt of the accused with respect to an offense charged.

“(2) The trial counsel shall, as soon as practicable, disclose to the defense the existence of evidence that reasonably tends to impeach the credibility of a witness whom the government intends to call at trial.

“(3) The trial counsel shall, as soon as practicable upon a finding of guilt, disclose to the

defense the existence of evidence that is not subject to paragraph (1) or paragraph (2) but that reasonably may be viewed as mitigation evidence at sentencing.

“(4) The disclosure obligations under this subsection encompass evidence that is known or reasonably should be known to any government officials who participated in the investigation and prosecution of the case against the defendant.

“§949k. Defense of lack of mental responsibility

“(a) **AFFIRMATIVE DEFENSE.**—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

“(b) **BURDEN OF PROOF.**—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

“(c) **FINDINGS FOLLOWING ASSERTION OF DEFENSE.**—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members as to the defense of lack of mental responsibility under this section and shall charge the members to find the accused—

- “(1) guilty;
- “(2) not guilty; or
- “(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

“(d) **MAJORITY VOTE REQUIRED FOR FINDING.**—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

“§949l. Voting and rulings

“(a) **VOTE BY SECRET WRITTEN BALLOT.**—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

“(b) **RULINGS.**—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

“(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change his ruling at any time during the trial.

“(c) **INSTRUCTIONS PRIOR TO VOTE.**—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

- “(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;
- “(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;
- “(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and
- “(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

“§949m. Number of votes required

“(a) **CONVICTION.**—No person may be convicted by a military commission under this chap-

ter of any offense, except as provided in section 949l(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

“(b) **SENTENCES.**—(1) Except as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

“(2) No person may be sentenced to death by a military commission, except insofar as—

“(A) the penalty of death has been expressly authorized under this chapter, chapter 47 of this title, or the law of war for an offense of which the accused has been found guilty;

“(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

“(C) the accused was convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

“(D) all members present at the time the vote was taken concurred in the sentence of death.

“(3) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

“(c) **NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.**—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12 members.

“(2) In any case described in paragraph (1) in which 12 members are not reasonably available for a military commission because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 5 members), and the military commission may be assembled, and the trial held, with not less than the number of members so specified. In any such case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

“§949n. Military commission to announce action

“A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

“§949o. Record of trial

“(a) **RECORD; AUTHENTICATION.**—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the signature of the trial counsel or by a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

“(b) **COMPLETE RECORD REQUIRED.**—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

“(c) **PROVISION OF COPY TO ACCUSED.**—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record consistent with the requirements of section 949d(c)(4) of this title. Defense counsel shall have access to the

unredacted record, as provided in regulations prescribed by the Secretary of Defense.

“SUBCHAPTER V—CLASSIFIED INFORMATION PROCEDURES

“Sec.

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“§949p-1. Protection of classified information: applicability of subchapter

“(a) **PROTECTION OF CLASSIFIED INFORMATION.**—Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. Under no circumstances may a military judge order the release of classified information to any person not authorized to receive such information.

“(b) **ACCESS TO EVIDENCE.**—Any information admitted into evidence pursuant to any rule, procedure, or order by the military judge shall be provided to the accused.

“(c) **DECLASSIFICATION.**—Trial counsel shall work with the original classification authorities for evidence that may be used at trial to ensure that such evidence is declassified to the maximum extent possible, consistent with the requirements of national security. A decision not to declassify evidence under this section shall not be subject to review by a military commission or upon appeal.

“(d) **CONSTRUCTION OF PROVISIONS.**—The judicial construction of the Classified Information Procedures Act (18 U.S.C. App.) shall be authoritative in the interpretation of this subchapter, except to the extent that such construction is inconsistent with the specific requirements of this chapter.

“§949p-2. Pretrial conference

“(a) **MOTION.**—At any time after service of charges, any party may move for a pretrial conference to consider matters relating to classified information that may arise in connection with the prosecution.

“(b) **CONFERENCE.**—Following a motion under subsection (a), or sua sponte, the military judge shall promptly hold a pretrial conference. Upon request by either party, the court shall hold such conference ex parte to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(c) **MATTERS TO BE ESTABLISHED AT PRETRIAL CONFERENCE.**—

“(1) **TIMING OF SUBSEQUENT ACTIONS.**—At the pretrial conference, the military judge shall establish the timing of—

- “(A) requests for discovery;
- “(B) the provision of notice required by section 949p-5 of this title; and
- “(C) the initiation of the procedure established by section 949p-6 of this title.

“(2) **OTHER MATTERS.**—At the pretrial conference, the military judge may also consider any matter—

- “(A) which relates to classified information; or
- “(B) which may promote a fair and expeditious trial.

“(d) **EFFECT OF ADMISSIONS BY ACCUSED AT PRETRIAL CONFERENCE.**—No admission made by the accused or by any counsel for the accused at a pretrial conference under this section may be

used against the accused unless the admission is in writing and is signed by the accused and by the counsel for the accused.

“§949p-3. Protective orders

“Upon motion of the trial counsel, the military judge shall issue an order to protect against the disclosure of any classified information that has been disclosed by the United States to any accused in any military commission under this chapter or that has otherwise been provided to, or obtained by, any such accused in any such military commission.

“§949p-4. Discovery of, and access to, classified information by the accused

“(a) LIMITATIONS ON DISCOVERY OR ACCESS BY THE ACCUSED.—

“(1) DECLARATIONS BY THE UNITED STATES OF DAMAGE TO NATIONAL SECURITY.—In any case before a military commission in which the United States seeks to delete, withhold, or otherwise obtain other relief with respect to the discovery of or access to any classified information, the trial counsel shall submit a declaration invoking the United States’ classified information privilege and setting forth the damage to the national security that the discovery of or access to such information reasonably could be expected to cause. The declaration shall be signed by a knowledgeable United States official possessing authority to classify information.

“(2) STANDARD FOR AUTHORIZATION OF DISCOVERY OR ACCESS.—Upon the submission of a declaration under paragraph (1), the military judge shall not authorize the discovery of or access to such classified information unless the military judge determines that such classified information would be noncumulative, relevant, and helpful to a legally cognizable defense, rebuttal of the prosecution’s case, or to sentencing, in accordance with standards generally applicable to discovery of or access to classified information in Federal criminal cases. If the discovery of or access to such classified information is authorized, it shall be addressed in accordance with the requirements of subsection (b).

“(b) DISCOVERY OF CLASSIFIED INFORMATION.—

“(1) SUBSTITUTIONS AND OTHER RELIEF.—The military judge, in assessing the accused’s discovery of or access to classified information under this section, may authorize the United States—

“(A) to delete or withhold specified items of classified information;

“(B) to substitute a summary for classified information; or

“(C) to substitute a statement admitting relevant facts that the classified information or material would tend to prove.

“(2) EX PARTE PRESENTATIONS.—The military judge shall permit the trial counsel to make a request for an authorization under paragraph (1) in the form of an ex parte presentation to the extent necessary to protect classified information, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.). If the military judge enters an order granting relief following such an ex parte showing, the entire text of the written submission shall be sealed and preserved in the records of the military commission to be made available to the appellate court in the event of an appeal.

“(3) ACTION BY MILITARY JUDGE.—The military judge shall grant the request of the trial counsel to substitute a summary or to substitute a statement admitting relevant facts, or to provide other relief in accordance with paragraph (1), if the military judge finds that the summary, statement, or other relief would provide the accused with substantially the same ability to make a defense as would discovery of or access to the specific classified information.

“(c) RECONSIDERATION.—An order of a military judge authorizing a request of the trial counsel to substitute, summarize, withhold, or prevent access to classified information under this section is not subject to a motion for reconsideration by the accused, if such order was entered pursuant to an ex parte showing under this section.

“§949p-5. Notice by accused of intention to disclose classified information

“(a) NOTICE BY ACCUSED.—

“(1) NOTIFICATION OF TRIAL COUNSEL AND MILITARY JUDGE.—If an accused reasonably expects to disclose, or to cause the disclosure of, classified information in any manner in connection with any trial or pretrial proceeding involving the prosecution of such accused, the accused shall, within the time specified by the military judge or, where no time is specified, within 30 days before trial, notify the trial counsel and the military judge in writing. Such notice shall include a brief description of the classified information. Whenever the accused learns of additional classified information the accused reasonably expects to disclose, or to cause the disclosure of, at any such proceeding, the accused shall notify trial counsel and the military judge in writing as soon as possible thereafter and shall include a brief description of the classified information.

“(2) LIMITATION ON DISCLOSURE BY ACCUSED.—No accused shall disclose, or cause the disclosure of, any information known or believed to be classified in connection with a trial or pretrial proceeding until—

“(A) notice has been given under paragraph (1); and

“(B) the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 949p-6 of this title and the time for the United States to appeal such determination under section 950d of this title has expired or any appeal under that section by the United States is decided.

“(b) FAILURE TO COMPLY.—If the accused fails to comply with the requirements of subsection (a), the military judge—

“(1) may preclude disclosure of any classified information not made the subject of notification; and

“(2) may prohibit the examination by the accused of any witness with respect to any such information.

“§949p-6. Procedure for cases involving classified information

“(a) MOTION FOR HEARING.—

“(1) REQUEST FOR HEARING.—Within the time specified by the military judge for the filing of a motion under this section, either party may request the military judge to conduct a hearing to make all determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during the trial or pretrial proceeding.

“(2) CONDUCT OF HEARING.—Upon a request by either party under paragraph (1), the military judge shall conduct such a hearing and shall rule prior to conducting any further proceedings.

“(3) IN CAMERA HEARING UPON DECLARATION TO COURT BY APPROPRIATE OFFICIAL OF RISK OF DISCLOSURE OF CLASSIFIED INFORMATION.—Any hearing held pursuant to this subsection (or any portion of such hearing specified in the request of a knowledgeable United States official) shall be held in camera if a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration that a public proceeding may result in the disclosure of classified information. Classified information is not subject to disclosure under this section unless the information is rel-

evant and necessary to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence.

“(4) MILITARY JUDGE TO MAKE DETERMINATIONS IN WRITING.—As to each item of classified information, the military judge shall set forth in writing the basis for the determination.

“(b) NOTICE AND USE OF CLASSIFIED INFORMATION BY THE GOVERNMENT.—

“(1) NOTICE TO ACCUSED.—Before any hearing is conducted pursuant to a request by the trial counsel under subsection (a), trial counsel shall provide the accused with notice of the classified information that is at issue. Such notice shall identify the specific classified information at issue whenever that information previously has been made available to the accused by the United States. When the United States has not previously made the information available to the accused in connection with the case the information may be described by generic category, in such forms as the military judge may approve, rather than by identification of the specific information of concern to the United States.

“(2) ORDER BY MILITARY JUDGE UPON REQUEST OF ACCUSED.—Whenever the trial counsel requests a hearing under subsection (a), the military judge, upon request of the accused, may order the trial counsel to provide the accused, prior to trial, such details as to the portion of the charge or specification at issue in the hearing as are needed to give the accused fair notice to prepare for the hearing.

“(c) SUBSTITUTIONS.—

“(1) IN CAMERA PRETRIAL HEARING.—Upon request of the trial counsel pursuant to the Military Commission Rules of Evidence, and in accordance with the security procedures established by the military judge, the military judge shall conduct a classified in camera pretrial hearing concerning the admissibility of classified information.

“(2) PROTECTION OF SOURCES, METHODS, AND ACTIVITIES BY WHICH EVIDENCE ACQUIRED.—The military judge shall permit the trial counsel to introduce otherwise admissible evidence, including a substituted evidentiary foundation pursuant to the procedures described in subsection (d), before a military commission while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that the sources, methods, or activities are classified, the evidence is reliable, and the redaction is consistent with affording the accused a fair trial.

“(d) ALTERNATIVE PROCEDURE FOR DISCLOSURE OF CLASSIFIED INFORMATION.—

“(1) MOTION BY THE UNITED STATES.—Upon any determination by the military judge authorizing the disclosure of specific classified information under the procedures established by this section, the trial counsel may move that, in lieu of the disclosure of such specific classified information, the military judge order—

“(A) the substitution for such classified information of a statement admitting relevant facts that the specific classified information would tend to prove;

“(B) the substitution for such classified information of a summary of the specific classified information; or

“(C) any other procedure or redaction limiting the disclosure of specific classified information.

“(2) ACTION ON MOTION.—The military judge shall grant such a motion of the trial counsel if the military judge finds that the statement, summary, or other procedure or redaction will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

“(3) HEARING ON MOTION.—The military judge shall hold a hearing on any motion under this subsection. Any such hearing shall be held in camera at the request of a knowledgeable

United States official possessing authority to classify information.

“(4) **SUBMISSION OF STATEMENT OF DAMAGE TO NATIONAL SECURITY IF DISCLOSURE ORDERED.**—The trial counsel may, in connection with a motion under paragraph (1), submit to the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information certifying that disclosure of classified information would cause identifiable damage to the national security of the United States and explaining the basis for the classification of such information. If so requested by the trial counsel, the military judge shall examine such declaration during an *ex parte* presentation.

“(e) **SEALING OF RECORDS OF IN CAMERA HEARINGS.**—If at the close of an *in camera* hearing under this section (or any portion of a hearing under this section that is held *in camera*), the military judge determines that the classified information at issue may not be disclosed or elicited at the trial or pretrial proceeding, the record of such *in camera* hearing shall be sealed and preserved for use in the event of an appeal. The accused may seek reconsideration of the military judge’s determination prior to or during trial.

“(f) **PROHIBITION ON DISCLOSURE OF CLASSIFIED INFORMATION BY THE ACCUSED; RELIEF FOR ACCUSED WHEN THE UNITED STATES OPPOSES DISCLOSURE.**—

“(1) **ORDER TO PREVENT DISCLOSURE BY ACCUSED.**—Whenever the military judge denies a motion by the trial counsel that the judge issue an order under subsection (a), (c), or (d) and the trial counsel files with the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information objecting to disclosure of the classified information at issue, the military judge shall order that the accused not disclose or cause the disclosure of such information.

“(2) **RESULT OF ORDER UNDER PARAGRAPH (1).**—Whenever an accused is prevented by an order under paragraph (1) from disclosing or causing the disclosure of classified information, the military judge shall dismiss the case; except that, when the military judge determines that the interests of justice would not be served by dismissal of the case, the military judge shall order such other action, in lieu of dismissing the charge or specification, as the military judge determines is appropriate. Such action may include, but need not be limited to, the following:

“(A) Dismissing specified charges or specifications.

“(B) Finding against the United States on any issue as to which the excluded classified information relates.

“(C) Striking or precluding all or part of the testimony of a witness.

“(3) **TIME FOR THE UNITED STATES TO SEEK INTERLOCUTORY APPEAL.**—An order under paragraph (2) shall not take effect until the military judge has afforded the United States—

“(A) an opportunity to appeal such order under section 950d of this title; and

“(B) an opportunity thereafter to withdraw its objection to the disclosure of the classified information at issue.

“(g) **RECIPROCITY.**—

“(1) **DISCLOSURE OF REBUTTAL INFORMATION.**—Whenever the military judge determines that classified information may be disclosed in connection with a trial or pretrial proceeding, the military judge shall, unless the interests of fairness do not so require, order the United States to provide the accused with the information it expects to use to rebut the classified information. The military judge may place the United States under a continuing duty to disclose such rebuttal information.

“(2) **SANCTION FOR FAILURE TO COMPLY.**—If the United States fails to comply with its obligation under this subsection, the military judge—

“(A) may exclude any evidence not made the subject of a required disclosure; and

“(B) may prohibit the examination by the United States of any witness with respect to such information.

“§949p–7. Introduction of classified information into evidence

“(a) **PRESERVATION OF CLASSIFICATION STATUS.**—Writings, recordings, and photographs containing classified information may be admitted into evidence in proceedings of military commissions under this chapter without change in their classification status.

“(b) **PRECAUTIONS BY MILITARY JUDGES.**—

“(1) **PRECAUTIONS IN ADMITTING CLASSIFIED INFORMATION INTO EVIDENCE.**—The military judge in a trial by military commission, in order to prevent unnecessary disclosure of classified information, may order admission into evidence of only part of a writing, recording, or photograph, or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the classified information contained therein, unless the whole ought in fairness be considered.

“(2) **CLASSIFIED INFORMATION KEPT UNDER SEAL.**—The military judge shall allow classified information offered or accepted into evidence to remain under seal during the trial, even if such evidence is disclosed in the military commission, and may, upon motion by the Government, seal exhibits containing classified information for any period after trial as necessary to prevent a disclosure of classified information when a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration setting forth the damage to the national security that the disclosure of such information reasonably could be expected to cause.

“(c) **TAKING OF TESTIMONY.**—

“(1) **OBJECTION BY TRIAL COUNSEL.**—During the examination of a witness, trial counsel may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

“(2) **ACTION BY MILITARY JUDGE.**—Following an objection under paragraph (1), the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any classified information. Such action may include requiring trial counsel to provide the military judge with a proffer of the witness’ response to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information sought to be elicited by the accused. Upon request, the military judge may accept an *ex parte* proffer by trial counsel to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(d) **DISCLOSURE AT TRIAL OF CERTAIN STATEMENTS PREVIOUSLY MADE BY A WITNESS.**—

“(1) **MOTION FOR PRODUCTION OF STATEMENTS IN POSSESSION OF THE UNITED STATES.**—After a witness called by the trial counsel has testified on direct examination, the military judge, on motion of the accused, may order production of statements of the witness in the possession of the United States which relate to the subject matter as to which the witness has testified. This paragraph does not preclude discovery or assertion of a privilege otherwise authorized.

“(2) **INVOCATION OF PRIVILEGE BY THE UNITED STATES.**—If the United States invokes a privilege, the trial counsel may provide the prior statements of the witness to the military judge during an *ex parte* presentation to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(3) **ACTION BY MILITARY JUDGE ON MOTION.**—If the military judge finds that disclosure of any portion of the statement identified by the United States as classified would be detrimental to the national security in the degree to warrant classification under the applicable Executive Order, statute, or regulation, that such portion of the statement is consistent with the testimony of the witness, and that the disclosure of such portion is not necessary to afford the accused a fair trial, the military judge shall excise that portion from the statement. If the military judge finds that such portion of the statement is inconsistent with the testimony of the witness or that its disclosure is necessary to afford the accused a fair trial, the military judge, shall, upon the request of the trial counsel, review alternatives to disclosure in accordance with section 949p–6(d) of this title.

“SUBCHAPTER VI—SENTENCES

“Sec.

“949s. Cruel or unusual punishments prohibited.

“949t. Maximum limits.

“949u. Execution of confinement.

“§949s. Cruel or unusual punishments prohibited

“Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

“§949t. Maximum limits

“The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

“§949u. Execution of confinement

“(a) **IN GENERAL.**—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

“(1) in any place of confinement under the control of any of the armed forces; or

“(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

“(b) **TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.**—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

“SUBCHAPTER VII—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

“Sec.

“950a. Error of law; lesser included offense.

“950b. Review by the convening authority.

“950c. Appellate referral; waiver or withdrawal of appeal.

“950d. Interlocutory appeals by the United States.

“950e. Rehearings.

“950f. Review by United States Court of Appeals for the Armed Forces and Supreme Court.

“950g. Appellate counsel.

“950h. Execution of sentence; suspension of sentence.

“950i. Finality of proceedings, findings, and sentences.

“§950a. Error of law; lesser included offense

“(a) **ERROR OF LAW.**—A finding or sentence of a military commission under this chapter may

not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

“(b) **LESSER INCLUDED OFFENSE.**—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

“§950b. Review by the convening authority

“(a) **NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.**—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

“(b) **SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.**—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

“(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after accused has been given an authenticated record of trial under section 949o(c) of this title.

“(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

“(3) The accused may waive his right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing, and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

“(c) **ACTION BY CONVENING AUTHORITY.**—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

“(2) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in his sole discretion, only—

“(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

“(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

“(3)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

“(B) Subject to regulations prescribed by the Secretary of Defense, action under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

“(C) In taking action under this paragraph, the convening authority may, in his sole discretion, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

“(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

“(d) **ORDER OF REVISION OR REHEARING.**—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in his sole discretion, order a proceeding in revision or a rehearing.

“(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

“(i) there is an apparent error or omission in the record; or

“(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

“(B) In no case may a proceeding in revision—

“(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

“(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

“(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

“(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

“§950c. Appellate referral; waiver or withdrawal of appeal

“(a) **AUTOMATIC REFERRAL FOR APPELLATE REVIEW.**—Except as provided in subsection (b), in each case in which the final decision of a military commission under this chapter (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the United States Court of Appeals for the Armed Forces. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

“(b) **WAIVER OF RIGHT OF REVIEW.**—(1) Except in a case in which the sentence as approved under section 950b of this title extends to death, an accused may file with the convening authority a statement expressly waiving the right of the accused to appellate review by the United States Court of Appeals for the Armed Forces under section 950f(a) of this title of the final decision of the military commission under this chapter.

“(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

“(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice of the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

“(c) **WITHDRAWAL OF APPEAL.**—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

“(d) **EFFECT OF WAIVER OR WITHDRAWAL.**—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

“§950d. Interlocutory appeals by the United States

“(a) **INTERLOCUTORY APPEAL.**—Except as provided in subsection (b), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the United States Court of Appeals for the Armed

Forces under section 950f of this title of any order or ruling of the military judge—

“(1) that terminates proceedings of the military commission with respect to a charge or specification;

“(2) that excludes evidence that is substantial proof of a fact material in the proceeding;

“(3) that relates to a matter under subsection (c) or (d) of section 949d of this title; or

“(4) that, with respect to classified information—

“(A) authorizes the disclosure of such information;

“(B) imposes sanctions for nondisclosure of such information; or

“(C) refuses a protective order sought by the United States to prevent the disclosure of such information.

“(b) **LIMITATION.**—The United States may not appeal under subsection (a) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

“(c) **SCOPE OF APPEAL RIGHT WITH RESPECT TO CLASSIFIED INFORMATION.**—The United States has the right to appeal under paragraph (4) of subsection (a) whenever the military judge enters an order or ruling that would require the disclosure of classified information, without regard to whether the order or ruling appealed from was entered under this chapter, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such disclosure.

“(d) **TIMING AND ACTION ON INTERLOCUTORY APPEALS RELATING TO CLASSIFIED INFORMATION.**—

“(1) **APPEAL TO BE EXPEDITED.**—An appeal taken pursuant to paragraph (4) of subsection (a) shall be expedited by the United States Court of Appeals for the Armed Forces.

“(2) **APPEALS BEFORE TRIAL.**—If such an appeal is taken before trial, the appeal shall be taken within 10 days after the order or ruling appealed from and the trial shall not commence until the appeal is decided.

“(3) **APPEALS DURING TRIAL.**—If such an appeal is taken during trial, the military judge shall adjourn the trial until the appeal is decided, and the court of appeals—

“(A) shall hear argument on such appeal within 4 days of the adjournment of the trial (excluding weekends and holidays);

“(B) may dispense with written briefs other than the supporting materials previously submitted to the military judge;

“(C) shall render its decision within four days of argument on appeal (excluding weekends and holidays); and

“(D) may dispense with the issuance of a written opinion in rendering its decision.

“(e) **NOTICE AND TIMING OF OTHER APPEALS.**—The United States shall take an appeal of an order or ruling under subsection (a), other than an appeal under paragraph (4) of that subsection, by filing a notice of appeal with the military judge within 5 days after the date of the order or ruling.

“(f) **METHOD OF APPEAL.**—An appeal under this section shall be forwarded, by means specified in regulations prescribed by the Secretary of Defense, directly to the United States Court of Appeals for the Armed Forces.

“(g) **APPEALS COURT TO ACT ONLY WITH RESPECT TO MATTER OF LAW.**—In ruling on an appeal under paragraph (1), (2), or (3) of subsection (a), the appeals court may act only with respect to matters of law.

“(h) **SUBSEQUENT APPEAL RIGHTS OF ACCUSED NOT AFFECTED.**—An appeal under paragraph (4) of subsection (a), and a decision on such appeal, shall not affect the right of the accused, in

a subsequent appeal from a judgment of conviction, to claim as error reversal by the military judge on remand of a ruling appealed from during trial.

“§950e. Rehearings

“(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

“(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

“(A) the accused may not be tried for any offense of which he was found not guilty by the first military commission; and

“(B) no sentence in excess of or more than the original sentence may be imposed unless—

“(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

“(ii) the sentence prescribed for the offense is mandatory.

“(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

“§950f. Review by United States Court of Appeals for the Armed Forces and Supreme Court

“(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subject to the provisions of this subsection, the United States Court of Appeals for the Armed Forces shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

“(2) In any case referred to it pursuant to section 950c(a) of this title, the United States Court of Appeals for the Armed Forces may act only with respect to the findings and sentence as approved by the convening authority. It may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, it may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

“(3) If the United States Court of Appeals for the Armed Forces sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

“(b) REVIEW BY SUPREME COURT.—The Supreme Court of the United States may review by writ of certiorari pursuant to section 1257 of title 28 the final judgment of the United States Court of Appeals for the Armed Forces in a determination under subsection (a).

“§950g. Appellate counsel

“(a) APPOINTMENT.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications of counsel for appearing before military commissions under this chapter.

“(b) REPRESENTATION OF UNITED STATES.—Appellate counsel may represent the United States in any appeal or review proceeding under

this chapter. Appellate Government counsel may represent the United States before the Supreme Court in case arising under this chapter when requested to do so by the Attorney General.

“(c) REPRESENTATION OF ACCUSED.—The accused shall be represented before the United States Court of Appeals for the Armed Forces or the Supreme Court by military appellate counsel, or by civilian counsel if retained by him.

“§950h. Execution of sentence; suspension of sentence

“(a) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

“(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgement as to the legality of the proceedings (and with respect to death, approval under subsection (a)).

“(2) A judgement as to legality of proceedings is final for purposes of paragraph (1) when review is completed in accordance with the judgement of the United States Court of Appeals for the Armed Forces and (A) a petition for a writ of certiorari is not timely filed, (B) such a petition is denied by the Supreme Court, or (C) review is otherwise completed in accordance with the judgement of the Supreme Court.

“(c) SUSPENSION OF SENTENCE.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case.

“§950i. Finality of proceedings, findings, and sentences

“The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, subject only to action by the Secretary or the convening authority as provided in section 950h(c) of this title and the authority of the President.

“SUBCHAPTER VIII—PUNITIVE MATTERS

“§950p. Definitions; construction of certain offenses; common circumstances

“(a) DEFINITIONS.—In this subchapter:

“(1) The term ‘military objective’ means combatants and those objects during an armed conflict which, by their nature, location, purpose, or use, effectively contribute to the war-fighting or war-sustaining capability of an opposing force and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of an attack.

“(2) The term ‘protected person’ means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.

“(3) The term ‘protected property’ means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being

used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

“(b) CONSTRUCTION OF CERTAIN OFFENSES.—The intent required for offenses under paragraphs (1), (2), (3), (4), and (12) of section 950w of this title precludes their applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

“(c) COMMON CIRCUMSTANCES.—An offense specified in this subchapter is triable by military commission under this chapter only if the offense is committed in the context of and associated with armed conflict.

“(d) OFFENSES ENCOMPASSED UNDER LAW OF WAR.—To the extent that the provisions of this subchapter codify offenses that have traditionally been triable under the law of war or otherwise triable by military commission, this subchapter does not preclude trial for offenses that occurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.

“§950q. Principals

“Any person punishable under this chapter who—

“(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

“(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

“(3) is a superior commander who, with regard to acts punishable by this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof, is a principal.

“§950r. Accessory after the fact

“Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

“§950s. Conviction of lesser offenses

“An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

“§950t. Attempts

“(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

“(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

“(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

“§950u. Conspiracy

“Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this subchapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of

the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“§950v. Solicitation

“Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission under this chapter may direct.

“§950w. Crimes triable by military commissions

“The following offenses shall be triable by military commission under this chapter at any time without limitation:

“(1) **MURDER OF PROTECTED PERSONS.**—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(2) **ATTACKING CIVILIANS.**—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(3) **ATTACKING CIVILIAN OBJECTS.**—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

“(4) **ATTACKING PROTECTED PROPERTY.**—Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

“(5) **PILLAGING.**—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

“(6) **DENYING QUARTER.**—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

“(7) **TAKING HOSTAGES.**—Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(8) **EMPLOYING POISON OR SIMILAR WEAPONS.**—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(9) **USING PROTECTED PERSONS AS A SHIELD.**—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(10) **USING PROTECTED PROPERTY AS A SHIELD.**—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

“(11) **TORTURE.**—

“(A) **OFFENSE.**—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(B) **SEVERE MENTAL PAIN OR SUFFERING DEFINED.**—In this paragraph, the term ‘severe mental pain or suffering’ has the meaning given that term in section 2340(2) of title 18.

“(12) **CRUEL OR INHUMAN TREATMENT.**—Any person subject to this chapter who subjects another person in their custody or under their physical control, regardless of nationality or physical location, to cruel or inhuman treatment that constitutes a grave breach of common Article 3 of the Geneva Conventions shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

“(13) **INTENTIONALLY CAUSING SERIOUS BODILY INJURY.**—

“(A) **OFFENSE.**—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including privileged belligerents, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(B) **SERIOUS BODILY INJURY DEFINED.**—In this paragraph, the term ‘serious bodily injury’ means bodily injury which involves—

“(i) a substantial risk of death;

“(ii) extreme physical pain;

“(iii) protracted and obvious disfigurement; or

“(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

“(14) **MUTILATING OR MAIMING.**—Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(15) **MURDER IN VIOLATION OF THE LAW OF WAR.**—Any person subject to this chapter who intentionally kills one or more persons, including privileged belligerents, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(16) **DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.**—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall be punished as a military commission under this chapter may direct.

“(17) **USING TREACHERY OR PERFDY.**—Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(18) **IMPROPERLY USING A FLAG OF TRUCE.**—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

“(19) **IMPROPERLY USING A DISTINCTIVE EMBLEM.**—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

“(20) **INTENTIONALLY MISTREATING A DEAD BODY.**—Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessity, shall be punished as a military commission under this chapter may direct.

“(21) **RAPE.**—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

“(22) **SEXUAL ASSAULT OR ABUSE.**—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct.

“(23) **HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.**—Any person subject to this chapter

who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(24) **TERRORISM.**—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(25) **PROVIDING MATERIAL SUPPORT FOR TERRORISM.**—

“(A) **OFFENSE.**—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in paragraph (23) of this section), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

“(B) **MATERIAL SUPPORT OR RESOURCES DEFINED.**—In this paragraph, the term ‘material support or resources’ has the meaning given that term in section 2339A(b) of title 18.

“(26) **WRONGFULLY AIDING THE ENEMY.**—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

“(27) **SPYING.**—Any person subject to this chapter who, in violation of the law of war and with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(28) **CONTEMPT.**—A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

“(29) **PERJURY AND OBSTRUCTION OF JUSTICE.**—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to the military commission.”.

(b) **CONFORMING AMENDMENT.**—Paragraph (13) of section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice), is amended to read as follows:

“(13) Privileged belligerents (as that term is defined section 948a(3) of this title) who violate the law of war.”.

(c) **PROCEEDINGS UNDER PRIOR STATUTE.**—

(1) **PRIOR CONVICTIONS.**—The amendments made by subsection (a) shall have no effect on

the validity of any conviction pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act.

(2) **COMPOSITION OF MILITARY COMMISSIONS.**—Notwithstanding the amendments made by subsection (a)—

(A) any commission convened pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act, shall be deemed to have been convened pursuant to chapter 47A of title 10, United States Code, as amended by subsection (a);

(B) any member of the Armed Forces detailed to serve on a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code, as so amended;

(C) any military judge detailed to a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code, as so amended;

(D) any trial counsel or defense counsel detailed for a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code, as so amended; and

(E) any court reporters detailed to or employed by a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed or employed pursuant to chapter 47A of title 10, United States Code, as so amended.

(3) **CHARGES AND SPECIFICATIONS.**—Notwithstanding the amendments made by subsection (a)—

(A) any charges or specifications sworn or referred pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act, shall be deemed to have been sworn or referred pursuant to chapter 47A of title 10, United States Code, as amended by subsection (a); and

(B) any charges or specifications described in subparagraph (A) may be amended, without prejudice, as needed to properly allege jurisdiction under chapter 47A of title 10, United States Code, as so amended, and crimes triable under such chapter.

(4) **PROCEDURES AND REQUIREMENTS.**—Except as provided in paragraphs (1) through (3), any commission convened pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act, shall be conducted after the date of the enactment of this Act in accordance with the procedures and requirements of chapter 47A of title 10, United States Code, as amended by subsection (a).

(d) **NOTICE TO CONGRESS.**—

(1) **INITIAL RULES.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting for the procedures for military commissions prescribed under chapter 47A of title 10, United States Code, as amended by subsection (a).

(2) **CHANGES TO PROCEDURES.**—Not later than 60 days before the date on which any proposed modification of the regulations in effect for military commissions under Chapter 47A of title 10, United States Code, as so amended, goes into effect, the Secretary of Defense shall submit to the

Committees on Armed Services of the Senate and the House of Representatives a report describing the modification.

SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN UNPRIVILEGED BELLIGERENTS FOR VIOLATIONS OF THE LAW OF WAR.

(a) **IN GENERAL.**—Subchapter I of chapter 47A of title 10, United States Code, as amended by section 1031(a), is further amended by adding at the end the following new section:

“§948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war

“(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.”

(b) **CLERICAL AMENDMENT.**—The table of sections of the beginning of such subchapter, as amended by section 1031(a), is further amended by adding after the item relating to section 948d the following new item:

“948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war.”.

SEC. 1033. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) **DEFINITIONS.**—In this section—

(1) the term “foreign national” means an individual who is not a citizen or national of the United States; and

(2) the term “enemy combatant” includes a privileged belligerent and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1031 of this Act.

(b) **NO MIRANDA WARNINGS.**—Absent an unappealable court order requiring the reading of such statements, no military or intelligence agency or department of the United States shall read to a foreign national who is captured or detained as an enemy combatant by the United States the statement required by *Miranda v. Arizona*, 384 U.S. 436 (1966), or otherwise inform such a prisoner of any rights that the prisoner may or may not have to counsel or to remain silent consistent with *Miranda v. Arizona*, 384 U.S. 436 (1966). No Federal statute, regulation, or treaty shall be construed to require that a foreign national who is captured or detained as an enemy combatant by the United States be informed of any rights to counsel or remain silent consistent with *Miranda v. Arizona*, 384 U.S. 436 (1966) that the prisoner may or may not have, except as required by the United States Constitution. No statement that is made by a foreign national who is captured or detained as an enemy combatant by the United States may be excluded from any proceeding on the basis that the prisoner was not informed of a right to counsel or to remain silent, that the prisoner may or may not have, unless required by the United States Constitution.

(c) **IN GENERAL.**—This section shall not apply to the Department of Justice.

Subtitle E—Medical Facility Matters

SEC. 1041. SHORT TITLE.

This subtitle may be cited as the “Captain James A. Lovell Federal Health Care Center Act of 2009”.

SEC. 1042. EXECUTIVE AGREEMENT.

(a) **EXECUTIVE AGREEMENT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall execute a signed executive agreement for the joint use by the Department of Defense and the Department of Veterans Affairs of the following:

(1) A new Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting structures and facilities in North Chicago, Illinois, and Great Lakes, Illinois.

(2) Medical personal property and equipment relating to the center, structures, and facilities described in paragraph (1).

(b) SCOPE.—The agreement required by subsection (a) shall—

(1) be a binding operational agreement on matters under the areas specified in section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500); and

(2) contain additional terms and conditions as required by the provisions of this title.

SEC. 1043. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—The Secretary of Defense, acting through the Administrator of General Services, may transfer, without reimbursement, to the Secretary of Veterans Affairs jurisdiction over the center, structures, facilities, and property and equipment covered by the executive agreement under section 1042.

(2) DATE OF TRANSFER.—The transfer authorized by paragraph (1) may not occur before the earlier of—

(A) the date that is five years after the date of the execution under section 1042 of the executive agreement required by that section; or

(B) the date of the completion of such specific benchmarks relating to the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center described in section 1042(a)(1) as the Secretary of Defense (in consultation with the Secretary of the Navy) and Secretary of the Department of Veterans Affairs shall jointly establish for purposes of this section not later than 180 days after the date of the enactment of this Act.

(3) DELAY OF TRANSFER FOR COMPLETION OF CONSTRUCTION.—If construction on the center, structures, and facilities described in paragraph (1) is not complete as of the date specified in subparagraph (A) or (B) of that paragraph, as applicable, the transfer of the center, structures, and facilities under that paragraph may occur thereafter upon completion of the construction.

(4) DISCHARGE OF TRANSFER.—The Administrator of General Services shall effectuate and memorialize the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer.

(5) DESIGNATION OF FACILITY.—The center, structures, facilities transferred under this subsection shall be designated and known after transfer under this subsection as the “Captain James A. Lovell Federal Health Care Center”.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than those specified in the executive agreement required by section 1042, or is otherwise jointly determined by the Secretary of Defense and the Secretary of Veterans Affairs to be excess to the needs of the Captain James A. Lovell Federal Health Care Center, the Secretary of Veterans Affairs shall offer to transfer jurisdiction over such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be carried out by the Administrator of General Services not later than one year after the acceptance of the offer of such transfer, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the five-year period beginning on the date of the transfer of real and related personal property pursuant to subsection (a), if the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Navy jointly determine that the integration of the facilities transferred pursuant to that subsection should not continue, jurisdiction over such real and related personal property shall be transferred, without reimbursement, to the Secretary of Defense. The transfer under this subparagraph shall be carried out by the Administrator of General Services not later than 180 days after the date of the determination by the Secretaries, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(B) AFTER INITIAL PERIOD.—After the end of the five-year period described in subparagraph (A), if the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities transferred pursuant to subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense jurisdiction over the real and related personal property described in subparagraph (A). Any transfer under this subparagraph shall be carried out by the Administrator of General Services not later than one year after the date of the determination by the applicable Secretary, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(C) REVERSION PROCEDURES.—The executive agreement required by section 1042 shall provide the following:

(i) Specific procedures for the reversion of real and related personal property, as appropriate, transferred pursuant to subsection (a) to ensure the continuing accomplishment by the Department of Defense and the Department of Veterans Affairs of their missions in the event that the integration of facilities described transferred pursuant to that subsection (a) is not completed or a reversion of property occurs under subparagraph (A) or (B).

(ii) In the event of a reversion under this paragraph, the transfer from the Department of Veterans Affairs to the Department of Defense of associated functions including appropriate resources, civilian positions, and personnel, in a manner that will not result in adverse impact to the missions of Department of Defense or the Department of Veterans Affairs.

SEC. 1044. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense and the Secretary of the Navy may transfer to the Secretary of Veterans Affairs functions necessary for the effective operation of the Captain James A. Lovell Federal Health Care Center. The Secretary of Veterans Affairs may accept any functions so transferred.

(b) TERMS.—

(1) EXECUTIVE AGREEMENT.—Any transfer of functions under subsection (a) shall be carried out as provided in the executive agreement required by section 1042. The functions to be so transferred shall be identified utilizing the provisions of section 3503 of title 5, United States Code.

(2) ELEMENTS.—In providing for the transfer of functions under subsection (a), the executive agreement required by section 1042 shall provide for the following:

(A) The transfer of civilian employee positions of the Department of Defense identified in the executive agreement to the Department of Veterans Affairs, and of the incumbent civilian employees in such positions, and the transition of the employees so transferred to the pay, benefits, and personnel systems that apply to employees of the Department of Veterans Affairs (to the extent that different systems apply).

(B) The transition of employees so transferred to the pay systems of the Department of Veterans Affairs in a manner which will not result in any reduction in an employee's regular rate of compensation (including basic pay, locality pay, any physician comparability allowance, and any other fixed and recurring pay supplement) at the time of transition.

(C) The continuation after transfer of the same employment status for employees so transferred who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code, notwithstanding the provisions of section 7403(b)(1) of title 38, United States Code.

(D) The extension of collective bargaining rights under title 5, United States Code, to employees so transferred in positions listed in subsection 7421(b) of title 38, United States Code, notwithstanding the provisions of section 7422 of title 38, United States Code, for a two-year period beginning on the effective date of the executive agreement.

(E) At the end of the two-year period beginning on the effective date of the executive agreement, for the following actions by the Secretary of Veterans Affairs with respect to the extension of collective bargaining rights under subparagraph (D):

(i) Consideration of the impact of the extension of such rights.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact.

(iii) Determination, after consultation with the Secretary of Defense and the Secretary of the Navy, whether the extension of such rights should be terminated, modified, or kept in effect.

(iv) Submittal to Congress of a notice regarding the determination made under clause (iii).

(F) The recognition after transfer of each transferred physician's and dentist's total number of years of service as a physician or dentist in the Department of Defense for purposes of calculating such employee's rate of base pay, notwithstanding the provisions of section 7431(b)(3) of title 38, United States Code.

(G) The preservation of the seniority of the employees so transferred for all pay purposes.

(c) RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the Captain James Lovell Federal Health Care Center if the Secretary of the Navy, or a designee of the Secretary, determines it is necessary and appropriate to meet mission requirements of the Department of the Navy.

SEC. 1045. JOINT FUNDING AUTHORITY FOR THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—The Department of Veterans Affairs/Department of Defense Health-Care Resources Sharing Committee under section 8111(b) of title 38, United States Code, may provide for the joint funding of the Captain James A. Lovell Federal Health Care Center in accordance with the provisions of this section.

(b) HEALTH CARE CENTER FUND.—

(1) ESTABLISHMENT.—There is established on the books of the Treasury under the Department of Veterans Affairs a fund to be known as the “Captain James A. Lovell Federal Health Care Center Fund” (in this section referred to as the “Fund”).

(2) ELEMENTS.—The Fund shall consist of the following:

(A) Amounts transferred to the Fund by the Secretary of Defense, in consultation with the Secretary of the Navy, from amounts authorized to be appropriated for the Department of Defense.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized to be appropriated for the Department of Veterans Affairs.

(C) Amounts transferred to the Fund from medical care collections under paragraph (4).

(3) **DETERMINATION OF AMOUNTS TRANSFERRED GENERALLY.**—The amount transferred to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs under subparagraphs (A) and (B), as applicable, of paragraph (2) each fiscal year shall be such amount, as determined by a methodology jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection, that reflects the mission-specific activities, workload, and costs of provision of health care at the Captain James A. Lovell Federal Health Care Center of the Department of Defense and the Department of Veterans Affairs, respectively.

(4) **TRANSFERS FROM MEDICAL CARE COLLECTIONS.**—

(A) **IN GENERAL.**—Amounts collected under the authorities specified in subparagraph (B) for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Fund under paragraph (2)(C).

(B) **AUTHORITIES.**—The authorities specified in this subparagraph are the following:

(i) Section 1095 of title 10, United States Code.
(ii) Section 1729 of title 38, United States Code.
(iii) Public Law 87-693, popularly known as the “Federal Medical Care Recovery Act” (42 U.S.C. 2651 et seq.).

(5) **ADMINISTRATION.**—The Fund shall be administered in accordance with such provisions of the executive agreement required by section 1042 as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly include in the executive agreement. Such provisions shall provide for an independent review of the methodology established under paragraph (3).

(c) **AVAILABILITY.**—

(1) **IN GENERAL.**—Funds transferred to the Fund under subsection (b) shall be available to fund the operations of the Captain James A. Lovell Federal Health Care Center, including capital equipment, real property maintenance, and minor construction projects that are not required to be specifically authorized by law under section 2805 of title 10, United States Code, or section 8104 of title 38, United States Code.

(2) **LIMITATION.**—The availability of funds transferred to the Fund under subsection (b)(2)(C) shall be subject to the provisions of section 1729A of title 38, United States Code.

(3) **PERIOD OF AVAILABILITY.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds transferred to the Fund under subsection (b) shall be available under paragraph (1) for one fiscal year after transfer.

(B) **EXCEPTION.**—Of an amount transferred to the Fund under subsection (b), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(d) **FINANCIAL RECONCILIATION.**—The executive agreement required by section 1042 shall provide for the development and implementation of an integrated financial reconciliation process that meets the fiscal reconciliation requirements of the Department of Defense, the Department of the Navy, and the Department of Veterans Affairs. The process shall permit each of the Department of Defense, the Department of Navy, and the Department of Veterans Affairs to identify their fiscal contributions to the Fund, taking into consideration accounting, workload, and financial management differences.

(e) **ANNUAL REPORT.**—The Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall jointly provide for an annual independent review of the Fund for at least three years after the date of the enactment of this Act. Such review shall include detailed statements of the

uses of amounts of the Fund and an evaluation of the adequacy of the proportional share contributed to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs.

(f) **TERMINATION.**—The authorities in this section shall terminate on September 30, 2015.

SEC. 1046. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES AT THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) **IN GENERAL.**—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the Captain James A. Lovell Federal Health Care Center may be treated as a facility of the uniformed services to the extent provided under subsection (b) in the executive agreement required by section 1042.

(b) **ADDITIONAL ELEMENTS.**—The executive agreement required by section 1042 may include provisions as follows:

(1) To establish an integrated priority list for access to health care at the Captain James A. Lovell Federal Health Care Center, which list shall—

(A) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs; and

(B) take into account categories of beneficiaries, enrollment program status, and such other matters as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(2) To incorporate any resource-related limitations for access to health care at the Captain James A. Lovell Federal Health Care Center that the Secretary of Defense may establish for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(3) To allocate financial responsibility for care provided at the Captain James A. Lovell Federal Health Care Center for individuals who are eligible for care under both chapter 55 of title 10, United States Code, and title 38, United States Code.

(4) To waive the applicability to the Captain James A. Lovell Federal Health Care Center of any provision of section 8111(e) of title 38, United States Code, that the Secretary of Defense and the Secretary of Veterans Affairs shall jointly specify.

SEC. 1047. EXTENSION OF DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2010” and inserting “September 30, 2015”.

Subtitle F—Miscellaneous Requirements, Authorities, and Limitations

SEC. 1051. CONGRESSIONAL EARMARKS RELATING TO THE DEPARTMENT OF DEFENSE.

(a) **REPORT ON RECURRING EARMARKS.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a list of each congressional earmark that has been included in a national defense authorization Act for three or more consecutive fiscal years as of the national defense authorization Act for fiscal year 2010.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A description of the extent to which competitive or merit-based procedures were used to award funding, or to enter into a contract, grant, or other agreement, pursuant to each congressional earmark listed in the report.

(B) An identification of the specific contracting vehicle used for each such earmark.

(C) In the case of any congressional earmark listed in the report for which competitive or

merit-based procedures were not used to award funding, or to enter the contract, grant, or other agreement, a statement of the reasons competitive or merit-based procedures were not used.

(b) **DOD INSPECTOR GENERAL AUDIT OF EARMARKS.**—The Inspector General of the Department of Defense shall conduct an audit of contracts, grants, or other agreements pursuant to congressional earmarks of Department of Defense funds to determine whether or not the recipients of such earmarks are complying with requirements of Federal law on the use of appropriated funds to influence, whether directly or indirectly, congressional action on any legislation or appropriation matter pending before Congress.

(c) **DEFINITIONS.**—In this section:

(1) The term “congressional earmark” means any congressionally directed spending item (Senate) or congressional earmark (House of Representatives) on the list published in compliance with rule XLIV of the Standing Rules of the Senate or rule XXI of the Rules of the House of Representatives.

(2) The term “national defense authorization Act” means an Act authorizing funds for a fiscal year for the military activities of the Department of Defense, and for other purposes.

SEC. 1052. NATIONAL STRATEGIC FIVE-YEAR PLAN FOR IMPROVING THE NUCLEAR FORENSIC AND ATTRIBUTION CAPABILITIES OF THE UNITED STATES.

(a) **IN GENERAL.**—The President, with the participation of the officials specified in subsection (c), shall develop a national strategic plan for improving over a five-year period the nuclear forensic and attribution capabilities of the United States and the methods, capabilities, and capacity for nuclear materials forensics and attribution.

(b) **ELEMENTS.**—The plan required under subsection (a) shall include the following:

(1) An investment plan to support nuclear materials forensics and attribution.

(2) Recommendations with respect to—
(A) the allocation of roles and responsibilities for pre-detonation, detonation, and post-detonation activities; and

(B) methods for the attribution of nuclear or radiological material to the source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion.

(c) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Secretary of Homeland Security.
(2) The Secretary of Defense.
(3) The Secretary of Energy.
(4) The Attorney General.
(5) The Secretary of State.
(6) The Director of National Intelligence.
(7) Such other officials as the President considers appropriate.

(d) **SUBMITTAL TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the plan required under subsection (a).

SEC. 1053. ONE-YEAR EXTENSION OF AUTHORITY TO OFFER AND MAKE REWARDS FOR ASSISTANCE IN COMBATING TERRORISM THROUGH GOVERNMENT PERSONNEL OF ALLIED FORCES.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking “September, 30, 2009” and inserting “September, 30, 2010”.

SEC. 1054. BUSINESS PROCESS REENGINEERING.

(a) **NEW PROGRAMS.**—Section 2222 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A) of this subsection, the following new paragraph (1):

“(1) the appropriate chief management officer for the defense business system modernization has determined whether or not—

“(A) the defense business system modernization is in compliance with the enterprise architecture developed under subsection (c); and

“(B) appropriate business process reengineering efforts have been undertaken to ensure that—

“(i) the business process to be supported by the defense business system modernization will be as streamlined and efficient as practicable; and

“(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;”;

(C) in paragraph (2), as redesignated by subparagraph (A) of this subsection, by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) has been determined by the appropriate chief management officer to be in compliance with the requirements of paragraph (1);”;

(D) in paragraph (3), as redesignated by subparagraph (A) of this paragraph, by striking “the certification by the approval authority is” and inserting “the certification by the approval authority and the determination by the chief management officer are”; and

(2) in subsection (f)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting “(1)” before “The Secretary of Defense”;;

(C) in subparagraph (E) of paragraph (1), as designated by this paragraph, by striking “paragraphs (1) through (4)” and inserting “subparagraphs (A) through (D)”;

(D) by adding at the end the following new paragraph (2):

“(2) For purposes of subsection (a), the appropriate chief management officer for a defense business system modernization is as follows:

“(A) In the case of an Army program, the Chief Management Officer of the Army.

“(B) In the case of a Navy program, the Chief Management Officer of the Navy.

“(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

“(D) In the case of a program of a Defense Agency, the Deputy Chief Management Officer of the Department of Defense.

“(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, the Deputy Chief Management Officer of the Department of Defense.”.

(b) ONGOING PROGRAMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the appropriate chief management officer for each defense business system modernization approved by the Defense Business Systems Management Committee before the date of the enactment of this Act that will have a total cost in excess of \$100,000,000 shall review such defense business system modernization to determine whether or not appropriate business process reengineering efforts have been undertaken to ensure that—

(A) the business process to be supported by such defense business system modernization will be as streamlined and efficient as practicable; and

(B) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable.

(2) ACTION ON FINDING OF LACK OF REENGINEERING EFFORTS.—If the appropriate chief management officer determines that appropriate business process reengineering efforts have not been undertaken with regard to a defense busi-

ness system modernization as described in paragraph (1), that chief management officer—

(A) shall develop a plan to undertake business process reengineering efforts with respect to the defense business system modernization; and

(B) may direct that the defense business system modernization be restructured or terminated, if necessary to meet the requirements of paragraph (1).

(3) DEFINITIONS.—In this subsection:

(A) The term “appropriate chief management officer”, with respect to a defense business system modernization, has the meaning given that term in paragraph (2) of subsection (f) of section 2222 of title 10, United States Code (as amended by subsection (a)(2) of this section).

(B) The term “defense business system modernization” has the meaning given that term in subsection (j)(3) of section 2222 of title 10, United States Code.

SEC. 1055. RESPONSIBILITY FOR PREPARATION OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “the Secretary of Defense” and inserting “the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing;”;

(B) by striking “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and inserting “the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.”.

(b) TECHNICAL AMENDMENTS.—Paragraph (1)(B)(ii) of such section is amended—

(1) by inserting “validated” before “performance requirements”; and

(2) by inserting “in accordance with Office of Management and Budget Circular A-109” after “Plan”.

SEC. 1056. ADDITIONAL SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (5 U.S.C. App. 8) is amended by adding at the end the following new subsection:

“(i)(1) The Inspector General of the Department of Defense is authorized to require by subpoena the attendance and testimony of witnesses necessary to carry out an audit or investigation pursuant to the authorities of this Act.

“(2) A subpoena issued under this subsection, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

“(3) The Inspector General shall consult with the Attorney General before issuing any subpoena under this section, and shall not proceed with the issuance of such a subpoena if the Attorney General objects.”.

SEC. 1057. REPORTS ON BANDWIDTH REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEM ACQUISITION PROGRAMS.

Section 1047(d) of the Duncan Hunter National Defense Authorization Act for Fiscal

Year 2009 (Public Law 110-417; 122 Stat. 4603; 10 U.S.C. 2366b note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs, as so redesignated, four ems from the left margin;

(2) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(3) by adding at the end the following:

“(2) REPORTS.—Not later than January 1 each year, the Secretary of Defense and the Director of National Intelligence shall each submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on any determinations made under paragraph (1) with respect to meeting the bandwidth requirements for major defense acquisition programs and major system acquisition programs during the preceding fiscal year.”.

SEC. 1058. MULTIYEAR CONTRACTS UNDER PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Secretary of the Air Force may enter into one or more multiyear contracts, beginning with the fiscal year 2011 program year, for purposes of conducting the pilot program on utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations required by section 1081 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 335).

(b) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(1) the term of the contract may not be more than 8 years;

(2) notwithstanding subsection 2306c(b) of title 10, United States Code, the authority under subsection 2306c(a) of title 10, United States Code, shall apply to the fee-for-service air refueling pilot program;

(3) the contract may contain a clause setting forth a cancellation ceiling in excess of \$100,000,000; and

(4) the contract may provide for an unfunded contingent liability in excess of \$20,000,000.

(c) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(1) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining commercial fee-for-service air refueling tanker aircraft for Air Force operations; and

(2) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(d) LIMITATION ON AMOUNT.—The amount of a contract under subsection (a) may not exceed \$999,999,999.

(e) PROVISION OF GOVERNMENT INSURANCE.—A commercial air operator contracting with the Department of Defense under the pilot program referred to in subsection (a) shall be eligible to receive government provided insurance pursuant to chapter 443 of title 49, United States Code, if commercial insurance is unavailable on reasonable terms and conditions.

SEC. 1059. ADDITIONAL DUTY FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 337) is amended by—

(1) redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) in paragraph (4), by striking “other department” and inserting “other departments”; and

(3) by inserting after paragraph (6) the following new paragraphs:

“(7) assess the adequacy of the process and methodology by which the Department of Defense establishes, maintains, and resources dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

“(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);”.

Subtitle G—Reports

SEC. 1071. NATIONAL INTELLIGENCE ESTIMATE ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES AND NUCLEAR WEAPONS AND RELATED PROGRAMS IN NON-NUCLEAR-WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY.

(a) IN GENERAL.—The Director of National Intelligence shall prepare a national intelligence estimate (NIE) on the following:

(1) The nuclear weapons programs and any related programs of countries that are non-nuclear-weapons state parties to the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”) and countries that are not parties to the Treaty.

(2) The nuclear weapons aspirations of such non-state entities as the Director considers appropriate to include in the estimate.

(b) ELEMENTS.—The national intelligence estimate required under subsection (a) shall include, with respect to each country described in subsection (a)(1) and each non-state entity referred to in subsection (a)(2), the following:

(1) A statement of the number of nuclear weapons possessed by such country or non-state entity.

(2) An estimate of the total number of nuclear weapons that such country or non-state entity seeks to obtain and, in the case of such non-state entity, an assessment of the extent to which such non-state entity is seeking to develop a nuclear weapon or device or radiological dispersion device.

(3) A description of the technical characteristics of any nuclear weapons possessed by such country or non-state entity.

(4) A description of nuclear weapons designs available to such country or non-state entity.

(5) A description of any sources of assistance with respect to nuclear weapons design provided to such country or non-state entity.

(6) An assessment of the annual capability of such country and non-state entity to produce new or newly designed nuclear weapons.

(7) A description of the type of fissile materials used in any nuclear weapons possessed by such country or non-state entity.

(8) An description of the location and production capability of any fissile materials production facilities in such country or controlled by such non-state entity, the current status of any such facilities, and any plans by such country or non-state entity to develop such facilities.

(9) An identification of the source of any fissile materials used by such country or non-state entity, if such materials are not produced in facilities referred to in paragraph (8).

(10) A description of any delivery systems available to such country or non-state entity and an assessment of whether nuclear warheads have been mated to any such delivery system.

(11) An assessment of the physical security of the storage facilities for nuclear weapons in such country or controlled by such non-state entity.

(12) An assessment of whether such country or non-state entity is modernizing or otherwise improving the safety, security, and reliability of the nuclear weapons stockpile of such country or non-state entity.

(13) In the case of a country, an assessment of the policy of such country on the employment and use of nuclear weapons.

(c) SUBMITTAL TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director of National Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives the national intelligence estimate required under subsection (a) by not later than September 1, 2010.

(2) NOTIFICATION OF DELAY IN SUBMITTAL.—If the Director of National Intelligence determines that it will not be possible for the Director to submit the national intelligence estimate by September 1, 2010, the Director shall, not later than August 1, 2010, submit to the committees specified in paragraph (1) a notice—

(A) that the national intelligence estimate will not be submitted by September 1, 2010; and

(B) setting forth the date by which the Director will submit the national intelligence estimate.

SEC. 1072. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF MILITARY WHISTLEBLOWER PROTECTIONS.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of military whistleblower protections afforded to members of the Armed Services by the Department of Defense. The review shall include an analysis of the following:

(1) A sample of military whistleblower cases at the Office of the Inspector General of the Department of Defense, as well as one or more Offices of the Inspector General of a military department (as selected by the Comptroller General for the purposes of this section).

(2) Department-wide efforts to educate and inform members of the Armed Forces about the protections provided to them under section 1034 of title 10, United States Code.

(3) A sample of military whistleblower reprisal appeals (as selected by the Comptroller General for the purposes of this section) heard by the Boards for the Correction of Military Records referred to in section 1552 of title 10, United States Code, of each military department.

(b) REPORT.—Not later than December 1, 2009, the Comptroller General shall submit a report on the review and analysis conducted under subsection (a) to the Chairman and Ranking Minority Member of each of the following:

(1) The Committees on Armed Services, Homeland Security and Governmental Affairs, and the Judiciary of the Senate.

(2) The Committees on Armed Services, Homeland Security, and the Judiciary of the House of Representatives.

SEC. 1073. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense

shall submit to Congress a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary. The report shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, especially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

SEC. 1074. COMPTROLLER GENERAL REVIEW OF SPENDING IN THE FINAL QUARTER OF FISCAL YEAR 2009 BY THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a review of the obligations and expenditures of the Department of Defense in the final quarter of fiscal year 2009, as compared to the obligations and expenditures of the Department in the first three quarters of that fiscal year, to determine if policies with respect to spending by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars.

(b) REPORT.—Not later than the earlier of March 30, 2010, or the date that is 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended in the final quarter of the fiscal year.

SEC. 1075. REPORT ON AIR AMERICA.

(a) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term “Air America” means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term “associated company” means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport during the period when such an entity was owned and controlled by the United States Government.

(b) REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled

by the United States Government and operated or managed by the Central Intelligence Agency.

(2) **REPORT ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The history of Air America and the associated companies prior to 1977, including a description of—

(i) the relationship between Air America and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(ii) the workforce of Air America and the associated companies;

(iii) the missions performed by Air America, the associated companies, and their employees for the United States; and

(iv) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(B) A description of—

(i) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(ii) the contributions made by such employees for such benefits;

(iii) the retirement benefits actually paid such employees;

(iv) the entitlement of such employees to the payment of future retirement benefits; and

(v) the likelihood that such employees will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(ii) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(D)(i) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(ii) If legislative action is considered advisable under clause (i), a proposal for such action and an assessment of its costs.

(E) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(3) **ASSISTANCE OF COMPTROLLER GENERAL.**—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by paragraph (1).

(4) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1076. REPORT ON CRITERIA FOR SELECTION OF STRATEGIC EMBARKATION PORTS AND SHIP LAYBERTHING LOCATIONS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Transportation Command shall submit to the congressional defense committees a report with criteria for the selection of strategic embarkation ports and ship layberthing locations.

(b) **DEVELOPMENT OF CRITERIA.**—The criteria included in the report required under subsection (a) shall—

(1) prioritize the facilitation of strategic deployment and reduction of combatant commander force closure timelines;

(2) take into account—

(A) time required to crew, activate, and sail sealift vessels to embarkation ports;

(B) distance and travel times for the forces from assigned installation to embarkation ports;

(C) availability of adequate infrastructure to transport forces from assigned installation to embarkation ports; and

(D) time required to move forces from embarkation ports to likely areas of force deployment around the world; and

(3) inform the selection of strategic embarkation ports and the procurement of ship layberthing services.

SEC. 1077. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to simplify defense travel.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) A comprehensive discussion of aspects of the Department of Defense travel system that are most confusing, inefficient, and in need of revision.

(2) Critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(3) Options to leverage industry capabilities that could enhance management responsiveness to changing markets.

(4) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in paragraphs (1) and (2), including recommendations for legislative authority.

(5) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

SEC. 1078. REPORT ON MODELING AND SIMULATION ACTIVITIES OF UNITED STATES JOINT FORCES COMMAND.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, working through the Director for Defense Research and Engineering, the Assistant Secretary of Defense for Manufacturing and Industrial Base, and the Commander of the United States Joint Forces Command, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) An assessment of the current and future domestic defense modeling and simulation technological and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in cooperation with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to support the domestic defense modeling and simulation industrial base.

(6) Other matters as determined appropriate by the Secretary.

SEC. 1079. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) **REPORT REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the chiefs of the services, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following:

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and

(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the chiefs of the services consider useful and relevant.

(c) **REPORT TO CONGRESS.**—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

Subtitle H—Other Matters

SEC. 1081. TRANSFER OF NAVY AIRCRAFT N40VT.

(a) **AUTHORITY TO TRANSFER.**—

(1) **AUTHORITY.**—Subject to all applicable Federal laws and regulations controlling the disposition of Federal property, the Secretary of the Navy may transfer to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as the “transferee”), Navy aircraft N40VT (Bureau Number 163283) and associated components, test equipment, and engines, previously specified as Government-furnished equipment in contract N00019-00-C-0284.

(2) **WRITTEN AGREEMENT.**—The transfer under this subsection shall be made by means of a written agreement.

(3) **APPLICABLE LAW.**—The transfer or use of military equipment is subject to all applicable United States laws and regulations, including, but not limited to, the Arms Export Control Act, the Export Administration Act of 1979, continued under Executive Order 12924, International Traffic in Arms Regulations (22 C.F.R. 120 et seq.), Export Administration Regulations (15 C.F.R. 730 et seq.), Foreign Assets Control Regulations (31 C.F.R. 500 et seq.), and the Espionage Act.

(b) **CERTIFICATION REQUIRED FOR DISPOSAL OF COMBATANT MILITARY EQUIPMENT.**—No military equipment described by subsection (a) that is military equipment of a combatant command may be transferred under subsection (a) unless the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps, as applicable, certifies that such equipment is not essential to the defense of the United States.

(c) **CONDITION OF EQUIPMENT TO BE TRANSFERRED.**—The military equipment transferred under subsection (a) shall be transferred in its current "as is" condition. The Secretary is not required to repair or alter the condition of any military equipment before transferring any interest in such equipment under subsection (a).

(d) **TRANSFER AT NO COST TO THE UNITED STATES.**—The transfer of military equipment under subsection (a) shall be made at no cost to the United States. Any costs associated with the transfer shall be borne by the transferee.

(e) **GOVERNMENT RIGHTS.**—The Secretary shall include in the written agreement under subsection (a)(2) such terms and conditions as the Secretary considers appropriate—

(1) to permit the United States to use any future technologies derived from testing of military equipment transferred under subsection (a), including upon the transfer of such military equipment to a successor in interest of the transferee; and

(2) to retain for the Government all technical data rights associated with military equipment transferred under subsection (a).

(f) **CONSIDERATION.**—As consideration for the transfer of military equipment under subsection (a), the transferee shall provide compensation to the United States, the value of which is equal to the fair market value of such military equipment, as determined by the Secretary. The Secretary may not delegate the authority to make the determination required by the preceding sentence.

(g) **NO LIABILITY FOR THE UNITED STATES.**—Upon the transfer of military equipment under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of such military equipment by any person other than the United States.

(h) **REVERTER UPON BREACH OF CONDITIONS.**—The Secretary shall include in the written agreement under subsection (a)(2) the following:

(1) A condition that the transferee not transfer any interest in, or transfer possession of, the military equipment transferred under subsection (a) to any other party without the prior written approval of the Secretary.

(2) A condition that the transferee operate or maintain, as applicable, the military equipment transferred under subsection (a) in compliance with all applicable limitations and maintenance requirements under law.

(3) A condition that if the Secretary determines at any time that the transferee has failed to comply with a condition set forth in paragraph (1) or (2), all right, title, and interest in and to the military equipment transferred under subsection (a), including any repair or alteration of the military equipment by the transferee or otherwise, shall revert to the United

States, and the United States shall have the right of immediate possession of the military equipment.

(i) **LIMITATION ON TRANSFER PENDING NOTICE TO CONGRESS.**—

(1) **LIMITATION.**—A transfer of military equipment under subsection (a) may not occur until—

(A) notice of the proposal to make the transfer is sent to Congress; and

(B) 60 days of continuous session of Congress have expired following the date on which such notice is sent to Congress.

(2) **CALCULATION OF CONTINUOUS SESSION.**—For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which the either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

(j) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a transfer under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1082. TRANSFER OF BIG CROW AIRCRAFT.

(a) **IN GENERAL.**—The Secretary of the Air Force may convey to an appropriate private entity the right, title, and interest of the United States in and to the Big Crow aircraft referred to in subsection (b) in order to permit the continuation of the purpose of such aircraft at the time of their retirement in and through such private entity after conveyance if the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly determine that it is in the interests of the Department of Defense to do so.

(b) **COVERED BIG CROW AIRCRAFT.**—The Big Crow aircraft referred to in this subsection are the recently-retired aircraft as follows:

(1) Big Crow aircraft NC-135E, tail number 55-3132.

(2) Big Crow aircraft NC-135B, tail number 63-8050.

(c) **CONDITIONS OF CONVEYANCE.**—

(1) **IN GENERAL.**—Any conveyance of Big Crow aircraft under subsection (a) shall be for such consideration as the Secretary considers appropriate. The Secretary shall provide for any aircraft so conveyed to be conveyed in "as-is" condition at the time of conveyance, with all classified and other sensitive equipment removed from such aircraft before conveyance.

(2) **NO LIABILITY FOR THE UNITED STATES.**—Notwithstanding any other provision of law, upon the conveyance of a Big Crow aircraft under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of the aircraft by any person other than the United States.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1083. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) **IN GENERAL.**—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed.

(b) **SUBMISSION OF PLAN.**—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a), together with an explanation of how fiscal year 2010

funds will be used to sustain and support the plan and a description of the funding in the future years defense program plan to support the plan.

SEC. 1084. PILOT PROGRAM ON USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States owes a profound debt to those who have served the United States honorably in the Armed Forces.

(2) Disabled veterans suffer from a range of physical and mental injuries and disabilities.

(3) In 2008, the Army reported the highest level of suicides among its soldiers since it began tracking the rate 28 years before 2009.

(4) A scientific study documented in the 2008 Rand Report entitled "Invisible Wounds of War" estimated that 300,000 veterans of Operation Enduring Freedom and Operation Iraqi Freedom currently suffer from post-traumatic stress disorder.

(5) Veterans have benefitted in multiple ways from the provision of service dogs.

(6) The Department of Veterans Affairs has been successfully placing guide dogs with the blind since 1961.

(7) Thousands of dogs around the country await adoption.

(b) **PROGRAM REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year pilot program to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(c) **PARTNERSHIPS.**—

(1) **IN GENERAL.**—The Secretary shall carry out the pilot program by partnering with nonprofit organizations that—

(A) have experience providing service dogs to individuals with injuries or disabilities;

(B) do not charge fees for the dogs, services, or lodging that they provide; and

(C) are accredited by a generally accepted industry-standard accrediting institution.

(2) **REIMBURSEMENT OF COSTS.**—The Secretary shall reimburse partners for costs relating to the pilot program as follows:

(A) For the first 50 dogs provided under the pilot program, all costs relating to the provision of such dogs.

(B) For dogs provided under the pilot program after the first 50 dogs provided, all costs relating to the provision of every other dog.

(d) **PARTICIPATION.**—

(1) **IN GENERAL.**—As part of the pilot program, the Secretary shall provide a service dog to a number of veterans with physical or mental injuries or disabilities that is greater than or equal to the greater of—

(A) 200; and

(B) the minimum number of such veterans required to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) **COMPOSITION.**—The Secretary shall ensure that—

(A) half of the participants in the pilot program are veterans who suffer primarily from a mental health injury or disability; and

(B) half of the participants in the pilot program are veterans who suffer primarily from a physical injury or disability.

(e) **STUDY.**—In carrying out the pilot program, the Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical

or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the pilot program.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings relating to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(3) The effectiveness of using service dogs to prevent suicide.

(f) REPORTS.—

(1) **ANNUAL REPORT OF THE SECRETARY.**—After each year of the pilot program, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the pilot program.

(2) **FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.**—Not later than 180 days after the date of the completion of the pilot program, the National Academy of Sciences shall submit to Congress a report on the results of the pilot program.

SEC. 1085. EXPANSION OF STATE HOME CARE FOR PARENTS OF VETERANS WHO DIED WHILE SERVING IN ARMED FORCES.

In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs shall permit a State home to provide services to, in addition to non-veterans described in such subsection, a non-veteran any of whose children died while serving in the Armed Forces.

SEC. 1086. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) **INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.**—

(1) **LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.**—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(B) by adding at the end the following:

“(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined by section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”

(2) **OTHER POSITIONS.**—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of title 5, United States Code), or customs and border protection officer (as defined in section 8401(36) of title 5, United States Code) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) **ELIGIBILITY FOR ANNUITY.**—Section 8412(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme

Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1083(e) of the National Defense Authorization Act for Fiscal Year 2010;

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1083(a)(2) of the National Defense Authorization Act for Fiscal Year 2010.”

(c) **MANDATORY SEPARATION.**—Section 8425 of title 5, United States Code, is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) **COMPUTATION OF BASIC ANNUITY.**—Section 8415(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “total service as” and inserting “civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,”; and

(2) in paragraph (2), by striking “so much of such individual’s total service as exceeds 20 years” and inserting “the remainder of such individual’s total service”.

(e) **EFFECTIVE DATE.**—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

SEC. 1087. SENSE OF CONGRESS ON MANNED AIRBORNE IRREGULAR WARFARE PLATFORMS.

It is the sense of Congress that the Secretary of Defense should, with regard to the development of manned airborne irregular warfare platforms, coordinate requirements for such weapons systems with the military services, including the reserve components.

SEC. 1088. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts

in the United States in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Carland, and the United States Institute of Peace.

(4) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) **EXTENSION OF SUNSET.**—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking “September 30, 2009” and inserting “September 30, 2010”; and

(3) by inserting after subsection (e) the following new subsection:

“(f) **FOLLOW-ON REPORT.**—Following submission of the report required in subsection (e), the Commission may conduct public outreach and discussion of the matters contained in the report.”

SEC. 1089. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) **FINDING.**—Congress understands that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, will be comprised of twelve members equally divided on a bipartisan basis.

(b) **SENSE OF CONGRESS ON INDEPENDENT PANEL.**—It is the sense of Congress that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, should be comprised of members equally divided on a bipartisan basis.

(c) ADDITIONAL MEMBERS.—

(1) **IN GENERAL.**—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this section referred to as the “2009 QDR”), the independent panel established under subsection (f) of such section (in this section referred to as the “Panel”) shall include eight additional members to be appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the chairman of the Committee on Armed Services of the Senate.

(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two by the ranking member of the Committee on Armed Services of the Senate.

(2) **PERIOD OF APPOINTMENT; VACANCIES.**—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(d) **ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.**—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) make any recommendations it considers appropriate for consideration.

(e) **REPORT OF SECRETARY OF DEFENSE.**—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section

118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(f) **TERMINATION.**—The provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

SEC. 1090. CONTRACTING IMPROVEMENTS.

(a) **DEFINITIONS.**—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms “HUBZone small business concern”, “small business concern”, “small business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) **CONTRACTING OPPORTUNITIES.**—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and inserting “may”.

(c) **CONTRACTING GOALS.**—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting “and subcontract” after “not less than 3 percent of the total value of all prime contract”.

(d) **MENTOR-PROTEGE PROGRAMS.**—The Administrator may establish mentor-protége programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protége program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

SEC. 1091. NATIONAL D-DAY MEMORIAL STUDY.

(a) **DEFINITIONS.**—In this section:

(1) **AREA.**—The term “Area” means in the National D-Day Memorial in Bedford, Virginia.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study of the Area to evaluate the national significance of the Area and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) **CRITERIA.**—In conducting the study required by paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(3) **CONTENTS.**—The study required by paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) **REPORT.**—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct of the study required by this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

SEC. 1101. REPEAL OF NATIONAL SECURITY PERSONNEL SYSTEM; DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES.

(a) **REPEAL OF AUTHORITY TO ESTABLISH NATIONAL SECURITY PERSONNEL SYSTEM.**—Section 9902 of title 5, United States Code, is amended—

(1) by striking subsections (a), (b), (c), (d), (e), (i), and (j); and

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f) respectively.

(b) **PERIOD FOR TERMINATION OF NATIONAL SECURITY PERSONNEL SYSTEM.**—

(1) **APPLICABILITY OF PRIOR LAW TO UNITS IN NSPS.**—Notwithstanding the amendments made by this section, the provisions of section 9902 of title 5, United States Code, as in effect on the day before the date of the enactment of this Act, shall apply to organizational and functional units included in the National Security Personnel System as of January 20, 2009, for a period of one year after the date of the enactment of this Act.

(2) **TRANSITION OF UNITS FROM NSPS.**—The Secretary of Defense shall ensure the orderly transition of all organizational and functional units covered by paragraph (1) from the National Security Personnel System by not later than one year after the date of the enactment of this Act. The Secretary shall ensure that no employee is subject to a reduction in pay as a result of such transition.

(3) **REMOVAL OF LIMITATION ON PAY ADJUSTMENT.**—Notwithstanding section 9902(e)(7) of title 5, United States Code (as in effect on the day before the date of the enactment of this Act), at the time of any annual adjustment to pay schedules pursuant to section 5303 of such title during the transitional period provided in paragraph (1), the rate of basic pay for each employee described in section 9902(e)(7), as so in effect, shall be adjusted by 100 percent of the amount of such adjustment.

(4) **CURRENT RULES INVALID.**—Any rule or implementing issuance adopted before the date of the enactment of this Act to implement any provision of section 9902 of title 5, United States Code (other than subsections (d), (e), and (f) of such section (as redesignated by subsection (a)(2))), shall cease to be effective on the date that is one year after the date of the enactment of this Act.

(c) **AUTHORITY RELATING TO PERSONNEL MANAGEMENT AND WORKFORCE INCENTIVES.**—Section 9902 of such title is further amended by inserting before subsection (d), as redesignated by subsection (a)(2) of this section, the following new subsections:

“(a) **PERSONNEL MANAGEMENT.**—(1) The Secretary may waive the requirements of chapter 33, and the regulations implementing such chapter, to the extent the Secretary considers appropriate to establish and implement regulations providing for the following:

“(A) Fair, credible, and transparent methods of establishing qualification requirements for, recruitment for, and appointments to employment positions.

“(B) Fair, credible, and transparent methods of assigning, reassigning, detailing, transferring, or promoting employees.

“(2) In implementing this subsection, the Secretary shall comply with the provisions of section 2302(b)(11), regarding veterans’ preference requirements, in a manner comparable to that in which such provisions are applied under chapter 33.

“(3) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements subsection (c) and chapter 71.

“(b) **PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.**—(1) The Secretary may

waive the requirements of chapters 43 (other than sections 4302 and 4303(e)) and 45, and the regulations implementing such chapters, to the extent the Secretary considers appropriate to establish and implement regulations providing for the following:

“(A) A fair, credible, and transparent performance appraisal system for employees.

“(B) A fair, credible, and transparent system for linking employee bonuses and other performance-based actions to performance appraisals of employees.

“(C) A process for ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the appraisal period and setting timetables for review.

“(2)(A) The Secretary may establish a fund to be known as the ‘Department of Defense Civilian Workforce Incentive Fund’ (in this paragraph referred to as the ‘Fund’).

“(B) The Fund shall consist of the following:

“(i) Amounts appropriated to the Fund.

“(ii) Amounts available for compensation of employees that are transferred to the Fund.

“(C) Amounts in the Fund shall be available as follows:

“(i) For incentive payments to employees based on individual or team performance.

“(ii) For incentive payments to employees for purposes of the employment and retention as employees of qualified individuals with particular competencies or qualifications.

“(3) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements of subsection (c) and chapter 71.

“(c) **CRITERIA FOR USE OF NEW PERSONNEL AUTHORITIES.**—In establishing any new personnel management system under subsection (a) or new performance management and workforce incentive system under subsection (b), the Secretary shall—

“(1) adhere to merit principles set forth in section 2301;

“(2) include a means for ensuring employee involvement in the design and implementation of such system;

“(3) provide for adequate training and retraining for supervisors, managers, and employees in the implementation and operation of such system;

“(4) include effective transparency and accountability measures and safeguards to ensure that the management of such system is fair, credible, and equitable, including appropriate independent reasonableness reviews, internal assessments, and employee surveys; and

“(5) ensure that adequate agency resources are allocated for the design, implementation, and administration of such system.”.

(d) **CONFORMING CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

“§9902. Department of Defense personnel authorities”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 99 of such title is amended by striking the item relating to section 9902 and inserting the following new item: “9902. Department of Defense personnel authorities.”.

(e) **MODIFICATION OF IMPLEMENTATION AUTHORITIES AND LIMITATIONS.**—Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 349) is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b), as redesignated by paragraph (2)—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) The Comptroller General shall conduct annual reviews in calendar years 2010, 2011, and 2012 of—

“(A) employee satisfaction with any processes established pursuant to regulations promulgated by the Secretary of Defense pursuant to section 9902 of title 5, United States Code; and

“(B) the extent to which any processes so established are fair, credible, and transparent, as required by such section 9902.”; and

(B) in paragraph (2), by striking “the National Security Personnel System” and inserting “any processes established pursuant to such regulations”.

(f) **ADDITIONAL CONFORMING AMENDMENT.**—Section 1108(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4618; 10 U.S.C. 1580 note) is amended by striking “identified in section 9902(c)(2) of title 5, United States Code.” and inserting “as follows:

“(1) The Aviation and Missile Research Development and Engineering Center.

“(2) The Army Research Laboratory.

“(3) The Medical Research and Materiel Command.

“(4) The Engineer Research and Development Command.

“(5) The Communications-Electronics Command.

“(6) The Soldier and Biological Chemical Command.

“(7) The Naval Sea Systems Command Centers.

“(8) The Naval Research Laboratory.

“(9) The Office of Naval Research.

“(10) The Air Force Research Laboratory.”.

(g) **WAIVER.**—Subsection (a) through (f) of this section and the amendments made by such subsections shall not take effect if, not later than 60 days after the date of the enactment of this Act, the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report that includes—

(1) a certification that—

(A) the termination of the National Security Personnel System would not be in the best interest of the Department of Defense;

(B) the Secretary intends to implement changes during fiscal year 2010 to improve the fairness, credibility, and transparency of the National Security Personnel System; and

(C) the Secretary has determined that the changes to be made pursuant to subparagraph (B) will result in improved employee acceptance of the National Security Personnel System; and

(2) a description of the changes that the Secretary intends to implement and the schedule for implementing such changes.

(h) **EXPANSION PROHIBITED.**—If the Secretary of Defense submits a report and certification under subsection (g) and the National Security Personnel System is not terminated, the National Security Personnel System may not be extended to organizational and functional units of the Department of Defense not included in such system as of June 1, 2009, unless specifically authorized by statute enacted after the date of the enactment of this Act.

SEC. 1102. EXTENSION AND MODIFICATION OF EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) **THREE-YEAR EXTENSION.**—Subsection (e)(1) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking “September 30, 2011” and inserting “September 30, 2014”.

(b) **LIMITATIONS ON ADDITIONAL PAYMENTS.**—Such section is further amended—

(1) in subsection (b)(3), by striking “under subsection (d)(1)” and inserting “under subsection (d)”;

(2) by striking subsection (d) and inserting the following new subsection (d):

“(d) **LIMITATIONS ON ADDITIONAL PAYMENTS.**—(1) Subject to paragraph (3), the total amount of additional payments paid to an employee under subsection (b)(3) for any 12-month period may not exceed the lesser of the amounts as follows:

“(A) \$50,000 in fiscal year 2010, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

“(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

“(2) In paragraph (1), the term ‘base quarter’ has the meaning given that term in section 5302(3) of title 5, United States Code.

“(3) Notwithstanding any other provision of this section or section 5307 of title 5, United States Code, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.

“(4) An employee appointed under the program is not eligible for any bonus, monetary award, or other monetary incentive for service under the appointment other than payments authorized by this section.”.

(c) **REPORTING REQUIREMENTS.**—Paragraph (1) of subsection (g) of such section is amended to read as follows:

“(1)(A) Not later than December 31 each year in which the authority under this section is in effect, the Secretary of Defense shall submit to the committees of Congress specified in subparagraph (B) a report on the program. Each report shall cover the 12-month period preceding the date of the submittal of such report.

“(B) The committees of Congress specified in this subparagraph are—

“(i) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

“(ii) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives”.

SEC. 1103. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) **EXTENSION OF AUTHORITY.**—Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615) is amended by striking “calendar year 2009” and inserting “calendar years 2009 and 2010”.

(b) **CLARIFICATION OF EXEMPTION FROM AGGREGATE LIMITATIONS ON PAY.**—Subsection (b) of such section is amended by striking “Section 5307 of title 5, United States Code” and inserting “Aggregate limitations on pay, whether established by law or regulation”.

SEC. 1104. AVAILABILITY OF FUNDS FOR COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) **AVAILABILITY OF FUNDS.**—Notwithstanding any other provision of law, funds authorized to be appropriated for the Department of Defense that are available for the purchase of contract services to meet a requirement that is

anticipated to continue for five years or more shall be available to provide compensation for civilian employees of the Department to meet the same requirement.

(b) **REGULATIONS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the authority in subsection (a). Such regulations—

(1) shall ensure that the authority in subsection (a) is utilized to build government capabilities that are needed to perform inherently governmental functions, functions closely associated with inherently governmental functions, and other critical functions;

(2) shall include a mechanism to ensure that follow-on funding to provide compensation for civilian employees of the Department to perform functions described in paragraph (1) is provided from appropriate accounts; and

(3) may establish additional criteria and levels of approval within the Department for the utilization of funds to provide compensation for civilian employees of the Department pursuant to subsection (a).

(c) **ANNUAL REPORT.**—Not later than 60 days after the end of each fiscal year for which the authority in subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the use of such authority. Each report shall cover the preceding fiscal year and shall identify, at a minimum, the following:

(1) The amount of funds used under the authority in subsection (a) to provide compensation for civilian employees.

(2) The source or sources of the funds so used.

(3) The number of civilian employees employed through the use of such funds.

(4) The actions taken by the Secretary to ensure that follow-on funding for such civilian employees is provided through appropriate accounts.

(d) **TEMPORARY AUTHORITY.**—The authority in subsection (a) shall apply to funds authorized to be appropriated for the Department of Defense fiscal years 2010 through 2019.

SEC. 1105. DEPARTMENT OF DEFENSE CIVILIAN LEADERSHIP PROGRAM.

(a) **LEADERSHIP PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a program of leadership recruitment and development for civilian employees of the Department of Defense, to be known as the “Department of Defense Civilian Leadership Program” (in this section referred to as the “program”).

(2) **OBJECTIVES.**—The objectives of the program shall be as follows:

(A) To develop a new generation of civilian leaders for the Department of Defense.

(B) To recruit individuals with the academic merit, work experience, and demonstrated leadership skills to meet the future needs of the Department.

(C) To offer rapid advancement, competitive compensation, and leadership opportunities to highly-qualified civilian employees of the Department.

(3) **AVAILABLE AUTHORITIES.**—In carrying out the program, the Secretary may exercise any authority available to the Office of Personnel Management under section 4703 of title 5, United States Code, except that the Secretary shall not be bound by the limitations in subsection (d) of such section. Nothing in this section shall be construed to authorize the waiver of any part of chapter 71 of title 5, United States Code, or any regulation implementing such chapter, in the carrying out of the program.

(b) **ELIGIBLE INDIVIDUALS.**—

(1) **IN GENERAL.**—The following individuals shall be eligible to participate in the program:

(A) Current employees of the Department of Defense.

(B) Appropriate individuals in the private sector.

(2) **LIMITATION ON NUMBER OF ENTRANTS INTO PROGRAM.**—The total number of individuals who may enter into the program in any fiscal year may not exceed 5,000.

(c) **ELEMENTS OF PROGRAM.**—

(1) **COMPETITIVE ENTRY.**—The selection of individuals for entry into the program shall be made on the basis of a competition conducted at least twice each year. In each competition, participants in the program shall be selected from among applicants determined by the Secretary to be the most highly qualified in terms of academic merit, work experience, and demonstrated leadership skills. Each competition shall provide for entry-level participants and midcareer participants in the program.

(2) **ALLOCATION OF POSITIONS.**—The Secretary shall allocate positions in the program among the components of the Department of Defense that—

(A) offer the most challenging assignments;

(B) provide the greatest level of responsibility; and

(C) demonstrate the greatest need for participants in the program.

(3) **ASSIGNMENTS TO POSITIONS.**—Participants in the program shall be assigned to components of the Department that best match their skills and qualifications. Participants in the program may be rotated among components of the Department of Defense at the discretion of the Secretary.

(4) **INITIAL COMPENSATION.**—The initial compensation of participants in the program shall be determined by the Secretary based on the qualifications of such participants and applicable market conditions.

(5) **EDUCATION AND TRAINING.**—The Secretary shall provide participants in the program with training, mentoring, and educational opportunities that are appropriate to facilitate the development of such participants into effective civilian leaders for the Department of Defense.

(6) **OBJECTIVE, MERIT-BASED PRINCIPLES FOR PERSONNEL DECISIONS.**—The Secretary shall make personnel decisions under the program in accordance with such objective, merit-based criteria as the Secretary shall prescribe in regulations for purposes of the program. Such criteria shall include, but not be limited to, criteria applicable to the following:

(A) The selection of individuals for entry into the program.

(B) The assignment of participants in the program to positions in the Department of Defense.

(C) The initial compensation of participants in the program.

(D) The access of participants in the program to training, mentoring, and educational opportunities under the program.

(E) The consideration of participants in the program for selection into the senior management, functional, and technical workforce of the Department.

(7) **CONSIDERATION FOR SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.**—Any participant in the program who, as determined by the Secretary, demonstrates outstanding performance shall be afforded priority in consideration for selection into the appropriate element of the senior management, functional, and technical workforce of the Department of Defense (as set forth in section 1102(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2407)).

SEC. 1106. REVIEW OF DEFENSE LABORATORIES FOR PARTICIPATION IN DEFENSE LABORATORY PERSONNEL DEMONSTRATION PROJECTS.

(a) **REVIEW REQUIRED.**—The Secretary of Defense shall undertake a review of defense laboratories not currently included in personnel demonstration projects authorized by section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-315), to determine whether or not any laboratory so reviewed would benefit from the extension to such laboratory of the personnel management flexibilities available under such section 342(b), as so amended.

(b) **COVERED LABORATORIES.**—The laboratories covered by the review required by subsection (a) shall include, but not be limited to, the following:

(1) Laboratories within the Army Research, Development, and Engineering Command.

(2) Army Tank and Automotive Research, Development, and Engineering Center.

(3) Army Armament Research, Development, and Engineering Center.

(4) Naval Air Warfare Center, Weapons Division.

(5) Naval Air Warfare Center, Aircraft Division.

(6) Space and Naval Warfare Systems Center, Pacific.

(7) Space and Naval Warfare Systems Center, Atlantic.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the results of the review required by subsection (a).

(2) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

Subtitle B—Part-Time Reemployment of Annuitants

SEC. 1161. SHORT TITLE.

This subtitle may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. 1162. PART-TIME REEMPLOYMENT.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

“(l)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life or property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees,

the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”; and

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) **FEDERAL EMPLOYEE RETIREMENT SYSTEM.**—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency

shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”; and

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(l)(2)” and inserting “(m)(2)”; and

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1162.

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of

section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) **AGENCY DATA.**—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1162 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN UNIT COST THRESHOLD FOR PURCHASES USING CERTAIN FUNDS UNDER THE COMBATANT COMMANDER INITIATIVE FUND.

(a) **INCREASE.**—

(1) **IN GENERAL.**—Subsection (e)(1)(A) of section 166a of title 10, United States Code, is amended by striking “\$15,000” and inserting “the investment unit threshold in effect under section 2245a of this title”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on October 1, 2009, and shall apply with respect to funds available under the Combatant Commander Initiative Fund for fiscal years that being on or after that date.

(b) **CLARIFYING AMENDMENTS.**—

(1) **CLERICAL AMENDMENT.**—The section heading of such section is amended to read as follows:

“§166a. Combatant commands: funding through the Chairman of the Joint Chiefs of Staff from Combatant Commander Initiative Fund”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 6 of such title is amended by striking the item relating to section 166a and inserting the following new item:

“166a. Combatant commands: funding through the Chairman of the Joint Chiefs of Staff from Combatant Commander Initiative Fund.”.

SEC. 1202. AUTHORITY TO PROVIDE ADMINISTRATIVE SERVICES AND SUPPORT TO COALITION LIAISON OFFICERS OF CERTAIN FOREIGN NATIONS ASSIGNED TO UNITED STATES JOINT FORCES COMMAND.

(a) **EXTENSION OF AUTHORITY.**—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking “assigned temporarily” and inserting “assigned temporarily as follows:”;

(2) by designating the remainder of the text of that subsection as paragraph (1) and indenting that text two ems from the left margin;

(3) in paragraph (1), as so designated, by striking “to the headquarters” and inserting “To the headquarters”; and

(4) by adding at the end the following new paragraph:

“(2) To the headquarters of the combatant command assigned by the Secretary of Defense the mission of joint warfighting experimentation and joint forces training.”.

(b) **EFFECTIVE DATE.**—Paragraph (2) of section 1051a(a) of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1203. MODIFICATION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY FOR MILITARY AND STABILITY OPERATIONS.—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2418) and section 1206 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4625), is further amended by adding at the end the following new paragraph:

“(5) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—Of the funds used to carry out a program under subsection (a), not more than \$75,000,000 may be used during fiscal year 2010, and not more than \$75,000,000 may be used during fiscal year 2011, for purposes described in subsection (a)(1)(B).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to programs under section 1206(a) of the National Defense Authorization Act for Fiscal Year 2006 that begin on or after that date.

SEC. 1204. MODIFICATION OF NOTIFICATION AND REPORTING REQUIREMENTS FOR USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) NOTIFICATION.—Section 1208(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as amended by section 1208(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4626), is further amended to read as follows:

“(c) NOTIFICATION.—

“(1) SUPPORT FOR FOREIGN FORCES.—The Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event not later than 48 hours, after—

“(A) using the authority provided in subsection (a) to make funds available for foreign forces in support of an approved military operation; or

“(B) changing the scope or funding level of any such support.

“(2) SUPPORT FOR IRREGULAR FORCES, GROUPS, OR INDIVIDUALS.—The Secretary of Defense may not exercise the authority provided in subsection (a) to make funds available for irregular forces or a group (other than foreign forces) or individual in support of an approved military operation, or change the scope or funding level of such support, until 72 hours after notifying the congressional defense committees of the use of such authority with respect to that operation or such change in scope or funding level.

“(3) CONTENT.—Notifications required under this subsection shall include the following information:

“(A) The type of support provided or to be provided to United States special operations forces.

“(B) The type of support provided or to be provided to the recipient of the funds.

“(C) The intended duration of the support.

“(D) The amount obligated under the authority to provide support.”

(b) ANNUAL REPORT.—Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086) is amended in the second sentence by striking “shall describe the support” and all that follows through the period at the end and inserting “shall include the following information:

“(1) A description of supported operations.

“(2) A summary of operations.

“(3) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

“(4) The total amount obligated in the previous fiscal year, including budget details.

“(5) The total amount obligated in prior fiscal years.

“(6) The intended duration of support.

“(7) A description of support or training provided to the recipients of support.

“(8) A value assessment of the operational support provided.”

SEC. 1205. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXPANSION OF AUTHORITY.—Section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by striking subsection (a) and inserting the following new subsections:

“(a) REIMBURSEMENT.—

“(1) IN GENERAL.—Using applicable funds referred to in paragraph (2), the Secretary of Defense may reimburse any key cooperating nation for the following:

“(A) During fiscal year 2008, logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

“(B) During fiscal year 2010, logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in subparagraph (A).

“(2) COVERED FUNDS.—The funds referred to in this subsection are the following:

“(A) For purposes of paragraph (1)(A), amounts authorized to be appropriated for fiscal year 2008 by section 1508 for operation and maintenance.

“(B) For purposes of paragraph (1)(B), amounts authorized to be appropriated for fiscal year 2010 by section 1507(5) for operation and maintenance, Defense-wide activities.

“(b) OTHER SUPPORT.—Using funds described in subsection (a)(2)(B), the Secretary of Defense may also assist any key cooperating nation supporting United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan through the following:

“(1) The provision of specializing training to personnel of that nation in connection with such operations, including training of such personnel before deployment in connection with such operations.

“(2) The procurement and provision of supplies to that nation in connection with such operations.

“(3) The procurement of specialized equipment and the loaning of such specialized equipment to that nation on a non-reimbursable basis in connection with such operations.”

(b) AMOUNTS OF SUPPORT.—Paragraph (2) of subsection (c) of such section, as redesignated by subsection (a)(1) of this section, is amended to read as follows:

“(2) SUPPORT.—Support authorized by subsection (b) may be provided in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, considers appropriate.”

(c) LIMITATIONS ON AMOUNTS DURING FISCAL YEAR 2010.—Paragraph (1) of subsection (d) of such section, as so redesignated, is amended to read as follows:

“(1) LIMITATIONS ON AMOUNTS.—(A) The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2008 may not exceed \$1,200,000,000.

“(B) The aggregate amount of reimbursements made under subsection (a) and support provided under subsection (b) during fiscal year 2010 may not exceed \$1,600,000,000.”

(d) NOTICE TO CONGRESS.—Subsection (e) of such section, as so redesignated, is amended by striking “shall—” and all that follows and inserting “shall notify the congressional defense committees not later than 15 days before making any reimbursement under the authority in subsection (a) or providing any support under the authority in subsection (b).”

(e) REPORTS.—Such section is further amended by adding at the end the following new subsection:

“(f) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a), and any support provided under the authority in subsection (b), during such quarter.”

(f) EXTENSION OF NOTICE ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4634), is further amended by striking “September 30, 2010” and inserting “September 30, 2011”.

SEC. 1206. ONE-YEAR EXTENSION AND EXPANSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Commanders' Emergency Response Program provides United States military commanders in theater a valuable tool for accomplishing the counterinsurgency mission in Iraq and Afghanistan by enabling military commanders to fund urgent humanitarian relief and reconstruction requirements by carrying out programs that will immediately assist the people of those countries; and

(2) United States military commanders utilizing Commanders' Emergency Response Program funds in Afghanistan, and Provincial Reconstruction Teams in Afghanistan using such funds or other United States humanitarian or reconstruction assistance, should whenever possible coordinate the funding of projects with local councils, particularly Community Development Councils established under the Afghanistan National Solidarity Program, and take actions that promote the importance and effectiveness of local and national government entities.

(b) ONE-YEAR EXTENSION OF AUTHORITY.—

(1) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 366) and section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4630), is further amended—

(A) in the subsection heading, by striking “FISCAL YEARS 2008 AND 2009” and inserting “FISCAL YEAR 2010”;

(B) by striking “each of fiscal years 2008 and 2009” and inserting “fiscal year 2010”;

(C) by striking “for such fiscal year”; and

(D) by striking “\$1,700,000,000 in fiscal year 2008 and \$1,500,000,000 in fiscal year 2009” and inserting “\$1,400,000,000”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2009.

(c) **EXTENSION OF DUE DATE FOR QUARTERLY REPORTS.**—Subsection (b)(1) of such section is amended—

(1) by striking “15 days” and inserting “30 days”; and

(2) by striking “fiscal years 2008 and 2009” and inserting “any fiscal year during which the authority under subsection (a) is in effect”.

(d) **AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.**—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) **AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.**—

“(1) **AUTHORITY.**—If the Secretary of Defense determines that the use of Commanders’ Emergency Response Program funds to support the Afghanistan National Solidarity Program would enhance counterinsurgency operations or stability operations in Afghanistan, the Secretary of Defense may transfer funds, from amounts available for the Commanders’ Emergency Response Program for fiscal year 2010, to the Secretary of State for purposes of supporting the Afghanistan National Solidarity Program.

“(2) **LIMITATION.**—The amount of funds transferrable under paragraph (1) may not exceed \$100,000,000.

“(3) **CONGRESSIONAL NOTIFICATION.**—Not later than 15 days before transferring funds under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary’s determination pursuant to paragraph (1) and a description of the amount of funds to be transferred under that paragraph.”.

(e) **TECHNICAL AMENDMENTS.**—Subsections (e)(1) and (f)(1) of such section are amended by striking “the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009” and inserting “October 14, 2008.”.

SEC. 1207. ONE-YEAR EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 369) and section 1207 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4625), is further amended by striking “September 30, 2009” and inserting “September 30, 2010”.

SEC. 1208. AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

(a) **AUTHORITY TO ENTER INTO NON-RECIPROCAL INTERNATIONAL EXCHANGE AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary of Defense may enter into non-reciprocal international defense personnel exchange agreements.

(2) **INTERNATIONAL DEFENSE PERSONNEL EXCHANGE AGREEMENTS DEFINED.**—For purposes of this section, an international defense personnel exchange agreement is an agreement with the government of an ally of the United States or another friendly foreign country for the exchange of military and civilian personnel of the defense ministry of that foreign government.

(b) **ASSIGNMENT OF PERSONNEL.**—

(1) **IN GENERAL.**—Pursuant to a non-reciprocal international defense personnel exchange agreement, personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense.

(2) **MUTUAL AGREEMENT REQUIRED.**—An individual may not be assigned to a position pursu-

ant to a non-reciprocal international defense personnel exchange agreement unless the assignment is acceptable to both governments.

(c) **PAYMENT OF PERSONNEL COSTS.**—

(1) **IN GENERAL.**—The foreign government with which the United States has entered into a non-reciprocal international defense personnel exchange agreement shall pay the salary, per diem, cost of living, travel costs, cost of language or other training, and other costs for its personnel in accordance with the applicable laws and regulations of such government.

(2) **EXCLUDED COSTS.**—Paragraph (1) does not apply to the following costs:

(A) The cost of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the assignments of the exchanged personnel.

(B) Costs incident to the use of facilities of the United States Government in the performance of assigned duties.

(d) **PROHIBITED CONDITIONS.**—No personnel exchanged pursuant to a non-reciprocal agreement under this section may take or be required to take an oath of allegiance or to hold an official capacity in the government.

(e) **DURATION OF AUTHORITY.**—The authority under this section shall expire on December 31, 2011.

SEC. 1209. DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) As United States forces continue their redeployment from Iraq, the quality of the Iraqi Security Forces and the nature of their training and equipment will play an increasingly important role.

(2) Despite the decrease in violence in Iraq, Iraq continues to face formidable threats to its national security.

(3) There are many benefits to the United States and Iraq resulting from the strategic relationship that exists between the two nations.

(4) Enhancing the capabilities of the Iraqi Security Forces and strengthening the defense cooperation between the United States and Iraq will help ensure that Iraq has the military strength and political support necessary to enhance its internal and regional security.

(b) **AVAILABILITY OF PROFESSIONAL MILITARY EDUCATION FOR IRAQ SECURITY FORCES.**—The Secretary of Defense shall endeavor to increase the number of positions in professional military education courses, including courses at command and general staff colleges, war colleges, and the service academies, that are made available annually to personnel of the security forces of the Government of Iraq.

SEC. 1210. REPORT ON ALTERNATIVES TO USE OF ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth and assessing various alternatives to the use of acquisition and cross-servicing agreements pursuant to the temporary authority in section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as amended by section 1252 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 402), for purposes of lending covered military equipment to military forces of nations as follows:

(1) A nation participating in combined operations with the United States in Iraq and Afghanistan.

(2) A nation participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the

United Nations or another international agreement.

(b) **COVERED MILITARY EQUIPMENT DEFINED.**—In this section, the term “covered military equipment” has the meaning given that term in section 1202(d)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007.

SEC. 1211. ENSURING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

The President may treat an undertaking by the Government of Iraq that is made between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for purposes of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

SEC. 1212. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM.

(a) **AVAILABILITY OF APPROPRIATED FUNDS.**—The Secretary of Defense may, under regulations prescribed by the Secretary, use funds appropriated to the Department of Defense for fiscal year 2010 to pay the costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting activities under the State Partnership Program—

(1) to support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted; or

(2) to build international civil-military partnerships and capacity on matters relating to defense and security.

(b) **LIMITATIONS.**—

(1) **APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.**—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) **PARTICIPATION BY MEMBERS.**—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(c) **REIMBURSEMENT.**—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

SEC. 1213. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) **AUTHORITY.**—The President is authorized to transfer defense articles from the stocks of the Department of Defense, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and

maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed \$500,000,000.

(2) SOURCE OF TRANSFERRED DEFENSE ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) immediately before the transfer were in use to support operations in Iraq;

(B) were present in Iraq as of the date of enactment of this Act; and

(C) are no longer required by United States forces in Iraq.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT.—

(1) IN GENERAL.—The President may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq owned by the Department of Defense, including equipment and property owned by the Department of Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the process by which potential requirements for defense articles to be transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(F) A description of the plan, if any, for reimbursing military departments from which non-excess defense articles are transferred under the authority provided in subsection (a).

(G) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(H) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(I) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) NOTIFICATION.—

(1) IN GENERAL.—The President may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the President has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) CONTENTS.—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) an identification of the military department from which the defense articles being transferred are drawn;

(D) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided;

(E) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

(F) a certification by the President that—

(i) the Secretary of Defense has determined that—

(I) the defense articles to be transferred are no longer required by United States forces in Iraq;

(II) the proposed transfer of such defense articles will not adversely impact the military preparedness of the United States;

(III) immediately before the transfer, the defense articles to be transferred were being used to support operations in Iraq;

(IV) the defense articles to be transferred were present in Iraq as of the date of enactment of this Act; and

(V) the defense articles to be transferred are required by the military and security forces of Iraq or the military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) QUARTERLY REPORT.—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include non-governmental or irregular forces (such as private militias).

(h) EXPIRATION.—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by Section 516 of the Foreign Assistance Act of 1961.

(2) AGGREGATE VALUE.—The value of excess defense articles transferred to Iraq during fiscal year 2010 pursuant to Section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act.

SEC. 1214. CERTIFICATION REQUIREMENT FOR COALITION SUPPORT FUND REIMBURSEMENTS.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking “the Secretary of Defense shall submit” and inserting “the Secretary of Defense, after consultation with the Secretary of State, shall submit”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking “shall include an itemized description” and inserting the following: “shall include the following:

“(A) An itemized description”; and

(C) by adding at the end the following new subparagraph:

“(B) A certification that the reimbursement—

“(i) is consistent with the national security interests of the United States; and

“(ii) will not adversely impact the balance of power in the region.”.

Subtitle B—Reports

SEC. 1221. REPORT ON UNITED STATES ENGAGEMENT WITH IRAN.

(a) IN GENERAL.—Not later than January 31, 2010, the President shall submit to Congress a report on United States engagement with Iran.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) DIPLOMATIC ENGAGEMENT.—With respect to diplomatic engagement, the following:

(A) A description of areas of mutual interest to the Government of the United States and the Government of the Islamic Republic of Iran in which cooperation and discussion could be of mutual interest.

(B) A discussion and assessment of the commitment of the Government of the Islamic Republic of Iran to engage in good-faith discussions with the United States to resolve matters of concern through negotiation.

(2) **SUPPORT FOR TERRORISM AND EXTREMISM.**—With respect to support for terrorism and extremism, an assessment of the extent to which the Government of the Islamic Republic of Iran has supported or provided weapons, training, funding, or any other type of support or assistance for any designated Foreign Terrorist Organization as well as regional militant groups, and specific assessments of the support provided by the Government of the Islamic Republic of Iran, or agencies under that government, for insurgents or other militant groups in Iraq and Afghanistan.

(3) **NUCLEAR ACTIVITIES.**—With respect to nuclear activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has—

(A) complied with United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008), and with any other applicable Resolutions adopted by the United Nations Security Council as of the date of the report;

(B) cooperated with the International Atomic Energy Agency (IAEA), including fulfilling all requests of that Agency for access to information, documentation, locations, and individuals;

(C) ratified and implemented the Additional Protocol to Iran's Safeguards Agreement with the International Atomic Energy Agency, as requested by the Board of Governors of the International Atomic Energy Agency and the United Nations Security Council; and

(D) committed to stop uranium enrichment activities and forego the reprocessing of spent fuel, the production of heavy water, and the weaponization of fissile materials on a permanent basis.

(4) **MISSILE ACTIVITIES.**—With respect to missile activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has continued development of its ballistic missile program, including participation in any imports or exports of any items, materials, goods, and technologies related to that program and has complied with United Nations Security Council Resolutions 1696, 1737, 1747, 1803, and 1835, as required by the United Nations Security Council.

(5) **SUPPORT TO ILLEGAL NARCOTICS NETWORK IN AFGHANISTAN.**—With respect to support to the illegal narcotics network in Afghanistan, an assessment of the extent to which the Government of the Islamic Republic of Iran, or agencies under that government, has or have supported or facilitated the illegal narcotics trade in Afghanistan.

(6) **SANCTIONS AGAINST IRAN.**—With regard to sanctions against Iran—

(A) a list of all current United States bilateral and multilateral sanctions against Iran;

(B) a description and discussion of United States diplomatic efforts to enforce bilateral and multilateral sanctions against Iran and to strengthen international efforts to enforce such sanctions;

(C) an assessment of the impact and effectiveness of existing bilateral and multilateral sanctions against Iran in achieving United States goals;

(D) a list of all United States and foreign registered entities which the Secretary of State has determined to be in violation of existing United States bilateral or multilateral sanctions against Iran;

(E) a detailed description of United States efforts to enforce sanctions against Iran, including—

(i) a list of all investigations initiated in the 18-month period ending on the date of the enactment of this Act that have resulted in a determination that a violation of sanctions against Iran has occurred; and

(ii) a description of the actions taken by the United States Government pursuant to each such determination; and

(F) a description of bilateral and multilateral sanctions against Iran that are under consideration, an assessment whether such additional sanctions against Iran would be effective, and, if so, a description of the actions being undertaken to pursue such additional sanctions.

(c) **SUBMITTAL IN CLASSIFIED FORM.**—The report required by subsection (a), or any part of such report, may be submitted in classified form if the President considers it appropriate.

SEC. 1222. REPORT ON CUBA AND CUBA'S RELATIONS WITH OTHER COUNTRIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) The cooperative agreements and relationships that Cuba has with Iran, North Korea, and other states suspected of nuclear proliferation.

(2) A detailed account of the economic support provided by Venezuela to Cuba and the intelligence and other support that Cuba provides to the government of Hugo Chavez.

(3) A review of the evidence of relationships between the Cuban government or any of its components with drug cartels or involvement in other drug trafficking activities.

(4) The status and extent of Cuba's clandestine activities in the United States.

(5) The extent and activities of Cuban support for governments in Venezuela, Bolivia, Ecuador, Central America, and the Caribbean.

(6) The status and extent of Cuba's research and development program for biological weapons production.

(7) The status and extent of Cuba's cyberwarfare program.

SEC. 1223. REPORT ON VENEZUELA.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) An inventory of all weapons purchases by, and transfers to, the government of Venezuela and Venezuela's transfers to other countries since 1998, particularly purchases and transfers of missiles, ships, submarines, and any other advanced systems. The report shall include an assessment of whether there is accountability of the purchases and transfers with respect to the end-use and diversion of such materiel to popular militias, other governments, or irregular armed forces.

(2) The mining and shipping of Venezuelan uranium to Iran, North Korea, and other states suspected of nuclear proliferation.

(3) The extent to which Hugo Chavez and other Venezuelan officials and supporters of the Venezuelan government provide political counsel, collaboration, financial ties, refuge, and other forms of support, including military materiel, to the Revolutionary Armed Forces of Colombia (FARC).

(4) The extent to which Hugo Chavez and other Venezuelan officials provide funding, logistical and political support to the Islamist terrorist organization Hezbollah.

(5) Deployment of Venezuelan security or intelligence personnel to Bolivia, including any role such personnel have in suppressing opponents of the government of Bolivia.

(6) Venezuela's clandestine material support for political movements and individuals throughout the Western Hemisphere with the objective of influencing the internal affairs of nations in the Western Hemisphere.

(7) Efforts by Hugo Chavez and other officials or supporters of the Venezuelan government to convert or launder funds that are the property of Venezuelan government agencies, instrumentalities, parastatals, including Petroleos de Venezuela, SA (PDVSA).

(8) Covert payments by Hugo Chavez or officials or supporters of the Venezuelan government to foreign political candidates, government officials, or officials of international organizations for the purpose of influencing the performance of their official duties.

SEC. 1224. REPORT ON MILITARY POWER OF IRAN.

(a) **BIENNIAL REPORT.**—Not later than March 31, 2010, and in each even-numbered year thereafter until 2020, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on the Army, Air Force, Navy, and Revolutionary Guard Corps of the Islamic Republic of Iran.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following elements:

(1) As assessment of the grand strategy, security strategy, and military strategy of the Government of the Islamic Republic of Iran, including the following:

(A) The goals of the grand strategy, security strategy, and military strategy.

(B) Aspects of the strategies that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the Middle East region.

(2) An assessment of the capabilities of the conventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size, location, and capabilities of the conventional forces.

(B) A detailed analysis of the conventional forces of the Government of the Islamic Republic of Iran facing United States forces in the region and other countries in the Middle East region.

(C) An estimate of the funding provided for each branch of the conventional forces of the Government of the Islamic Republic of Iran.

(3) An assessment of the unconventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size and capability of special operations units, including the Iranian Revolutionary Guard Corps-Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations in particular those forces that have been assessed as willing to carry out terrorist operations on behalf of the Islamic Republic of Iran.

(C) A detailed analysis of the unconventional forces of the Government of the Islamic Republic of Iran and their implications for the United States and other countries in the Middle East region.

(D) An estimate of the amount of funds spent by the Government of the Islamic Republic of Iran to develop and support special operations forces and terrorist groups.

(c) **DEFINITIONS.**—In this section:

(1) **CONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.**—The term “conventional forces of the Government of the Islamic Republic of Iran”—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps-Quds Force.

(2) **MIDDLE EAST REGION.**—The term “Middle East region” means—

(A) the countries within the area of responsibility of United States Central Command; and

(B) the countries within the area covered by the Bureau of Near Eastern Affairs of the Department of State.

(3) UNCONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term “unconventional forces of the Government of the Islamic Republic of Iran” —

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States; and

(II) receives assistance from the Government of Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of the Government of the Islamic Republic of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on the Islamic Republic of Iran.

SEC. 1225. ANNUAL COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the “Success in Countering Al Qaeda Reporting Requirements Act of 2009”.

(b) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2010, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) a judgment on the adequacy of inter-agency integration of the counterterrorism programs and activities of the Department of Defense, the United States Special Operations Command, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies;

(D) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(E) a determination of whether the National Counterterrorism Center exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458);

(F) a description of the efforts of the United States Government to combat Al Qaeda and its

related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(G) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through military, financial, political, intelligence, paramilitary, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(H) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(I) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(J) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(K) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(L) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(M) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence;

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

SEC. 1226. REPORT ON TAIWAN'S AIR FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense's (DoD) 2009 Annual Report on Military Power of the People's Republic of China, the military balance in the Taiwan Strait has been shifting in China's favor since 2000, marked by the sustained deployment of advanced military equipment to the Chinese military regions opposite Taiwan.

(2) Although the DoD's 2002 Report concluded that Taiwan “has enjoyed dominance of the airspace over the Taiwan Strait for many years,” the DoD's 2009 Report states this conclusion no longer holds true.

(3) China has based 490 combat aircraft (330 fighters and 160 bombers) within unrefueled operational range of Taiwan, and has the airfield capacity to expand that number by hundreds. In contrast, Taiwan has 390 combat aircraft (all of which are fighters).

(4) Also according to the DoD's 2009 Report, China has continued its build-up of conventional ballistic missiles since 2000, “building a nascent capacity for conventional short-range ballistic missile (SRBM) strikes against Taiwan into what has become one of China's primary instruments of coercion.” At this time, China has expanded its SRBM force opposite Taiwan to seven brigades with a total of 1,050 through 1,150 missiles, and is augmenting these forces with conventional medium-range ballistic missiles systems and at least 2 land attack cruise missile variants capable of ground or air launch. Advanced fighters and bombers, combined with enhanced training for nighttime and overwater flights, provide China's People's Liberation Army (PLA) with additional capabilities for regional strike or maritime interdiction operations.

(5) Furthermore, the Report maintains, “the security situation in the Taiwan Strait is largely a function of dynamic interactions among Mainland China, Taiwan, and the United States. The PLA has developed and deployed military capability to coerce Taiwan or attempt an invasion if necessary. PLA improvements pose new challenges to Taiwan's security, which has historically been based upon the PLA's inability to project power across the 100 nautical-mile Taiwan Strait, natural geographic advantages of island defense, Taiwan's armed forces' technological superiority, and the possibility of U.S. intervention”.

(6) The Taiwan Relations Act of 1979 requires that, in furtherance of the principle of maintaining peace and stability in the Western Pacific region, the United States shall make available to Taiwan such defense articles and defense services in such quantity “as may be necessary to enable Taiwan to maintain a sufficient self-defense capability,” allowing that “the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan . . .”.

(b) REPORT TO CONGRESS ON TAIWAN'S CURRENT AIR FORCE AND FUTURE SELF-DEFENSE REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified form, containing the following:

(1) A thorough and complete assessment of the current state of Taiwan's Air Force, including—

(A) the number and type of aircraft;

(B) the age of aircraft; and

(C) the capability of those aircraft.

(2) An assessment of the effectiveness of the aircraft in the face of a full-scale concerted missile and air campaign by China, in which China uses its most modern surface-to-air missiles currently deployed along its seacoast.

(3) An analysis of the specific weapons systems and platforms that Taiwan would need to provide for its self-defense and maintain control of its own air space.

(4) Options for the United States to assist Taiwan in achieving those capabilities.

(5) A 5-year plan for fulfilling the obligations of the United States under the Taiwan Relations Act to provide for Taiwan's self-defense and aid Taiwan in maintaining control of its own air space.

SEC. 1227. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking “until December 31, 2010, the President shall submit” and inserting “(but not later than the first of each May), the Director of the Office of Management and Budget shall submit”; and

(2) by adding at the end the following:

“(c) **PUBLIC AVAILABILITY OF INFORMATION.**—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.”.

Subtitle C—Other Matters

SEC. 1231. SENSE OF CONGRESS ON ESTABLISHMENT OF MEASURES OF PROGRESS TO EVALUATE UNITED STATES STRATEGIC OBJECTIVES IN AFGHANISTAN AND PAKISTAN.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The President announced a new strategy for Afghanistan and Pakistan on March 27, 2009, that calls for a commitment of more resources and a significant increase in the number of United States Armed Forces deployed to the region.

(2) It is the obligation of the United States Government to the members of the Armed Forces, and to all Americans, that their sacrifices be met by a clear method for evaluating the progress toward achieving the objectives in the new strategy of the Administration.

(3) The President stated, with reference to the strategy for Afghanistan and Pakistan, that “going forward, we will not blindly stay the course. Instead, we will set clear metrics to measure progress and hold ourselves accountable. We’ll consistently assess our efforts to train Afghan security forces and our progress in combating insurgents. We will measure the growth of Afghanistan’s economy, and its illicit narcotics production. And we will review whether we are using the right tools and tactics to make progress towards accomplishing our goals”.

(4) Since the announcement of the new strategy of the Administration on March 27, 2009, key leaders in the Administration, including in the Department of Defense and Department of State, have testified before Congress that progress measures were needed to evaluate performance toward achieving the strategic objectives of the United States in Afghanistan and Pakistan and that the Administration was undertaking the process of reviewing and developing measures of progress.

(5) Key leaders in the Administration further assured Congress that the Administration would not only share the measures of progress with Congress, but would also invite review and com-

ment by Congress on proposed measures of progress.

(6) The establishment of both clear objectives and a means to impartially measure success toward those objectives will expound to the American people what the United States and its partners intend to accomplish in and for Afghanistan and Pakistan.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Administration should, through the coordination of the Departments of Defense and State, expeditiously submit to Congress a comprehensive list of measures of progress with regard to United States strategic objectives in Afghanistan and Pakistan;

(2) the comprehensive list under paragraph (1) should include newly-established measures of progress as well as such measures of progress previously established pursuant to section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) that continue to be relevant to the current United States strategy for Afghanistan and Pakistan;

(3) the Administration should incorporate the comprehensive list under paragraph (1) with each report submitted under sections 1230 and 1232 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 385, 392) and should review, and if necessary modify, the comprehensive list for each such report; and

(4) upon submittal to Congress of the reports required by sections 1230 and 1232 of the National Defense Authorization Act for Fiscal Year 2008, the Administration should provide an assessment of each measure of progress by—

(A) setting forth the measure of progress being evaluated;

(B) providing data used to evaluate the measure of progress;

(C) providing an evaluation of the performance of the particular measure of progress; and

(D) providing a comprehensive assessment of how the performance of the particular measure of progress hinders or enhances the overall performance toward achieving strategic objectives of the United States in Afghanistan and Pakistan.

SEC. 1232. SENSE OF THE SENATE ON IMPOSING SANCTIONS WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The illicit nuclear activities of the Government of the Islamic Republic of Iran, combined with its development of unconventional weapons and ballistic missiles and support for international terrorism, represent a grave threat to the security of the United States and United States allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability.

(3) As President Barack Obama said, “Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran.”.

(4) The International Atomic Energy Agency has repeatedly called attention to the illicit nuclear activities of the Islamic Republic of Iran, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of the Islamic Republic of Iran to cease those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons,

done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”).

(5) The Department of the Treasury has imposed sanctions on several Iranian banks, including Bank Melli, Bank Saderat, Bank Sepah, and Bank Mellat, for their involvement in proliferation activities or support for terrorist groups.

(6) The Central Bank of Iran, the keystone of Iran’s financial system and its principal remaining lifeline to the international banking system, has engaged in deceptive financial practices and facilitated such practices among banks involved in proliferation activities or support for terrorist groups, including Bank Sepah and Bank Melli, in order to evade sanctions imposed by the United States and the United Nations.

(7) On April 8, 2009, the United States formally extended an offer to engage in direct diplomacy with the Government of the Islamic Republic of Iran through negotiations with the five permanent members of the United States Security Council and Germany (commonly referred to as the “P5-plus-1 process”), in the hope of resolving all outstanding disputes between the Islamic Republic of Iran and the United States.

(8) The Government of the Islamic Republic of Iran has yet to make a formal reply to the April 8, 2009, offer of direct diplomacy by the United States or to engage in direct diplomacy with the United States through the P5-plus-1 process.

(9) On July 8, 2009, President Nicolas Sarkozy of France warned that the Group of Eight major powers will give the Islamic Republic of Iran until September 2009 to accept negotiations with respect to its nuclear activities or face tougher sanctions.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Government of the Islamic Republic of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, including research and development, and work on all heavy-water related projects, including the construction of a research reactor moderated by heavy water, as demanded by multiple resolutions of the United Nations Security Council; and

(C) come into full compliance with the Nuclear Non-Proliferation Treaty, including the additional protocol to the Treaty; and

(2) the President should impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support for terrorist groups, as well as any other sanctions the President determines appropriate, if—

(A) the Government of the Islamic Republic of Iran—

(i) has not accepted the offer by the United States to engage in direct diplomacy through the P5-plus-1 process before the Summit of the Group of 20 (G-20) in Pittsburgh, Pennsylvania, in September 2009; or

(ii) has not suspended all enrichment-related and reprocessing activities and work on all heavy-water related projects within 60 days of the conclusion of that Summit; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of the Islamic Republic of Iran.

SEC. 1233. SENSE OF THE SENATE ON ENFORCEMENT AND IMPOSITION OF SANCTIONS WITH RESPECT TO NORTH KOREA; REVIEW TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TERRORISM.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) On April 5, 2009, the Government of North Korea tested an intermediate range ballistic missile in violation of United Nations Security Council Resolutions 1695 (2006) and 1718 (2006).

(2) On April 5, 2009, President Barack Obama issued a statement on North Korea, stating that "Preventing the proliferation of weapons of mass destruction and their means of delivery is a high priority for my administration", and adding, "North Korea has ignored its international obligations, rejected unequivocal calls for restraint, and further isolated itself from the community of nations".

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which demanded that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department's 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(E)), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remains in effect.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea's nuclear test, imposing a sweeping embargo on all arms trade with North Korea, and requiring member states not to provide financial support or other financial services that could contribute to North Korea's nuclear-related or missile-related activities or other activities related to weapons of mass destruction.

(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on five North Korean individuals and asset freezes on five more North Korean entities for their involvement in nuclear weapons and ballistic missile development programs, marking the first time the United Nations has imposed a travel ban on North Koreans.

(9) On June 10, 2008, the Government of North Korea issued a statement, subsequently conveyed directly to the United States Government, affirming that North Korea, "will firmly maintain its consistent stand of opposing all forms of terrorism and any support to it and will fulfill its responsibility and duty in the struggle against terrorism".

(10) The June 10, 2008, statement by the Government of North Korea also pledged that North Korea would take "active part in the international efforts to prevent substance, equipment and technology to be used for the production of nukes and biochemical and radioactive weapons from finding their ways to the terrorists and the organizations that support them".

(11) On June 26, 2008, President George W. Bush certified that—

(A) the Government of North Korea had not provided any support for international terrorism during the preceding 6-month period; and

(B) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President's June 26 certification concluded, based on all available information, that there was "no credible evidence at this time of ongoing support by the DPRK for international terrorism" and that "there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard".

(13) The State Department's Country Reports on Terrorism 2008, in a section on North Korea, state, "The Democratic People's Republic of Korea (DPRK) was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987.".

(14) The Country Reports on Terrorism 2008 also state, "A state that directs WMD resources to terrorists, or one from which enabling resources are clandestinely diverted, poses a grave WMD terrorism threat. Although terrorist organizations will continue to seek a WMD capability independent of state programs, the sophisticated WMD knowledge and resources of a state could enable a terrorist capability. State sponsors of terrorism and all nations that fail to live up to their international counterterrorism and nonproliferation obligations deserve greater scrutiny as potential facilitators of WMD terrorism.".

(15) On October 11, 2008, the Secretary of State, pursuant to the President's certification, removed North Korea from its list of state sponsors of terrorism, on which North Korea had been placed in 1988.

(b) REPORT ON CONDUCT OF NORTH KOREA.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States with respect to North Korea, including completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(3) if the United States determines that the Government of North Korea has provided assist-

ance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) if the United States determines that the Government of North Korea has failed to fulfill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(d) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term "state sponsor of terrorism" means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SEC. 1234. REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO START TREATY.

(a) REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is earlier, the President shall submit to the congressional defense and foreign relations committees a report on the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile, modernize the nuclear weapons complex, and maintain the delivery platforms for nuclear weapons.

(2) COORDINATION.—The President shall prepare the report required under paragraph (1) in coordination with the Secretary of Defense, the directors of Sandia National Laboratory, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory, the Administrator for the National Nuclear Security Administration, and the Commander of the United States Strategic Command.

(3) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

(b) SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO THE START TREATY.—The Senate urges the President to maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States.

SEC. 1235. SENSE OF CONGRESS ON CONTINUED SUPPORT BY THE UNITED STATES FOR A STABLE AND DEMOCRATIC REPUBLIC OF IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The men and women of the United States Armed Forces who have served or are serving in the Republic of Iraq have done so with the utmost bravery and courage and deserve the respect and gratitude of the people of the United States and the people of Iraq.

(2) The leadership of Generals David Petraeus and Raymond Odierno, as the Commanders of the Multi-National Force Iraq, as well as Ambassador Ryan Crocker, was instrumental in bringing stability and success to Iraq.

(3) The strategy known as the surge was a critical factor contributing to significant security gains and facilitated the economic, political, and social gains that have occurred in Iraq since 2007.

(4) The people of Iraq have begun to develop a stable government and stable society because of the security gains following the surge and the willingness of the people of Iraq to accept the ideals of a free and fair democratic society over the tyranny espoused by Al Qaeda and other terrorist organizations.

(5) The security gains in Iraq must be carefully maintained so that those fragile gains can be solidified and expanded upon, primarily by citizens of Iraq in service to their country, with the support of the United States as appropriate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a stable and democratic Republic of Iraq is in the long-term national security interest of the United States;

(2) the people and the Government of the United States should help the people of Iraq promote the stability of their country and peace in the region; and

(3) the United States should be a long-term strategic partner with the Government and the people of Iraq in support of their efforts to build democracy, good governance, and peace and stability in the region.

SEC. 1236. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter “harm”) incident to combat activities of the United States Armed Forces during contingency operations.

(b) MATTERS TO BE INCLUDED IN REPORT.—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment of this Act for the United States to provide compensation, monetary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for the United States to provide *ex gratia*, *solatia*, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Op-

eration Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedure, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consistency in the amount of assistance in relation to the harm incurred. This discussion will also include whether the implementation of general procedures and guidelines would create a legally enforceable entitlement to “compensation” and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counterinsurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor’s assessment of the facts.

(F) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(G) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) RECOMMENDATIONS.—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report

shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—VOICE Act

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Victims of Iranian Censorship Act” or the “VOICE Act”.

SEC. 1242. SENSE OF CONGRESS.

It is the sense of Congress that the United States—

(1) respects the sovereignty, proud history, and rich culture of the Iranian people;

(2) respects the universal values of freedom of speech and freedom of the press in Iran and throughout the world;

(3) supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations;

(4) supports the Iranian people seeking access to news and other forms of information;

(5) condemns the detainment, imprisonment, and intimidation of all journalists, in Iran and elsewhere throughout the world;

(6) supports journalists who take great risk to report on political events in Iran, including those surrounding the presidential election;

(7) supports the efforts the Voice of America’s (VOA) 24-hour television station Persian News Network, and Radio Free Europe / Radio Liberty’s (RFE/RL) Radio Farda 24-hour radio station; British Broadcasting Corporation (BBC) Farsi language programming; Radio Zamaneh; and other independent news outlets to provide information to Iran;

(8) condemns acts of censorship, intimidation, and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Iran and throughout the world;

(9) commends companies which have facilitated the ability of the Iranian people to access and share information, and exercise freedom of speech, freedom of expression, and freedom of assembly through alternative technologies; and

(10) condemns companies which have knowingly impeded the ability of the Iranian people to access and share information and exercise freedom of speech, freedom of expression, and freedom of assembly through electronic media, including through the sale of technology that allows for deep packet inspection or provides the capability to monitor or block Internet access, and gather information about individuals.

SEC. 1243. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran;

(2) to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference;

(3) to discourage businesses from aiding efforts to interfere with the ability of the people of Iran to freely access or share information or otherwise infringe upon freedom of speech, freedom of expression, freedom of assembly, and freedom of the press through the Internet or other electronic media, including through the sale of deep packet inspection or other technology to the Government of Iran that provides the capability to monitor or block Internet access, and gather information about individuals; and

(4) to encourage the development of technologies, including Internet Web sites that facilitate the efforts of the Iranian people—

(A) to gain access to and share accurate information and exercise freedom of speech, freedom of expression, freedom of assembly, and freedom of the press, through the Internet or other electronic media; and

(B) engage in Internet-based education programs and other exchanges between United States citizens and Iranians.

SEC. 1244. AUTHORIZATION OF APPROPRIATIONS.

(a) **INTERNATIONAL BROADCASTING OPERATIONS FUND.**—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' International Broadcasting Operations Fund, there is authorized to be appropriated \$15,000,000 to expand Farsi language programming and to provide for the dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) **BROADCASTING CAPITAL IMPROVEMENTS FUND.**—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' Broadcasting Capital Improvements Fund, there is authorized to be appropriated \$15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) **USE OF AMOUNTS.**—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

SEC. 1245. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States the Iranian Electronic Education, Exchange, and Media Fund (referred to in this section as the "Fund"), consisting of amounts appropriated to the Fund pursuant to subsection (f).

(b) **ADMINISTRATION.**—The Fund shall be administered by the Secretary of State.

(c) **OBJECTIVE.**—The objective of the Fund shall be to support the development of technologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) **USE OF AMOUNTS.**—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) **TRANSFERS.**—Amounts in the Fund may be transferred to the United States Agency for International Development, the Broadcasting Board of Governors, or any other agency of the Federal Government to the extent that such amounts are used to carry out activities that will further the objective described in subsection (c).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$20,000,000 to the Fund.

SEC. 1246. ANNUAL REPORT.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1244, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio Farda and Voice of America;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) **CLASSIFIED ANNEX.**—The report submitted under subsection (a) may include a classified annex.

SEC. 1247. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

(a) **STUDY.**—The President shall direct the appropriate officials to examine claims that non-Iranian companies, including corporations with United States subsidiaries, have provided hardware, software, or other forms of assistance to the Government of Iran that has furthered its efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that contains the results of the study conducted under subsection (a). The report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. HUMAN RIGHTS DOCUMENTATION.

There are authorized to be appropriated \$5,000,000 to the Secretary of State to document,

collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

TITLE XIII—COOPERATIVE THREAT REDUCTION**SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) **SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term "fiscal year 2010 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

SEC. 1302. FUNDING ALLOCATIONS.

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$424,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(a)(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, \$73,385,000.

(2) For strategic nuclear arms elimination in Ukraine, \$6,800,000.

(3) For nuclear weapons storage security in Russia, \$15,090,000.

(4) For nuclear weapons transportation security in Russia, \$46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, \$90,886,000.

(6) For biological threat reduction in the states of the former Soviet Union, \$152,132,000.

(7) For chemical weapons destruction, \$3,000,000.

(8) For defense and military contacts, \$5,000,000.

(9) For new Cooperative Threat Reduction initiatives, \$10,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, \$21,400,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. AUTHORITY TO ENTER INTO AGREEMENTS TO RECEIVE CONTRIBUTIONS FOR BIOLOGICAL THREAT REDUCTION PROGRAM.

(a) **IN GENERAL.**—The Secretary of Defense may, with the concurrence of the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) that the Secretary of Defense considers appropriate under which the person contributes funds for purposes of the Biological Threat Reduction Program of the Department of Defense.

(b) **RETENTION AND USE OF AMOUNTS.**—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Defense may retain and obligate or expend amounts contributed pursuant to subsection (a) for purposes of the Biological Threat Reduction Program. Amounts so contributed shall be retained in a separate fund established in the Treasury for that purpose and shall be available to be obligated or expended without further appropriation.

(c) **RETURN OF AMOUNTS NOT OBLIGATED OR EXPENDED WITHIN THREE YEARS.**—If the Secretary of Defense does not obligate or expend an amount contributed pursuant to subsection (a) by the date that is three years after the date on which the contribution was made, the Secretary shall return the amount to the person who made the contribution.

(d) **NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES.**—

(1) **IN GENERAL.**—Not later than 30 days after receiving an amount contributed pursuant to subsection (a), the Secretary shall submit to the congressional defense committees a notice—

(A) specifying the value of the contribution and the purpose for which the contribution was made; and

(B) identifying the person who made the contribution.

(2) **LIMITATION ON USE OF AMOUNTS.**—The Secretary may not obligate or expend an amount contributed pursuant to subsection (a) until the date that is 15 days after the date on which the Secretary submits the notice required by paragraph (1).

(e) **ANNUAL REPORT.**—Not later than October 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on amounts contributed pursuant to subsection (a) during the preceding fiscal year. Each such report shall include, for the fiscal year covered by the report, the following:

(1) A statement of any amounts contributed pursuant to subsection (a), including, for each such amount, the value of the contribution and the identity of the person who made the contribution.

(2) A statement of any amounts so contributed that were obligated or expended by the Secretary, including, for each such amount, the purposes for which the amount was obligated or expended.

(3) A statement of any amounts so contributed that were retained but not obligated or expended, including, for each such amount, the purposes (if known) for which the Secretary intends to obligate or expend the amount.

(f) **TERMINATION.**—The authority provided under this section shall terminate on December 31, 2015.

SEC. 1304. AUTHORIZATION OF USE OF COOPERATIVE THREAT REDUCTION PROGRAM FUNDS FOR BILATERAL AND MULTILATERAL NONPROLIFERATION AND DISARMAMENT ACTIVITIES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may obligate or expend not more than 10 percent of the funds authorized to be appropriated or otherwise made available for Cooperative Threat Reduction programs in a fiscal year to provide assistance for or to otherwise carry out bilateral or multilateral activities relating to nonproliferation or disarmament.

(b) **NOTIFICATION OF CONGRESSIONAL DEFENSE COMMITTEES.**—The Secretary may obligate or expend funds pursuant to subsection (a) if, not less than 15 days before obligating or expending such funds—

(1) the Secretary notifies the congressional defense committees of the intent of the Secretary to obligate or expend such funds; and

(2) the President certifies to the congressional defense committees that obligating or expending such funds is necessary to support the national security objectives of the United States.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, \$141,388,000.

(2) For the Defense Working Capital Fund, Defense Commissary, \$1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the National Defense Sealift Fund in the amount of \$1,242,758,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of \$27,913,863,000, of which—

(1) \$26,993,919,000 is for Operation and Maintenance;

(2) \$597,802,000 is for Research, Development, Test, and Evaluation; and

(3) \$322,142,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of \$1,560,760,000, of which—

(1) \$1,146,802,000 is for Operation and Maintenance;

(2) \$401,269,000 is for Research, Development, Test, and Evaluation; and

(3) \$12,689,000 is for Procurement.

(b) **USE.**—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of \$1,077,784,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of \$288,444,000, of which—

(1) \$286,444,000 is for Operation and Maintenance; and

(2) \$2,000,000 is for Procurement.

SEC. 1407. FUNDING TABLE.

The amounts authorized to be appropriated by sections 1401, 1402, 1403, 1404, 1405, and 1406 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4401.

Subtitle B—National Defense Stockpile

SEC. 1411. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4648), is further amended by striking “during fiscal year 2009” and inserting “by the end of fiscal year 2011”.

SEC. 1412. AUTHORIZATION FOR ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL IN AMOUNTS NOT IN EXCESS OF \$80,000,000.

With respect to any action taken by the President under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) to correct the industrial resource shortfall for high-purity beryllium metal, the limitation in subsection (a)(6)(C) of such section shall be applied by substituting “\$80,000,000” for “\$50,000,000”.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of \$134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funding for overseas contingency operations of the Department of Defense in that fiscal year.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, \$1,636,229,000.

(2) For missile procurement, \$531,570,000.

(3) For weapons and tracked combat vehicles procurement, \$759,466,000.

(4) For ammunition procurement, \$370,635,000.

(5) For other procurement, \$6,329,966,000.

(6) For the Joint Improvised Explosive Device Defeat Fund, \$2,099,850,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) **NAVY.**—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, \$916,553,000.

(2) For weapons procurement, \$73,700,000.

(3) For other procurement, \$318,018,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for the Marine Corps in the amount of \$1,164,445,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of \$710,780,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, \$896,441,000.

(2) For missile procurement, \$36,625,000.

(3) For ammunition procurement, \$256,819,000.

(4) For other procurement, \$2,321,549,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, \$491,430,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, \$5,456,000,000.

SEC. 1506. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$57,962,000.

(2) For the Navy, \$107,180,000.

(3) For the Air Force, \$29,286,000.

(4) For Defense-wide activities, \$115,826,000.

SEC. 1507. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, \$52,070,661,000.

(2) For the Navy, \$5,650,733,000.

(3) For the Marine Corps, \$3,701,600,000.

(4) For the Air Force, \$10,026,868,000.

(5) For Defense-wide activities, \$7,578,300,000

(6) For the Army Reserve, \$204,326,000.

(7) For the Navy Reserve, \$68,059,000.

(8) For the Marine Corps Reserve, \$86,667,000.

(9) For the Air Force Reserve, \$125,925,000.

(10) For the Army National Guard, \$321,646,000.

(11) For the Air National Guard, \$289,862,000.

(12) For the Afghanistan Security Forces Fund, \$7,462,769,000.

(13) For the Iraq Freedom Fund, \$115,300,000.

SEC. 1508. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense for military personnel in the amount of \$13,586,341,000.

SEC. 1509. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of \$396,915,000, for the Defense Working Capital Funds.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of \$1,155,235,000 for operation and maintenance.

SEC. 1511. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal

year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of \$324,603,000.

SEC. 1512. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of \$8,876,000.

SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1514. FUNDING TABLES.

(a) AMOUNTS FOR PROCUREMENT.—The amounts authorized to be appropriated by sections 1502, 1503, 1504, and 1505 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4102.

(b) AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amounts authorized to be appropriated by section 1506 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4202.

(c) AMOUNTS FOR OPERATION AND MAINTENANCE.—The amounts authorized to be appropriated by section 1507 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4302.

(d) OTHER AMOUNTS.—The amounts authorized to be appropriated by sections 1509, 1510, 1511, and 1512 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4402.

SEC. 1515. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$4,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1516. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations for the Afghanistan Security Forces Fund in section 1507(12) shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428).

SEC. 1517. AVAILABILITY OF FUNDS IN PAKISTAN COUNTERINSURGENCY FUND.

(a) AVAILABILITY.—

(1) IN GENERAL.—Funds authorized to be appropriated for the Department of State for fiscal year 2010 that are transferred by the Secretary of State to the Secretary of Defense during that fiscal year for the Pakistan Counterinsurgency Fund shall be merged with amounts in the Pakistan Counterinsurgency Fund and available subject to the provisions of this section.

(2) INITIAL ASSESSMENT REQUIRED BEFORE USE OF FUNDS.—Funds available under this section may not be utilized until the Secretary of Defense submits to the appropriate committees of Congress a report setting forth an assessment by the Secretary as to whether the Government of Pakistan is committed to confronting the threat posed by Al Qaeda, the Taliban, and other militant extremists based on a determination by the Government of Pakistan that—

(A) these groups pose a threat to the national interests of Pakistan; and

(B) confronting the threat posed by these groups is critical to the national interests of Pakistan.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds in the Pakistan Counterinsurgency Fund pursuant to a transfer under subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Pakistan to build the counterinsurgency capability of the Pakistan military forces and the Pakistan Frontier Corps.

(2) TYPES OF ASSISTANCE.—Assistance provided under this subsection may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction and funding.

(3) URGENT HUMANITARIAN RELIEF AND RECONSTRUCTION.—In addition to the assistance referred to in paragraph (2), up to \$4,000,000 of the funds in the Pakistan Counterinsurgency Fund pursuant to a transfer described in subsection (a) may be used for a program to respond to urgent humanitarian relief and reconstruction requirements that will immediately assist Pakistani people affected by military operations.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFERS AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), funds in the Pakistan Counterinsurgency Fund pursuant to a transfer described in subsection (a) may be transferred by the Secretary of Defense from the Pakistan Counterinsurgency Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes specified in subsection (b):

(A) Operation and maintenance accounts.

(B) Procurement accounts.

(C) Research, development, test, and evaluation accounts.

(D) Defense working capital funds.

(E) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF TRANSFER.—Funds in the Pakistan Counterinsurgency Fund pursuant to a transfer described in subsection (a) may not be transferred under subsection (d)(1) from the Pakistan Counterinsurgency Fund until 15 days after the date on

which the Secretary of Defense notifies the appropriate committees of Congress in writing of the details of the proposed transfer.

(f) **QUARTERLY REPORTS.**—Not later than 30 days after the end of each fiscal-year quarter of fiscal years 2010 and 2011, the Secretary of Defense shall submit to the appropriate committees of Congress a report summarizing the details of any obligation or transfer of funds from the Pakistan Counterinsurgency Fund under this section during such fiscal-year quarter.

(g) **DURATION OF AUTHORITY.**—Amounts transferred to the Pakistan Counterinsurgency Fund as described in subsection (a) are available for obligation or transfer from the Pakistan Counterinsurgency Fund in accordance with this section until September 30, 2011.

(h) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2010”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or
(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or
(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2009; or
(2) the date of the enactment of this Act.

SEC. 2004. FUNDING TABLES.

(a) **IN GENERAL.**—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2404, 2411, 2502, and 2606 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

(b) **BASE CLOSURE AND REALIGNMENT ACTIVITIES.**—The amounts authorized to be appropriated by section 2703 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4502.

(c) **PROJECTS FUNDED BY AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**—The amounts authorized by section 2801 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4503.

(d) **OVERSEAS CONTINGENCY OPERATIONS.**—The amounts authorized to be appropriated by sections 2901 and 2902 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4504.

SEC. 2005. TECHNICAL CORRECTIONS REGARDING CERTAIN MILITARY CONSTRUCTION PROJECTS, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations shall be as follows:

Air Force: Inside the United States

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Holloman Air Force Base	Fire-Crash Rescue Station	\$0

Special Operations Command

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	\$6,000,000

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	\$56,050,000
Alabama	Fort Wainwright	\$198,000,000
Arizona	Redstone Arsenal	\$3,550,000
Arkansas	Fort Huachuca	\$21,000,000
California	Pine Bluff Arsenal	\$25,000,000
Colorado	Fort Irwin	\$9,500,000
Florida	Fort Carson	\$233,400,000
Georgia	Eglin Air Force Base	\$132,800,000
.....	Fort Benning	\$295,300,000
.....	Fort Gillem	\$10,800,000
.....	Fort Stewart/Hunter Army Air Field	\$105,967,000
Hawaii	Schofield Barracks	\$184,000,000
.....	Wheeler Army Air Field	\$7,500,000
Kansas	Fort Riley	\$168,500,000
Kentucky	Fort Knox	\$70,000,000
Louisiana	Fort Polk	\$49,000,000
Maryland	Aberdeen Proving Ground	\$15,500,000
.....	Fort Detrick	\$39,000,000
Missouri	Fort Leonard Wood	\$163,000,000
New York	Fort Drum	\$84,500,000
North Carolina	Fort Bragg	\$113,650,000
.....	Sunny Point (Military Ocean Terminal)	\$28,900,000

Army: Inside the United States—Continued

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Oklahoma	Fort Sill	\$90,500,000
South Carolina	McAlester Army Ammunition Plant	\$12,500,000
	Fort Jackson	\$103,500,00
	Naval Weapons Station, Charleston	\$21,800,000
Texas	Fort Bliss	\$219,400,000
	Fort Hood	\$32,100,000
	Fort Sam Houston	\$19,800,000
Utah	Dugway Proving Ground	\$25,000,000
Virginia	Fort A.P. Hill	\$23,000,000
	Fort Belvoir	\$17,900,000
	Fort Eustis	\$8,900,000
Washington	Fort Lewis	\$9,700,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Afghanistan	Bagram Airfield	\$106,600,000
Germany	Ansbach	\$31,700,000
	Kleber Kaserne	\$20,000,000
Japan	Okinawa	\$6,000,000
	Sagamihara	\$6,000,000
Korea	Camp Humphreys	\$50,200,000
Kuwait	Camp Arifjan	\$82,000,000

SEC. 2102. FAMILY HOUSING.

(a) *CONSTRUCTION AND ACQUISITION.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

<i>Country</i>	<i>Installation or Location</i>	<i>Units</i>	<i>Amount</i>
Germany	Baumholder	38	\$18,000,000

(b) *PLANNING AND DESIGN.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,936,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$219,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) *IN GENERAL.*—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$4,262,800,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$2,619,217,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$302,500,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$178,029,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$241,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat. 41), \$102,000,000.

(7) For the construction of increment 3 of a brigade complex operational support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), \$23,500,000.

(8) For the construction of increment 3 of a brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), \$22,500,000.

(9) For the construction of increment 3 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), \$55,400,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for

Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), \$60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart/Hunter Army Air Field, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), \$80,000,000.

(12) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), \$10,000,000.

(13) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), \$11,000,000.

(14) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), \$11,000,000.

(b) *LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.*—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$25,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

(3) \$26,000,000 (the balance of the amount authorized under section 2101(b) of the Military

Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), the authorizations set

forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Pohakuloa Training Area	Tactical Vehicle Wash Facility	\$9,207,000
	Pohakuloa Training Area	Battle Area Complex	\$33,660,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$28,770,000
California	Mountain Warfare Training Center, Bridgeport	\$4,460,000
	Edwards Air Force Base	\$3,007,000
	Marine Corps Air Station, Miramar	\$9,280,000
	Marine Corps Base, Pendleton	\$775,162,000
	Naval Base Point Loma	\$8,730,000
Florida	Marine Corps Recruit Depot, San Diego	\$23,590,000
	Marine Air Ground Combat Center Twentynine Palms	\$513,680,000
	Marine Corps Support Facility, Blount Island	\$3,760,000
	Eglin Air Force Base	\$50,847,000
	Naval Air Station, Jacksonville	\$5,917,000
	Naval Air Station, Whiting Field	\$4,120,000
	Naval Station, Mayport	\$75,985,000
Hawaii	Pensacola	\$26,161,000
	Naval Station Pearl Harbor	\$65,542,000
Indiana	Marine Corps Base, Hawaii	\$5,380,000
	Naval Support Activity Crane	\$13,710,000
Maine	Portsmouth Naval Shipyard	\$7,100,000
Nevada	Naval Air Station Fallon	\$11,450,000
North Carolina	Marine Corps Air Station, Cherry Point	\$22,960,000
	Marine Corps Air Station, New River	\$107,090,000
Rhode Island	Marine Corps Base, Camp Lejeune	\$673,570,000
	Naval Station, Newport	\$56,353,000
South Carolina	Marine Corps Air Station, Beaufort	\$1,280,000
	Marine Corps Recruit Depot, Parris Island	\$6,972,000
Texas	Naval Air Station, Corpus Christi	\$19,764,000
Virginia	Dahlgren	\$3,660,000
	Marine Corps Base, Quantico	\$105,240,000
	Naval Amphibious Base, Little Creek	\$13,095,000
	Naval Station, Norfolk	\$18,139,000
	Norfolk Naval Shipyard	\$226,969,000
Washington	Bremerton	\$69,064,000
West Virginia	Spokane	\$12,707,000
	Naval Security Group, Sugar Grove	\$9,650,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	\$41,526,000
Djibouti	Djibouti	\$41,845,000
Guam	Naval Activities, Guam	\$286,829,000
Spain	Naval Station, Rota	\$26,278,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Korea	Pusan	Welcome center/ware-house.	\$4,376,000
Mariana Islands	Naval Activities, Guam	30	\$20,730,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$4,053,880,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$2,756,105,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$229,445,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$12,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$166,896,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$368,540,000.

(6) For the construction of increment 3 of a submarine drive-in magnetic silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 510), \$8,645,000.

(7) For the construction of increment 6 of the limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2106), \$87,292,000.

(8) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490), as amended by section 2205 of this Act, \$67,419,000.

(9) For the construction of the first increment of a ship repair pier replacement at Norfolk Naval Shipyard, Virginia, authorized by section 2201(a), \$126,969,000.

(10) For the construction of the first increment of a wharves improvement, Apra Harbor, Guam, authorized by section 2201(b), \$83,517,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$100,000,000 (the balance of the amount authorized under section 2202(a) for Ship Repair Pier Replacement at the Norfolk Naval Shipyard, Virginia).

(3) \$83,516,000 (the balance of the amount of \$167,033,000 authorized under section 2202(b) for wharves improvements, Apra Harbor, Guam).

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) **MODIFICATION.**—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking “\$60,160,000” and inserting “\$127,163,000”.

(b) **CONFORMING AMENDMENT.**—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new subparagraph:

“(11) \$67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).”.

(c) **EXTENSION.**—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$24,300,000
.....	Eielson Air Force Base	\$13,350,000
.....	Elmendorf Air Force Base	\$15,700,000
Arizona	Davis-Monthan Air Force Base	\$41,900,000
Arkansas	Little Rock Air Force Base	\$16,200,000
California	Travis Air Force Base	\$6,900,000
.....	Vandenberg Air Force Base	\$13,000,000
Colorado	Peterson Air Force Base	\$25,100,000
.....	United States Air Force Academy	\$17,500,000
Delaware	Dover Air Force Base	\$24,900,000
Florida	Eglin Air Force Base	\$59,800,000
.....	Hurlburt Field	\$10,500,000
.....	MacDill Air Force Base	\$38,300,000
.....	Patrick Air Force Base	\$8,400,000
Georgia	Moody Air Force Base	\$8,900,000
Hawaii	Wheeler Air Force Base	\$15,000,000
Idaho	Mountain Home Air Force Base	\$20,000,000
Illinois	Scott Air Force Base	\$7,400,000
Louisiana	Barksdale Air Force Base	\$12,800,000
Maryland	Andrews Air Force Base	\$9,300,000
Nebraska	Offutt Air Force Base	\$10,400,000
Nevada	Creech Air Force Base	\$2,700,000
New Mexico	Cannon Air Force Base	\$15,000,000
.....	Holloman Air Force Base	\$15,500,000
North Carolina	Pope Air Force Base	\$7,700,000
North Dakota	Grand Forks Air Force Base	\$12,000,000
.....	Minot Air Force Base	\$11,500,000

Air Force: Inside the United States—Continued

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Ohio	Wright-Patterson Air Force Base	\$58,600,000
Oklahoma	Altus Air Force Base	\$20,300,000
	Tinker Air Force Base	\$13,037,000
	Vance Air Force Base	\$10,700,000
South Dakota	Ellsworth Air Force Base	\$14,500,000
Texas	Dyess Air Force Base	\$4,500,000
	Goodfellow Air Force Base	\$44,400,000
	Lackland Air Force Base	\$113,879,000
	Sheppard Air Force Base	\$11,600,000
Utah	Hill Air Force Base	\$21,053,000
Virginia	Langley Air Force Base	\$10,000,000
Washington	Fairchild Air Force Base	\$11,000,000
Wyoming	Francis E. Warren Air Force Base	\$9,100,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Afghanistan	Bagram Air Base	\$22,000,000
Colombia	Palanquero Air Base	\$46,000,000
Germany	Ramstein Air Base	\$34,700,000
	Spangdahlem Air Base	\$23,500,000
Guam	Andersen Air Force Base	\$58,202,000
Qatar	Al Udeid Air Base	\$60,000,000
Turkey	Incirlik Air Base	\$9,200,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$61,787,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,736,421,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$812,115,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$253,602,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$18,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$83,667,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$502,936,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) *EXTENSION.*—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
Delaware	Dover Air Force Base	C-17 Aircrew Life Support	\$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	\$107,800,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) *EXTENSION.*—Notwithstanding section 2701 of the Military Construction Authorization Act

for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of

an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

<i>State/Country</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	\$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 Units)	\$18,144,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 Units)	\$43,353,000

SEC. 2307. TEMPORARY PROHIBITION ON USE OF FUNDS FOR MILITARY CONSTRUCTION IMPROVEMENTS, PALANQUERO AIR BASE, COLOMBIA.

None of the funds authorized to be appropriated in section 2304(2) may be obligated or expended for runway and apron expansion or other military construction improvements at Palanquero Air Base, Colombia, until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees that negotiations between the United States Government and the Government of Colombia have resulted in access rights that will permit United States Southern Command (SOUTHCOM) to perform adequately its mission.

SEC. 2308. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director of Walking Shield, Inc.

(2) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C.479a–1).

(b) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director may submit to the Secretary of the Air Force, on behalf of any Indian tribe located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) CONVEYANCE BY SECRETARY.—Notwithstanding any other provision of law, on receipt

of a request under subsection (c)(1), the Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (c)(1) that, as determined by the Secretary, is in excess of the needs of the military.

TITLE XXIV—DEFENSE AGENCIES**Subtitle A—Defense Agency Authorizations****SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	\$2,330,000
	Fort Stewart/Hunter Army Air Field	\$22,501,000
North Carolina	Fort Bragg	\$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island	\$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	\$11,000,000
	Point Loma Annex	\$55,000,000
	Travis Air Force Base, California	\$15,357,000
Florida	Jacksonville International Airport (Air National Guard)	\$11,500,000
Minnesota	Duluth International Airport (Air National Guard)	\$15,000,000
Oklahoma	Altus Air Force Base	\$2,700,000
Texas	Fort Hood	\$3,000,000
Washington	Fairchild Air Force Base	\$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$12,000,000
Virginia	Naval Support Facility, Dahlgren	\$24,500,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	\$203,800,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	\$15,722,000
Colorado	Fort Carson	\$48,246,000
Florida	Eglin Air Force Base	\$3,046,000
	Hurlburt Field	\$8,156,000
Georgia	Fort Benning	\$3,046,000
Kentucky	Fort Campbell	\$32,335,000
New Mexico	Cannon Air Force Base	\$58,864,000
North Carolina	Fort Bragg	\$101,488,000
	Marine Corps Base, Camp Lejeune	\$11,791,000
Virginia	Naval Amphibious Base, Little Creek	\$18,669,000

Special Operations Command—Continued

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Washington	Fort Lewis	\$14,500,000

TRICARE Management Activity

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Alaska	Elmendorf Air Force Base	\$25,017,000
	Fort Richardson	\$3,518,000
Colorado	Fort Carson	\$31,900,000
Georgia	Fort Benning	\$17,200,000
	Fort Stewart/Hunter Army Air Field	\$22,200,000
Kentucky	Fort Campbell	\$8,600,000
Maryland	Fort Detrick	\$29,807,000
Missouri	Fort Leonard Wood	\$5,570,000
North Carolina	Fort Bragg	\$57,658,000
Oklahoma	Fort Sill	\$10,554,000
Texas	Lackland Air Force Base	\$470,318,000
	Fort Bliss	\$200,575,000
Washington	Fort Lewis	\$15,636,000

Washington Headquarters Services

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Virginia	Pentagon Reservation	\$27,672,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Agency

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Belgium	Brussels	\$38,124,000
Germany	Boeblingen	\$50,000,000
	Kaiserslautern	\$93,545,000
	Wiesbaden Air Base	\$5,379,000
United Kingdom	Royal Air Force Lakenheath	\$4,509,000

Defense Intelligence Agency

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Korea	K-16 Airfield	\$5,050,000

Defense Logistics Agency

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Cuba	Naval Air Station, Guantanamo Bay	\$12,500,000
Guam	Naval Air Station, Agana	\$4,900,000
Korea	Osan Air Base	\$28,000,000
United Kingdom	Royal Air Force Mildenhall	\$4,700,000

National Security Agency

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
United Kingdom	Royal Air Force Menwith Hill Station	\$37,588,000

TRICARE Management Activity

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Guam	Naval Activities, Guam	\$446,450,000
United Kingdom	Royal Air Force Alconbury	\$14,227,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(7), the Secretary of Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Defense Logistics Agency: Family Housing

Location	Installation	Units	Amount
Pennsylvania	Cumberland Depot	6	\$2,859,000

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of \$123,013,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$3,290,025,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$969,373,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$298,522,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$36,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$137,942,000.

(6) For energy conservation projects authorized by section 2403 of this Act, \$123,013,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$49,214,000.

(B) For construction and acquisition of military family housing and facilities, \$2,859,000.

(C) For the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), \$373,225,000.

(D) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, \$2,600,000.

(8) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), \$92,300,000.

(9) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), \$15,967,000.

(10) For the construction of increment 2 of the USAMRICD replacement facility at Aberdeen Proving Ground, Maryland, authorized by sec-

tion 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), \$111,400,000.

(11) For the construction of increment 4 of the USAMRIID stage I facility at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), \$108,000,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), \$24,000,000.

(13) For the construction of the first increment of the hospital replacement, Guam, authorized by section 2401(b), \$200,000,000.

(14) For the construction of the first increment of the Ambulatory Care Center at Lackland Air Force Base, Texas, authorized by section 2401(a), \$72,610,000.

(15) For the construction of the first increment of the hospital replacement phase I at Fort Bliss, Texas, authorized by section 2401(a), \$62,975,000.

(16) For the construction of increment 2 of the Utah Data Center at Camp Williams, Utah, authorized in the Supplemental Appropriations Act, 2009 (Public Law 111–32), \$600,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$200,000,000 (the balance of the amount authorized by section 2401(b) for the hospital replacement, Guam).

(3) \$368,390,000 (the balance of the amount authorized by section 2401(a) for the Ambulatory Care Center at Lackland Air Force Base, Texas).

(4) \$820,000,000 (the balance of the amount authorized in the Supplemental Appropriations Act, 2009 (Public Law 111–32) for the Utah Data Center, Camp Williams, Utah).

(5) \$24,000,000 (the balance of the amount authorized by section 2401(a) for the hospital replacement phase I, Fort Bliss, Texas).

(6) \$290,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4689) for the USAMRIID replacement facility at Aberdeen Proving Ground, Maryland).

(7) \$47,000,000 (the balance of the amount authorized by section 2401(a) of the Military Con-

struction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as modified by section 2401(a) of this Act, for the replacement of fuel storage facilities at Point Loma Annex, California).

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking “\$140,000,000” in the amount column and inserting “\$195,000,000”.

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat. 524) is amended by striking “\$84,300,000” and inserting “\$139,300,000”.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691) is amended in the item relating to Souda Bay, Greece, by striking “\$8,000,000” in the amount column and inserting “\$32,000,000”.

(b) CONFORMING AMENDMENTS.—Section 2403 of that Act (122 Stat. 4692) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “\$246,360,000” and inserting “\$238,360,000”; and

(B) by adding at the end the following new paragraph:

“(11) For construction of the first increment of fuel storage tanks and pipeline replacement at Souda Bay, Greece, \$8,000,000.”; and

(2) in subsection (b), by adding at the end the following new paragraph:

“(5) \$24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).”.

SEC. 2407. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2007 Project Authorization

State	Installation or Location	Project	Amount
Virginia	Defense Supply Center, Richmond	Whole House Renovation	\$484,000

**Subtitle B—Chemical Demilitarization
Authorizations**

**SEC. 2411. AUTHORIZATION OF APPROPRIATIONS,
CHEMICAL DEMILITARIZATION CON-
STRUCTION, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of \$151,541,000, as follows:

(1) For the construction of phase 11 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), \$92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass

Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), \$59,041,000.

**TITLE XXV—NORTH ATLANTIC TREATY
ORGANIZATION SECURITY INVESTMENT
PROGRAM**

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION
AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result

of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS,
NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of \$276,314,000.

**TITLE XXVI—GUARD AND RESERVE
FORCES FACILITIES**

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD
CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	\$3,000,000
Arizona	Camp Navajo	\$3,000,000
California	Fresno Yosemite International Airport	\$9,900,000
Georgia	Los Alamitos	\$31,000,000
Iowa	Fort Benning	\$15,500,000
Idaho	Johnston	\$4,000,000
Illinois	Gowen Field	\$16,100,000
Indiana	Milan	\$5,600,000
Kansas	Muscatatuck	\$10,100,000
Massachusetts	Salina Army National Guard Aviation Facility	\$2,227,000
Minnesota	Hanscom Air Force Base	\$29,000,000
Missouri	Arden Hills	\$6,700,000
Mississippi	Camp Ripley	\$1,710,000
Nebraska	Boonville	\$1,800,000
New Mexico	Camp Shelby	\$16,100,000
Nevada	Monticello	\$14,350,000
Oregon	Lincoln	\$23,000,000
South Carolina	Santa Fe	\$39,000,000
South Dakota	Carson City	\$2,000,000
Texas	North Las Vegas	\$26,000,000
Virginia	Clatsop County, Warrenton	\$3,369,000
Vermont	Eastover	\$26,000,000
West Virginia	Greenville	\$40,000,000
	Camp Rapid	\$9,840,000
	Austin	\$22,200,000
	Fort Pickett	\$32,000,000
	Ethan Allen Firing Range	\$1,996,000
	St. Albans Armory, St. Albans	\$2,000,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Territory or Commonwealth	Location	Amount
Guam	Barrigada	\$30,000,000
Virgin Islands	St. Croix	\$20,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Camp Pendleton	\$19,500,000
Colorado	Los Angeles	\$29,000,000
Connecticut	Colorado Springs	\$13,000,000
	Bridgeport	\$18,500,000

Army Reserve—Continued

<i>State</i>	<i>Location</i>	<i>Amount</i>
Florida	Panama City	\$7,300,000
	West Palm Beach	\$26,000,000
Georgia	Atlanta (Winder)	\$14,000,000
Illinois	Chicago (Joliet)	\$23,000,000
Minnesota	Fort Snelling (Minneapolis)	\$12,000,000
New York	Rochester	\$13,600,000
Ohio	Cincinnati	\$13,000,000
Pennsylvania	Ashley	\$9,800,000
	Harrisburg	\$7,600,000
	Newton Square	\$20,000,000
	Uniontown	\$11,800,000
Texas	Austin	\$20,000,000
	Fort Bliss	\$9,500,000
	Houston	\$24,000,000
	San Antonio (Fort Sam Houston)	\$20,000,000
Wisconsin	Fort McCoy	\$28,850,000
Puerto Rico	Caguas	\$12,400,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

<i>State</i>	<i>Location</i>	<i>Amount</i>
Arizona	Phoenix (Luke Air Force Base)	\$10,986,000
California	Alameda	\$5,960,000
Illinois	Joliet Army Ammunition Plant	\$7,957,000
South Carolina	Charleston	\$4,240,000
Virginia	Oceana Naval Air Station	\$30,400,000
Texas	San Antonio	\$2,210,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

<i>State</i>	<i>Location</i>	<i>Amount</i>
Arizona	Davis Monthan Air Force Base	\$5,600,000
California	Southern California Logistics Airport	\$8,400,000
Colorado	Buckley Air National Guard Base	\$4,500,000
Connecticut	Bradley National Airport	\$9,100,000
Hawaii	Hickam Air Force Base	\$33,000,000
Iowa	Des Moines	\$4,600,000
Massachusetts	Otis Air National Guard Base	\$12,800,000
Maryland	Andrews Air Force Base	\$14,000,000
Maine	Bangor International Airport	\$28,000,000
Michigan	Alpena	\$8,900,000
	Battle Creek Air National Guard Base	\$14,000,000
	Selfridge Air National Guard Base	\$7,100,000
Minnesota	Minnesota/Saint Paul International Airport	\$1,900,000
Missouri	Rosecrans Memorial Airport	\$9,300,000
Mississippi	Columbus Air Force Base	\$10,000,000
Montana	Malmstrom Air Force Base	\$9,600,000
Nebraska	Lincoln	\$1,500,000
New Hampshire	Pease Air National Guard Base	\$10,000,000
New Jersey	McGuire, Air Force Base	\$9,700,000
Nevada	Reno	\$10,800,000
Ohio	Mansfield Lahm Airport	\$11,400,000
Oklahoma	Will Rogers World Airport	\$7,300,000
South Carolina	McEntire Joint National Guard Base	\$1,300,000
South Dakota	Joe Foss Field	\$2,600,000
Tennessee	164th Airlift Wing, Memphis	\$9,800,000
Utah	Hill Air Force Base	\$5,100,000
Vermont	Burlington International Airport	\$6,000,000
Wisconsin	General Mitchell International Airport	\$5,000,000
West Virginia	Martinsburg	\$19,500,000
Wyoming	Cheyenne Airport	\$1,500,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Colorado	Schriever Air Force Base	\$10,200,000
Mississippi	Keesler Air Force Base	\$9,800,000
New York	Niagra Falls Air Reserve Base	\$5,700,000
Pennsylvania	Pittsburgh Air Reserve Base	\$12,400,000
Texas	Lackland Air Force Base	\$1,500,000
Utah	Hill Air Force Base	\$3,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$481,773,000; and
(B) for the Army Reserve, \$378,712,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, \$64,124,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$301,361,000; and

(B) for the Air Force Reserve, \$45,576,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act

for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/Alt, PH I	\$30,000,000
New Jersey	Lakehurst	Consolidated Logistics Training Facility, PH II.	\$20,024,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range	\$2,532,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of \$396,768,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of \$5,934,740,000.

AND SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of \$7,479,498,000.

SEC. 2704. REPORT ON GLOBAL DEFENSE POSTURE REALIGNMENT AND INTERAGENCY REVIEW.

(a) INTERAGENCY REVIEW OF OVERSEAS MASTER PLANS.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations. The report shall address the following:

(1) How the plans would support the security commitments undertaken by the United States pursuant to any international security treaty, including, the North Atlantic Treaty, The Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

(3) Any comments of the Secretary of Defense resulting from an interagency review of these plans that includes the Department of State and other Federal departments and agencies that the Secretary of Defense deems necessary for national security.

(b) INTERAGENCY OVERSEAS BASING REPORT.—Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) INTERAGENCY OVERSEAS BASING REPORT.—Not later than 90 days after submitting a report on a quadrennial defense review under subsection (d), the Secretary shall submit to the congressional defense committees a report detailing how the results of the assessment conducted as part of such review will impact the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative

security locations of the global defense posture of the United States. The report shall include any recommendations for additional closures or realignments of military installations outside of the United States. The report shall include any comments resulting from an interagency review of these plans that includes the Department of State and other relevant Federal departments and agencies.”.

SEC. 2705. SENSE OF THE SENATE ON NEED FOR COMMUNITY ASSISTANCE RELATED TO BASE CLOSURES AND REALIGNMENTS AND FORCE REPOSITIONING.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The 2005 round of defense base closures and realignments (BRAC) has resulted in a requirement to dispose of excess Federal property in addition to property determined to be excess as the result of decisions in four previous rounds of base realignments and closures in 1988, 1991, 1993, and 1995.

(2) The Department of Defense has primary responsibility to dispose of Federal property resulting from the closure or realignment of military installations under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(3) The Department of Defense is authorized to dispose of BRAC property using a range of methods including administrative transfer to another Federal agency, public benefit conveyances, homeless housing assistance, economic development conveyances, negotiated sales, or public sales.

(4) The Department of Defense is authorized to convey property to local redevelopment agencies representing communities affected by base closures and realignments for the purpose of economic development.

(5) The Department of Defense is authorized to assess the needs of the local community and the intended use of the property in determining the amount of compensation to be received in exchange for the economic development conveyance.

(6) The Department of Defense is authorized to receive an amount for the economic development conveyance that may range from fair market value to an amount less than fair market, to no cost to the conveyee, depending on the local economic conditions.

(7) The Department of Defense is required to use any monetary proceeds gained from the disposal of BRAC property to fund environmental clean-up, remediation, and compliance actions required to safely dispose of BRAC property.

(8) Any revenue foregone as a result of a decision not to seek fair market value for disposed property must be compensated with appropriated funds requested by the Department of Defense in annual budget submissions to Congress.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that, as the Federal Government implements base closures and realignments, global

repositioning, and grows the force initiatives, it is necessary—

(1) to assist local communities coping with the impact of these programs at both closed and active military installations; and

(2) to comprehensively assess the needs and degree of Federal assistance to communities to effectively implement the various initiatives of the Department of Defense while aiding communities to either recover quickly from closures or to accommodate growth associated with troop influges.

SEC. 2706. RELOCATION OF CERTAIN ARMY RESERVE UNITS IN CONNECTICUT.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 for the purpose of constructing an Army Reserve Center and Maintenance Facility in the vicinity of Newtown, Connecticut, at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2707. AUTHORITY TO CONSTRUCT PREVIOUSLY AUTHORIZED ARMED FORCES RESERVE CENTER IN VICINITY OF SPECIFIED LOCATION AT PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2708. REQUIREMENT FOR MASTER PLAN TO PROVIDE WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) **MASTER PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a comprehensive master plan to provide world class military medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families;

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(2) includes the establishment of an integrated process for the joint development of budgets, prioritization of requirements, and the allocation of funds;

(3) designates a single entity within the Department of Defense with the budget and operational authority to respond quickly to and address emerging facility and operational requirements required to provide and operate world class military medical facilities in the National Capital Region;

(4) incorporates all ancillary and support facilities at the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) ensures that each facility covered by the plan meets or exceeds Joint Commission hospital design standards as applicable; and

(6) can be used as a model to develop similar master plans for all military medical facilities within the Department of Defense.

(b) **MILESTONE SCHEDULE AND COST ESTIMATES.**—Not later than 90 days after the development of the master plan required by (a), the Secretary shall submit to the congressional defense committees a report describing—

(1) the schedule for completion of requirements identified in the master plan; and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(c) **DEFINITIONS.**—In this section:

(1) **NATIONAL CAPITAL REGION.**—The term “National Capital Region” has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) **WORLD CLASS MILITARY MEDICAL FACILITY.**—The term “world class military medical facility” has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled “Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital”, published in May, 2009.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

SEC. 2801. MILITARY CONSTRUCTION AND LAND ACQUISITION PROJECTS AUTHORIZED BY AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) **AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

State	Installation or Location	Amount
Colorado	Fort Carson	\$12,500,000
Georgia	Fort Stewart (Hunter Army Airfield)	\$8,600,000
Kentucky	Fort Campbell	\$43,000,000
North Carolina	Fort Bragg	\$11,300,000
New York	Fort Drum	\$10,700,000
Texas	Fort Bliss	\$57,000,000
	Fort Hood	\$12,700,000
Virginia	Fort Belvoir	\$14,600,000
	Fort Eustis	\$9,600,000

Army: Inside the United States

(b) *AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.*—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Marine Corps Base Camp Pendleton	\$35,052,000
	Naval Air Station Lemoore	\$7,793,000
	Naval Base Coronado	\$88,576,000
	Naval Base Point Loma	\$11,844,000
Florida	Naval Station Mayport	\$10,220,000
Hawaii	Marine Corps Base Hawaii	\$19,360,000
Maryland	Naval Support Activity Annapolis	\$1,994,000
	Naval Surface Warfare Center Carderock	\$1,253,000
North Carolina	Marine Corps Air Station New River	\$3,039,000
	Marine Corps Base Camp Lejeune	\$13,779,000
Tennessee	Naval Support Activity Mid-South	\$11,960,000
Virginia	Hampton Roads	\$26,098,000
	Naval Station Norfolk	\$24,647,000
Washington	Naval Air Station Whidbey Island	\$20,054,000
Various	Various Locations	\$4,331,000

(c) *AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.*—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	\$53,900,000
Alabama	Birmingham	\$2,300,000
Arkansas	Fort Smith	\$7,800,000
Colorado	Peterson Air Force Base	\$11,200,000
Florida	Hurlburt Field	\$11,000,000
Georgia	Moody Air Force Base	\$11,400,000
Iowa	Des Moines	\$6,000,000
Kansas	Forbes	\$4,100,000
Maryland	Andrews Air Force Base	\$8,000,000
Mississippi	Keesler Air Force Base	\$20,800,000
Montana	Malmstrom Air Force Base	\$26,200,000
North Dakota	Minot Air Force Base	\$28,300,000
New Jersey	Atlantic City	\$4,300,000
New Mexico	Cannon Air Force Base	\$12,000,000
Nevada	Nellis Air Force Base	\$13,400,000
Pennsylvania	Fort Indian Town Gap	\$7,000,000
South Carolina	Shaw Air Force Base	\$22,500,000
Texas	Goodfellow Air Force Base	\$28,400,000
	Lackland Air Force Base	\$6,000,000
Utah	Hill Air Force Base	\$15,000,000
	Salt Lake City	\$5,100,000
Wisconsin	General Mitchell	\$1,100,000
West Virginia	Eastern West Virginia Regional Airport	\$4,300,000

(d) *AUTHORIZED DEFENSE-WIDE CONSTRUCTION AND LAND ACQUISITION PROJECTS.*—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense-wide: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	\$563,100,000
Florida	Naval Air Station Jacksonville	\$27,210,000
Texas	Fort Hood	\$621,000,000
Various	Various Locations	\$118,690,000

(e) *AUTHORIZED ARMY NATIONAL GUARD AND RESERVE PROJECTS.*—

(1) *AUTHORIZED CONSTRUCTION AND LAND ACQUISITION PROJECTS.*—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard and Army Reserve locations, and in the amounts, set forth in the following table:

Army National Guard and Reserve: Inside the United States

State	Installation or Location	Amount
California	Mather Air Field	\$1,500,000
Nevada	Hawthorne Army Depot	\$950,000
North Carolina	Raleigh	\$39,500,000
Nebraska	Camp Ashland	\$2,900,000
New York	Brooklyn (Fort Hamilton)	\$1,500,000
Oregon	Camp Withycombe	\$1,300,000

Army National Guard and Reserve: Inside the United States—Continued

State	Installation or Location	Amount
West Virginia	Gassaway	\$3,300,000

(2) **AUTHORIZED FAMILY HOUSING.**—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the Army National Guard and Army Reserve locations, in the number of units, and in the amounts, set forth in the following table:

Army National Guard and Reserve: Family Housing

State	Installation or Location	Units	Amount
California	Fort Hunter-Liggett	5	\$2,370,000
	Sierra Army Depot	1	\$707,000
Illinois	Rock Island	2	\$930,000
Oklahoma	McAlester Army Depot	6	\$2,200,000
Pennsylvania	Letterkenny Army Depot	3	\$1,050,000
	Tobyhanna	2	\$1,000,000
Utah	Dugway Proving Grounds	20	\$10,000,000
Virginia	Radford Army Ammunition Plant	4	\$1,300,000
Wisconsin	Fort McCoy	23	\$14,000,000

Subtitle A—Military Construction Program and Military Family Housing Changes**SEC. 2811. EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AND UNITED STATES AFRICA COMMAND AREAS OF RESPONSIBILITY.**

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), and section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4724) is further amended—

(1) in subsection (a), by striking “2009” and inserting “2010”; and

(2) in subsection (c)(2), by inserting “or fiscal year 2010” after “fiscal year 2009”.

SEC. 2812. MODIFICATION OF AUTHORITY FOR SCOPE OF WORK VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “Except as provided in subsection (c)” and inserting “(1) Except as provided in subsection (c)”;

(B) by striking “may be reduced by not more than 25 percent from the amount approved for that project, construction, improvement, or acquisition by Congress.” and inserting “may be reduced by not more than 25 percent from the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”; and

(C) by adding at the end the following new paragraph:

“(2) The scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased above the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”; and

(2) in subsection (c), by striking “limitation on scope reduction in subsection (b)” and inserting “limitation on scope reduction in subsection (b)(1)”.

SEC. 2813. MODIFICATION OF CONVEYANCE AUTHORITY AT MILITARY INSTALLATIONS.

(a) **LIMITED PURPOSES FOR WHICH REAL PROPERTY MAY BE CONVEYED.**—Section 2869 of title 10, United States Code, is amended—

(1) in the section heading, by striking “**TO SUPPORT MILITARY CONSTRUCTION OR LIMIT ENCROACHMENT**” and inserting “**TO LIMIT ENCROACHMENT**”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “agrees, in exchange for the real property—” and all that follows through “to carry out a military construction project or land acquisition” and inserting “agrees, in exchange for the real property, to carry out a land acquisition”;

(ii) by striking “; or” and inserting a period; and

(iii) by striking subparagraph (B); and

(B) by striking paragraph (3);

(3) in subsection (b), by striking “fair market value of the military construction, military family housing, or military unaccompanied housing” both places it appears and inserting “fair market value of the land”;

(4) by amending subsection (c) to read as follows:

“(c) **LIMITATION ON USE OF CONVEYANCE AUTHORITY AT INSTALLATIONS CLOSED UNDER BASE CLOSURE LAWS.**—The authority under subsection (a)(2)(A) to convey property located on a military installation may only be used to the extent the conveyance is consistent with an approved redevelopment plan for such installation.”; and

(5) in subsection (d)(2)(A), by striking “military construction project, land acquisition, military family housing, or military unaccompanied housing” both places it appears and inserting “land acquisition”.

(b) **REQUIREMENT TO DEPOSIT FUNDS IN FOREIGN CURRENCY FLUCTUATIONS, CONSTRUCTION, DEFENSE ACCOUNT.**—Subsection (e) of such section is amended by striking “(1) Except as provided in paragraph (2), the Secretary concerned may deposit funds” and all that follows through “funds deposited under paragraph (2) shall be available” in paragraph (3) and inserting “The Secretary concerned shall deposit funds received under subsection (b) in the appropriation ‘Foreign Currency Fluctuations, Construction, Defense’. The funds deposited shall be available”.

(c) **ELIMINATION OF ANNUAL REPORT REQUIREMENT; SUNSET.**—Subsection (f) of such section is amended to read as follows:

“(f) **SUNSET.**—The authority to enter into an agreement under this section shall expire on September 30, 2013.”.

(d) **CLERICAL AMENDMENT.**—The item relating to such section in the table of sections at the beginning of chapter 169 of such title is amended to read as follows:

“2869. Conveyance of property at military installations to limit encroachment.”.

SEC. 2814. TWO-YEAR EXTENSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended by striking “2009” and inserting “2011”.

Subtitle B—Energy Security**SEC. 2821. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TOWARD INSTALLATION OF SOLAR PANELS AND OTHER RENEWABLE ENERGY PROJECTS ON MILITARY INSTALLATIONS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that describes and assesses current Department of Defense efforts toward the installation of solar panels and other renewable energy projects on military installations and facilities.

(b) **ELEMENTS.**—The report required by subsection (a) shall set forth the following:

(1) A description and assessment of the status of current Department efforts toward the installation of solar panels and other renewable energy projects on military installations and facilities.

(2) A description of any legislative, administrative, or other impediments to such efforts.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate for purposes of—

(A) furthering such efforts; and

(B) achieving the renewable energy goals of the Department by 2025.

(4) Such other matters as the Secretary considers appropriate.

Subtitle C—Land Conveyances**SEC. 2831. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the “City”), all right, title, and interest of the

United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.4 acres at Naval Air Station, Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the City shall provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. RELEASE OF REVERSIONARY INTEREST.

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled "An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas", approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

SEC. 2833. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) **CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.**—

(1) **IN GENERAL.**—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended by striking "West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation'))" and inserting "South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the 'Authority'))".

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 2863 of the Military Construc-

tion Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended—

(A) by striking "Foundation" each place it appears in subsections (c) and (e) and inserting "Authority";

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking "137.56 acres" and inserting "120.70 acres"; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) **NEW CONVEYANCE AUTHORITY.**—

(1) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the "Authority"), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) **COVERED PROPERTY.**—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) **CONDITION.**—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(5) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(6) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the "County") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) **CONSIDERATION.**—

(1) **IN GENERAL.**—As consideration for the conveyance under subsection (a), the County shall

provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) **IN-KIND CONSIDERATION.**—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) **RELATION TO OTHER LAWS.**—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) **NOTICE TO CONGRESS.**—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) **TREATMENT OF CASH CONSIDERATION RECEIVED.**—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) **REVERSIONARY INTEREST.**—

(1) **IN GENERAL.**—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) **RELEASE OF REVERSIONARY INTEREST.**—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements and improvements on Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) **CONDITION OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance, commonly known as conveyance “as is” and not subject to the requirements for covenants in deed under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

(c) **ELIGIBLE ENTITIES.**—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property improvements, or a combination of both, of equal value, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the eligible entity in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the eligible entity.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **SAVINGS PROVISION.**—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.

9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) **CONVEYANCES AUTHORIZED.**—The Secretary of the Navy (“the Secretary”) may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, as of the date of the enactment of this Act (“the lessee”) all right, title, and interest of the United States in and to the portion of such property that is respectively leased or licensed by such person or entity for the purpose of continuing the same functions as are being conducted on the property as of the date of the enactment of this Act.

(b) **CONSIDERATION.**—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) **EXERCISE OF RIGHT TO PURCHASE PROPERTY.**—

(1) **ACCEPTANCE OF OFFER.**—For a period of 180 days beginning on the date the Secretary makes a written offer to convey the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire.

(2) **CONVEYANCE DEADLINE.**—If a lessee accepts the offer to convey the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the lessee.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts

so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) **EXPANSION OF INITIATIVE.**—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) **PROGRESS REPORTS.**—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to Congress a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations, including whether the Secretary anticipates meeting the deadline imposed by subsection (a).

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations outside the United States set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Various	Various locations	\$854,600,000

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$930,484,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), \$854,600,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$75,884,000.

(c) **REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.**—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction

projects to construct or renovate warrior transition unit facilities at the installations or locations outside the United States set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Various	Various locations ..	\$439,500,000

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), \$439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$35,000,000.

(c) **REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.**—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$10,051,215,000, to be allocated as follows:

(1) For weapons activities, \$6,490,619,000.

(2) For defense nuclear nonproliferation activities, including \$705,900,000 for fissile materials disposition, \$2,136,709,000.

(3) For naval reactors, \$1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, \$420,754,000.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10–D–501, Nuclear Facility Risk Reduction (NFRR), Y–12 National Security Complex, Oak Ridge, Tennessee, \$12,500,000.

(2) For defense nuclear security, the following new plant project:

Project 10–D–701, Security Improvement Project (SIP), Y–12 National Security Complex, Oak Ridge, Tennessee, \$49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10–D–904, Naval Reactors Facility (NRF) infrastructure upgrades, Naval Reactors Facility, Idaho Falls, Idaho, \$700,000.

Project 10–D–903, Security upgrades, Knolls Atomic Power Laboratory, Knolls Site and Kesselring Site, Schenectady, New York, \$1,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal

year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of \$5,395,831,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of \$852,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$98,400,000.

SEC. 3105. FUNDING TABLE.

The amounts authorized to be appropriated by sections 3101, 3102, 3103, and 3104 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended to read as follows:

“SEC. 4204. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

“(a) **PROGRAM REQUIRED.**—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile without nuclear weapons testing.

“(b) **ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.**—

“(1) **IN GENERAL.**—The program under subsection (a) shall be carried out through the National Nuclear Security Administration.

“(2) **INCLUSION OF PROGRAM FUNDS IN BUDGET.**—For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program under subsection (a) shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

“(c) **PROGRAM PLAN.**—As part of the program under subsection (a), the Secretary of Energy shall develop a long-term plan to extend the effective life of the weapons in the nuclear weapons stockpile without nuclear weapons testing. The plan shall include the following:

“(1) Mechanisms to provide for the manufacture, maintenance, and modernization of each weapon design in the nuclear stockpile, as needed.

“(2) Mechanisms to expedite the collection of information necessary for carrying out the program, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

“(3) Mechanisms to ensure the appropriate assignment of roles and missions for each nuclear weapons laboratory and production plant of the Department of Energy, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

“(4) Mechanisms to ensure that each national laboratory of the National Nuclear Security Administration has full and complete access to all weapons data to enable a rigorous peer review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205.

“(5) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

“(6) An identification of the funds needed, in the current fiscal year and in each of the next 5 fiscal years, to carry out the program.

“(d) ANNUAL UPDATES.—The Secretary of Energy shall update the plan required under subsection (c) annually and shall submit the updated plan to Congress as part of the plan for maintaining the nuclear weapons stockpile submitted to Congress under section 4203(c).

“(e) SENSE OF CONGRESS ON FUNDING OF PROGRAM.—It is the sense of Congress that the President should include in each budget for a fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in that fiscal year the activities under the program under subsection (a) that are specified in the most current version of the plan required under subsection (c).”.

SEC. 3112. ELIMINATION OF NUCLEAR WEAPONS LIFE EXTENSION PROGRAM FROM EXCEPTION TO REQUIREMENT TO REQUEST FUNDS IN BUDGET OF THE PRESIDENT.

Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(1) in subsection (c), by striking “necessary—” and all that follows through the period and inserting “necessary to address proliferation concerns.”; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 3113. REPEAL OF RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) IN GENERAL.—Section 4204A of the Atomic Energy Defense Act (50 U.S.C. 2524a) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for that Act is amended by striking the item relating to section 4204A.

SEC. 3114. AUTHORIZATION OF USE OF INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS FOR BILATERAL AND MULTILATERAL NON-PROLIFERATION AND DISARMAMENT ACTIVITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Energy may obligate or expend not more than 10 percent of the funds authorized to be appropriated or otherwise made available for the International Nuclear Materials Protection and Cooperation program in a fiscal year to provide assistance for or to otherwise carry out bilateral or multilateral activities relating to nonproliferation or disarmament.

(b) NOTIFICATION OF CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary may obligate or expend funds pursuant to subsection (a) if, not less than 15 days before obligating or expending such funds—

(1) the Secretary notifies the congressional defense committees of the intent of the Secretary to obligate or expend such funds; and

(2) the President certifies to the congressional defense committees that obligating or expending such funds is necessary to support the national security objectives of the United States.

SEC. 3115. REPEAL OF PROHIBITION ON FUNDING ACTIVITIES ASSOCIATED WITH INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.

(a) IN GENERAL.—Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by striking the item relating to section 4301.

SEC. 3116. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

Section 4701(3) of the Atomic Energy Defense Act (50 U.S.C. 2741(3)) is amended by striking “\$5,000,000” and inserting “\$7,000,000”.

SEC. 3117. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking “September 30, 2009” and inserting “September 30, 2011”.

SEC. 3118. REPEAL OF SUNSET DATE FOR CONSOLIDATION OF COUNTERINTELLIGENCE PROGRAMS OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3117 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2507; 42 U.S.C. 7144b note) is amended by amending subsection (a) to read as follows:

“(a) TRANSFER OF FUNCTIONS.—The functions, personnel, funds, assets, and other resources of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration are transferred to the Secretary of Energy, to be administered (except to any extent otherwise directed by the Secretary) by the Director of the Office of Counterintelligence of the Department of Energy.”.

Subtitle C—Other Matters

SEC. 3131. TEN-YEAR PLAN FOR UTILIZATION AND FUNDING OF CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) IN GENERAL.—The Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall jointly develop a plan to use and fund, over a ten-year period, the following facilities of the Department of Energy:

(1) The National Ignition Facility at the Lawrence Livermore National Laboratory, California.

(2) The Los Alamos Neutron Science Center at the Los Alamos National Laboratory, New Mexico.

(3) The “Z” Machine at the Sandia National Laboratories, New Mexico.

(4) The Microsystems and Engineering Sciences Application (MESA) Facility at the Sandia National Laboratories, New Mexico.

(b) SUBMITTAL OF PLAN.—Not later than 45 days after the date of the enactment of this Act, the Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall submit to the congressional defense committees the plan required by subsection (a).

(c) REQUIREMENT TO SPECIFY SOURCE OF FACILITY FUNDING IN BUDGET REQUESTS.—In any budget request for the Department of Energy for a fiscal year that is submitted to Congress after the date of the enactment of this Act, the Secretary of Energy shall identify for that fiscal year the portion of the funding for each facility specified in subsection (a) that is to be provided by the National Nuclear Security Administration and by the Office of Science of the Department of Energy.

SEC. 3132. REVIEW OF MANAGEMENT AND OPERATION OF CERTAIN NATIONAL LABORATORIES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, appoint an independent panel of experts to conduct a review of the management and operation of the following:

(1) The Lawrence Livermore National Laboratory, California.

(2) The Los Alamos National Laboratory, New Mexico.

(3) The Sandia National Laboratories, New Mexico.

(b) ADMINISTRATIVE PROVISIONS.—

(1) APPOINTMENT OF CHAIRPERSON.—The Secretary of Energy shall appoint a chairperson of the panel from among the members of the panel.

(2) DESIGNATION OF AGENCY STAFF TO PANEL.—The Secretary of Energy, the Secretary of Defense, and the Director of National Intelligence shall each designate one or more employees of the Department of Energy, the Department of Defense, and the intelligence community, respectively, to serve as liaisons between the panel and the Department of Energy, the Department of Defense, or the intelligence community, as the case may be.

(3) AGENCY COOPERATION.—The Secretary of Energy shall, in consultation with the Secretary of Defense and the Director of National Intelligence, ensure that the panel receives full and timely cooperation from the Department of Energy, the Department of Defense, and the Director of National Intelligence in conducting the review required under subsection (a).

(4) SUPPORT FROM FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary of Energy may use a federally funded research and development center not associated with the Department of Energy to provide support to the panel.

(c) ELEMENTS.—The review required under subsection (a) shall include, with respect to each laboratory specified in such subsection, an evaluation of the following:

(1) The quality of the scientific research being conducted at the laboratory, including research with respect to weapons science, nonproliferation, energy, and basic science.

(2) The quality of the engineering being conducted at the laboratory.

(3) The general operations of the laboratory, including the management of facilities and procedures with respect to safety, security, environmental management and compliance, and human capital.

(4) The financial operations of the laboratory, including contract administration, accounting controls, and management of property and equipment.

(5) The management of work conducted by the laboratory for entities other than the Department of Energy, including academic institutions and other Federal agencies, and interactions between the laboratory and such entities.

(6) The adequacy and effectiveness of the form and scope of current management contracts in implementing the mission of the laboratory.

(7) The effectiveness of the management and oversight of the laboratory by the Department of Energy.

(d) REPORT OF PANEL.—The panel shall submit to the Secretary of Energy a report containing the results of the review and any recommendations of the panel resulting from the review.

(e) TRANSMITTAL TO CONGRESS.—Not later than January 1, 2011, the Secretary of Energy shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the report of the panel submitted under subsection (d) and any comments or recommendations of the Secretary with respect to that report.

SEC. 3133. INCLUSION IN 2010 STOCKPILE STEWARDSHIP PLAN OF CERTAIN INFORMATION RELATING TO STOCKPILE STEWARDSHIP CRITERIA.

(a) IN GENERAL.—The Secretary of Energy shall include in the 2010 stockpile stewardship plan the elements specified in subsection (b).

(b) ELEMENTS.—The elements specified in this subsection are the following:

(1) An update of any information or criteria included in the report on stockpile stewardship criteria submitted under subsection (c) of section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522).

(2) A description of any additional information identified under paragraph (1) of such subsection (c) or criteria established under subsection (a) of such section 4202 during the period beginning on the date of the submittal of the report under section 3133 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1751; 50 U.S.C. 2523 note) and ending on the date of the submittal of the 2010 stockpile stewardship plan.

(3) For each science-based tool developed or modified by the Department of Energy during the period described in paragraph (2) to collect information needed to determine that the nuclear weapons stockpile is safe, secure, and reliable—

(A) a description of the relationship of the science-based tool to the collection of such information; and

(B) a description of criteria for assessing the effectiveness of the science-based tool in collecting such information.

(c) 2010 STOCKPILE STEWARDSHIP PLAN DEFINED.—In this section, the term “2010 stockpile stewardship plan” means the updated version of the plan for maintaining the nuclear weapons stockpile developed under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) and required to be submitted to Congress on May 1, 2010, by subsection (c) of such section.

SEC. 3134. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PROJECTS CARRIED OUT BY THE OFFICE OF ENVIRONMENTAL MANAGEMENT OF THE DEPARTMENT OF ENERGY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a series of three reviews, as described in subsections (b), (c), and (d), of projects carried out by the Office of Environmental Management of the Department of Energy (in this section referred to as the “Office”) using American Recovery and Reinvestment Act funds.

(b) PHASE ONE REVIEW.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act, the Comptroller General shall conduct a review of the following:

(A) The criteria used by the Office to select projects to be carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which lessons learned during previous accelerations of defense environmental cleanup efforts were used in the development of such criteria.

(C) The process used by the Office to estimate costs and develop schedules for such projects.

(D) The process used by the Office for the independent validation of the scope, cost, and schedule for such projects.

(E) The criteria and methodology used by the Office to measure the contribution of each such project toward reducing the overall costs, and meeting the goals, of defense environmental cleanup.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(c) PHASE TWO REVIEW.—

(1) IN GENERAL.—The Comptroller General shall conduct a review, during the period described in paragraph (2), of the following:

(A) The implementation of each project carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which each such project is meeting the cost and scheduling goals of the project.

(C) The number of jobs created or maintained through such projects.

(D) The adequacy of contract oversight for such projects.

(E) Any technical problems or other problems in connection with such projects that are identified by the Comptroller General in the course of the review.

(F) Any management and implementation issues or actions, or other systemic issues, identified by the Comptroller General in the course of the review that either hinder or assist the effective management of defense environmental cleanup efforts.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period—

(A) beginning on the date on which the Comptroller General submits the report required under subsection (b)(2); and

(B) ending on the later of—

(i) the date on which all projects carried out using American Recovery and Reinvestment Act funds have been completed; or

(ii) the date on which all American Recovery and Reinvestment Act funds have been obligated or expended or are no longer available to be obligated or expended.

(3) REPORTS.—The Comptroller General shall submit to the congressional defense committees a report on the status of the review conducted under paragraph (1) not later than 30 days after submitting the report required under subsection (b)(2) and every 120 days thereafter until the end of the period described in paragraph (2).

(d) PHASE THREE REVIEW.—

(1) IN GENERAL.—Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:

(A) The implementation of all projects carried out using American Recovery and Reinvestment Act funds, including the number of such projects that were completed, that were not completed, that were completed on budget, that exceeded the budget for such project, that were completed on schedule, and that exceeded the scheduling goals for such project.

(B) The impact on employment as a result of the completion of such projects.

(C) Any lessons learned as a result of accelerating such projects.

(D) The extent to which the achievement of the overall goals of defense environmental cleanup were accelerated, and the overall costs of defense environmental cleanup were reduced, as a result of such projects.

(E) Any other issues the Comptroller General considers appropriate with respect to such projects.

(2) REPORT.—Not later than 90 days after submitting the last report required under subsection (c)(3), the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(e) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS DEFINED.—In this section, the term “American Recovery and Reinvestment Act funds” means funds made available for the Office of Environmental Management under the heading “DEFENSE ENVIRONMENTAL CLEANUP” under the heading “ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES” under the heading “DEPARTMENT OF ENERGY” under title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 140).

SEC. 3135. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR CERTAIN DEPARTMENT OF ENERGY PENSION OBLIGATIONS.

The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of

title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to meet the pension obligations of the Department of Energy for contractor employees at each facility of the Department of Energy operated using amounts authorized to be appropriated for the Department of Energy.

SEC. 3136. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15) is amended—

(1) in subsection (c), by inserting “and subtitle B” after “this subtitle” each place it appears;

(2) in subsection (d), by inserting “and subtitle B” after “this subtitle”;

(3) in subsection (e), by inserting “and subtitle B” after “this subtitle” each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

“(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.”.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384i et seq.).

SEC. 3137. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the timeline for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the study required by subsection (a).

SEC. 3138. SENSE OF THE SENATE ON PRODUCTION OF MOLYBDENUM-99.

(a) FINDINGS.—The Senate makes the following findings:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum-99 (Mo-99) and there are no such reactors in the United States that can provide a reliable supply of Mo-99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo-99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo-99-based medical products in the United States and around the world.

(3) Ensuring a reliable supply of medical radioisotopes, including Mo-99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, \$26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—MARITIME ADMINISTRATION

SEC. 3301. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

“§ 109. Maritime Administration

“(a) ORGANIZATION.—The Maritime Administration is an administration in the Department of Transportation.

“(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

“(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administrator shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

“(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

“(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

“(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

“(g) DETAILING OFFICERS FROM ARMED FORCES.—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the armed forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer's pay and allowances as an officer in the armed forces, make the officer's total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

“(h) CONTRACTS AND AUDITS.—

“(1) CONTRACTS.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts for the United States Government and disburse amounts to—

“(A) carry out the Secretary's duties and powers under this section and subtitle V of title 46; and

“(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

“(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a

year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

“(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

“(A) acquisition, construction, or reconstruction of vessels;

“(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

“(C) costs of national defense features;

“(D) payments of obligations incurred for operating-differential subsidies;

“(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

“(F) the Vessel Operations Revolving Fund;

“(G) National Defense Reserve Fleet expenses;

“(H) expenses necessary to carry out part B of subtitle V of title 46; and

“(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

“(3) TRAINING VESSELS.—Amounts may not be appropriated for the purchase or construction of training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.”.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supercede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

PROCUREMENT (In Thousands of Dollars)							
Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY						
	AIRCRAFT						
	FIXED WING						
001	JOINT CARGO AIRCRAFT (JCA)						
002	UTILITY F/W AIRCRAFT						
003	MQ-1 UAV	24	401,364	-12	-200,000	12	201,364
	Avoid forward funding of production				[-200,000]		
004	RQ-11 (RAVEN)	618	35,008			618	35,008
004A	C-12A						
	ROTARY WING						
006	ARMED RECONNAISSANCE HELICOPTER						
007	ADVANCE PROCUREMENT (CY)						
008	HELICOPTER, LIGHT UTILITY (LUH)	54	326,040			54	326,040
009	AH-64 APACHE BLOCK III	8	161,280			8	161,280
010	ADVANCE PROCUREMENT (CY)		57,890				57,890
011	UH-60 BLACKHAWK (MYP)	79	1,258,374			79	1,258,374
012	ADVANCE PROCUREMENT (CY)		98,740				98,740
013	CH-47 HELICOPTER	35	860,087		22,000	35	882,087
	Multiyear procurement execution				[22,000]		
014	ADVANCE PROCUREMENT (CY)		50,676				50,676
015	HELICOPTER NEW TRAINING		19,639				19,639
	MODIFICATION OF AIRCRAFT						
016	MQ-1 PAYLOAD—UAS		87,424				87,424
017	MQ-1 WEAPONIZATION—UAS		14,832				14,832
018	GUARDRAIL MODS (MIP)		61,517				61,517
019	MULTI SENSOR ABN RECON (MIP)		21,457				21,457
020	AH-64 MODS		426,415		5,500		431,915
	Fuselage manufacturing				[5,500]		
021	ADVANCE PROCUREMENT (CY)						
022	CH-47 CARGO HELICOPTER MODS (MYP)		102,876		-22,000		80,876
	Multiyear procurement execution				[-22,000]		
023	ADVANCE PROCUREMENT (CY)						
024	UTILITY/CARGO AIRPLANE MODS		39,547				39,547
025	AIRCRAFT LONG RANGE MODS		823				823
026	UTILITY HELICOPTER MODS		66,682		20,400		87,082
	UH-60A to UH-60L conversion				[20,400]		
027	KIOWA WARRIOR		140,768				140,768
028	AIRBORNE AVIONICS		241,287				241,287
029	GATM ROLLUP		103,142				103,142
030	RQ-7 UAV MODS		283,012				283,012
030A	C-12A						
	SPARES AND REPAIR PARTS						
031	SPARE PARTS (AIR)		7,083				7,083
	SUPPORT EQUIPMENT AND FACILITIES						
	GROUND SUPPORT AVIONICS						
032	AIRCRAFT SURVIVABILITY EQUIPMENT		25,975				25,975
033	ASE INFRARED CM		186,356				186,356
	OTHER SUPPORT						
034	AVIONICS SUPPORT EQUIPMENT		4,933				4,933
035	COMMON GROUND EQUIPMENT		87,682				87,682
036	AIRCREW INTEGRATED SYSTEMS		52,725		3,000		55,725
	Air warrior ensemble—generation III				[3,000]		
037	AIR TRAFFIC CONTROL		76,999				76,999
038	INDUSTRIAL FACILITIES		1,533				1,533
039	LAUNCHER, 2.75 ROCKET		2,716				2,716
040	AIRBORNE COMMUNICATIONS		11,109				11,109
	TOTAL—AIRCRAFT PROCUREMENT, ARMY		5,315,991		-171,100		5,144,891
	MISSILE PROCUREMENT, ARMY						
	OTHER MISSILES						
	SURFACE-TO-AIR MISSILE SYSTEM						
001	PATRIOT SYSTEM SUMMARY	59	348,351			59	348,351
002	PATRIOT/MEADS CAP SYSTEM SUMMARY		16,406				16,406
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	13	72,920			13	72,920
004	ADVANCE PROCUREMENT (CY)						
	AIR-TO-SURFACE MISSILE SYSTEM						
005	HELLFIRE SYS SUMMARY	240	31,154			240	31,154
	ANTI-TANK/ASSAULT MISSILE SYSTEM						
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	470	148,649			470	148,649

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
007	TOW 2 SYSTEM SUMMARY	1165	108,066			1165	108,066
008	GUIDED MLRS ROCKET (GMLRS)	2628	293,617			2628	293,617
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	2064	15,663			2064	15,663
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	46	209,061			46	209,061
011	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM						
	MODIFICATIONS						
012	PATRIOT MODS		44,775		5,000		49,775
	Command & control modifications				[5,000]		
013	ITAS/TOW MODS		6,983				6,983
014	MLRS MODS		3,662				3,662
015	HIMARS MODIFICATIONS		38,690				38,690
016	HELLFIRE MODIFICATIONS		10				10
	SPARES AND REPAIR PARTS						
017	SPARES AND REPAIR PARTS		22,338				22,338
	SUPPORT EQUIPMENT AND FACILITIES						
018	AIR DEFENSE TARGETS		4,188				4,188
019	ITEMS LESS THAN \$5.0M (MISSILES)		1,178				1,178
020	PRODUCTION BASE SUPPORT		4,398				4,398
	TOTAL—MISSILE PROCUREMENT, ARMY		1,370,109		5,000		1,375,109
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
001	BRADLEY PROGRAM						
002	BRADLEY TRAINING DEVICES (MOD)						
003	ABRAMS TANK TRAINING DEVICES						
004	STRYKER VEHICLE		388,596				388,596
005	FUTURE COMBAT SYSTEMS: (FCS)						
006	ADVANCE PROCUREMENT (CY)						
007	FCS SPIN OUTS		285,920				285,920
008	ADVANCE PROCUREMENT (CY)		42,001				42,001
	MODIFICATION OF TRACKED COMBAT VEHICLES						
009	FIST VEHICLE (MOD)		34,192				34,192
010	BRADLEY PROGRAM (MOD)		526,356				526,356
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)		96,503				96,503
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	12	96,814			12	96,814
013	ARMORED BREACHER VEHICLE		63,250				63,250
014	JOINT ASSAULT BRIDGE		70,637				70,637
015	M1 ABRAMS TANK (MOD)		183,829				183,829
016	ABRAMS UPGRADE PROGRAM	22	185,611			22	185,611
	SUPPORT EQUIPMENT & FACILITIES						
017	ITEMS LESS THAN \$5.0M (TCV-WTCV)						
018	PRODUCTION BASE SUPPORT (TCV-WTCV)		6,601				6,601
	WEAPONS AND OTHER COMBAT VEHICLES						
019	HOWITZER, LIGHT, TOWED, 105MM, M119	70	95,631			70	95,631
020	M240 MEDIUM MACHINE GUN (7.62MM)	2010	32,919			2010	32,919
021	MACHINE GUN, CAL .50 M2 ROLL	4825	84,588			4825	84,588
022	LIGHTWEIGHT .50 CALIBER MACHINE GUN		977				977
023	M249 SAW MACHINE GUN (5.56MM)	1550	7,535			1550	7,535
024	MK-19 GRENADE MACHINE GUN (40MM)	349	7,700			349	7,700
025	MORTAR SYSTEMS	315	14,779			315	14,779
026	M107, CAL. 50, SNIPER RIFLE		224				224
027	XM320 GRENADE LAUNCHER MODULE (GLM)	4740	16,023			4740	16,023
028	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	448	6,223			448	6,223
029	M4 CARBINE	12000	20,500			12000	20,500
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	3738	6,945			3738	6,945
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO)						
032	HANDGUN	5000	3,389			5000	3,389
033	HOWITZER LT WT 155MM (T)	17	49,572			17	49,572
	MOD OF WEAPONS AND OTHER COMBAT VEH						
034	MK-19 GRENADE MACHINE GUN MODS		8,164				8,164
035	M4 CARBINE MODS		31,472				31,472
036	M2 50 CAL MACHINE GUN MODS		7,738				7,738
037	M249 SAW MACHINE GUN MODS		7,833				7,833
038	M240 MEDIUM MACHINE GUN MODS		17,964				17,964
039	PHALANX MODS						
040	M119 MODIFICATIONS		25,306				25,306
041	M16 RIFLE MODS		4,186				4,186
041A	M14 7.62 RIFLE MODS						
042	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)		6,164				6,164
	SUPPORT EQUIPMENT & FACILITIES						
043	ITEMS LESS THAN \$5.0M (WOCV-WTCV)		551				551
044	PRODUCTION BASE SUPPORT (WOCV-WTCV)		9,855				9,855
045	INDUSTRIAL PREPAREDNESS		392				392
046	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)		5,012				5,012
	TOTAL—PROCUREMENT OF WTCV, ARMY		2,451,952				2,451,952

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT OF AMMUNITION, ARMY						
	AMMUNITION						
	SMALL/MEDIUM CALIBER AMMUNITION						
001	CTG, 5.56MM, ALL TYPES		207,752				207,752
002	CTG, 7.62MM, ALL TYPES		77,602				77,602
003	CTG, HANDGUN, ALL TYPES		5,120				5,120
004	CTG, .50 CAL, ALL TYPES		162,342				162,342
005	CTG, 25MM, ALL TYPES		17,054				17,054
006	CTG, 30MM, ALL TYPES		96,572				96,572
007	CTG, 40MM, ALL TYPES		172,675				172,675
	MORTAR AMMUNITION						
008	60MM MORTAR, ALL TYPES		23,607		3,000		26,607
	Additional ammunition				[3,000]		
009	81MM MORTAR, ALL TYPES		28,719				28,719
010	CTG, MORTAR, 120MM, ALL TYPES		104,961				104,961
	TANK AMMUNITION						
011	CTG TANK 105MM: ALL TYPES		7,741				7,741
012	CTG, TANK, 120MM, ALL TYPES		113,483				113,483
	ARTILLERY AMMUNITION						
013	CTG, ARTY, 75MM: ALL TYPES		5,229				5,229
014	CTG, ARTY, 105MM: ALL TYPES		90,726				90,726
015	CTG, ARTY, 155MM, ALL TYPES		54,546				54,546
016	PROJ 155MM EXTENDED RANGE XM982		62,292				62,292
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T		33,441				33,441
	ARTILLERY FUZES						
018	ARTILLERY FUZES, ALL TYPES		19,870				19,870
	MINES						
019	MINES, ALL TYPES		815				815
020	MINE, CLEARING CHARGE, ALL TYPES						
021	ANTIPERSONNEL LANDMINE ALTERNATIVES		56,387				56,387
022	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES		19,507				19,507
	ROCKETS						
023	SHOULDER LAUNCHED MUNITIONS, ALL TYPES		45,302				45,302
024	ROCKET, HYDRA 70, ALL TYPES		99,904				99,904
	OTHER AMMUNITION						
025	DEMOLITION MUNITIONS, ALL TYPES		18,793				18,793
026	GRENADES, ALL TYPES		49,910				49,910
027	SIGNALS, ALL TYPES		83,094				83,094
028	SIMULATORS, ALL TYPES		12,081				12,081
	MISCELLANEOUS						
029	AMMO COMPONENTS, ALL TYPES		17,968				17,968
030	NON-LETHAL AMMUNITION, ALL TYPES		7,378				7,378
031	CAD/PAD ALL TYPES		3,353				3,353
032	ITEMS LESS THAN \$5 MILLION		8,826				8,826
033	AMMUNITION PECULIAR EQUIPMENT		11,187				11,187
034	FIRST DESTINATION TRANSPORTATION (AMMO)		14,354				14,354
035	CLOSEOUT LIABILITIES		99				99
	AMMUNITION PRODUCTION BASE SUPPORT						
	PRODUCTION BASE SUPPORT						
036	PROVISION OF INDUSTRIAL FACILITIES		151,943		5,000		156,943
	Bomb line modernization				[5,000]		
037	LAYAWAY OF INDUSTRIAL FACILITIES		9,529				9,529
038	MAINTENANCE OF INACTIVE FACILITIES		8,772				8,772
039	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL ..		145,777				145,777
040	ARMS INITIATIVE		3,184				3,184
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY		2,051,895		8,000		2,059,895
	OTHER PROCUREMENT, ARMY						
	TACTICAL AND SUPPORT VEHICLES						
	TACTICAL VEHICLES						
001	TACTICAL TRAILERS/DOLLY SETS	8037	95,893			8037	95,893
002	SEMITRAILERS, FLATBED:	290	20,870			290	20,870
003	SEMITRAILERS, TANKERS	70	13,217			70	13,217
004	H1 MOB MULTI-PURP WHLD VEH (HMMWV)	1770	281,123			1770	281,123
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	3889	1,158,522			3889	1,158,522
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN		17,575				17,575
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		812,918				812,918
008	PLS ESP		18,973				18,973
009	ARMORED SECURITY VEHICLES (ASV)	150	136,605			150	136,605
010	MINE PROTECTION VEHICLE FAMILY		402,517				312,517
	Reassessment of program requirement				–90,000		
					[–90,000]		
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)						
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	310	74,703			310	74,703
013	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P		180,793				180,793
014	HMMWV RECAPITALIZATION PROGRAM		2,904				2,904
015	MODIFICATION OF IN-SVC EQUIP		10,314				10,314
016	ITEMS LESS THAN \$5.0M (TAC VEH)		298				298

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
017	TOWING DEVICE—FIFTH WHEEL		414				414
	NON-TACTICAL VEHICLES						
018	HEAVY ARMORED SEDAN		1,980				1,980
019	PASSENGER CARRYING VEHICLES		269				269
020	NONTACTICAL VEHICLES, OTHER		3,052				3,052
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	COMM-JOINT COMMUNICATIONS						
021	COMBAT IDENTIFICATION PROGRAM						
022	JOINT COMBAT IDENTIFICATION MARKING SYSTEM		11,868				11,868
023	WIN-T—GROUND FORCES TACTICAL NETWORK		544,202				544,202
024	JCSE EQUIPMENT (USREDCOM)		4,868				4,868
	COMM—SATELLITE COMMUNICATIONS						
025	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS (S		145,108				145,108
026	SHF TERM		90,918				90,918
027	SAT TERM, EMUT (SPACE)		653				653
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)		72,735				72,735
029	SMART-T (SPACE)		61,116				61,116
030	SCAMP (SPACE)		1,834				1,834
031	GLOBAL BRDCST SVC—GBS		6,849				6,849
032	MOD OF IN-SVC EQUIP (TAC SAT)		2,862				2,862
	COMM—COMBAT SUPPORT COMM						
032A	MOD-IN-SERVICE PROFILER						
	COMM—C3 SYSTEM						
033	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		22,996				22,996
	COMM—COMBAT COMMUNICATIONS						
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)		1,705				1,705
035	JOINT TACTICAL RADIO SYSTEM		90,204		-55,200		35,004
	Testing delays in JTRS GMR				[-55,200]		
036	RADIO TERMINAL SET, MIDS LVT(2)		8,549				8,549
037	SINGGARS FAMILY		6,812				6,812
038	AMC CRITICAL ITEMS—OPA2						
038A	SINGGARS—GROUND						
039	MULTI-PURPOSE INFORMATION OPERATIONS SYSEMS		6,164				6,164
040	BRIDGE TO FUTURE NETWORKS						
041	COMMS-ELEC EQUIP FIELDING						
042	SPIDER APLA REMOTE CONTROL UNIT		21,820				21,820
043	IMS REMOTE CONTROL UNIT		9,256				9,256
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELEC-		4,646				4,646
	TRONICS.						
045	COMBAT SURVIVOR EVADER LOCATOR (CSEL)		2,367				2,367
046	RADIO, IMPROVED HF (COTS) FAMILY		6,555				6,555
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)		18,583				18,583
	COMM—INTELLIGENCE COMM						
048	CI AUTOMATION ARCHITECTURE (MIP)		1,414				1,414
	INFORMATION SECURITY						
049	TSEC—ARMY KEY MGT SYS (AKMS)		29,525				29,525
050	INFORMATION SYSTEM SECURITY PROGRAM—ISSP		33,189				33,189
	COMM—LONG HAUL COMMUNICATIONS						
051	TERRESTRIAL TRANSMISSION		1,890				1,890
052	BASE SUPPORT COMMUNICATIONS		25,525				25,525
053	ELECTROMAG COMP PROG (EMCP)						
054	WW TECH CON IMP PROG (WWTCIP)		31,256				31,256
	COMM—BASE COMMUNICATIONS						
055	INFORMATION SYSTEMS		216,057				216,057
056	DEFENSE MESSAGE SYSTEM (DMS)		6,203				6,203
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM		147,111				147,111
	(.						
058	PENTAGON INFORMATION MGT AND TELECOM		39,906				39,906
	ELECT EQUIP—TACT INT REL ACT (TIARA)						
061	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)						
062	JTT/CIBS-M (MIP)		3,279				3,279
063	PROPHET GROUND (MIP)		64,498				64,498
064	TACTICAL UNMANNED AERIAL SYS (TUAS) MIP						
065	SMALL UNMANNED AERIAL SYSTEM (SUAS)						
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)						
067	DRUG INTERDICTION PROGRAM (DIP) (TIARA)						
068	TACTICAL EXPLOITATION SYSTEM (MIP)						
069	DCGS-A (MIP)		85,354				85,354
070	JOINT TACTICAL GROUND STATION (JTAGS)		6,703		-6,700		3
	Program reduction				[-6,700]		
071	TROJAN (MIP)		26,659				26,659
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)		7,021				7,021
073	CI HUMINT AUTO REPRTING AND COLL (CHARCS) (MIP)		4,509				4,509
074	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM		6,420				6,420
075	ITEMS LESS THAN \$5.0M (MIP)		17,053				17,053
	ELECT EQUIP—ELECTRONIC WARFARE (EW)						
076	LIGHTWEIGHT COUNTER MORTAR RADAR		31,661				31,661
077	WARLOCK						
078	COUNTERINTELLIGENCE/SECURITY COUNTER-		1,284				1,284
	MEASURES.						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
079	CI MODERNIZATION (MIP)		1,221				1,221
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)						
080	SENTINEL MODS		25,863				25,863
081	SENSE THROUGH THE WALL (STTW)		25,352				25,352
082	NIGHT VISION DEVICES		366,820				266,820
	Contractor production delays in ENVG line				-100,000 [-100,000]		
083	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYS- TEM.		133,836				133,836
084	NIGHT VISION, THERMAL WPN SIGHT		313,237				313,237
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF		9,179				9,179
086	RADIATION MONITORING SYSTEMS		2,198				2,198
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)						
088	BASE EXPEDITIONARY TARGETING AND SURV SYS						
089	ARTILLERY ACCURACY EQUIP		5,838				5,838
090	MOD OF IN-SVC EQUIP (MMS)						
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE PROFILER		1,178				1,178
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)		4,766				4,766
093	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)		2,801				2,801
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P)		271,979				271,979
095	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD COMPUTER BALLISTICS: LHMCB XM32		17,242				17,242
096	MORTAR FIRE CONTROL SYSTEM		59,080				59,080
097	COUNTERFIRE RADARS						
098	INTEGRATED MET SYS SENSORS (IMETS)—MIP		15,520				15,520
099	ENHANCED SENSOR & MONITORING SYSTEM		194,665				194,665
100	ELECT EQUIP—TACTICAL C2 SYSTEMS						
101	TACTICAL OPERATIONS CENTERS		1,944				1,944
102	FIRE SUPPORT C2 FAMILY		29,934				29,934
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC.		39,042				39,042
104	FAAD C2		31,968				31,968
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD ..		8,289				8,289
106	KNIGHT FAMILY		62,439				62,439
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		80,831				80,831
108	AUTOMATIC IDENTIFICATION TECHNOLOGY		1,778				1,778
109	TC AIMS II		31,542				31,542
110	JOINT NETWORK MANAGEMENT SYSTEM (JNMS)		11,124				11,124
111	TACTICAL INTERNET MANAGER						
112	NETWORK MANAGEMENT INITIALIZATION AND SERV- ICE.		53,898				53,898
113	MANEUVER CONTROL SYSTEM (MCS)		77,646				77,646
114	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)		46,861				46,861
115	RECONNAISSANCE AND SURVEYING INSTRUMENT SET ...		11,118				11,118
116	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)		926				926
117	ELECT EQUIP—AUTOMATION						
118	GENERAL FUND ENTERPRISE BUSINESS SYSTEM		85,801				85,801
119	ARMY TRAINING MODERNIZATION		12,823				12,823
120	AUTOMATED DATA PROCESSING EQUIP		254,723				254,723
121	CSS COMMUNICATIONS		33,749				33,749
122	RESERVE COMPONENT AUTOMATION SYS (RCAS)		39,675				39,675
123	ELECT EQUIP—AUDIO VISUAL SYS (A/V)						
124	AFRTS						
125	ITEMS LESS THAN \$5.0M (A/V)		2,709				2,709
126	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)		5,172				5,172
127	ELECT EQUIP—MODS TACTICAL SYS/EQ						
128	WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS)						
129	ELECT EQUIP—SUPPORT						
130	ITEMS UNDER \$5M (SSE)						
131	PRODUCTION BASE SUPPORT (C-E)		518				518
132	CLASSIFIED PROGRAMS		2,522				2,522
133	OTHER SUPPORT EQUIPMENT						
134	CHEMICAL DEFENSIVE EQUIPMENT						
135	PROTECTIVE SYSTEMS		2,081				2,081
136	CBRN SOLDIER PROTECTION		108,334				108,334
137	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM) ...		7,135				7,135
138	BRIDGING EQUIPMENT						
139	TACTICAL BRIDGING		58,509				58,509
140	TACTICAL BRIDGE, FLOAT-RIBBON		135,015				135,015
141	ENGINEER (NON-CONSTRUCTION) EQUIPMENT						
142	HANDHELD STANDOFF MINEFIELD DETECTION SYS- HST.		42,264				42,264
143	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS FIDO explosives detector		56,123		7,000 [7,000]		63,123
144	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)		49,333				49,333
145	< \$5M, COUNTERMINE EQUIPMENT		3,479				3,479
146	AERIAL DETECTION		11,200				11,200
147	COMBAT SERVICE SUPPORT EQUIPMENT						
148	HEATERS AND ECU'S		11,924				11,924

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
140	LAUNDRIES, SHOWERS AND LATRINES						
141	SOLDIER ENHANCEMENT		4,071				4,071
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)						
142A	LAND WARRIOR						
143	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)		6,981				6,981
144	GROUND SOLDIER SYSTEM		1,809				1,809
145	MOUNTED SOLDIER SYSTEM		1,085				1,085
146	FORCE PROVIDER						
147	FIELD FEEDING EQUIPMENT		57,872				57,872
148	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM.		66,381				66,381
149	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM:		16,585				16,585
150	ITEMS LESS THAN \$5M (ENG SPT)		25,531				25,531
	PETROLEUM EQUIPMENT						
151	QUALITY SURVEILLANCE EQUIPMENT						
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER		84,019				84,019
	WATER EQUIPMENT						
153	WATER PURIFICATION SYSTEMS		7,173				7,173
	MEDICAL EQUIPMENT						
154	COMBAT SUPPORT MEDICAL		33,694		8,300		41,994
	Combat casualty care equipment upgrade program				[8,300]		
	MAINTENANCE EQUIPMENT						
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS		137,002				137,002
156	ITEMS LESS THAN \$5.0M (MAINT EQ)		812				812
	CONSTRUCTION EQUIPMENT						
157	GRADER, ROAD MTZD, HVY, 6X4 (CCE)		50,897				50,897
158	SKID STEER LOADER (SSL) FAMILY OF SYSTEM		18,387				18,387
159	SCRAPERS, EARTHMOVING						
160	DISTR, WATER, SP MIN 2500G SEC/NON-SEC						
161	MISSION MODULES—ENGINEERING		44,420				44,420
162	LOADERS		20,824				20,824
163	HYDRAULIC EXCAVATOR		18,785				18,785
164	TRACTOR, FULL TRACKED		50,102				50,102
165	CRANES						
166	PLANT, ASPHALT MIXING		12,915				12,915
167	HIGH MOBILITY ENGINEER EXCAVATOR (HME) FOS		36,451				36,451
168	CONST EQUIP ESP		8,391				8,391
169	ITEMS LESS THAN \$5.0M (CONST EQUIP)		12,562				12,562
	RAIL FLOAT CONTAINERIZATION EQUIPMENT						
170	JOINT HIGH SPEED VESSEL (JHSV)		183,666				183,666
171	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC).		10,962				10,962
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)		6,785				6,785
	GENERATORS						
173	GENERATORS AND ASSOCIATED EQUIP		146,067				146,067
	MATERIAL HANDLING EQUIPMENT						
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)		41,239				41,239
175	ALL TERRAIN LIFTING ARMY SYSTEM		44,898				44,898
	TRAINING EQUIPMENT						
176	COMBAT TRAINING CENTERS SUPPORT		22,967				22,967
177	TRAINING DEVICES, NONSYSTEM		261,348		22,440		283,788
	Operator driving simulator				[5,000]		
	Immersive group simulation virtual training system				[5,500]		
	Joint fires & effects training systems (JFETS)				[5,000]		
	Urban training instrumentation				[2,000]		
	Virtual interactive combat environment (VICE)				[4,940]		
178	CLOSE COMBAT TACTICAL TRAINER		65,155				65,155
179	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA		12,794				12,794
180	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING		7,870				7,870
	TEST MEASURE AND DIG EQUIPMENT (TMD)						
181	CALIBRATION SETS EQUIPMENT		16,844				16,844
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)		101,320				101,320
183	TEST EQUIPMENT MODERNIZATION (TEMOD)		15,526				15,526
	OTHER SUPPORT EQUIPMENT						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		21,770				21,770
185	PHYSICAL SECURITY SYSTEMS (OPA3)		49,758				49,758
186	BASE LEVEL COM'L EQUIPMENT		1,303				1,303
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		53,884				53,884
188	PRODUCTION BASE SUPPORT (OTH)		3,050				3,050
189	BUILDING, PRE-FAB, RELOCATABLE						
190	SPECIAL EQUIPMENT FOR USER TESTING		45,516				45,516
191	AMC CRITICAL ITEMS OPA3		12,232				12,232
192	MA8975		4,492				4,492
	SPARES AND REPAIR PARTS						
	OPA2						
193	INITIAL SPARES—C&E		25,867				25,867
194	WIN-T INCREMENT 2 SPARES		9,758				9,758
194a	Procurement of computer services/systems				-75,000		-75,000
	Eliminate redundant activities				[-75,000]		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL—OTHER PROCUREMENT, ARMY		9,907,151		-289,160		9,617,991
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND						
	NETWORK ATTACK						
001	ATTACK THE NETWORK		203,100		-203,100		
	Transfer to OCO				[-203,100]		
	JIEDDO DEVICE DEFEAT						
002	DEFEAT THE DEVICE		199,100		-199,100		
	Transfer to OCO				[-199,100]		
	FORCE TRAINING						
003	TRAIN THE FORCE		41,100		-41,100		
	Transfer to OCO				[-41,100]		
	STAFF AND INFRASTRUCTURE						
004	OPERATIONS		121,550		-121,550		
	Transfer to OCO				[-121,550]		
	TOTAL—JOINT IED DEFEAT FUND		564,850		-564,850		
	AIRCRAFT PROCUREMENT, NAVY						
	COMBAT AIRCRAFT						
001	AV-8B (V/STOL) HARRIER						
002	EA-18G	22	1,611,837			22	1,611,837
003	ADVANCE PROCUREMENT (CY)		20,559				20,559
004	F/A-18E/F (FIGHTER) HORNET	9	1,009,537	9	560,000	18	1,569,537
	Additional aircraft				[560,000]		
005	ADVANCE PROCUREMENT (CY)		51,431				51,431
006	JOINT STRIKE FIGHTER	20	3,997,048			20	3,997,048
007	ADVANCE PROCUREMENT (CY)		481,000				481,000
008	V-22 (MEDIUM LIFT)	30	2,215,829			30	2,215,829
009	ADVANCE PROCUREMENT (CY)		84,342				84,342
010	UH-1Y/AH-1Z	28	709,801	-10	-282,900	18	426,901
	Maintain production at FY 09 level				[-282,900]		
011	ADVANCE PROCUREMENT (CY)		70,550				70,550
012	MH-60S (MYP)	18	414,145			18	414,145
013	ADVANCE PROCUREMENT (CY)		78,830				78,830
014	MH-60R	24	811,781			24	811,781
015	ADVANCE PROCUREMENT (CY)		131,504				131,504
016	P-8A POSEIDON	6	1,664,525			6	1,664,525
017	ADVANCE PROCUREMENT (CY)		160,526				160,526
018	E-2D ADV HAWKEYE	2	511,245			2	511,245
019	ADVANCE PROCUREMENT (CY)		94,924				94,924
	AIRLIFT AIRCRAFT						
020	C-40A	1	74,381			1	74,381
	TRAINER AIRCRAFT						
021	T-45TS (TRAINER) GOSHAWK						
022	JPATS	38	266,539			38	266,539
	OTHER AIRCRAFT						
023	KC-130J						
024	ADVANCE PROCUREMENT (CY)						
025	RQ-7 UAV	11	56,797			11	56,797
026	MQ-8 UAV	5	77,616			5	77,616
027	OTHER SUPPORT AIRCRAFT						
	MODIFICATION OF AIRCRAFT						
028	EA-6 SERIES		39,977				39,977
029	AV-8 SERIES		35,668				35,668
030	F-18 SERIES		484,129				484,129
031	H-46 SERIES		35,325				35,325
032	AH-1W SERIES		66,461				66,461
033	H-53 SERIES		68,197				68,197
034	SH-60 SERIES		82,253				82,253
035	H-1 SERIES		20,040				20,040
036	EP-3 SERIES		92,530				92,530
037	P-3 SERIES		485,171				485,171
038	S-3 SERIES						
039	E-2 SERIES		22,853				22,853
040	TRAINER A/C SERIES		20,907				20,907
041	C-2A		21,343				21,343
042	C-130 SERIES		22,449				22,449
043	FEWSG		9,486				9,486
044	CARGO/TRANSPORT A/C SERIES		19,429				19,429
045	E-6 SERIES		102,646				102,646
046	EXECUTIVE HELICOPTERS SERIES		42,456				42,456
047	SPECIAL PROJECT AIRCRAFT		14,869				14,869
048	T-45 SERIES		51,484				51,484
049	POWER PLANT CHANGES		26,395				26,395
050	JPATS SERIES		4,922				4,922
051	AVIATION LIFE SUPPORT MODS		5,594				5,594
052	COMMON ECM EQUIPMENT		47,419				47,419

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
053	COMMON AVIONICS CHANGES		151,112				151,112
054	COMMON DEFENSIVE WEAPON SYSTEM						
055	ID SYSTEMS		24,125				24,125
056	V-22 (TILT/ROTOR ACFT) OSPREY		24,502				24,502
	AIRCRAFT SPARES AND REPAIR PARTS						
057	SPARES AND REPAIR PARTS		1,264,012				1,264,012
	AIRCRAFT SUPPORT EQUIP & FACILITIES						
058	COMMON GROUND EQUIPMENT		363,588				363,588
059	AIRCRAFT INDUSTRIAL FACILITIES		11,075				11,075
060	WAR CONSUMABLES		55,406				55,406
061	OTHER PRODUCTION CHARGES		23,861				23,861
062	SPECIAL SUPPORT EQUIPMENT		42,147				42,147
063	FIRST DESTINATION TRANSPORTATION		1,734				1,734
064	CANCELLED ACCOUNT ADJUSTMENTS						
	TOTAL—AIRCRAFT PROCUREMENT, NAVY		18,378,312		277,100		18,655,412
	WEAPONS PROCUREMENT, NAVY						
	BALLISTIC MISSILES						
	MODIFICATION OF MISSILES						
001	TRIDENT II MODS	24	1,060,504			24	1,060,504
	SUPPORT EQUIPMENT & FACILITIES						
002	MISSILE INDUSTRIAL FACILITIES		3,447				3,447
	OTHER MISSILES						
	STRATEGIC MISSILES						
003	TOMAHAWK	196	283,055			196	283,055
	TACTICAL MISSILES						
004	AMRAAM	79	145,506			79	145,506
005	SIDEWINDER	161	56,845			161	56,845
006	JSOW	430	145,336			430	145,336
007	SLAM-ER						
008	STANDARD MISSILE	62	249,233			62	249,233
009	RAM	90	74,784			90	74,784
010	HELLFIRE	818	59,411			818	59,411
011	AERIAL TARGETS		47,003				47,003
012	OTHER MISSILE SUPPORT		3,928				3,928
	MODIFICATION OF MISSILES						
013	ESSM	50	51,388			50	51,388
014	HARM MODS		47,973				47,973
015	STANDARD MISSILES MODS		81,451				81,451
	SUPPORT EQUIPMENT & FACILITIES						
016	WEAPONS INDUSTRIAL FACILITIES		3,211		30,000		33,211
	Accelerate facility restoration program				[30,000]		
017	FLEET SATELLITE COMM FOLLOW-ON	1	487,280			1	487,280
018	ADVANCE PROCUREMENT (CY)		28,847		32,000		60,847
	MUOS UHF augmentation—transfer from PE 33109N (RDN 192).				[32,000]		
	ORDNANCE SUPPORT EQUIPMENT						
019	ORDNANCE SUPPORT EQUIPMENT		48,883				48,883
	TORPEDOES AND RELATED EQUIPMENT						
	TORPEDOES AND RELATED EQUIP.						
020	SSTD						
021	ASW TARGETS		9,288				9,288
	MOD OF TORPEDOES AND RELATED EQUIP						
022	MK-46 TORPEDO MODS		94,159				94,159
023	MK-48 TORPEDO ADCAP MODS		61,608				61,608
024	QUICKSTRIKE MINE		4,680				4,680
	SUPPORT EQUIPMENT						
025	TORPEDO SUPPORT EQUIPMENT		39,869				39,869
026	ASW RANGE SUPPORT		10,044				10,044
	DESTINATION TRANSPORTATION						
027	FIRST DESTINATION TRANSPORTATION		3,434				3,434
	OTHER WEAPONS						
	GUNS AND GUN MOUNTS						
028	SMALL ARMS AND WEAPONS		12,742				12,742
	MODIFICATION OF GUNS AND GUN MOUNTS						
029	CIWS MODS		158,896				158,896
030	COAST GUARD WEAPONS		21,157				21,157
031	GUN MOUNT MODS		30,761				30,761
032	LCS MODULE WEAPONS						
033	CRUISER MODERNIZATION WEAPONS		51,227				51,227
034	AIRBORNE MINE NEUTRALIZATION SYSTEMS		12,309				12,309
	OTHER						
035	MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM						
036	CANCELLED ACCOUNT ADJUSTMENTS						
	SPARES AND REPAIR PARTS						
037	SPARES AND REPAIR PARTS		65,196				65,196
	TOTAL—WEAPONS PROCUREMENT, NAVY		3,453,455		62,000		3,515,455

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS							
PROC AMMO, NAVY							
NAVY AMMUNITION							
001	GENERAL PURPOSE BOMBS		75,227				75,227
002	JDAM		1,968				1,968
003	AIRBORNE ROCKETS, ALL TYPES		38,643				38,643
004	MACHINE GUN AMMUNITION		19,622				19,622
005	PRACTICE BOMBS		33,803				33,803
006	CARTRIDGES & CART ACTUATED DEVICES		50,600				50,600
007	AIR EXPENDABLE COUNTERMEASURES		79,102				79,102
008	JATOS		3,230				3,230
009	5 INCH/54 GUN AMMUNITION		27,483				27,483
010	INTERMEDIATE CALIBER GUN AMMUNITION		25,974				25,974
011	OTHER SHIP GUN AMMUNITION		35,934				35,934
012	SMALL ARMS & LANDING PARTY AMMO		43,490				43,490
013	PYROTECHNIC AND DEMOLITION		10,623				10,623
014	AMMUNITION LESS THAN \$5 MILLION		3,214				3,214
PROC AMMO, MC							
MARINE CORPS AMMUNITION							
015	SMALL ARMS AMMUNITION		87,781				87,781
016	LINEAR CHARGES, ALL TYPES		23,582				23,582
017	40 MM, ALL TYPES		57,291				57,291
018	60MM, ALL TYPES		22,037				22,037
019	81MM, ALL TYPES		54,869				54,869
020	120MM, ALL TYPES		29,579				29,579
021	CTG 25MM, ALL TYPES		2,259				2,259
022	GRENADES, ALL TYPES		10,694				10,694
023	ROCKETS, ALL TYPES		13,948				13,948
024	ARTILLERY, ALL TYPES		57,948				57,948
025	EXPEDITIONARY FIGHTING VEHICLE						
026	DEMOLITION MUNITIONS, ALL TYPES		14,886				14,886
027	FUZE, ALL TYPES		575				575
028	NON LETHALS		3,034				3,034
029	AMMO MODERNIZATION		8,886				8,886
030	ITEMS LESS THAN \$5 MILLION		4,393				4,393
TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS.			840,675				840,675
SHIPBUILDING AND CONVERSION, NAVY							
OTHER WARSHIPS							
001	CARRIER REPLACEMENT PROGRAM		739,269				739,269
002	ADVANCE PROCUREMENT (CY)		484,432				484,432
003	VIRGINIA CLASS SUBMARINE	1	1,964,317			1	1,964,317
004	ADVANCE PROCUREMENT (CY)		1,959,725				1,959,725
005	CVN REFUELING OVERHAULS		1,563,602				1,563,602
006	ADVANCE PROCUREMENT (CY)		211,820				211,820
007	SSBN ERO						
008	ADVANCE PROCUREMENT (CY)						
009	DDG 1000		1,084,161				1,084,161
010	ADVANCE PROCUREMENT (CY)						
011	DDG-51	1	1,912,267			1	1,912,267
012	ADVANCE PROCUREMENT (CY)		328,996				328,996
013	LITTORAL COMBAT SHIP	3	1,380,000			3	1,380,000
AMPHIBIOUS SHIPS							
014	LPD-17		872,392				872,392
015	ADVANCE PROCUREMENT (CY)		184,555				184,555
016	LHA REPLACEMENT						
017	ADVANCE PROCUREMENT (CY)						
018	INTRATHEATER CONNECTOR	1	177,956			1	177,956
AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST							
019	OUTFITTING		391,238				391,238
020	SERVICE CRAFT		3,694				

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
005	SUB PERISCOPES & IMAGING EQUIP		75,127				75,127
	OTHER SHIPBOARD EQUIPMENT						
006	DDG MOD		142,262				142,262
007	FIREFIGHTING EQUIPMENT		11,423		4,000		15,423
	Smart valves for fire suppression				[4,000]		
008	COMMAND AND CONTROL SWITCHBOARD		4,383				4,383
009	POLLUTION CONTROL EQUIPMENT		24,992				24,992
010	SUBMARINE SUPPORT EQUIPMENT		16,867				16,867
011	VIRGINIA CLASS SUPPORT EQUIPMENT		103,153				103,153
012	SUBMARINE BATTERIES		51,482				51,482
013	STRATEGIC PLATFORM SUPPORT EQUIP		15,672				15,672
014	DSSP EQUIPMENT		10,641				10,641
015	CG MODERNIZATION		315,323				315,323
016	LCAC		6,642				6,642
017	MINESWEEPING EQUIPMENT						
018	UNDERWATER EOD PROGRAMS		19,232				19,232
019	ITEMS LESS THAN \$5 MILLION		127,554				127,554
020	CHEMICAL WARFARE DETECTORS		8,899				8,899
021	SUBMARINE LIFE SUPPORT SYSTEM		14,721				14,721
	REACTOR PLANT EQUIPMENT						
022	REACTOR POWER UNITS						
023	REACTOR COMPONENTS		262,354				262,354
	OCEAN ENGINEERING						
024	DIVING AND SALVAGE EQUIPMENT		5,304				5,304
	SMALL BOATS						
025	STANDARD BOATS		35,318				35,318
	TRAINING EQUIPMENT						
026	OTHER SHIPS TRAINING EQUIPMENT		15,113				15,113
	PRODUCTION FACILITIES EQUIPMENT						
027	OPERATING FORCES IPE		47,172				47,172
	OTHER SHIP SUPPORT						
028	NUCLEAR ALTERATIONS		136,683				136,683
029	LCS MODULES		137,259				137,259
	LOGISTIC SUPPORT						
030	LSD MIDLIFE		117,856				117,856
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	SHIP RADARS						
031	RADAR SUPPORT		9,968				9,968
032	SPQ-9B RADAR		13,476				13,476
033	AN/SQQ-89 SURF ASW COMBAT SYSTEM		111,093				111,093
034	SSN ACOUSTICS		299,962		4,000		303,962
	TB-33 thinline towed array				[4,000]		
035	UNDERSEA WARFARE SUPPORT EQUIPMENT		38,705				38,705
036	SONAR SWITCHES AND TRANSDUCERS		13,537				13,537
	ASW ELECTRONIC EQUIPMENT						
037	SUBMARINE ACOUSTIC WARFARE SYSTEM		20,681				20,681
038	SSTD		2,184				2,184
039	FIXED SURVEILLANCE SYSTEM		63,017				63,017
040	SURTASS		24,108				24,108
041	TACTICAL SUPPORT CENTER		22,464				22,464
	ELECTRONIC WARFARE EQUIPMENT						
042	AN/SLQ-32		34,264				34,264
	RECONNAISSANCE EQUIPMENT						
043	SHIPBOARD IW EXPLOIT		105,883				105,883
	SUBMARINE SURVEILLANCE EQUIPMENT						
044	SUBMARINE SUPPORT EQUIPMENT PROG		98,645				98,645
	OTHER SHIP ELECTRONIC EQUIPMENT						
045	NAVY TACTICAL DATA SYSTEM						
046	COOPERATIVE ENGAGEMENT CAPABILITY		30,522				30,522
047	GCCS-M EQUIPMENT		13,594				13,594
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		35,933				35,933
049	ATDLS		7,314				7,314
050	MINESWEEPING SYSTEM REPLACEMENT		79,091				79,091
051	SHALLOW WATER MCM		7,835				7,835
052	NAVSTAR GPS RECEIVERS (SPACE)		10,845				10,845
053	ARMED FORCES RADIO AND TV		3,333				3,333
054	STRATEGIC PLATFORM SUPPORT EQUIP		4,149				4,149
	TRAINING EQUIPMENT						
055	OTHER TRAINING EQUIPMENT		36,784				36,784
	AVIATION ELECTRONIC EQUIPMENT						
056	MATCALS		17,468				17,468
057	SHIPBOARD AIR TRAFFIC CONTROL		7,970				7,970
058	AUTOMATIC CARRIER LANDING SYSTEM		18,878				18,878
059	NATIONAL AIR SPACE SYSTEM		28,988				28,988
060	AIR STATION SUPPORT EQUIPMENT		8,203				8,203
061	MICROWAVE LANDING SYSTEM		10,526				10,526
062	ID SYSTEMS		38,682				38,682
063	TAC A/C MISSION PLANNING SYS (TAMPS)		9,102				9,102
	OTHER SHORE ELECTRONIC EQUIPMENT						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
064	DEPLOYABLE JOINT COMMAND AND CONT		8,719				8,719
065	TADIX-B		793				793
066	GCCS-M EQUIPMENT TACTICAL/MOBILE		11,820				11,820
067	COMMON IMAGERY GROUND SURFACE SYSTEMS		27,632				27,632
068	CANES		1,181				1,181
069	RADIAC		5,990				5,990
070	GPETE		3,737				3,737
071	INTEG COMBAT SYSTEM TEST FACILITY		4,423				4,423
072	EMI CONTROL INSTRUMENTATION		4,778				4,778
073	ITEMS LESS THAN \$5 MILLION		65,760				65,760
	SHIPBOARD COMMUNICATIONS						
074	SHIPBOARD TACTICAL COMMUNICATIONS						
075	PORTABLE RADIOS						
076	SHIP COMMUNICATIONS AUTOMATION		310,605				310,605
077	AN/URC-82 RADIO		4,913				4,913
078	COMMUNICATIONS ITEMS UNDER \$5M		25,314				25,314
	SUBMARINE COMMUNICATIONS						
079	SUBMARINE BROADCAST SUPPORT		105				105
080	SUBMARINE COMMUNICATION EQUIPMENT		48,729				48,729
	SATELLITE COMMUNICATIONS						
081	SATELLITE COMMUNICATIONS SYSTEMS		50,172				50,172
082	NAVY MULTIBAND TERMINAL (NMT)		72,496				72,496
	SHORE COMMUNICATIONS						
083	JCS COMMUNICATIONS EQUIPMENT		2,322				2,322
084	ELECTRICAL POWER SYSTEMS		1,293				1,293
085	NAVAL SHORE COMMUNICATIONS		2,542				2,542
	CRYPTOGRAPHIC EQUIPMENT						
086	INFO SYSTEMS SECURITY PROGRAM (ISSP)		119,054				119,054
087	CRYPTOLOGIC COMMUNICATIONS EQUIP		16,839				16,839
	OTHER ELECTRONIC SUPPORT						
088	COAST GUARD EQUIPMENT		18,892				18,892
	DRUG INTERDICTION SUPPORT						
089	OTHER DRUG INTERDICTION SUPPORT						
	AVIATION SUPPORT EQUIPMENT						
	SONOBUOYS						
090	SONOBUOYS—ALL TYPES		91,976				91,976
	AIRCRAFT SUPPORT EQUIPMENT						
091	WEAPONS RANGE SUPPORT EQUIPMENT		75,329				75,329
092	EXPEDITIONARY AIRFIELDS		8,343				8,343
093	AIRCRAFT REARMING EQUIPMENT		12,850				12,850
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT		48,670				48,670
095	METEOROLOGICAL EQUIPMENT		21,458				21,458
096	OTHER PHOTOGRAPHIC EQUIPMENT		1,582				1,582
097	AVIATION LIFE SUPPORT		27,367				27,367
098	AIRBORNE MINE COUNTERMEASURES		55,408				55,408
099	LAMPS MK III SHIPBOARD EQUIPMENT		23,694				23,694
100	PORTABLE ELECTRONIC MAINTENANCE AIDS		9,710				9,710
101	OTHER AVIATION SUPPORT EQUIPMENT		16,541				16,541
	ORDNANCE SUPPORT EQUIPMENT						
	SHIP GUN SYSTEM EQUIPMENT						
102	NAVAL FIRES CONTROL SYSTEM		1,391				1,391
103	GUN FIRE CONTROL EQUIPMENT		7,891				7,891
	SHIP MISSILE SYSTEMS EQUIPMENT						
104	NATO SEASPARROW		13,556				13,556
105	RAM GMLS		7,762				7,762
106	SHIP SELF DEFENSE SYSTEM		34,079				34,079
107	AEGIS SUPPORT EQUIPMENT		108,886				108,886
108	TOMAHAWK SUPPORT EQUIPMENT		88,475				88,475
109	VERTICAL LAUNCH SYSTEMS		5,513				5,513
	FBM SUPPORT EQUIPMENT						
110	STRATEGIC MISSILE SYSTEMS EQUIP		155,579				155,579
	ASW SUPPORT EQUIPMENT						
111	SSN COMBAT CONTROL SYSTEMS		118,528				118,528
112	SUBMARINE ASW SUPPORT EQUIPMENT		5,200				5,200
113	SURFACE ASW SUPPORT EQUIPMENT		13,646				13,646
114	ASW RANGE SUPPORT EQUIPMENT		7,256				7,256
	OTHER ORDNANCE SUPPORT EQUIPMENT						
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		54,069				54,069
116	ITEMS LESS THAN \$5 MILLION		3,478				3,478
	OTHER EXPENDABLE ORDNANCE						
117	ANTI-SHIP MISSILE DECOY SYSTEM		37,128				37,128
118	SURFACE TRAINING DEVICE MODS		7,430				7,430
119	SUBMARINE TRAINING DEVICE MODS		25,271				25,271
	CIVIL ENGINEERING SUPPORT EQUIPMENT						
120	PASSENGER CARRYING VEHICLES		4,139				4,139
121	GENERAL PURPOSE TRUCKS		1,731				1,731
122	CONSTRUCTION & MAINTENANCE EQUIP		12,931				12,931
123	FIRE FIGHTING EQUIPMENT		12,976				12,976
124	TACTICAL VEHICLES		25,352				25,352

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
125	AMPHIBIOUS EQUIPMENT		2,950				2,950
126	POLLUTION CONTROL EQUIPMENT		5,097				5,097
127	ITEMS UNDER \$5 MILLION		23,787				23,787
128	PHYSICAL SECURITY VEHICLES		1,115				1,115
	SUPPLY SUPPORT EQUIPMENT						
129	MATERIALS HANDLING EQUIPMENT		17,153				17,153
130	OTHER SUPPLY SUPPORT EQUIPMENT		6,368				6,368
131	FIRST DESTINATION TRANSPORTATION		6,217				6,217
132	SPECIAL PURPOSE SUPPLY SYSTEMS		71,597				71,597
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT						
	TRAINING DEVICES						
133	TRAINING SUPPORT EQUIPMENT		12,944				12,944
	COMMAND SUPPORT EQUIPMENT						
134	COMMAND SUPPORT EQUIPMENT		55,267		1,000		56,267
	National small unit center of excellence				[-3,000]		
	Man overboard indicators				[4,000]		
135	EDUCATION SUPPORT EQUIPMENT		2,084				2,084
136	MEDICAL SUPPORT EQUIPMENT		5,517				5,517
137	NAVAL MIP SUPPORT EQUIPMENT		1,537				1,537
139	OPERATING FORCES SUPPORT EQUIPMENT		12,250				12,250
140	C4ISR EQUIPMENT		5,324				5,324
141	ENVIRONMENTAL SUPPORT EQUIPMENT		18,183				18,183
142	PHYSICAL SECURITY EQUIPMENT		128,921				128,921
143	ENTERPRISE INFORMATION TECHNOLOGY		79,747				79,747
	OTHER						
144	CANCELLED ACCOUNT ADJUSTMENTS						
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		19,463				19,463
	SPARES AND REPAIR PARTS						
145	SPARES AND REPAIR PARTS		247,796				247,796
145a	Procurement of computer services/systems				-75,000		-75,000
	Eliminate redundant activities				[-75,000]		
	TOTAL—OTHER PROCUREMENT, NAVY		5,661,176		-66,000		5,595,176
	PROCUREMENT, MARINE CORPS						
	WEAPONS AND COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
001	AAV7A1 PIP		9,127				9,127
002	LAV PIP		34,969				34,969
003	IMPROVED RECOVERY VEHICLE (IRV)						
004	M1A1 FIREPOWER ENHANCEMENTS						
	ARTILLERY AND OTHER WEAPONS						
005	EXPEDITIONARY FIRE SUPPORT SYSTEM	20	19,591			20	19,591
006	155MM LIGHTWEIGHT TOWED HOWITZER		7,420				7,420
007	HIGH MOBILITY ARTILLERY ROCKET SYSTEM		71,476				71,476
008	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION ..		25,949				25,949
	WEAPONS						
009	MODULAR WEAPON SYSTEM						
	OTHER SUPPORT						
010	MODIFICATION KITS		33,990				33,990
011	WEAPONS ENHANCEMENT PROGRAM		22,238				22,238
	GUIDED MISSILES AND EQUIPMENT						
	GUIDED MISSILES						
012	GROUND BASED AIR DEFENSE		11,387				11,387
013	JAVELIN						
014	FOLLOW ON TO SMAW		25,333				25,333
015	ANTI-ARMOR WEAPONS SYSTEM—HEAVY (AAWS-H)		71,225				71,225
	OTHER SUPPORT						
016	MODIFICATION KITS		2,114				2,114
	COMMUNICATIONS & ELECTRONICS EQUIPMENT						
	COMMAND AND CONTROL SYSTEMS						
017	UNIT OPERATIONS CENTER		19,832				19,832
	REPAIR AND TEST EQUIPMENT						
018	REPAIR AND TEST EQUIPMENT		31,087				31,087
	OTHER SUPPORT (TEL)						
019	COMBAT SUPPORT SYSTEM		11,368				11,368
020	MODIFICATION KITS						
	COMMAND AND CONTROL SYSTEM (NON-TEL)						
021	ITEMS UNDER \$5 MILLION (COMM & ELEC)		3,531				3,531
022	AIR OPERATIONS C2 SYSTEMS		45,084				45,084
	RADAR + EQUIPMENT (NON-TEL)						
023	RADAR SYSTEMS		7,428				7,428
	INTELL/COMM EQUIPMENT (NON-TEL)						
024	FIRE SUPPORT SYSTEM		2,580				2,580
025	INTELLIGENCE SUPPORT EQUIPMENT		37,581				37,581
026	RQ-11 UAV	517	42,403			517	42,403
	OTHER COMMELEC EQUIPMENT (NON-TEL)						
027	NIGHT VISION EQUIPMENT		10,360				10,360

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	OTHER SUPPORT (NON-TEL)						
028	COMMON COMPUTER RESOURCES		115,263				115,263
029	COMMAND POST SYSTEMS		49,820				49,820
030	RADIO SYSTEMS		61,954				61,954
031	COMM SWITCHING & CONTROL SYSTEMS		98,254				98,254
032	COMM & ELEC INFRASTRUCTURE SUPPORT		15,531				15,531
	SUPPORT VEHICLES						
	ADMINISTRATIVE VEHICLES						
033	COMMERCIAL PASSENGER VEHICLES		1,265				1,265
034	COMMERCIAL CARGO VEHICLES		13,610				13,610
035	TACTICAL VEHICLES	54	9,796			54	9,796
036	MOTOR TRANSPORT MODIFICATIONS		6,111				6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT		10,792				10,792
038	LOGISTICS VEHICLE SYSTEM REP	495	217,390			495	217,390
039	FAMILY OF TACTICAL TRAILERS		26,497				26,497
040	TRAILERS		18,122				18,122
	OTHER SUPPORT						
041	ITEMS LESS THAN \$5 MILLION		5,948				5,948
	ENGINEER AND OTHER EQUIPMENT						
042	ENVIRONMENTAL CONTROL EQUIP ASSORT		5,121				5,121
043	BULK LIQUID EQUIPMENT		13,035				13,035
044	TACTICAL FUEL SYSTEMS		35,059				35,059
045	POWER EQUIPMENT ASSORTED		21,033				21,033
046	AMPHIBIOUS SUPPORT EQUIPMENT		39,876				39,876
047	EOD SYSTEMS		93,335				93,335
	MATERIALS HANDLING EQUIPMENT						
048	PHYSICAL SECURITY EQUIPMENT		12,169				12,169
049	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)		11,825				11,825
050	MATERIAL HANDLING EQUIP		41,430				41,430
051	FIRST DESTINATION TRANSPORTATION		5,301				5,301
	GENERAL PROPERTY						
052	FIELD MEDICAL EQUIPMENT		6,811				6,811
053	TRAINING DEVICES		14,854				14,854
054	CONTAINER FAMILY		3,770				3,770
055	FAMILY OF CONSTRUCTION EQUIPMENT		37,735				37,735
056	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV) ...	52	10,360			52	10,360
057	BRIDGE BOATS						
058	RAPID DEPLOYABLE KITCHEN		2,159				2,159
	OTHER SUPPORT						
059	ITEMS LESS THAN \$5 MILLION		8,792				8,792
	SPARES AND REPAIR PARTS						
060	SPARES AND REPAIR PARTS		41,547				41,547
	TOTAL—PROCUREMENT, MARINE CORPS		1,600,638				1,600,638
	AIRCRAFT PROCUREMENT, AIR FORCE						
	COMBAT AIRCRAFT						
	TACTICAL FORCES						
001	F-35	10	2,048,830			10	2,048,830
002	ADVANCE PROCUREMENT (CY)		300,600				300,600
003	F-22A		95,163	7	1,717,735	7	1,812,898
	Use FY 09 funds to offset FY 10 requirements				[-32,265]		
	Purchase additional aircraft				[1,750,000]		
	Unneeded production shutdown costs				[-64,000]		
	Other program requirements				[64,000]		
004	ADVANCE PROCUREMENT (CY)						
	AIRLIFT AIRCRAFT						
	TACTICAL AIRLIFT						
005	C-17A (MYP)		88,510				88,510
	OTHER AIRLIFT						
006	C-130J	3	285,632			3	285,632
007	ADVANCE PROCUREMENT (CY)		108,000				108,000
008	HC/MC-130 RECAP	9	879,231			9	879,231
009	ADVANCE PROCUREMENT (CY)		137,360				137,360
010	JOINT CARGO AIRCRAFT	8	319,050			8	319,050
	TRAINER AIRCRAFT						
	UPT TRAINERS						
011	USAF POWERED FLIGHT PROGRAM	13	4,144			13	4,144
	OPERATIONAL TRAINERS						
012	JPATS		15,711				15,711
	OTHER AIRCRAFT						
	HELICOPTERS						
013	V22 OSPREY	5	437,272			5	437,272
014	ADVANCE PROCUREMENT (CY)		13,835				13,835
	MISSION SUPPORT AIRCRAFT						
015	C-29A FLIGHT INSPECTION ACFT						
016	C-12 A						
017	C-40	3	154,044			3	154,044
018	CIVIL AIR PATROL A/C		2,426				2,426

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	OTHER AIRCRAFT						
020	TARGET DRONES		78,511				78,511
021	C-37A	1	66,400			1	66,400
022	GLOBAL HAWK	5	554,775		-50,000	5	504,775
	Reduction due to program delays				[-50,000]		
023	ADVANCE PROCUREMENT (CY)		113,049				113,049
024	MQ-1						
025	MQ-9	24	489,469		-19,900	24	469,569
	Gorgon Stare				[-19,900]		
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		3,608				3,608
	MODIFICATION OF IN-SERVICE AIRCRAFT						
	STRATEGIC AIRCRAFT						
026	B-2A		283,955				283,955
027	ADVANCE PROCUREMENT (CY)						
028	B-1B		107,558				107,558
029	B-52		78,788				78,788
	TACTICAL AIRCRAFT						
030	A-10		252,488				252,488
031	F-15		92,921				92,921
032	F-16		224,642				224,642
033	F-22A		350,735		-350,735		
	Use FY 09 funds to offset FY 10 requirements				[-350,735]		
	AIRLIFT AIRCRAFT						
034	C-5		606,993				606,993
035	ADVANCE PROCUREMENT (CY)		108,300				108,300
036	C-9C		10				10
037	C-17A		469,731				469,731
038	C-21		562				562
039	C-32A		10,644				10,644
040	C-37A		4,336				4,336
	TRAINER AIRCRAFT						
041	GLIDER MODS		119				119
042	T-6		33,074				33,074
043	T-1		35				35
044	T-38		75,274				75,274
045	T-43						
	OTHER AIRCRAFT						
046	KC-10A (ATCA)		9,441				9,441
047	C-12		472				472
048	MC-12W		63,000				63,000
049	C-20 MODS		734				734
050	VC-25A MOD		15,610				15,610
051	C-40		9,162				9,162
052	C-130		354,421		-209,500		144,921
	Use FY 08 & FY 09 resources to fund AMP production				[-209,500]		
053	C130J MODS		13,627				13,627
054	C-135		150,425				150,425
055	COMPASS CALL MODS		29,187				29,187
056	DARP		107,859				107,859
057	E-3		79,263				79,263
058	E-4		73,058				73,058
059	E-8		225,973				225,973
060	H-1		18,280				18,280
061	H-60		14,201				14,201
062	GLOBAL HAWK MODS		134,864				134,864
063	HC/MC-130 MODIFICATIONS		1,964				1,964
064	OTHER AIRCRAFT		103,274		24,000		127,274
	Litening ATP upgrade kits				[24,000]		
065	MQ-1 MODS		123,889				123,889
066	MQ-9 MODS		48,837				48,837
067	CV-22 MODS		24,429				24,429
	AIRCRAFT SPARES + REPAIR PARTS						
068	INITIAL SPARES/REPAIR PARTS		418,604				418,604
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
	COMMON SUPPORT EQUIP						
069	AIRCRAFT REPLACEMENT SUPPORT EQUIP		105,820				105,820
	POST PRODUCTION SUPPORT						
070	B-1		3,929				3,929
071	B-2A						
072	B-2A		24,481				24,481
073	C-5		2,259				2,259
074	C-5		11,787				11,787
075	KC-10A (ATCA)		4,125				4,125
076	C-17A		91,400				91,400
077	C-130		28,092				28,092
078	EC-130J		5,283				5,283
079	F-15		15,744				15,744
080	F-16		19,951				19,951

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
081	OTHER AIRCRAFT		51,980				51,980
082	T-1						
083	INDUSTRIAL PREPAREDNESS						
	INDUSTRIAL RESPONSIVENESS		25,529				25,529
084	WAR CONSUMABLES						
	WAR CONSUMABLES		134,427				134,427
085	OTHER PRODUCTION CHARGES						
	OTHER PRODUCTION CHARGES		490,344				490,344
087	OTHER PRODUCTION CHARGES—SOF						
	CANCELLED ACCT ADJUSTMENTS						
088	DARP						
	DARP		15,323				15,323
999	CLASSIFIED PROGRAMS						
	CLASSIFIED PROGRAMS		19,443				19,443
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE		11,966,276		1,111,600		13,077,876
	PROCUREMENT OF AMMUNITION, AIR FORCE						
	PROCUREMENT OF AMMO, AIR FORCE						
	ROCKETS						
001	ROCKETS		43,461				43,461
002	CARTRIDGES						
	CARTRIDGES		123,886				123,886
	BOMBS						
003	PRACTICE BOMBS		52,459				52,459
004	GENERAL PURPOSE BOMBS		225,145				225,145
005	JOINT DIRECT ATTACK MUNITION	3592	103,041			3592	103,041
	FLARE, IR MJU-7B						
006	CAD/PAD		40,522				40,522
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD)		3,302				3,302
008	SPARES AND REPAIR PARTS		4,582				4,582
009	MODIFICATIONS		1,289				1,289
010	ITEMS LESS THAN \$5,000,000		5,061				5,061
	FUZES						
011	FLARES		152,515				152,515
012	FUZES		61,037				61,037
	WEAPONS						
	SMALL ARMS						
013	SMALL ARMS		6,162				6,162
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE ..		822,462				822,462
	MISSILE PROCUREMENT, AIR FORCE						
	BALLISTIC MISSILES						
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC						
001	MISSILE REPLACEMENT EQ—BALLISTIC		58,139				58,139
	OTHER MISSILES						
	TACTICAL						
002	JASSM		52,666				52,666
003	SIDEWINDER (AIM-9X)	219	78,753			219	78,753
004	AMRAAM	196	291,827			196	291,827
005	PREDATOR HELLFIRE MISSILE	792	79,699			792	79,699
006	SMALL DIAMETER BOMB	2340	134,801			2340	134,801
	INDUSTRIAL FACILITIES						
007	INDUSTRIAL PREPAREDNESS/POL PREVENTION		841				841
	MODIFICATION OF IN-SERVICE MISSILES						
	CLASS IV						
008	ADVANCED CRUISE MISSILE		32				32
009	MM III MODIFICATIONS		199,484				199,484
010	AGM-65D MAVERICK		258				258
011	AGM-88A HARM		30,280				30,280
012	AIR LAUNCH CRUISE MISSILE (ALCM)						
	SPARES AND REPAIR PARTS						
	MISSILE SPARES + REPAIR PARTS						
013	INITIAL SPARES/REPAIR PARTS		70,185				70,185
	OTHER SUPPORT						
	SPACE PROGRAMS						
014	ADVANCED EHF	1	1,843,475			1	1,843,475
015	ADVANCE PROCUREMENT (CY)						
016	WIDEBAND GAPFILLER SATELLITES (SPACE)		201,671				201,671
017	ADVANCE PROCUREMENT (CY)		62,380				62,380
018	SPACEBORNE EQUIP (COMSEC)		9,871				9,871
019	GLOBAL POSITIONING (SPACE)		53,140				53,140
020	ADVANCE PROCUREMENT (CY)						
021	NUDET DETECTION SYSTEM						
022	DEF METEOROLOGICAL SAT PROG (SPACE)		97,764				97,764
023	TITAN SPACE BOOSTERS (SPACE)						
024	EVOLVED EXPENDABLE LAUNCH VEH (SPACE)	5	1,295,325		-193,000	5	1,102,325
	EELV reduction for GPS IF8				[-88,000]		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	EELV reduction for AFSPC4				[-105,000]		
025	MEDIUM LAUNCH VEHICLE (SPACE)						
026	SBIR HIGH (SPACE)	1	307,456			1	307,456
027	ADVANCE PROCUREMENT (CY)		159,000				159,000
028	NATL POLAR-ORBITING OP ENV SATELLITE		3,900				3,900
	SPECIAL PROGRAMS						
029	DEFENSE SPACE RECONN PROGRAM		105,152				105,152
031	SPECIAL UPDATE PROGRAMS		311,070				311,070
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		853,559				853,559
	TOTAL—MISSILE PROCUREMENT, AIR FORCE		6,300,728		-193,000		6,107,728
	OTHER PROCUREMENT, AIR FORCE						
	VEHICULAR EQUIPMENT						
	CARGO + UTILITY VEHICLES						
002	MEDIUM TACTICAL VEHICLE		25,922				25,922
003	CAP VEHICLES		897				897
	SPECIAL PURPOSE VEHICLES						
004	SECURITY AND TACTICAL VEHICLES		44,603				44,603
	FIRE FIGHTING EQUIPMENT						
005	FIRE FIGHTING/CRASH RESCUE VEHICLES		27,760				27,760
	MATERIALS HANDLING EQUIPMENT						
006	HALVERSEN LOADER				12,000		12,000
	Procure additional loaders				[12,000]		
	BASE MAINTENANCE SUPPORT						
007	RUNWAY SNOW REMOV AND CLEANING EQU		24,884				24,884
008	ITEMS LESS THAN \$5,000,000 (VEHICLES)		57,243				57,243
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		18,163				18,163
	ELECTRONICS AND TELECOMMUNICATIONS						
	COMM SECURITY EQUIPMENT (COMSEC)						
009	COMSEC EQUIPMENT		209,249				209,249
010	MODIFICATIONS (COMSEC)		1,570				1,570
	INTELLIGENCE PROGRAMS						
011	INTELLIGENCE TRAINING EQUIPMENT		4,230				4,230
012	INTELLIGENCE COMM EQUIPMENT		21,965				21,965
	ELECTRONICS PROGRAMS						
013	AIR TRAFFIC CONTROL & LANDING SYS		22,591				22,591
014	NATIONAL AIRSPACE SYSTEM		47,670				47,670
015	THEATER AIR CONTROL SYS IMPROVEMEN		56,776				56,776
016	WEATHER OBSERVATION FORECAST		19,357				19,357
017	STRATEGIC COMMAND AND CONTROL		35,116				35,116
018	CHEYENNE MOUNTAIN COMPLEX		28,608				28,608
019	DRUG INTERDICTION SPT		452				452
	SPCL COMM-ELECTRONICS PROJECTS						
020	GENERAL INFORMATION TECHNOLOGY		111,282				111,282
021	AF GLOBAL COMMAND & CONTROL SYS		15,499				15,499
022	MOBILITY COMMAND AND CONTROL		8,610				8,610
023	AIR FORCE PHYSICAL SECURITY SYSTEM		137,293				137,293
024	COMBAT TRAINING RANGES		40,633		6,200		46,833
	Unmanned modular threat emitter (UMTE)				[3,000]		
	Joint threat emitter (JTE)				[3,200]		
025	C3 COUNTERMEASURES		8,177				8,177
026	GCSS-AF FOS		81,579				81,579
027	THEATER BATTLE MGT C2 SYSTEM		29,687				29,687
028	AIR & SPACE OPERATIONS CTR-WPN SYS		54,093				54,093
	AIR FORCE COMMUNICATIONS						
029	BASE INFO INFRASTRUCTURE		433,859				433,859
030	USCENTCOM		38,958				38,958
031	AUTOMATED TELECOMMUNICATIONS PRG						
	DISA PROGRAMS						
032	SPACE BASED IR SENSOR PGM SPACE		34,440				34,440
033	NAVSTAR GPS SPACE		6,415				6,415
034	NUDET DETECTION SYS SPACE		15,436				15,436
035	AF SATELLITE CONTROL NETWORK SPACE		58,865				58,865
036	SPACELIFT RANGE SYSTEM SPACE		100,275				100,275
037	MILSATCOM SPACE		110,575		9,000		119,575
	Application software assurance				[9,000]		
038	SPACE MODS SPACE		30,594				30,594
039	COUNTERSPACE SYSTEM		29,793				29,793
	ORGANIZATION AND BASE						
040	TACTICAL C-E EQUIPMENT		240,890				240,890
041	COMBAT SURVIVOR EVADER LOCATER		35,029				35,029
042	RADIO EQUIPMENT		15,536				15,536
043	TV EQUIPMENT (AFRTV)						
044	CCTV/AUDIOVISUAL EQUIPMENT		12,961				12,961
045	BASE COMM INFRASTRUCTURE		121,049				121,049
	MODIFICATIONS						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
046	COMM ELECT MODS		64,087				64,087
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP						
	PERSONAL SAFETY & RESCUE EQUIP						
047	NIGHT VISION GOGGLES		28,226				28,226
048	ITEMS LESS THAN \$5,000,000 (SAFETY)		17,223				17,223
	DEPOT PLANT + MTRLS HANDLING EQ						
049	MECHANIZED MATERIAL HANDLING EQUIP		15,449				15,449
	BASE SUPPORT EQUIPMENT						
050	BASE PROCURED EQUIPMENT		14,300				14,300
051	CONTINGENCY OPERATIONS		22,973				22,973
052	PRODUCTIVITY CAPITAL INVESTMENT		3,020				3,020
053	MOBILITY EQUIPMENT		32,855				32,855
054	ITEMS LESS THAN \$5,000,000 (BASE S)		8,195				8,195
	SPECIAL SUPPORT PROJECTS						
056	DARP RC135		23,132				23,132
057	DISTRIBUTED GROUND SYSTEMS		293,640				293,640
059	SPECIAL UPDATE PROGRAM		471,234				471,234
060	DEFENSE SPACE RECONNAISSANCE PROG.		30,041				30,041
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		13,830,722				13,830,722
	SPARES AND REPAIR PARTS						
061	SPARES AND REPAIR PARTS		19,460				19,460
061a	Procurement of computer services/systems				-75,000		-75,000
	Eliminate redundant activities				[-75,000]		
	TOTAL—OTHER PROCUREMENT, AIR FORCE		17,293,141		-47,800		17,245,341
	MINE RESISTANT AMBUSH PROT VEH FUND						
	MINE RESISTANT AMBUSH PROT VEH FUND						
	MINE RESISTANT AMBUSH PROT VEH FUND				1,200,000		1,200,000
	Additional MRAP vehicles to meet new requirement				[1,200,000]		
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND				1,200,000		1,200,000
	PROCUREMENT, DEFENSE-WIDE						
	MAJOR EQUIPMENT						
	MAJOR EQUIPMENT, AFIS						
001	MAJOR EQUIPMENT, AFIS						
	MAJOR EQUIPMENT, BTA						
002	MAJOR EQUIPMENT, BTA		8,858				8,858
	MAJOR EQUIPMENT, DCAA						
003	ITEMS LESS THAN \$5 MILLION		1,489				1,489
	MAJOR EQUIPMENT, DCMA						
004	MAJOR EQUIPMENT		2,012				2,012
	MAJOR EQUIPMENT, DHRA						
005	PERSONNEL ADMINISTRATION		10,431				10,431
	MAJOR EQUIPMENT, DISA						
017	INTERDICTION SUPPORT						
018	INFORMATION SYSTEMS SECURITY		13,449				13,449
019	GLOBAL COMMAND AND CONTROL SYSTEM		7,053				7,053
020	GLOBAL COMBAT SUPPORT SYSTEM		2,820				2,820
021	TELEPORT PROGRAM		68,037				68,037
022	ITEMS LESS THAN \$5 MILLION		196,232				196,232
023	NET CENTRIC ENTERPRISE SERVICES (NCES)		3,051				3,051
024	DEFENSE INFORMATION SYSTEM NETWORK (DISN)		89,725				89,725
025	PUBLIC KEY INFRASTRUCTURE		1,780				1,780
026	JOINT COMMAND AND CONTROL PROGRAM		2,835				2,835
027	CYBER SECURITY INITIATIVE		18,188				18,188
	MAJOR EQUIPMENT, DLA						
028	MAJOR EQUIPMENT		7,728				7,728
	MAJOR EQUIPMENT, DMACT						
029	MAJOR EQUIPMENT	4	10,149			4	10,149
	MAJOR EQUIPMENT, DODEA						
030	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS		1,463				1,463
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY						
031	EQUIPMENT						
032	VEHICLES		50				50
033	OTHER MAJOR EQUIPMENT		7,447				7,447
	MAJOR EQUIPMENT, DTSA						
034	MAJOR EQUIPMENT		436				436
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY						
035	THAAD SYSTEM		420,300				420,300
036	SM-3		168,723				168,723
	MAJOR EQUIPMENT, NSA						
044	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)		4,013				4,013
	MAJOR EQUIPMENT, OSD						
047	MAJOR EQUIPMENT, OSD		111,487				111,487

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	MAJOR EQUIPMENT, TJS						
048	MAJOR EQUIPMENT, TJS		12,065				12,065
	MAJOR EQUIPMENT, WHS						
049	WHS MOTOR VEHICLES						
050	MAJOR EQUIPMENT, WHS		26,945				26,945
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		818,766				818,766
	SPECIAL OPERATIONS COMMAND						
	AVIATION PROGRAMS						
051	ROTARY WING UPGRADES AND SUSTAINMENT		101,936				101,936
052	MH-47 SERVICE LIFE EXTENSION PROGRAM		22,958				22,958
053	MH-60 SOF MODERNIZATION PROGRAM		146,820				146,820
054	NON-STANDARD AVIATION	9	227,552			9	227,552
055	UNMANNED VEHICLES						
056	SOF TANKER RECAPITALIZATION		34,200				34,200
057	SOF U-28		2,518				2,518
058	MC-130H, COMBAT TALON II						
059	CV-22 SOF MOD	5	114,553			5	114,553
060	MQ-1 UAV		10,930				10,930
061	MQ-9 UAV		12,671				12,671
062	STUASLO	9	12,223			9	12,223
063	C-130 MODIFICATIONS		59,950		85,000		144,950
	MC-130W multi-mission modifications				[85,000]		
064	AIRCRAFT SUPPORT		973				973
	SHIPBUILDING						
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS)		5,236				5,236
066	MK8 MOD1 SEAL DELIVERY VEHICLE		1,463				1,463
	AMMUNITION PROGRAMS						
067	SOF ORDNANCE REPLENISHMENT		61,360				61,360
068	SOF ORDNANCE ACQUISITION		26,791				26,791
	OTHER PROCUREMENT PROGRAMS						
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS		55,080				55,080
070	SOF INTELLIGENCE SYSTEMS		72,811				72,811
071	SMALL ARMS AND WEAPONS		35,235		5,000		40,235
	Advanced lightweight grenade launcher				[5,000]		
072	MARITIME EQUIPMENT MODIFICATIONS		791				791
073	SPEC APPLICATION FOR CONT						
074	SOF COMBATANT CRAFT SYSTEMS		6,156				6,156
075	SPARES AND REPAIR PARTS		2,010				2,010
076	TACTICAL VEHICLES		18,821				18,821
077	MISSION TRAINING AND PREPARATION SYSTEMS		17,265				17,265
078	COMBAT MISSION REQUIREMENTS		20,000				20,000
079	MILCON COLLATERAL EQUIPMENT		6,835				6,835
081	SOF AUTOMATION SYSTEMS		60,836				60,836
082	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES		12,401				12,401
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE		26,070				26,070
084	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS		550				550
085	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYS- TEMS.		33,741		15,400		49,141
	Special operations visual augmentation systems				[15,400]		
086	SOF TACTICAL RADIO SYSTEMS		53,034		31,300		84,334
	Special operations forces multi-band inter/intra team radio				[31,300]		
087	SOF MARITIME EQUIPMENT		2,777				2,777
088	DRUG INTERDICTION						
089	MISCELLANEOUS EQUIPMENT		7,576				7,576
090	SOF OPERATIONAL ENHANCEMENTS		273,998				273,998
091	PSYOP EQUIPMENT		43,081				43,081
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		5,573				5,573
	CHEMICAL/BIOLOGICAL DEFENSE						
	CBDP						
092	Installation Force Protection		65,590				65,590
093	Individual Force Protection		92,004		4,000		96,004
	M53 joint chemical biological protection mask				[4,000]		
094	Decontamination		22,008				22,008
095	Joint Bio Defense Program (Medical)		12,740				12,740
096	Collective Protection		27,938				27,938
097	Contamination Avoidance		151,765				151,765
097a	Procurement of computer services/systems				-75,000		-75,000
	Eliminate redundant activities				[-75,000]		
	TOTAL—PROCUREMENT, DEFENSE-WIDE		3,984,352		65,700		4,050,052
	RAPID ACQUISITION FUND						
001	JOINT RAPID ACQUISITION CELL		79,300				79,300
	TOTAL—RAPID ACQUISITION FUND		79,300				79,300

PROCUREMENT
(In Thousands of Dollars)

Line	Item	(in thousands of dollars)					
		FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
Total Procurement			105,819,330		1,397,490		107,216,820

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY						
	AIRCRAFT						
	FIXED WING						
003	MQ-1 UAV	12	250,000			12	250,000
004	RQ-11 (RAVEN)	86	44,640			86	44,640
004A	C-12A	6	45,000			6	45,000
	ROTARY WING						
011	UH-60 BLACKHAWK (MYP)	4	74,340			4	74,340
013	CH-47 HELICOPTER	4	141,200			4	141,200
	MODIFICATION OF AIRCRAFT						
018	GUARDRAIL MODS (MIP)		50,210				50,210
019	MULTI SENSOR ABN RECON (MIP)		54,000				54,000
020	AH-64 MODS	4	315,300			4	315,300
026	UTILITY HELICOPTER MODS		2,500				2,500
027	KIOWA WARRIOR	6	94,335			6	94,335
030	RQ-7 UAV MODS		326,400				326,400
030A	C-12A		60,000				60,000
	SPARES AND REPAIR PARTS						
031	SPARE PARTS (AIR)		18,200				18,200
	SUPPORT EQUIPMENT AND FACILITIES						
	GROUND SUPPORT AVIONICS						
033	ASE INFRARED CM		111,600				111,600
	OTHER SUPPORT						
035	COMMON GROUND EQUIPMENT		23,704				23,704
036	AIRCREW INTEGRATED SYSTEMS		24,800				24,800
	TOTAL—AIRCRAFT		1,636,229				1,636,229
	ARMY.						
	MISSILE PROCUREMENT, ARMY						
	OTHER MISSILES						
	AIR-TO-SURFACE MISSILE SYSTEM						
005	HELLFIRE SYS SUMMARY	2133	219,700			2133	219,700
	ANTI-TANK/ASSAULT MISSILE SYSTEM						
006	JAVELIN (AAWS-M) SYSTEM SUMMARY ...	864	140,979			864	140,979
007	TOW 2 SYSTEM SUMMARY	1294	59,200			1294	59,200
008	GUIDED MLRS ROCKET (GMLRS)	678	60,600			678	60,600
	MODIFICATIONS						
014	MLRS MODS		18,772				18,772
015	HIMARS MODIFICATIONS		32,319				32,319
	TOTAL—MISSILE PROCUREMENT, ARMY		531,570				531,570
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES						
	MODIFICATION OF TRACKED COMBAT VEHICLES						
009	FIST VEHICLE (MOD)		36,000				36,000
010	BRADLEY PROGRAM (MOD)		243,600				243,600
011	HOWITZER, MED SP FT 155MM M109A6 (MOD).		37,620				37,620

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	WEAPONS AND OTHER COMBAT VEHICLES						
027	XM320 GRENADE LAUNCHER MODULE (GLM).	3643	13,900			3643	13,900
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO).	1000	235,000			1000	235,000
033	HOWITZER LT WT 155MM (T)	36	107,996			36	107,996
	MOD OF WEAPONS AND OTHER COMBAT VEH						
036	M2 50 CAL MACHINE GUN MODS		27,600				27,600
037	M249 SAW MACHINE GUN MODS		20,900				20,900
038	M240 MEDIUM MACHINE GUN MODS		4,800				4,800
040	M119 MODIFICATIONS		21,250				21,250
041A	M14 7.62 RIFLE MODS		5,800				5,800
	SUPPORT EQUIPMENT & FACILITIES						
043	ITEMS LESS THAN \$5.0M (WOCV-WTCV) ...		5,000				5,000
	TOTAL—PROCUREMENT OF WTCV, ARMY		759,466				759,466
	PROCUREMENT OF AMMUNITION, ARMY AMMUNITION						
	SMALL/MEDIUM CALIBER AMMUNITION						
001	CTG, 5.56MM, ALL TYPES		22,000				22,000
002	CTG, 7.62MM, ALL TYPES		8,300				8,300
003	CTG, HANDGUN, ALL TYPES		500				500
004	CTG, .50 CAL, ALL TYPES		26,500				26,500
006	CTG, 30MM, ALL TYPES		530				530
	MORTAR AMMUNITION						
008	60MM MORTAR, ALL TYPES		20,000				20,000
	ARTILLERY AMMUNITION						
014	CTG, ARTY, 105MM: ALL TYPES		9,200				9,200
016	PROJ 155MM EXTENDED RANGE XM982		52,200				52,200
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T.		10,000				10,000
	ARTILLERY FUZES						
018	ARTILLERY FUZES, ALL TYPES		7,800				7,800
	MINES						
019	MINES, ALL TYPES		5,000				5,000
020	MINE, CLEARING CHARGE, ALL TYPES ...		7,000				7,000
	ROCKETS						
024	ROCKET, HYDRA 70, ALL TYPES		169,505				169,505
	OTHER AMMUNITION						
027	SIGNALS, ALL TYPES		100				100
	MISCELLANEOUS						
030	NON-LETHAL AMMUNITION, ALL TYPES		32,000				32,000
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY.		370,635				370,635
	OTHER PROCUREMENT, ARMY TACTICAL AND SUPPORT VEHICLES						
	TACTICAL VEHICLES						
001	TACTICAL TRAILERS/DOLLY SETS	185	1,948			185	1,948
002	SEMITRAILERS, FLATBED	670	40,403			670	40,403
003	SEMITRAILERS, TANKERS	44	8,651			44	8,651
004	HI MOB MULTI-PURP WHLD VEH (HMMWV).	8444	1,251,038			8444	1,251,038
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV).	1643	461,657			1643	461,657
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV).		623,230				623,230
009	ARMORED SECURITY VEHICLES (ASV)		13,206				13,206

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
012	TRUCK, TRACTOR, LINE HAUL, M915/M916 COMMUNICATIONS AND ELECTRONICS EQUIPMENT	259	62,654			259	62,654
	COMM-JOINT COMMUNICATIONS						
023	WIN-T—GROUND FORCES TACTICAL NETWORK.		13,500				13,500
	COMM—SATELLITE COMMUNICATIONS						
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE).		53,486				53,486
029	SMART-T (SPACE)		26,000				26,000
032	MOD OF IN-SVC EQUIP (TAC SAT)		23,900				23,900
	COMM—COMBAT SUPPORT COMM						
032A	MOD-IN-SERVICE PROFILER		6,070				6,070
	COMM—COMBAT COMMUNICATIONS						
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO).		239				239
037	SINGARS FAMILY		128,180		-75,000		53,180
	Unjustified program growth				[-75,000]		
038	AMC CRITICAL ITEMS—OPA2		100,000				100,000
046	RADIO, IMPROVED HF (COTS) FAMILY ...		11,286				11,286
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4).		18				18
	INFORMATION SECURITY						
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP.		32,095				32,095
	COMM—BASE COMMUNICATIONS						
055	INFORMATION SYSTEMS		330,342				330,342
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM.		227,733				227,733
	ELECT EQUIP—TACT INT REL ACT (TIARA)						
062	JTT/CIBS-M (MIP)		1,660				1,660
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP).		265				265
069	DCGS-A (MIP)		167,100				167,100
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP).		34,208				34,208
075	ITEMS LESS THAN \$5.0M (MIP)		5,064				5,064
	ELECT EQUIP—ELECTRONIC WARFARE (EW)						
076	LIGHTWEIGHT COUNTER MORTAR RADAR.		58,590				58,590
077	WARLOCK		164,435				164,435
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES.		126,030				126,030
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)						
082	NIGHT VISION DEVICES		93,183				93,183
084	NIGHT VISION, THERMAL WPN SIGHT		25,000				25,000
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF.		15,000				15,000
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM).		150,400				150,400
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE.		1,900				1,900
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2).		242,999		179,000		421,999
	Unfunded requirement				[179,000]		
095	JOINT BATTLE COMMAND—PLATFORM (JBC-P).						

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
096	LIGHTWEIGHT LASER DESIGNATOR/ RANGEFINDER (LLD.		97,020				97,020
097	COMPUTER BALLISTICS: LHMBC XM32 ...		3,780				3,780
099	COUNTERFIRE RADARS		26,000				26,000
	ELECT EQUIP—TACTICAL C2 SYSTEMS						
103	FIRE SUPPORT C2 FAMILY		14,840				14,840
104	BATTLE COMMAND SUSTAINMENT SUP- PORT SYSTEM (BC.		16				16
107	KNIGHT FAMILY		178,500				178,500
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE.		58,900				58,900
114	MANEUVER CONTROL SYSTEM (MCS)		5,000				5,000
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE).		1,440				1,440
	ELECT EQUIP—SUPPORT						
	CLASSIFIED PROGRAMS		760				760
	OTHER SUPPORT EQUIPMENT						
	CHEMICAL DEFENSIVE EQUIPMENT						
129	PROTECTIVE SYSTEMS		44,460				44,460
130	CBRN SOLDIER PROTECTION		38,811				38,811
	BRIDGING EQUIPMENT						
133	TACTICAL BRIDGE, FLOAT-RIBBON		13,525				13,525
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).		10,800				10,800
	COMBAT SERVICE SUPPORT EQUIP- MENT						
140	LAUNDRIES, SHOWERS AND LATRINES ...		21,561				21,561
142	LIGHTWEIGHT MAINTENANCE ENCLO- SURE (LME).		1,955				1,955
146	FORCE PROVIDER		245,382				245,382
147	FIELD FEEDING EQUIPMENT		4,011				4,011
150	ITEMS LESS THAN \$5M (ENG SPT)		4,987				4,987
	PETROLEUM EQUIPMENT						
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER.		58,554				58,554
	WATER EQUIPMENT						
153	WATER PURIFICATION SYSTEMS		3,017				3,017
	MEDICAL EQUIPMENT						
154	COMBAT SUPPORT MEDICAL		11,386				11,386
	MAINTENANCE EQUIPMENT						
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS.		12,365				12,365
156	ITEMS LESS THAN \$5.0M (MAINT EQ)		546				546
	CONSTRUCTION EQUIPMENT						
162	LOADERS		1,100				1,100
163	HYDRAULIC EXCAVATOR		290				290
166	PLANT, ASPHALT MIXING		2,500				2,500
167	HIGH MOBILITY ENGINEER EXCAVATOR (HME) FOS.		16,500				16,500
169	ITEMS LESS THAN \$5.0M (CONST EQUIP)		360				360
	RAIL FLOAT CONTAINERIZATION EQUIP- MENT						
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)		3,550				3,550
	GENERATORS						
173	GENERATORS AND ASSOCIATED EQUIP ..		62,210				62,210
	MATERIAL HANDLING EQUIPMENT						
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH).		54,360				54,360
175	ALL TERRAIN LIFTING ARMY SYSTEM		49,319				49,319
	TRAINING EQUIPMENT						
176	COMBAT TRAINING CENTERS SUPPORT ..		60,200				60,200
177	TRAINING DEVICES, NONSYSTEM		28,200				28,200

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	TEST MEASURE AND DIG EQUIPMENT (TMD)						
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE).		1,524				1,524
183	TEST EQUIPMENT MODERNIZATION (TEMOD).		3,817				3,817
	OTHER SUPPORT EQUIPMENT						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT.		27,000				27,000
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3).		555,950				555,950
	TOTAL—OTHER PROCUREMENT, ARMY ..		6,225,966		104,000		6,329,966
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND						
	NETWORK ATTACK						
001	ATTACK THE NETWORK		812,000		203,100		1,015,100
	Transfer from base budget				[203,100]		
	JIEDDO DEVICE DEFEAT						
002	DEFEAT THE DEVICE		536,000		199,100		735,100
	Transfer from base budget				[199,100]		
	FORCE TRAINING						
003	TRAIN THE FORCE		187,000		41,100		228,100
	Transfer from base budget				[41,100]		
	STAFF AND INFRASTRUCTURE						
004	OPERATIONS				121,550		121,550
	Transfer from base budget				[121,550]		
	TOTAL—JOINT IED DEFEAT FUND		1,535,000		564,850		2,099,850
	AIRCRAFT PROCUREMENT, NAVY						
	COMBAT AIRCRAFT						
010	UH-1Y/AH-1Z	2	55,006			2	55,006
	MODIFICATION OF AIRCRAFT						
028	EA-6 SERIES		45,000				45,000
029	AV-8 SERIES		28,296				28,296
030	F-18 SERIES		96,000				96,000
031	H-46 SERIES		17,485				17,485
033	H-53 SERIES		164,730				164,730
034	SH-60 SERIES		11,192				11,192
035	H-1 SERIES		11,217				11,217
037	P-3 SERIES		74,900				74,900
039	E-2 SERIES		17,200				17,200
041	C-2A		14,100				14,100
042	C-130 SERIES		52,324				52,324
049	POWER PLANT CHANGES		4,456				4,456
052	COMMON ECM EQUIPMENT		263,382				263,382
054	COMMON DEFENSIVE WEAPON SYSTEM		5,500				5,500
056	V-22 (TILT/ROTOR ACFT) OSPREY		53,500				53,500
	AIRCRAFT SPARES AND REPAIR PARTS						
057	SPARES AND REPAIR PARTS		2,265				2,265
	TOTAL—AIRCRAFT PROCUREMENT, NAVY.		916,553				916,553
	WEAPONS PROCUREMENT, NAVY						
	OTHER MISSILES						
	TACTICAL MISSILES						
010	HELLFIRE	782	73,700			782	73,700

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>		<i>Senate Change</i>		<i>Senate Authorized</i>	
		<i>Qty</i>	<i>Cost</i>	<i>Qty</i>	<i>Cost</i>	<i>Qty</i>	<i>Cost</i>
	TOTAL—WEAPONS PROCUREMENT, NAVY.		73,700				73,700
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS						
	PROC AMMO, NAVY						
	NAVY AMMUNITION						
001	GENERAL PURPOSE BOMBS		40,500				40,500
003	AIRBORNE ROCKETS, ALL TYPES		42,510				42,510
004	MACHINE GUN AMMUNITION		109,200				109,200
007	AIR EXPENDABLE COUNTERMEASURES		5,501				5,501
009	5 INCH/54 GUN AMMUNITION		352				352
011	OTHER SHIP GUN AMMUNITION		2,835				2,835
012	SMALL ARMS & LANDING PARTY AMMO		14,229				14,229
013	PYROTECHNIC AND DEMOLITION		1,442				1,442
	PROC AMMO, MC						
	MARINE CORPS AMMUNITION						
015	SMALL ARMS AMMUNITION		16,930				16,930
016	LINEAR CHARGES, ALL TYPES		5,881				5,881
017	40 MM, ALL TYPES		104,824				104,824
018	60MM, ALL TYPES		43,623				43,623
019	81MM, ALL TYPES		103,647				103,647
020	120MM, ALL TYPES		62,265				62,265
021	CTG 25MM, ALL TYPES		563				563
022	GRENADERS, ALL TYPES		6,074				6,074
023	ROCKETS, ALL TYPES		8,117				8,117
024	ARTILLERY, ALL TYPES		81,975				81,975
026	DEMOLITION MUNITIONS, ALL TYPES		9,241				9,241
027	FUZE, ALL TYPES		51,071				51,071
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS.		710,780				710,780
	OTHER PROCUREMENT, NAVY						
	SHIPS SUPPORT EQUIPMENT						
	OTHER SHIPBOARD EQUIPMENT						
018	UNDERWATER EOD PROGRAMS		12,040				12,040
	SMALL BOATS						
025	STANDARD BOATS		13,000				13,000
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	AVIATION ELECTRONIC EQUIPMENT						
056	MATCALS		400				400
	SHIPBOARD COMMUNICATIONS						
076	SHIP COMMUNICATIONS AUTOMATION ..		1,500				1,500
	AVIATION SUPPORT EQUIPMENT						
	AIRCRAFT SUPPORT EQUIPMENT						
092	EXPEDITIONARY AIRFIELDS		37,345				37,345
097	AVIATION LIFE SUPPORT		17,883				17,883
	ORDNANCE SUPPORT EQUIPMENT						
	OTHER ORDNANCE SUPPORT EQUIPMENT						
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP.		43,650				43,650
	CIVIL ENGINEERING SUPPORT EQUIPMENT						
120	PASSENGER CARRYING VEHICLES		25				25
121	GENERAL PURPOSE TRUCKS		93				93
122	CONSTRUCTION & MAINTENANCE EQUIP		11,167				11,167
124	TACTICAL VEHICLES		54,008				54,008
127	ITEMS UNDER \$5 MILLION		10,842				10,842

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
128	PHYSICAL SECURITY VEHICLES		1,130				1,130
	SUPPLY SUPPORT EQUIPMENT						
129	MATERIALS HANDLING EQUIPMENT		25				25
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT						
	COMMAND SUPPORT EQUIPMENT						
134	COMMAND SUPPORT EQUIPMENT		4,000				4,000
139	OPERATING FORCES SUPPORT EQUIPMENT.		15,452				15,452
140	C4ISR EQUIPMENT		3,100				3,100
142	PHYSICAL SECURITY EQUIPMENT		89,521				89,521
	SPARES AND REPAIR PARTS						
145	SPARES AND REPAIR PARTS		2,837				2,837
	TOTAL—OTHER PROCUREMENT, NAVY ...		318,018				318,018
	PROCUREMENT, MARINE CORPS						
	WEAPONS AND COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
002	LAV PIP		58,229				58,229
	ARTILLERY AND OTHER WEAPONS						
006	155MM LIGHTWEIGHT TOWED HOWITZER	18	54,000			18	54,000
008	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION.		3,351				3,351
	OTHER SUPPORT						
010	MODIFICATION KITS		20,183				20,183
011	WEAPONS ENHANCEMENT PROGRAM		9,151				9,151
	GUIDED MISSILES AND EQUIPMENT						
	OTHER SUPPORT						
016	MODIFICATION KITS		8,506				8,506
	COMMUNICATIONS & ELECTRONICS EQUIPMENT						
	REPAIR AND TEST EQUIPMENT						
018	REPAIR AND TEST EQUIPMENT		11,741				11,741
	OTHER SUPPORT (TEL)						
019	COMBAT SUPPORT SYSTEM		462				462
	COMMAND AND CONTROL SYSTEM (NON-TEL)						
021	ITEMS UNDER \$5 MILLION (COMM & ELEC).		4,153				4,153
022	AIR OPERATIONS C2 SYSTEMS		3,096				3,096
	RADAR + EQUIPMENT (NON-TEL)						
023	RADAR SYSTEMS		3,417				3,417
	INTELL/COMM EQUIPMENT (NON-TEL)						
024	FIRE SUPPORT SYSTEM		521				521
025	INTELLIGENCE SUPPORT EQUIPMENT		37,547				37,547
026	RQ-11 UAV		13,000				13,000
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)						
027	NIGHT VISION EQUIPMENT		12,570				12,570
	OTHER SUPPORT (NON-TEL)						
028	COMMON COMPUTER RESOURCES		23,105				23,105
029	COMMAND POST SYSTEMS		23,041				23,041
030	RADIO SYSTEMS		32,497				32,497
031	COMM SWITCHING & CONTROL SYSTEMS		2,044				2,044
032	COMM & ELEC INFRASTRUCTURE SUPPORT.		64				64
	SUPPORT VEHICLES						
035	TACTICAL VEHICLES		205,036				205,036
036	MOTOR TRANSPORT MODIFICATIONS		10,177				10,177
037	MEDIUM TACTICAL VEHICLE REPLACEMENT.		131,044				131,044

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
038	LOGISTICS VEHICLE SYSTEM REP		59,219				59,219
039	FAMILY OF TACTICAL TRAILERS		13,388				13,388
	ENGINEER AND OTHER EQUIPMENT						
042	ENVIRONMENTAL CONTROL EQUIP AS-SORT.		5,119				5,119
043	BULK LIQUID EQUIPMENT		4,549				4,549
044	TACTICAL FUEL SYSTEMS		33,421				33,421
045	POWER EQUIPMENT ASSORTED		24,860				24,860
047	EOD SYSTEMS		47,697				47,697
	MATERIALS HANDLING EQUIPMENT						
048	PHYSICAL SECURITY EQUIPMENT		19,720				19,720
050	MATERIAL HANDLING EQUIP		56,875				56,875
	GENERAL PROPERTY						
053	TRAINING DEVICES		157,734				157,734
055	FAMILY OF CONSTRUCTION EQUIPMENT		35,818				35,818
058	RAPID DEPLOYABLE KITCHEN		55				55
	OTHER SUPPORT						
059	ITEMS LESS THAN \$5 MILLION		39,055				39,055
	TOTAL—PROCUREMENT, MARINE CORPS		1,164,445				1,164,445
	AIRCRAFT PROCUREMENT, AIR FORCE						
	AIRLIFT AIRCRAFT						
	OTHER AIRLIFT						
006	C-130J		72,000				72,000
	MODIFICATION OF IN-SERVICE AIRCRAFT						
	STRATEGIC AIRCRAFT						
028	B-1B		20,500				20,500
	TACTICAL AIRCRAFT						
030	A-10		10,000				10,000
032	F-16		20,025				20,025
	AIRLIFT AIRCRAFT						
034	C-5		57,400				57,400
037	C-17A		132,300				132,300
	OTHER AIRCRAFT						
052	C-130		210,800				210,800
054	C-135		16,916				16,916
056	DARP		10,300				10,300
063	HC/MC-130 MODIFICATIONS		7,000				7,000
064	OTHER AIRCRAFT		90,000				90,000
065	MQ-1 MODS		65,000				65,000
066	MQ-9 MODS		99,200				59,200
	Reflect USAF decision to change sensor payload.				-40,000 [-40,000]		
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
	POST PRODUCTION SUPPORT						
076	C-17A		11,000				11,000
	OTHER PRODUCTION CHARGES						
085	OTHER PRODUCTION CHARGES		114,000				114,000
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE.		936,441		-40,000		896,441
	PROCUREMENT OF AMMUNITION, AIR FORCE						
	PROCUREMENT OF AMMO, AIR FORCE						
	ROCKETS						
001	ROCKETS		3,488				3,488
	CARTRIDGES						
002	CARTRIDGES		39,236				39,236

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	BOMBS						
004	GENERAL PURPOSE BOMBS		34,085				34,085
005	JOINT DIRECT ATTACK MUNITION	3860	97,978			3860	97,978
	FLARE, IR MJU-7B						
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD)		4,800				4,800
	FUZES						
011	FLARES		41,000				41,000
012	FUZES		14,595				14,595
	WEAPONS						
	SMALL ARMS						
013	SMALL ARMS		21,637				21,637
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE.		256,819				256,819
	MISSILE PROCUREMENT, AIR FORCE						
	OTHER MISSILES						
	TACTICAL						
005	PREDITOR HELLFIRE MISSILE	385	29,325			385	29,325
006	SMALL DIAMETER BOMB	100	7,300			100	7,300
	TOTAL—MISSILE PROCUREMENT, AIR FORCE.		36,625				36,625
	OTHER PROCUREMENT, AIR FORCE						
	VEHICULAR EQUIPMENT						
	CARGO + UTILITY VEHICLES						
002	MEDIUM TACTICAL VEHICLE		3,364				3,364
	SPECIAL PURPOSE VEHICLES						
004	SECURITY AND TACTICAL VEHICLES		11,337				11,337
	FIRE FIGHTING EQUIPMENT						
005	FIRE FIGHTING/CRASH RESCUE VEHICLES		8,626				8,626
	ELECTRONICS AND TELECOMMUNICATIONS						
	SPCL COMM-ELECTRONICS PROJECTS						
023	AIR FORCE PHYSICAL SECURITY SYSTEM		1,600				1,600
	DISA PROGRAMS						
037	MILSATCOM SPACE		714				714
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP						
	PERSONAL SAFETY & RESCUE EQUIP						
047	NIGHT VISION GOGGLES		14,528				14,528
048	ITEMS LESS THAN \$5,000,000 (SAFETY)		4,900				4,900
	BASE SUPPORT EQUIPMENT						
051	CONTINGENCY OPERATIONS		11,300				11,300
	SPECIAL SUPPORT PROJECTS						
060	DEFENSE SPACE RECONNAISSANCE PROG.		34,400				34,400
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		2,230,780				2,230,780
	TOTAL—OTHER PROCUREMENT, AIR FORCE.		2,321,549				2,321,549
	MINE RESISTANT AMBUSH PROT VEH FUND						
	MINE RESISTANT AMBUSH PROT VEH FUND						

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	MINE RESISTANT AMBUSH PROT VEH FUND.		5,456,000				5,456,000
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND.		5,456,000				5,456,000
	PROCUREMENT, DEFENSE-WIDE MAJOR EQUIPMENT						
	MAJOR EQUIPMENT, DISA						
019	GLOBAL COMMAND AND CONTROL SYSTEM.		1,500				1,500
021	TELEPORT PROGRAM		7,411				7,411
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		304,794				304,794
	SPECIAL OPERATIONS COMMAND AVIATION PROGRAMS						
052	MH-47 SERVICE LIFE EXTENSION PROGRAM.		5,900				5,900
057	SOF U-28		3,000				3,000
060	MQ-1 UAV		1,450				1,450
062	STUASLO	9	12,000			9	12,000
063	C-130 MODIFICATIONS		19,500				19,500
	AMMUNITION PROGRAMS						
067	SOF ORDNANCE REPLENISHMENT		51,156				51,156
068	SOF ORDNANCE ACQUISITION		17,560				17,560
	OTHER PROCUREMENT PROGRAMS						
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS.		2,000				2,000
070	SOF INTELLIGENCE SYSTEMS		23,260				23,260
071	SMALL ARMS AND WEAPONS		3,800				3,800
076	TACTICAL VEHICLES		6,865				6,865
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE.		11,000				11,000
086	SOF TACTICAL RADIO SYSTEMS		5,448				5,448
090	SOF OPERATIONAL ENHANCEMENTS		11,900				11,900
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		2,886				2,886
	TOTAL—PROCUREMENT, DEFENSE-WIDE		491,430				491,430
	Total Procurement		23,741,226		628,850		24,370,076

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY			
		BASIC RESEARCH			

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH ...	19,671		19,671
002	0601102A	DEFENSE RESEARCH SCIENCES	173,024	5,500	178,524
		Ballistic materials research		[3,500]	
		Military operating environments research		[2,000]	
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	88,421	4,000	92,421
		Nanocomposite materials research		[2,000]	
		Open source intelligence research		[2,000]	
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	96,144	7,700	103,844
		Advanced nanomaterials design		[2,000]	
		Electrolyte research for batteries		[1,000]	
		Immersive simulation research		[1,200]	
		Materials processing research		[2,000]	
		Structural modeling and analysis		[1,500]	
		SUBTOTAL, BASIC RESEARCH, ARMY	377,260	17,200	394,460
		APPLIED RESEARCH			
005	0602105A	MATERIALS TECHNOLOGY	27,206	23,000	50,206
		Advanced manufacturing technologies		[2,000]	
		Advanced renewable jet fuels		[4,000]	
		Applied composite materials research		[3,000]	
		High strength fibers for ballistic armor applications		[3,000]	
		Moldable fabric armor		[2,500]	
		Nanosensor manufacturing research		[4,000]	
		Smart materials and structures		[4,500]	
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	50,641	2,500	53,141
		Nanoelectronic memory, sensor and energy devices		[2,500]	
007	0602122A	TRACTOR HIP	14,324		14,324
008	0602211A	AVIATION TECHNOLOGY	41,332	2,000	43,332
		Manned-unmanned aerial system teaming technologies		[2,000]	
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	16,119		16,119
010	0602303A	MISSILE TECHNOLOGY	50,716		50,716
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	19,678		19,678
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	17,473	2,000	19,473
		Cognitive modeling and simulation research		[2,000]	
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	55,937	63,000	118,937
		Advanced composite materials research		[4,000]	
		Army vehicle modernization research		[25,000]	
		Composite vehicle shelters		[2,500]	
		Fuel cell APU systems		[3,000]	
		Hybrid electric vehicle reliability research		[2,000]	
		Materials research for alternative energy and transportation.		[1,500]	
		Tactical metal fabrication program		[3,000]	
		Tribology research		[2,000]	
		Vehicle systems engineering and integration activities ..		[20,000]	
014	0602618A	BALLISTICS TECHNOLOGY	61,843	26,000	87,843
		Army vehicle survivability research		[25,000]	
		Electromagnetic gun		[-2,000]	
		Reactive armor research		[3,000]	
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	5,293		5,293
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,674		7,674
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	41,085	9,000	50,085
		Acoustic gun detection systems		[2,000]	
		Acoustic research		[3,000]	
		UGV weaponization		[4,000]	
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	61,404	6,000	67,404
		Hybrid battery systems		[2,500]	
		Hybrid portable power program		[3,500]	
019	0602709A	NIGHT VISION TECHNOLOGY	26,893		26,893
020	0602712A	COUNTERMINE SYSTEMS	18,945		18,945

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	18,605		18,605
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	15,902		15,902
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.	24,833		24,833
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	5,639		5,639
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	54,818	8,500	63,318
		Ballistic materials for force protection		[3,000]	
		Critical infrastructure monitoring and protection research.		[3,500]	
		Geosciences research		[2,000]	
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,701		18,701
027	0602786A	WARFIGHTER TECHNOLOGY	27,109	8,500	35,609
		Airbeam shelter protection systems		[3,000]	
		Enhanced ballistic protection research		[3,000]	
		Thermal resistant fiber research		[2,500]	
028	0602787A	MEDICAL TECHNOLOGY	99,027	26,500	125,527
		Bioengineering research		[2,500]	
		Biomechanics research		[3,500]	
		Blast protection for ground soldiers		[2,000]	
		Blast wave modeling		[3,000]	
		Dengue fever research		[2,000]	
		Hemorrhage research		[3,000]	
		Malaria vaccine development		[2,500]	
		Nanomaterials for biological processes		[2,000]	
		Neurotrauma research		[3,500]	
		Secondary trauma research		[2,500]	
		SUBTOTAL, APPLIED RESEARCH, ARMY	781,197	177,000	958,197
		ADVANCED TECHNOLOGY DEVELOPMENT			
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	37,574		37,574
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	72,940	38,000	110,940
		Biosensor controller systems development		[2,000]	
		Body temperature conditioner systems		[2,500]	
		Gulf War illness research		[12,000]	
		Integrated medical technology program		[7,500]	
		Lower limb prosthetics research		[2,000]	
		Prosthetics technology transition		[8,000]	
		Regenerative medical research		[4,000]	
031	0603003A	AVIATION ADVANCED TECHNOLOGY	60,097	19,750	79,847
		Advanced Affordable Turbine Engine Program		[4,000]	
		Advanced ultrasonic inspections		[2,000]	
		Aviation weapons technology integration		[2,000]	
		Full authority digital engine control systems		[5,000]	
		Heavy fuel UAV propulsion systems		[3,000]	
		Integration facility enterprise resource planning system		[3,750]	
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	66,410	-4,500	61,910
		Electromagnetic gun		[-11,500]	
		Lightweight advanced metals program		[3,000]	
		Nanotechnology manufacturing research		[4,000]	
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	89,586	183,100	272,686
		Advanced APU development		[6,000]	
		Advanced battery development program		[20,000]	
		Advanced lithium ion battery systems		[3,000]	
		Advanced suspension systems for heavy vehicles		[3,500]	
		Advanced thermal management systems		[5,500]	
		Alternative energy research		[20,000]	
		Applied power management controls		[3,000]	
		Army vehicle modernization technologies		[50,000]	
		Dynamometer facility upgrade		[4,000]	
		Electric drive advanced tactical wheeled armored vehicle system.		[5,500]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
		<i>Fuel cell unmanned robotic system</i>		[4,500]	
		<i>Ground robotics reliability research</i>		[2,000]	
		<i>Heavy fuel engines for unmanned ground vehicles</i>		[2,500]	
		<i>Hybrid blast protected vehicle technologies</i>		[4,000]	
		<i>Hybrid engine development program</i>		[8,000]	
		<i>Hybrid truck development</i>		[4,000]	
		<i>Hydraulic hybrid vehicles for the tactical wheeled fleet</i>		[3,000]	
		<i>Next generation superchargers for military engines</i>		[3,000]	
		<i>Silicon carbide electronics for ground vehicles</i>		[2,500]	
		<i>Simulations for vehicle reliability and performance</i>		[2,000]	
		<i>Smart plug-in hybrid electric vehicle program</i>		[4,100]	
		<i>Threat cue research</i>		[2,000]	
		<i>Tire development for JLTV program</i>		[1,500]	
		<i>Unmanned ground vehicle initiative</i>		[12,000]	
		<i>Vehicle autonomy research</i>		[1,500]	
		<i>Vehicle prognostics technologies</i>		[4,000]	
		<i>Water analysis technologies</i>		[2,000]	
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	8,667		8,667
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	7,410		7,410
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,458		50,458
037	0603009A	TRACTOR HIKE	11,328		11,328
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	19,415	7,000	26,415
		<i>Combat medic training systems</i>		[2,500]	
		<i>Joint Fires & Effects Trainer System enhancements</i>		[4,500]	
039	0603020A	TRACTOR ROSE	14,569		14,569
040	0603103A	EXPLOSIVES DEMILITARIZATION TECHNOLOGY			
041	0603105A	MILITARY HIV RESEARCH	6,657		6,657
042	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT.	11,989	3,500	15,489
		<i>Mid-sized unmanned ground vehicle</i>		[3,500]	
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	19,192	2,000	21,192
		<i>Laser systems for light aircraft missile defense</i>		[2,000]	
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	63,951	3,000	66,951
		<i>Discriminatory imaging research</i>		[3,000]	
045	0603322A	TRACTOR CAGE	12,154		12,154
046	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	30,317		30,317
047	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	8,996		8,996
048	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	40,329	5,000	45,329
		<i>Bradley third generation FLIR</i>		[5,000]	
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	15,706		15,706
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY ..	5,911	8,500	14,411
		<i>Permafrost tunnel</i>		[500]	
		<i>Photovoltaic technology development</i>		[8,000]	
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	41,561	4,000	45,561
		<i>Wideband digital airborne electronic sensing array</i>		[4,000]	
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY.	695,217	269,350	964,567
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
052	0603024A	UNIQUE ITEM IDENTIFICATION (UID)			
053	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (NON SPACE).	14,683		14,683
054	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE).	117,471		117,471

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING .. Adaptive robotic technology	209,531	12,500 [3,500]	222,031
		Advanced electronics integration		[4,000]	
		Advanced environmental controls		[5,000]	
056	0603460A	JOINT AIR-TO-GROUND MISSILE (JAGM)			
057	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	17,536		17,536
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS— ADV DEV.	4,920		4,920
059	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	33,934		33,934
060	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	90,299	50,000 [50,000]	140,299
		Advanced Tank Armament Systems			
061	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	31,752		31,752
062	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM— ADV DEV.	18,228		18,228
063	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT			
064	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY	4,770		4,770
065	0603782A	WARFIGHTER INFORMATION NETWORK—TACTICAL ..	180,673		180,673
066	0603790A	NATO RESEARCH AND DEVELOPMENT	5,048		5,048
067	0603801A	AVIATION—ADV DEV	8,537	50,000 [50,000]	58,537
		Joint Future Theater Lift			
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	56,373	–10,000 [–10,000]	46,373
		Premature JLTV program growth			
069	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	9,868		9,868
070	0603807A	MEDICAL SYSTEMS—ADV DEV	31,275		31,275
071	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	71,832		71,832
072	0603850A	INTEGRATED BROADCAST SERVICE	1,476		1,476
SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY.			908,206	102,500	1,010,706
SYSTEM DEVELOPMENT & DEMONSTRATION					
073	0604201A	AIRCRAFT AVIONICS	92,977		92,977
074	0604220A	ARMED, DEPLOYABLE HELOS	65,515		65,515
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	248,463		248,463
076	0604321A	ALL SOURCE ANALYSIS SYSTEM	13,107		13,107
077	0604328A	TRACTOR CAGE	16,286		16,286
078	0604601A	INFANTRY SUPPORT WEAPONS	74,814	8,000 [5,000]	82,814
		Lightweight caliber .50 machine gun		[3,000]	
		Next generation helmet ballistic materials technology			
079	0604604A	MEDIUM TACTICAL VEHICLES	5,683	10,000 [10,000]	15,683
		Medium tactical vehicle development			
080	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS— SDD.	978		978
081	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	7,477	10,000 [10,000]	17,477
		Heavy tactical vehicle development			
082	0604633A	AIR TRAFFIC CONTROL	7,578		7,578
083	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM	88,660		88,660
084	0604647A	NON-LINE OF SIGHT CANNON	58,216	–58,216 [–58,216]	
		Excess termination costs			
085	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHI- CLE.	368,557	–323,557	45,000
		Excess termination costs		[–323,557]	
086	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	1,067,191		1,067,191
087	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	68,701		68,701
088	0604663A	FCS UNMANNED GROUND VEHICLES	125,616		125,616
089	0604664A	FCS UNATTENDED GROUND SENSORS	26,919		26,919
090	0604665A	FCS SUSTAINMENT & TRAINING R&D	749,182		749,182
091	0604666A	SPIN OUT TECHNOLOGY/CAPABILITY INSERTION			
092	0604710A	NIGHT VISION SYSTEMS—SDD	55,410		55,410
093	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,092		2,092
094	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,209	3,000	33,209

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
		<i>Urban training development</i>		[3,000]	
095	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTEL- LIGENCE—SDD.	28,936		28,936
096	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOP- MENT.	33,213		33,213
097	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	15,320		15,320
098	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)— SDD.	15,727		15,727
099	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	9,446		9,446
100	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE ..	26,243		26,243
101	0604783A	JOINT NETWORK MANAGEMENT SYSTEM			
102	0604802A	WEAPONS AND MUNITIONS—SDD	34,878	7,500	42,378
		<i>Common guidance control module</i>		[7,500]	
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	36,018		36,018
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS— SDD.	88,995		88,995
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DE- FENSE EQUIPMENT—SDD.	33,893		33,893
106	0604808A	LANDMINE WARFARE/BARRIER—SDD	82,260		82,260
107	0604814A	ARTILLERY MUNITIONS	42,452		42,452
108	0604817A	COMBAT IDENTIFICATION	20,070		20,070
109	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	90,864		90,864
110	0604820A	RADAR DEVELOPMENT			
111	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBs).	6,002		6,002
112	0604823A	FIREFINDER	20,333		20,333
113	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	19,786		19,786
114	0604854A	ARTILLERY SYSTEMS	23,318	58,216	81,534
		<i>Accelerate Paladin integration management</i>		[58,216]	
115	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP).	569,182		569,182
116	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK.	7,140		7,140
117	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	35,309		35,309
118	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,439		127,439
119	0605625A	MANNED GROUND VEHICLE	100,000		100,000
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY.	4,640,455	-285,057	4,355,398
		RDT&E MANAGEMENT SUPPORT			
120	0604256A	THREAT SIMULATOR DEVELOPMENT	22,222		22,222
121	0604258A	TARGET SYSTEMS DEVELOPMENT	13,615		13,615
122	0604759A	MAJOR T&E INVESTMENT	51,846		51,846
123	0605103A	RAND ARROYO CENTER	16,305		16,305
124	0605301A	ARMY KWAJALEIN ATOLL	163,514		163,514
125	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	23,445		23,445
126	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH			
127	0605601A	ARMY TEST RANGES AND FACILITIES	354,693	25,600	380,293
		<i>Program increase</i>		[25,600]	
128	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	72,911	10,000	82,911
		<i>Common regional operational systems</i>		[3,000]	
		<i>Data fusion systems</i>		[2,500]	
		<i>Dugway field test improvements</i>		[4,500]	
129	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	45,016		45,016
130	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	2,891	6,000	8,891
		<i>Program increase</i>		[6,000]	
131	0605606A	AIRCRAFT CERTIFICATION	3,766		3,766
132	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,391		8,391
133	0605706A	MATERIEL SYSTEMS ANALYSIS	19,969		19,969

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
134	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,432		5,432
135	0605712A	SUPPORT OF OPERATIONAL TESTING	77,877		77,877
136	0605716A	ARMY EVALUATION CENTER	66,309		66,309
137	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	5,357		5,357
138	0605801A	PROGRAMWIDE ACTIVITIES	77,823		77,823
139	0605803A	TECHNICAL INFORMATION ACTIVITIES	51,620		51,620
140	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY. 3D woven preform technology for Army munitions	45,053	2,200 [2,200]	47,253
141	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	5,191		5,191
142	0605898A	MANAGEMENT HQ—R&D	15,866		15,866
143	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, ARMY ..	1,149,112	43,800	1,192,912
		OPERATIONAL SYSTEMS DEVELOPMENT			
144	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	27,693		27,693
145	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV			
146	0102419A	AEROSTAT JOINT PROJECT OFFICE	360,076	-20,000 [-20,000]	340,076
		Program delay reduction			
147	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	23,727		23,727
148	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	190,301		190,301
149	0203740A	MANEUVER CONTROL SYSTEM	21,394		21,394
150	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	209,401		209,401
151	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	792		792
152	0203758A	DIGITIZATION	10,692		10,692
153	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)			
154	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	39,273		39,273
155	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS. TOW LBS		5,000 [5,000]	5,000
156	0203808A	TRACTOR CARD	20,035		20,035
157	0208010A	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)			
158	0208053A	JOINT TACTICAL GROUND SYSTEM	13,258	-13,258 [-13,258]	
		Joint Tactical Ground System			
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,082		3,082
160	0301359A	SPECIAL ARMY PROGRAM	[]		[]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,144	5,000 [5,000]	7,144
		Collection management tools			
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	74,355		74,355
163	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	144,733		144,733
164	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	40,097		40,097
165	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	12,034		12,034
166	0303158A	JOINT COMMAND AND CONTROL PROGRAM (JC2)	20,365		20,365
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	202,521	86,000 [86,000]	288,521
		AI60 Afghanistan deployment			
168	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	188,414		188,414
169	0305287A	BASE EXPED TARGETING SURVEILLANCE SYS—COMBINED			
170	0307207A	AERIAL COMMON SENSOR (ACS)	210,035		210,035
171	0702239A	AVIONICS COMPONENT IMPROVEMENT PROGRAM			
172	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES Combat vehicle manufacturing technology	68,466	37,250 [30,000]	105,716
		Manufacturing metrology research		[2,750]	

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999	9999999	Smart machine platform initiative		[2,000]	
		Weapon systems repair technologies		[2,500]	
		OTHER PROGRAMS	3,883		3,883
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY.	1,886,771	99,992	1,986,763
		TOTAL, RDT&E ARMY	10,438,218	424,785	10,863,003
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			
		BASIC RESEARCH			
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	99,472	2,000	101,472
		Blast and impact resistant structures		[2,000]	
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH ...	18,076	1,000	19,076
		S&T educational outreach		[1,000]	
003	0601153N	DEFENSE RESEARCH SCIENCES	413,743	2,000	415,743
		Nanoscale research program		[2,000]	
		SUBTOTAL, BASIC RESEARCH, NAVY	531,291	5,000	536,291
		APPLIED RESEARCH			
004	0602114N	POWER PROJECTION APPLIED RESEARCH	59,787	3,000	62,787
		Energetics research		[3,000]	
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	91,400	32,000	123,400
		Alternative energy research		[20,000]	
		Energy systems integration research		[4,000]	
		Port security technologies		[3,500]	
		Reconfigurable shipboard power systems		[2,500]	
		SOF combatant research		[2,000]	
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	39,308		39,308
007	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECH- NOLOGY			
008	0602235N	COMMON PICTURE APPLIED RESEARCH	83,163		83,163
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	104,169	5,000	109,169
		Anti-reverse engineering technologies		[1,000]	
		Asset lifecycle program		[4,000]	
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH ...	64,816	3,000	67,816
		Photonic digital radar systems		[3,000]	
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RE- SEARCH.	48,750	5,500	54,250
		Advanced UUV research		[3,500]	
		Laser underwater imaging and communications re- search.		[2,000]	
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH ...	6,008		6,008
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	55,694	3,750	59,444
		Littoral glider systems		[3,000]	
		Quiet power technologies		[750]	
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RE- SEARCH.	40,880	2,000	42,880
		Electromagnetic signature assessment system		[2,000]	
		SUBTOTAL, APPLIED RESEARCH, NAVY	593,975	54,250	648,225
		ADVANCED TECHNOLOGY DEVELOPMENT			
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	107,969	4,000	111,969
		Mobile target tracking technologies		[4,000]	
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	66,035	8,000	74,035
		Advanced coatings for aviation components		[3,000]	
		Single generator operations lithium ion battery		[5,000]	

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY <i>High-integrity GPS</i>	108,394	-59,100 [-59,100]	49,294
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY.	86,239		86,239
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	65,827		65,827
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD). <i>Acoustic combat sensors</i> <i>Unmanned vehicle conversion kits</i>	107,363	9,500 [7,500] [2,000]	116,863
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	10,998		10,998
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	18,609		18,609
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	68,037		68,037
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	52,643		52,643
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	28,782		28,782
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY.	720,896	-37,600	683,296
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS <i>Semi-submersible for UUV sensor developments</i>	116,082	1,400 [1,400]	117,482
027	0603216N	AVIATION SURVIVABILITY	6,505		6,505
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	6,032		6,032
029	0603254N	ASW SYSTEMS DEVELOPMENT <i>Sonobuoy wave energy module</i>	16,585	4,000 [4,000]	20,585
030	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	7,713		7,713
031	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,677		1,677
032	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	76,739		76,739
033	0603506N	SURFACE SHIP TORPEDO DEFENSE	57,538		57,538
034	0603512N	CARRIER SYSTEMS DEVELOPMENT	173,594		173,594
035	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT <i>DDG-51 hybrid propulsion system</i>	1,691	9,300 [9,300]	10,991
036	0603525N	PILOT FISH	79,194		79,194
037	0603527N	RETRACT LARCH	99,757		99,757
038	0603536N	RETRACT JUNIPER	120,752		120,752
039	0603542N	RADIOLOGICAL CONTROL	1,372		1,372
040	0603553N	SURFACE ASW	21,995		21,995
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	551,836		551,836
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,172		10,172
043	0603563N	SHIP CONCEPT ADVANCED DESIGN <i>Remote monitoring & troubleshooting project</i>	22,541	5,820 [5,820]	28,361
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	28,135		28,135
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	259,887		259,887
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	5,599		5,599
047	0603576N	CHALK EAGLE	443,555		443,555
048	0603581N	LITTORAL COMBAT SHIP (LCS)	360,518		360,518
049	0603582N	COMBAT SYSTEM INTEGRATION	22,558		22,558
050	0603609N	CONVENTIONAL MUNITIONS	3,458		3,458
051	0603611M	MARINE CORPS ASSAULT VEHICLES	293,466		293,466
052	0603612M	USMC MINE COUNTERMEASURES SYSTEMS—ADV DEV			
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM <i>Model-based management decision tools</i> <i>Premature JLTV program growth</i>	73,798	-7,500 [4,500] [-12,000]	66,298

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054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	21,054		21,054
055	0603658N	COOPERATIVE ENGAGEMENT	56,586		56,586
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	17,328		17,328
057	0603721N	ENVIRONMENTAL PROTECTION	20,661		20,661
058	0603724N	NAVY ENERGY PROGRAM	8,476	1,774	10,250
		Fuel cell and hydrogen generation technologies		[2,500]	
		Molten carbonate fuel cell demonstrator		[3,000]	
		Solar heat reflective film development		[4,750]	
		Unjustified request		[-8,476]	
059	0603725N	FACILITIES IMPROVEMENT	4,002		4,002
060	0603734N	CHALK CORAL	70,772		70,772
061	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,301	5,000	9,301
		Highly integrated optical interconnects for advanced air vehicles.		[4,000]	
		RFID technology exploitation		[1,000]	
062	0603746N	RETRACT MAPLE	210,237		210,237
063	0603748N	LINK PLUMERIA	69,313		69,313
064	0603751N	RETRACT ELM	152,151		152,151
065	0603755N	SHIP SELF DEFENSE	6,960		6,960
066	0603764N	LINK EVERGREEN	123,660		123,660
067	0603787N	SPECIAL PROCESSES	54,115		54,115
068	0603790N	NATO RESEARCH AND DEVELOPMENT	10,194		10,194
069	0603795N	LAND ATTACK TECHNOLOGY	1,238		1,238
070	0603851M	NONLETHAL WEAPONS	46,971		46,971
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS.	150,304		150,304
072	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE).	52,716		52,716
073	0603889N	COUNTERDRUG RDT&E PROJECTS			
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	5,003		5,003
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	63,702		63,702
076	0604450N	JOINT AIR-TO-GROUND MISSILE (JAGM)			
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW).	67,843		67,843
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	40,926		40,926
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	42,533		42,533
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY.	4,163,795	19,794	4,183,589
		SYSTEM DEVELOPMENT & DEMONSTRATION			
080	0604212N	OTHER HELO DEVELOPMENT	54,092		54,092
081	0604214N	AV-8B AIRCRAFT—ENG DEV	20,886		20,886
082	0604215N	STANDARDS DEVELOPMENT	53,540		53,540
083	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	81,953		81,953
084	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	7,485		7,485
085	0604221N	P-3 MODERNIZATION PROGRAM	3,659		3,659
086	0604230N	WARFARE SUPPORT SYSTEM	6,307		6,307
087	0604231N	TACTICAL COMMAND SYSTEM	86,462		86,462
088	0604234N	ADVANCED HAWKEYE	364,557		364,557
089	0604245N	H-1 UPGRADES	32,830		32,830
090	0604261N	ACOUSTIC SEARCH SENSORS	56,369		56,369
091	0604262N	V-22A	89,512		89,512
092	0604264N	AIR CREW SYSTEMS DEVELOPMENT	14,265		14,265
093	0604269N	EA-18	55,446		55,446
094	0604270N	ELECTRONIC WARFARE DEVELOPMENT	97,635		97,635

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<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
095	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT	85,240		85,240
096	0604274N	NEXT GENERATION JAMMER (NGJ)	127,970		127,970
097	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	876,374		876,374
098	0604300N	SC-21 TOTAL SHIP SYSTEM ENGINEERING			
099	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	178,459		178,459
100	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	5,304		5,304
101	0604329N	SMALL DIAMETER BOMB (SDB)	43,902		43,902
102	0604366N	STANDARD MISSILE IMPROVEMENTS	182,197		182,197
103	0604373N	AIRBORNE MCM	48,712		48,712
104	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	11,727		11,727
105	0604501N	ADVANCED ABOVE WATER SENSORS	236,078	50,000	286,078
		Mobile maritime sensor technology development		[50,000]	
106	0604503N	SSN-688 AND TRIDENT MODERNIZATION	122,733	5,000	127,733
		SSN Communications		[5,000]	
107	0604504N	AIR CONTROL	6,533		6,533
108	0604512N	SHIPBOARD AVIATION SYSTEMS	80,623		80,623
109	0604518N	COMBAT INFORMATION CENTER CONVERSION	13,305		13,305
110	0604558N	NEW DESIGN SSN	154,756	11,000	165,756
		Common command & control system module		[9,000]	
		Mold-in-place coating development		[2,000]	
111	0604561N	SSN-21 DEVELOPMENTS			
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	59,703	13,000	72,703
		Artificial Intelligence-based combat system kernel		[5,000]	
		Submarine environment for evaluation & development ..		[4,000]	
		Weapon acquisition & firing system		[4,000]	
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E	89,988	2,000	91,988
		Automated fiber optic manufacturing		[2,000]	
114	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,620		4,620
115	0604601N	MINE DEVELOPMENT	2,249		2,249
116	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	21,105		21,105
117	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	10,327		10,327
118	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	5,898		5,898
119	0604727N	JOINT STANDOFF WEAPON SYSTEMS	10,022		10,022
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	35,459	5,000	40,459
		AUSV		[5,000]	
121	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	34,236	12,000	46,236
		Phalanx Next Generation		[12,000]	
122	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	88,895	9,000	97,895
		NULKA decoy R&D		[9,000]	
123	0604761N	INTELLIGENCE ENGINEERING	14,438		14,438
124	0604771N	MEDICAL DEVELOPMENT	9,888	10,500	20,388
		Composite tissue transplantation research		[2,000]	
		Custom body implant development		[2,000]	
		Multivalent dengue vaccine program		[3,500]	
		Orthopedic surgery instrumentation		[3,000]	
125	0604777N	NAVIGATION/ID SYSTEM	63,184		63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM			
127	0604800N	JOINT STRIKE FIGHTER (JSF)	1,741,296	141,450	1,882,746
		F136 development		[219,450]	
		Excess management reserves		[−78,000]	
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	9,868		9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	69,026	12,000	81,026
		Information systems research		[7,000]	
		Integrated network-centric technology systems		[5,000]	
130	0605212N	CH-53K RDTE	554,827		554,827
131	0605430N	C/KC-130 AVIONICS MODERNIZATION PROGRAM (AMP)			
132	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	81,434		81,434

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133	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	1,162,417		1,162,417
134	0204201N	CG(X)	150,022		150,022
135	0204202N	DDG-1000	539,053		539,053
136	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	19,016		19,016
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY.	7,975,882	270,950	8,246,832
		RDT&E MANAGEMENT SUPPORT			
137	0604256N	THREAT SIMULATOR DEVELOPMENT	25,534		25,534
138	0604258N	TARGET SYSTEMS DEVELOPMENT	79,603		79,603
139	0604759N	MAJOR T&E INVESTMENT	44,844	5,000	49,844
		Aviation enterprise interoperability upgrades		[5,000]	
140	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	11,422		11,422
141	0605154N	CENTER FOR NAVAL ANALYSES	49,821		49,821
142	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH			
143	0605804N	TECHNICAL INFORMATION SERVICES	735		735
144	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	60,590		60,590
145	0605856N	STRATEGIC TECHNICAL SUPPORT	3,633		3,633
146	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT ...	70,942		70,942
147	0605862N	RDT&E INSTRUMENTATION MODERNIZATION			
148	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	193,353		193,353
149	0605864N	TEST AND EVALUATION SUPPORT	380,733		380,733
150	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	12,010		12,010
151	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	2,703		2,703
152	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	20,921		20,921
153	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	19,004		19,004
154	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,464		2,464
155	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	4,197		4,197
156	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, NAVY ...	982,509	5,000	987,509
		OPERATIONAL SYSTEMS DEVELOPMENT			
158	0604227N	HARPOON MODIFICATIONS			
159	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	311,204		311,204
160	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	74,939	1,170	76,109
		LINAC		[1,170]	
161	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,479		34,479
162	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,211		7,211
163	0101402N	NAVY STRATEGIC COMMUNICATIONS	43,982		43,982
164	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	39,125		39,125
165	0204136N	F/A-18 SQUADRONS	127,733		127,733
166	0204152N	E-2 SQUADRONS	63,058		63,058
167	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	37,431		37,431
168	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	13,238		13,238
169	0204311N	INTEGRATED SURVEILLANCE SYSTEM	24,835		24,835
170	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	2,324		2,324
171	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	49,293		49,293
172	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,609		1,609
173	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT ...	37,524		37,524
174	0205601N	HARM IMPROVEMENT	30,045		30,045
175	0205604N	TACTICAL DATA LINKS	25,003		25,003
176	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	41,803		41,803
177	0205632N	MK-48 ADCAP	28,438		28,438

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178	0205633N	AVIATION IMPROVEMENTS	135,840		135,840
179	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,716		3,716
180	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	72,031		72,031
181	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	287,348		287,348
182	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	120,379	8,200	128,579
		Expandable rigid wall composite shelters		[1,300]	
		Marine personnel carrier support system		[3,000]	
		Ultrasonic armor consolidation		[3,900]	
183	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	17,057	1,000	18,057
		High performance capabilities for military vehicles		[1,000]	
184	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	30,167		30,167
185	0207161N	TACTICAL AIM MISSILES	2,298		2,298
186	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	3,604		3,604
187	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	8,431		8,431
188	0301303N	MARITIME INTELLIGENCE	[]		[]
189	0301323N	COLLECTION MANAGEMENT	[]		[]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE ..	[]		[]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[]		[]
192	0303109N	SATELLITE COMMUNICATIONS (SPACE)	474,009	-32,000	442,009
		MUOS program transfer to WPN		[-32,000]	
193	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	45,513		45,513
194	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	24,226	3,500	27,726
		Policy decision point for Consolidated Afloat Networks and Enterprise Services.		[3,500]	
195	0303158M	JOINT COMMAND AND CONTROL PROGRAM (JC2)	2,453		2,453
196	0303158N	JOINT COMMAND AND CONTROL PROGRAM (JC2)	4,139		4,139
197	0305149N	COBRA JUDY	62,061		62,061
198	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS—SPACE (METOC).	28,094		28,094
199	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES.	4,600		4,600
200	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,971		8,971
201	0305205N	ENDURANCE UNMANNED AERIAL VEHICLES			
202	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	46,208		46,208
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	22,599		22,599
204	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,079		18,079
205	0305220N	RQ-4 UAV	465,839		465,839
206	0305231N	MQ-8 UAV	25,639		25,639
207	0305232M	RQ-11 UAV	553		553
208	0305233N	RQ-7 UAV	986		986
209	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	18,763		18,763
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	23,594		23,594
211	0307207N	AERIAL COMMON SENSOR (ACS)			
212	0307217N	EP-3E REPLACEMENT (EPX)	11,976		11,976
213	0308601N	MODELING AND SIMULATION SUPPORT	8,028		8,028
214	0702207N	DEPOT MAINTENANCE (NON-IF)	14,675		14,675
215	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	2,725		2,725
216	0708011N	INDUSTRIAL PREPAREDNESS	56,691	7,500	64,191
		Integrated manufacturing enterprise		[5,000]	
		Life extension of weapon system structures research		[2,500]	
217	0708730N	MARITIME TECHNOLOGY (MARITECH)		20,000	20,000
		National Shipbuilding Research Program		[20,000]	
999	9999999	OTHER PROGRAMS	1,258,018		1,258,018
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E.	4,302,584	9,370	4,311,954
		TOTAL, RDT&E NAVY	19,270,932	326,764	19,597,696

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RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE					
BASIC RESEARCH					
001	0601102F	DEFENSE RESEARCH SCIENCES	321,028	2,500	323,528
		Coal transformation research		[1,000]	
		Nanotechnology for portable power research		[1,500]	
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	132,249	13,500	145,749
		Cybersecurity for control networks research		[4,000]	
		End-user software safeguard research		[2,000]	
		Informatics research		[1,500]	
		Information security research		[4,000]	
		Integrated design and manufacturing research		[2,000]	
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	12,834		12,834
004	0301555F	CLASSIFIED PROGRAMS	[]		[]
005	0301556F	SPECIAL PROGRAM	[]		[]
SUBTOTAL, BASIC RESEARCH, AIR FORCE			466,111	16,000	482,111
APPLIED RESEARCH					
006	0602015F	MEDICAL DEVELOPMENT			
007	0602102F	MATERIALS	127,957	19,750	147,707
		Advanced aerospace heat exchangers		[3,000]	
		Aircraft active corrosion protection systems		[2,000]	
		Energy and automation technologies		[4,000]	
		Energy efficiency, recovery, and generation systems		[4,000]	
		Health monitoring sensors for aerospace components		[2,000]	
		Intelligent manufacturing research		[1,000]	
		Light alloy aerospace and automotive parts develop- ment.		[1,000]	
		Mid-infrared laser source research		[2,750]	
008	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	127,129	2,500	129,629
		Unmanned aerial system collaboration technologies		[2,500]	
009	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	85,122		85,122
010	0602203F	AEROSPACE PROPULSION	196,529	18,000	214,529
		Hybrid bearing development		[1,000]	
		Integrated electrical starter/generator systems		[2,500]	
		Lithium battery manufacturing		[5,000]	
		Lithium ion technologies for aviation batteries		[2,000]	
		Scramjet research		[3,500]	
		Thermally efficient engine pumping system		[4,000]	
011	0602204F	AEROSPACE SENSORS	121,768		121,768
012	0602601F	SPACE TECHNOLOGY	104,148	9,500	113,648
		Reconfigurable electronics research		[2,000]	
		Seismic research program		[7,500]	
013	0602602F	CONVENTIONAL MUNITIONS	58,289		58,289
014	0602605F	DIRECTED ENERGY TECHNOLOGY	105,677	-5,750	99,927
		Chemical laser technology		[-5,750]	
015	0602702F	COMMAND CONTROL AND COMMUNICATIONS			
016	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	115,278		115,278
017	0602890F	HIGH ENERGY LASER RESEARCH	52,754	-4,100	48,654
		Advanced deformable mirrors for high energy laser weapons.		[2,000]	
		Chemical laser technology		[-6,100]	
SUBTOTAL, APPLIED RESEARCH, AIR FORCE			1,094,651	39,900	1,134,551
ADVANCED TECHNOLOGY DEVELOPMENT					
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	37,901	14,000	51,901
		Metals Affordability Initiative		[7,000]	

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		Sewage-derived biofuels program		[5,000]	
		Sonic infrared imaging technology development		[2,000]	
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,955		2,955
020	0603203F	ADVANCED AEROSPACE SENSORS	51,482	4,000	55,482
		Reconfigurable secure computing technologies		[4,000]	
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	76,844		76,844
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	175,676	39,500	215,176
		Alternative energy research		[20,000]	
		Long range supersonic engine for high speed strike		[10,000]	
		Scalable UAV engines		[3,500]	
		Silicon carbide power electronics research		[6,000]	
023	0603231F	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY			
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY	31,021		31,021
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	83,909		83,909
026	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	5,813		5,813
027	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	24,565		24,565
028	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	14,356		14,356
029	0603605F	ADVANCED WEAPONS TECHNOLOGY	30,056		30,056
030	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	39,913	3,250	43,163
		Next generation casting initiative		[3,250]	
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	39,708	2,500	42,208
		Optical interconnects research		[2,500]	
032	0603789F	C3I ADVANCED DEVELOPMENT			
033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.	3,831		3,831
SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE.			618,030	63,250	681,280
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
034	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,009		5,009
035	0603287F	PHYSICAL SECURITY EQUIPMENT	3,623		3,623
036	0603421F	NAVSTAR GLOBAL POSITIONING SYSTEM III			
037	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT			
038	0603430F	ADVANCED EHF MILSATCOM (SPACE)	464,335		464,335
039	0603432F	POLAR MILSATCOM (SPACE)	253,150		253,150
040	0603438F	SPACE CONTROL TECHNOLOGY	97,701	12,500	110,201
		Space protection program		[6,500]	
		Space situational awareness		[6,000]	
041	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	27,252		27,252
042	0603790F	NATO RESEARCH AND DEVELOPMENT	4,351		4,351
043	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	632		632
044	0603845F	TRANSFORMATIONAL SATCOM (TSAT)			
045	0603850F	INTEGRATED BROADCAST SERVICE	20,739		20,739
046	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	66,079	-5,000	61,079
		Program decrease		[-5,000]	
047	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	70,956		70,956
048	0603859F	POLLUTION PREVENTION	2,896		2,896
049	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS.	23,174		23,174
050	0604015F	NEXT GENERATION BOMBER			
051	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	22,612		22,612
052	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	20,891		20,891
053	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	6,882		6,882
054	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	35,533		35,533
055	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	18,778		18,778

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056	0604796F	ALTERNATIVE FUELS	89,020		89,020
057	0604830F	AUTOMATED AIR-TO-AIR REFUELING	43,158		43,158
058	0604856F	COMMON AERO VEHICLE (CAV)			
059	0604857F	OPERATIONALLY RESPONSIVE SPACE	112,861	170,000	282,861
		ORS smallsat imaging prototyping		[115,000]	
		ORS-1		[40,000]	
		RSLV		[15,000]	
060	0604858F	TECH TRANSITION PROGRAM	9,611		9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVI- RONMENTAL SATELLITE SYSTEM (NPOESS).	396,641	80,000	476,641
		Program increase		[80,000]	
061a	604xxxrF	NEXT GENERATION MILSATCOM TECHNOLOGY DE- VELOPMENT.		53,000	53,000
		IRIS		[3,000]	
		Next generation MILSATCOM technology development		[50,000]	
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE.	1,795,884	310,500	2,106,384
		SYSTEM DEVELOPMENT & DEMONSTRATION			
062	0603840F	GLOBAL BROADCAST SERVICE (GBS)	31,124		31,124
063	0604222F	NUCLEAR WEAPONS SUPPORT	37,860		37,860
064	0604226F	B-1B		2,000	2,000
		B-1B AESA radar		[2,000]	
065	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING ..	6,227		6,227
066	0604240F	B-2 ADVANCED TECHNOLOGY BOMBER			
067	0604261F	PERSONNEL RECOVERY SYSTEMS			
068	0604270F	ELECTRONIC WARFARE DEVELOPMENT	97,275		97,275
069	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	88,444		88,444
070	0604287F	PHYSICAL SECURITY EQUIPMENT	50		50
071	0604329F	SMALL DIAMETER BOMB (SDB)	153,815		153,815
072	0604421F	COUNTERSPACE SYSTEMS	64,248		64,248
073	0604425F	SPACE SITUATION AWARENESS SYSTEMS	308,134		308,134
074	0604429F	AIRBORNE ELECTRONIC ATTACK	11,107		11,107
075	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD HEO ground and data exploitation	512,642	15,000	527,642
				[15,000]	
076	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS).	143,169		143,169
077	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	18,671		18,671
078	0604604F	SUBMUNITIONS	1,784		1,784
079	0604617F	AGILE COMBAT SUPPORT	11,261		11,261
080	0604706F	LIFE SUPPORT SYSTEMS	10,711		10,711
081	0604735F	COMBAT TRAINING RANGES	29,718		29,718
082	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A).	10		10
083	0604750F	INTELLIGENCE EQUIPMENT	1,495		1,495
084	0604800F	JOINT STRIKE FIGHTER (JSF)	1,858,055	141,450	1,999,505
		F136 development		[219,450]	
		Excess management reserves		[-78,000]	
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	60,010		60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE).	26,545	12,000	38,545
		EELV metric tracking		[12,000]	
087	0605011F	RDT&E FOR AGING AIRCRAFT			
088	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT ...	439,615		439,615
089	0605277F	CSAR-X RDT&E	89,975	-89,975	
		Use available prior year funds		[-89,975]	
090	0605278F	HC/MC-130 RECAP RDT&E	20,582		20,582
091	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE	34,877		34,877
092	0207434F	LINK-16 SUPPORT AND SUSTAINMENT			
093	0207450F	E-10 SQUADRONS			
094	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP)	13,466		13,466

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
095	0207701F	FULL COMBAT MISSION TRAINING	99,807		99,807
096	0305176F	COMBAT SURVIVOR EVADER LOCATOR			
097	0401138F	JOINT CARGO AIRCRAFT (JCA)	9,353		9,353
098	0401318F	CV-22	19,640		19,640
099	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	20,056		20,056
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE.	4,219,726	80,475	4,300,201
		RDT&E MANAGEMENT SUPPORT			
100	0604256F	THREAT SIMULATOR DEVELOPMENT	27,789		27,789
101	0604759F	MAJOR T&E INVESTMENT	60,824	5,000	65,824
		Holloman High Speed Test Track		[5,000]	
102	0605101F	RAND PROJECT AIR FORCE	27,501		27,501
103	0605502F	SMALL BUSINESS INNOVATION RESEARCH			
104	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	25,833		25,833
105	0605807F	TEST AND EVALUATION SUPPORT	736,488	20,000	756,488
		Program increase		[20,000]	
106	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	14,637		14,637
107	0605864F	SPACE TEST PROGRAM (STP)	47,215		47,215
108	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	52,409		52,409
109	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	29,683		29,683
110	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	18,947		18,947
111	0804731F	GENERAL SKILL TRAINING	1,450		1,450
112	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
113	1001004F	INTERNATIONAL ACTIVITIES	3,748		3,748
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE.	1,046,524	25,000	1,071,524
		OPERATIONAL SYSTEMS DEVELOPMENT			
114	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	9,513		9,513
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	47,276		47,276
116	0605798F	ANALYSIS SUPPORT GROUP	[]		[]
117	0101113F	B-52 SQUADRONS	93,930		93,930
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,652		3,652
119	0101126F	B-1B SQUADRONS	148,025		148,025
120	0101127F	B-2 SQUADRONS	415,414		415,414
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	33,836		33,836
122	0101314F	NIGHT FIST—USSTRATCOM	5,328		5,328
123	0101815F	ADVANCED STRATEGIC PROGRAMS	[]		[]
124	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	9,832		9,832
125	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	25,734		25,734
126	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES.	18		18
127	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	11,996		11,996
128	0205219F	MQ-9 UAV	39,245		39,245
129	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT.	14,747		14,747
130	0207131F	A-10 SQUADRONS	9,697		9,697
131	0207133F	F-16 SQUADRONS	141,020		141,020
132	0207134F	F-15E SQUADRONS	311,167		311,167
133	0207136F	MANNED DESTRUCTIVE SUPPRESSION	10,748		10,748
134	0207138F	F-22A SQUADRONS	569,345		569,345
135	0207161F	TACTICAL AIM MISSILES	5,915		5,915
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	49,971		49,971

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) ..	2,529		2,529
138	0207227F	COMBAT RESCUE—PARARESCUE	2,950		2,950
139	0207247F	AF TENCAP	11,643		11,643
140	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	2,950		2,950
141	0207253F	COMPASS CALL	13,019		13,019
142	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PRO- GRAM.	166,563		166,563
143	0207277F	CSAF INNOVATION PROGRAM	4,621		4,621
144	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	29,494		29,494
145	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	99,405		99,405
146	0207412F	CONTROL AND REPORTING CENTER (CRC)	52,508		52,508
147	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	176,040		176,040
148	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS			
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	63,782		63,782
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[]		[]
151	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	1,475		1,475
152	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	19,067		19,067
153	0207445F	FIGHTER TACTICAL DATA LINK	72,106		72,106
154	0207446F	BOMBER TACTICAL DATA LINK			
155	0207448F	C2ISR TACTICAL DATA LINK	1,667		1,667
156	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	26,792		26,792
157	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYS- TEM (JSTARS).	140,670	92,000	232,670
		MP-RTIP integration & test on JSTARS aircraft		[92,000]	
158	0207590F	SEEK EAGLE	22,071		22,071
159	0207601F	USAF MODELING AND SIMULATION	27,245		27,245
160	0207605F	WARGAMING AND SIMULATION CENTERS	7,018		7,018
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	6,740		6,740
162	0208006F	MISSION PLANNING SYSTEMS	91,995		91,995
163	0208021F	INFORMATION WARFARE SUPPORT	12,271		12,271
164	0208161F	SPECIAL EVALUATION SYSTEM	[]		[]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[]		[]
166	0301314F	COBRA BALL	[]		[]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[]		[]
168	0301324F	FOREST GREEN	[]		[]
169	0301386F	GDIP COLLECTION MANAGEMENT	[]		[]
170	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).	26,107		26,107
171	0303112F	AIR FORCE COMMUNICATIONS (AIRCOM)			
172	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICA- TIONS NETWORK (MEECN).	72,694		72,694
173	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	196,621		196,621
174	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	3,375		3,375
175	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,149		3,149
176	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2)	3,087		3,087
177	0303601F	MILSATCOM TERMINALS	257,693		257,693
179	0304260F	AIRBORNE SIGINT ENTERPRISE	176,989		176,989
180	0304311F	SELECTED ACTIVITIES	[]		[]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[]		[]
182	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	6,028		6,028
183	0305103F	CYBER SECURITY INITIATIVE	2,065		2,065
184	0305110F	SATELLITE CONTROL NETWORK (SPACE)	20,991		20,991
185	0305111F	WEATHER SERVICE	33,531		33,531
186	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	9,006		9,006
187	0305116F	AERIAL TARGETS	54,807		54,807
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[]		[]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]		[]
190	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	742		742
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[]		[]
192	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39		39

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
194	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	137,692		137,692
195	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	52,039		52,039
196	0305172F	COMBINED ADVANCED APPLICATIONS	[]		[]
197	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,599		3,599
198	0305174F	SPACE WARFARE CENTER	3,009		3,009
199	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,957		9,957
200	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	1,240		1,240
201	0305202F	DRAGON U-2			
202	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,736	-35,000	38,736
		ISIS		[-35,000]	
203	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	143,892	-46,000	97,892
		GORGON STARE		[-46,000]	
204	0305207F	MANNED RECONNAISSANCE SYSTEMS	12,846		12,846
205	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	82,765		82,765
206	0305219F	MQ-1 PREDATOR A UAV	18,101	4,000	22,101
		Sense and avoid		[4,000]	
207	0305220F	RQ-4 UAV	317,316		317,316
208	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	8,160		8,160
209	0305265F	GPS III SPACE SEGMENT	815,095		815,095
210	0305614F	JSPOC MISSION SYSTEM	131,271	6,000	137,271
		Karnac		[6,000]	
211	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE.	5,267		5,267
212	0305906F	NCMC—TW/AA SYSTEM			
213	0305913F	NUDET DETECTION SYSTEM (SPACE)	84,021		84,021
214	0305924F	NATIONAL SECURITY SPACE OFFICE	10,634		10,634
215	0305940F	SPACE SITUATION AWARENESS OPERATIONS	54,648		54,648
216	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT.	30,076		30,076
217	0308699F	SHARED EARLY WARNING (SEW)	3,082		3,082
218	0401115F	C-130 AIRLIFT SQUADRON	201,250		201,250
219	0401119F	C-5 AIRLIFT SQUADRONS (IF)	95,266		95,266
220	0401130F	C-17 AIRCRAFT (IF)	161,855		161,855
221	0401132F	C-130J PROGRAM	30,019		30,019
222	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	31,784		31,784
223	0401218F	KC-135S	10,297		10,297
224	0401219F	KC-10S	35,586		35,586
225	0401221F	KC-135 TANKER REPLACEMENT			
226	0401314F	OPERATIONAL SUPPORT AIRLIFT	4,916		4,916
227	0401839F	AIR MOBILITY TACTICAL DATA LINK			
228	0408011F	SPECIAL TACTICS/COMBAT CONTROL	8,222		8,222
229	0702207F	DEPOT MAINTENANCE (NON-IF)	1,508		1,508
230	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS			
231	0708011F	INDUSTRIAL PREPAREDNESS			
232	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	246,483		246,483
233	0708611F	SUPPORT SYSTEMS DEVELOPMENT	6,288		6,288
234	0804743F	OTHER FLIGHT TRAINING	805		805
235	0804757F	JOINT NATIONAL TRAINING CENTER	3,220		3,220
236	0804772F	TRAINING DEVELOPMENTS	1,769		1,769
237	0808716F	OTHER PERSONNEL ACTIVITIES	116		116
238	0901202F	JOINT PERSONNEL RECOVERY AGENCY	6,376	5,000	11,376
		Biometric signature and passive physiological monitoring.		[5,000]	
239	0901212F	SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)			
240	0901218F	CIVILIAN COMPENSATION PROGRAM	8,174		8,174
241	0901220F	PERSONNEL ADMINISTRATION	10,492		10,492
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	55,991		55,991

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<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
999	9999999	OTHER PROGRAMS	11,955,084	140,000	12,095,084
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE.	18,751,901	166,000	18,917,901
		TOTAL, RDT&E AIR FORCE	27,992,827	701,125	28,693,952
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE			
		BASIC RESEARCH			
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	48,544		48,544
002	0601101E	DEFENSE RESEARCH SCIENCES	226,125		226,125
003	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNI- VERSITY RESEARCH			
004	0601114D8Z	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.		8,000	8,000
		Program Increase		[8,000]	
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	89,980		89,980
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM In-vitro models for bio-defense vaccines	58,974	2,000 [2,000]	60,974
		SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE	423,623	10,000	433,623
		APPLIED RESEARCH			
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	22,669		22,669
008	0602227D8Z	MEDICAL FREE ELECTRON LASER			
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVER- SITIES (HBCU) SCIENCE.	15,164		15,164
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	34,034		34,034
011	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY ... Content distribution	282,749	-12,000 [-4,500]	270,749
		CORONET		[-7,500]	
012	0602304E	COGNITIVE COMPUTING SYSTEMS	142,840	-25,000 [-25,000]	117,840
		Cognitive networking			
013	0602383E	BIOLOGICAL WARFARE DEFENSE	40,587		40,587
014	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM Chemical and biological infrared detector	209,072	13,878 [3,000]	222,950
		Biological decontamination research		[1,000]	
		Funding for meritorious unfunded TMTI projects		[9,878]	
015	0602663D8Z	JOINT DATA MANAGEMENT ADVANCED DEVELOP- MENT.	4,940		4,940
016	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MOD- ELING (HSCB) APPLIED RESEARCH.	9,446		9,446
017	0602702E	TACTICAL TECHNOLOGY	276,075	-13,000 [-10,000]	263,075
		EXACTO		[-3,000]	
		Submersible aircraft			
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	268,859		268,859
019	0602716E	ELECTRONICS TECHNOLOGY	223,841		223,841
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECH- NOLOGIES.	219,130	2,000	221,130
		Blast mitigation and protection		[2,000]	
021	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	27,384		27,384
022	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT			
		SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE	1,776,790	-34,122	1,742,668
		ADVANCED TECHNOLOGY DEVELOPMENT			
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,538		23,538
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	43,808		43,808
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	81,868	6,000	87,868

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<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
		<i>Impact and blast loading laboratory testing program</i>		[2,500]	
		<i>Reconnaissance and data exploitation systems</i>		[3,500]	
026	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	233,203		233,203
027	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	109,760		109,760
028	0603200D8Z	JOINT ADVANCED CONCEPTS	7,817	3,000	10,817
		<i>Joint Future Theater Lift joint advanced concepts</i>		[3,000]	
029	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	23,276		23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS	338,360	-106,000	232,360
		<i>Disc-rotor compound helicopter</i>		[-5,000]	
		<i>Endurance UAS programs</i>		[-90,000]	
		<i>Heliplane</i>		[-4,000]	
		<i>Triple target terminator</i>		[-7,000]	
031	0603287E	SPACE PROGRAMS AND TECHNOLOGY	200,612		200,612
032	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	282,235		282,235
033	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	10,838		10,838
034	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	198,352	-25,000	173,352
		<i>JCTD new starts</i>		[-25,000]	
035	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	28,212		28,212
036	0603663D8Z	JOINT DATA MANAGEMENT RESEARCH	4,935		4,935
037	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,993		10,993
038	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	11,480		11,480
039	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	14,638	10,000	24,638
		<i>High performance defense manufacturing technology ...</i>		[10,000]	
040	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,110	2,000	11,110
		<i>Robotics training systems</i>		[2,000]	
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	19,043	41,250	60,293
		<i>Alternative energy research</i>		[20,000]	
		<i>Biofuels program</i>		[4,000]	
		<i>Biomass conversion research</i>		[2,500]	
		<i>Fuel cell manufacturing research</i>		[3,750]	
		<i>Renewable power for forward operating bases</i>		[3,000]	
		<i>Vehicle fuel cell and hydrogen logistics program</i>		[8,000]	
042	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	29,356		29,356
043	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	69,175		69,175
044	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	26,310		26,310
045	0603727D8Z	JOINT WARFIGHTING PROGRAM	11,135		11,135
046	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	205,912		205,912
047	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD).	4,864		4,864
048	0603750D8Z	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS			
049	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	221,286	3,000	224,286
		<i>Computational design of novel materials</i>		[3,000]	
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	293,476	-10,000	283,476
		<i>Deep Green</i>		[-10,000]	
051	0603764E	LAND WARFARE TECHNOLOGY			
052	0603765E	CLASSIFIED DARPA PROGRAMS	186,526		186,526
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	135,941		135,941
054	0603767E	SENSOR TECHNOLOGY	243,056	-7,500	235,556
		<i>SUDS</i>		[-7,500]	
055	0603768E	GUIDANCE TECHNOLOGY	37,040		37,040

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
056	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	13,822		13,822
057	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	31,298		31,298
058	0603805S	DUAL USE TECHNOLOGY			
059	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,984	-13,200	94,784
		Quick Reaction Fund		[-15,000]	
		Special warfare domain awareness		[1,800]	
060	0603828D8Z	JOINT EXPERIMENTATION	124,480	-5,000	119,480
		Space control and GPS experimentation		[-5,000]	
061	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE.	38,505		38,505
062	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	95,734		95,734
063	0603942D8Z	TECHNOLOGY TRANSFER	2,219		2,219
064	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
065	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	31,675	1,600	33,275
		Lithium ion battery safety research		[1,600]	
066	1160422BB	AVIATION ENGINEERING ANALYSIS	3,544		3,544
067	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,988		4,988
SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE.			3,570,404	-99,850	3,470,554
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	36,019		36,019
069	0603228D8Z	PHYSICAL SECURITY EQUIPMENT			
070	0603527D8Z	RETRACT LARCH	21,718		21,718
071	0603709D8Z	JOINT ROBOTICS PROGRAM	11,803		11,803
072	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	17,771		17,771
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	31,613		31,613
074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	719,465		719,465
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	982,922		982,922
076	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT.	186,697		186,697
077	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	205,952	2,000	207,952
		Real-time non-specific viral agent detector		[2,000]	
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	636,856	5,000	641,856
		Airborne infrared surveillance technology		[5,000]	
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR			
080	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	966,752		966,752
081	0603890C	BMD ENABLING PROGRAMS	369,145		369,145
082	0603891C	SPECIAL PROGRAMS—MDA	301,566		301,566
083	0603892C	AEGIS BMD	1,690,758	-30,000	1,660,758
		Excess to execution		[-30,000]	
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	180,000		180,000
085	0603894C	MULTIPLE KILL VEHICLE			
086	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	12,549		12,549
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATION.	340,014		340,014
088	0603897C	BALLISTIC MISSILE DEFENSE HERCULES	48,186		48,186
089	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	60,921		60,921

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
090	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	86,949		86,949
091	0603906C	REGARDING TRENCH	6,164		6,164
092	0603907C	SEA BASED X-BAND RADAR (SBX)	174,576		174,576
093	0603908C	BMD EUROPEAN INTERCEPTOR SITE			
094	0603909C	BMD EUROPEAN MIDCOURSE RADAR			
095	0603911C	BMD EUROPEAN CAPABILITY	50,504		50,504
096	0603912C	BMD EUROPEAN COMMUNICATIONS SUPPORT			
097	0603913C	ISRAELI COOPERATIVE PROGRAMS	119,634	25,000	144,634
		Short-range ballistic missile defense		[25,000]	
098	0603920D8Z	HUMANITARIAN DEMINING	14,687		14,687
099	0603923D8Z	COALITION WARFARE	13,885		13,885
100	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM ...	4,887	3,500	8,387
		Corrosion control research		[3,500]	
101	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	55,289		55,289
102	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	18,577		18,577
103	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	7,006		7,006
104	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,744	50,000	69,744
		Systems engineering and prototyping program		[50,000]	
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM.	16,972		16,972
106	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	24,647		24,647
107	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	3,949		3,949
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DEFENSE-WIDE.	7,438,177	55,500	7,493,677
		SYSTEM DEVELOPMENT & DEMONSTRATION			
108	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP).	28,862		28,862
109	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	7,628		7,628
110	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.	166,913		166,913
111	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	332,895		332,895
112	0604709D8Z	JOINT ROBOTICS PROGRAM	5,127		5,127
113	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO).	39,911		39,911
114	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	20,633		20,633
115	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES.	8,735		8,735
116	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,705		11,705
117	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS).	70,000		70,000
118	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES.	197,008		197,008
119	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	395		395
120	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	5,000		5,000
121	0605140D8Z	TRUSTED FOUNDRY	41,223		41,223
122	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM.	4,267		4,267
123	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	18,431		18,431
124	0303158K	JOINT COMMAND AND CONTROL PROGRAM (JC2)	49,047		49,047
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, DEFENSE-WIDE.	1,007,780		1,007,780

RDT&E MANAGEMENT SUPPORT

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
125	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE.	1,609		1,609
126	0603757D8Z	TRAINING TRANSFORMATION (T2)			
127	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	13,121		13,121
128	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	15,247		15,247
129	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	145,052	4,000	149,052
		SAM hardware simulators		[4,000]	
130	0604943D8Z	THERMAL VICAR	9,045		9,045
131	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	9,455		9,455
132	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	44,760		44,760
133	0605110D8Z	USD (A&T)—CRITICAL TECHNOLOGY SUPPORT	4,914		4,914
134	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION.	94,921		94,921
135	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	96,909		96,909
136	0605128D8Z	CLASSIFIED PROGRAM USD(P)			
137	0605130D8Z	FOREIGN COMPARATIVE TESTING	35,054		35,054
138	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	6,474		6,474
139	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	14,916		14,916
140	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	5,888		5,888
141	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	106,477		106,477
142	0605502BR	SMALL BUSINESS INNOVATION RESEARCH			
143	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA			
144	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH			
145	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH			
146	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH			
147	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION.	2,163	3,000	5,163
		Anti-tamper software systems		[3,000]	
148	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	11,005		11,005
149	0605798S	DEFENSE TECHNOLOGY ANALYSIS			
150	0605799D8Z	FORCE TRANSFORMATION DIRECTORATE	19,981		19,981
151	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	54,411		54,411
152	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	19,554		19,554
153	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	23,512		23,512
154	0605897E	DARPA AGENCY RELOCATION	45,000		45,000
155	0605898E	MANAGEMENT HQ—R&D	51,055		51,055
156	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	5,929		5,929
157	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	8,000		8,000
158	0204571J	JOINT STAFF ANALYTICAL SUPPORT	1,250		1,250
159	0301555G	CLASSIFIED PROGRAMS	[]		[]
160	0301556G	SPECIAL PROGRAM	[]		[]
161	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	30,604		30,604
162	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,667		4,667
163	0305103E	CYBER SECURITY INITIATIVE	50,000	-19,600	30,400
		Program decrease		[-19,600]	
164	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	20,648		20,648
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	[]		[]
166	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT.	829		829
167	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	34,306		34,306
168	0901585C	PENTAGON RESERVATION	19,709		19,709
169	0901598C	MANAGEMENT HQ—MDA	57,403		57,403
170	0901598D8W	IT SOFTWARE DEV INITIATIVES	980		980

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DE- FENSE-WIDE.	1,064,848	-12,600	1,052,248
		OPERATIONAL SYSTEMS DEVELOPMENT			
171	0604130V	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS).	1,384		1,384
172	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	2,001		2,001
173	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED IN- FORMATION SYSTEM (OHASIS).	292		292
174	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPER- ATIONAL SYSTEMS DEVELOPMENT).	6,198		6,198
175	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	46,214		46,214
176	0204571J	JOINT STAFF ANALYTICAL SUPPORT			
177	0208043J	CLASSIFIED PROGRAMS	2,179		2,179
178	0208045K	C4I INTEROPERABILITY	74,786		74,786
180	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING ...	10,767		10,767
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[]		[]
182	0301318BB	HUMINT (CONTROLLED)	[]		[]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[]		[]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[]		[]
185	0301555BZ	CLASSIFIED PROGRAMS	[]		[]
186	0301556BZ	SPECIAL PROGRAM	[]		[]
187	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUP- PORT.	548		548
188	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	17,655		17,655
189	0303126K	LONG-HAUL COMMUNICATIONS—DCS	9,406		9,406
190	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICA- TIONS NETWORK (MEECN).	9,830		9,830
191	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	8,116		8,116
192	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	41,002		41,002
193	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	13,477		13,477
194	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	408,316	1,800 [1,800]	410,116
195	0303140K	Software assurance courseware			
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM			
196	0303148K	DISA MISSION SUPPORT OPERATIONS	1,205		1,205
197	0303149J	C4I FOR THE WARRIOR	4,098		4,098
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	23,761		23,761
199	0303153K	JOINT SPECTRUM CENTER	18,944		18,944
200	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,782		1,782
201	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	942		942
202	0303610K	TELEPORT PROGRAM	5,239		5,239
203	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	16,381		16,381
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP).	[]		[]
206	0305103D8Z	CYBER SECURITY INITIATIVE	993		993
207	0305103G	CYBER SECURITY INITIATIVE	[]		[]
208	0305103K	CYBER SECURITY INITIATIVE	10,080		10,080
209	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	12,725		12,725
210	0305127BZ	FOREIGN COUNTERINTELLIGENCE ACTIVITIES			
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]		[]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[]		[]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[]		[]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVI- TIES.	[]		[]
215	0305186D8Z	POLICY R&D PROGRAMS	6,948	-6,000 [-6,000]	948
216	0305193L	Program reduction			
216	0305193L	INTELLIGENCE SUPPORT TO INFORMATION OPER- ATIONS (IO)			
217	0305199D8Z	NET CENTRICITY	1,479		1,479

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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218	0305202G	DRAGON U-2	[]		[]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[]		[]
220	0305207G	MANNED RECONNAISSANCE SYSTEMS			
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,407		1,407
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
224	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,158		3,158
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
226	0305219BB	MQ-1 PREDATOR A UAV	2,067		2,067
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[]		[]
228	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PRO- GRAM.	2,963		2,963
229	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AS- SESSMENT, ADVANCEMENT AND INTEGRATION.	1,389		1,389
230	0305866L	DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVI- TIES			
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS			
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT.	[]		[]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES .. Technology applications for security enhancement	[]	[4,000] [4,000]	[]
235	0305889G	COUNTERDRUG INTELLIGENCE SUPPORT			
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRA- TION & TOOL DEV.	[]		[]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[]		[]
238	0708011S	INDUSTRIAL PREPAREDNESS	20,514	40,000	60,514
		Advanced microcircuit emulation		[4,500]	
		Castings for improved defense readiness		[3,000]	
		Industrial Base Innovation Fund		[30,000]	
		Insensitive munitions manufacturing		[2,500]	
239	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,798		2,798
240	0902298J	MANAGEMENT HEADQUARTERS (JCS)	8,303		8,303
241	1001018D8Z	NATO AGS	74,485		74,485
242	1105219BB	MQ-9 UAV	4,380		4,380
243	1130435BB	STORM			
244	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG			
245	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS AD- VANCED DEVELOPMENT.	82,621		82,621
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVEL- OPMENT.	6,182		6,182
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DE- VELOPMENT.	21,273	5,000	26,273
		Long endurance unattended ground sensor technologies		[5,000]	
248	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,310		60,310
249	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT	12,687		12,687
250	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE	43,412		43,412
251	1160425BB	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYS- TEMS			
252	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT.	1,321		1,321
253	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS).	3,192		3,192
254	1160428BB	UNMANNED VEHICLES (UV)			
255	1160429BB	MC130J SOF TANKER RECAPITALIZATION	5,957		5,957
256	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELEC- TRONICS SYSTEMS.	733		733
257	1160476BB	SOF TACTICAL RADIO SYSTEMS	2,368		2,368
258	1160477BB	SOF WEAPONS SYSTEMS	1,081		1,081
259	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	597		597
260	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS.	3,369		3,369

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
261	1160480BB	SOF TACTICAL VEHICLES	1,973		1,973
262	1160482BB	SOF ROTARY WING AVIATION	18,863		18,863
263	1160483BB	SOF UNDERWATER SYSTEMS	3,452		3,452
264	1160484BB	SOF SURFACE CRAFT	12,250		12,250
265	1160488BB	SOF PSYOP	9,887		9,887
266	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,944		4,944
267	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,547		11,547
999	9999999	OTHER PROGRAMS	4,273,689	4,000	4,277,689
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE.	5,459,920	44,800	5,504,720
		DARPA execution adjustment		-150,000	-150,000
		Total, RDT&E Defense-Wide	20,741,542	-186,272	20,555,270
		OPERATIONAL TEST & EVALUATION, DEFENSE			
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	58,647		58,647
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,285		12,285
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	119,838		119,838
		Total, Operational Test & Evaluation, Defense	190,770		190,770
		TOTAL RDT&E	78,634,289	1,266,402	79,900,691

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTIN-
GENCY OPERATIONS.**

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY			
		SYSTEM DEVELOPMENT & DEMONSTRATION			
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	18,598		18,598
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY.	18,598		18,598
		OPERATIONAL SYSTEMS DEVELOPMENT			
160	0301359A	SPECIAL ARMY PROGRAM	[]		[]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,644		7,644
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	2,220		2,220
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	29,500		29,500
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY.	39,364		39,364
		TOTAL, RDT&E ARMY	57,962		57,962
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
ADVANCED COMPONENT DEVELOPMENT & PROTO-TYPES					
027	0603216N	AVIATION SURVIVABILITY	8,000		8,000
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	9,000		9,000
SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY.			17,000		17,000
OPERATIONAL SYSTEMS DEVELOPMENT					
188	0301303N	MARITIME INTELLIGENCE	[]		[]
189	0301323N	COLLECTION MANAGEMENT	[]		[]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE ...	[]		[]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[]		[]
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	51,900		51,900
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	6,000		6,000
999	9999999	OTHER PROGRAMS	32,280		32,280
SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E.			90,180		90,180
TOTAL, RDT&E NAVY			107,180		107,180
RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE					
BASIC RESEARCH					
004	0301555F	CLASSIFIED PROGRAMS	[]		[]
005	0301556F	SPECIAL PROGRAM	[]		[]
SUBTOTAL, BASIC RESEARCH, AIR FORCE					
OPERATIONAL SYSTEMS DEVELOPMENT					
116	0605798F	ANALYSIS SUPPORT GROUP	[]		[]
123	0101815F	ADVANCED STRATEGIC PROGRAMS	[]		[]
128	0205219F	MQ-9 UAV	1,400		1,400
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	9,375		9,375
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[]		[]
164	0208161F	SPECIAL EVALUATION SYSTEM	[]		[]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[]		[]
166	0301314F	COBRA BALL	[]		[]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[]		[]
168	0301324F	FOREST GREEN	[]		[]
169	0301386F	GDIP COLLECTION MANAGEMENT	[]		[]
180	0304311F	SELECTED ACTIVITIES	[]		[]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[]		[]
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[]		[]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]		[]
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[]		[]
196	0305172F	COMBINED ADVANCED APPLICATIONS	[]		[]
206	0305219F	MQ-1 PREDATOR A UAV	1,400		1,400
999	9999999	OTHER PROGRAMS	17,111		17,111
SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE.			29,286		29,286
TOTAL, RDT&E AIR FORCE			29,286		29,286
RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE					

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
RDT&E MANAGEMENT SUPPORT					
159	0301555G	CLASSIFIED PROGRAMS	[]		[]
160	0301556G	SPECIAL PROGRAM	[]		[]
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPER- ATIONS (IO).	[]		[]
SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DE- FENSE-WIDE					
OPERATIONAL SYSTEMS DEVELOPMENT					
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[]		[]
182	0301318BB	HUMINT (CONTROLLED)	[]		[]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[]		[]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[]		[]
185	0301555BZ	CLASSIFIED PROGRAMS	[]		[]
186	0301556BZ	SPECIAL PROGRAM	[]		[]
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,750		2,750
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP).	[]		[]
207	0305103G	CYBER SECURITY INITIATIVE	[]		[]
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]		[]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[]		[]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[]		[]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVI- TIES.	[]		[]
218	0305202G	DRAGON U-2	[]		[]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[]		[]
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
226	0305219BB	MQ-1 PREDATOR A UAV	[]		[]
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[]		[]
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS	[]		[]
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT.	[]		[]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES ...	[]		[]
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRA- TION & TOOL DEV.	[]		[]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[]		[]
999	9999999	OTHER PROGRAMS	113,076		113,076
SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE.			115,826		115,826
Total, RDT&E Defense-Wide			115,826		115,826
TOTAL RDT&E			310,254		310,254

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
Operation and Maintenance, Army					
BUDGET ACTIVITY 01: OPERATING FORCES					
LAND FORCES					
2020	010	MANEUVER UNITS	1,020,490		1,020,490
2020	020	MODULAR SUPPORT BRIGADES	105,178		105,178
2020	030	ECHELONS ABOVE BRIGADE	708,038		708,038
2020	040	THEATER LEVEL ASSETS	718,233		718,233
2020	050	LAND FORCES OPERATIONS SUPPORT	1,379,529		1,379,529
2020	060	AVIATION ASSETS	850,750		850,750
LAND FORCES READINESS					
2020	070	FORCE READINESS OPERATIONS SUPPORT	2,088,233	8,000	2,096,233
		<i>Generation III extended cold weather clothing system</i>		[8,000]	
2020	080	LAND FORCES SYSTEMS READINESS	633,704		633,704
2020	090	LAND FORCES DEPOT MAINTENANCE	692,601		692,601
LAND FORCES READINESS SUPPORT					
2020	100	BASE OPERATIONS SUPPORT	7,586,455		7,586,455
2020	110	FACILITIES SUSTAINMENT, RESTORATION, & MOD- ERNIZATION.	2,221,446		2,221,446
2020	120	MANAGEMENT AND OPERATIONAL HQ	333,119		333,119
2020	130	COMBATANT COMMANDERS CORE OPERATIONS	123,163		123,163
2020	170	COMBATANT COMMANDERS ANCILLARY MISSIONS	460,159		460,159
TOTAL, BA 01: OPERATING FORCES			18,921,098	8,000	18,929,098
BUDGET ACTIVITY 02: MOBILIZATION					
MOBILITY OPERATIONS					
2020	180	STRATEGIC MOBILITY	228,376		228,376
2020	190	ARMY PREPOSITIONING STOCKS	98,129		98,129
2020	200	INDUSTRIAL PREPAREDNESS	5,705		5,705
TOTAL, BA 02: MOBILIZATION			332,210		332,210
BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
ACCESSION TRAINING					
2020	210	OFFICER ACQUISITION	125,615		125,615
2020	220	RECRUIT TRAINING	87,488		87,488
2020	230	ONE STATION UNIT TRAINING	59,302		59,302
2020	240	SENIOR RESERVE OFFICERS TRAINING CORPS	449,397		449,397
BASIC SKILL/ADVANCE TRAINING					
2020	250	SPECIALIZED SKILL TRAINING	970,777		970,777
		<i>Rule of law increase</i>		[500]	
2020	260	FLIGHT TRAINING	843,893		843,893
2020	270	PROFESSIONAL DEVELOPMENT EDUCATION	166,812		166,812
2020	280	TRAINING SUPPORT	702,031		702,031
RECRUITING/OTHER TRAINING					
2020	290	RECRUITING AND ADVERTISING	541,852		541,852
2020	300	EXAMINING	147,915		147,915
2020	310	OFF-DUTY AND VOLUNTARY EDUCATION	238,353		238,353
2020	320	CIVILIAN EDUCATION AND TRAINING	217,386		217,386
2020	330	JUNIOR ROTC	156,904		156,904
TOTAL, BA 03: TRAINING AND RECRUITING			4,707,725		4,707,725
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		SECURITY PROGRAMS			
2020	340	SECURITY PROGRAMS	1,017,055		1,017,055
		LOGISTICS OPERATIONS			
2020	350	SERVICEWIDE TRANSPORTATION	540,249		540,249
2020	360	CENTRAL SUPPLY ACTIVITIES	614,093		614,093
2020	370	LOGISTIC SUPPORT ACTIVITIES	481,318		481,318
2020	380	AMMUNITION MANAGEMENT	434,661		434,661
		SERVICEWIDE SUPPORT			
2020	390	ADMINISTRATION	776,866		776,866
2020	400	SERVICEWIDE COMMUNICATIONS	1,166,491		1,166,491
2020	410	MANPOWER MANAGEMENT	289,383		289,383
2020	420	OTHER PERSONNEL SUPPORT	221,779		221,779
2020	430	OTHER SERVICE SUPPORT	993,852		993,852
2020	440	ARMY CLAIMS ACTIVITIES	215,168		215,168
2020	450	REAL ESTATE MANAGEMENT	118,785		118,785
		SUPPORT OF OTHER NATIONS			
2020	460	SUPPORT OF NATO OPERATIONS	430,449		430,449
2020	470	MISC. SUPPORT OF OTHER NATIONS	13,700		13,700
		Unobligated balances		[-350,000]	-350,000
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	7,313,849	-350,000	6,963,849
2020		Total Operation and Maintenance, Army	31,274,882	-342,000	30,932,882
		Operation and Maintenance, Navy			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1804	010	MISSION AND OTHER FLIGHT OPERATIONS	3,814,000		3,814,000
1804	020	FLEET AIR TRAINING	120,868		120,868
1804	030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,259		52,259
1804	040	AIR OPERATIONS AND SAFETY SUPPORT	121,649		121,649
1804	050	AIR SYSTEMS SUPPORT	485,321		485,321
1804	060	AIRCRAFT DEPOT MAINTENANCE	1,057,747	195,000	1,252,747
		Aviation depot maintenance increase		[195,000]	
1804	070	AIRCRAFT DEPOT OPERATIONS SUPPORT	32,083		32,083
		SHIP OPERATIONS			
1804	080	MISSION AND OTHER SHIP OPERATIONS	3,320,222		3,320,222
1804	090	SHIP OPERATIONS SUPPORT & TRAINING	699,581		699,581
1804	100	SHIP DEPOT MAINTENANCE	4,296,544	768,850	5,065,394
		Ship depot maintenance increase		[200,000]	
		Transfer to Base		[568,850]	
1804	110	SHIP DEPOT OPERATIONS SUPPORT	1,170,785		1,170,785
		COMBAT OPERATIONS/SUPPORT			
1804	120	COMBAT COMMUNICATIONS	601,595		601,595
1804	130	ELECTRONIC WARFARE	86,019		86,019
1804	140	SPACE SYSTEMS AND SURVEILLANCE	167,050		167,050
1804	150	WARFARE TACTICS	407,674		407,674
1804	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY ...	315,228		315,228
1804	170	COMBAT SUPPORT FORCES	758,789		758,789
1804	180	EQUIPMENT MAINTENANCE	186,794		186,794
1804	190	DEPOT OPERATIONS SUPPORT	3,305		3,305

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1804	200	COMBATANT COMMANDERS CORE OPERATIONS	167,789		167,789
1804	210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT Reduction for National Program for Small Unit Excellence	259,188	-7,000 [-7,000]	252,188
		WEAPONS SUPPORT			
1804	220	CRUISE MISSILE	131,895		131,895
1804	230	FLEET BALLISTIC MISSILE	1,145,020		1,145,020
1804	240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	64,731		64,731
1804	250	WEAPONS MAINTENANCE	448,777	12,000 [12,000]	460,777
		Gun depot overhauls			
1804	260	OTHER WEAPON SYSTEMS SUPPORT	326,535		326,535
		BASE SUPPORT			
1804	270	ENTERPRISE INFORMATION	1,095,587		1,095,587
1804	280	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,746,418		1,746,418
1804	290	BASE OPERATING SUPPORT	4,058,046		4,058,046
		TOTAL, BA 01: OPERATING FORCES	27,141,499	968,850	28,110,349
		BUDGET ACTIVITY 02: MOBILIZATION			
		READY RESERVE AND PREPOSITIONING FORCES			
1804	300	SHIP PREPOSITIONING AND SURGE	407,977		407,977
		ACTIVATIONS/INACTIVATIONS			
1804	310	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,491		7,491
1804	320	SHIP ACTIVATIONS/INACTIVATIONS	192,401		192,401
		MOBILIZATION PREPAREDNESS			
1804	330	FLEET HOSPITAL PROGRAM	24,546		24,546
1804	340	INDUSTRIAL READINESS	2,409		2,409
1804	350	COAST GUARD SUPPORT	25,727		25,727
		TOTAL, BA 02: MOBILIZATION	660,551		660,551
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
1804	360	OFFICER ACQUISITION	145,027		145,027
1804	370	RECRUIT TRAINING	11,011		11,011
1804	380	RESERVE OFFICERS TRAINING CORPS	127,490		127,490
		BASIC SKILLS AND ADVANCED TRAINING			
1804	390	SPECIALIZED SKILL TRAINING	477,383	850 [850]	478,233
		Naval strike air warfare center training			
1804	400	FLIGHT TRAINING	1,268,846		1,268,846
1804	410	PROFESSIONAL DEVELOPMENT EDUCATION	161,922		161,922
1804	420	TRAINING SUPPORT	158,685		158,685
		RECRUITING, AND OTHER TRAINING AND EDUCATION			
1804	430	RECRUITING AND ADVERTISING	276,564		276,564
1804	440	OFF-DUTY AND VOLUNTARY EDUCATION	154,979		154,979
1804	450	CIVILIAN EDUCATION AND TRAINING	101,556		101,556
1804	460	JUNIOR ROTC	49,161		49,161
		TOTAL, BA 03: TRAINING AND RECRUITING	2,932,624	850	2,933,474
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1804	470	ADMINISTRATION	768,048		768,048

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1804	480	EXTERNAL RELATIONS	6,171		6,171
1804	490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	114,675		114,675
1804	500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	182,115		182,115
1804	510	OTHER PERSONNEL SUPPORT	298,729		298,729
1804	520	SERVICEWIDE COMMUNICATIONS	408,744		408,744
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1804	540	SERVICEWIDE TRANSPORTATION	246,989		246,989
1804	560	PLANNING, ENGINEERING AND DESIGN	244,337		244,337
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	778,501		778,501
1804	580	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,223		60,223
1804	590	COMBAT/WEAPONS SYSTEMS	17,328		17,328
1804	600	SPACE AND ELECTRONIC WARFARE SYSTEMS	79,065		79,065
		INVESTIGATIONS AND SECURITY PROGRAMS			
1804	610	NAVAL INVESTIGATIVE SERVICE	515,989		515,989
		SUPPORT OF OTHER NATIONS			
1804	670	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,918		5,918
		OTHER PROGRAMS			
1804	999	OTHER PROGRAMS	608,840		608,840
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	4,335,672		4,335,672
		Unobligated balances		[-150,000]	-150,000
1804		Total Operation and Maintenance, Navy	35,070,346	819,700	35,890,046
1804		Operation and Maintenance, Marine Corps			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1106	010	OPERATIONAL FORCES	730,931	11,000	741,931
		Advanced load bearing equipment		[3,000]	
		Family of shelter and tents		[3,000]	
		Cold weather layering system		[5,000]	
1106	020	FIELD LOGISTICS	591,020		591,020
1106	030	DEPOT MAINTENANCE	80,971		80,971
		USMC PREPOSITIONING			
1106	050	MARITIME PREPOSITIONING	72,182		72,182
1106	060	NORWAY PREPOSITIONING	5,090		5,090
		BASE SUPPORT			
1106	080	SUSTAINMENT, RESTORATION, & MODERNIZATION	666,330		666,330
1106	090	BASE OPERATING SUPPORT	2,250,191		2,250,191
		TOTAL, BA 01: OPERATING FORCES	4,396,715	11,000	4,407,715
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
1106	100	RECRUIT TRAINING	16,129		16,129
1106	110	OFFICER ACQUISITION	418		418
		BASIC SKILLS AND ADVANCED TRAINING			
1106	120	SPECIALIZED SKILL TRAINING	67,336		67,336

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1106	130	FLIGHT TRAINING	369		369
1106	140	PROFESSIONAL DEVELOPMENT EDUCATION	28,112		28,112
1106	150	TRAINING SUPPORT	330,885		330,885
		RECRUITING AND OTHER TRAINING EDUCATION			
1106	160	RECRUITING AND ADVERTISING	240,832		240,832
1106	170	OFF-DUTY AND VOLUNTARY EDUCATION	64,254		64,254
1106	180	JUNIOR ROTC	19,305		19,305
		TOTAL, BA 03: TRAINING AND RECRUITING	767,640		767,640
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1106	210	SPECIAL SUPPORT	299,065		299,065
1106	220	SERVICEWIDE TRANSPORTATION	28,924		28,924
1106	230	ADMINISTRATION	43,879		43,879
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	371,868		371,868
1106		Total Operation and Maintenance, Marine Corps	5,536,223	11,000	5,547,223
1106					
1106		Operation and Maintenance, Air Force			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3400	010	PRIMARY COMBAT FORCES	4,017,156		4,017,156
3400	020	COMBAT ENHANCEMENT FORCES	2,754,563		2,754,563
3400	030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,414,913		1,414,913
3400	050	DEPOT MAINTENANCE	2,389,738		2,389,738
3400	060	FACILITIES SUSTAINMENT, RESTORATION & MOD-ERNIZATION.	1,420,083		1,420,083
3400	070	BASE SUPPORT	2,859,943	3,500	2,863,443
		Mission essential airfield operations equipment		[3,500]	
		COMBAT RELATED OPERATIONS			
3400	080	GLOBAL C3I AND EARLY WARNING	1,411,813		1,411,813
3400	090	OTHER COMBAT OPS SPT PROGRAMS	880,353	3,000	883,353
		National security space institute		[3,000]	
3400	110	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	552,148	-13,000	539,148
		Program decrease for Gorgon Stare		[-13,000]	
		SPACE OPERATIONS			
3400	120	LAUNCH FACILITIES	356,367		356,367
3400	130	SPACE CONTROL SYSTEMS	725,646		725,646
		COCOM			
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	608,796		608,796
3400	150	COMBATANT COMMANDERS CORE OPERATIONS	216,073		216,073
		TOTAL, BA 01: OPERATING FORCES	19,607,592	-6,500	19,601,092
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
3400	160	AIRLIFT OPERATIONS	2,932,080		2,932,080
3400	170	MOBILIZATION PREPAREDNESS	211,858		211,858

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
3400	180	DEPOT MAINTENANCE	332,226		332,226
3400	190	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION.	362,954		362,954
3400	200	BASE SUPPORT	657,830		657,830
		TOTAL, BA 02: MOBILIZATION	4,496,948		4,496,948
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
3400	210	OFFICER ACQUISITION	120,870		120,870
3400	220	RECRUIT TRAINING	18,135		18,135
3400	230	RESERVE OFFICERS TRAINING CORPS (ROTC)	88,414		88,414
3400	240	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION.	372,788		372,788
3400	250	BASE SUPPORT	685,029		685,029
		BASIC SKILLS AND ADVANCED TRAINING			
3400	260	SPECIALIZED SKILL TRAINING	514,048		514,048
3400	270	FLIGHT TRAINING	833,005		833,005
3400	280	PROFESSIONAL DEVELOPMENT EDUCATION	215,676		215,676
3400	290	TRAINING SUPPORT	118,877		118,877
3400	300	DEPOT MAINTENANCE	576		576
		RECRUITING, AND OTHER TRAINING AND EDUCATION			
3400	320	RECRUITING AND ADVERTISING	152,983		152,983
3400	330	EXAMINING	5,584		5,584
3400	340	OFF-DUTY AND VOLUNTARY EDUCATION	188,198		188,198
3400	350	CIVILIAN EDUCATION AND TRAINING	174,151		174,151
3400	360	JUNIOR ROTC	67,549		67,549
		TOTAL, BA 03: TRAINING AND RECRUITING	3,555,883		3,555,883
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		LOGISTICS OPERATIONS			
3400	370	LOGISTICS OPERATIONS	1,055,672		1,055,672
3400	380	TECHNICAL SUPPORT ACTIVITIES	735,036		735,036
3400	400	DEPOT MAINTENANCE	15,411		15,411
3400	410	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION.	359,562		359,562
3400	420	BASE SUPPORT	1,410,097		1,410,097
		SERVICEWIDE ACTIVITIES			
3400	430	ADMINISTRATION	646,080		646,080
3400	440	SERVICEWIDE COMMUNICATIONS	581,951		581,951
3400	450	OTHER SERVICEWIDE ACTIVITIES	1,062,803		1,062,803
3400	460	CIVIL AIR PATROL	22,433		22,433
		SECURITY PROGRAMS			
3400	470	SECURITY PROGRAMS	1,148,704		1,148,704
		SUPPORT TO OTHER NATIONS			
3400	480	INTERNATIONAL SUPPORT	49,987		49,987
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	7,087,736		7,087,736
		Overstatement of civilian pay		[-538,100]	-538,100
		Unobligated balances		[-150,000]	-150,000

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
3400		Total Operation and Maintenance, Air Force	34,748,159	-694,600	34,053,559
3400		Operation and Maintenance, Defense-wide			
		BUDGET ACTIVITY 1: OPERATING FORCES			
		DEFENSEWIDE ACTIVITIES			
0100	010	JOINT CHIEFS OF STAFF	457,169		457,169
0100	020	SPECIAL OPERATIONS COMMAND	3,611,492		3,611,492
		TOTAL, BUDGET ACTIVITY 1:	4,068,661		4,068,661
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
		DEFENSEWIDE ACTIVITIES			
0100	030	DEFENSE ACQUISITION UNIVERSITY	115,497		115,497
		RECRUITING AND OTHER TRAINING EDUCATION			
0100	040	NATIONAL DEFENSE UNIVERSITY	103,408		103,408
		TOTAL, BUDGET ACTIVITY 3:	218,905		218,905
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
		DEFENSEWIDE ACTIVITIES			
0100	060	CIVIL MILITARY PROGRAMS	132,231		132,231
0100	090	DEFENSE BUSINESS TRANSFORMATION AGENCY	139,579		139,579
0100	100	DEFENSE CONTRACT AUDIT AGENCY	458,316		458,316
0100	120	DEFENSE HUMAN RESOURCES ACTIVITY	665,743		665,743
0100	130	DEFENSE INFORMATION SYSTEMS AGENCY	1,322,163		1,322,163
0100	150	DEFENSE LEGAL SERVICES	42,532		42,532
0100	160	DEFENSE LOGISTICS AGENCY	405,873		405,873
0100	170	DEFENSE MEDIA ACTIVITY	253,667		253,667
0100	180	DEFENSE POW/MIA OFFICE	20,679		20,679
0100	190	DEFENSE TECHNOLOGY SECURITY AGENCY	34,325		34,325
0100	200	DEFENSE THREAT REDUCTION AGENCY	385,453		385,453
0100	210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	2,302,116	5,000	2,307,116
		Family support for military children with autism		[5,000]	
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY	1,058,721		1,058,721
0100	230	DEFENSE SECURITY COOPERATION AGENCY	721,756		721,756
0100	240	DEFENSE SECURITY SERVICE	497,857		497,857
0100	260	OFFICE OF ECONOMIC ADJUSTMENT	37,166		37,166
0100	270	OFFICE OF THE SECRETARY OF DEFENSE	1,955,985	35,000	1,990,985
		Readiness and environmental protection initiative		[25,000]	
		Director of operational energy plans and programs		[5,000]	
		Acceleration of Defense Readiness Reporting System		[5,000]	
0100	280	WASHINGTON HEADQUARTERS SERVICE	589,309		589,309
		OTHER PROGRAMS			
0100	999	OTHER PROGRAMS	13,046,209		13,046,209
		TOTAL, BUDGET ACTIVITY 4:	24,069,680	40,000	24,109,680
		Impact aid		[30,000]	30,000
		Impact aid for children with severe disabilities		[5,000]	5,000
		Special assistance to local education agencies		[10,000]	10,000
		Undistributed Bulk Fuel Adjustment		[-596,249]	-596,249
		Decrease for software licenses		[-50,000]	-50,000
		Unobligated balances		[-150,000]	-150,000

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
0100		Total Operation and Maintenance, Defense-Wide	28,357,246	-711,249	27,645,997
0100					
0100					
0100					
		Operation and Maintenance, Army Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2080	010	MANEUVER UNITS	1,403		1,403
2080	020	MODULAR SUPPORT BRIGADES	12,707		12,707
2080	030	ECHELONS ABOVE BRIGADE	468,288		468,288
2080	040	THEATER LEVEL ASSETS	152,439		152,439
2080	050	LAND FORCES OPERATIONS SUPPORT	520,420		520,420
2080	060	AVIATION ASSETS	61,063		61,063
		LAND FORCES READINESS			
2080	070	FORCE READINESS OPERATIONS SUPPORT	290,443		290,443
2080	080	LAND FORCES SYSTEMS READINESS	106,569	3,600	110,169
		Mobile corrosion protection		[3,600]	
2080	090	LAND FORCES DEPOT MAINTENANCE	94,499		94,499
		LAND FORCES READINESS SUPPORT			
2080	100	BASE OPERATIONS SUPPORT	522,310		522,310
2080	110	FACILITIES SUSTAINMENT, RESTORATION, & MOD- ERNIZATION.	234,748		234,748
		TOTAL, BA 01: OPERATING FORCES	2,464,889	3,600	2,468,489
		LOGISTICS OPERATIONS			
2080	130	SERVICEWIDE TRANSPORTATION	9,291		9,291
		SERVICEWIDE SUPPORT			
2080	140	ADMINISTRATION	72,075		72,075
2080	150	SERVICEWIDE COMMUNICATIONS	3,635		3,635
2080	160	MANPOWER MANAGEMENT	9,104		9,104
2080	170	RECRUITING AND ADVERTISING	61,202		61,202
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	155,307		155,307
2080		Total Operation and Maintenance, Army Reserve	2,620,196	3,600	2,623,796
2080					
2080					
		Operation and Maintenance, Navy Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1806	010	MISSION AND OTHER FLIGHT OPERATIONS	570,319		570,319
1806	020	INTERMEDIATE MAINTENANCE	16,596		16,596
1806	030	AIR OPERATIONS AND SAFETY SUPPORT	3,171		3,171
1806	040	AIRCRAFT DEPOT MAINTENANCE	125,004		125,004
1806	050	AIRCRAFT DEPOT OPERATIONS SUPPORT	397		397
		SHIP OPERATIONS			
1806	060	MISSION AND OTHER SHIP OPERATIONS	55,873		55,873
1806	070	SHIP OPERATIONS SUPPORT & TRAINING	592		592
1806	080	SHIP DEPOT MAINTENANCE	41,899		41,899

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		COMBAT OPERATIONS SUPPORT			
1806	090	COMBAT COMMUNICATIONS	15,241		15,241
1806	100	COMBAT SUPPORT FORCES	142,924		142,924
		WEAPONS SUPPORT			
1806	110	WEAPONS MAINTENANCE	5,494		5,494
		BASE SUPPORT			
1806	120	ENTERPRISE INFORMATION	83,611		83,611
1806	130	SUSTAINMENT, RESTORATION AND MODERNIZATION	69,853		69,853
1806	140	BASE OPERATING SUPPORT	124,757		124,757
		TOTAL, BA 01: OPERATING FORCES	1,255,731		1,255,731
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1806	150	ADMINISTRATION	3,323		3,323
1806	160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,897		13,897
1806	170	SERVICEWIDE COMMUNICATIONS	1,957		1,957
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1806	190	ACQUISITION AND PROGRAM MANAGEMENT	3,593		3,593
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	22,770		22,770
1806		Total Operation and Maintenance, Navy Reserve	1,278,501		1,278,501
1806					
1806		Operation and Maintenance, Marine Corps Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1107	010	OPERATING FORCES	61,117		61,117
1107	020	DEPOT MAINTENANCE	13,217		13,217
1107	030	TRAINING SUPPORT	29,373		29,373
		BASE SUPPORT			
1107	040	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,466		25,466
1107	050	BASE OPERATING SUPPORT	73,899		73,899
		TOTAL, BA 01: OPERATING FORCES	203,072		203,072
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
1107	060	SPECIAL SUPPORT	5,639		5,639
1107	070	SERVICEWIDE TRANSPORTATION	818		818
1107	080	ADMINISTRATION	10,642		10,642
1107	090	RECRUITING AND ADVERTISING	8,754		8,754
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	25,853		25,853
1107		Total Operation and Maintenance, Marine Corps Reserve	228,925		228,925
1107					

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1107		Operation and Maintenance, Air Force Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3740	010	PRIMARY COMBAT FORCES	2,049,303		2,049,303
3740	020	MISSION SUPPORT OPERATIONS	121,417		121,417
3740	030	DEPOT MAINTENANCE	441,958		441,958
3740	040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION.	78,763		78,763
3740	050	BASE SUPPORT	258,091		258,091
		TOTAL, BA 01: OPERATING FORCES	2,949,532		2,949,532
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
3740	060	ADMINISTRATION	77,476		77,476
3740	070	RECRUITING AND ADVERTISING	24,553		24,553
3740	080	MILITARY MANPOWER AND PERS MGMT (ARPC)	20,838		20,838
3740	090	OTHER PERS SUPPORT (DISABILITY COMP)	6,121		6,121
3740	100	AUDIOVISUAL	708		708
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	129,696		129,696
3740		Total Operation and Maintenance, Air Force Reserve	3,079,228		3,079,228
3740					
3740					
		Operation and Maintenance, Army National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2065	010	MANEUVER UNITS	876,269		876,269
2065	020	MODULAR SUPPORT BRIGADES	173,843		173,843
2065	030	ECHELONS ABOVE BRIGADE	615,160		615,160
2065	040	THEATER LEVEL ASSETS	253,997		253,997
2065	050	LAND FORCES OPERATIONS SUPPORT	34,441		34,441
2065	060	AVIATION ASSETS	819,031		819,031
		LAND FORCES READINESS			
2065	070	FORCE READINESS OPERATIONS SUPPORT	436,799		436,799
2065	080	LAND FORCES SYSTEMS READINESS	99,757	3,600	103,357
		Mobile corrosion protection		[3,600]	
2065	090	LAND FORCES DEPOT MAINTENANCE	379,646		379,646
		LAND FORCES READINESS SUPPORT			
2065	100	BASE OPERATIONS SUPPORT	798,343		798,343
2065	110	FACILITIES SUSTAINMENT, RESTORATION, & MOD- ERNIZATION.	580,171		580,171
2065	120	MANAGEMENT AND OPERATIONAL HQ	573,452		573,452
		TOTAL, BA 01: OPERATING FORCES	5,640,909	3,600	5,644,509
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2065	140	ADMINISTRATION	119,186		119,186
2065	150	SERVICEWIDE COMMUNICATIONS	48,020		48,020
2065	160	MANPOWER MANAGEMENT	7,920		7,920
2065	170	RECRUITING AND ADVERTISING	440,999		440,999
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	616,125		616,125
2065		Total Operation and Maintenance, Army National Guard ...	6,257,034	3,600	6,260,634
2065					
2065		Operation and Maintenance, Air National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3840	010	AIRCRAFT OPERATIONS	3,347,685	2,700	3,350,385
		Controlled humidity protection		[2,700]	
3840	020	MISSION SUPPORT OPERATIONS	779,917		779,917
3840	030	DEPOT MAINTENANCE	780,347		780,347
3840	040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION.	302,949		302,949
3840	050	BASE SUPPORT	606,916		606,916
		TOTAL, BA 01: OPERATING FORCES	5,817,814	2,700	5,820,514
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
3840	060	ADMINISTRATION	35,174		35,174
3840	070	RECRUITING AND ADVERTISING	32,773		32,773
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	67,947		67,947
3840		Total Operation and Maintenance, Air National Guard	5,885,761	2,700	5,888,461
3840					
		MISCELLANEOUS APPROPRIATIONS			
0104	010	US COURT OF APPEALS FOR THE ARMED FORCES, DE- FENSE.	13,932		13,932
0111	010	ACQUISITION WORKFORCE DEVELOPMENT FUND	100,000		100,000
0819	010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID ...	109,869		109,869
0134	010	COOPERATIVE THREAT REDUCTION	404,093	20,000	424,093
		Program increase		[20,000]	
0810	020	ENVIRONMENTAL RESTORATION, ARMY	415,864		415,864
0810	030	ENVIRONMENTAL RESTORATION, NAVY	285,869		285,869
0810	040	ENVIRONMENTAL RESTORATION, AIR FORCE	494,276		494,276
0810	050	ENVIRONMENTAL RESTORATION, DEFENSE	11,100		11,100
0811	060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES.	267,700		267,700
0118	070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND.	5,000		5,000
		TOTAL, MISCELLANEOUS APPROPRIATIONS	2,107,703	20,000	2,127,703
		TOTAL TITLE III—OPERATION AND MAINTENANCE	156,444,204	-887,249	155,556,955

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
Operation and Maintenance, Army					
BUDGET ACTIVITY 01: OPERATING FORCES					
2020	140	ADDITIONAL ACTIVITIES	36,330,899		36,330,899
2020	150	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,500,000	-100,000	1,400,000
		Program decrease		[-100,000]	
2020	160	RESET	7,867,551		7,867,551
		TOTAL, BA 01: OPERATING FORCES	45,698,450	-100,000	45,598,450
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
SECURITY PROGRAMS					
2020	340	SECURITY PROGRAMS	1,426,309		1,426,309
LOGISTICS OPERATIONS					
2020	350	SERVICEWIDE TRANSPORTATION	5,045,902		5,045,902
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	6,472,211		6,472,211
2020		Total Operation and Maintenance, Army	52,170,661	-100,000	52,070,661
Operation and Maintenance, Navy					
BUDGET ACTIVITY 01: OPERATING FORCES					
AIR OPERATIONS					
1804	010	MISSION AND OTHER FLIGHT OPERATIONS	1,138,398		1,138,398
1804	020	FLEET AIR TRAINING	2,640		2,640
1804	030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,212		1,212
1804	040	AIR OPERATIONS AND SAFETY SUPPORT	26,815		26,815
1804	050	AIR SYSTEMS SUPPORT	44,532		44,532
1804	060	AIRCRAFT DEPOT MAINTENANCE	158,559		158,559
SHIP OPERATIONS					
1804	080	MISSION AND OTHER SHIP OPERATIONS	651,209		651,209
1804	090	SHIP OPERATIONS SUPPORT & TRAINING	22,489		22,489
1804	100	SHIP DEPOT MAINTENANCE	1,001,037	-568,850	432,187
		Transfer from OCO		[-568,850]	
COMBAT OPERATIONS/SUPPORT					
1804	120	COMBAT COMMUNICATIONS	20,704		20,704
1804	150	WARFARE TACTICS	15,918		15,918
1804	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY ...	16,889		16,889
1804	170	COMBAT SUPPORT FORCES	1,891,799		1,891,799
1804	180	EQUIPMENT MAINTENANCE	306		306
1804	200	COMBATANT COMMANDERS CORE OPERATIONS	6,929		6,929
1804	210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,344		7,344
WEAPONS SUPPORT					
1804	240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	68,759		68,759
1804	250	WEAPONS MAINTENANCE	82,496		82,496
1804	260	OTHER WEAPON SYSTEMS SUPPORT	16,902		16,902
BASE SUPPORT					
1804	280	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,629		7,629
1804	290	BASE OPERATING SUPPORT	338,604		338,604

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Account</i>	<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
		TOTAL, BA 01: OPERATING FORCES	5,521,170	-568,850	4,952,320
		BUDGET ACTIVITY 02: MOBILIZATION			
		READY RESERVE AND PREPOSITIONING FORCES			
1804	300	SHIP PREPOSITIONING AND SURGE	27,290		27,290
		MOBILIZATION PREPAREDNESS			
1804	330	FLEET HOSPITAL PROGRAM	4,336		4,336
1804	350	COAST GUARD SUPPORT	245,039		245,039
		TOTAL, BA 02: MOBILIZATION	276,665		276,665
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		BASIC SKILLS AND ADVANCED TRAINING			
1804	390	SPECIALIZED SKILL TRAINING	97,995		97,995
1804	420	TRAINING SUPPORT	5,463		5,463
		TOTAL, BA 03: TRAINING AND RECRUITING	103,458		103,458
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1804	470	ADMINISTRATION	3,899		3,899
1804	480	EXTERNAL RELATIONS	463		463
1804	500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	563		563
1804	510	OTHER PERSONNEL SUPPORT	2,525		2,525
1804	520	SERVICEWIDE COMMUNICATIONS	23,557		23,557
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1804	540	SERVICEWIDE TRANSPORTATION	223,890		223,890
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	642		642
		INVESTIGATIONS AND SECURITY PROGRAMS			
1804	610	NAVAL INVESTIGATIVE SERVICE	37,452		37,452
		OTHER PROGRAMS			
1804	999	OTHER PROGRAMS	25,299		25,299
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	318,290		318,290
1804		Total Operation and Maintenance, Navy	6,219,583	-568,850	5,650,733
1804		Operation and Maintenance, Marine Corps			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1106	010	OPERATIONAL FORCES	2,048,844		2,048,844
1106	020	FIELD LOGISTICS	486,014		486,014
1106	030	DEPOT MAINTENANCE	554,000		554,000
		USMC PREPOSITIONING			
1106	060	NORWAY PREPOSITIONING	950		950
		BASE SUPPORT			
1106	090	BASE OPERATING SUPPORT	121,700		121,700

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Account</i>	<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
		TOTAL, BA 01: OPERATING FORCES	3,211,508		3,211,508
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		BASIC SKILLS AND ADVANCED TRAINING			
1106	120	SPECIALIZED SKILL TRAINING	6,303		6,303
1106	140	PROFESSIONAL DEVELOPMENT EDUCATION	923		923
1106	150	TRAINING SUPPORT	205,625		205,625
		TOTAL, BA 03: TRAINING AND RECRUITING	212,851		212,851
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1106	210	SPECIAL SUPPORT	2,576		2,576
1106	220	SERVICEWIDE TRANSPORTATION	269,415		269,415
1106	230	ADMINISTRATION	5,250		5,250
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC- TIVITIES.	277,241		277,241
1106		Total Operation and Maintenance, Marine Corps	3,701,600		3,701,600
1106					
1106		Operation and Maintenance, Air Force			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3400	010	PRIMARY COMBAT FORCES	1,582,431		1,582,431
3400	020	COMBAT ENHANCEMENT FORCES	1,460,018		1,460,018
3400	030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	109,255		109,255
3400	050	DEPOT MAINTENANCE	304,540		304,540
3400	060	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION.	121,881		121,881
3400	070	BASE SUPPORT	1,394,809		1,394,809
		COMBAT RELATED OPERATIONS			
3400	080	GLOBAL C3I AND EARLY WARNING	130,885		130,885
3400	090	OTHER COMBAT OPS SPT PROGRAMS	407,554		407,554
		SPACE OPERATIONS			
3400	130	SPACE CONTROL SYSTEMS	38,677		38,677
		COCOM			
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	157,000		157,000
		TOTAL, BA 01: OPERATING FORCES	5,707,050		5,707,050
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
3400	160	AIRLIFT OPERATIONS	3,171,148		3,171,148
3400	170	MOBILIZATION PREPAREDNESS	169,659		169,659
3400	180	DEPOT MAINTENANCE	167,070		167,070
3400	190	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION.	942		942
3400	200	BASE SUPPORT	45,998		45,998
		TOTAL, BA 02: MOBILIZATION	3,554,817		3,554,817

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Account</i>	<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
ACCESSION TRAINING					
3400	240	FACILITIES SUSTAINMENT, RESTORATION & MOD-ERNIZATION.	1,019		1,019
3400	250	BASE SUPPORT	19,361		19,361
BASIC SKILLS AND ADVANCED TRAINING					
3400	260	SPECIALIZED SKILL TRAINING	48,442		48,442
3400	270	FLIGHT TRAINING	291		291
3400	280	PROFESSIONAL DEVELOPMENT EDUCATION	1,500		1,500
3400	290	TRAINING SUPPORT	1,427		1,427
TOTAL, BA 03: TRAINING AND RECRUITING			72,040		72,040
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
LOGISTICS OPERATIONS					
3400	370	LOGISTICS OPERATIONS	328,009		328,009
3400	420	BASE SUPPORT	35,322		35,322
SERVICEWIDE ACTIVITIES					
3400	430	ADMINISTRATION	9,000		9,000
3400	440	SERVICEWIDE COMMUNICATIONS	178,470		178,470
SECURITY PROGRAMS					
3400	470	SECURITY PROGRAMS	142,160		142,160
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE AC-TIVITIES.			692,961		692,961
3400		Total Operation and Maintenance, Air Force	10,026,868		10,026,868
3400		Operation and Maintenance, Defense-wide			
BUDGET ACTIVITY 1: OPERATING FORCES					
DEFENSEWIDE ACTIVITIES					
0100	010	JOINT CHIEFS OF STAFF	25,000		25,000
0100	020	SPECIAL OPERATIONS COMMAND	2,519,935		2,519,935
TOTAL, BUDGET ACTIVITY 1:			2,544,935		2,544,935
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVI-TIES					
DEFENSEWIDE ACTIVITIES					
0100	100	DEFENSE CONTRACT AUDIT AGENCY	13,908		13,908
0100	130	DEFENSE INFORMATION SYSTEMS AGENCY	245,117		245,117
0100	150	DEFENSE LEGAL SERVICES	115,000		115,000
0100	170	DEFENSE MEDIA ACTIVITY	13,364		13,364
0100	200	DEFENSE THREAT REDUCTION AGENCY	2,018		2,018
0100	210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	553,600		553,600
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY	63,130		63,130
0100	230	DEFENSE SECURITY COOPERATION AGENCY	1,950,000		1,950,000
0100	270	OFFICE OF THE SECRETARY OF DEFENSE	79,047		79,047

OTHER PROGRAMS

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
0100	999	OTHER PROGRAMS	1,998,181		1,998,181
		TOTAL, BUDGET ACTIVITY 4:	5,033,365		5,033,365
0100		Total Operation and Maintenance, Defense-Wide	7,578,300		7,578,300
0100					
0100					
0100					
		Operation and Maintenance, Army Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2080	030	ECHELONS ABOVE BRIGADE	86,881		86,881
2080	050	LAND FORCES OPERATIONS SUPPORT	40,675		40,675
		LAND FORCES READINESS			
2080	070	FORCE READINESS OPERATIONS SUPPORT	21,270		21,270
2080	080	LAND FORCES SYSTEMS READINESS	17,500		17,500
		LAND FORCES READINESS SUPPORT			
2080	100	BASE OPERATIONS SUPPORT	38,000		38,000
		TOTAL, BA 01: OPERATING FORCES	204,326		204,326
2080		Total Operation and Maintenance, Army Reserve	204,326		204,326
2080					
2080					
		Operation and Maintenance, Navy Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1806	010	MISSION AND OTHER FLIGHT OPERATIONS	26,673		26,673
1806	020	INTERMEDIATE MAINTENANCE	400		400
1806	040	AIRCRAFT DEPOT MAINTENANCE	3,600		3,600
		SHIP OPERATIONS			
1806	060	MISSION AND OTHER SHIP OPERATIONS	7,416		7,416
1806	080	SHIP DEPOT MAINTENANCE	8,917		8,917
		COMBAT OPERATIONS SUPPORT			
1806	090	COMBAT COMMUNICATIONS	3,147		3,147
1806	100	COMBAT SUPPORT FORCES	13,428		13,428
		BASE SUPPORT			
1806	140	BASE OPERATING SUPPORT	4,478		4,478
		TOTAL, BA 01: OPERATING FORCES	68,059		68,059
1806		Total Operation and Maintenance, Navy Reserve	68,059		68,059
1806					
1806					
		Operation and Maintenance, Marine Corps Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1107	010	OPERATING FORCES	77,849		77,849

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		BASE SUPPORT			
1107	050	BASE OPERATING SUPPORT	8,818		8,818
		TOTAL, BA 01: OPERATING FORCES	86,667		86,667
1107		Total Operation and Maintenance, Marine Corps Reserve	86,667		86,667
1107					
1107		Operation and Maintenance, Air Force Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3740	010	PRIMARY COMBAT FORCES	3,618		3,618
3740	020	MISSION SUPPORT OPERATIONS	7,276		7,276
3740	030	DEPOT MAINTENANCE	114,531		114,531
3740	050	BASE SUPPORT	500		500
		TOTAL, BA 01: OPERATING FORCES	125,925		125,925
3740		Total Operation and Maintenance, Air Force Reserve	125,925		125,925
3740					
3740		Operation and Maintenance, Army National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2065	010	MANEUVER UNITS	89,666		89,666
2065	020	MODULAR SUPPORT BRIGADES	1,196		1,196
2065	030	ECHELONS ABOVE BRIGADE	18,360		18,360
2065	040	THEATER LEVEL ASSETS	380		380
2065	060	AVIATION ASSETS	59,357		59,357
		LAND FORCES READINESS			
2065	070	FORCE READINESS OPERATIONS SUPPORT	94,458		94,458
		LAND FORCES READINESS SUPPORT			
2065	100	BASE OPERATIONS SUPPORT	22,536		22,536
2065	120	MANAGEMENT AND OPERATIONAL HQ	35,693		35,693
2065	130	ADDITIONAL ACTIVITIES			
		TOTAL, BA 01: OPERATING FORCES	321,646		321,646
2065		Total Operation and Maintenance, Army National Guard ...	321,646		321,646
2065					
2065		Operation and Maintenance, Air National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3840	010	AIRCRAFT OPERATIONS	103,259		103,259
3840	020	MISSION SUPPORT OPERATIONS	51,300		51,300
3840	030	DEPOT MAINTENANCE	135,303		135,303
		TOTAL, BA 01: OPERATING FORCES	289,862		289,862
3840		Total Operation and Maintenance, Air National Guard	289,862		289,862

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
3840					
3840					
		Afghanistan Security Forces Fund			
2091	010	INFRASTRUCTURE	868,320		868,320
2091	020	EQUIPMENT AND TRANSPORTATION	1,615,192		1,615,192
2091	030	TRAINING AND OPERATIONS	272,998		272,998
2091	040	SUSTAINMENT	1,945,887		1,945,887
2091	060	INFRASTRUCTURE	605,584		605,584
2091	070	EQUIPMENT AND TRANSPORTATION	279,186		279,186
2091	080	TRAINING AND OPERATIONS	648,217		648,217
2091	090	SUSTAINMENT	1,219,966		1,219,966
2091	120	SUSTAINMENT	5,919		5,919
2091	130	TRAINING AND OPERATIONS	1,500		1,500
2091		TOTAL, Afghanistan Security Forces Fund	7,462,769		7,462,769
		Pakistan Counterinsurgency Capability Fund			
2095		INFRASTRUCTURE	41,970	[-41,970]	
2095		EQUIPMENT/TRANSPORTATION	397,907	[-397,907]	
2095		TRAINING AND OPERATIONS	67,953	[-67,953]	
2095		INFRASTRUCTURE	73,000	[-73,000]	
2095		EQUIPMENT/TRANSPORTATION	107,000	[-107,000]	
2095		TRAINING AND OPERATIONS	8,170	[-8,170]	
2095		HUMANITARIAN ASSISTANCE	4,000	[-4,000]	
2095		TOTAL, Pakistan Counterinsurgency Capability Fund	700,000	-700,000	
		MISCELLANEOUS APPROPRIATIONS			
0141	080	IRAQ FREEDOM FUND	115,300		115,300
		TOTAL, MISCELLANEOUS APPROPRIATIONS	115,300		115,300
		TOTAL TITLE III—OPERATION AND MAINTENANCE	89,071,566	-1,368,850	87,702,716

TITLE XLIV—OTHER AUTHORIZATIONS

SEC. 4401. OTHER AUTHORIZATIONS.

OTHER AUTHORIZATIONS (In Thousands of Dollars)					
	Item	FY 2010 Request	Senate Change	Senate Authorized	
REVOLVING AND MANAGEMENT FUNDS					
DEFENSE WORKING CAPITAL FUNDS					
	Defense Working Capital Funds	141,388			141,388
	Defense Commissary Agency	1,313,616			1,313,616
NATIONAL DEFENSE SEALIFT FUND					
	National Defense Sealift Fund	1,642,758	-400,000		1,242,758
	T-AKE Program Reduction		[-400,000]		
DEFENSE COALITION SUPPORT FUND					

OTHER AUTHORIZATIONS
(In Thousands of Dollars)

<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
<i>Defense Coalition Support Fund</i>	<i>22,000</i>	<i>-22,000</i>	
Total Revolving and Management Funds	3,119,762	-422,000	2,697,762
MILITARY PROGRAMS			
DEFENSE HEALTH PROGRAM			
DEFENSE HEALTH PROGRAM—O&M	26,967,919	26,000	26,993,919
TRICARE Continuation Pending MEDICARE Eligibility		[4,000]	
Reimbursement for exceptional travel under TRICARE		[10,000]	
TRICARE eligibility for Retired Reservists under the age of 60		[10,000]	
Expansion of survivor eligibility for the TRICARE dental program		[2,000]	
DEFENSE HEALTH PROGRAM—R&D	613,102	-15,300	597,802
Program Reduction (PE 67100HP)		[-10,000]	
Cancer Center of Excellence (PE 63115HP)		[-5,300]	
DEFENSE HEALTH PROGRAM—PROCUREMENT	322,142		322,142
Total Defense Health Program	27,903,163	10,700	27,913,863
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION			
CHEM DEMILITARIZATION—O&M	1,146,802		1,146,802
CHEM DEMILITARIZATION—RDT&E	401,269		401,269
CHEM DEMILITARIZATION—PROC	12,689		12,689
Total Chemical Agents and Munitions Destruction	1,560,760		1,560,760
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES			
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE ...	1,058,984	18,800	1,077,784
High Priority National Guard Counterdrug Programs		[30,000]	
Mobile Sensor Barrier		[5,000]	
United States European Command (EUCOM) Counternarcotics Support (Project Code (PC) 9205)		[-8,000]	
EUCOM Headquarters Support (PC2346)		[-800]	
EUCOM Interagency Fusion Centers (PC2365)		[-1,000]	
Relocatable Over-the Horizon-Radar (PC3217)		[-5,000]	
U.S. Special Operations Command Support to Combatant Commanders (PC6505)		[-200]	
EUCOM Counternarcotics Reserve Support (PC9215)		[-1,200]	
Total Drug Interdiction and Counter-Drug Activities	1,058,984	18,800	1,077,784
OFFICE OF THE INSPECTOR GENERAL			
OFFICE OF THE INSPECTOR GENERAL—O&M	271,444	15,000	286,444
Second year growth plan		[15,000]	
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	1,000	1,000	2,000
Second year growth plan		[1,000]	
Total Office of the Inspector General	272,444	16,000	288,444
TOTAL OTHER AUTHORIZATIONS	33,915,113	-376,500	33,538,613
Memorandum: Civil Program (non-defense)			
Armed Forces Retirement Home (Budget Function 600)	134,000		134,000

OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
REVOLVING AND MANAGEMENT FUNDS			
DEFENSE WORKING CAPITAL FUNDS			
Defense Working Capital Funds	396,915		396,915
Total Revolving and Management Funds	396,915		396,915
MILITARY PROGRAMS			
DEFENSE HEALTH PROGRAM			
DEFENSE HEALTH PROGRAM—O&M	1,155,235		1,155,235
Total Defense Health Program	1,155,235		1,155,235
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES			
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE ...	324,603		324,603
Total Drug Interdiction and Counter-Drug Activities	324,603		324,603
OFFICE OF THE INSPECTOR GENERAL			
OFFICE OF THE INSPECTOR GENERAL—O&M	8,876		8,876
Total Office of the Inspector General	8,876		8,876
TOTAL OTHER AUTHORIZATIONS	1,885,629		1,885,629

TITLE XLV—MILITARY CONSTRUCTION

SEC. 4501. MILITARY CONSTRUCTION.

MILITARY CONSTRUCTION (In Thousands of Dollars)						
<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
Air Force	AK	CLEAR AFS	POWER PLANT FACILITY	24,300		24,300
Air Force	AK	EIELSON AFB	ARCTIC UTILIDORS—PHASE II		9,900	9,900
Air Force	AK	EIELSON AFB	TAXIWAY LIGHTING		3,450	3,450
Air Force	AK	ELMENDORF AFB	RED FLAG ALASKA ADD/ALTER OPERATIONS CENTER.	3,100		3,100
Air Force	AK	ELMENDORF AFB	F-22 WEAPONS LOAD TRAINING FACILITY.	12,600		12,600
Def-Wide	AK	ELMENDORF AFB	AEROMEDICAL SERVICES/MENTAL HEALTH CLINIC.	25,017		25,017
Army	AK	FORT RICHARDSON	AIRBORNE SUSTAINMENT TRAINING COMPLEX.	6,100		6,100
Army	AK	FORT RICHARDSON	TRAINING AIDS CENTER	2,050		2,050
Army	AK	FORT RICHARDSON	WARRIOR IN TRANSITION COMPLEX.	43,000		43,000
Army	AK	FORT RICHARDSON	COMBAT PISTOL RANGE		4,900	4,900
Def-Wide	AK	FORT RICHARDSON	HEALTH CLINIC	3,518		3,518
Army	AK	FORT WAINWRIGHT	RAILHEAD COMPLEX	26,000		26,000
Army	AK	FORT WAINWRIGHT	AVIATION UNIT OPERATIONS COMPLEX.	19,000		19,000
Army	AK	FORT WAINWRIGHT	AVIATION TASK FORCE COMPLEX, PH 1.	125,000		125,000
Army	AK	FORT WAINWRIGHT	WARRIOR IN TRANSITION COMPLEX.	28,000		28,000

MILITARY CONSTRUCTION
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
ARNG	AL	FORT MC CLELLAN	URBAN ASSAULT COURSE	3,000		3,000
Army	AL	REDSTONE AR-SENAL	GATE 7 ACCESS CONTROL POINT ..		3,550	3,550
Def-Wide	AL	REDSTONE AR-SENAL	MISSILE AND SPACE INTEL CENTER EOE COMPLEX.		12,000	12,000
Air Force	AR	LITTLE ROCK AFB	C-130 FLIGHT SIMULATOR ADDITION.	5,800		5,800
Air Force	AR	LITTLE ROCK AFB	SECURITY FORCES OPERATIONS FACILITY.		10,400	10,400
Army	AR	PINE BLUFF AR-SENAL	FUSE & DETONATOR MAGAZINE, DEPOT LEVEL.	25,000		25,000
ARNG	AZ	CAMP NAVAJO	COMBAT PISTOL QUALIFICATION COURSE.	3,000		3,000
Air Guard	AZ	DAVIS-MONTHAN AFB	TFI-PREDATOR BEDDOWN-FOC ...	5,600		5,600
Air Force	AZ	DAVIS-MONTHAN AFB	DORMITORY (144 RM)	20,000		20,000
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC-130J SIMULATOR FACILITY.	8,400		8,400
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC-130J RQS OPERATIONS FACILITY.	8,700		8,700
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC-130J INFRASTRUCTURE ..	4,800		4,800
Army	AZ	FORT HUACHUCA	UAV ER/MPER/MP	15,000		15,000
Army	AZ	FORT HUACHUCA	BATTALION HEADQUARTERS UAV	6,000		6,000
Naval Res	AZ	PHOENIX	RESERVE CENTER MOVE TO LUKE AFB, NOSC PHOENIX.	10,986		10,986
Navy	AZ	YUMA	AIRCRAFT MAINTENANCE HANGAR (PHASE 1).	27,050		27,050
Navy	AZ	YUMA	AIRFIELD ELEC. DIST. AND CONTOL.	1,720		1,720
Naval Res	CA	ALAMEDA	RESERVE TRAINING CENTER—ALAMEDA, CA.	5,960		5,960
Navy	CA	BRIDGEPORT	FIRE STATION—RENOVATION—MWTC.	4,460		4,460
Navy	CA	CAMP PENDLETON	ANGLICO OPERATIONS COMPLEX	25,190		25,190
Navy	CA	CAMP PENDLETON	RECON BN OPERATIONS COMPLEX.	77,660		77,660
Navy	CA	CAMP PENDLETON	COMM/ELEC MAINTENANCE FACILITY.	13,170		13,170
Navy	CA	CAMP PENDLETON	EXPANSION OF SRTTP TO 7.5 MGD	55,180		55,180
Navy	CA	CAMP PENDLETON	NORTH REGION TERTIARY TREATMENT PLANT (PH 1).	142,330		142,330
Navy	CA	CAMP PENDLETON	GAS/ELECTRICAL UPGRADES	51,040		51,040
Navy	CA	CAMP PENDLETON	RECRUIT BARRACKS—SCHOOL OF INFANTRY.	53,320		53,320
Navy	CA	CAMP PENDLETON	ENLISTED DINING FACILITY	32,300		32,300
Navy	CA	CAMP PENDLETON	RECRUIT BARRACKS—FIELD/K-SPAN.	23,200		23,200
Navy	CA	CAMP PENDLETON	COMMUNICATIONS UPGRADES	79,492		79,492
Navy	CA	CAMP PENDLETON	ELECTRICAL DISTRIBUTION SYSTEM.	76,950		76,950
Navy	CA	CAMP PENDLETON	OPERATIONS ACCESS POINTS	12,740		12,740

MILITARY CONSTRUCTION
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
Navy	CA	CAMP PEN-DLETON	ENLISTED DINING FACILITY—EDSON RANGE.	37,670		37,670
Navy	CA	CAMP PEN-DLETON	BEQ	39,610		39,610
Navy	CA	CAMP PEN-DLETON	RECRUIT MARKSMANSHIP TRAINING FACILITY.	13,730		13,730
Navy	CA	CAMP PEN-DLETON	EXPAND COMBAT AIRCRAFT LOADING APRON.	12,240		12,240
Navy	CA	CAMP PEN-DLETON	AVIATION TRANSMITTER/RECEIVER SITE.	13,560		13,560
Navy	CA	CAMP PEN-DLETON	WFTBN SUPPORT FACILITIES	15,780		15,780
USAR	CA	CAMP PEN-DLETON	ARMY RESERVE CENTER	19,500		19,500
Def-Wide	CA	CORONADO	SOF CLOSE QUARTERS COMBAT TRAINING FACILITY.	15,722		15,722
Navy	CA	EDWARDS AIR FORCE BASE	EDWARDS RAMP EXTENSION	3,007		3,007
Def-Wide	CA	EL CENTRO	AIRCRAFT DIRECT FUELING STATION.	11,000		11,000
Army	CA	FORT IRWIN	MOUT ASSAULT COURSE, PH 4	9,500		9,500
ARNG	CA	FRESNO YOSEMITE IAP	144th SQUADRON OPERATIONS FACILITY.		9,900	9,900
ARNG	CA	LOS ALAMITOS	READINESS CENTER PH1	31,000		31,000
USAR	CA	LOS ANGELES	ARMY RESERVE CENTER	29,000		29,000
Navy	CA	MIRAMAR	AIRCRAFT PARKING APRON MODIFICATION.	9,280		9,280
Def-Wide	CA	POINT LOMA ANNEX	REPLACE FUEL STORAGE FAC INCR 2.	92,300		92,300
Navy	CA	POINT LOMA ANNEX	PUBLIC WORKS SHOPS CONSOLIDATION.	8,730		8,730
Navy	CA	SAN DIEGO	MESSHALL EXPANSION	23,590		23,590
Air Guard	CA	SOCAL LOGISTICS AIRPORT	TFI-PREDATOR BEDDOWN-FTU/LRE SITE.	8,400		8,400
Air Force	CA	TRAVIS AFB	CONSTRUCT KC-10 CARGO LOAD TRAINING FACILITY.	6,900		6,900
Def-Wide	CA	TRAVIS AFB	REPLACE FUEL DISTRIBUTION SYSTEM.	15,357		15,357
Navy	CA	TWENTYNINE PALMS	STATION COMM FACILITY AND INFRASTRUCTURE.	49,040		49,040
Navy	CA	TWENTYNINE PALMS	SUB-STATION AND ELECTRICAL UPGRADES.	31,310		31,310
Navy	CA	TWENTYNINE PALMS	ELEC. INFRA. UPGRADE—34.5KV TO 115KV.	46,220		46,220
Navy	CA	TWENTYNINE PALMS	ELEC. POWER PLANT/CO-GEN/GAS TURBINE—N.	53,260		53,260
Navy	CA	TWENTYNINE PALMS	WATER IMPROVEMENTS AND STORAGE TANK.	30,610		30,610
Navy	CA	TWENTYNINE PALMS	SEWAGE SYSTEM IMP. AND LIFT STATION.	5,800		5,800
Navy	CA	TWENTYNINE PALMS	HTHW/CHILLED WATER SYSTEM ..	25,790		25,790
Navy	CA	TWENTYNINE PALMS	NATURAL GAS SYSTEM EXTENSION.	19,990		19,990
Navy	CA	TWENTYNINE PALMS	INDUSTRIAL WASTE WATER PRETREATMENT SYS..	3,330		3,330
Navy	CA	TWENTYNINE PALMS	LAYDOWN SITE WORK—NORTH MAINSIDE.	21,740		21,740
Navy	CA	TWENTYNINE PALMS	SECONDARY ELEC. DIST.—NORTH MAINSIDE.	31,720		31,720
Navy	CA	TWENTYNINE PALMS	CONSTRUCT ROADS—NORTH MAINSIDE.	29,360		29,360

MILITARY CONSTRUCTION
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
Navy	CA	TWENTYNINE PALMS	MAINT. SHOP—WHEELED	16,040		16,040
Navy	CA	TWENTYNINE PALMS	MAINT. SUNSHADES—WHEELED ...	12,580		12,580
Navy	CA	TWENTYNINE PALMS	COMME/ELECT MAINT/STORAGE	12,660		12,660
Navy	CA	TWENTYNINE PALMS	DINING FACILITY—NORTH MAINSIDE.	17,200		17,200
Navy	CA	TWENTYNINE PALMS	BEQ	37,290		37,290
Navy	CA	TWENTYNINE PALMS	MAINT. SHOP—TRACKED	19,780		19,780
Navy	CA	TWENTYNINE PALMS	BEQ	37,290		37,290
Navy	CA	TWENTYNINE PALMS	CONSOLIDATED ARMORY—TANKS	12,670		12,670
Air Force	CA	VANDENBERG AFB	CHILD DEVELOPMENT CENTER	13,000		13,000
Air Guard	CO	BUCKLEY ANG BASE	ADD/ALTER WEAPONS RELEASE ...		4,500	4,500
USAR	CO	COLORADO SPRINGS	ARMY RESERVE CENTER/LAND	13,000		13,000
Army	CO	FORT CARSON	TRAINING AIDS CENTER	18,500		18,500
Army	CO	FORT CARSON	BRIGADE COMPLEX	69,000		69,000
Army	CO	FORT CARSON	BRIGADE COMPLEX, PH 1	102,000	-102,000	
Army	CO	FORT CARSON	RAILROAD TRACKS	14,000		14,000
Army	CO	FORT CARSON	WARRIOR IN TRANSITION (WT) COMPLEX.	56,000		56,000
Army	CO	FORT CARSON	AUTOMATED QUALIFICATION TRAINING RANGE.	11,000		11,000
Army	CO	FORT CARSON	MODIFIED RECORD FIRE RANGE	4,450	-4,450	
Army	CO	FORT CARSON	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.	7,400		7,400
Army	CO	FORT CARSON	SCOUT/RECCE GUNNERY COM- PLEX.	16,000		16,000
Army	CO	FORT CARSON	URBAN ASSAULT COURSE	3,100	-3,100	
Army	CO	FORT CARSON	CONVOY LIVE FIRE RANGE	6,500		6,500
Army	CO	FORT CARSON	COMMISSARY	35,000		35,000
Army	CO	FORT CARSON	BARRACKS & DINING, INCREMENT 2.	60,000		60,000
Def-Wide	CO	FORT CARSON	HEALTH AND DENTAL CLINIC	52,773	-20,873	31,900
Def-Wide	CO	FORT CARSON	SOF BATTALION OPS COMPLEX ...	45,200		45,200
Def-Wide	CO	FORT CARSON	SOF MILITARY WORKING DOG FA- CILITY.	3,046		3,046
Air Force	CO	PETERSON AFB	C-130 SQUAD OPS/AMU (TFI)	5,200		5,200
Air Force	CO	PETERSON AFB	NATIONAL SECURITY SPACE IN- STITUTE.	19,900		19,900
Chem Demil	CO	PUEBLO DEPOT	AMMUNITION DEMILITARIZA- TION FACILITY, PH XI.	92,500		92,500
AF Reserve	CO	SCHRIEVER AFB	WING HEADQUARTERS	10,200		10,200
Air Force	CO	U.S. AIR FORCE ACADEMY	ADD TO CADET FITNESS CENTER	17,500		17,500
Air Guard	CT	BRADLEY NATL AP	CNAF BEDDOWN UPGRADE FA- CILITIES.		9,100	9,100
USAR	CT	BRIDGEPORT	ARMY RESERVE CENTER/LAND	18,500		18,500
Air Force	DE	DOVER AFB	C-5 CARGO AIRCRAFT MAINT TRAINING FACILITY P1.	5,300		5,300
Air Force	DE	DOVER AFB	CONSOL COMM FAC	12,100		12,100
Air Force	DE	DOVER AFB	CHAPEL CENTER		7,500	7,500
Navy	FL	BLOUNT ISLAND	PORT OPERATIONS FACILITY	3,760		3,760
Air Force	FL	EGLIN AFB	F-35 DUKE CONTROL TOWER	3,420		3,420
Air Force	FL	EGLIN AFB	CONSTRUCT DORMITORY (96 RM)	11,000		11,000
Air Force	FL	EGLIN AFB	F-35 POL OPS FACILITY	3,180		3,180

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Air Force	FL	EGLIN AFB	F-35 HYDRANT REFUELING SYS- TEM PHASE 1.	8,100		8,100
Air Force	FL	EGLIN AFB	F-35 PARALLEL TAXIWAY LAD- DER.	1,440		1,440
Air Force	FL	EGLIN AFB	F-35 JPS FLIGHTLINE FILLSTANDS	5,400		5,400
Air Force	FL	EGLIN AFB	F-35 JP-8 WEST SIDE BULK FUEL TANK UPGRADES.	960		960
Air Force	FL	EGLIN AFB	F-35 LIVE ORDINANCE LOAD FA- CILITY.	9,900		9,900
Air Force	FL	EGLIN AFB	F-35 A/C PARKING APRON	16,400		16,400
Army	FL	EGLIN AFB	OPERATIONS COMPLEX, PH 3	80,000		80,000
Army	FL	EGLIN AFB	INDOOR FIRING RANGE	8,900		8,900
Army	FL	EGLIN AFB	LIVE FIRE EXERCISE SHOOTHOUSE.	8,000		8,000
Army	FL	EGLIN AFB	LIVE FIRE EXERCISE BREACH FA- CILITY.	4,950		4,950
Army	FL	EGLIN AFB	NON-STANDARD SMALL ARMS RANGE.	3,400		3,400
Army	FL	EGLIN AFB	GRENADE LAUNCHER RANGE	1,600		1,600
Army	FL	EGLIN AFB	HAND GRENADE QUALIFICATION COURSE.	1,400		1,400
Army	FL	EGLIN AFB	URBAN ASSAULT COURSE	2,700		2,700
Army	FL	EGLIN AFB	ANTI-ARMOR, TRACKING & LIVE FIRE RANGE.	3,400		3,400
Army	FL	EGLIN AFB	AUTOMATED QUALIFICATION/ TRAINING RANGE.	12,000		12,000
Army	FL	EGLIN AFB	LIGHT DEMOLITION RANGE	2,200		2,200
Army	FL	EGLIN AFB	BASIC 10M-25M FIRING RANGE (ZERO).	3,050		3,050
Def-Wide	FL	EGLIN AFB	SOF MILITARY WORKING DOG FA- CILITY.	3,046		3,046
Navy	FL	EGLIN AFB	F-35 HYDRANT REFUELING SYS, PH 1.	6,208		6,208
Navy	FL	EGLIN AFB	F-35 PARALLEL TAXIWAY LAD- DER.	931		931
Navy	FL	EGLIN AFB	F-35 A/C PARKING APRON	11,252		11,252
Navy	FL	EGLIN AFB	BACHELOR ENLISTED QUARTERS, EOD SCHOOL, PHASE.	26,287		26,287
Navy	FL	EGLIN AFB	F-35 JP8 WEST SIDE BULK TANK UPGRADES.	621		621
Navy	FL	EGLIN AFB	F-35 POL OPERATIONS FACILITY (EGLIN).	2,056		2,056
Navy	FL	EGLIN AFB	F-35 JP8 FLIGHTLINE FILLSTANDS (EGLIN).	3,492		3,492
Army	FL	EGLIN AFB (CAMP RUD- DER)	ELEVATED WATER STORAGE TANK.		1,200	1,200
Air Force	FL	HURLBURT FIELD	REFUELING VEHICLE MAINTEN- ANCE FACILITY.	2,200		2,200
Air Force	FL	HURLBURT FIELD	ELECTRICAL DISTRIBUTION SUB- STATION.	8,300		8,300
Def-Wide	FL	HURLBURT FIELD	SOF SIMULATOR FACILITY FOR MC-130 (RECAP).	8,156		8,156
Navy	FL	JACKSONVILLE	P-8/MMA FACILITIES MODIFICA- TION.	5,917		5,917
Def-Wide	FL	JACKSONVILLE IAP	REPLACE JET FUEL STORAGE COMPLEX.	11,500		11,500
Air Force	FL	MACDILL AFB	DORMITORY (120 ROOM)	16,000		16,000
Air Force	FL	MACDILL AFB	CHILD DEVELOPMENT CENTER	7,000		7,000
Air Force	FL	MACDILL AFB	CENTCOM COMMANDANT FACIL- ITY.	15,300		15,300
Navy	FL	MAYPORT	WHARF CHARLIE REPAIR	29,682		29,682
Navy	FL	MAYPORT	CHANNEL DREDGING	46,303		46,303

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Army	FL	MIAMI DORAL	SOUTHCOM HEADQUARTERS, INCR 3.	55,400		55,400
USAR	FL	PANAMA CITY	ARMY RESERVE CENTER/LAND	7,300		7,300
Air Force	FL	PATRICK AFB	COMBAT WEAPONS TRAINING FA- CILITY.		8,400	8,400
Navy	FL	PENSACOLA	CORRY "A" SCHOOL BACHELOR ENLISTED QUARTERS R.	22,950		22,950
Navy	FL	PENSACOLA	SIMULATOR ADDITION FOR UMFO PROGRAM.	3,211		3,211
USAR	FL	WEST PALM BEACH	ARMY RESERVE CENTER/LAND	26,000		26,000
Navy	FL	WHITING FIELD	T-6B JPATS TRNG. OPS PARALOFT FACILITY.	4,120		4,120
USAR	GA	ATLANTA	ARMY RESERVE CENTER/LAND	14,000		14,000
Army	GA	FORT BENNING	COMBINED ARMS COLLECTIVE TRAINING FACILITY.	10,800		10,800
Army	GA	FORT BENNING	FIRE AND MOVEMENT RANGE	2,800		2,800
Army	GA	FORT BENNING	BATTLE LAB	30,000		30,000
Army	GA	FORT BENNING	TRAINING AREA TANK TRAILS	9,700		9,700
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX	38,000		38,000
Army	GA	FORT BENNING	DINING FACILITY	15,000		15,000
Army	GA	FORT BENNING	WARRIOR IN TRANSITION (WT) COMPLEX.	53,000		53,000
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1.	31,000		31,000
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1.	31,000		31,000
Army	GA	FORT BENNING	TRAINEE BARRACKS COMPLEX, PH 1.	74,000		74,000
ARNG	GA	FORT BENNING	READINESS CENTER	15,500		15,500
Def-Wide	GA	FORT BENNING	BLOOD DONOR CENTER RE- PLACEMENT.	12,313		12,313
Def-Wide	GA	FORT BENNING	DENTAL CLINIC	4,887		4,887
Def-Wide	GA	FORT BENNING	SOF EXPAND BATTALION HEAD- QUARTERS.	3,046		3,046
Def-Wide	GA	FORT BENNING	WILSON ES CONSTRUCT GYM- NASIUM.	2,330		2,330
Army	GA	FORT GILLEM	FORENSIC LAB	10,800		10,800
Army	GA	FORT STEWART	BRIGADE COMPLEX	93,000	-45,000	48,000
Army	GA	FORT STEWART	AUTOMATED SNIPER FIELD FIRE RANGE.	3,400	-3,400	
Army	GA	FORT STEWART	WARRIOR IN TRANSITION (WT) COMPLEX.	49,000		49,000
Army	GA	FORT STEWART	BARRACKS & DINING, INCREMENT 2.	80,000		80,000
Def-Wide	GA	FORT STEWART	HEALTH AND DENTAL CLINIC	26,386	-4,186	22,200
Def-Wide	GA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,502	-22,502	
Def-Wide	GA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,501		22,501
Army	GA	HUNTER ARMY AIRFIELD	AVIATION READINESS CENTER		8,967	8,967
Air Force	GA	MOODY AFB	RESCUE OPNS/MAINT HQ FAC		8,900	8,900
Def-Wide	HI	FORD ISLAND	PACIFIC OPERATIONS FACILITY UPGRADE.	9,633		9,633
Air Guard	HI	HICKAM AFB	TFI—F-22 LO/COMPOSITE REPAIR FACILITY.	26,000		26,000
Air Guard	HI	HICKAM AFB	TFI—F-22 PARKING APRON AND TAXIWAYS.	7,000		7,000
Navy	HI	NAVSTA PEARL HARBOR	PRODUCTION SERVICES SUPPORT FACILITY.		30,360	30,360
Navy	HI	OAHU	RANGE, 1000—PUULOLOA	5,380		5,380
Navy	HI	PEARL HARBOR	PACFLT SUB DRIVE-IN MAG SI- LENCING FAC (INCR3).	8,645		8,645

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Navy	HI	PEARL HARBOR	APCSS CONF & TECH LEARNING CENTER.	12,775		12,775
Navy	HI	PEARL HARBOR	MISSILE MAGAZINES (5), WEST LOCH.	22,407		22,407
Army	HI	SCHOFIELD BAR-RACKS	VEHICLE MAINTENANCE SHOP	63,000		63,000
Army	HI	SCHOFIELD BAR-RACKS	VEHICLE MAINTENANCE SHOP	36,000		36,000
Army	HI	SCHOFIELD BAR-RACKS	WARRIOR IN TRANSITION (WT) BARRACKS.	55,000		55,000
Army	HI	SCHOFIELD BAR-RACKS	WARRIOR IN TRANSITION COM-PLEX.	30,000		30,000
Air Force	HI	WHEELER AFB	CONSTRUCT ASOC COMPLEX	15,000		15,000
Army	HI	WHEELER AFB	REGIONAL SATCOM INFORMA-TION CENTER.	7,500		7,500
Air Guard	IA	DES MOINES	DES MOINES ALT SECURITY FORCES FAC.		4,600	4,600
ARNG	IA	JOHNSTON	US PROPERTY AND FISCAL OF-FICE.		4,000	4,000
ARNG	ID	GOWEN FIELD	COMBINED ARMS COLLECTIVE TRAINING FACILITY.	16,100		16,100
Air Force	ID	MOUNTAIN HOME AFB	LOGISTICS READINESS CENTER	20,000		20,000
USAR	IL	CHICAGO	ARMY RESERVE CENTER	23,000		23,000
Naval Res	IL	JOLIET ARMY AMMO PLANT	RESERVE TRAINING CENTER—JO-LIET, IL.	7,957		7,957
ARNG	IL	MILAN	READINESS CENTER		5,600	5,600
Air Force	IL	SCOTT AIR FORCE BASE	AEROMEDICAL EVAC FACILITY ...		7,400	7,400
ARNG	IN	MUSCATATUCK	COMBINED ARMS COLLECTIVE TRAINING FACILITY PH.	10,100		10,100
Navy	IN	NAVAL SUP ACT CRANE	STRATEGIC WEAPONS SYSTEMS ENG FACILITY.		13,710	13,710
Army	KS	FORT RILEY	TRAINING AIDS CENTER	15,500		15,500
Army	KS	FORT RILEY	ADVANCED WASTE WATER TREATMENT PLANT.	28,000		28,000
Army	KS	FORT RILEY	IGLOO STORAGE, INSTALLATION	7,200		7,200
Army	KS	FORT RILEY	BRIGADE COMPLEX	49,000		49,000
Army	KS	FORT RILEY	BATTALION COMPLEX	59,000		59,000
Army	KS	FORT RILEY	LAND VEHICLE FUELING FACIL-ITY.	3,700		3,700
Army	KS	FORT RILEY	ESTES ROAD ACCESS CONTROL POINT.		6,100	6,100
ARNG	KS	SALINA ARNG AV FAC	TAXIWAY ALTERATIONS		2,227	2,227
Chem Demil	KY	BLUE GRASS ARMY DEPOT	AMMUNITION DEMILITARIZA-TION PH X.	54,041	5,000	59,041
Army	KY	FORT CAMP-BELL	INSTALLATION CHAPEL CENTER ..		14,400	14,400
Army	KY	FORT CAMP-BELL	5TH SFG LANGUAGE SUSTAINMENT TRNG FAC.		5,800	5,800
Def-Wide	KY	FORT CAMP-BELL	HEALTH CLINIC	8,600		8,600
Def-Wide	KY	FORT CAMP-BELL	SOF BATTALION OPERATIONS COMPLEX.	29,289		29,289
Def-Wide	KY	FORT CAMP-BELL	SOF MILITARY WORKING DOG FA-CILITY.	3,046		3,046
Army	KY	FORT KNOX	WARRIOR IN TRANSITION (WT) COMPLEX.	70,000		70,000
Air Force	LA	BARKSDALE AFB	PHASE FIVE RAMP REPLACE-MENT—AIRCRAFT APRON.		12,800	12,800
Army	LA	FORT POLK	WARRIOR IN TRANSITION (WT) COMPLEX.	32,000		32,000

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<i>Army</i>	<i>LA</i>	<i>FORT POLK</i>	<i>LAND PURCHASES AND CON- DEMATION.</i>	<i>17,000</i>		<i>17,000</i>
<i>ARNG</i>	<i>MA</i>	<i>HANSCOM AFB</i>	<i>ARMED FORCES RESERVE CEN- TER (JFHQ).</i>	<i>29,000</i>		<i>29,000</i>
<i>Air Guard</i>	<i>MA</i>	<i>OTIS ANGB</i>	<i>COMPOSITE OPERATIONS AND TRAINING FACILITY.</i>		<i>12,800</i>	<i>12,800</i>
<i>Army</i>	<i>MD</i>	<i>ABERDEEN PG</i>	<i>ANALYTICAL CHEM WING—AD- VANCED CHEM LAB.</i>		<i>15,500</i>	<i>15,500</i>
<i>Def-Wide</i>	<i>MD</i>	<i>ABERDEEN PG</i>	<i>USAMRICD REPLACEMENT, INC II</i>	<i>111,400</i>		<i>111,400</i>
<i>Air Force</i>	<i>MD</i>	<i>ANDREWS AFB</i>	<i>REPLACE MUNITIONS STORAGE AREA.</i>	<i>9,300</i>		<i>9,300</i>
<i>Air Guard</i>	<i>MD</i>	<i>ANDREWS AFB</i>	<i>RPL MUNITIONS MAINTENANCE AND STORAGE COMPLEX.</i>	<i>14,000</i>		<i>14,000</i>
<i>Army</i>	<i>MD</i>	<i>FORT DETRICK</i>	<i>SATELLITE COMMUNICATIONS CENTER.</i>	<i>18,000</i>		<i>18,000</i>
<i>Army</i>	<i>MD</i>	<i>FORT DETRICK</i>	<i>SATELLITE COMMUNICATIONS FACILITY.</i>	<i>21,000</i>		<i>21,000</i>
<i>Def-Wide</i>	<i>MD</i>	<i>FORT DETRICK</i>	<i>BOUNDARY GATE AT NALIN POND</i>	<i>10,750</i>		<i>10,750</i>
<i>Def-Wide</i>	<i>MD</i>	<i>FORT DETRICK</i>	<i>EMERGENCY SERVICE CENTER</i>	<i>16,125</i>		<i>16,125</i>
<i>Def-Wide</i>	<i>MD</i>	<i>FORT DETRICK</i>	<i>USAMRIID STAGE I, INC IV</i>	<i>108,000</i>		<i>108,000</i>
<i>Def-Wide</i>	<i>MD</i>	<i>FORT DETRICK</i>	<i>NIBC TRUCK INSPECTION STA- TION & ROAD.</i>	<i>2,932</i>		<i>2,932</i>
<i>Def-Wide</i>	<i>MD</i>	<i>FORT MEADE</i>	<i>SOUTH CAMPUS UTILITY PLANT PH 2.</i>	<i>175,900</i>		<i>175,900</i>
<i>Def-Wide</i>	<i>MD</i>	<i>FORT MEADE</i>	<i>NSAW CAMPUS CHILLED WATER BACKUP.</i>	<i>19,100</i>		<i>19,100</i>
<i>Def-Wide</i>	<i>MD</i>	<i>FORT MEADE</i>	<i>MISSION SUPPORT—PSAT</i>	<i>8,800</i>		<i>8,800</i>
<i>Air Guard</i>	<i>ME</i>	<i>BANGOR IAP</i>	<i>REPLACE AIRCRAFT MAINT HANGAR/SHOPS.</i>	<i>28,000</i>		<i>28,000</i>
<i>Navy</i>	<i>ME</i>	<i>PORTSMOUTH NAV SHP</i>	<i>GATE 2 SECURITY IMPROVE- MENTS.</i>		<i>7,100</i>	<i>7,100</i>
<i>Air Guard</i>	<i>MI</i>	<i>ALPENA CRTC</i>	<i>REPLACE TROOP QUARTERS</i>		<i>8,900</i>	<i>8,900</i>
<i>Air Guard</i>	<i>MI</i>	<i>BATTLE CREEK ANG BASE</i>	<i>CNAF BED DOWN FACILITIES</i>		<i>14,000</i>	<i>14,000</i>
<i>Air Guard</i>	<i>MI</i>	<i>SELFRIDGE ANG BASE</i>	<i>A-10 SQUAD OPERATIONS FACIL- ITY.</i>		<i>7,100</i>	<i>7,100</i>
<i>ARNG</i>	<i>MN</i>	<i>ARDEN HILLS</i>	<i>READINESS CENTER PH2</i>	<i>6,700</i>		<i>6,700</i>
<i>ARNG</i>	<i>MN</i>	<i>CAMP RIPLEY</i>	<i>URBAN ASSAULT COURSE</i>	<i>1,710</i>		<i>1,710</i>
<i>Def-Wide</i>	<i>MN</i>	<i>DULUTH IAP</i>	<i>JET FUEL STOARGE COMPLEX</i>	<i>15,000</i>		<i>15,000</i>
<i>USAR</i>	<i>MN</i>	<i>FORT SNELLING</i>	<i>ARMY RESERVE CENTER</i>	<i>12,000</i>		<i>12,000</i>
<i>Air Guard</i>	<i>MN</i>	<i>MINN/ST. PAUL IAP 133RD AW BASE</i>	<i>MINNESOTA STARBASE FACILITY ALTERATION.</i>		<i>1,900</i>	<i>1,900</i>
<i>ARNG</i>	<i>MO</i>	<i>BOONVILLE</i>	<i>READINESS CENTER ADD/ALT</i>	<i>1,800</i>		<i>1,800</i>
<i>Army</i>	<i>MO</i>	<i>FORT LEONARD WOOD</i>	<i>AUTOMATED-AIDED INSTRU- TION FACILITY.</i>	<i>27,000</i>		<i>27,000</i>
<i>Army</i>	<i>MO</i>	<i>FORT LEONARD WOOD</i>	<i>WHEELED VEHICLE DRIVERS COURSE.</i>	<i>17,500</i>		<i>17,500</i>
<i>Army</i>	<i>MO</i>	<i>FORT LEONARD WOOD</i>	<i>WARRIOR IN TRANSITION COM- PLEX.</i>	<i>19,500</i>		<i>19,500</i>
<i>Army</i>	<i>MO</i>	<i>FORT LEONARD WOOD</i>	<i>TRANSIENT ADVANCED TRAINEE BARRACKS, PH 1.</i>	<i>99,000</i>		<i>99,000</i>
<i>Def-Wide</i>	<i>MO</i>	<i>FORT LEONARD WOOD</i>	<i>DENTAL CLINIC ADDITION</i>	<i>5,570</i>		<i>5,570</i>
<i>Air Guard</i>	<i>MO</i>	<i>ROSECRANS MEM AP</i>	<i>REPLACE FIRE/CRASH RESCUE STATION PHASE II.</i>		<i>9,300</i>	<i>9,300</i>
<i>ARNG</i>	<i>MS</i>	<i>CAMP SHELBY</i>	<i>COMBINED ARMS COLLECTIVE TNG FAC ADD/ALT.</i>	<i>16,100</i>		<i>16,100</i>
<i>Air Guard</i>	<i>MS</i>	<i>COLUMBUS AFB</i>	<i>AIRCRAFT MAINTENANCE ADMIN- ISTRATION FACILITY.</i>		<i>10,000</i>	<i>10,000</i>
<i>AF Reserve</i>	<i>MS</i>	<i>KEESLER AFB</i>	<i>AERIAL PORT SQUADRON FACIL- ITY.</i>	<i>9,800</i>		<i>9,800</i>

MILITARY CONSTRUCTION
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
ARNG	MS	MONTICELLO	MONTICELLO NATIONAL GUARD READINESS CENTER.		14,350	14,350
Air Guard	MT	MALMSTROM AFB	UPGRADE WEAPONS STORAGE AREA.		9,600	9,600
Def-Wide	NC	CAMP LEJEUNE	SOF ACADEMIC INSTRUCTION FA- CILITY EXPANSION.	11,791		11,791
Navy	NC	CAMP LEJEUNE	MAINTENANCE/OPS COMPLEX	52,390		52,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	34,160		34,160
Navy	NC	CAMP LEJUNE	UTILITY EXPANSION—COURT- HOUSE BAY.	56,280		56,280
Navy	NC	CAMP LEJUNE	SOI—EAST FACILITIES—CAMP GEIGER.	56,940		56,940
Navy	NC	CAMP LEJUNE	FIELD TRAINING FAC.—DEVIL DOG—SOI.	37,170		37,170
Navy	NC	CAMP LEJUNE	ROAD NETWORK—WALLACE CREEK.	15,130		15,130
Navy	NC	CAMP LEJUNE	MP WORKING DOG KENNEL—RE- LOCATION.	8,370		8,370
Navy	NC	CAMP LEJUNE	CONSOLIDATED INFO TECH/ TELECOM COMPLEX.	46,120		46,120
Navy	NC	CAMP LEJUNE	NEW BASE ENTRY POINT AND ROAD (PHASE 1).	79,150		79,150
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	43,480		43,480
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390		44,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390		44,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	42,110		42,110
Navy	NC	CAMP LEJUNE	PRE-TRIAL DETAINEE FACILITY ..	18,580		18,580
Navy	NC	CAMP LEJUNE	PHYSICAL FITNESS CENTER	39,760		39,760
Navy	NC	CAMP LEJUNE	4TH INFANTRY BATTALION OPS COMPLEX.	55,150		55,150
Navy	NC	CHERRY POINT MCAS	ORDNANCE MAGAZINES	12,360		12,360
Navy	NC	CHERRY POINT MCAS	EMS/FIRE VEHICLE FACILITY	10,600		10,600
Army	NC	FORT BRAGG	VEHICLE MAINTENANCE SHOP	19,500		19,500
Army	NC	FORT BRAGG	SIMULATIONS CENTER	50,000		50,000
Army	NC	FORT BRAGG	VEHICLE MAINTENANCE SHOP	17,500		17,500
Army	NC	FORT BRAGG	COMPANY OPERATIONS FACILITY	3,300		3,300
Army	NC	FORT BRAGG	TRANSIENT TRAINING BARRACKS COMPLEX.	16,500		16,500
Army	NC	FORT BRAGG	AUTOMATED SNIPER FIELD FIRE RANGE.		2,500	2,500
Army	NC	FORT BRAGG	AUTOMATED MULTIPURPOSE MACHINE GUN.	4,350		4,350
Def-Wide	NC	FORT BRAGG	CONSOLIDATED HEALTH CLINIC ..	26,386		26,386
Def-Wide	NC	FORT BRAGG	HEALTH CLINIC	31,272		31,272
Def-Wide	NC	FORT BRAGG	SPECIAL OPS PREP & CONDI- TIONING COURSE.	24,600		24,600
Def-Wide	NC	FORT BRAGG	SOF BATTALION & COMPANY HQ	15,500		15,500
Def-Wide	NC	FORT BRAGG	SOF OPERATIONS SUPPORT ADDI- TION.	13,756		13,756
Def-Wide	NC	FORT BRAGG	SOF MILITARY WORKING DOG FA- CILITY.	1,125		1,125
Def-Wide	NC	FORT BRAGG	SOF BATTALION HEADQUARTERS FACILITY.	13,000		13,000
Def-Wide	NC	FORT BRAGG	SOF OPERATIONS ADDITION NORTH.	27,513		27,513
Def-Wide	NC	FORT BRAGG	SOF TUAV HANGAR	2,948		2,948
Def-Wide	NC	FORT BRAGG	SOF MILITARY WORKING DOG FA- CILITY.	3,046		3,046
Def-Wide	NC	FORT BRAGG	ALBRITTON JHS ADDITION	3,439		3,439
Navy	NC	NEW RIVER	APRON EXPANSION (PHASE 2)	35,600		35,600

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Navy	NC	NEW RIVER	VMMT-204 MAINTENANCE HANGAR—PHASE 3.	28,210		28,210
Navy	NC	NEW RIVER	PARALLEL TAXIWAY	17,870		17,870
Navy	NC	NEW RIVER	TACTICAL SUPPORT VAN PAD ADDITION.	5,490		5,490
Navy	NC	NEW RIVER	GYMNASIUM/OUTDOOR POOL	19,920		19,920
Air Force	NC	POPE AFB	POPE AFB AIR TRAFFIC CONTROL TOWER.		7,700	7,700
Army	NC	SUNNY POINT MOT	TOWERS	3,900		3,900
Army	NC	SUNNY POINT MOT	LIGHTNING PROTECTION SYSTEM	25,000		25,000
Air Force	ND	GRAND FORKS AFB	CONSOLIDATED SECURITY FORCES FACILITY.		12,000	12,000
Air Force	ND	MINOT AFB	MUNITIONS TRAILER STORAGE FACILITY.	1,500		1,500
Air Force	ND	MINOT AFB	MISSILE PROCEDURES TRNG OPERATIONS.	10,000		10,000
ARNG	NE	LINCOLN	ARMED FORCES RESERVE CENTER (JFHQ).	23,000		23,000
Air Guard	NE	LINCOLN MAP	JOINT FORCES OPERATIONS CENTER—ANG SHARE.	1,500		1,500
Air Force	NE	OFFUTT AIR FORCE BASE	STRATCOM GATE		10,400	10,400
Air Guard	NH	PEASE ANGB	REPLACE SQUADRON OPERATIONS FACILITIES.		10,000	10,000
Air Guard	NJ	108TH AIR REFUEL WNG, MCGUIRE AFB	BASE CIVIL ENGINEERING COMPLEX.		9,700	9,700
Air Force	NM	CANNON AFB	WB—CONSOLIDATED COMMUNICATION FAC.	15,000		15,000
Def-Wide	NM	CANNON AFB	SOF FUEL CELL HANGAR (MC-130)	41,269		41,269
Def-Wide	NM	CANNON AFB	SOF AMU ADDITION (CV-22)	11,595		11,595
Air Force	NM	HOLLOMAN AFB	F-22A CONSOLIDATED MUNITIONS MAINT (TFI).	5,500		5,500
Air Force	NM	HOLLOMAN AFB	FIRE-CRASH RESCUE STATION		10,400	10,400
Air Force	NM	KIRTLAND AFB	MC-130J SIMULATOR FACILITY	8,000		8,000
Air Force	NM	KIRTLAND AFB	HC-130J SIMULATOR FACILITY	8,700		8,700
ARNG	NM	SANTA FE	ARMY AVIATION SUPPORT FACILITY.	39,000		39,000
ARNG	NV	CARSON CITY	NATIONAL GUARD ENERGY SUSTAINABLE PROJECTS.		2,000	2,000
Air Force	NV	CREECH AFB	UAS AT/FP SECURITY UPDATES	2,700		2,700
Navy	NV	NAV AIR STA FALLON	WARRIOR PHYSICAL TRAINING FACILITY.		11,450	11,450
ARNG	NV	NORTH LAS VEGAS	READINESS CENTER	26,000		26,000
Air Guard	NV	RENO, NV	NV ANG FIRE STATION REPLACEMENT.		10,800	10,800
Army	NY	FORT DRUM	WATER SYSTEM EXPANSION	6,500		6,500
Army	NY	FORT DRUM	BARRACKS	57,000		57,000
Army	NY	FORT DRUM	WARRIOR IN TRANSITION COMPLEX.	21,000		21,000
AF Reserve	NY	NIAGRA FALLS ARB	INDOOR SMALL ARMS RANGE		5,700	5,700
USAR	NY	ROCHESTER	ARMY RESERVE CENTER/LAND	13,600		13,600
USAR	OH	CINCINNATI	ARMY RESERVE CENTER/LAND	13,000		13,000
Air Guard	OH	MANSFIELD LAHM AIRPORT	TFI—RED HORSE SQUADRON BEDDOWN.	11,400		11,400
Air Force	OH	WRIGHT-PATTERSON AFB	INFO TECH COMPLEX PH 1	27,000		27,000

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<i>Air Force</i>	<i>OH</i>	<i>WRIGHT-PAT- TERSON AFB</i>	<i>CONVERSION FOR ADVANCED POWER RESEARCH LAB.</i>	<i>21,000</i>		<i>21,000</i>
<i>Air Force</i>	<i>OH</i>	<i>WRIGHT-PAT- TERSON AFB</i>	<i>REPLACE WEST RAMP, PHASE II ..</i>		<i>10,600</i>	<i>10,600</i>
<i>Air Force</i>	<i>OK</i>	<i>ALTUS AFB</i>	<i>REPAIR TAXIWAYS</i>	<i>20,300</i>		<i>20,300</i>
<i>Def-Wide</i>	<i>OK</i>	<i>ALTUS AFB</i>	<i>REPLACE UPLOAD FACILITY</i>	<i>2,700</i>		<i>2,700</i>
<i>Army</i>	<i>OK</i>	<i>FORT SILL</i>	<i>AUTOMATED INFANTRY SQUAD BATTLE COURSE.</i>	<i>3,500</i>		<i>3,500</i>
<i>Army</i>	<i>OK</i>	<i>FORT SILL</i>	<i>BARRACKS</i>	<i>65,000</i>		<i>65,000</i>
<i>Army</i>	<i>OK</i>	<i>FORT SILL</i>	<i>WARRIOR IN TRANSITION COM- PLEX.</i>	<i>22,000</i>		<i>22,000</i>
<i>Def-Wide</i>	<i>OK</i>	<i>FORT SILL</i>	<i>DENTAL CLINIC</i>	<i>10,554</i>		<i>10,554</i>
<i>Army</i>	<i>OK</i>	<i>MCALESTER</i>	<i>HIGH EXPLOSIVE MAGAZINE, DEPOT LEVEL.</i>	<i>1,300</i>		<i>1,300</i>
<i>Army</i>	<i>OK</i>	<i>MCALESTER</i>	<i>GENERAL PURPOSE STORAGE BUILDING.</i>	<i>11,200</i>		<i>11,200</i>
<i>Air Force</i>	<i>OK</i>	<i>TINKER AFB</i>	<i>BUILDING 3001 HANGER DOOR</i>	<i>13,037</i>		<i>13,037</i>
<i>Air Force</i>	<i>OK</i>	<i>VANCE, AIR FORCE BASE</i>	<i>CONTROL TOWER</i>		<i>10,700</i>	<i>10,700</i>
<i>Air Guard</i>	<i>OK</i>	<i>WILL ROGERS AP</i>	<i>TFI—AIR SUPT OPERS SQDN (ASOS) BEDDN.</i>	<i>7,300</i>		<i>7,300</i>
<i>ARNG</i>	<i>OR</i>	<i>CLATSOP CTNY, WARRENTON</i>	<i>CAMP RILEA INFRASTRUCTURE (WATER SUPPLY).</i>		<i>3,369</i>	<i>3,369</i>
<i>USAR</i>	<i>PA</i>	<i>ASHLEY</i>	<i>ARMY RESERVE CENTER</i>	<i>9,800</i>		<i>9,800</i>
<i>FH Con</i>	<i>PA</i>	<i>DEF DISTRO DEPOT</i>	<i>DEF DISTRIBUTION DEPOT NEW CUMBERLAND.</i>	<i>2,859</i>		<i>2,859</i>
<i>USAR</i>	<i>PA</i>	<i>HARRISBURG</i>	<i>ARMY RESERVE CENTER</i>	<i>7,600</i>		<i>7,600</i>
<i>USAR</i>	<i>PA</i>	<i>NEWTON SQUARE</i>	<i>ARMY RESERVE CENTER/LAND</i>	<i>20,000</i>		<i>20,000</i>
<i>AF Reserve</i>	<i>PA</i>	<i>PITTSBURGH AIR RES BASE</i>	<i>VISITING QUARTERS PHASE 1</i>		<i>12,400</i>	<i>12,400</i>
<i>USAR</i>	<i>PA</i>	<i>UNIONTOWN</i>	<i>ARMY RESERVE CENTER/LAND</i>	<i>11,800</i>		<i>11,800</i>
<i>Navy</i>	<i>RI</i>	<i>NEWPORT</i>	<i>OFFICER TRAINING COMMAND QUARTERS.</i>	<i>45,803</i>		<i>45,803</i>
<i>Navy</i>	<i>RI</i>	<i>NEWPORT</i>	<i>VISITING QUARTERS PHASE 1</i>		<i>10,550</i>	<i>10,550</i>
<i>Air Guard</i>	<i>SC</i>	<i>AIR NATIONAL GUARD</i>	<i>JOINT FORCE HQ BUILDING MCENTIRE.</i>		<i>1,300</i>	<i>1,300</i>
<i>Navy</i>	<i>SC</i>	<i>BEAUFORT</i>	<i>WIDEBODY AIRCRAFT FUEL LANE</i>	<i>1,280</i>		<i>1,280</i>
<i>Naval Res</i>	<i>SC</i>	<i>CHARLESTON</i>	<i>RESERVE VEHICLE MAINTENANCE FACILITY.</i>	<i>4,240</i>		<i>4,240</i>
<i>Army</i>	<i>SC</i>	<i>CHARLESTON NWS</i>	<i>STAGING AREA</i>	<i>4,100</i>		<i>4,100</i>
<i>Army</i>	<i>SC</i>	<i>CHARLESTON NWS</i>	<i>RAILROAD TRACKS</i>	<i>12,000</i>		<i>12,000</i>
<i>Army</i>	<i>SC</i>	<i>CHARLESTON NWS</i>	<i>PIER AND LOADING/UNLOADING RAMPS.</i>	<i>5,700</i>		<i>5,700</i>
<i>ARNG</i>	<i>SC</i>	<i>EASTOVER</i>	<i>ARMY AVIATION SUPPORT FACIL- ITY ADD/ALT.</i>	<i>26,000</i>		<i>26,000</i>
<i>Army</i>	<i>SC</i>	<i>FORT JACKSON</i>	<i>ADVANCED SKILLS TRAINEE BAR- RACKS.</i>	<i>32,000</i>		<i>32,000</i>
<i>Army</i>	<i>SC</i>	<i>FORT JACKSON</i>	<i>MODIFIED RECORD FIRE RANGE</i>	<i>3,600</i>		<i>3,600</i>
<i>Army</i>	<i>SC</i>	<i>FORT JACKSON</i>	<i>TRAINING BATTALION COMPLEX</i>	<i>66,000</i>		<i>66,000</i>
<i>Army</i>	<i>SC</i>	<i>FORT JACKSON</i>	<i>INFILTRATION COURSE</i>	<i>1,900</i>		<i>1,900</i>
<i>ARNG</i>	<i>SC</i>	<i>GREENVILLE</i>	<i>ARMY AVIATION SUPPORT FACIL- ITY.</i>	<i>40,000</i>		<i>40,000</i>
<i>Navy</i>	<i>SC</i>	<i>PARRIS ISLAND</i>	<i>ELECTRICAL SUBSTATION AND IMPROVEMENTS.</i>	<i>6,972</i>		<i>6,972</i>
<i>ARNG</i>	<i>SD</i>	<i>CAMP RAPID</i>	<i>JOINT FORCE HQ READINESS CEN- TER SUPPLEMENT.</i>		<i>7,890</i>	<i>7,890</i>
<i>ARNG</i>	<i>SD</i>	<i>CAMP RAPID</i>	<i>TROOP MEDICAL CLINIC ADDI- TION AND ALTERATION.</i>		<i>1,950</i>	<i>1,950</i>
<i>Air Force</i>	<i>SD</i>	<i>ELLSWORTH AFB</i>	<i>ADD/ALTER DEPLOYMENT CEN- TER.</i>		<i>14,500</i>	<i>14,500</i>

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<i>Air Guard</i>	<i>SD</i>	<i>JOE FOSS FIELD</i>	<i>ADD AND ALTER MUNITIONS MAINTENANCE COMPLEX.</i>		<i>1,300</i>	<i>1,300</i>
<i>Air Guard</i>	<i>SD</i>	<i>JOE FOSS FIELD</i>	<i>ABOVE GROUND MULTI-CUBICLE MAGAZINE STORAGE.</i>		<i>1,300</i>	<i>1,300</i>
<i>Air Guard</i>	<i>TN</i>	<i>164 AIRLIFT WING, MEM</i>	<i>164TH AIRLIFT WING ANG ENG MAINT TRNG FAC.</i>		<i>9,800</i>	<i>9,800</i>
<i>ARNG</i>	<i>TX</i>	<i>AUSTIN</i>	<i>ARMED FORCES RESERVE CEN- TER.</i>	<i>16,500</i>		<i>16,500</i>
<i>ARNG</i>	<i>TX</i>	<i>AUSTIN</i>	<i>FIELD MAINTENANCE SHOP, JOINT.</i>	<i>5,700</i>		<i>5,700</i>
<i>USAR</i>	<i>TX</i>	<i>AUSTIN</i>	<i>ARMED FORCES RESERVE CEN- TER/AMSA.</i>	<i>20,000</i>		<i>20,000</i>
<i>Navy</i>	<i>TX</i>	<i>CORPUS CHRISTI</i>	<i>OPERATIONAL FACILITIES FOR T-6.</i>	<i>19,764</i>		<i>19,764</i>
<i>Air Force</i>	<i>TX</i>	<i>DYESS AFB</i>	<i>C-130J ALTER HANGAR</i>	<i>4,500</i>		<i>4,500</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>VEHICLE MAINTENANCE SHOP</i>	<i>16,000</i>		<i>16,000</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>BRIGADE STAGING AREA COM- PLEX.</i>	<i>14,800</i>		<i>14,800</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>DIGITAL MULTIPURPOSE RANGE COMPLEX.</i>	<i>45,000</i>		<i>45,000</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>FIRE AND MILITARY POLICE STA- TIONS.</i>	<i>16,500</i>		<i>16,500</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>AIRCRAFT FUEL STORAGE</i>	<i>10,800</i>		<i>10,800</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>VEHICLE MAINTENANCE SHOP</i>	<i>20,000</i>		<i>20,000</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>AUTOMATED SNIPER FIELD FIRE RANGE.</i>	<i>4,250</i>		<i>4,250</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>KNOWN DISTANCE RANGE</i>	<i>4,750</i>		<i>4,750</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.</i>	<i>6,900</i>		<i>6,900</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>SCOUT/RECCE GUNNERY COM- PLEX.</i>	<i>17,000</i>		<i>17,000</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>LIGHT DEMOLITION RANGE</i>	<i>2,400</i>		<i>2,400</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>AUTOMATED INFANTRY PLA- TOON BATTLE COURSE.</i>	<i>7,000</i>		<i>7,000</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>SIMULATION CENTER</i>	<i>23,000</i>		<i>23,000</i>
<i>Army</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>VEHICLE MAINTENANCE & COM- PANY OPS FAC.</i>	<i>31,000</i>		<i>31,000</i>
<i>Def-Wide</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>HEALTH AND DENTAL CLINIC</i>	<i>30,295</i>	<i>-5,695</i>	<i>24,600</i>
<i>Def-Wide</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>HOSPITAL REPLACEMENT PHASE 1 (INCR 1).</i>	<i>86,975</i>	<i>-24,000</i>	<i>62,975</i>
<i>USAR</i>	<i>TX</i>	<i>FORT BLISS</i>	<i>ARMY RESERVE CENTER</i>	<i>9,500</i>		<i>9,500</i>
<i>Army</i>	<i>TX</i>	<i>FORT HOOD</i>	<i>VEHICLE MAINTENANCE SHOP</i>	<i>23,000</i>		<i>23,000</i>
<i>Army</i>	<i>TX</i>	<i>FORT HOOD</i>	<i>URBAN ASSAULT COURSE</i>	<i>2,400</i>		<i>2,400</i>
<i>Army</i>	<i>TX</i>	<i>FORT HOOD</i>	<i>AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.</i>	<i>6,700</i>		<i>6,700</i>
<i>Def-Wide</i>	<i>TX</i>	<i>FORT HOOD</i>	<i>ALTER FUEL PUMP HOUSE AND FILL STAND.</i>	<i>3,000</i>		<i>3,000</i>
<i>Army</i>	<i>TX</i>	<i>FORT SAM HOUSTON</i>	<i>ACCESS CONTROL POINT AND ROAD IMPROVEMENTS.</i>	<i>10,800</i>		<i>10,800</i>
<i>Army</i>	<i>TX</i>	<i>FORT SAM HOUSTON</i>	<i>GENERAL INSTRUCTION BUILD- ING.</i>	<i>9,000</i>		<i>9,000</i>
<i>Air Force</i>	<i>TX</i>	<i>GOODFELLOW AFB</i>	<i>JOINT INTEL TECH TRNG FAC, PH 1 (TFI).</i>	<i>18,400</i>		<i>18,400</i>
<i>Air Force</i>	<i>TX</i>	<i>GOODFELLOW AFB</i>	<i>STUDENT DORMITORY (100 RM)</i>	<i>14,000</i>		<i>14,000</i>
<i>Air Force</i>	<i>TX</i>	<i>GOODFELLOW AFB</i>	<i>CONSOLIDATED LEARNING CEN- TER.</i>		<i>12,000</i>	<i>12,000</i>
<i>USAR</i>	<i>TX</i>	<i>HOUSTON</i>	<i>ARMY RESERVE CENTER/LAND</i>	<i>24,000</i>		<i>24,000</i>
<i>AF Reserve</i>	<i>TX</i>	<i>LACKLAND AFB</i>	<i>C-5 GROUND TRAINING SCHOOL- HOUSE ADDITION.</i>	<i>1,500</i>		<i>1,500</i>
<i>Air Force</i>	<i>TX</i>	<i>LACKLAND AFB</i>	<i>EVASION, CONDUCT AFTER CAP- TURE TRNG.</i>	<i>4,879</i>		<i>4,879</i>
<i>Air Force</i>	<i>TX</i>	<i>LACKLAND AFB</i>	<i>RECRUIT DORMITORY 2, PHASE 2</i>	<i>77,000</i>		<i>77,000</i>

MILITARY CONSTRUCTION
(In Thousands of Dollars)

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<i>Air Force</i>	<i>TX</i>	<i>LACKLAND AFB</i>	<i>BMT SATELLITE CLASSROOM/DIN- ING FAC.</i>	<i>32,000</i>		<i>32,000</i>
<i>Def-Wide</i>	<i>TX</i>	<i>LACKLAND AFB</i>	<i>DENTAL CLINIC REPLACEMENT ...</i>	<i>29,318</i>		<i>29,318</i>
<i>Def-Wide</i>	<i>TX</i>	<i>LACKLAND AFB</i>	<i>AMBULATORY CARE CENTER, PHASE 1 (INCR 1).</i>	<i>72,610</i>		<i>72,610</i>
<i>Naval Res</i>	<i>TX</i>	<i>SAN ANTONIO</i>	<i>RESERVE TRAINING CENTER</i>	<i>2,210</i>		<i>2,210</i>
<i>USAR</i>	<i>TX</i>	<i>SAN ANTONIO</i>	<i>ARMY RESERVE CENTER</i>	<i>20,000</i>		<i>20,000</i>
<i>Air Force</i>	<i>TX</i>	<i>SHEPPARD AFB</i>	<i>ENJJPT OPERATIONS COMPLEX, PHASE 1.</i>		<i>11,600</i>	<i>11,600</i>
<i>Def-Wide</i>	<i>UT</i>	<i>CAMP WILLIAMS</i>	<i>IC CNCI DATA CENTER 1 (INCR 2) ..</i>	<i>800,000</i>	<i>-200,000</i>	<i>600,000</i>
<i>Army</i>	<i>UT</i>	<i>DUGWAY PROV- ING GROUND</i>	<i>WATER TREATMENT SYSTEMS</i>	<i>25,000</i>		<i>25,000</i>
<i>AF Reserve</i>	<i>UT</i>	<i>HILL AFB</i>	<i>RESERVE SQUAD OPS/AMU FACIL- ITY.</i>	<i>3,200</i>		<i>3,200</i>
<i>Air Force</i>	<i>UT</i>	<i>HILL AFB</i>	<i>F-22A RADAR CROSS SECTION TESTING FAC.</i>	<i>21,053</i>		<i>21,053</i>
<i>Air Guard</i>	<i>UT</i>	<i>HILL AFB</i>	<i>PCC APRON NORTHWEST END TAXIWAY.</i>		<i>5,100</i>	<i>5,100</i>
<i>Def-Wide</i>	<i>VA</i>	<i>DAHLGREN</i>	<i>AEGIS BMD FACILITY EXPANSION</i>	<i>24,500</i>		<i>24,500</i>
<i>Navy</i>	<i>VA</i>	<i>DAHLGREN</i>	<i>ELECTROMAGNETIC RESEARCH AND ENG FACILITY.</i>		<i>3,660</i>	<i>3,660</i>
<i>Def-Wide</i>	<i>VA</i>	<i>DAM NECK</i>	<i>SOF OPERATIONS FACILITY INC III.</i>	<i>15,967</i>		<i>15,967</i>
<i>Army</i>	<i>VA</i>	<i>FORT A.P. HILL</i>	<i>AUTOMATED INFANTRY PLA- TOON BATTLE COURSE.</i>	<i>4,900</i>		<i>4,900</i>
<i>Army</i>	<i>VA</i>	<i>FORT A.P. HILL</i>	<i>FIELD TRAINING AREA</i>	<i>9,000</i>		<i>9,000</i>
<i>Army</i>	<i>VA</i>	<i>FORT A.P. HILL</i>	<i>TRAINING AIDS CENTER</i>	<i>9,100</i>		<i>9,100</i>
<i>Army</i>	<i>VA</i>	<i>FORT BELVOIR</i>	<i>FLIGHT CONTROL TOWER</i>	<i>8,400</i>		<i>8,400</i>
<i>Army</i>	<i>VA</i>	<i>FORT BELVOIR</i>	<i>ROAD AND ACCESS CONTROL POINT.</i>	<i>9,500</i>		<i>9,500</i>
<i>Army</i>	<i>VA</i>	<i>FORT BELVOIR</i>	<i>ROAD AND INFRASTRUCTURE IM- PROVEMENTS.</i>	<i>20,000</i>	<i>-20,000</i>	
<i>ARNG</i>	<i>VA</i>	<i>FORT PICKETT</i>	<i>REGIONAL TRAINING INSTITUTE PH2.</i>	<i>32,000</i>		<i>32,000</i>
<i>Army</i>	<i>VA</i>	<i>FT. EUSTIS</i>	<i>UPGRADE MARSHALLING AREA ...</i>		<i>8,900</i>	<i>8,900</i>
<i>Air Force</i>	<i>VA</i>	<i>LANGLEY AFB</i>	<i>WEST & LASALLE GATES FORCE PROTECTION/ACCESS.</i>	<i>10,000</i>		<i>10,000</i>
<i>Def-Wide</i>	<i>VA</i>	<i>LITTLE CREEK</i>	<i>SOF SUPPORT ACTIVITY OPER- ATION FACILITY.</i>	<i>18,669</i>		<i>18,669</i>
<i>Navy</i>	<i>VA</i>	<i>LITTLE CREEK</i>	<i>NAVAL CONSTRUCTION DIVISION OPERATIONS FAC.</i>	<i>13,095</i>		<i>13,095</i>
<i>Navy</i>	<i>VA</i>	<i>NORFOLK</i>	<i>E-2D TRAINER FACILITY</i>	<i>11,737</i>		<i>11,737</i>
<i>Navy</i>	<i>VA</i>	<i>NORFOLK</i>	<i>FACILITY UPGRADES FOR E-2D PROGRAM.</i>	<i>6,402</i>		<i>6,402</i>
<i>Naval Res</i>	<i>VA</i>	<i>OCEANA</i>	<i>C-40 HANGAR</i>	<i>30,400</i>		<i>30,400</i>
<i>Def-Wide</i>	<i>VA</i>	<i>PENTAGON</i>	<i>PENTAGON ELECTRICAL UP- GRADE.</i>	<i>19,272</i>		<i>19,272</i>
<i>Def-Wide</i>	<i>VA</i>	<i>PENTAGON</i>	<i>SECONDARY UNINTERRUPTIBLE POWER RAVEN ROCK.</i>	<i>8,400</i>		<i>8,400</i>
<i>Navy</i>	<i>VA</i>	<i>PORTSMOUTH</i>	<i>SHIP REPAIR PIER REPLACEMENT (INCR 1).</i>	<i>226,969</i>	<i>-100,000</i>	<i>126,969</i>
<i>Navy</i>	<i>VA</i>	<i>QUANTICO</i>	<i>STUDENT QUARTERS—TBS (PHASE 4).</i>	<i>32,060</i>		<i>32,060</i>
<i>Navy</i>	<i>VA</i>	<i>QUANTICO</i>	<i>BATTALION TRAINING FACIL- ITY—MSGBN.</i>	<i>10,340</i>		<i>10,340</i>
<i>Navy</i>	<i>VA</i>	<i>QUANTICO</i>	<i>MC INFORMATION OPERATIONS CENTER—MCIOC.</i>	<i>29,620</i>		<i>29,620</i>
<i>Navy</i>	<i>VA</i>	<i>QUANTICO</i>	<i>AIRCRAFT TRAINER</i>	<i>3,170</i>		<i>3,170</i>
<i>Navy</i>	<i>VA</i>	<i>QUANTICO</i>	<i>DINING FACILITY—TBS</i>	<i>14,780</i>		<i>14,780</i>
<i>Navy</i>	<i>VA</i>	<i>QUANTICO</i>	<i>SOUTH MAINSIDE ELECTRICAL SUBSTATION.</i>	<i>15,270</i>		<i>15,270</i>
<i>Air Guard</i>	<i>VT</i>	<i>BURLINGTON IAP</i>	<i>FIRE CRASH AND RESCUE STA- TION ADDITION.</i>		<i>6,000</i>	<i>6,000</i>

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ARNG	VT	ETHAN ALLEN RANGE	BOQ ADDITIONS AND IMPROVEMENTS.		1,996	1,996
Navy	WA	BANGOR	LIMITED AREA PRODUCTION/STRG CMPLX (INC 6).	87,292		87,292
Navy	WA	BREMERTON	ENCLAVE FENCING/PARKING, SILVERDALE WA (INCR 2).	67,419		67,419
Navy	WA	BREMERTON	CVN MAINTENANCE PIER REPLACEMENT (INC 2).	69,064		69,064
Air Force	WA	FAIRCHILD AFB	SERE FORCE SUPPORT COMPLEX, PHASE I.		11,000	11,000
Def-Wide	WA	FAIRCHILD AFB	REPLACE FUEL DISTRIBUTION SYSTEM.	7,500		7,500
Army	WA	FORT LEWIS	LIVE FIRE EXERCISE SHOOTHOUSE.	2,550		2,550
Army	WA	FORT LEWIS	ANIMAL BUILDING	3,050		3,050
Army	WA	FORT LEWIS	BRIGADE COMPLEX, INC 4	102,000		102,000
Army	WA	FORT LEWIS	MODIFIED RECORD FIRE RANGE	4,100		4,100
Def-Wide	WA	FORT LEWIS	HEALTH AND DENTAL CLINIC	15,636		15,636
Def-Wide	WA	FORT LEWIS	SOF SUPPORT COMPANY FACILITY.	14,500		14,500
Navy	WA	SPOKANE	JNT PERS RECOVERY AGENCY SPECIALIZED SERE TRA.	12,707		12,707
USAR	WI	FORT MCCOY	COMBINED ARMS COLLECTIVE TRAINING FACILITY.	25,000		25,000
USAR	WI	FORT MCCOY	RANGE UTILITY UPGRADE		3,850	3,850
Air Guard	WI	GENERAL MITCHELL IAP	UPGRADE CORROSION CONTROL HANGAR.		5,000	5,000
Navy	WV	NAVAL SECTY GRP ACT, SUGAR GROVE	EMERGENCY SERVICES CENTER ...		9,560	9,560
Air Guard	WV	SHEPHERD AB, MARTINSBURG	C-5 TAXIWAY UPGRADES		19,500	19,500
ARNG	WV	ST. ALBANS ARMORY	LIFE SAFETY UPGRADE		2,000	2,000
Air Guard	WY	CHEYENNE AIRPORT	SQUADRON OPERATIONS		1,500	1,500
Air Force	WY	F. E. WARREN AFB	ADAL MISSILE SERVICE COMPLEX.	9,100		9,100
BRAC 05	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE 2005.	7,479,498		7,479,498
BRAC IV	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE IV.	396,768		396,768
Air Force	AF	BAGRAM AIR BASE	PASSENGER TERMINAL	22,000		22,000
Army	AF	BAGRAM AIR BASE	FUEL SYSTEM PH 6	12,000		12,000
Army	AF	BAGRAM AIR BASE	FUEL SYSTEM PH 7	5,000		5,000
Army	AF	BAGRAM AIR BASE	COALITION OPERATION CENTER	49,000		49,000
Army	AF	BAGRAM AIR BASE	APS COMPOUND	38,000		38,000
Army	AF	BAGRAM AIR BASE	AVIATION SUPPORT FACILITY	2,600		2,600
Army	AF	BAGRAM AIR BASE	BARRACKS	18,500	-18,500	
Army	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY.	38,000	-38,000	
Army	AF	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS.	7,000	-7,000	
Def-Wide	BE	BRUSSELS	REPLACE ELEMENTARY SCHOOL (SHAPE) PHASE 1.	38,124		38,124

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Navy	BI	SW ASIA	WATERFRONT DEVELOPMENT PHASE 2.	41,526		41,526
Air Force	CM	PALANQUERO AB	PALANQUERO AB DEVELOPMENT	46,000		46,000
Navy	DJ	CAMP LEMONIER	INTERIOR PAVED ROADS PHASE A	7,275		7,275
Navy	DJ	CAMP LEMONIER	AMMO SUPPLY POINT	21,689		21,689
Navy	DJ	CAMP LEMONIER	SECURITY FENCING I	8,109		8,109
Navy	DJ	CAMP LEMONIER	FIRE STATION	4,772		4,772
Def-Wide	GB	GUANTANAMO BAY	REPLACE FUEL STORAGE TANKS	12,500		12,500
Def-Wide	GE	BOEBLINGEN	NEW ELEMENTARY SCHOOL		50,000	50,000
Def-Wide	GR	SOUDA BAY	FUEL STORAGE TANKS & PIPE- LINE RPL.	24,000		24,000
Def-Wide	GU	AGANA NAVAL AIR STATION	REPLACE GAS CYLINDER STOR- AGE FACILITY.	4,900		4,900
Air Force	GU	ANDERSEN AFB	STRIKE FOL ELECTRICAL INFRA- STRUCTURE.	33,750		33,750
Air Force	GU	ANDERSEN AFB	NW FIELD ATFP PERIMETER FENCE AND ROAD.	4,752		4,752
Air Force	GU	ANDERSEN AFB	COMMANDO WARRIOR OPER- ATIONS FAC.	4,200		4,200
Air Force	GU	ANDERSEN AFB	NW FIELD COMBAT SPT VEHICLE MAINT FAC.	15,500		15,500
ARNG	GU	BARRIGADA	READINESS CENTER	30,000		30,000
Army	GY	ANSBACH	BARRACKS	17,500		17,500
Army	GY	ANSBACH	BARRACKS	14,200		14,200
FH Con Army	GY	BAUMHOLDER	FAMILY HOUSING REPLACEMENT CONSTRU (138 UNITS).	18,000		18,000
Def-Wide	GY	KAISERLAUTERN AB	KAISERSLAUTERN COMPLEX— PHASE 1.	19,380		19,380
Def-Wide	GY	KAISERLAUTERN AB	KAISERSLAUTERN HS REPLACE SCHOOL.	74,165		74,165
Army	GY	KLEBER KASERNE	BARRACKS	20,000		20,000
Army	GY	LANDSTUHL	WARRIOR IN TRANSITION (WT) COMPLEX.	25,000	-25,000	
Air Force	GY	RAMSTEIN AB	CONSTRUCT AGE MAINT COM- PLEX.	11,500		11,500
Air Force	GY	RAMSTEIN AB	CONTINGENCY RESPONSE GROUP COMMAND.	23,200		23,200
Air Force	GY	SPANGDAHLEM AB	FITNESS CTR	23,500		23,500
Def-Wide	GY	WEISBADEN	WIESBADEN HS NEW CAFETERIA AND KITCHEN.	5,379		5,379
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2.	10,000		10,000
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2.	11,000		11,000
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2.	11,000		11,000
Air Force	IT	SIGONELLA	GLOBAL HAWK AIRCRAFT MAINT AND OPS COMPLEX.	31,300	-31,300	
Army	IT	VICENZA	BDE COMPLEX—OPERATIONS SPT FAC, INCR 3.	23,500		23,500
Army	IT	VICENZA	BDE COMPLEX—BARRACKS/COM- MUNITY, INCR 3.	22,500		22,500
Army	JA	OKINAWA	TRAINING AIDS CENTER	6,000		6,000
Army	JA	SAGAMIHARA	TRAINING AIDS CENTER	6,000		6,000

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Army	KR	CAMP HUM-PHREYS	VEHICLE MAINTENANCE SHOP	19,000		19,000
Army	KR	CAMP HUM-PHREYS	VEHICLE MAINTENANCE SHOP	18,000		18,000
Army	KR	CAMP HUM-PHREYS	FIRE STATIONS	13,200		13,200
Def-Wide	KR	K-16 AIRFIELD	CONVERT WAREHOUSES	5,050		5,050
Def-Wide	KR	OSAN AB	REPLACE HYDRANT FUEL SYSTEM.	28,000		28,000
FH Con Navy	KR	PUSAN	CONSTR CHINHAEE WELCOME CTR/ WAREHOUSE.	4,376		4,376
Army	KU	CAMP ARIFJAN	APS WAREHOUSES	82,000		82,000
Def-Wide	ML	GUAM	HOSPITAL REPLACEMENT (INCR 1).	259,156	-59,156	200,000
FH Con Navy	ML	GUAM	REPLACE GUAM N. TIPALAO PH III.	20,730		20,730
Navy	ML	GUAM	CONSOLIDATED SLC TRAINING & CSS-15 HQ FAC.	45,309		45,309
Navy	ML	GUAM	MILITARY WORKING DOG RELO- CATION, APRA HARBOR.	27,070	-17,070	10,000
Navy	ML	GUAM	DEFENSE ACCESS ROAD IM- PROVEMENTS.	48,860		48,860
Navy	ML	GUAM	AAFB NORTH RAMP UTILITIES (PHASE I).	21,500	-21,500	
Navy	ML	GUAM	AAFB NORTH RAMP PARKING (PHASE I).	88,797	-88,797	
Navy	ML	GUAM	APRA HARBOR WHARVES IMP. (INCR 1).	167,033	-83,516	83,517
Navy	ML	GUAM	TORPEDO EXERCISE SUPPORT BUILDING.	15,627		15,627
Air Force	OM	AL MUSANNAH AB	WAR RESERVE MATERIAL COM- POUND.	47,000	-47,000	
Air Force	OM	AL MUSANNAH AB	AIRLIFT RAMP AND FUEL FACILI- TIES.	69,000	-69,000	
USAR	PR	CAGUAS	ARMY RESERVE CENTER/LAND	12,400		12,400
Air Force	QA	AL UDEID, QATAR	BLATCHFORD-PRESTON COM- PLEX PH II.	60,000		60,000
Navy	SP	ROTA	RECEPTION AIRFIELD FACILITIES	26,278		26,278
Air Force	TK	INCIRLIK AB	CONSTRUCT CONSOLIDATED COMMUNITY CTR.	9,200		9,200
Def-Wide	UK	MENWITH HILL STATION	MHS PSC CONSTRUCTION	37,588		37,588
Def-Wide	UK	RAF MILDENHALL	CONNECT FUEL TANK DISTRIBU- TION PIPE LN.	4,700		4,700
Def-Wide	UK	RAF ALCONBURY	MEDICAL/DENTAL CLINIC RE- PLACEMENT.	14,227		14,227
Def-Wide	UK	RAF LAKENHEATH	LIBERTY IS—GYMNASIUM	4,509		4,509
ARNG	VI	ST. CROIX	REGIONAL TRAINING INSTITUTE PHI.	20,000		20,000
Air Force	ZC	CLASSIFIED LO- CATION	CLASSIFIED PLANNING & DESIGN	3,000		3,000
NSIP	ZU	NSIP	NATO SECURITY INVESTMENT PROGRAM.	276,314		276,314
AF Reserve	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	1,976		1,976
Air Force	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUC- TION.	18,000		18,000
Air Force	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	79,363		79,363
Air Guard	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	9,000		9,000

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Air Guard	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	10,061		10,061
Army	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION FY10	23,000		23,000
Army	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN FY10	153,029		153,029
Army	ZU	UNSPECIFIED WORLDWIDE	HOST NATION SUPPORT FY10	25,000		25,000
ARNG	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUC- TION.	10,300		10,300
ARNG	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	23,981		23,981
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	3,575		3,575
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	4,525		4,525
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUC- TION.	6,800		6,800
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	3,717		3,717
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,000		2,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	10,534		10,534
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	JEP EXERCISE RELATED CON- STRUCTION.	7,861		7,861
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	ENERGY CONSERVATION IM- PROVEMENT PROGRAM.	90,000	33,013	123,013
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	CONTINGENCY CONSTRUCTION	10,000		10,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUC- TION.	3,000		3,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	35,579		35,579
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVMENTS ...	61,737		61,737
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT	50		50
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	4,314		4,314
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS (2428 UNITS).	219,300		219,300
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	FAMILY HOUSING P&D	3,936		3,936
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	IMPROVEMENTS	118,692		118,692
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	DESIGN	2,771		2,771
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	81,686		81,686
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	1,557		1,557
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	51,334		51,334
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	20,183		20,183
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	39,182		39,182
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,543		1,543
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	LEASING ACCOUNT	548		548

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FH Ops AF	ZU	UNSPECIFIED	LEASING	102,858		102,858
		WORLDWIDE				
FH Ops AF	ZU	UNSPECIFIED	MAINTENANCE ACCOUNT	1,911		1,911
		WORLDWIDE				
FH Ops AF	ZU	UNSPECIFIED	MAINTENANCE (RPMA & RPMC) ...	148,318		148,318
		WORLDWIDE				
FH Ops AF	ZU	UNSPECIFIED	HOUSING PRIVATIZATION	53,816		53,816
		WORLDWIDE				
FH Ops Army	ZU	UNSPECIFIED	UTILITIES ACCOUNT	81,650		81,650
		WORLDWIDE				
FH Ops Army	ZU	UNSPECIFIED	OPERATIONS	87,263		87,263
		WORLDWIDE				
FH Ops Army	ZU	UNSPECIFIED	MISCELLANEOUS ACCOUNT	1,177		1,177
		WORLDWIDE				
FH Ops Army	ZU	UNSPECIFIED	LEASING	205,685		205,685
		WORLDWIDE				
FH Ops Army	ZU	UNSPECIFIED	MAINTENANCE OF REAL PROP- ERTY.	115,854		115,854
		WORLDWIDE				
FH Ops Army	ZU	UNSPECIFIED	PRIVATIZATION SUPPORT COSTS	31,789		31,789
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	RECISSION (PUBLIC LAW 110-5)			
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	OPERATIONS	35		35
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	LEASING	10,108		10,108
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	MAINTENANCE OF REAL PROP- ERTY.	69		69
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	FURNISHINGS ACCOUNT	4,426		4,426
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	LEASING	33,579		33,579
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	UTILITIES ACCOUNT	274		274
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	FURNISHINGS ACCOUNT	19		19
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	SERVICES ACCOUNT	29		29
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	MANAGEMENT ACCOUNT	309		309
		WORLDWIDE				
FH Ops DW	ZU	UNSPECIFIED	MAINTENANCE OF REAL PROP- ERTY.	366		366
		WORLDWIDE				
FH Ops Navy	ZU	UNSPECIFIED	UTILITIES ACCOUNT	53,956		53,956
		WORLDWIDE				
FH Ops Navy	ZU	UNSPECIFIED	FURNISHINGS ACCOUNT	14,624		14,624
		WORLDWIDE				
FH Ops Navy	ZU	UNSPECIFIED	MANAGEMENT ACCOUNT	60,278		60,278
		WORLDWIDE				
FH Ops Navy	ZU	UNSPECIFIED	MISCELLANEOUS ACCOUNT	457		457
		WORLDWIDE				
FH Ops Navy	ZU	UNSPECIFIED	SERVICES ACCOUNT	16,462		16,462
		WORLDWIDE				
FH Ops Navy	ZU	UNSPECIFIED	LEASING	101,432		101,432
		WORLDWIDE				
FH Ops Navy	ZU	UNSPECIFIED	MAINTENANCE OF REAL PROP- ERTY.	94,184		94,184
		WORLDWIDE				
FH Ops Navy	ZU	UNSPECIFIED	PRIVATIZATION SUPPORT COSTS	27,147		27,147
		WORLDWIDE				
FHIF	ZU	UNSPECIFIED	FAMILY HOUSING IMPROVEMENT FUND.	2,600		2,600
		WORLDWIDE				
HOAP	ZU	UNSPECIFIED	HOMEOWNERS ASSISTANCE PRO- GRAM.	23,225	350,000	373,225
		WORLDWIDE				

MILITARY CONSTRUCTION
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
Naval Res	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,371		2,371
Navy	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTR	12,483		12,483
Navy	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	166,896		166,896
USAR	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION.	3,600		3,600
USAR	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	22,262		22,262
AF Reserve	ZU	VARIOUS WORLDWIDE	MINOR CONSTRUCTION	800		800
Def-Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	72,974		72,974
Def-Wide	ZU	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONST	6,022		6,022
Def-Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	4,425		4,425
Def-Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	8,855		8,855
Def-Wide	ZU	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION.	4,100		4,100
TOTAL FY2010 AUTHORIZATIONS				22,946,036	-22,843	22,923,193
Prior Year Savings					-112,500	
GRAND TOTAL				22,946,036	-135,343	22,810,693

SEC. 4502. 2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING.

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

<i>Account</i>	<i>Commission Recommendation</i>	<i>Location</i>	<i>State</i>	<i>Project Title</i>	<i>Project Authorization</i>	<i>Authorization of Appropriation</i>
Army	11	Anniston (Pelham Range)	AL	Armed Forces Reserve Center	8,000	8,000
Army	11	Birmingham	AL	Armed Forces Reserve Center	10,000	10,000
Army	11	Mobile	AL	Armed Forces Reserve Center	20,430	20,430
Defense Wide	134	Redstone Arsenal	AL	Von Braun Complex		27,800
Army	11	Tuscaloosa	AL	Armed Forces Reserve Center	18,000	18,000
Army	13	Camden	AR	Armed Forces Reserve Center	9,800	9,800
Army	13	El Dorado	AR	Armed Forces Reserve Center	14,000	14,000
Army	13	Hot Springs	AR	Armed Forces Reserve Center	14,600	14,600
Army	13	Pine Bluff	AR	Armed Forces Reserve Center	15,500	15,500
Army	12	Marana	AZ	Armed Forces Reserve Center	31,000	31,000
Navy	57	Barstow	CA	Industrial Machine Shop Facility.	14,131	14,130
Navy	184	China Lake	CA	Shipboard Shock Test Facility.	3,160	3,160
Navy	184	China Lake	CA	Weapons Dynamics RDT&E Center.	5,970	5,970
Army	15	Middletown	CT	Armed Forces Reserve Center, Incr 2.	37,000	37,000
Navy	149	Washington	DC	Navy Systems Management Activity Relocation (INCR II of II).	71,929	71,929

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

<i>Account</i>	<i>Commission Recom- mendation</i>	<i>Location</i>	<i>State</i>	<i>Project Title</i>	<i>Project Authorization</i>	<i>Authorization of Appropriation</i>
<i>Navy</i>	<i>149</i>	<i>Washington</i>	<i>DC</i>	<i>Renovate 3rd Floor Building 176, Washington Navy Yard.</i>	<i>750</i>	<i>750</i>
<i>Army</i>	<i>04</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>Special Forces Complex, Incr 2.</i>	<i>8,000</i>	<i>8,000</i>
<i>Air Force</i>	<i>125</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>BRAC F-35 Live Ordnance Load Area (LOLA).</i>	<i>6,624</i>	<i>6,624</i>
<i>Air Force</i>	<i>4B, 125</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>CE Facility</i>	<i>2,000</i>	<i>2,000</i>
<i>Air Force</i>	<i>125</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>F-35 (JSF) Duke Field Con- trol Tower.</i>	<i>2,280</i>	<i>2,280</i>
<i>Air Force</i>	<i>4B, 125</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>Fitness Facility</i>	<i>2,750</i>	<i>2,750</i>
<i>Air Force</i>	<i>125</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>STOVL Simulated Carrier Practice Landing Deck.</i>	<i>27,690</i>	<i>27,690</i>
<i>Air Force</i>	<i>125</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>School Age Facility</i>	<i>2,600</i>	<i>2,600</i>
<i>Air Force</i>	<i>125</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>Security Forces Facility</i>	<i>890</i>	<i>890</i>
<i>Air Force</i>	<i>125</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>Taxiway Extension</i>	<i>13,000</i>	<i>13,000</i>
<i>Air Force</i>	<i>125</i>	<i>Eglin AFB</i>	<i>FL</i>	<i>Traffic Management Cargo Processing Facility.</i>	<i>900</i>	<i>900</i>
<i>Army</i>	<i>9</i>	<i>Benning</i>	<i>GA</i>	<i>AAFES Troop Store</i>	<i>1,950</i>	<i>1,950</i>
<i>Army</i>	<i>17</i>	<i>Benning</i>	<i>GA</i>	<i>Armed Forces Reserve Center</i>	<i>18,000</i>	<i>18,000</i>
<i>Army</i>	<i>2</i>	<i>Benning</i>	<i>GA</i>	<i>Equipment Concentration Site.</i>	<i>43,000</i>	<i>43,000</i>
<i>Army</i>	<i>9</i>	<i>Benning</i>	<i>GA</i>	<i>General Instruction Complex 2, Incr 2.</i>	<i>58,000</i>	<i>58,000</i>
<i>Army</i>	<i>9</i>	<i>Benning</i>	<i>GA</i>	<i>Maneuver Ctr HQ & CDI Bldg Expansion.</i>	<i>42,000</i>	<i>42,000</i>
<i>Army</i>	<i>9</i>	<i>Benning</i>	<i>GA</i>	<i>Medical Facility, Incr 2</i>	<i>77,000</i>	<i>77,000</i>
<i>Army</i>	<i>21</i>	<i>Cedar Rapids</i>	<i>IA</i>	<i>Armed Forces Reserve Center</i>	<i>42,000</i>	<i>42,000</i>
<i>Army</i>	<i>21</i>	<i>Iowa AAP</i>	<i>IA</i>	<i>Armed Forces Reserve Center</i>	<i>27,000</i>	<i>27,000</i>
<i>Army</i>	<i>21</i>	<i>Muscatine</i>	<i>IA</i>	<i>Armed Forces Reserve Center</i>	<i>8,800</i>	<i>8,800</i>
<i>Army</i>	<i>2</i>	<i>Rock Island</i>	<i>IL</i>	<i>Army Headquarters Building Renovation.</i>	<i>20,000</i>	<i>20,000</i>
<i>Army</i>	<i>43</i>	<i>Campbell</i>	<i>KY</i>	<i>Armed Forces Reserve Center</i>	<i>5,900</i>	<i>5,900</i>
<i>Army</i>	<i>2</i>	<i>Campbell</i>	<i>KY</i>	<i>Headquarters Building, Group.</i>	<i>14,800</i>	<i>14,800</i>
<i>Army</i>	<i>55</i>	<i>Knox</i>	<i>KY</i>	<i>Armed Forces Reserve Center</i>	<i>2,300</i>	<i>2,300</i>
<i>Army</i>	<i>5</i>	<i>Aberdeen PG</i>	<i>MD</i>	<i>C4ISR, Phase 2, Incr 2</i>	<i>156,000</i>	<i>156,000</i>
<i>Defense Wide</i>	<i>169</i>	<i>Bethesda (WRNMMC)</i>	<i>MD</i>	<i>Medical Center Addition— Increment 3.</i>	<i>108,850</i>	<i>108,850</i>
<i>Defense Wide</i>	<i>169</i>	<i>Bethesda (WRNMMC)</i>	<i>MD</i>	<i>Traffic Mitigation Increment 1.</i>	<i>18,400</i>	<i>18,400</i>
<i>Defense Wide</i>	<i>169</i>	<i>Bethesda (WRNMMC)</i>	<i>MD</i>	<i>Site Utility Infrastructure Upgrade for NICOE.</i>		<i>6,500</i>
<i>Army</i>	<i>174</i>	<i>Detrick</i>	<i>MD</i>	<i>Joint Bio-Med RDA Manage- ment Center.</i>	<i>8,300</i>	<i>8,300</i>
<i>Army</i>	<i>169</i>	<i>Forest Glenn</i>	<i>MD</i>	<i>Museum</i>	<i>12,200</i>	<i>12,200</i>
<i>Defense Wide</i>	<i>140</i>	<i>Fort Meade</i>	<i>MD</i>	<i>Construct DISA Building</i>	<i>131,662</i>	<i>131,662</i>
<i>Army</i>	<i>141</i>	<i>Fort Meade</i>	<i>MD</i>	<i>Defense Media Activity, Incr 2.</i>	<i>17,000</i>	<i>17,000</i>
<i>Navy</i>	<i>65</i>	<i>Brunswick</i>	<i>ME</i>	<i>Marine Corps Reserve Center</i>	<i>12,960</i>	<i>12,960</i>
<i>Army</i>	<i>176</i>	<i>Detroit Arsenal</i>	<i>MI</i>	<i>Administrative Office Build- ings, Incr 2.</i>		<i>21,384</i>
<i>Army</i>	<i>176</i>	<i>Detroit Arsenal</i>	<i>MI</i>	<i>Weapons Systems Support and Training.</i>	<i>8,300</i>	<i>8,300</i>
<i>Army</i>	<i>26</i>	<i>Ft. Custer (Augusta)</i>	<i>MI</i>	<i>Armed Forces Reserve Center</i>	<i>18,500</i>	<i>18,500</i>
<i>Air Force</i>	<i>95</i>	<i>Selfridge ANGB</i>	<i>MI</i>	<i>A10 Arm/Disarm Apron</i>	<i>1,350</i>	<i>1,350</i>
<i>Air Force</i>	<i>95</i>	<i>Selfridge ANGB</i>	<i>MI</i>	<i>Repair Munitions Admin Building 891.</i>	<i>3,100</i>	<i>3,100</i>
<i>Air Force</i>	<i>95</i>	<i>Selfridge ANGB</i>	<i>MI</i>	<i>Upgrade Munitions Mainte- nance Shop.</i>	<i>1,650</i>	<i>1,650</i>

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	95	Selfridge ANGB	MI	Upgrade Munitions Missile Maintenance Bays.	2,350	2,350
Army	28	Kirksville	MO	Armed Forces Reserve Center	6,600	6,600
Army	29	Great Falls	MT	Armed Forces Reserve Center	7,600	7,600
Army	3	Bragg	NC	Band Training Facility	4,200	4,200
Army	3	Bragg	NC	Headquarters Bldg, FORSCOM/USARC, Incr 3.	124,000	124,000
Army	35	Wilmington	NC	Armed Forces Reserve Center	17,500	17,500
Army	36	Fargo	ND	Armed Forces Reserve Center	11,200	11,200
Army	30	Columbus	NE	Armed Forces Reserve Center	9,300	9,300
Army	30	McCook	NE	Armed Forces Reserve Center	7,900	7,900
Army	32	Camden	NJ	Armed Forces Reserve Center	21,000	21,000
Army	05	West Point	NY	US Military Academy Prep School, Incr 2.		98,000
Army	37	Columbus	OH	Armed Forces Reserve Center, Incr 2.		30,218
Navy	73	Akron	OH	Armed Forces Reserve Center	13,840	13,840
Army	126	Sill	OK	Joint Fires & Effects Simulator Building.	28,000	28,000
Air Force	92	Will Rogers World APT	OK	Relocate Global Air Traffic Operation Program Office.	1,200	1,200
Army	40	Allentown	PA	Armed Forces Reserve Center	15,000	15,000
Army	150	Tobyhanna	PA	Electronics Maintenance Shop, Depot Level.	3,200	3,200
Air Force	68	Willow Grove ARS	PA	Establish Enclave	4,000	4,000
Army	42	Bristol	RI	Armed Forces Reserve Center	17,500	17,500
Navy	181	Charleston	SC	SPAWAR Data Center	9,670	9,670
Navy	138	Goose Creek	SC	Consolidated Brig Addition ..	9,790	9,790
Army	3	Shaw AFB	SC	Headquarters Building, Third US Army, Incr 2.	55,000	55,000
Army	43	Chattanooga	TN	Armed Forces Reserve Center	8,900	8,900
Army	10	Bliss	TX	Brigade Combat Team Complex #3, Incr 3.	110,000	110,000
Army	10	Bliss	TX	Combat Aviation Brigade Complex, Incr 3.	94,000	94,000
Army	10	Bliss	TX	Hospital Add/Alt, WBAMC ..	24,000	24,000
Army	10	Bliss	TX	Hospital Replacement	89,000	89,000
Army	10	Bliss	TX	Tactical Equipment Maintenance Facility 2.	104,000	104,000
Army	44	Brownsville	TX	Armed Forces Reserve Center	15,000	15,000
Army	44	Huntsville	TX	Armed Forces Reserve Center	16,000	16,000
Army	44	Kingsville	TX	Armed Forces Reserve Center	17,500	17,500
Air Force	146	Lackland AFB	TX	Joint Base San Antonio Headquarters Facility.	8,500	8,500
Army	44	Lufkin	TX	Armed Forces Reserve Center	15,500	15,500
Air Force	128	Randolph AFB	TX	Renovate Building 38	2,050	2,050
Army	44	Red River	TX	Armed Forces Reserve Center	14,200	14,200
Defense Wide	172	Fort Sam Houston	TX	San Antonio Military Medical Center (North) Incr 3.		163,750
Army	148	Sam Houston	TX	Add/Alt Building 2270	18,000	18,000
Army	148	Sam Houston	TX	Housing, Enlisted Permanent Party.	10,800	10,800
Army	148	Sam Houston	TX	IMCOM Campus Area Infrastructure.	11,000	11,000
Army	148	Sam Houston	TX	Headquarters Bldg, IMCOM	48,000	48,000
Army	132	Belvoir	VA	Infrastructure Support, Incr 3.	13,000	13,000
Army	168	Belvoir	VA	Infrastructure Support, Incr 3.	39,400	39,400
Army	169	Belvoir	VA	NARMC HQ Building	17,500	17,500
Defense Wide	168	Fort Belvoir	VA	NGA Headquarters Facility ..		168,749

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

<i>Account</i>	<i>Commission Recom- mendation</i>	<i>Location</i>	<i>State</i>	<i>Project Title</i>	<i>Project Authorization</i>	<i>Authorization of Appropriation</i>
Defense Wide	169	Fort Belvoir	VA	Hospital Replacement—In- crement 4.	140,750	140,750
Defense Wide	169	Fort Belvoir	VA	Dental Clinic	12,600	12,600
Defense Wide	133	Fort Belvoir	VA	Office Complex Increment 3 ..		360,533
Army	8	Eustis	VA	Bldg 705 Renv (AAA & 902d MI).	1,600	1,600
Army	8	Eustis	VA	Headquarters Bldg, IMCOM Eastern Region.	5,700	5,700
Army	8	Eustis	VA	Headquarters Building, TRADOC, Incr 2.	34,300	34,300
Army	8	Eustis	VA	Joint Task Force—Civil Sup- port.	19,000	19,000
Army	3	Eustis	VA	Renovation for ACA and NETCOM.	4,800	4,800
Army	121	Lee	VA	AAFES Troop Store	1,850	1,850
Army	133	Lee	VA	Administrative Building (DCMA).	28,000	28,000
Army	121	Lee	VA	Combat Service Support School, Ph 1, Incr 4.		30,000
Army	121	Lee	VA	Combat Service Support School, Ph 2, Incr 3.	137,000	137,000
Army	121	Lee	VA	Combat Service Support School, Ph 3, Incr 2.	145,000	145,000
Army	121	Lee	VA	Consolidated Troop Med/ Dntl Clinic.	20,000	20,000
Army	122	Lee	VA	HQs, Transportation Man- agement Detachment.	1,200	1,200
Army	121	Lee	VA	USMC Training Facilities	25,000	25,000
Navy	149	Arlington	VA	Crystal Park 5 to Arlington Service Center.	33,660	33,660
Navy	138	Chesapeake	VA	Joint Regional Correctional Facility (INCR II of II).		47,560
Navy	181	Norfolk	VA	Building 1558 Renovations for SPAWAR.	2,510	2,510
Army	47	Elkins	WV	Armed Forces Reserve Center	22,000	22,000
Army	47	Fairmont	WV	Armed Forces Reserve Center	21,000	21,000
Army	47	Spencer-Ripley	WV	Armed Forces Reserve Center	19,540	19,540
Army	PM	Various	WW	Planning and Design	26,100	26,100
Army		Various	Various	Environmental	147,693	147,693
Navy		Various	Various	Environmental	16,529	16,529
Air Force		Various	Various	Environmental	19,454	19,454
Army		Various	Various	Operation and Maintenance	1,169,334	1,169,334
Navy		Various	Various	Operation and Maintenance	322,495	322,495
Air Force		Various	Various	Operation and Maintenance	288,459	288,459
Defense Wide		Various	Various	Operation and Maintenance	836,715	836,715
Navy		Various	Various	MilPers PCS	6,504	6,504
Air Force		Various	Various	MilPers PCS	3,970	3,970
Army		Various	Various	Other	311,138	311,138
Navy		Various	Various	Other	20,115	20,115
Air Force		Various	Various	Other	23,443	23,443
Defense Wide		Various	Various	Other	412,320	412,320
Subtotal BRAC 2005 FY 2010, Army.						4,081,037
Subtotal BRAC 2005 FY 2010, Navy.						591,572
Subtotal BRAC 2005 FY 2010, Air Force.						418,260

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

<i>Account</i>	<i>Commission Recom- mendation</i>	<i>Location</i>	<i>State</i>	<i>Project Title</i>	<i>Project Authorization</i>	<i>Authorization of Appropriation</i>
				<i>Subtotal BRAC 2005 FY 2010, Defense Wide.</i>		2,388,629
				Total BRAC 2005 FY 2010 All Categories.	5,934,740	7,479,498
<i>Army</i>		<i>Various</i>	<i>Various</i>	<i>Base Realignment and Clo- sure IV, Army.</i>		98,723
<i>Navy</i>		<i>Various</i>	<i>Various</i>	<i>Base Realignment and Clo- sure IV, Navy.</i>		168,000
<i>Air Force</i>		<i>Various</i>	<i>Various</i>	<i>Base Realignment and Clo- sure IV, Air Force.</i>		127,364
<i>Defense Wide</i>		<i>Various</i>	<i>Various</i>	<i>Base Realignment and Clo- sure IV, Defense Wide.</i>		2,681
				Total BRAC IV for FY 2010		396,768

SEC. 4503. AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION.

AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION
(In Thousands of Dollars)

<i>State</i>	<i>Account</i>	<i>Installation</i>	<i>Project Title</i>	<i>Senate Authorized</i>
<i>AK</i>	<i>Air Force</i>	<i>Eielson AFB</i>	<i>Replace Military Family Housing—Phase 4 (Current Mission) (76 units).</i>	53,900
<i>AL</i>	<i>Air Force</i>	<i>Birmingham</i>	<i>Mobility Processing</i>	2,300
<i>AR</i>	<i>Air Force</i>	<i>Fort Smith</i>	<i>Replace Civil Engineering Complex</i>	7,800
<i>CA</i>	<i>Defense Wide</i>	<i>Camp Pendleton</i>	<i>Hospital Replacement</i>	563,100
<i>CA</i>	<i>ARNG</i>	<i>Fort Hunter-Liggett</i>	<i>Family Housing New Construction (1 Unit)</i>	620
<i>CA</i>	<i>ARNG</i>	<i>Fort Hunter-Liggett</i>	<i>Family Housing Replacement Construction (4 units) ...</i>	1,750
<i>CA</i>	<i>Navy</i>	<i>Marine Corps Base Camp Pendleton</i>	<i>Child Development Center</i>	15,420
<i>CA</i>	<i>Navy</i>	<i>Marine Corps Base Camp Pendleton</i>	<i>Photovoltaic System</i>	10,731
<i>CA</i>	<i>Navy</i>	<i>Marine Corps Base Camp Pendleton</i>	<i>Repair Bachelor Enlisted Quarters</i>	8,901
<i>CA</i>	<i>ARNG</i>	<i>Mather Air Field</i>	<i>Resurface Airfield Pavement</i>	1,500
<i>CA</i>	<i>Navy</i>	<i>Naval Air Station Lemoore</i>	<i>Expand Child Development Center</i>	7,793
<i>CA</i>	<i>Navy</i>	<i>Naval Base Coronado</i>	<i>Child Care Center 24/7</i>	2,301
<i>CA</i>	<i>Navy</i>	<i>Naval Base Coronado</i>	<i>Bachelor Enlisted Quarters</i>	86,275
<i>CA</i>	<i>Navy</i>	<i>Naval Base Point Loma</i>	<i>Child Development Center</i>	11,844
<i>CA</i>	<i>ARNG</i>	<i>Sierra AD</i>	<i>Family Housing Replacement Construction (1 unit)</i>	707
<i>CO</i>	<i>Army</i>	<i>Fort Carson</i>	<i>Child Development Center</i>	12,500
<i>CO</i>	<i>Air Force</i>	<i>Peterson AFB</i>	<i>Construct Child Development Center</i>	11,200
<i>FL</i>	<i>Air Force</i>	<i>Hurlburt Field</i>	<i>Child Development Center</i>	11,000
<i>FL</i>	<i>Defense Wide</i>	<i>Naval Airt Station Jack- sonville</i>	<i>Hospital Alteration</i>	27,210
<i>FL</i>	<i>Navy</i>	<i>Naval Station Mayport</i>	<i>Child Development Center</i>	10,220
<i>GA</i>	<i>Army</i>	<i>Fort Stewart (Hunter AAF)</i>	<i>Child Youth Services Center</i>	8,600
<i>GA</i>	<i>Air Force</i>	<i>Moody AFB</i>	<i>Child Development Center</i>	11,400
<i>HI</i>	<i>Navy</i>	<i>Marine Corps Base Hawaii</i>	<i>Child Development Center</i>	19,360
<i>IA</i>	<i>Air Force</i>	<i>Des Moines</i>	<i>Replace Communication Facility</i>	6,000
<i>IL</i>	<i>ARNG</i>	<i>Rock Island</i>	<i>Family Housing New Construction (2 Units)</i>	930
<i>KS</i>	<i>Air Force</i>	<i>Forbes</i>	<i>Add/Alter Fire Station</i>	4,100
<i>KY</i>	<i>Army</i>	<i>Fort Campbell</i>	<i>Warrior in Transition (WT) Complex</i>	43,000
<i>MD</i>	<i>Air Force</i>	<i>Andrews AFB</i>	<i>ANGRC Operations Center</i>	8,000
<i>MD</i>	<i>Navy</i>	<i>Naval Support Activity Annapolis</i>	<i>Replace Steam Generation Plant</i>	1,994
<i>MD</i>	<i>Navy</i>	<i>Naval Surface Warfare Center Carderock</i>	<i>Replace Underground Steam Lines</i>	1,253
<i>MS</i>	<i>Air Force</i>	<i>Keesler AFB</i>	<i>Dormitory (144 Rm)</i>	20,800

AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION
(In Thousands of Dollars)

<i>State</i>	<i>Account</i>	<i>Installation</i>	<i>Project Title</i>	<i>Senate Authorized</i>
MT	Air Force	Malmstrom AFB	Repair Structural Foundations In Minuteman Village (179 units).	26,200
NC	Army	Fort Bragg	Child Development Center	11,300
NC	Navy	Marine Corps Air Station New River	Repair Bachelor Enlisted Quarters	3,039
NC	Navy	Marine Corps Base Camp Lejeune	Facility and Photovoltaic Energy Upgrades	13,779
NC	ARNG	Raleigh	AFRC Raleigh (JFHQ-NC)	39,500
ND	Air Force	Minot AFB	Dormitory (168 Rm)	28,300
NE	ARNG	Camp Ashland	Dining Facility Add/Alt	2,900
NJ	Air Force	Atlantic City	Construct N&S Arm/Disarm Aprons	4,300
NM	Air Force	Cannon AFB	Child Development Center	12,000
NV	ARNG	Hawthorne AD	Family Housing Improvement (new water main)	950
NV	Air Force	Nellis AFB	Child Development Center	13,400
NY	ARNG	Brooklyn (Ft. Hamilton)	Ready Building (WMD CST)	1,500
NY	Army	Fort Drum	Child Development Center	10,700
OK	ARNG	McAlester AD	Family Housing Replacement Construction (6 units) ...	2,200
OR	ARNG	Camp Withycombe	Storm Sewer	1,300
PA	Air Force	Fort Indian Town Gap	Replace Troop Training Qtrs	7,000
PA	ARNG	Letterkenny AD	Family Housing New Construction (3 units)	1,050
PA	ARNG	Tobyhanna	Family Housing Replacement Construction (2 units) ...	1,000
SC	Air Force	Shaw AFB	Dormitory (144 Rm)	22,500
TN	Navy	Naval Support Activity Mid-South	Child Development Center	11,960
TX	Army	Fort Bliss	Warrior in Transition (WT) Complex	57,000
TX	Army	Fort Hood	Child Development Center	12,700
TX	Defense Wide	Fort Hood	Hospital Replacement Phase 1	621,000
TX	Air Force	Goodfellow AFB	Student Dormitory (200 Rm)	28,400
TX	Air Force	Lackland AFB	Add/Alter Child Development Center	6,000
UT	ARNG	Dugway Proving Grounds	Family Housing Replacement Construction (20 units)	10,000
UT	Air Force	Hill AFB	Child Development Center	15,000
UT	Air Force	Salt Lake City	Fire Station, Phase 2	5,100
VA	Army	Fort Belvoir	Child Development Center	14,600
VA	Army	Fort Eustis	Child Development Center	9,600
VA	Navy	Hampton Roads	Install Photovoltaic Systems	26,098
VA	Navy	Naval Station Norfolk	Repair Steam Lines	1,054
VA	Navy	Naval Station Norfolk	Steam Plant Area Decentralization	23,593
VA	ARNG	Radford AAP	Family Housing Replacement Construction (4 units) ...	1,300
WA	Navy	Naval Air Station Whidbey Island	Replace Water Distribution System	20,054
WI	ARNG	Fort McCoy	Family Housing New Construction (23 units)	14,000
WI	Air Force	General Mitchell	Security Forces CATM/CATS	1,100
WV	Air Force	Eastern West Virginia Regional Airport	C-5 Avionics Shop	4,300
WV	ARNG	Gassaway	Readiness Center Add/Alt	3,300
	Defense Wide	Various Locations	Planning and Design (P&D)	118,690
	Navy	Various Locations	P&D—DoN Child Development Center Projects	1,102
	Navy	Various Locations	P&D—DoN Energy Projects	1,444
	Navy	Various Locations	P&D—DoN Bachelor Enlisted Quarter Projects	1,785

SEC. 4504. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Service</i>	<i>Country</i>	<i>Location</i>	<i>Project</i>	<i>Authoriza- tion</i>	<i>Authorized for Appro- priation</i>
AF	AF	WOLVERINE	CARGO HANDLING AREA	4,900	4,900

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Service</i>	<i>Country</i>	<i>Location</i>	<i>Project</i>	<i>Authoriza- tion</i>	<i>Authorized for Appro- priation</i>
ARMY	AF	WOLVERINE	DINING FACILITY	2,200	2,200
ARMY	AF	WOLVERINE	FUEL SYSTEM, PH 1	5,800	5,800
ARMY	AF	WOLVERINE	WASTE MANAGEMENT COMPLEX	6,900	6,900
AF	AF	TOMBSTONE/BASTION	STRATEGIC AIRLIFT APRON EXPAN- SION.	32,000	32,000
AF	AF	TOMBSTONE/BASTION	CAS APRON EXPANSION	40,000	40,000
AF	AF	TOMBSTONE/BASTION	ISR APRON	41,000	41,000
AF	AF	TOMBSTONE/BASTION	SECURE RSOI FACILITY	10,000	10,000
AF	AF	TOMBSTONE/BASTION	CARGO HANDLING AREA	18,000	18,000
AF	AF	TOMBSTONE/BASTION	AVIATION OPERATIONS & MAINTENANCE FACS.	8,900	8,900
AF	AF	TOMBSTONE/BASTION	EXPEDITIONARY FIGHTER SHELTER	6,300	6,300
ARMY	AF	TOMBSTONE/BASTION	BASIC LOAD AMMUNITION HOLDING AREA.	7,500	7,500
ARMY	AF	TOMBSTONE/BASTION	DINING FACILITY	8,900	8,900
ARMY	AF	TOMBSTONE/BASTION	ENTRY CONTROL POINT AND ACCESS ROADS.	14,200	14,200
ARMY	AF	TOMBSTONE/BASTION	FUEL SYSTEM, PH 2	14,200	14,200
ARMY	AF	TOMBSTONE/BASTION	ROADS	4,300	4,300
ARMY	AF	TOMBSTONE/BASTION	LEVEL 3 MEDICAL FACILITY	16,500	16,500
ARMY	AF	TOMBSTONE/BASTION	WATER SUPPLY AND DISTRIBUTION SYSTEM.	6,200	6,200
AF	AF	TARIN KOWT	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	TARIN KOWT	DINING FACILITY	4,350	4,350
ARMY	AF	TARIN KOWT	FUEL SYSTEM PHASE 2	11,800	11,800
ARMY	AF	TARIN KOWT	WASTE MANAGEMENT AREA	6,800	6,800
ARMY	AF	TARIN KOWT	AMMUNITION SUPPLY POINT	35,000	35,000
ARMY	AF	SHARANA	ROTARY WING PARKING	32,000	32,000
ARMY	AF	SHARANA	AMMUNITION SUPPLY POINT	14,000	14,000
ARMY	AF	SHARANA	AIRCRAFT MAINTENANCE FACILI- TIES.	12,200	12,200
ARMY	AF	SHARANA	ELECTRICAL DISTRIBUTION GRID	2,600	2,600
AF	AF	SHANK	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	SHANK	DINING FACILITY	4,350	4,350
ARMY	AF	SHANK	ELECTRICAL DISTRIBUTION GRID	4,600	4,600
ARMY	AF	SHANK	WASTE MANAGEMENT COMPLEX	8,100	8,100
ARMY	AF	SHANK	WATER DISTRIBUTION SYSTEM	2,650	2,650
ARMY	AF	SHANK	TROOP HOUSING PHASE 2		
ARMY	AF	SALERNO	WASTE MANAGEMENT COMPLEX	5,500	5,500
ARMY	AF	SALERNO	ELECTRICAL DISTRIBUTION GRID	2,600	2,600
ARMY	AF	SALERNO	FUEL SYSTEM, PH 1	12,800	12,800
ARMY	AF	SALERNO	DINING FACILITY	4,300	4,300
ARMY	AF	SALERNO	RUNWAY UPGRADE	25,000	25,000
ARMY	AF	METHAR-LAM	WASTE MANAGEMENT AREA	4,150	4,150
ARMY	AF	MAYWAND	DINING FACILITY	6,600	6,600
ARMY	AF	MAYWAND	WASTE MANAGEMENT AREA	5,600	5,600
AF	AF	KANDAHAR	SECURE RSOI FACILITY	9,700	9,700
AF	AF	KANDAHAR	TACTICAL AIRLFIT APRON	29,000	29,000
AF	AF	KANDAHAR	REFUELER APRON/RELOCATE HCP ...	66,000	66,000
AF	AF	KANDAHAR	CAS APRON EXPANSION	25,000	25,000
AF	AF	KANDAHAR	ISR APRON EXPANSION	40,000	40,000
AF	AF	KANDAHAR	AVIATION OPERATIONS & MAINTENANCE FACILITIES.	10,500	10,500
AF	AF	KANDAHAR	EXPEDITIONARY FIGHTER SHELTER	6,400	6,400
AF	AF	KANDAHAR	CARGO HELICOPTER APRON	32,000	32,000
AF	AF	KANDAHAR	RELOCATE NORTH AIRFIELD ROAD ..	16,000	16,000
ARMY	AF	KANDAHAR	TROOP HOUSING PHASE 2		
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	TANKER TRUCK OFFLOAD FACILITY	23,000	23,000
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	SOUTHPARK ROADS	11,000	11,000

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<i>Service</i>	<i>Country</i>	<i>Location</i>	<i>Project</i>	<i>Authoriza- tion</i>	<i>Authorized for Appro- priation</i>
ARMY	AF	KANDAHAR	WASTE MANAGEMENT COMPLEX	10,000	10,000
ARMY	AF	KANDAHAR	WAREHOUSE	20,000	20,000
ARMY	AF	KANDAHAR	THEATER VEHICLE MAINTENANCE FACILITY.	55,000	55,000
ARMY	AF	KABUL	USFOR-A HEADQUARTERS & HOUS- ING.	98,000	98,000
ARMY	AF	KABUL	CAMP PHOENIX WEST EXPANSION	39,000	39,000
ARMY	AF	JOYCE	DINING FACILITY	2,100	2,100
ARMY	AF	JOYCE	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	AF	JALALABAD	DINING FACILITY	4,350	4,350
ARMY	AF	JALALABAD	AMMUNITION SUPPLY POINT	35,000	35,000
ARMY	AF	JALALABAD	CONTINGENCY HOUSING		
ARMY	AF	JALALABAD	PERIMETER FENCING	2,050	2,050
ARMY	AF	GHAZNI	WASTE MANAGEMENT COMPLEX	5,500	5,500
ARMY	AF	GARDEZ	TACTICAL RUNWAY	28,000	28,000
ARMY	AF	GARDEZ	DINING FACILITY	2,200	2,200
ARMY	AF	GARDEZ	CONTINGENCY HOUSING		
ARMY	AF	GARDEZ	FUEL SYSTEM, PH 1	6,000	6,000
ARMY	AF	FRONTENAC	DINING FACILITY	2,200	2,200
ARMY	AF	FRONTENAC	CONTINGENCY HOUSING		
AF	AF	DWYER	CONTINGENCY HOUSING PHASE 1		
AF	AF	DWYER	CONTINGENCY HOUSING PHASE 2		
AF	AF	DWYER	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	DWYER	FUEL SYSTEM, PH 1	5,800	5,800
ARMY	AF	DWYER	WASTE MANAGEMENT COMPLEX	6,900	6,900
ARMY	AF	DWYER	DINING FACILITY	2,200	2,200
ARMY	AF	BOSTICK	WASTE MANAGEMENT AREA	5,500	5,500
ARMY	AF	BLESSING	WASTE MANAGEMENT AREA	5,600	5,600
AF	AF	BAGRAM AIR BASE	CARGO TERMINAL	13,800	13,800
AF	AF	BAGRAM AIR BASE	AVIATION OPERATIONS & MAINTENANCE FACILITIES.	8,900	8,900
AF	AF	BAGRAM AIR BASE	EXPEDITIONARY FIGHTER SHELTER	6,400	6,400
ARMY	AF	BAGRAM AIR BASE	TROOP HOUSING PHASE 3		
ARMY	AF	BAGRAM AIR BASE	DRAINAGE SYSTEM, PH 2	21,000	21,000
ARMY	AF	BAGRAM AIR BASE	BARRACKS	18,500	18,500
ARMY	AF	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS.	7,000	7,000
ARMY	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	38,000	38,000
ARMY	AF	BAGRAM AIR BASE	ACCESS ROADS	21,000	21,000
ARMY	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	BAGRAM AIR BASE	MEDLOG WAREHOUSE	3,350	3,350
ARMY	AF	ASADABAD	WASTE MANAGEMENT AREA	5,500	5,500
ARMY	AF	ALTIMUR	DINING FACILITY	2,150	2,150
ARMY	AF	ALTIMUR	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	AF	AIRBORNE	DINING FACILITY	2,200	2,200
ARMY	AF	AIRBORNE	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	BE	MONS	NATO SOF OPERATIONAL SUPPORT, TRAINING.	20,000	20,000
AF	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN		35,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	20,000	20,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN		75,884
NSA	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT		
NSA	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN		
Grand Total Military Construction				1,294,100	1,404,984

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Electricity Delivery & Energy Reliability			
Electricity Delivery & Energy Reliability			
Infrastructure security & energy restoration	6,188	-6,188	
Weapons Activities			
Directed stockpile work			
Life extension programs			
W76 Life extension program	209,196		209,196
Total, Life extension programs	209,196		209,196
Stockpile systems			
B61 Stockpile systems	124,456		124,456
W76 Stockpile systems	65,497		65,497
W78 Stockpile systems	50,741		50,741
W80 Stockpile systems	19,064		19,064
B83 Stockpile systems	35,682		35,682
W87 Stockpile systems	51,817		51,817
W88 Stockpile systems	43,043		43,043
Total, Stockpile systems	390,300		390,300
Weapons dismantlement and disposition			
Operation and maintenance	84,100	15,000	99,100
Total, Weapons dismantlement and disposition	84,100	15,000	99,100
Stockpile services			
Production support	301,484		301,484
Research and development support	37,071		37,071
R&D certification and safety	143,076	30,000	173,076
Management, technology, and production	200,223		200,223
Plutonium infrastructure sustainment	149,201		149,201
Total, Stockpile services	831,055	30,000	861,055
Total, Directed stockpile work	1,514,651	45,000	1,559,651
Campaigns:			
Science campaign			
Advanced certification	19,400	5,000	24,400
Primary assessment technologies	80,181		80,181
Dynamic materials properties	86,617		86,617
Academic alliances	30,251		30,251
Advanced radiography	22,328		22,328
Secondary assessment technologies	77,913		77,913
Total, Science campaign	316,690	5,000	321,690
Engineering campaign			
Enhanced surety	42,000	5,000	47,000
Weapon systems engineering assessment technology	18,000		18,000
Nuclear survivability	21,000		21,000
Enhanced surveillance	69,000	10,000	79,000
Total, Engineering campaign	150,000	15,000	165,000
Inertial confinement fusion ignition and high yield campaign			
Ignition	106,734		106,734
NIF diagnostics, cryogenics and experimental support	72,252		72,252
Pulsed power inertial confinement fusion	5,000		5,000
Joint program in high energy density laboratory plasmas	4,000		4,000
Facility operations and target production	248,929	6,500	255,429
Omega operations		[6,500]	
Total, Inertial confinement fusion and high yield campaign	436,915	6,500	443,415

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Advanced simulation and computing campaign			
Operation and maintenance	556,125	9,000	565,125
Readiness Campaign			
Stockpile readiness	5,746		5,746
High explosives and weapon operations	4,608		4,608
Nonnuclear readiness	12,701		12,701
Tritium readiness	68,246	-20,000	48,246
Advanced design and production technologies	8,699		8,699
Total, Readiness campaign	100,000	-20,000	80,000
Total, Campaigns	1,559,730	15,500	1,575,230
Readiness in technical base and facilities (RTBF)			
Operation of facilities			
Operation of facilities	1,342,303		1,342,303
Total, Operation of facilities	1,342,303		1,342,303
Program readiness	73,021		73,021
Material recycle and recovery	69,542		69,542
Containers	23,392		23,392
Storage	24,708		24,708
Subtotal, Readiness in technical base and facilities (RTBF)	1,532,966		1,532,966
Construction:			
10-D-501, Nuclear facilities risk reduction Y-12 National Security Complex, Oakridge, TN	12,500		12,500
99-D-141, Pit disassembly and conversion facility, Savannah River Site, Aiken, SC	30,321		30,321
09-D-007, LANSCE-Refurbishment, Los Alamos National Laboratory, NM		30,000	30,000
08-D-801, High pressure fire loop (HPFL), Pantex, TX	31,910		31,910
06-D-140, Project engineering design (PED), various locations	70,678		70,678
06-D-402, NTS replace fire stations 1 & 2 Nevada Test Site, NV	1,473		1,473
04-D-125, Chemistry and metallurgy facility replacement, Los Alamos National Laboratory, Los Alamos, NM	55,000	-20,000	35,000
04-D-128, TA-18 Criticality experiments facility (CEF), Los Alamos National Laboratory, Nevada Test Site, NV	1,500		1,500
Total, Construction	203,382	10,000	213,382
Total, Readiness in technical base and facilities	1,736,348	10,000	1,746,348
Secure transportation asset			
Operation and equipment	138,772		138,772
Program direction	96,143		96,143
Total, Secure transportation asset	234,915		234,915
Nuclear counterterrorism incident response	221,936	5,688	227,624
National technical forensics		[5,688]	
Facilities and infrastructure recapitalization program			
Operation and maintenance	144,959		144,959
Construction:			
07-D-253, TA 1 heating systems modernization (HSM) Sandia National Laboratory, NM	9,963		9,963
Total, Construction	9,963		9,963
Total, Facilities and infrastructure recapitalization program	154,922		154,922
Site stewardship			
Environmental projects and operations	41,288		41,288
Nuclear materials integration	20,000		20,000
Stewardship planning	29,086		29,086
Total, Site stewardship	90,374		90,374

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
Safeguards and security			
Defense nuclear security			
Operation and maintenance	700,044		700,044
Construction:			
10-D-701, Security improvements project Y-12 National Security Complex, Oak Ridge, TN	49,000		49,000
Total, Construction	49,000		49,000
Total, Defense nuclear security	749,044		749,044
Cyber security	122,511		122,511
Total, Safeguards and security	871,555		871,555
Support to intelligence		30,000	30,000
Total, Weapons Activities	6,384,431	106,188	6,490,619
 Defense Nuclear Nonproliferation			
Nonproliferation and verification research and development			
Operation and maintenance	297,300	50,000	347,300
Nonproliferation and international security	207,202	-14,000	193,202
Nuclear noncompliance verification		[-12,000]	
Global initiatives for proliferation prevention		[-2,000]	
International nuclear materials protection and cooperation	552,300		552,300
Elimination of weapons-grade plutonium production program	24,507		24,507
Fissile materials disposition			
U.S. surplus fissile materials disposition			
Operation and maintenance			
U.S. plutonium disposition	90,896		90,896
U.S. uranium disposition	34,691	-2,000	32,691
Supporting activities	1,075		1,075
Total, Operation and maintenance	126,662	-2,000	124,662
Construction:			
99-D-143, Mixed oxide fuel fabrication facility, Savannah River Site, SC	504,238		504,238
99-D-141-02, Waste solidification building, Savannah River Site, SC	70,000		70,000
Total, Construction	574,238		574,238
Total, U.S. surplus fissile materials disposition	700,900	-2,000	698,900
Russian surplus materials disposition	1,000	6,000	7,000
Total, Fissile materials disposition	701,900	4,000	705,900
Global threat reduction initiative	353,500	-40,000	313,500
Gap nuclear material		[-40,000]	
Subtotal, Defense Nuclear Nonproliferation	2,136,709		2,136,709
Total, Defense Nuclear Nonproliferation	2,136,709		2,136,709
 Naval Reactors			
Naval reactors development			
Operation and maintenance			
Operation and maintenance	935,533		935,533
Total, Operation and maintenance	935,533		935,533
Construction:			
10-D-903, KAPL Security upgrades, Schnectady, NY	1,500		1,500
10-D-904, NRF infrastructure upgrades, ID	700		700
09-D-190, PED, Infrastructure upgrades, KAPL, Schnectady, NY	1,000		1,000

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
09-D-902, NRF Production Support Complex, ID	6,400		6,400
08-D-190, NRF Project engineering and design Expended Core Facility M-290 receiving/discharge station, ID	9,500		9,500
07-D-190, Materials research and technology complex, BAPL, Pitts- burgh, PA	11,700		11,700
Total, Construction	30,800		30,800
Total, Naval reactors development	966,333		966,333
Program direction	36,800		36,800
Total, Naval Reactors	1,003,133		1,003,133
Office Of The Administrator			
Office of the administrator	431,074		431,074
Use of prior year balances	-10,320		-10,320
Total, Office Of The Administrator	420,754		420,754
Defense Environmental Cleanup			
Closure sites:			
Closure sites administration	8,225		8,225
Miamisburg	33,243		33,243
Total, Closure sites	41,468		41,468
Hanford site:			
2012 accelerated completions			
Nuclear facility D&D river corridor closure project	327,955		327,955
Nuclear material stabilization and disposition PFP	118,087		118,087
SNF stabilization and disposition	55,325		55,325
Total, 2012 accelerated completions	501,367		501,367
2035 accelerated completions			
Nuclear facility D&D—remainder of Hanford	70,250		70,250
Richland community and regulatory support	21,940		21,940
Soil and water remediation—groundwater vadose zone	176,766		176,766
Solid waste stabilization and disposition 200 area	132,757		132,757
Total, 2035 accelerated completions	401,713		401,713
Total, Hanford site	903,080		903,080
Idaho National Laboratory:			
SNF stabilization and disposition—2012	14,768		14,768
Solid waste stabilization and disposition	137,000		137,000
Radioactive liquid tank waste stabilization and disposition	95,800		95,800
Construction:			
06-D-401, Sodium bearing waste treatment project, Idaho	83,700		83,700
Soil and water remediation—2012	71,000		71,000
Idaho community and regulatory support	3,900		3,900
Total, Idaho National Laboratory	406,168		406,168
NNSA sites			
Lawrence Livermore National Laboratory	910		910
NNSA Service Center/SPRU	17,938		17,938
Nevada	65,674		65,674
California site support	238		238
Sandia National Laboratories	2,864		2,864
Los Alamos National Laboratory	189,000		189,000
Total, NNSA sites and Nevada off-sites	276,624		276,624
Oak Ridge Reservation:			
Building 3019	38,900		38,900
Nuclear facility D & D ORNL	38,900		38,900
Nuclear facility D & D Y-12	34,000		34,000
Nuclear facility D & D E. Tennessee technology park	100		100
OR reservation community and regulatory support	6,253		6,253
Solid waste stabilization and disposition—2012	35,615		35,615

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
Total, Oak Ridge Reservation	153,768		153,768
Office of River Protection:			
Waste treatment and immobilization plant			
Construction:			
01-D-416 Waste treatment and immobilization plant			
01-D-16A Low activity waste facility	100,000		100,000
01-D-16B Analytical laboratory	55,000		55,000
01-D-16C Balance of facilities	50,000		50,000
01-D-16D High level waste facility	160,000		160,000
01-D-16E Pretreatment facility	325,000		325,000
Total, Waste treatment and immobilization plant	690,000		690,000
Tank farm activities			
Rad liquid tank waste stabilization and disposition	408,000		408,000
Total, Office of River protection	1,098,000		1,098,000
Savannah River Site:			
Nuclear material stabilization and disposition			
Nuclear material stabilization and disposition	385,310		385,310
Construction:			
08-D-414 Project engineering and design Plutonium Vitrification			
Facility, VL	6,315		6,315
Total, Nuclear material stabilization and disposition	391,625		391,625
2035 accelerated completions			
SR community and regulatory support	18,300		18,300
Spent nuclear fuel stabilization and disposition	38,768		38,768
Total, 2035 accelerated completions	57,068		57,068
Tank farm activities			
Radioactive liquid tank waste stabilization and disposition	527,138		527,138
Construction:			
05-D-405, Salt waste processing facility, Savannah River Site, SC	234,118		234,118
Total, Tank farm activities	761,256		761,256
Total, Savannah River Site	1,209,949		1,209,949
Waste Isolation Pilot Plant			
Waste isolation pilot plant	144,902		144,902
Central characterization project	13,730		13,730
Transportation	33,851		33,851
Community and regulatory support	27,854		27,854
Total, Waste Isolation Pilot Plant	220,337		220,337
Program direction	355,000		355,000
Program support	34,000		34,000
Safeguards and Security:			
Waste Isolation Pilot Project	4,644		4,644
Oak Ridge Reservation	32,400		32,400
West Valley	1,859		1,859
Paducah	8,190		8,190
Portsmouth	17,509		17,509
Richland/Hanford Site	82,771		82,771
Savannah River Site	132,064		132,064
Total, Safeguards and Security	279,437		279,437
Technology development	55,000		55,000
Uranium enrichment D&D fund contribution	463,000		463,000
General reduction		-100,000	-100,000
Subtotal, Defense environmental cleanup	5,495,831	-100,000	5,395,831
Total, Defense Environmental Cleanup	5,495,831	-100,000	5,395,831

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
Other Defense Activities			
Health, safety and security			
Health, safety and security	337,757		337,757
Program direction	112,125		112,125
Total, Health, safety and security	449,882		449,882
Office of Legacy Management			
Legacy management	177,618		177,618
Program direction	12,184		12,184
Total, Office of Legacy Management	189,802		189,802
Nuclear energy			
Infrastructure			
Idaho facilities management			
INL infrastructure operation and maintenance	83,358		83,358
Total, Infrastructure	83,358		83,358
Total, Nuclear energy	83,358		83,358
Defense related administrative support	122,982		122,982
Office of hearings and appeals	6,444		6,444
Total, Other Defense Activities	852,468		852,468
Defense Nuclear Waste Disposal			
Defense nuclear waste disposal	98,400		98,400
Total, Department of Energy	16,397,914		16,397,914

**DIVISION E—MATTHEW SHEPARD HATE
CRIMES PREVENTION ACT**

SEC. 4701. SHORT TITLE.

This division may be cited as the “Matthew Shepard Hate Crimes Prevention Act”.

SEC. 4702. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct “races”. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. 4703. DEFINITION OF HATE CRIME.

In this division—

(1) the term “crime of violence” has the meaning given that term in section 16, title 18, United States Code;

(2) the term “hate crime” has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term “local” means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 4704. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State

and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2010, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010 and 2011.

SEC. 4705. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4706. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community

Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 4707 of this division.

SEC. 4707. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§249. Hate crime acts

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

title, or both, and shall be subject to the penalty of death in accordance with chapter 228 (if death results from the offense), if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, and shall be subject to the penalty of death in accordance with chapter 228 (if death results from the offense), if—

“(I) death results from the offense; or

“(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, commits an offense described in paragraph (1) or (2) shall be subject to the same penalties as prescribed in those paragraphs.

“(b) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or his designee, that—

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘bodily injury’ has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

“(2) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

“(3) the term ‘firearm’ has the meaning given such term in section 921(a) of this title; and

“(4) the term ‘gender identity’ for the purposes of this chapter means actual or perceived gender-related characteristics.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”

SEC. 4708. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “, including

data about crimes committed by, and crimes directed against, juveniles" after "data acquired under this section".

SEC. 4709. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 4710. RULE OF CONSTRUCTION.

For purposes of construing this division and the amendments made by this division the following shall apply:

(1) **RELEVANT EVIDENCE.**—Courts may consider relevant evidence of speech, beliefs, or expressive conduct to the extent that such evidence is offered to prove an element of a charged offense or is otherwise admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

(2) **VIOLENT ACTS.**—This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of a victim.

SEC. 4711. CONSTRUCTION AND APPLICATION.

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes on any rights under the first amendment to the Constitution of the United States, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

(3) **FREE EXPRESSION.**—Nothing in this division shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

(4) **FIRST AMENDMENT.**—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(5) **CONSTITUTIONAL PROTECTIONS.**—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

SEC. 4712. LIMITATION ON PROSECUTIONS.

(a) **IN GENERAL.**—All prosecutions under section 249 of title 18, United States Code, as added by this Act, shall be undertaken pursuant to guideline, issued by the Attorney General—

(1) to guide the exercise of the discretion of Federal prosecutors and the Attorney General in their decisions whether to seek death sentences under such section when the crime results in a loss of life; and

(2) that identify with particularity the type facts of such cases that will support the classification of individual cases in term of their culpability and death eligibility as low, medium, and high.

(b) **REQUIREMENTS FOR DEATH PENALTY.**—If the Government seeks a death sentence in crime

under section 249 of title 18, United States Code, as added by this Act, that results in a loss of life—

(1) the Attorney General shall certify with particularity in the information or indictment how the facts of the case support the Government's judgment that the case is properly classified among the cases involving a hate crime that resulted in a victim's death;

(2) the Attorney General shall document in a filing to the court—

(A) the facts of the crime (including date of offense and arrest and location of the offense), charges, convictions, and sentences of all state and Federal hate crimes (committed before or after the effective date of this legislation) that resulted in a loss of life and were known to the Assistant United States Attorney or the Attorney General; and

(B) the actual or perceived race, color, national origin, ethnicity, religion, gender, sexual orientation, gender identity, or disability of the defendant and all victims; and

(3)(A) the court, either at the close of the guilt trial or at the close of the penalty trial, shall conduct a proportionality review in which it shall examine whether the prosecutorial death seeking and death sentencing rates in comparable cases in Federal prosecutions are both greater than 50 percent; and

(B) if the United States fails to satisfy the test under subparagraph (A), by a preponderance of the evidence, the court shall dismiss the Government's action seeking a death sentence in the case.

SEC. 4713. GUIDELINES FOR HATE-CRIMES OFFENSES.

Section 249(a) of title 18, United States Code, as added by section _____ of this Act, is amended by adding at the end the following:

"(4) **GUIDELINES.**—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys' Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person."

SEC. 4714. ATTACKS ON UNITED STATES SERVICEMEN.

(a) **IN GENERAL.**—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"§1389. **Prohibition on attacks on United States servicemen on account of service**

"(a) **IN GENERAL.**—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

"(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than \$500, be fined under this title in an amount not less than \$500 nor more than \$10,000 and imprisoned not more than 2 years;

"(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than \$500, be fined under this title in an amount not less than \$1000 nor more than \$100,000 and imprisoned not more than 5 years; and

"(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than \$2500 and imprisoned not less than 6 months nor more than 10 years.

"(b) **EXCEPTION.**—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

"(c) **DEFINITIONS.**—In this section—

"(1) the term 'Armed Forces' has the meaning given that term in section 1388;

"(2) the term 'immediate family member' has the meaning given that term in section 115; and

"(3) the term 'United States serviceman'—

"(A) means a member of the Armed Forces; and

"(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces."

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"1389. Prohibition on attacks on United States servicemen on account of service."

DIVISION F—SBIR/STTR REAUTHORIZATION

SEC. 5001. SHORT TITLE.

This division may be cited as the "SBIR/STTR Reauthorization Act of 2009".

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms "extramural budget", "Federal agency", "Small Business Innovation Research Program", "SBIR", "Small Business Technology Transfer Program", and "STTR" have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term "small business concern" has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) **SBIR.**—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "2008" and inserting "2017".

(b) **STTR.**—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking "2009" and inserting "2017".

SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and";

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

"(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

"(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

"(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator."

SEC. 5103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "Each" and inserting "Except as provided in paragraph (2)(C), each";

(B) in subparagraph (B), by striking "and" at the end; and

(C) by striking subparagraph (C) and inserting the following:

"(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;

“(D) not less than 2.6 percent of such budget in fiscal year 2011;

“(E) not less than 2.7 percent of such budget in fiscal year 2012;

“(F) not less than 2.8 percent of such budget in fiscal year 2013;

“(G) not less than 2.9 percent of such budget in fiscal year 2014;

“(H) not less than 3.0 percent of such budget in fiscal year 2015;

“(I) not less than 3.1 percent of such budget in fiscal year 2016;

“(J) not less than 3.2 percent of such budget in fiscal year 2017;

“(K) not less than 3.3 percent of such budget in fiscal year 2018;

“(L) not less than 3.4 percent of such budget in fiscal year 2019; and

“(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter.”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”; and

(C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”.

SEC. 5104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “thereafter.” and inserting “through fiscal year 2010.”; and

(3) by adding at the end the following:

“(iii) 0.4 percent for fiscal years 2011 and 2012;

“(iv) 0.5 percent for fiscal years 2013 and 2014; and

“(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.”.

SEC. 5105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000.”; and

(2) by striking “\$750,000” and inserting “\$1,000,000.”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000.”; and

(2) by striking “\$750,000” and inserting “\$1,000,000.”.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking “5 years” and inserting “3 years.”; and

(B) by striking “and programmatic considerations.”; and

(2) in subsection (p)(2)(B)(ix) by striking “greater or lesser amounts to be awarded at the discretion of the awarding agency,” and insert-

ing “an adjustment for inflation of such amounts once every 3 years.”.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) LIMITATION ON CERTAIN AWARDS.—

“(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) MAINTAINANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

“(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”.

SEC. 5106. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(bb) SUBSEQUENT PHASES.—

“(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).”.

SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”; and

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—

(1) in section 9—

(A) in subsection (e)—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9)—

(I) by striking “the second or the third phase” and inserting “Phase II or Phase III”; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(10) the term ‘Phase I’ means—

“(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

“(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

“(11) the term ‘Phase II’ means—

“(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

“(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

“(12) the term ‘Phase III’ means—

“(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

“(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”;

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”; and

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “the third phase” each place it appears and inserting “Phase III”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(II) in subparagraph (D)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”; and

(IV) in subparagraph (G)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(V) in subparagraph (H)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “second phase” each place it appears and inserting “Phase II”; and

(cc) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”; and

(bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and

(cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and

(II) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(C) in subsection (k)—

(i) by striking “first phase” each place it appears and inserting “Phase I”; and

(ii) by striking “second phase” each place it appears and inserting “Phase II”; and

(D) in subsection (l)(2)—

(i) by striking “the first phase” and inserting “Phase I”; and

(ii) by striking “the second phase” and inserting “Phase II”; and

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”; and

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking “the second phase” and inserting “Phase II”; and

(bb) by striking “the third phase” and inserting “Phase III”; and

(II) in clause (ix)—

(aa) by striking "the first phase" and inserting "Phase I"; and

(bb) by striking "the second phase" and inserting "Phase II"; and

(i) in paragraph (3)—

(I) by striking "the first phase (as described in subsection (e)(6)(A))" and inserting "Phase I";

(II) by striking "the second phase (as described in subsection (e)(6)(B))" and inserting "Phase II"; and

(III) by striking "the third phase (as described in subsection (e)(6)(A))" and inserting "Phase III";

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking "FIRST PHASE" and inserting "PHASE I"; and

(II) by striking "first phase" and inserting "Phase I"; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking "SECOND PHASE" and inserting "PHASE II"; and

(II) by striking "second phase" and inserting "Phase II";

(H) in subsection (r)—

(i) in the subsection heading, by striking "THIRD PHASE" and inserting "PHASE III";

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking "for the second phase" and inserting "for Phase II";

(bb) by striking "third phase" and inserting "Phase III"; and

(cc) by striking "second phase period" and inserting "Phase II period"; and

(II) in the second sentence—

(aa) by striking "second phase" and inserting "Phase II"; and

(bb) by striking "third phase" and inserting "Phase III"; and

(iii) in paragraph (2), by striking "third phase" and inserting "Phase III"; and

(I) in subsection (u)(2)(B), by striking "the first phase" and inserting "Phase I";

(2) in section 34—

(A) in subsection (c)(2)(B)(ii), by striking "first phase and second phase SBIR awards" and inserting "Phase I and Phase II SBIR awards (as defined in section 9(e))"; and

(B) in subsection (e)(2)(A)—

(i) in clause (i), by striking "first phase awards" and all that follows and inserting "Phase I awards (as defined in section 9(e))"; and

(ii) by striking "first phase" each place it appears and inserting "Phase I"; and

(3) in section 35(c)(2)(B)(vii), by striking "third phase" and inserting "Phase III".

SEC. 5108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

"(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

"(1) AUTHORITY AND DETERMINATION.—

"(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

"(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

"(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

"(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR program.

"(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

"(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

"(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

"(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

"(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

"(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1)."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(t) VENTURE CAPITAL COMPANY.—In this Act, the term "venture capital company" means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto)."

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

"(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology."

SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

"(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

"(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

"(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

"(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

"(2) PROHIBITION.—No Federal agency shall—

"(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

"(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

"(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

"(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

"(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

"(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award."

SEC. 5111. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 5201. RURAL AND STATE OUTREACH.

(a) **OUTREACH.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) **OUTREACH.**—

“(1) **DEFINITION OF ELIGIBLE STATE.**—In this subsection, the term ‘eligible State’ means a State—

“(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than \$5,000,000; and

“(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

“(2) **PROGRAM AUTHORITY.**—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than \$5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

“(3) **AMOUNT OF ASSISTANCE.**—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

“(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

“(B) shall not exceed \$100,000.

“(4) **USE OF ASSISTANCE.**—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

“(A) the establishment of quantifiable performance goals, including goals relating to—

“(i) the number of program awards under this section made to small business concerns in the State; and

“(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

“(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

“(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.”.

(b) **FEDERAL AND STATE PROGRAM EXTENSION.**—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking “2001 through 2005” each place it appears and inserting “2010 through 2014”; and

(2) in subsection (i), by striking “2005” and inserting “2014”.

(c) **MATCHING REQUIREMENTS.**—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “50 cents” and inserting “35 cents”; and

(B) in clause (iii), by striking “75 cents” and inserting “50 cents”;

(2) in subparagraph (B), by striking “50 cents” and inserting “35 cents”;

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

“(C) **RURAL AREAS.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the non-Federal share of the cost of

the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

“(ii) **ENHANCED RURAL AWARDS.**—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

“(iii) **DEFINITION OF RURAL AREA.**—In this subparagraph, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.”.

SEC. 5202. SBIR-STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) **PILOT PROGRAM ESTABLISHED.**—From amounts made available to carry out this section, the Administrator shall establish a SBIR-STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as “STEM college students”), by providing a SBIR bonus grant.

(b) **ELIGIBLE ENTITIES DEFINED.**—In this section the term “eligible entity” means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) **AWARDS.**—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than \$10,000 per year.

(d) **EVALUATION.**—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR-STEM Workforce Development Grant Pilot Program.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- (1) \$1,000,000 for fiscal year 2011;
- (2) \$1,000,000 for fiscal year 2012;
- (3) \$1,000,000 for fiscal year 2013;
- (4) \$1,000,000 for fiscal year 2014; and
- (5) \$1,000,000 for fiscal year 2015.

SEC. 5203. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking “\$4,000” and inserting “\$5,000”;

(2) in subparagraph (B)—

(A) by striking “, with funds available from their SBIR awards,”; and

(B) by striking “\$4,000 per year” and inserting “\$5,000 per year, which shall be in addition to the amount of the recipient’s award”; and

(3) by adding at the end the following:

“(C) **FLEXIBILITY.**—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) **LIMITATION.**—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided

for technical assistance is based on total number of Phase I or Phase II awards.”.

SEC. 5204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)), as amended by section 834 of this Act, is amended—

(1) in paragraph (1), by adding at the end the following: “The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

“(5) **INSERTION INCENTIVES.**—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) **GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.**—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.”.

SEC. 5205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(ee) **PILOT PROGRAM.**—

“(1) **AUTHORIZATION.**—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

“(2) **APPLICATION BY FEDERAL AGENCY.**—

“(A) **IN GENERAL.**—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) **DETERMINATION.**—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

“(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

“(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

“(8) DEFINITIONS.—In this section—

“(A) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means the program established under paragraph (1).”.

SEC. 5206. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.”.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 5207. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

“(a) NIH CURES PILOT.—

“(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The advisory board shall consist of—

“(i) the Director of the NIH;

“(ii) the Director of the SBIR program of the NIH;

“(iii) senior NIH agency managers, selected by the Director of NIH;

“(iv) industry experts, selected by the Council of the National Academy of Sciences in con-

sultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

“(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

“(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

“(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

“(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled ‘An Assessment of the Small Business Innovation Research Program at the NIH’.

“(c) PILOT PROGRAM.—

“(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

“(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

“(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

“(e) SBIR GRANTS AND CONTRACTS.—

“(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify products and services that may enhance the development of cures and therapies.

“(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

“(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

“(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).

“(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.”.

TITLE LIII—OVERSIGHT AND EVALUATION SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this division, is amended—

(1) in paragraph (7)—

(A) by striking “STTR programs, including the data” and inserting the following: “STTR programs, including—

“(A) the data”; and

(B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through “under each of the SBIR and STTR programs, and a description” and inserting the following: “(g)(8) and (o)(9); and

“(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

“(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

“(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

“(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

“(F) a description”; and

(2) by inserting after paragraph (7) the following:

“(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;”.

SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

“(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the awardee has received as of the date of the award; and

“(II) the amount of additional capital that the awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State described in subsection (u)(3); and

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;”; and

(4) in paragraph (10), as so redesignated, by adding “and” at the end.

SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”;

(2) in paragraph (14), by adding “and” at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 5304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

SEC. 5305. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

“(C) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”; and

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking “and” at the end; and

(B) by adding at the end, the following:

“(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

“(v) the number of employees of the applicant;”.

SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

“(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”.

SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(gg) **PHASE III REPORTING.**—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”.

SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

TITLE LIV—POLICY DIRECTIVES

SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this division and the amendments made by this division.

(b) **PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SEC. 5402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) **RESEARCH INITIATIVES.**—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.”.

(b) **SUNSET.**—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 5403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) **ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.**—

“(1) **DEVELOPMENT OF METRICS.**—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) **EVALUATION.**—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) **REPORT.**—

“(A) **IN GENERAL.**—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) **PUBLIC AVAILABILITY OF REPORT.**—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) **DEFINITION.**—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”.

SEC. 5404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) **COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

DIVISION G—MARITIME ADMINISTRATION AUTHORIZATION

TITLE LX—MARITIME ADMINISTRATION

SEC. 6001. SHORT TITLE.

This title may be cited as the “Maritime Administration Authorization Act of 2010”.

SEC. 6002. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the headline for subsection (h) and inserting the following:

“(h) **CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.**—”.

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

“(1) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—”.

(3) by striking “make contracts” in subsection (h)(1) and inserting “make contracts and cooperative agreements”

(4) by striking “section and” in subsection (h)(1)(A) and inserting “section,”;

(5) by striking “title 46;” in subsection (h)(1)(A) and insert “title 46, and all other Maritime Administration programs;”;

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

“(i) **GRANT ADMINISTRATIVE EXPENSES.**—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.”.

SEC. 6003. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended

by striking subparagraph (C) and inserting the following:

“(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.”.

SEC. 6004. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE MERCHANT MARINE ACADEMY.

The Maritime Administration may use appropriated funds to make a lump-sum payment at a rate of pay that existed on the date of termination or day before conversion to the Civil Service for any unused annual leave accrued by a non-appropriated fund instrumentality employee who was terminated if determined ineligible for conversion, or converted to the Civil Service as a United States Merchant Marine Academy employee during fiscal year 2009.

SEC. 6005. PERMANENT AUTHORITY TO HIRE ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) **IN GENERAL.**—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

“§51317. Adjunct professors

“(a) **IN GENERAL.**—The Maritime Administrator may, subject to the availability of appropriations, contract with individuals as personal services contractors to provide services as adjunct professors at the United States Merchant Marine Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.”.

(b) **CONTRACT REQUIREMENTS.**—Each contract under this section—

“(1) shall be approved by the Maritime Administrator; and

“(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administration finds that exceptional circumstances justify an extension, which may not exceed one additional year.

(c) **LIMITATION ON NUMBER OF CONTRACTORS.**—In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

(d) **EXISTING CONTRACTS.**—Any contract entered into before the date of enactment of the Maritime Administration Authorization Act of 2010 for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.”.

(b) **CONFORMING AMENDMENTS.**—

(1) The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

“51317. Adjunct professors.”.

(2) Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC. 6006. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended—

(1) by striking “1994.” in subsection (b) and inserting “1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and U.S. Coast Guard license fees.”; and

(2) by adding at the end thereof the following:

“(c) **USE AND ACCOUNTING.**—

“(1) **USE.**—Midshipman fees collected by the Academy shall be credited to the Maritime Administration’s Operations and Training appropriations, to remain available until expended,

for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be returned to the midshipmen through a mechanism approved by the Maritime Administrator.

“(3) ACCOUNTING.—The Maritime Administration shall maintain a separate and detailed accounting of fee revenue and all associated expenses.”

SEC. 6007. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 50101(a)(4) of title 46, United States Code, is amended by inserting “constructed in the United States after ‘vessels’”.

SEC. 6008. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

“(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administration, shall establish a port infrastructure development program for the improvement of port facilities.

“(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any program established under paragraph (1), the Maritime Administrator may—

“(A) receive funds provided for the program from non-Federal and private entities that have a specific agreement or contract with the Maritime Administration to further the purposes of this subsection;

“(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to relieve port congestion, to increase port security, or to provide greater access to port facilities;

“(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

“(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

“(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

“(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out the port infrastructure development program. The Fund shall be available to the Administrator

“(i) to administer and carry out the program;

“(ii) to receive non-Federal and private funds from entities which have specific agreements or contracts with the Administrator; and

“(iii) to make refunds for projects that will not be completed.

“(B) CREDITS.—There shall be deposited into the Fund

“(i) funds from non-Federal and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended; and

“(ii) such amounts as may be appropriated or transferred to the Fund under this subsection.

“(C) TRANSFERS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the program shall be transferred to the Fund and administered by the Administrator.

“(D) ADMINISTRATIVE EXPENSES.—Administrative and related expenses for the program for any fiscal year may not exceed 3 percent of the amount available to the program for that fiscal year.

“(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry

out the program, taking into account amounts received under subparagraph (A)(ii).”

SEC. 6009. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 3 of Public Law 92-09402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

“(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107-09314 (16 U.S.C. 1220 note).”

(b) LIMITATION.—Section 7 of Public Law 92-09402 (16 U.S.C. 1220c-091) is amended by adding at the end thereof the following:

“(d) LIMITATION.—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.”

SEC. 6010. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended by striking “paid before the start of each academic year,” and inserting “paid,”

SEC. 6011. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NON-APPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after “body.” the following: “Non-appropriated funds received for this purpose shall be credited to the Maritime Administration’s Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of non-appropriated fund receipts and all associated expenses.”

SEC. 6012. AMERICA’S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

(a) IN GENERAL.—Chapter 556 of title 46, United States Code, is amended by redesignating sections 55602 through 55605 as sections 55603 through 55606 and by inserting after section 55601 the following:

“§55602. Short sea transportation grant program.”

“(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a short sea transportation grant program.

“(b) PURPOSE.—The purposes of the program are to make grants to States and other public entities and sponsors of short sea transportation projects designated by the Secretary—

“(1) to facilitate and support marine transportation initiatives at the State and local levels to facilitate commerce, mitigate landside congestion, reduce the transportation energy consumption, reduce harmful emissions, improve safety, assist in environmental mitigation efforts, and improve transportation system resiliency; and

“(2) to provide capital funding to address short sea transportation infrastructure and freight transportation needs for ports, vessels, and intermodal cargo facilities.

“(c) ELIGIBLE PROJECTS.—To be eligible for a grant under the program, a project—

“(1) shall be designed to help relieve congestion, improve transportation safety, facilitate domestic and international trade, or encourage public-private partnerships; and

“(2) may include development, modification, and construction of marine and intermodal cargo facilities, vessels, port infrastructure and

cargo handling equipment, and transfer facilities at ports.

“(d) SELECTION PROCESS.—

“(1) APPLICATIONS.—A State or other public entity, or the sponsor of any short sea transportation project designated by the Secretary under the America’s Marine Highway Program (MARAD Docket No. 2008-090096; 73 FR 59530), may submit an application to Secretary for a grant under the short sea transportation grant program. The application shall contain such information and assurances as the Secretary may require.

“(2) PRIORITY.—In selecting projects for grants, the Secretary shall give priority to projects that are consistent with the objectives of the short sea transportation initiative and America’s Marine Highway Program that will—

“(A) mitigate landside congestion;

“(B) provide the greatest public benefit in energy savings, reduced emissions, improved system resiliency, and improved safety;

“(C) include and demonstrate the greatest environmental responsibility; and

“(D) provide savings as an alternative to or means to avoid highway or rail transportation infrastructure construction and maintenance.

“(e) USE OF GRANT FUNDS.—Funds made available to a recipient of a grant under this section shall be used by the recipient for the project described in the application of the recipient approved by the Secretary.”

(b) CLERICAL AMENDMENT.—The table of contents for chapter 556 of title 46, United States Code, is amended—

(1) by redesignating the items relating to sections 55602 through 55605 as relating to section 55603 through 55606; and

(2) by inserting after the item relating to section 55601 the following:

“55602. Short sea transportation grant program.”

SEC. 6013. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term “marine transportation system” means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term “Marine View system” means the information system of the Maritime Administration known as Marine View.

(b) FINDINGS.—Congress finds the following:

(1) Information regarding the marine transportation system is comprised of information from the Government of the United States and from commercial sources.

(2) Marine transportation system information includes information regarding waterways, bridges, locks, dams, and all intermodal components that are dependent on maritime transportation and accurate information regarding marine transportation is critical to the health of the United States economy.

(3) Numerous challenges face the marine transportation system, including projected growth in cargo volumes, international competition, complexity, cooperation, and the need for improved efficiency.

(4) There are deficiencies in the current information environment of the marine transportation system, including the inability to model the entire marine transportation system to address capacity planning, disaster planning, and disaster recovery.

(5) The current information environment of the marine transportation system contains multiple unique systems that are duplicative, not integrated, not able to be shared, not secure, or that have little structured privacy protections,

not protected from loss or destruction, and will not be available when needed.

(6) There is a lack of system-wide information views in the marine transportation system.

(7) The Administrator of the Maritime Administration is uniquely positioned to develop and execute the role of marine transportation system information advocate, to serve as the focal point for marine transportation system information management, and to provide a robust information infrastructure to identify, collect, secure, protect, store, and deliver critical information regarding the marine transportation system.

(c) **PURPOSES.**—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(d) **EXPANSION OF MARINE VIEW SYSTEM.**—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

(e) **AGREEMENTS AND CONTRACTS.**—The Administrator of the Maritime Administration may enter into cooperative agreements, partnerships, contracts, or other agreements with industry or other Federal agencies to carry out this section.

SEC. 6014. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2010 the following amounts:

(1) For expenses necessary for operations and training activities, \$122,900,000, of which—

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note).

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92-09402, \$15,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$48,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, \$4,000,000.

(b) **AVAILABILITY.**—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

NATIONAL DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 228, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 228) designating the week beginning September 14, 2009, as “National Direct Support Professionals Recognition Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 228) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 228

Whereas direct support workers, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals (referred to in this preamble as “direct support professionals”) are the primary providers of publicly funded long term support and services for millions of individuals;

Whereas a direct support professional must build a close, trusted relationship with an individual with disabilities;

Whereas a direct support professional assists an individual with disabilities with the most intimate needs, on a daily basis;

Whereas direct support professionals provide a broad range of support, including—

(1) preparation of meals;

(2) helping with medications;

(3) bathing;

(4) dressing;

(5) mobility;

(6) getting to school, work, religious, and recreational activities; and

(7) general daily affairs;

Whereas a direct support professional provides essential support to help keep an individual with disabilities connected to the family and community of the individual;

Whereas direct support professionals enable individuals with disabilities to live meaningful, productive lives;

Whereas direct support professionals are the key to allowing an individual with disabilities to live successfully in the community of the individual, and to avoid more costly institutional care;

Whereas the majority of direct support professionals are female, and many are the sole breadwinners of their families;

Whereas direct support professionals work and pay taxes, but many remain impoverished and are eligible for the same Federal and State public assistance programs on which the individuals with disabilities served by the direct support professionals must depend;

Whereas Federal and State policies, as well as the Supreme Court, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), assert the right of an individual to live in the home and community of the individual;

Whereas, in 2008, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase over the next decade;

Whereas there is a documented critical and growing shortage of direct support professionals in every community throughout the United States; and

Whereas many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of support to individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 14, 2009, as “National Direct Support Professionals Recognition Week”;;

(2) recognizes the dedication and vital role of direct support professionals in enhancing the lives of individuals with disabilities of all ages;

(3) appreciates the contribution of direct support professionals in supporting the needs that reach beyond the capacities of millions of families in the United States;

(4) commends direct support professionals as integral in supporting the long-term support and services system of the United States; and

(5) finds that the successful implementation of the public policies of the United States depends on the dedication of direct support professionals.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 229.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 229) designating the week beginning August 30, 2009, as “National Historically Black Colleges and Universities Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, before asking unanimous consent that the resolution be agreed to, I wish to speak in support of S. Res. 229.

Wilberforce University, in Ohio, is one of the great historically Black colleges and universities in this country and provides terrific service and terrific education for people in my State.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 229

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning August 30, 2009, as “National Historically Black Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

DESIGNATING RICHARD A. BAKER AS HISTORIAN EMERITUS OF THE UNITED STATES SENATE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 230, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 230) designating Richard A. Baker as Historian Emeritus of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I risk again doing what I just did in messing a little with regular order. I just want to thank Dr. Baker for his terrific service. As the Senate Historian, no one knows this place better than he does, and no one understands better the lessons history has taught us in order to serve better today and tomorrow in this institution.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 230

Whereas, Richard A. Baker will retire from the United States Senate after serving with distinction as the Senate's first historian from 1975 to 2009, and as acting curator from 1969 to 1970;

Whereas, Richard A. Baker has dedicated his Senate service to preserving, protecting, and promoting the history of the Senate and its members;

Whereas, Richard A. Baker has produced or directed production of numerous books, articles, and pamphlets detailing the rich institutional history of the Senate;

Whereas, Richard A. Baker has worked with senators and Senate committees to archive their records and to make them available for scholarly research in a timely manner;

Whereas, Richard A. Baker has assisted in the Senate's commemoration of events of historical significance and in the development of exhibitions and educational programs on the history of the Senate and the U.S. Capitol;

Whereas, Richard A. Baker has upheld the high standards and traditions of the Senate with abiding devotion, and has performed his Senate duties in an impartial and professional manner;

Whereas, Richard A. Baker has earned the respect, affection, and esteem of the United States Senate: Now, therefore, be it

Resolved, That, effective September 1, 2009, as a token of the appreciation of the Senate for his long and faithful service, Richard A. Baker is hereby designated as Historian Emeritus of the United States Senate.

STAR PRINT—S. 370

Mr. BROWN. Mr. President, I ask unanimous consent that S. 370 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 30, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, July

30; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; further; I ask that the Senate recess from 2 p.m. until 3 p.m. to allow for the Members-only briefing with Secretary of State Clinton and Secretary of Defense Gates.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, tonight, we were able to lock in an agreement to consider the highway trust fund legislation.

Tomorrow, Senators should expect rollcall votes in relation to amendments to the bill throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:57 p.m., adjourned until Thursday, July 30, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

ROBERT D. HORMATS, OF NEW YORK, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE REUBEN JEFFERY III.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JAMES N. MATTIS

EXTENSIONS OF REMARKS

COMMEMORATING THE 375TH ANNIVERSARY OF IPSWICH, MASSACHUSETTS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. TIERNEY. Madam Speaker, I rise today to commemorate the 375th Anniversary of the founding of Ipswich, Massachusetts and to congratulate the residents of Ipswich, Massachusetts as they plan to gather to celebrate this momentous occasion in their historical town.

In 1633, English colonists from the Massachusetts Bay Colony decided to forge an outpost to the north at "Agawam." These early settlers were led by John Winthrop, Jr., the son of Governor John Winthrop, and were charged with the responsibility of protecting the colony from threats to its destruction and opening up trade opportunities. Their success, in so doing, ensured the future of the nation. The new settlement was so successful as a military outpost and future center of law and culture that, on August 4, 1634, the General Court of the Massachusetts Bay Colony voted to name it "Ipswich" after Ipswich, England.

In 1638, the Reverend Nathaniel Ward of Ipswich was commissioned by colonial leaders to draft the Body of Liberties, which was adopted by the General Court of the Massachusetts Bay Colony and published in 1641 as the first code of laws drafted in New England, and which was the colony's and—some would claim—the nation's first Bill of Rights.

In 1687, Ipswich citizens refused to pay new taxes instituted by Governor Edmund Andros and, in so doing, committed acts resisting taxation without representation now known as the "Andros Rebellion" that predated by roughly eighty years the episodes of the next century that led to the American Revolution.

Ipswich is home to America's oldest continuously working farm, Appleton Farms (1635); the Chebacco Parish of Ipswich (now Essex, Massachusetts) was one of the shipbuilding capitals of New England, thus securing the lucrative fishing industry of Massachusetts, its economic future and early maritime contributions to the nation and Ipswich's literary heritage includes the seventeenth-century resident Anne Bradstreet, America's first published poet.

Ipswich's eighteenth-century lace industry, acknowledged with appreciation by President George Washington during his 1789 visit to Ipswich, is considered the first women's industry in America, and Ipswich's nineteenth-century mills produced more stockings than any other place in America and transformed the town culturally by attracting new residents from all over Europe.

To honor Ipswich's proud heritage, Town officials and Ipswich residents have registered

historic structures on the National Register, mounted plaques to mark historic sites and preserved thousands of acres of open space and the centrally-important Ipswich River. They have a deep appreciation for the town's architectural and historical significance in our nation's history and are committed to historical preservation so others can share the traditions of our nation's past. As a result, Ipswich currently contains more houses (fifty-nine at last count) built during the "first period" of American architecture (1625–1725) than any other town in America. Some town folks suggest that this makes Ipswich, "America's Colonial home town."

Today, Ipswich Clams are known throughout America with good reason, and Ipswich thrives as a diverse community of cultures and professions that lives comfortably with its history and welcomes visitors from around the world.

As they have been throughout 2009, the residents of Ipswich will continue celebrating the Town's 375th Anniversary while simultaneously honoring its 11,000-year Native American heritage (as documented by the Paleo-Indian site called Bull Brook).

As their representative in the United States House of Representatives, I salute the residents of Ipswich and Town leaders for their welcoming nature, their sense of community and their warm hospitality in opening their arms and doors to visitors from around this country and around the world.

As Ipswich celebrates its 375th Anniversary, I encourage my colleagues and their constituents to travel to the 6th Congressional District of Massachusetts to discover and celebrate the storied history of Ipswich, Massachusetts one of the founding cornerstones of the Commonwealth of Massachusetts and the United States of America. I assure you that you will enjoy Ipswich and its people and its natural, cultural and historic treasures.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding projects that are listed in H.R. 3326, Department of Defense Appropriations Act, FY2010:

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: DPA, Title: Navy Production Capacity Improvement Project, Legal Name of Requesting Entity: Lehigh Heavy Forge Corporation, Address of Requesting Entity: 275 Emery Street, Bethlehem, PA 18015, Description of Request: The Navy Production Capacity Improvement Project will expand, modernize, and maintain

the production capabilities of Lehigh Heavy Forge, which is needed to support production of Navy Ship shafts and Navy Nuclear Reactor components. Lehigh Heavy Forge is the only domestic facility with the capability to produce the large, complex forgings required for the nuclear power plants and propulsion shafts of the U.S. Navy Submarine and Aircraft Carrier Programs. Specifically, this project will provide for the engineering and installation of an automated Ultrasonic test system to increase production capability and improve the inspection process; the installation of a new computer programming and drafting system to replace an old and unreliable system; the engineering and rebuilding of three heating furnaces in the Forge and Treatment Department; and the engineering and upgrading of facilities for shipping and inspection operations.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: O&M, Army, Title: Army Force Generation Synchronization Tool, Legal Name of Requesting Entity: ProModel Corporation, Address of Requesting Entity: 7540 Windsor Drive, Suite 300, Allentown, PA 18195, Description of Request: In 2006 ProModel was tasked by FORSCOM to provide a technology solution based on its COTS software platform. The solution enables the Army to capture the Army Force Generation Model (ARFORGEN) process in software, providing decision makers the ability to rapidly create Courses of Action and predict the impact of their decisions on key metrics such as Dwell and Boots on Ground. The ability through automation to run "what ifs" to assess risk on readiness is recognized as a key priority for the Army and Joint Forces. The project will accelerate the deployment and enhance the current capabilities of the ProModel ARFORGEN Synchronization Tool (AST). The AST has provided a unique capability to quickly visualize the impact of today's sourcing decisions on the Army's capability to sustain operations in the future and to synchronize associated resources and training.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Army, Title: Ballistic Armor Research, Legal Name of Requesting Entity: Air Products and Chemicals, Inc., Address of Requesting Entity: 7201 Hamilton Boulevard, Allentown, PA 18195, Description of Request: This project partners industry with a strategic university to conduct research under the leadership of the U.S. Army Research Lab (ARL) in Aberdeen, MD to develop polymers and materials that will provide the basis for the next generation of armor to protect personnel, equipment, and critical infrastructure. While current approaches in vehicle armor technology continue to use all-metal construction or in some cases ceramic-steel and polymer-ceramic-steel designs, polymer-based armor, based on multilayer composite technology comprising ceramics, metals, and polymers,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

will allow for better protection, at a lighter weight and lower cost. This research will provide a fundamental understanding of how materials undergo physical and chemical changes during the blast/impact which will lead to polymer-based armor solutions for programs like MCWL Lightweight Body Armor. The body armor advances can be replicated in next-generation vehicle armor systems for new programs such as Joint Light Tactical Vehicles and the MRAP-ATV armored vehicle program needed for use in Afghanistan.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Army, Title: Chronic Tinnitus Treatment Program, Legal Name of Requesting Entity: Neuromonics, Inc., Address of Requesting Entity: 2810 Emrick Boulevard, Bethlehem, PA 18020, Description of Request: The Army reports that tinnitus is among the top medical complaints of soldiers returning from OIF/OEF and often occurs with Traumatic Brain Injury/mild Traumatic Brain Injury (TBI/mTBI). Until recently, no effective treatment program has existed to help individuals suffering with the effects of tinnitus. The Chronic Tinnitus Treatment Program is designed to interact, interrupt, and desensitize tinnitus disturbance for long-term benefit, especially in those suffering with chronic and severe tinnitus. The treatment program shows promise by reducing symptoms quickly, in particular, providing relief from the disturbing effects of the condition; treating the neurological causes associated with tinnitus; providing long term relief and improvements in quality of life; and being convenient and noninvasive. This funding will expand a clinical trial to study the effectiveness of the program with specific subgroups of service-members (PTSD and/or TBI) and veterans with chronic and severe tinnitus.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Army, Title: Networked Reliability and Safety Early Evaluation System, Legal Name of Requesting Entity: Bosch Rexroth Corporation, Address of Requesting Entity: 2315 City Line Road, Bethlehem, PA 18017, Description of Request: Changing requirements for combat and tactical vehicles are accelerating the urgent need to quickly assess and identify new technology for reliability, durability, and safety shortcomings in combat environments. The Networked Reliability and Safety Early Evaluation System (NRSEES) will include a Dynamic High Frequency Component Reliability System and a High Payload Reliability System (HPRS). Specifically, funding for this project is to design, build, test, train and install the HPRS. This system will be a large simulator capable of accurately assessing vehicle system structural reliability for platforms up to 35 tons, which will include current MRAPs, MATV, JLTV, FCS and all legacy Tactical Wheeled Vehicles, Trailers and Light Armored Vehicles.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Army, Title: Silent Watch, IB NPS 1160 Lithium-Ion Advanced Battery, Legal Name of Requesting Entity: International Battery, Inc., Address of Requesting Entity: 6845 Snowdrift Road, Allentown, PA 18106, Description of Request: The project will demonstrate the improved performance capability

of the Lithium-Ion battery, which will provide increased power and energy density, and life cycle sustainability over the previous (IB model IB-1100) battery type. Through this program, it is anticipated that the operational support cost drivers will be reduced. This battery will consist of a Silent Watch, 28V (seven series connected 160Ah Lithium Iron Phosphate cells), third generation IB BMS, and a self-contained Thermal Management System. Importantly, the battery provides no hazardous material such as lead or acid, which eliminates major disposal charges.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Navy, Title: Landing Craft Composite Lift Fan, Legal Name of Requesting Entity: Curtiss Wright Engineered Pump Division (EPD), Address of Requesting Entity: 222 Cameron Drive, Phillipsburg, NJ 08865, Description of Request: The presence of salt water, extreme temperatures, and the abrasive effects of airborne sand reduce the effective life of LCAC Amphibious Assault Vessels' metal fans. The U.S. Navy spends approximately \$1.4 million a year repairing and replacing the lift fan blades on the LCAC Landing Craft. This project will complete the development of composite material lift fans for Navy landing craft, enabling the replacement of metallic blades which require high maintenance and frequent replacement, resulting in higher life cycle costs and decreased operational reliability. Funding will support the installation and testing of a composite lift fan prototype on a Navy landing craft and any final design modifications that are required. This project will provide a domestic manufacturer of a composite lift fan that will reduce maintenance and life cycle costs, and increase operational reliability for the current and next generation landing craft fleet.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Air Force, Title: Hybrid Nanoparticle-based Coolant Technology Development and Manufacturing, Legal Name of Requesting Entity: Dynalene, Inc., Address of Requesting Entity: 5250 West Copley Road, Whitehall, PA 18052, Description of Request: DOD is actively supporting thermal management activities to ensure that Directed Energy Weapons (DEWs) function properly when they are introduced into the military. The cooling system in these applications requires not only a highly efficient heat transfer device, but also a coolant that has significantly better thermo-physical properties than existing fluids. There is no coolant fluid currently available that possesses all of the desirable properties required for high heat flux applications such as DEWs. Dynalene has developed an advanced coolant composition that addresses the shortcomings of existing coolants by combining a base composition (which can be a mixture of water and an antifreeze compound) with specially designed hybrid nanoparticles. This project will complete the optimization of the coolant and demonstrate its applicability in a real DEW system. Funding will be used to fabricate a reactor and separator, develop a quality control system for the hybrid nanoparticles and the coolant, establish scale-up criteria to go to the next level of manufacturing, and generate samples for testing in DEW systems as well as various civilian applications.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Defense-Wide, Title: High Speed Optical Interconnects for Next Generation Supercomputing, Legal Name of Requesting Entity: Lightwire, Inc., Address of Requesting Entity: 7540 Windsor Drive, Suite 412, Allentown, PA 18195, Description of Request: The Army and other services have two overarching future needs in the area of computing devices—they need to be faster and more capable, but at the same time smaller (and use less energy). These needs run the entire spectrum from the largest defense computing assets (supercomputers) to the very smallest (PDAs that can be “worn” by a soldier). The requirements for high performance computer simulations by classified Defense projects are massive. Supercomputers can model ballistics, armor performance under attack, radar signatures of new stealth technologies, and nuclear weapons performance, saving manpower and funding that would be required to truly test such phenomena. In order to target the next generation of supercomputers, Lightwire will engage in a joint research effort with DARPA to explore uses of its optical printed circuit board technology supporting both C4ISR antenna remoting and supercomputing needs. Funding will be used to accelerate the development of high speed optical interconnects needed to enable the next generation of DOD supercomputing needs.

MR. KARL MALDEN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to take this time to remember one of northwest Indiana's most cherished natives, Karl Malden. An extraordinary talent, his memorable on-screen characters and his remarkable ability to connect with his audience have delighted generations of moviegoers. As an actor, Karl Malden brought joy to people in ways that very few people can. Mr. Malden passed away on July 1, 2009, at the age of 97, but his legacy will forever remain in the hearts and spirits of his family and friends, as well as his many loyal fans.

Born Mladen George Sekulovich on March 22, 1912, in Chicago, Karl was raised in Gary, Indiana, a hardworking steel-producing community. The son of a Czech seamstress and a Serbian milkman and steelworker, Karl's early years were much like many of his generation who grew up in northwest Indiana at the time. As a high school student, he was a gifted athlete and student, excelling on both the basketball court and in the classroom. A leader among his peers, Karl was also the senior class president of the Gary Emerson High School class of 1931.

Following his graduation in 1931, Karl briefly considered continuing his athletic career at the collegiate level before returning to Gary, and like his father, began working in a local steel mill. His career in the mills would not last long though as his passion for theater and acting continued to grow. Early on, young Mladen

often performed in Serbian plays produced by his father at his church. Undoubtedly, this had an immense impact on his decision to leave the steel mill and begin studying at Chicago's Goodman Theater. From there, Karl would eventually relocate to New York and begin performing on Broadway. Thus, the start of his illustrious career as an entertainer began.

For more than seven decades, Karl Malden brought memorable characters to the stage and screen. With more than fifty film credits and numerous plays and television projects on his résumé, not to mention one of the most recognizable commercial characters in history, Karl Malden proved that he is one of the most adored and versatile actors of not only his, but all, generations. From his lesser known roles to his unforgettable, Oscar-winning performance in *A Streetcar Named Desire*, Karl's determination and passion for his craft were, without a doubt, an extension of the lessons he learned as a child growing up in Gary, and as a laborer in the steel mills. It is this same passion for his craft that has raised millions of dollars for programs aimed at preserving and researching the history of film.

From his high school years to his golden years, Mr. Malden was always held in high esteem by his peers, so it is no surprise that he served as president of the Academy of Motion Picture Arts and Sciences for several years, and in 2004 he was honored with the Screen Actors Guild's Lifetime Achievement Award.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in paying tribute to an American treasure, Mr. Karl Malden. A gifted actor whose characters often embodied the hard-working, blue-collar northwest Indiana community from which he emerged, Mr. Malden has been a source of pride for the people of Gary, Indiana, for decades, and I ask that you join me in remembering him today as one of northwest Indiana's most beloved sons.

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. ROSKAM. Madam Speaker, pursuant to Republican standards on disclosure for Member project requests, I am submitting the following information regarding projects I support for inclusion in H.R. 3326, the Departments of Defense Appropriations Act of 2010.

Congressman Peter J. Roskam: H.R. 3326 Department of Defense, Gas Technology Institute's Advanced Power Generation Unit for Military Applications. In partnership with the U.S. Army Research Laboratory, the Gas Technology Institute will use this \$650,000 in funding to develop an advanced power generation unit for military applications. The unit developed as a result of this research project will have dual-use applications as military or commercial portable power or vehicle auxiliary power units (APU). The novel fuel cell power unit is highly efficient, clean, and very quiet. GTI will work with the U.S. Army Research Laboratory to develop and validate the performance, efficiency, and emissions of this

new power generation unit and identify applications that address the needs of Army Technology Objectives ATO related to reduced energy consumption and increased carried energy density for power systems. This technology will also have commercial applications for commercial vehicle auxiliary power units (e.g., to address anti-idling laws) and back-up power systems for improved reliability. Vehicles that sit and idle for extended periods of time, such as long haul trucks and transit and school busses, currently use nearly 1.5 billion gallons of diesel fuel annually (during idling). In addition, the military has specialized needs for quiet power systems for field deployment for individual soldiers, vehicles, and other remote power requirements. This high-risk, high-impact technology offers the promise of substantially reducing the capital cost of fuel cell-based power systems by avoiding the use of expensive, foreign-sourced precious metals such as platinum that are common in current fuel cell power systems.

Congressman Peter J. Roskam: H.R. 3326 Department of Defense, Helmets to Hardhats Center for Military Recruitment, Assessment and Employment. The Helmets to Hardhats program will use this \$3,000,000 in funding to provide infrastructure support to help members of the armed forces in transitioning from active duty into skilled employment in the construction industry. Most career opportunities utilizing the program are connected to federally-approved apprenticeship training programs. This training is usually provided by trade organizations at no or minimal cost to the servicemember. This program even provides the extensive training that is sometimes necessary for military personnel without prior experience in the building and construction trades. In fact, most of the servicemembers that are successfully placed start with virtually no experience in their chosen field. All participating trade organizations conduct three to five year "earn-while-you-learn" apprenticeship training programs that teach veterans everything necessary to become a construction industry professional with a specialization in a particular craft. Because these apprenticeship programs are regulated and approved at both the Federal and State levels, veterans can utilize their Montgomery GI bill benefits to supplement their income while learning a valuable skill. The program creates valuable links to ideal careers for guardsmen and reservists, and it helps to smooth the transition into a valuable and sustainable career that lessens the time that a veteran-in-transition will be dependent on other services. The Helmets to Hardhats program in Illinois is the most innovative in the nation, offering job placement assistance in dozens of fields. Through the leadership of the Illinois Teamsters, Helmets to Hardhats hosted the first-ever Chicago-area veterans' job fair in August 2007. Over 400 veterans were placed with job training, apprenticeships, and employment opportunities as a result. To date, more than 39,000 veterans have been placed with jobs nationally.

IN RECOGNITION OF RUTH RUNYAN ON HER 100TH BIRTHDAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor Miss Ruth Alberta Runyan upon the occasion of her 100th birthday. Miss Runyan has spent a lifetime serving others, and it is a privilege to recognize her today.

Miss Runyan was born on September 10, 1909 in Escambia County, Florida and has lived there ever since. She has resided at her current permanent address in the East Hill neighborhood for 85 years. As an eight year old child, she sold the newspaper "Grit" for five cents. She used the money to buy war bonds during World War I, and later used this savings to pay for her college education. In 1931, Ruth graduated from the Florida State College for Women, now known as Florida State University.

Ruth's life was spent serving others. She was a teacher in Escambia County for over forty years. She started her teaching career at the Eliza Jane Wilson School and spent fifteen years there and later also spent over fifteen years teaching elementary students at Oliver J. Semmes School in Pensacola.

Madam Speaker, Ruth Runyan is an admirable woman who has spent a lifetime reaching for her dreams and helping others achieve theirs. My wife Vicki and I wish her all the best for her future.

EARMARK DECLARATION

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. LAMBORN. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding member requests I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010:

Requesting Member: Representative DOUG LAMBORN, CO-05

Bill Number: H.R. 2647

Account: RDTE Navy, Line 27, PE 0603216N

Legal Name of the Requesting Entity: Global Near Space Services

Legal Address of the Requesting Entity: 8610 Explorer Dr, Ste 140, Colorado Springs, CO 80920

Description of the Request: Requesting \$6 million funding for the Lighter-Than-Air Stratospheric UAV for Persistent Communications Relay and Surveillance. This project will develop a lighter-than-air, unmanned aerial vehicle (UAV) that will fly at 85,000 feet for three to four months, providing low cost, persistent surveillance, high bandwidth and over the horizon communications needed to effectively fight terrorism, achieve maritime domain awareness, protect critical infrastructures and secure national borders.

Requesting Member: Representative DOUG LAMBORN, CO-05

Bill Number: H.R. 2647
Account: RDTE Air Force, Line 8, PE 0602201F

Legal Name of the Requesting Entity: Colorado Engineering, Inc

Legal Address of the Requesting Entity: 1310 United Heights, Suite 105, Colorado Springs, CO 80921

Description of the Request: Requesting \$3 million funding for the Unmanned Sense, Track, and Avoid Radar (USTAR) for low rate initial production of an advanced radar system for the Global Hawk unmanned aerial vehicle platform to detect and track large and small targets. USTAR will allow the UAV to identify potential collision risks and increase maneuvering capability in controlled airspace and improve operability in adverse weather conditions.

Requesting Member: Representative DOUG LAMBORN, CO-05

Bill Number: H.R. 2647

Account: RDTE Defense-wide, Line 89, PE 0603898C

Legal Name of the Requesting Entity: Not Applicable

Legal Address of the Requesting Entity: Not Applicable

Description of the Request: Requesting \$500,000 funding for an Independent Advisory Group to review Ballistic Missile Defense (BMD) Education and Training Needs and recommend a BMD education and training solution to include a recommendation of roles and responsibilities, organizational structure, and/or resources and facilities for integrated missile defense training.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010. The entity to receive funding is Impact Technologies, LLC, 2029 Cato Avenue, State College, PA 16801, in the amount of \$3,000,000. Funding will be used for smart oil sensors.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3326

Account: RDT&E/DW

Recipient: EWA, Inc. 2413 Nashville Road, Suite 126, Bowling Green, KY 42101

Description of Request: Provide \$5,000,000 to develop prototypes for the U.S. Special Operation Command to covertly identify and track individuals who threaten the national security of the U.S. Government.

THE ANNIVERSARY OF THE FALL OF ZEPA

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. CARNAHAN. Madam Speaker, I rise today to recognize the anniversary of the fall of Zepa during the war in Bosnia in 1995. Just a few weeks ago, I attended the Srebrenica genocide remembrance ceremony in Bosnia and Herzegovina to commemorate the thousands of innocent lives lost during the war. It is important to remember these innocent people who lost their lives as Bosnians move forward.

This siege on Srebrenica, however, was not an isolated event. On July 25, 1995, Zepa, another U.N.-declared safe haven, also fell to the same forces that took Srebrenica just weeks earlier. The thousands of inhabitants and refugees in Zepa were forced to suffer, and die through a constant downpour of shellfire.

In addition to the vast numbers who perished due to the barrage of fire and starvation, an unknown number were taken away never to be seen again, including the Colonel of the Bosnia and Herzegovina army, Avdo Palic, who negotiated the evacuation of approximately 5,000 civilians.

Today, a little more than 14 years after the fall of Zepa, I urge us all to remember not only the fall of Zepa, but also the destruction of the other towns of Srebrenica, Zepa, Sarajevo, Gorazde, Bihac, Tuzla, Prijedor, Bjeljina, Visegrad, Foca, and Kozarac, and many others, all of which experienced significant loss. We must remind ourselves of the innocent lives that were lost, and honor their memory.

Madam Speaker, while we cannot erase the pain of these losses, let us support the efforts of the families of the missing to learn the fate of their loved ones, and let us support the justice that is necessary for the building of a stable, prosperous, and unified Bosnia and Herzegovina.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Research, Development, Test, Evaluation, Army

Legal Name of Requesting Entity: Georgia Institute of Technology

Address of Requesting Entity: Institute of Bioengineering and Bioscience, 315 First Drive, NW, Atlanta, Georgia 30332-0363

Description of Request: The \$3,000,000 included in H.R. 3326 for the Center for Advanced Bioengineering and Soldier Survivability (CABSS) will focus on research in advanced tissue and bone regeneration and wound care and treatment issues relevant to military trauma care. Fundamental research advances in these areas can lead to technologies and techniques for better immediate clinical combat care as well as address long term care issues involving limb loss, tissue and organ damage, facial and dental injuries, and reconstruction.

Specifically, the \$3,000,000 in funding will be paid out at pre-negotiated rates in accordance with Department of Defense policy. Specifically, funds will be used to: establish a seed grant program to identify novel technologies for treatment of musculoskeletal defects following trauma, develop oriented nanofiber meshes for treatment of neurologic defects following injury to the extremities, develop biodegradable shape memory polymers for treatment of large bone defects, develop biodegradable shape memory polymers for craniofacial reconstruction, and test the effects of sustained delivery of osteoinductive proteins in tubular nanofiber mesh scaffolds on functional repair of large segmental bone defects.

Georgia Tech will continue to leverage this request to obtain funding from other sources. The Georgia Research Alliance has pledged additional money to the project for infrastructure and equipment, and past Congressional funding has been leveraged to successfully obtain funding from DoD's Orthopaedic Trauma Research Program and its Armed Forces Institute of Regenerative Medicine, as well as funding from the Musculoskeletal Transplant Foundation.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Research, Development, Test, Evaluation, Army

Legal Name of Requesting Entity: Printpack, Inc.

Address of Requesting Entity: 2800 Overlook Drive NE, Atlanta, GA 30345-2024

Description of Request: The \$1,000,000 added to H.R. 3326 will be used to develop new and innovative packaging and processing technologies for the Warfighter's combat rations. These funds will result in the ability to provide greater variety and more nutritional rations with longer shelf-life and reduced production costs.

The objective of this effort is to develop advanced thermal processing techniques based on the utilization of non-foil materials for military ration packaging. The importance of developing non-foil packaging materials will serve as a precursor to the next stage of the R&D effort to investigate new and enhanced thermal processing techniques—specifically, Enhanced High Pressure Processing (EHPP) and Microwave Sterilization (MW) technologies. The EHPP and MW processing technologies have numerous advantages over

conventional thermal processing; however, these processes cannot be used on current foil packaging because they cause blistering and flex cracking of the foil packaging material. Therefore, to achieve the advantages of advanced EHPP and MW processing, it is essential to use state-of-the-art, non-foil packaging materials.

The development of advanced, non-foil packaging materials and utilization of innovative EHPP and MW processing techniques will result in the provision of rations with the following beneficial and enhanced qualities: greater variety, better taste, more nutrition, longer shelf-life, lower overall production costs, environmentally friendly, less volume and waste. The FY10 effort will consist of three stages and is budgeted as follows: Stage 1: Blistering (\$0.14M), Stage 2: Flex Crack Resistance (\$0.26M), Stage 3: EHPP & MW Trials (\$0.6M).

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Research, Development, Test, Evaluation, Defense Wide

Legal Name of Requesting Entity: Scientific Research Corporation

Address of Requesting Entity: 2300 Windy Ridge Parkway, Suite 400, Atlanta, GA 30339

Description of Request: This program will utilize recently developed Wavelet Packet Modulation (WPM). The \$1,000,000 included in H.R. 3326 will be used to implement design modifications for limited rate initial production, including form factor packaging changes for ruggedization and for integration with signal intelligence systems. Additionally, production readiness for integration with existing communications systems will occur. Finally, module testing will be subjected to continued assessment and utility testing on multiple platforms.

The enhanced modules will then undergo a final government Production Readiness Review, paving the way for subsequent deployment. Covert WPM Communications Modules as communications links for multiple platforms, including unmanned aerial systems, provide a critical solution to special operations warfighters that require the ability to communicate covertly without detection.

Funding is required for hardware and software engineering, integration, and testing (64%); specialized equipment (21%); specialized software (13%); and travel to U.S. Special Operations Command and to military test sites (2%). This request is consistent with the intended and authorized purpose of the U.S. Special Operations Command Special Operations Tactical Systems Development program.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Other Procurement, Army

Legal Name of Requesting Entity: Meggitt Training Systems

Address of Requesting Entity: 7340 McGinnis Ferry Road, Suwanee, GA 30024

Description of Request: The ARNG combined arms simulation training system began in 1996, and presently there are 266 fielded Combat Skills Marksmanship Trainers (CSMT) systems. All have been or are in the process of being upgraded. The ARNG has an immediate

requirement to supply its soldiers with newer and more advanced training technology, since simulators are an integral part of the training requirement. Since the Army no longer supports the ARNG with training simulator systems, Congress has consistently provided funding for these systems upgrades. ARNG itself has contributed funds of its own—\$4.5 million in FY07 and \$1.2 million in FY08.

The ARNG's immediate need is to upgrade the remaining fleet of CSMT systems, and the plan includes acquiring approximately 1,200 new weapons. The \$4,000,000 included in H.R. 3326 will continue the multiyear upgrade and modernization of existing firearms simulation systems in the Army National Guard necessary to meet the validated system standard.

The ARNG has defined modernization as paramount to resolving an immediate mandatory small-arms training need in support of the Guard's role in a global war on terrorism and homeland security. The Army's Program Executive Office for Simulation, Training & Instrumentation (PEO STRI) has validated the upgraded system as a U.S. Army standard for use by the ARNG.

The CSMT system includes U.S. Army-specific courseware and training scenarios that address new and complex tactical situations and provide soldiers with the ability to conduct weapons, judgmental, and military training in a tactical environment built on geo-specific terrain databases. The CSMT simulates tactical small unit defensive and offensive situations such as security operations, fire & maneuver, and hostage & clearing operations in built-up urban areas. Small unit leaders use the system to conduct mission planning and rehearsal. The system's embedded scenario authoring capability allows the user to quickly author a scenario reflecting emerging doctrinal and/or mission requirement changes.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Research, Development, Test, Evaluation, Army

Legal Name of Requesting Entity: CryoLife

Address of Requesting Entity: 1655 Roberts Boulevard, NW, Kennesaw, GA 30144

Description of Request: Despite advances in medical technology, battlefield trauma injuries present a significant threat to the lives of U.S. soldiers. In fact uncontrollable bleeding from internal wounds where tourniquets cannot be applied is a major cause of combat casualty. Biofoam Protein Hydrogel will provide a new tool for physicians to address blood loss at Forward Surgical Team (FST) and Combat Support Hospital (CSH) locations for injuries sustained by service personnel.

CryoLife believes that further development of its existing protein hydrogel technology could result in FDA approval to address blood loss by forward surgical teams or combat support hospitals. CryoLife has developed a formulation for an expanding, adhesive, foam sealant. This two-part material is applied as a liquid that mixes in the portable delivery device and is expressed as a foam to the application site where it bends to the surrounding tissue. An easy to use, expandable hemostatic agent would provide better packing, faster hemostasis and improve the survival of the soldier by extending his "golden hour."

Congress has appropriated \$6.6 million for the development of this technology in FY05–09. The \$1,000,000 included in H.R. 3326 will build upon the previously funded work conducted with the Army Medical Research and Material Command and the Army Institute of Surgical Research (ISR), including feasibility studies and acute and chronic animal studies. The funding included in H.R. 3326 would support large scale pivotal clinical trials on humans in accordance with FDA standards and protocols.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Departments of Defense Appropriations Act, 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3326

Account: RDT&E/Army/Medical Technology

Recipient: Owensboro Medical Health System Mitchell Memorial Cancer Center, 811 E. Parrish Avenue, Owensboro, KY 42303

Description of Request: Provide \$2,500,000 to continue the hospital's partnership in plant-based pharmaceutical research.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Program Name: SSBN(X) Systems Development

Amount: \$2,500,000

Requested By: ROBERT J. WITTMAN (VA–01)

Account: Research and Development, Navy (RDTE,N)

Intended Recipient of Funds: Northrop Grumman Corporation, 1000 Wilson Blvd, Suite 2300, Arlington, VA 22209

Program description and explanation of the request: This funding is provided as an increase to the Advanced Submarine Systems Development Program, Line 41, Research and Development, Navy. SSBN–X is the designation for the submarine class that will serve as the replacement for the OHIO submarine class, which will begin going out of service in 2029. The OHIO Class is the nation's primary and most secure nuclear deterrent and this capability will be maintained. Detail design expected to start as early as FY12 (construction start is in FY19) and the concept design work must be performed in advance of detail design. \$53M was requested for FY09 in order to

conduct the SBSD concept study plan originally planned for FY08 and FY09 which has not been fully funded, and to support R&D technology development. Funding in FY10 will allow the Navy to proceed with SBSD development in a timely fashion. Furthermore, potential delay in SSBN-X Program start will threaten the submarine design industrial base. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 3326

Account: DoD RDT&E, Technology Transfer
Legal Name of Requesting Entity: Technology Service Corporation

Address of Requesting Entity: 116 West Sixth St., Suite 200, Bloomington, IN 47404

Description of Request: Provide an earmark of \$5,000,000 to continue support of the National Radio Frequency Research, Development, and Technology Transfer Center, which provides an efficient method of transitioning new technologies into DoD programs of record to provide for performance improvements at lower cost for the war fighter.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 3326

Account: USAF RDT&E, Technology Transfer

Legal Name of Requesting Entity: Purdue University

Address of Requesting Entity: 610 Purdue Mall, Hovde Hall, West Lafayette, IN 47907

Description of Request: Provide an earmark of \$1,640,000 to continue the development of the multi-faceted National Test Facility for Aerospace Fuels Propulsion, which supports development and testing of alternative energy sources for aerospace equipment, is aligned with the Civil Aviation Alternative Fuel Initiative, and compliments DoD's commitment to transition all aircraft for flight on synthetic fuel blends.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed 4 votes. Had I been present, I would have voted as follows:

On rollcall No. 650, on the Motion to Suspend the Rules and Pass H.R. 1293, I would have voted "yea."

On rollcall No. 651, on the Motion to Suspend the Rules and Pass H.R. 556, as Amended, I would have voted "yea."

On rollcall No. 652, on the Motion to Suspend the Rules and Pass H.R. 509, as Amended, I would have voted "yea."

On rollcall No. 653, on the Motion to Suspend the Rules and Agree to H. Res. 616, I would have voted "yea."

CONGRATULATING MICHAEL L. FARRIOR FOR HIS HARD WORK AND LEADERSHIP WITH THE INTERNATIONAL GAME FISH ASSOCIATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BILBRAY. Madam Speaker, today, I rise to congratulate International Game Fish Association (IGFA) Trustee Michael L. Farrior of Rancho Santa Fe, a long time San Diego businessman, for his extraordinary leadership and for his passion in promoting fishing and conservation.

Mr. Farrior, whose interest in sportfishing stretches back nearly four decades, has become the recognized authority and historian of saltwater sportfishing on the West Coast. Over the years Michael has shared his interest in antique tackle and encouraged others to begin collecting and preserving old fishing equipment. The antique tackle collection he has assembled and the research he has shared is another way Michael gives back to a sport that he loves.

A long-time member of the Tuna Club of Avalon, Mr. Farrior was appointed Historian and was subsequently invited to write The History of the Tuna Club 1898–1998. When his book was published, Mr. Farrior donated all of the profits to the Tuna Club Hospital Foundation. He approached that project with the same enthusiasm he has demonstrated throughout his life and his research has literally changed the way the International Game Fish Association viewed West Coast sportfishing.

He is a well-respected IGFA Trustee, and has been the catalyst in arranging pier fishing tournaments for the youth of San Diego, as well as fishing trips for military patients recuperating at the San Diego Naval Hospital from wounds suffered in Iraq. He has also assisted the U.S. government by providing the historical data for use in developing the Highly Migratory Species Act.

Mr. Farrior was able to establish that the birth of big-game fishing occurred on the West Coast and the early fishing gear used to battle large bluefin tuna, marlin and swordfish, evolved here. The sportfishing ethics and rules used today by IGFA and other fishing clubs were originally drafted at the Tuna Club at Avalon on Catalina Island at the turn of the century. "Making Californians aware of the fact that big-game fishing was born here and getting California indelibly recognized as the birthplace of big-game fishing is one of my proudest achievements," he added "Previously, it had literally just been lost to time". Mr. Farrior's impact on West Coast

sportfishing is also indelibly written in the history which he has preserved and which has consumed him throughout the years. His contributions to sportfishing over the years truly qualify him as Sportfishing's own "National Treasure."

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Labor, Health and Human Services, and Education Appropriations Act, 2010:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Child Protection Center

Address of Requesting Entity: 1750 17th Street, Bldg. L, Sarasota (FL) 34234

Description of Request: I secured \$150,000 for the "Pillar of Hope" Campaign, which seeks a Child Advocacy Center in Sarasota, Florida. Along with the expansion of the counseling program, the center will have two new state-of-the-art medical exams rooms at their location. By having the ability to provide more medical services to abused children the burden on local emergency rooms will be lessened. Currently, the center is unable to offer certain services as they are limited in space in their current location.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd., Sarasota (FL) 34236.

Description of Request: I secured \$350,000 for Sarasota County, which is seeking to construct a new health facility in the community of Englewood. The facility will be located in the southern most portion of Sarasota County and will serve the residents of both Sarasota and Charlotte counties. The facility will improve access to health care and a variety of human and social services programs for residents.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: University of South Florida (USF) Sarasota-Manatee

Address of Requesting Entity: 8350 North Tamiami Trail, Sarasota (FL) 34243

Description of Request: I secured \$250,000 to address nursing shortages by supporting educational development at the University of South Florida Sarasota-Manatee Campus.

The university is in the initial stages of preparing for separate academic accreditation.

Once this is achieved, their highest priority will be to establish a College of Nursing on the campus. With a nursing program in place we will be able to reach and educate the southern-most portions of Florida. The funds from this proposal will be spent to support the development of a teaching simulation laboratory (equipment and simulation models) on our campus, for equipping a videoconference classroom, and the development of web, on-site, and blended courses.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3293

Account: Higher Education

Legal Name of Requesting Entity: New College

Address of Requesting Entity: 5800 Bay Shore Road, Sarasota (FL) 34243

Description of Request: I secured \$100,000 to establish a joint-use library facility that will serve local higher education entities and the general public in the areas of community research and civic engagement.

PERSONAL EXPLANATION

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. HODES. Madam Speaker, due to inclement weather I missed the following votes on Monday, July 27, 2009. I would have voted as follows:

(1) H. Res. 593—Recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State (Rep. ABERCROMBIE—Oversight and Government Reform)—“Yes.”

(2) H.R. 1376—Waco Mammoth National Monument Establishment Act of 2009 (Rep. EDWARDS (TX)—Natural Resources)—“Yes.”

(3) H.R. 1121—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009 (Rep. FOXX—Natural Resources)—“Yes.”

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Project Name: Aerospace Laser Micro Engineering Station

Amount: \$1,000,000

Requested By: ROBERT J. WITTMAN (VA-01)

Account: Research and Development, Air Force (RDTE, AF)

Intended Recipient of Funds: Jefferson Laboratory, 12000 Jefferson Ave. Newport News, VA 23606

Project description and explanation of the request: In September, 2001, the JLAB, with

the Aerospace Corporation, initiated a joint project with the Air Force Research Lab (AFRL) to expand the FEL capabilities to provide a microfabrication processing tool to produce miniature satellite components. Micro-fabrication of ceramics and glass is a high-potential JLab FEL application. The ability to create intricate microstructures in or on glass materials is considered a necessary value-added component in the development of advanced photonics and certain microinstruments. Micro-structure patterns can be used to guide light, serve as frequency selectors, control fluidic flow or enable the extraction of specific cells to capture genetic material. The Aerospace Corporation is exploring the potential of micro-fabricating a class of glass materials called photocerams using ultraviolet laser processing. This technology promises a more precise, less expensive way of creating intricate glass microstructures with the goal of fabricating picosatellites weighing less than 1 kilogram for the Air Force. The JLab FEL ultraviolet capabilities will allow for the mass production-rate throughput necessary for industry. Because of the compelling need for the Air Force to develop new materials and metal alloys for aerospace applications, the Thomas Jefferson National Accelerator Facility (Jefferson Lab) is requesting \$3 million from the FY10 DOD Appropriations for the final commission and demonstration of the required accuracy and reproducibility for satellite production of the Aerospace Laser Micro Engineering Station (LMES). The LMES will make mass-producible satellites possible using 10 hours with the JLab UV FEL as compared to 270 hours using a conventional UV laser, making it possible to address new and unique missions not accessible using conventional satellite technology. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—the Department of Defense Appropriations Act, 2010.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 3326

Account: RDTE, N (MC)

Legal Name of Requesting Entity: American Defense Systems, Inc.

Address of Requesting Entity: 230 Duffy Avenue, Hicksville, NY 11801

Description of Request: \$2,000,000 will be used to develop a new Enhanced Small Arms Protective Insert (E-SAPI) that will have the same performance of the current E-SAPI, but at a lower weight and with greater durability and multi-hit capacity.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 3326

Account: RDTE, N

Legal Name of Requesting Entity: Webb Institute.

Address of Requesting Entity: 298 Crescent Beach Road, Glen Cove, NY 11542

Description of Request: \$2,500,000 will be used for the construction of a Ship Model Testing Facility to provide undergraduate research applicable to the new hull forms the Navy is developing and fielding.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 3326

Account: RDTE, A

Legal Name of Requesting Entity: New York University.

Address of Requesting Entity: 3 Park Avenue, 15th Floor, New York, NY 10016

Description of Request: \$3,000,000 will be used for the NYU School of Medicine to create a research Center for Excellence in the areas of Infectious Diseases and Human Microbiome to foster the collaboration of researchers across the campus.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Request information: Representative JACK KINGSTON

H.R. 3326

Army National Guard—Operation and Maintenance Account

Recipient information: Georgia Air National Guard—Savannah Combat Readiness Training Center, PO Box 7299, Garden City, GA 31418-7299

Description: The Georgia Army National Guard received an earmark in the amount of \$515,000. Joint training event has provided a training infrastructure (where units are able to train using the same data-link and digital communications infrastructure they have in theater) to train against a live Opposition Force fielding tactically deployed independent “Integrated Air Defense Systems”.

Request information: Representative JACK KINGSTON

H.R. 3326

Army, Operation and Maintenance Account
Recipient information: MPRI, 2961 W. California Avenue, Salt Lake City, UT 84104

Description: MPRI received an earmark in the amount of \$3,500,000. The TranSim Training Program is designed to enhance driving skills and behaviors through the use of a tailored state-of-the-art simulator based, cognitive learning and classroom instruction system.

Request information: Representative JACK KINGSTON

H.R. 3326

Army, Operation and Maintenance Account
Recipient information: ARNG Readiness Center, 111 South George Mason Drive, Arlington, VA 22204-1382

Description: The Georgia Army National Guard received an earmark in the amount of

\$4,000,000. Funds training devices for small arms and infantry weapons that enhance the readiness of Army National Guardsmen. Improves marksmanship and mission readiness for ground troops with interactive training without expending ammunition.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Proposed Recipient: Scientific Research Corporation (SRC), 2300 Windy Ridge Parkway, Suite 400 South, Atlanta, GA 30339

Description: The Georgia Army National Guard received an earmark in the amount of \$3,000,000. Aircrews will benefit from training with actual electronic threats. The electronic threats are modeled after potential enemy weapon systems. This is a significant improvement in the quality of training and enhances the certifications done prior to deployment.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Defense Wide

Recipient information: Georgia Air National Guard—Savannah Combat Readiness Training Center, PO Box 7299, Garden City, GA 31418–7299

Description: The Georgia Army National Guard received an earmark in the amount of \$4,500,000. Provides enhanced network and tactical data links for training units prior to activating for combat operations. Expands the range for training virtually without environmental impact. Also allows for greater participation from other military services.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Georgia Air National Guard—Savannah Combat Readiness Training Center, PO Box 7299, Garden City, GA 31418–7299

Description: The Georgia Army National Guard received an earmark in the amount of \$5,000,000. Infrastructure and procurement of one threat anti-aircraft weapon system for the Savannah CRTC and the Townsend Range Complex and complete the high fidelity threat range plan for Townsend Range. Improves mission readiness for deploying forces with actual, operating weapon systems.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: University of Georgia, Department of Infectious Diseases, 111 Carlton St.—AHRG, Athens, GA 30602.

Description: The University of Georgia received an earmark in the amount of \$1,900,000. The project will develop nanophotonic biosensors to facilitate direct, rapid, and extremely sensitive detection of bioagents and pathogens using surface enhanced Raman spectroscopy (SERS).

Request information: Representative JACK KINGSTON

H.R. 3326

Procurement—Defense Wide

Recipient information: Daniel Defense, Inc., 235 Oracal Parkway, Black Creek, GA 31308

Description: Daniel Defense received an earmark in the amount of \$2,500,000. M4 Carbine Rail System that provides a solid free float mounting platform for SOF soldiers to mount modern weapon accessories allowing the SOF Operator to acquire, identify and accurately fire on enemy targets in combat. Increases accuracy of the soldier and effectiveness of the weapon system.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Georgia Institute of Technology, 315 Ferst Drive, Atlanta, Georgia 30332–0363

Description: The Georgia Institute of Technology received an earmark in the amount of \$3,000,000. Specifically focusing on the development of technologies to streamline research directly to patient care treatment. Research teams include clinicians with expertise in combat medical care, and biomedical engineers and bioscientists with industry and regulatory expertise to shorten the process from invention to clinical use. Critical need for enabling technologies to support the translation of research findings to medical products that are safe and effective.

Request information: Representative JACK KINGSTON

H.R. 3326

Operation and Maintenance—Air Force

Recipient information: Intergraph, 170 Graphics Drive, Madison, AL 35758 USA

Description: Intergraph received an earmark in the amount of \$4,000,000. To improve aircraft availability (AA), reliability, and maintainability, and reduce total ownership cost (TOC). The newly defined processes of this program will create enterprise-wide proactive planning, improve strategic mobility, implement total asset visibility, and achieve greater communication and operational situational awareness.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Southwest Research Institute, 609 Russell Parkway, Warner Robins, GA 31088

Description: Southwest Research Institute received an earmark in the amount of \$3,000,000. System that improves mission readiness of Army weapon systems. Minimizes the life cycle cost of providing automatic test systems for weapon systems support at DoD field, depot, and manufacturing operations, and to promote joint service automatic test systems interoperability.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Valdosta Optics Laboratory, 1717 Dow Street, Valdosta, GA 31601

Description: Valdosta Optics Laboratory received an earmark in the amount of \$2,500,000. Adhesive-Free Bond Diamond

(AFB®–D) will enable DoD ultra-high power solid state weapon lasers for space platforms and will help remedy current limitations, including foreign material sources, limited availability and limited sizes. Improvement in manufacturing techniques to produce high quality optics.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Radiance Technologies, 7790 Veteran's Parkway, Suite C, Columbus, GA 31909

Description: Radiance Technologies received an earmark in the amount of \$2,000,000. This program develops and combines the crewmember displays with the AWW–HFI that alert the door gunners with immediate and accurate detections of these weapon systems.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: ATK, 3309 North Reseda Circle, Mesa, AZ 85215

Description: ATK received an earmark in the amount of \$3,000,000. Low weight, soft recoil and a dual feed loading weapon systems. Increased capability in combat using the existing fleet of helicopters.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Defense Wide

Recipient information: Morehouse College, 830 Westview Dr. SW, Atlanta, GA 30314–3773

Description: Morehouse College received an earmark of \$3,000,000. This research scholars program is designed to advance core federal missions and Defense Department goals to increase the participation of minority students in emerging scientific and technology fields. The program identifies top tier high school students and places them in a rigorous program in the Division of Science and Mathematics that includes one-on-one mentoring, a summer educational and research program, and challenging internships at top research institutions, with the goal of placing them in doctoral programs on a track to work in the national laboratories.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Air Force

Recipient information: Georgia Institute of Technology, School of Aerospace Engineering, 270 Ferst Dr., Atlanta, GA 30332–0150

Description: Georgia Institute of Technology received an earmark of \$2,000,000. Air Force-wide project aimed at developing new procedures and user interface methodologies for the Warfighter that request in-theater tactical Intelligence, Surveillance, & Reconnaissance (ISR) support via satellite, UAV or Aircraft. This program will help reduce costs at the Air Force and assist them in modernizing its satellite ground operations and training equipment.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday July 29, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Department of Defense Appropriations Act.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of Fiscal Year 2010

Account: Ballistics Technology

Legal Name of Requesting Entity: Ensign-Bickford Aerospace and Dynamics

Address of Requesting Entity: P.O. Box 219, State Route 175, Graham, KY 42344

Description of Request: The money (\$3,000,000) will be used to update and replace current reactive armor.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Luvata Franklin

Address of Requesting Entity: 4720 Bowling Green Rd Franklin, KY 42134

Description of Request: The money (\$2,800,000) will be used for pathogen reduction, which is vital for protection of military, particularly those serving in enclosed weapons systems such as tanks and submarines and in medical environments. It can be used proactively as a cost-effective and conscientious measure to counter today's increased concern for bio-security and improved health conditions in indoor air environments.

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Defense-Wide Legal

Name of Requesting Entity: Hunter Manufacturing Company

Address of Requesting Entity: 30525 Aurora Rd., Solon, OH 44139

Description of Request: Funds will be used for a regenerative filtration system, which is currently being developed by Hunter Manufacturing Co., which will reduce costs and provide protection against all chemical warfare agents

for our servicemen and women. The U.S. Army Edgewood Chemical and Biological Center, the nation's leading facility for research and development for chemical and biological defense, has a requirement for filtration systems to protect military personnel, critical equipment, and strategic facilities. Current filters do not protect against the full range of chemical and biological weapons, and they must be changed-out, creating higher expenses. The full funding would be used for the design, manufacture, and testing of the filtration system.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Navy

Legal Name of Requesting Entity: Main Sail, LLC

Address of Requesting Entity: 20820 Chagrin Blvd., Cleveland, OH 44122

Description of Request: The Department of Defense and the U.S. Navy have been developing a system to track their vast inventories of parts and supplies. This implementation of passive RFID technology will greatly improve visibility of parts as they flow through the DoD supply distribution system to our forward deployed forces afloat. The U.S. Navy believes this effort, which will bring numerous high tech jobs to Northeast Ohio, will reduce logistics, operating, and inventory costs, reduce manning needs on Navy ships, and increase military readiness. The full funding would be used to develop and implement the passive RFID infrastructure, including the purchase of hardware and software.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Air Force

Legal Name of Requesting Entity: Phycal, LLC

Address of Requesting Entity: 51 Alpha Park, Highland Heights, OH 44143

Description of Request: Funds will be used to allow Phycal to grow, harvest, and extract oil from algae for fuel for engine testing. Through partnerships with Ohio industry, government, and non-profit organizations, this project can accelerate the creation of a bio-fuel supply chain in Ohio and hundreds of new green jobs. Reliance on foreign oil has become a national security as well as a cost issue, and there is a rising concern about the cost and availability of aviation fuel for the U.S. Air Force. The Air Force is pursuing an alternative fuels program to identify alternative "drop-in" fuels from a number of sources, including algae, toward the goal of 50% domestic production of fuel by 2016. The funding would be used for research and development of its extraction process including purchase of equipment and prototypes.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: Advanced Materials Products, Inc.

Address of Requesting Entity: 1890 Georgetown Rd., Hudson, OH 44236

Description of Request: Funds will be used to help establish a titanium production plant in Ohio to implement more effective production techniques. In the United States, there is not enough titanium to satisfy military and commercial need at its high cost, which means we must look to Russia, China, and Ukraine to supply us. This project will bring the titanium market home to the U.S. and create new jobs in Ohio. The funding would be used for establishing a pilot scale powder plant, develop necessary technology, and manufacture large vehicle components.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Defense-Wide

Legal Name of Requesting Entity: Steris Corporation

Address of Requesting Entity: 5960 Heisley Rd., Mentor, OH 44060

Description of Request: Funds will be used by Steris to develop methods for decontamination of a range of aircraft in order to protect our servicemen and women as well as keeping our military aircraft operational. Aircraft are a major part of the military's capability to perform operations. Loss of aircraft due to chemical or biological weapons makes a significant impact on the capability to resupply deployed forces, transport forces and equipment in theater, and execute missions. Steris's work further establishes Northeast Ohio as a leader in chem/bio and decontamination technology while meeting current security needs of the military. The funding would be used for development and demonstration of decontamination ability, including testing and purchase of equipment.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Other Procurement, Air Force

Legal Name of Requesting Entity: South Carolina Air National Guard

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044

Description of Request: I have secured \$1,500,000 for the South Carolina Air National Guard Eagle Vision Upgrade. Eagle Vision (EV) is a USAF mobile satellite imagery collection and processing system assigned to the SC ANG that will be used as a war time resource in the war on terrorism as well as a counter drug and Homeland Security asset in the United States. Funding would upgrade the EV system at McEntire JNGB to include a 1

meter infrared capability. Emergency planners and responders would be able to look through clouds and smoke with infrared enabling them to plan responses during an emergency instead of reacting afterward. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: South Carolina Research Authority

Address of Requesting Entity: 1330 Lady Street, # 503, Columbia, SC 29201

Description of Request: I have secured \$2,500,000 for the South Carolina Research Authority's Highly Integrated Production for Expediting Reset (HIPER). The funding will drive downstream efficiencies in manufacturing and quality inspection by enabling the utilization of laser scanning technology to significantly shorten the time and lower the cost for resetting and modernizing the military's small arms and crew-served weapons. HIPER will implement a program which ensures the provision of the best and safest weaponry to the warfighter and in the quickest and most efficient way, by replacing parts and resetting weapons more quickly and at reduced cost. This will help keep our troops safe and fully equipped with the optimum defense mechanisms they need to effectively complete their missions, while using cutting-edge technology to reduce costs and lower wait times. To achieve this goal SCRA will be relying on industry and government partners in numerous states, resulting in employment sustained and created via manufacturing and research requirements. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: Lifeblood Medical

Address of Requesting Entity: 10120 Two Notch Road, Suite 2, Columbia, South Carolina 29223

Description of Request: I have secured \$2,000,000 for the Lifeblood Medical's Human Organ and Tissue Preservation Technology (HOTPT). Funding will be used to continue and advance studies for Oxygen Therapeutics and Extending Room Temperature Organ Preservation so that the technology can be brought to FDA for approval. The use of funds is justified due to the potential of finding the first approved oxygen therapeutics which will solve the world issue of a lack of donated blood for trauma, military and casualty use. The use of funds is justified so that the supply of organs for transplantation can adequately meet the demand through extending the preservation time at room temperature. Large animal studies have proven successful in both oxygen therapeutics and organ preservation. Prior DoD funds have also proven that the

Lifeblood technology can reverse cell damage and render organs that are labeled untransplantable into an acceptable organ for donation and transplantation. Matching funds will be provided by cash on hand, licensing fee revenues, and product sales. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Procurement, Defense Wide

Legal Name of Requesting Entity: FN Manufacturing, LLC

Address of Requesting Entity: 797 Old Clemson Road, Columbia, SC 29229-4203

Description of Request: I have secured \$2,500,000 for FN Manufacturing to continue production of the Special Operations Combat Assault Rifle (SCAR). The SCAR was selected after a full and open competition. It meets validated US SOCOM requirements for a 21st Century modular battle rifle available in 5.56 mm and 7.62 mm, and with Close Quarter Battle, Long-Range, and Sniper variants. Federal/taxpayer funding of the SCAR program will provide US Special Operations Forces with a far more effective and reliable combat rifle than the current M-4/M-16 family of rifles. In its various modular configurations, the SCAR will replace five different rifles now in use, greatly reducing the need for maintenance and logistics support and associated costs. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: Advanced Technology Institute

Address of Requesting Entity: 5300 International Blvd., North Charleston, SC 29418

Description of Request: I have secured \$3,000,000 for Advanced Technology Institute to continue the Vanadium Technology Program. The Vanadium Technology Program funds the research, development and prototype-testing necessary to implement vanadium alloyed steel into warfighter protection and mobility. This funding builds on successes accomplished previously which include: reductions in weight, fabrication cost, and welding costs of 21%, 10%, and 53% respectively, leading to a smaller, higher-performing vanadium steel trailer design for the Army/Marine Joint Light Tactical Vehicle System; a longer span temporary bridge, designed by the Army Corps of Engineers and the University of South Carolina, to bridge road gaps in combat regions like Iraq; and, a new class of lighter, longer span trusses and joists, based on vanadium hot rolled steel angle shapes, have been developed and laboratory tested. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Aircraft Procurement, Army
Legal Name of Requesting Entity: South Carolina Army National Guard

Address of Requesting Entity: 1 National Guard Rd, Columbia, SC 29201

Description of Request: I have secured \$3,000,000 for the South Carolina Army National Guard Vibration Management Enhancement Program (VMEP). This funding will continue fielding this proven capability on the Army National Guard's AH-64, CH-47, and UH-60 helicopter fleets. VMEP collects and utilizes information derived from onboard sensors to indicate the state and health of the helicopter drive system and rotational components. VMEP enabled the SCARNG to realize a total savings in parts costs over a 12-month period of \$1.4 million, as well as an increase in mission capable rates. These funds would ensure that the South Carolina Army National Guard aviation program stays in the forefront of embedded technology doctrine. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Defense Wide

Legal Name of Requesting Entity: Two Stroke International

Address of Requesting Entity: 8 Schein Loop, Beaufort, SC 29906

Description of Request: I have secured \$1,900,000 for the Non-Gasoline Burning Outboard Engine. The Navy SEAL's currently use a 30 hp and 55 hp engine on their Combat Rubber Raiding Crafts. This effort is focused on the 30 hp engine. The program name for this outboard motor project is "Phoenix." The team broke down the existing motor to multiple elements; ignition system; carburetion; exhaust and intake silencing, lower unit, control apparatus, and enclosure cover. The goal of this effort is to provide the SEAL's with an advanced outboard reconnaissance engine that would burn multiple fuels (JP grades, gas, diesel, alcohol). It will be quiet for stealthy operations, have an extended fuel range using a microwave ignition system currently in development, and a lower unit that allows it to go through mud and kelp without harming the engine. Additionally the engine will take advantage of the newest technology to be resistant to salt water that make the engines last longer, decrease weight and increase range. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the House-passed version of H.R. 3326—Department of Defense Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3326

Account: Navy Research and Development—0604215N

Legal Name of Requesting Entity: U.S. Navy; Naval Surface Warfare Center, Corona Division

Address of Requesting Entity: Naval Surface Warfare Center, Corona Division, Corona, CA 92878–5000

Description of Request: I have secured \$5,800,000 for the Measurement Standards Research and Development Program. The program includes testing for electro-optic and night vision systems; chem/bio and radiation detection systems; advanced sensor technologies; nano-technology. It also provides for improved and state of the art measurement calibration systems that ensure an accurate traceability of measurement from the weapon system parameter to National Standards maintained at NIST. Without adequate measurement capability, verification of performance for weapon and detection system readiness is not possible. This project results in the development of the measurement standards and calibration systems necessary to provide traceable measurements. These state-of-the-art measurement standards often reside at NIST and thus provide benefit to other federal agencies and industry as well. This project allows the Navy to make correct test decisions that ensure mission success and safety while reducing the cost of unnecessary rework. Substantial cost savings have resulted from past R&D project funding through this program.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3326

Account: Microelectronic Technology Development and Support—0603720S

Legal Name of Requesting Entity: Center for Nanoscale Science and Engineering, University of Riverside, California

Address of Requesting Entity: 900 University Avenue, Riverside, California 92521

Description of Request: I have secured \$6,000,000 for the Center for Nanoscale Science and Engineering. The funds will be used for the 3-D Electronics program which aims to take advantage of recent advances in nanomaterials and nanodevices to begin to address the issue necessary to take the electronics industry beyond the two-dimensional silicon based devices and wiring and to develop high density, 3D-electronics technology together with associated packaging, heat dissipation solutions and the investigation of alternative electronic materials. Conventional electronics is based on 2D planar processes, but this is becoming prohibitively expensive as well as a barrier to performance. By stacking devices and interconnecting them in a 3D arrangement, a huge leap in functionality density is possible. 3D integration is a cornerstone of the coming revolution in electronics.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3326

Account: Navy Research and Development—0603739N

Legal Name of Requesting Entity: U.S. Navy; Naval Surface Warfare Center, Corona Division

Address of Requesting Entity: Naval Surface Warfare Center, Corona Division, Corona, CA 92878–5000

Description of Request: I have secured \$1,800,000 for the NSWC Corona IUID Center which provides technical support, implementation assistance, training, and lessons learned for IUID, a DoD mandate, to various DoD programs and offices. The IUID Center leverages complementary efforts and catalogs, distributes lessons learned, and helps streamline implementation efforts, reducing IUID implementation cost. IUID itself will enable lifecycle traceability and improve data integrity, leading to more informed decisions and improved asset management. Substantial cost savings result from IUID implementation in DoD programs as well as major gains in asset management and tracking of critical DoD material.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3326

Account: Operation & Maintenance; 1C8C Depot Operations Support

Legal Name of Requesting Entity: U.S. Navy; Naval Surface Warfare Center, Corona Division

Address of Requesting Entity: Naval Surface Warfare Center, Corona Division, Corona, CA 92878–5000

Description of Request: I have secured \$2,400,000 for the NSWC, Corona Fleet Readiness Data Assessment project which will update/replace existing tools to enable the accurate, efficient collection and transmission of data to quickly perform detailed readiness analyses. It will take advantage of the improved automation and data collection capability provided by the METBENCH calibration system. The analyses resulting from this project will quickly put accurate readiness information into the hands of Navy decision-makers and accelerate the savings resulting from METBENCH implementation in the Navy.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3326

Account: Operation and Maintenance, Navy—03 Training and Recruiting 3A2J

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps

Address of Requesting Entity: U.S. Naval Sea Cadet Corps; 2300 Wilson Blvd, North, Arlington, VA 22201–3308

Description of Request: I have secured \$651,000 for the U.S. Naval Sea Cadet Program. The Sea Cadet Program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets and adult volunteers in 387 units country-wide. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Summer training onboard Navy and Coast Guard ships and shore stations is a challenging training ground for developing self-confidence and self-discipline, promotion of high standards of conduct and performance and a sense of teamwork. Funds will be utilized to “buy down” the out-of-pocket expenses for training to \$120/week. NSCC instills in every Cadet a sense of patriotism, courage and the foundation of personal honor. A significant percent of Cadets join the Armed Services often receiving accelerated advance-

ment, or obtain commissions. The program has significance in assisting to promote the Navy and Coast Guard, particularly in those areas of the U.S. where these Services have little presence.

CITY OF BRANDON, MISSISSIPPI
NAMED AS ONE OF THE BEST
PLACES TO LIVE IN 2009

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. HARPER. Madam Speaker, the City of Brandon, Mississippi was recently named as one of America's top small towns in which to live, according to Money magazine. The CNN magazine named this Rankin County city number 54 in its annual list of 100 Best Places to Live. As a city in the Third Congressional District, which I am proud to represent, Brandon is the only Mississippi municipality to make the 2009 list.

The list of 100 American municipalities compares communities with populations of less than 50,000 and takes into account an area's school system, crime rate, median income and racial makeup.

Brandon's job growth was 30.4 percent from 2000–2008 versus about 19.6 percent nationally and the city posts a median income of \$77,679. The city's population is currently 20,600, up from 16,436 in 2000 according to the latest census figures.

A low crime rate was also a key point for Brandon making the study. This is why many of the city's residents consider locking their doors as optional.

Brandon Mayor Tim Coulter said, “I think people are finding out what we've known for years, that Brandon is a great place to live.”

Rankin County Chamber of Commerce director Gale Martin attributes this honor to Brandon's quality of life. He said, “You've got a small-town atmosphere with the big-city amenities,” said Martin. Martin credits quality schools, closeness to cities like Jackson, Meridian and Vicksburg and its short distance from Jackson-Evers International Airport to spurring Brandon's tremendous growth.

The residents of Brandon should also share the honor of this national recognition. Since 1829, residents, first responders, school teachers, pastors and local elected officials have worked tirelessly to ensure that Brandon maintains its standing as the “City of Red Hills with Golden Opportunities.” I salute Brandon, Mississippi and the State of Mississippi, both great places to live in America.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part

of H.R. 3326, the Department of Defense Appropriations Act, 2010:

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 3326, the Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Navy; Electronic Warfare Development

Legal Name of Requesting Entity: Regional Defense Partnership—21st Century

Address of Requesting Entity: 311 Main Road, Building 1, Point Mugu, CA 93042

Description of Request: Naval Air Warfare Center Weapons Division (NAWCWD) Point Mugu is an Electronic Warfare Center of Excellence for the development and maintenance of airborne electronic attack, tactical, and assault system platform electronic warfare (EW) systems. This request for \$4,500,000 is for a laboratory upgrade at Point Mugu that would directly support EA-18G, EA-6B, MH-60, and E-2C platform development. Additionally, this enhanced capability would provide risk reduction to current acquisition programs such as the P-8A multi mission aircraft.

In order to be effective in modern battle scenarios containing multiple threats, the EW weapon system requires the exact location and type of all the threats in a 360 degree, or four quadrant, field of view. The current lab equipment is limited to simulating a 180 degree, or 2 quadrant, field of view of the battle space. The EW Center of Excellence at NAWCWD Point Mugu utilizes laboratory test equipment to simulate this complex electronic battle space. Testing that cannot be performed in the laboratory must be done using flight test hours on an open air EW range. This not only costs more, it is also very difficult to obtain test repeatability and exposes the system under test to electronic eavesdropping. No open air range can duplicate the dense electromagnetic environment of large numbers of threat and friendly emitters encountered in a modern battle scenario. This can only be replicated through laboratory simulation.

Funding is requested to upgrade the EW laboratory facility at NAWCWD Point Mugu to a four quadrant simulation capability and acquire the AMES III High Speed Calibrator and the Airborne Interceptor Simulator for real world threat simulations. The bill provides \$4,000,000 in funding for this project request.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. HELLER. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3326

Account: Other Procurement—Air Force

Legal Name of Requesting Entity: Nevada Air National Guard

Address of Requesting Entity: 2460 Fairview Dr., Carson City, NV 89701

Description of Request: \$1,000,000. This funding will allow the Nevada Air National Guard to purchase Scathe View, which is a unique intelligence, surveillance, and reconnaissance system. Scathe View provides real time imagery support to combat operations, search and rescue operations, as well as support to civil authorities during natural disasters. This technology is essential in allowing the Nevada Air National Guard to fulfill both its foreign and domestic responsibilities.

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3326

Account: Operations and Maintenance—Army Reserve

Legal Name of Requesting Entity: Nevada National Guard

Address of Requesting Entity: 2460 Fairview Dr., Carson City, NV 89701

Description of Request: \$1,000,000. This funding will allow Nevada National Guard the ability to man their Joint Operations Center 24/7 with trained professional staff to meet its emergency readiness responsibilities throughout the state.

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3326

Account: Research, Development, Test, and Evaluation—Army

Legal Name of Requesting Entity: Day & Zimmermann Hawthorne Corporation—Hawthorne Army Depot

Address of Requesting Entity: 2 South Maine, Hawthorne, NV 89415

Description of Request: \$1,000,000. This funding will be used for the development of a rocket motor contained burn system which demilitarizes rockets safely. The system will be used for Multiple Launch Rocket System (MLRS) motors, and will be adaptable to other larger rocket motors.

dated garments that are bulky, do not fit the aircrew population, have minimal water and wind resistance, limited moisture management and cannot decrease or increase thermal value by addition or removal of layers. The majority of aircrews do not have this system.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3326

Account: Operations and Maintenance—Operating Forces

Legal Name of Requesting Entity: Peckham Industries

Address of Requesting Entity: 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide funding of \$2,600,000 for a Cold Weather Layering System (CWLS) for U.S. Marine Corps Expeditionary Forces. The Marine Corps requirement for the Polartec components to CWLS is 202,000 units. \$2,600,000 will fund approximately 13,000 sets of CWLS. The CWLS is designed to reduce the weight and volume that a Marine operating as dismounted infantry must carry to accomplish combat missions in mountainous and cold weather environments.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3326

Account: Combat Vehicle and Automotive Technology

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: MSU Campus, East Lansing, MI, 48824

Description of Request: Provide funding of \$3,500,000 for advanced composite materials research Operating costs, salaries for researchers, purchase of research equipment, continued lease of the building housing CVRC. This broadly based ongoing program of basic research on composite materials and structures will support the U.S. army, navy, marines and air forces in the design, production, inspection, and repair of safe, durable, lightweight, energy-efficient tactical and strategic land, marine, and air vehicles that will function dependably in severe environments. Some specific service needs addressed include the repair or replacement of vehicles lost or damaged in the Middle East, the requirement for lightweight trailers and vehicles for the U.S. Marines, improvement of design and fabrication of aircraft and watercraft, the creation of deployable inspection techniques, and the furthering of development of heavy combat vehicles that can be easily transported on available cargo aircraft. The results will also contribute to improved exploitation of composites in light-weight personal armor for military and police personnel.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3326

Account: Combat Vehicle And Automotive

Legal Name of Requesting Entity: NextEnergy

Address of Requesting Entity: 461 Burroughs, Detroit, MI 48202

Description of Request: Provide funding of \$4,100,000 for The NextEnergy Center to work with the National Automotive Center to develop and deploy Smart Plug-In Hybrid Vehicle (PHEV) technology in support of Defense Department ("DoD") initiatives to reduce fuel

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, The Department of Defense Appropriations Act of Fiscal Year 2010.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3326

Account: Other Procurement—Aviation Support Equipment—Aviation Life Support

Legal Name of Requesting Entity: Peckham Industries

Address of Requesting Entity: Peckham Industries, 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide funding of \$2,500,000 for a Multi Climate Protection System (MCPS) for U.S. Navy and Marine Corps aircrews. The U.S. Navy and Marine Corps requirement for MCPS is 21,500 units. \$2,500,000 will fund approximately 1,250 sets of MCPS. MCPS is designed to replace out-

consumption using vehicles with exportable high-quality electric power. Will fund associated operating expenses, construction and building maintenance, feasibility studies, equipment purchase, technician salaries, travel, and federal overhead. A smart PHEV will supplement electrical power generation via exportable electric power from the vehicle, and reduce emissions by the vehicle fleet. Funding will support continued development of new stationary and mobile charging and discharging infrastructure and technologies associated with smart Plug-In Hybrid Electric Vehicles with vehicle to grid (V2G) connectivity including power transfer and the associated communication to support integration of electric vehicles for military and commercial stationary power applications. NextEnergy will pursue technologies that have tactical and non-tactical utility.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that was included at my request in H.R. 3326, The Defense Appropriations Bill of Fiscal Year 2010:

Adaptive Diagnostic Electronic Portable Test Set (ADEPT)

Account: Department of Defense, Operations Navy Other Procurement

Legal Name of Requesting Entity: Mikros Systems

Address of Requesting Entity: 7887 Bryan Dairy Road, Suite 220, Largo, Florida 33777

Description of Request: Provides \$1,000,000 for Department of Defense to conduct a competition for the Adaptive Diagnostic Electronic Portable Test Set (ADEPT). The Adaptive Diagnostic Electronic Portable Test Set (ADEPT®) program is an intelligent, automated, programmable electronic test tool designed to aid shipboard technical personnel in the maintenance, alignment, calibration, and error diagnosis of radar and other complex electronic systems.

Advanced Battery Technology (ABT)

Account: United States Army, RDT&E

Legal Name of Requesting Entity: Enser Corporation

Address of Requesting Entity: 5430 70th Avenue North, Pinellas Park, FL 33781

Description of Request: Provides \$2,000,000 in funding for Advanced Battery Technology (ABT) in the Fiscal Year 2010 Appropriations Bill. This program is intended to establish a United States owned thermal battery capability to support advanced weapon systems. There are only two companies in the world that can produce these products. Enser Corporation is the only domestic source. Advancement in thermal battery technology is required for next generation weapons systems for strategic defense and advanced guided munitions, smart bombs and missiles.

Advanced Conductivity Program (ACP)

Account: United States Army, RDT&E

Legal Name of Requesting Entity: Eclipse Energy Systems Inc.

Address of Requesting Entity: 2345 Anvil Street North, St. Petersburg, FL 33710

Description of Request: Provides \$1,000,000 for the Advanced Conductivity Program (ACP). The United States Army has recognized the need for the manufacture of advanced nanotechnology film materials. These films reduce solar loading of vehicles and are transparent; electrically and thermally conductive and flexible; thereby enhancing the transparent and armor capability of avionic window systems. This allows the soldier increased situational awareness, survivability and effectiveness on the battlefield.

Advanced Detection of Explosives (ADE)

Account: United States Air Force, RDT&E.

Legal Name of Requesting Entity: Alaka'i Consulting & Engineering, Inc.

Address of Requesting Entity: 7887 Bryan Dairy Rd, Suite 220, Largo, FL 33777

Description of Request: \$2,000,000 was requested for the United States Army to conduct a competition to provide for the Advanced Detection of Explosives (ADE). ADE will improve current counter-IED technology and detect improvised explosives devices (IEDs) at safe standoff distance thereby increasing survivability of warriors on the battlefield.

Advanced Electronic Components for Sensor Arrays

Account: United States Air Force, Aerospace Sensors

Legal Name of Requesting Entity: Custom Manufacturing & Engineering, Inc. (CME)

Address of Requesting Entity: 2904 44th Avenue North, St. Petersburg, FL 33714

Description of Request: \$3,000,000 was requested for the United States Air Force to conduct a competition to provide for the Advanced Electronic Components for Sensor Arrays which will provide the Air Force with detailed designs and integration of advanced, lower cost electronic sensor components. These components will be used in large-scale phased array antenna architectures and other passive electromagnetic and EO/IR sensor arrays. These modular components for DC powered devices and critical power components effectively militarized will also support other highly integrated sensor arrays across the military services—air, space, ship, and shore assets.

AN/AAR-47B(V)2 Missile Warning System

Account: United States Navy, Aircraft Procurement

Legal Name of Requesting Entity: Alliant Techsystems (ATK), Inc.

Address of Requesting Entity: 13133 34th Street North, Clearwater FL 33762

Description of Request: \$5,000,000 will be provided for the United States Navy for advancements in the AN/AAR-47B(V)2 Missile Warning System. The AN/AAR-47B(V)2 Missile Warning System is an extremely effective, low cost, missile warning system that provides significant timely warning of missile and laser threats to U.S. aircraft. This program will provide upgrades for new requirements based on emerging threats in the Global War on Terrorism, and it will address long-term performance improvements for emerging threats. This

system is currently fielded in a wide variety of fixed wing and rotary wing aircraft currently being used in Iraq and Afghanistan. The lessons learned from years of combat operations and subsequent upgrades to this system which would enhance the ability of the aircraft to avoid being shot down.

Autonomous Marine Sensors and Networks for Rapid Littoral Assessment

Account: United States Navy, ONR RDT&E

Legal Name of Requesting Entity: University of South Florida

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa, FL 33620

Description of Request: Provides \$3,000,000 for the continuation of the Autonomous Marine Sensors and Networks for Rapid Littoral Assessment. This program continues development of advanced underwater sensing systems and associated networks that provide rapid assessment of underwater threats along the shoreline, providing greater security to bases and ports both domestically and abroad.

Ballistic Missile Technology (BMT)

Account: Air Force RDT&E

Legal Name of Requesting Entity: Honeywell

Address of Requesting Entity: 13350 U.S. Highway 19 North, Clearwater, FL 33764

Description of Request: \$2,000,000 for the United States Air Force to conduct a competition to provide for the Ballistic Missile Technology. This project will help develop and mature the current Minuteman III program, the Navy's Trident D-5 Life Extension and Prompt Global Strike mission.

BATMAV Program Miniature Digital Data Link (DDL)

Account: United States Air Force, RDT&E

Legal Name of Requesting Entity: Draper Labs

Address of Requesting Entity: 9900 16th St N, PO Box 22369, St Petersburg, FL 33742-2369

Description of Request: \$2,000,000 for the United States Air Force to conduct a competition for the development of the BATMAV Program Miniature Digital Data Link (DDL). The U.S. Air Force is developing a small one-man packable and one-man operable Battlefield Air Targeting Micro Air Vehicle (BATMAV) for reconnaissance, surveillance, target acquisition and battle damage assessment. A MCM micro Digital Data Link (DDL) will be developed with an agile frequency capability (providing multiple frequencies for AFSOC UAV operations) controlled via a USB computer interface and encryption capabilities to protect command and control and sensor communications.

Battlefield Sensor Netting (BSN)

Account: United States Navy/Marine Corps, RDT&E

Legal Name of Requesting Entity: SAIC

Address of Requesting Entity: Central Avenue, Suite 1370, St. Petersburg, FL 33701

Description of Request: \$3,000,000 for the United States Navy for the continuation of development for Battlefield Sensor Netting (BSN). BSN will provide the warfighter with unparalleled access to mission critical, real-time sensor data. Although tremendous progress has been made in the advancement of sensors, there has not been a corresponding advancement in data link network

technologies that can effectively disseminate, display and exploit the tremendous amounts of data generated by modern sensor systems. The Battlefield Sensor Netting program bridges the sensor to shooter gap. It would provide a high bandwidth data network that combines the advantages of low cost, highly capable commercial wireless technologies with the extended range, jamming resistance and security provided by phased array antennas, military encryption systems and network software.

Advanced Development of CBRN Detection Payload for Unmanned Rotary Wing Aircraft

Account: United States Department of Defense, Defense Wide, RDT&E/DW

Legal Name of Requesting Entity: Constellation Technology Corporation

Address of Requesting Entity: Young-Rainey STAR Center, 7887 Bryan Dairy Road, Suite 100, Largo, Florida 33777-1452

Description of Request: \$2,000,000 for the Department of Defense to conduct a competition for the development of an Advanced Development of CBRN Detection Payload for Unmanned Rotary Wing Aircraft. The New rotary wing unmanned aircraft offers many key benefits for CBRN detection in that they are capable of staying near a potential source (hovering) for extended periods. This effort is designed to take the lessons learned from fixed wing aircraft and develop a CBRN detection payload for rotary wing aircraft. Rotary wing aircraft offer a great potential improvement in the ability to detect CBRN from the air. The Rotary Wing UAV platforms are expected to be a more proficient means in addressing payload considerations associated with detector technology in the detection of Weapons of Mass Destruction (WMD).

Comprehensive Maritime Domain Awareness

Account: United States Department of Defense, Defense Wide, RDT&E/DW

Legal Name of Requesting Entity: SRI International

Address of Requesting Entity: 140 7th Avenue South, St. Petersburg, FL 33701

Description of Request: \$4,000,000 for the Department of Defense to provide for the continuation of development for Comprehensive Maritime Domain Awareness. The current program is conducted in conjunction with the University of South Florida. This funding would continue an ongoing successful program to detect, deter or prevent terrorist attacks against our ports as well as support a broad group of local and regional law enforcement agencies, national and defense assets tasked with protecting ports, waterways, and the general maritime commerce. The program is developing a comprehensive, networked, water-side and landside port and maritime domain awareness system. The initiative applies the latest available technology and develops new capabilities to fill deficiencies in existing systems. Technology used to support the effort takes advantage of the latest advances in micro-systems and nano-materials for sensors and communications.

Cooperative Engagement Capability (CEC)

Account: United States Navy, RDT&E

Legal Name of Requesting Entity: Raytheon Company

Address of Requesting Entity: 7401 22nd Avenue North, Building D, St. Petersburg, Florida 33710

Description of Request: \$5,000,000 for the United States Navy to conduct a competition to provide for improvements to the current Cooperative Engagement Capability (CEC) program. CEC is the premier anti-air warfare sensor networking system for the United States Navy. Additional research and development funding will support critical anti-tamper upgrades to safeguard CEC technology and modify the CEC algorithms to support fleet defense against emerging threats. The anti-tamper upgrades will allow CEC technology to be used by our closest allies (the U.K. and Australia; also possibly Canada), thereby fostering an interoperability between our navies.

Countermeasures to Chemical and Biological Controls—Rapid Response

Account: United States Department of Defense, Defense Wide, RDT&E Defense-Wide, Chemical and Biological Defense Program

Legal Name of Requesting Entity: University of South Florida

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa, FL 33620

Description of Request: Provides \$3,500,000 for Countermeasures to Chemical and Biological Controls—Rapid Response. This project assists the Department of Defense to primarily focus in two important medical areas: (1) numerous sub-project investigations, studies and research which has led to the development of recognized diagnostics and vaccines that are used to treat infectious diseases and more rapid response to chemical and biological agents such as anthrax, and (2) a highly successful program of training and education for first responders both in and outside of Florida. Over 3,500 persons (law enforcement officers, firefighters, medical personnel and the media, to name a few) have been trained to act quickly and efficiently in the event of a terrorist attack or natural disaster condition which necessitates the highest level of productivity to protect affected communities.

Countermeasures to Combat Protozoan Parasites (Toxoplasmosis and Malaria)

Account: United States Department of Defense, Defense-Wide, RDT&E, Defense-Wide, DARPA, Defense Research Sciences

Legal Name of Requesting Entity: University of South Florida

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa, FL 33620

Description of Request: Provides \$2,000,000 for Countermeasures to Combat Protozoan Parasites (Toxoplasmosis and Malaria). There has been an increasing rate of difficulty to diagnose and treat infectious diseases occurring from battlefield experiences and exposure to multiple hazards. This project singularly focuses on specific molecular determinants of that threat and new research to lead to effective drug discovery treatments. The project also focuses on delivery and deployment of therapies directly to military personnel. This area of research is under funded in the U.S. military at present and is a growing and compelling need to protect our service members from long-term disability and death.

Expansion of the Forensic Intelligence Technologies and Training Support Center of Excellence in Largo, Florida

Account: Defense Wide, RDT&E Procurement

Legal Name of Requesting Entity: National Forensic Science Technology Center

Address of Requesting Entity: 7881 114th Avenue North, Largo, FL 33773

Description of Request: Provides \$2,000,000 for Expansion of the Forensic Intelligence Technologies and Training Support Center of Excellence in Largo, Florida. This program currently has a strong working relationship with both SOCOM and CENTCOM. In addition the NFSTC works closely with the U.S. Army Criminal Investigation Laboratory (USACIL) which provides all the operational analysis and some reach back support to SOCOM. These factors along with over 65,000 sq ft of specifically designed training space make this an excellent regional training site for all Department of Defense forensic related training.

Florida Counterdrug Program

Account: United States Army National Guard, Operations and Maintenance

Legal Name of Requesting Entity: Florida Army National Guard

Address of Requesting Entity: 82 Marine Street, St. Augustine, Florida 32084

Description of Request: Provides \$3,000,000 for the Florida Counterdrug Program. The Florida National Guard has the foremost Counterdrug Program in the nation. This funding would continue an ongoing successful program to detect, deter or prevent successful Drug Trafficking Organizations. This program continues to develop and resource innovative tactics to prevent penetration of our borders and reach our youth. The Florida National Guard is prepared to meet this challenge. In light of the ever emerging threats to our citizenry, this funding will sustain the Florida Counterdrug Program in its current capability in supporting our law enforcement and community-based program partners and defending the citizens of our Nation and State against the source of illegal drugs.

Florida National Guard (FLNG) Total Force Integration

Account: United States Air Force, RDT&E, Advanced Spacecraft Technology

Legal Name of Requesting Entity: Honeywell Aerospace, Space Systems

Address of Requesting Entity: 13350 U.S. Hwy 19 North, Clearwater, FL 33764

Description of Request: Provides \$3,000,000 for Florida National Guard (FLNG) Total Force Integration. This project will enable Florida National Guard involvement in new range initiatives that will address the responsive space mission in addition to addressing a number of pressing Air Force and DOD range issues such as increasing launch costs, range infrastructure costs and range radar reliability, all of which have been challenges over the last decade. The Florida National Guard brings a unique perspective and expertise necessary to take full advantage of Total Force Integration; reducing the significant probability of failure of range instrumentation. The Guard provides safe and on-time launch range capabilities with lower costs and shorter cycle times, and provides lighter and leaner range operations.

High Performance Thermal Battery Infrastructure Project

Account: Defense Wide, Defense Production Act

Legal Name of Requesting Entity: Enser Corporation

Address of Requesting Entity: 5430 70th Avenue North, Pinellas Park, FL 33781

Description of Request: Provides \$3,000,000 for the High Performance Thermal Battery Infrastructure Project. This project will greatly enhance the Defense Production Act Title III Program. The Battery Production Project is critical to meet production requirements of next generation weapon systems supporting the U.S. Homeland and U.S. War Fighters engaged in the Global War On Terror (GWOT). This DPA Title III Program Battery Production Project provides the Department of Defense the only manufacturing source available to meet production requirements of next generation weapon systems for the Missile Defense Agency (MDA) strategic defense weapons and advanced tactical guided munitions, smart bombs and missiles for the US Armed Forces. This facility is the only United States owned source of high performance cobalt disulfide thermal batteries.

Integrated Psycho-Social Healthcare Demonstration Project

Account: United States Navy, RDT&E.

Legal Name of Requesting Entity: Health Integrated.

Address of Requesting Entity: 10008 North Dale Mabry Highway, Tampa, FL 33618.

Description of Request: Provides \$1,000,000 for the United States Navy to conduct a competition to provide for an Integrated Psycho-Social Healthcare Demonstration Project. This project proposes to enhance healthcare for US service members and their families, and to proactively address their unique psychological healthcare needs through the use of industry-leading targeted population management models. It will target a pilot population of DoD beneficiaries within a designated Military Treatment Facility area. The target population will be risk stratified.

Intelligence, Surveillance, and Reconnaissance Global Sensors Architecture (ISR-GSA) and Full Motion Video (FMV) Assessment Project

Account: Department of Defense, RDT&E.

Legal Name of Requesting Entity: National Interest Security Company (NISC) / Information Manufacturing Company (IMC).

Address of Requesting Entity: 11300 Dr. Martin Luther King, Jr. Street North, Suite 310, St. Petersburg, FL 33716.

Description of Request: Provides \$2,000,000 for the Department of Defense to conduct a competition to provide for the Intelligence, Surveillance, and Reconnaissance Global Sensors Architecture (ISR-GSA) and Full Motion Video (FMV) Assessment Project. This project fulfills an urgent need by Special Operating Forces (SOF) to achieve near real-time data fusion for deployed sensor systems. This project will supplement and enhance the SOF Warfighter both in Iraq and Afghanistan.

Military / Law Enforcement Counterterrorism Test Bed

Account: United States Air Force RDT&E.

Legal Name of Requesting Entity: Pinellas County Sheriff Office.

Address of Requesting Entity: 10750 Ulmerton Road, Largo FL 33778.

Description of Request: Provides \$3,000,000 for a Military / Law Enforcement

Counterterrorism Test Bed. Civilian law enforcement professionals have unique skills in investigations, crime scene forensics and evidence gathering that are hard to find in the Department of Defense. The test bed program allows the Law Enforcement CT Test Bed to train Department of Defense Personnel in non-traditional warfare skills associated with counter insurgency and counter terrorism missions through interaction and training with the local and federal law enforcement community. These non-traditional law enforcement skills are required in the military's nation building role in urban environments both in Iraq and Afghanistan.

Multi-Jurisdictional Counter-Drug Task Force Training (MCTFT)

Account: United States Army National Guard, Counter Drug Activities

Legal Name of Requesting Entity: St. Petersburg College.

Address of Requesting Entity: P.O. Box 13489, Saint Petersburg, FL 33733.

Description of Request: Provides \$3,500,000 for Multi-Jurisdictional Counter-Drug Task Force Training (MCTFT). This program brings law enforcement, military and civilian personnel together to fight the war on drugs through the Multi-Jurisdictional Counter-Drug Task Force Training (MCTFT) Program. This is the most comprehensive counter-drug training program today and is a federally funded partnership with the Department of Defense's National Guard Bureau, the Florida National Guard and St. Petersburg College. MCTFT provides unique counter-drug training for local, state, federal, and military criminal justice professionals as well as awareness training for community leaders. MCTFT offers in-depth courses covering aspects of counter-drug law enforcement using conventional classroom and scenario models as well as distance learning technologies.

National Functional Genomics Center

Account: United States Army, RDT&E, Advanced Medical Technology.

Legal Name of Requesting Entity: H. Lee Moffitt Cancer Center and Research Institute

Address of Requesting Entity: 12902 Mag-nolia Drive, Tampa, FL 33612

Description of Request: Provides \$6,000,000 for the National Functional Genomics Center. This program will accelerate the discovery of new cancer drugs and save lives and burdensome dislocation of the fighting soldier and support personnel. This adds an enormous financial burden on the Department of Defense Tri-Care program utilized by our DoD veterans, their spouses and dependents. Medical R&D that will improve care, reduce morbidity, be cost specific and bring quality to the system is relevant to the Department of Defense mission and the taxpayer.

National Terrorism Preparedness Institute Anti-Terrorism/Counter-Terrorism Technology Development and Training project

Account: United States Navy, RDT&E.

Legal Name of Requesting Entity: St. Petersburg College.

Address of Requesting Entity: 6021 142nd Avenue North, Largo FL 33760.

Description of Request: Provides \$3,500,000 for the National Terrorism Preparedness Institute Anti-Terrorism/Counter-Terrorism Technology Development and Train-

ing project. This project provides the DOD with technology and training development in the four pillars of combating terrorism: intelligence support, counterterrorism, anti-terrorism, and consequence management. The National Terrorism Preparedness Institute (NTP) will continue to provide training to the DOD, emergency responders, and policy makers. This program will continue research and development of technology and training.

Next Generation Scalable Lean Manufacturing Initiative—Phase Two

Account: United States Navy, RDT&E.

Legal Name of Requesting Entity: Revenge Advanced Composites.

Address of Requesting Entity: 12705 Daniel Drive, Clearwater, FL 33762

Description of Request: Provides \$3,000,000 for the continued development of the Next Generation Scalable Lean Manufacturing Initiative—Phase Two. The second phase of this program could potentially revolutionize the ship building industry taking advantage of modern techniques, current technologies, and advanced materials such as composites. Specifically, this initiative will solve current and immediate operational needs/requirements to develop large-scale, high strength, light-weight structures. There is increasing demand at all levels within the Department of Defense for such modernizations today.

Reduced Manning Situational Awareness project

Account: United States Army, RDT&E.

Legal Name of Requesting Entity: DRS Technologies

Address of Requesting Entity: 6200 118th Avenue North, Largo, FL 33773

Description of Request: Provides \$5,000,000 for the Reduced Manning Situational Awareness project. This program is a Command and Control (C2) system of integrated smart sensors, 3D visualization, video analytics, and bandwidth management. This system automates the monitoring of a wide array of sensors thereby reducing manning requirements and operator fatigue. These capabilities reduce operator costs and increase detection probability and response with increased protection of critical assets. This project will enhance the military capability to perform real-time battle surveillance as well as battle damage assessments.

Regional Emergency Response Network Emergency Cell Phone Capability

Account: United States Army National Guard, Operations and Maintenance

Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 82 Marine Street, St. Augustine, Florida 32084

Description of Request: \$5,000,000 for the United States Army to provide for competition for a Regional Emergency Response Network Emergency Cell Phone Capability program. This program helps military managers and leaders improve efficiency by providing cellular service during the crucial hours after a disaster occurs. This would allow first responders to communicate with already existing hand held equipment thus providing a much quicker and focused coordinated recovery effort.

Second Civil Support Team for Weapons of Mass Destruction in Florida

Account: United States Army National Guard, Operations and Maintenance
Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 400 South Monroe St., Tallahassee, FL 32399.

Description of Request: Provides \$2,000,000 for a Second Civil Support Team for Weapons of Mass Destruction in Florida. This appropriation would allow for continued Operations and Maintenance funding for a second Civil Support Team in Florida. This capability provides the citizens of Florida an increased response capability to match the potential terrorist and natural disaster threats in the state.

Second Civil Support Team for Weapons of Mass Destruction in Florida.

Account: United States Army National Guard, Personnel

Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 400 South Monroe St., Tallahassee, FL 32399.

Description of Request: Provides \$1,200,000 for a Second Civil Support Team for Weapons of Mass Destruction in Florida. This appropriation would allow for continued personnel funding for a second Civil Support Team in Florida. This capability provides the citizens of Florida an increased response capability to match the potential terrorist and natural disaster threats in the state.

Super High Accuracy Range Kit (SHARK) Precision Guided Artillery Round—105mm

Account: United States Army, RDT&E.

Legal Name of Requesting Entity: General Dynamics.

Address of Requesting Entity: 11399 16th Court North, St. Petersburg, FL 33716.

Description of Request: Provides \$5,000,000 for the United States Army to conduct a competition for the Super High Accuracy Range Kit (SHARK) Precision Guided Artillery Round—105mm. This program is a promising technology for providing precision accuracy for 105mm artillery projectiles for use by the Infantry Brigade Combat Team (IBCT) in order to reduce collateral damage. This technology utilizes Global Positioning System (GPS) guidance and rear steering fins packaged in a module that can be used on the newly type classified M1130 Pre-Formed Fragment (PFF) artillery projectiles. This technology incorporates a gun hardened Control Actuator System (CAS) that has been successfully demonstrated on the 155mm Excalibur program.

United States Special Operations Command—SOCOM/STAR-TEC Partnership Program

Account: Defense-Wide, RDT&E, Counter-Drugs

Legal Name of Requesting Entity: CTC Tampa Bay, Inc. (STAR-TEC)

Address of Requesting Entity: Young-Rainey STAR Center, 7887 Bryan Road, Suite 220, Largo, Florida 33777.

Description of Request: Provides \$2,000,000 for the United States Special Operations Command—SOCOM/STAR-TEC Partnership Program. This project would establish an ultra-responsive, local resource, tied to academia, science and industry to meet unique Special Operations Forces (SOF) re-

quirements. STAR-TEC will research and share concepts and information under development by similar Department of Defense organizations and other rapid deployment forces combating the Global War On Terrorism (GWOT).

United States Special Operations Command "SOCRATES" High Assurance Platform Program

Account: Defense-Wide, RDT&E,

Legal Name of Requesting Entity: National Information Assurance Corporation (NIACORP)

Address of Requesting Entity: 7887 Bryan Road, Suite 320, Largo, Florida 33777.

Description of Request: Provides \$1,000,000 for the United States Special Operations Command "SOCRATES" High Assurance Platform Program. This project would establish The High Assurance Platform (Trusted Virtual Environment) that will provide the capability for a secure solution allowing the user to access multi-level information (TS/SCI) to unclassified as well as a multi-domain information (NATO, Coalition) on a single desktop/laptop. Significant cost savings will be realized by the DOD throughout the life cycle of this technology while combating the Global War On Terrorism (GWOT).

X-Band/W-Band Solid State Power Amplifier
Account: Defense Wide, RDT&E.

Legal Name of Requesting Entity: Global Technical Services (GTS)

Address of Requesting Entity: 6901 Bryan Dairy Road, Largo, FL 33777.

Description of Request: Provides \$1,000,000 for an X-Band/W-Band Solid State Power Amplifier. This program will design, develop and test a solid state power amplifier at X-Band/W-Band to replace the current Traveling Wave Tubes (TWT), in order to provide a higher mean time before replacement thereby reducing overall costs.

IN SUPPORT OF H.R. 3200

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BLUMENAUER. Madam Speaker, I submit the following regarding H.R. 3200:

PHYSICIANS

"As a geriatrician who specializes in care of older adults, the more power and choice we can put in the hands of patients the better! My patients are afraid of being overtaken by the health care system. Advance care planning restores the focus to where it belongs—on the patient's goals, the patient's wishes, and putting the patient—not the system—in the drivers seat."—Diane E. Meier, MD, Gaisman Professor of Medical Ethics, Director, Center to Advance Palliative Care, Mount Sinai School of Medicine.

"Patients and families have suffered too much and for too long and needlessly. Adjusting the system so that providers know what the patient's goals for care are allows us what we all want: the chance for every person to live by our values—including when sick. With palliative care we can live life to its fullest till the very last drop—including while curative treatment continues. People make the best decisions when the decisions

are their own. When that happens, as individuals and as a nation, we will be paying for what is right, not for what is wrong. This bill gives us the right to do what is right."—Linda L. Emanuel, MD, PhD, Buehler Professor of Medicine, Director, Buehler Center on Aging, Health & Society at Feinberg School of Medicine.

"As a physician, I strongly believe in advance planning for life threatening illness and end of life care. Patients deserve the opportunity to have voluntary yet candid conversations with their physicians about who they want involved and how they want their care managed during a serious illness. A provision in H.R. 3200 encourages and supports physicians to open the door for these important discussions as their patients deal with unexpected illness and anticipate natural life cycles. Thoughtful planning can only help bring peace, comfort and healing to patients and their families during a difficult time."—Glenn Rodriguez, M.D., Chief medical officer, Providence Health & Services—Oregon.

"Understanding patient preferences for care at the end of life is a key component of patient centered care. Substantial literature indicates that discussing care preferences improves quality of life for patients and reduces caregiver grief. These conversations require skill and time. The Advanced Planning provisions in H.R. 3200 provide training and reimbursement to deliver these essential care components."—Robert A. Gluckman, MD, FACP.

"As a palliative medicine physician and geriatrician who cares for healthy older adults and those living with serious illness and their families, I wanted to express my unqualified support for efforts to promote advance care planning and palliative care in the House health reform bill [H.R. 3200]. These provisions will help ensure that older adults get the care that they want and need by supporting physicians' efforts to identify their patients' goals for medical care and by allowing them to help their patients to select treatments that meet those goals. Too often, my patients are not aware of their options, receive treatments that will not meet their goals, or do not receive treatments that they want and need. The result is unnecessary patient and family suffering. These provisions will make a real difference in addressing this problem."—R. Sean Morrison, MD, Mount Sinai—School of Medicine.

"... Conversations with patients and their loved ones that clarify goals of care, surrogate medical decision makers, and resuscitation preferences help physicians develop plans of care that offer only therapies that will be beneficial and consistent with a patient's wishes. These help tremendously in "focusing" therapies on what the patient would want, reassuring loved ones that care is consistent with that desired, and limiting inadvertent application of unwanted precious medical resources. They are win-win experiences for patients, providers, and payers."—Jeanne Lewandowski, MD, Director of Palliative Medicine, St. John Hospital and Medical Center.

"We cannot change that people for whom we care will die, but we can give them the choice of how they wish to live at the end of their life. Some prefer the support of a hospital, some prefer the comfort of the familiar in their home. Some tolerate extreme discomfort in order to be alert while others will compromise their alertness for relief of pain. We cannot know what people will choose without having the discussion about their choices. Further support for these discussions only improves the care we can tailor

for each individual. Thoughtful consideration of these issues takes time. Patients deserve our full attention when we address these issues.”—Elizabeth Weiss, MD, Bangor, Maine.

“Most Americans will live for some years with a serious chronic condition such as heart failure or dementia before dying, and most of that time will be covered by Medicare. The responsibility falls to Medicare to ensure that this phase of life is rewarding, comfortable, and meaningful by making sure that citizens get the information to make choices that serve us well—and making sure that the services we need then are reliable and efficient. For far too long, Medicare has paid attention mainly to the issues and treatments that matter most earlier in life—Medicare has to take the lead in good care for the last years of life. Only one American in five dies before becoming eligible for Medicare. We have the opportunity to build the care system we can trust to serve us well in the last years of life, and we should seize it.”—Joanne Lynn, MD, Author of *The Handbook for Mortals*.

The focus of health care should be what is the best care for patients as related to their life values and personal goals. As a physician, I often find that evidenced-based clinical care falls short of the dignity and comfort when the disease is non-curable and in time, result in death. Empowering people to make the best decisions related to their health care requires much discussion about their diseases. It is, in fact, allowing people to make their own decisions, to be heard, to be respected, and to be cared for to the best of our abilities regardless of disease treatment and or symptom management. I support the advance care planning provisions in H.R. 3200 because health care decision-making is American. It is the patient's right to make an informed decision and not for the government to decide what choices to make.—Mark A. Fox, MD, Florence, South Carolina.

It takes a great deal of time to discuss advanced directives with patients. This time spent should be compensated through the Medicare program. Euthanasia is never part of the discussion. Most physicians are ethically opposed to euthanasia, either active or passive. It is also illegal in 98% of the states.—Martin A. Grossman, MD, New York.

NURSES

“As trusted patient advocates, the nursing members of the Hospice and Palliative Nursing Association witness the suffering experienced by patients and family members during difficult times when advance care planning does not occur. We are, therefore, very pleased to see the specific language of this bill [H.R. 3200] assuring the patient's right to express their wishes through open discussions and know this change will indeed allow for improvement in patient care.”—Judy Lentz, RN, MSN, NHA, CEO, Hospice and Palliative Nurses Association.

“As an advanced practice nurse working in palliative care I know we improve lives of patient and families daily. I can not emphasize how critical advance care planning and palliative care is to the American health care system and fully support the provisions of H.R. 3200 that provide for Medicare coverage of these important conversations between patients and their health care providers.”—Patrick J. Coyne, MSN, APRN, Richmond, Virginia.

“What is important for health care reform and for the ninety million Americans living with serious illness is that care is focused on quality of life, management of the symptoms

that accompany chronic disease, and facilitation of care that reflects patient goals and values. As a geriatric nurse practitioner and palliative care program director, I strongly support inclusion of advance care planning and palliative care—the medical specialty that focuses on preventing and treating the debilitating effects of serious and chronic illness—as a solution to achieving quality health care.”—Lyn Ceronsky, APRN, MS, Director, Palliative Care Program at the Fairview Palliative Care Leadership Center

PATIENT ADVOCATES

“This measure would not only help people make the best decisions for themselves, but also better ensure that their wishes are followed. To suggest otherwise is a gross, and even cruel, distortion—especially for any family that has been forced to make the difficult decisions on care for loved ones approaching the end of their lives. AARP is committed to improving the quality, effectiveness, and affordability of health care for our 40 million members and their families. We will fight any measure that would prevent individuals and their doctors from making their own health care decisions. We will also fight the campaign of misinformation that vested interests are using to try to scare older Americans in order to protect the status quo.”—John Rother, Executive Vice President, AARP.

“The goal of this measure is to honor an individual's choice to have or to limit life-sustaining treatments. By developing tools to help people with Medicare and their families make educated decisions about treatments, we can assure that an individual's preferences for care are respected.”—Paul Precht, Director of Policy and Communications, Medicare Rights Center.

“In La Crosse, health professionals taking time to fully inform their patients and their patient's family about future choices better assures that the patient receives the best care possible in light of that patient's health condition, religious and cultural values and that these decisions are really known by the family. Such a process benefits everyone involved and better assures that our utilization of health resources are actually matched with patient goals. This is a far better method of distribution of resources than the society deciding what is best for the patient.”—Bud Hammes, Ph.D., Director of Medical Humanities, Gunderson Lutheran Medical Foundation.

“The National Coalition for Cancer Survivorship supports the advance care planning provisions of H.R. 3200, which will help patients make well-informed decisions about the care they want and need at the end of life. A first step toward patient-centered care is productive dialogue between patients and their caregivers, communication that is not adequately valued in the current health care system. The practice of advance care planning gives patients more control over their health care than currently exists.”—Ellen L. Stovall, 37-Year Cancer Survivor and Acting President & CEO, National Coalition for Cancer Survivorship.

“Make no mistake. Living wills and proxies (advance directives) ensure that we—as opposed to just the doctors—have a clear voice and a choice in our care should we reach that most vulnerable stage where we can't advocate for ourselves. This is why I've chosen to have a health care proxy, and I applaud [Representatives] Levin and Blumenauer's efforts on this matter.”—Joseph Rickards, Patient Advocate, New York City.

FAITH COMMUNITY

“The Supportive Care Coalition is a nationwide collaborative of 20 Catholic health care organizations that assists Catholic health ministries in addressing the physical, emotional, psychosocial and spiritual needs of those suffering from life-threatening and chronic illness, as well as those approaching the end of life. We have long supported measures that improve palliative care and end-of-life services, eliminate barriers and build a more connected health care experience across the continuum of care. Central to achieving patient-centered, quality care is strong communication between patients and their health care providers and for these reasons, we strongly support the advance care planning provisions in H.R. 3200.”—Sister Karin Dufault, SP, PhD, RN, Executive Director, Supportive Care Coalition: Pursuing Excellence in Palliative Care.

“Reflection about the end of life, including elements in medical care, is important for all of us. Such discernment and discussion with loved ones can be enhanced by conversations with thoughtful and caring physicians. Actual decisions are always our own informed by our values and moral perspectives.”—Msgr. Charles J. Fahey.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010:

Name: Advanced Autonomous Robotic Inspections for Aging Aircraft

Bill #: H.R. 3326

Account: Operations & Maintenance, Air Force

Legal Name of requesting entity: Veracity Technology Solutions, LLC

Address of requesting entity: 2701 Liberty Parkway, Suite 311; Midwest City, OK 73110

Description: Provide an earmark of \$1 million for the purposes of providing military aviation with an inspection system vehicle which will be utilized for the autonomous gathering of nondestructive inspection (NDI) data for the detection of corrosion and cracking on the KC-135 wing skins as well as other aging aircraft. This funding will allow Veracity Technology Solutions (VTS) to complete development and implement a precise and cost-effective autonomous vehicle that can provide these needed inspection results. This system will allow for condition assessment of aircraft structures, as well as continuous assessment through the historical comparison of previous and present inspection results. Currently the method for inspecting the wing skins of the KC-135 aircraft is with traditional NDI methods that are both antiquated and time consuming. Veracity, in collaboration with the Air Force have proven the ability to reduce the time of inspection on the KC-135 wing skin by a factor of 5X through the successful demonstration of a semi-autonomous automated inspection vehicle. With the addition of these

congressional funds, Veracity will be able to implement a fully automated autonomous robotic vehicle that has the capability to inspect for corrosion as well as crack detection around fasteners. This system will allow maintenance personnel to set up the automated vehicle, perform the scan, analyze data real time, and perform visual inspection of fasteners which is currently not available to maintenance personnel. This system will decrease the maintenance downtime and unnecessary refurbishment of serviceable components. Without this system there is the increased risk of the catastrophic failure of these critical components. This project will provide a state-of-the-art NDI system and training that have the potential to decrease costs while assuring safety and airworthiness. This plan provides information regarding the development and deployment of two platforms. The first 60% of the granted earmark funds will be utilized on the deployment of the Autonomous Robot with the Eddy Current and Ultrasonic Inspection capabilities. The remaining 40% will be utilized for the deployment of additional proof of project concept between the KC-135 program office and Veracity. These inspections will help eliminate the need for hazardous x-ray technology, reduce idle workers, due to the use of x-ray technology, reduce flow delays, and greatly improve efficiency. There are as many as 126 inspections on the KC-135 that are meeting these criteria according to Boeing and Air Force officials, which are expected to save more than \$1.5 million annually. If this inspection were to be deployed fleet-wide the savings could grow to more than \$55 million. These requirements are based upon US Air Force's needs for a more reliable and sensitive inspection system.

Name: Joint Fires and Effects Trainer System Enhancements

Bill #: H.R. 3326

Account: RDT&E, Army

Legal Name of requesting entity: Creative Technologies, Inc.

Address of requesting entity: 6255 W. Sunset Blvd., Suite 716; Los Angeles, CA 90028

Description: Provide an earmark of \$2,500,000 for the purpose of testing and developing a handheld interactive application that will develop the capability of the Artillery branch to export the JFETS Training capability to forces not located at Fort Sill, OK. The application of precision fires and effects is an essential capability not only in current theaters of war, but in virtually the entire spectrum of conflict for which US defense forces prepare. Live fire training cost and environmental impact are limiting factors in the volume and frequency of Soldier training in this domain. Virtual simulation training for Joint Fires and Effects is intended to mitigate these limitations, for both initial training and currency, by reducing total cost and increasing the total number of training repetitions Soldiers may experience. The Joint Fires and Effects Trainer System (JFETS) at the Fires Center of Excellence (FCoE), Fort Sill, Oklahoma has received funding to develop an excellent prototype; Joint Forces Command rates the JFETS Close Air Support Module as the best in existence. The current system design, however, limits throughput and, as a result, Instructors at the FCoE are unable to use the system to its full-

est potential for their classes. Accordingly, the FCoE Fires Battle Lab in 2008 commissioned a study to increase throughput in the JFETS Open Terrain Module (OTM): a key venue for Call For Fire Training. The results of this study propose a technological enhancement that will allow a single Instructor to manage nine concurrent discrete call for fire training sessions in the OTM facility: an 800% increase in efficiency over the current configuration. While the underlying technology in the proposed solution is mature and sound, the question remains as to whether the enhancement will work as planned. In effect, there is a need to determine whether a single instructor will be able to manage nine concurrent sessions as predicted. Notwithstanding this increase in efficiency, the JFETS OTM will still be, relatively speaking, a scarce resource at the FCoE. Additionally, students will need to review training received on the OTM and other JFETS modules in the field after training in the school house. To maximize the value of Soldier training time in the JFETS, an interactive application is required to drill Soldiers in the five essential elements of accurate predictive fires to prepare them before they train in the immersive environment and reinforce that training once they leave. An extension to the JFETS suite of capabilities, the application will be designed to work on a variety of platforms. FCoE leadership has expressed interest in an application to work on a Personal Digital Assistant (PDA), Smartphone or other portable platform in addition to a desktop computational environment.

Name: Tactical Metal Fabrication System (TACFAB)

Bill #: H.R. 3326

Account: RDT&E, Army

Legal Name of requesting entity: IMTEC

Address of requesting entity: IMTEC Plaza, 2401 North Commerce; Ardmore, OK 73401

Description: Provide an earmark of \$1 million for TacFab. 63% will be used for a Shelterized Integration of a Low-End (TacFab) Capability. An additional 37% will be used for the Integration of Full-Up Deployable (TacFab) Capability. TacFab demonstrates a tactically mobile, rapid metal fabrication capability that will be a companion unit to the MPH to provide spare and replacement parts to our Warfighters in theater, and also as a stand-alone metal casting resource provided to domestic organic Army depots and industrial facilities in support of RESET activities. TacFab provides a containerized, mobile foundry to the U.S. Army, allowing deployed forces to produce spare and replacement parts in the field. This cuts the order time from weeks or months to 24 hours. The Army uses its Rapid Manufacturing System to provide deployed forces with critical spare and replacement parts to keep its tanks, helicopters, guns and other systems operating under the extreme wear and tear of battle. The system provides troops on the ground with parts that they would otherwise need to wait weeks or months for, if they were being ordered through the standard supply chain and shipped to the front. However, because the existing system does not include a mobile foundry, the system cannot address the need for cast parts, which make up a large percentage of needs. The Tactical Metal Fabrication (TacFab) System

will provide a complementary capability to the RMS to cut the time required to produce parts by 90%.

Name: UAV/UAS Test Facility

Bill #: H.R. 3326

Account: RDT&E, DefenseWide

Legal Name of requesting entity: University Multispectral Labs

Address of requesting entity: 500 West South Avenue; Ponca City, OK 74601

Description: Provide an earmark of \$3 million to advance the National Unmanned Aerial Vehicles/System (UAV/S) Test Facility initiated in FY2009. The test facility is located adjacent to restricted Fort Sill, Oklahoma airspace and established on behalf of the United States Special Operations Command. 68% is for material, engineering support, range equipment and renovations, and 32% is for further creation of high-technology jobs consisting of technicians, engineers and scientists. Facility will also support Army Fires Center of Excellence and foster a positive impact on the surrounding areas. The UML has a fully executed Memorandum of Agreement with the Garrison Commander supported by the Fort Sill Commanding General.

Name: Infrared Materials Laboratory

Bill #: H.R. 3326

Account: RDT&E, Navy

Legal Name of requesting entity: Amethyst Research Inc.

Address of requesting entity: 1405 4th Ave. NW, Box 345; Ardmore, OK 73401

Description: Provide an earmark of \$3.5 million for advanced infrared systems development. Approximately 83% is for research, development, testing and evaluation; approximately 14% is for research equipment lease, and approximately 3% is for building lease. This project has the support of key officials within the Department of Defense and from U.S. suppliers of key defense-related technologies to the U.S. Government. This request is consistent with the intended and authorized purpose of the ONR, RDTE, N account. While not required to do so, the State of Oklahoma and the host community City of Ardmore have committed non-federal dollars toward this national priority. The Infrared Materials Laboratories are overcoming the technical and financial barriers preventing the use of HgCdTe (Mercury Cadmium Telluride) on large-format Si (Silicon) substrate infrared focal plane arrays (IRFPAs) and also are resolving related DoD challenges of the highest national priority. This research, performed by a highly respected team of former NVESD, Oak Ridge National Lab, Sandia National Labs, General Electric, ONR, and USAF scientists at Amethyst Research Inc. as well as at collaborating research universities and DoD equipment manufacturers will: (1) dramatically lower the cost of high-performance IR devices for DoD applications, (2) create a stable, domestic supply of wafers for IRFPA fabrication at all major U.S. infrared houses, and (3) put superior technologies into the hands of the U.S. warfighter more quickly. DOD requirement for funds is: "Passivation of Dislocation Defects by Hydrogenation for High Performance LWIR HgCdTe on Si"—NVESD W15P7T-05-C-F401; "Si Based Large Area Substrates for HgCdTe Infrared Detectors"—ARO W911 NF-06-0074; "Defect Mapping of Wafers for Increasing Yield and Operability of Infrared

Focal Plane Arrays"—MDA, Pending; "Passivation Technologies for Improved Operability and Radiation Hardness of VLWIR HgCdTe Focal Plane Arrays"—MDA HQ006-07-C-7705, B063-025-044. This program will eliminate complete DoD dependency on a single, foreign source for a key component of infrared sensors. Further, this program will reduce DoD's cost to acquire and deploy high-performance IRFPAs (including 3D LADAR technologies) and improve the ability of DoD assets to distinguish, track, and target well-camouflaged enemy assets in highly cluttered environments and in space. The goal of this program is to reduce by a factor of five (5) DoD's current \$200,000 cost per IRFPA. DoD estimates that the program's integral proprietary defect characterization system alone will result in taxpayer savings of \$100,000,000 over 10 years. This effort is rooted in proprietary hydrogenation, wafer mapping and repair techniques that dramatically improve the operability and yield of infrared focal plane arrays used in military and homeland security applications. It will result in the production of large-area HgCdTe on Si wafer substrates and defect mapping and repair/mitigation on existing CdZnTe wafer substrates. The major U.S. infrared manufacturing houses are collaborating with Amethyst Research Inc. on this effort. The President of the United States has determined that certain components of this program are of the highest national priority.

HONORING JACKIE S. ROWLES, CRNA, MBA, MA, FAAPM, PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BUYER. Madam Speaker, today I pay tribute to Jackie S. Rowles, CRNA, MBA, MA, FAAPM, of Indiana. Ms. Rowles will soon complete her year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that a fellow Hoosier served as the 2008-2009 President of this prestigious national organization.

Celebrating its 78th Anniversary, the AANA is the professional organization that represents more than 40,000 practicing Certified Registered Nurse Anesthetists (CRNAs). Founded in 1931, the AANA is the professional association representing CRNAs nationwide. As you may know, CRNAs are advanced practice nurses who administer more than 27 million anesthetics in the United States each year. CRNAs practice in every setting in which anesthesia is delivered: traditional hospital surgical suites and obstetrical delivery rooms; critical access hospitals; ambulatory surgical centers; the offices of dentists, podiatrists, ophthalmologists, plastic surgeons, the U.S. military, Public Health Services, Department of Veterans Affairs healthcare facilities, and finally, like Ms. Rowles, some are specialists in the management of pain.

Ms. Rowles was educated in the art and science of Nurse Anesthesia, at the Truman

Medical Center, in Kansas City, Missouri. She earned her Bachelor of Science in Nursing (BSN) from Ball State University, in Muncie, Indiana. In addition, Ms. Rowles also holds a Master of Arts (MA) degree in Biology from the University of Missouri at Kansas City, and a Master of Business Administration (MBA) from Memphis State University in Memphis, Tennessee. Currently, she is an Anesthetist within the Meridian Health Group, which provides pain management services in and around the Indianapolis area.

Ms. Rowles has held numerous leadership positions in the AANA as Regional Director, Vice-President, and President-elect before becoming the National President of the AANA in 2008. In addition, Jackie has served terms as President, President-Elect, and Secretary, for the Indiana Association of Nurse Anesthetists (INANA). She has received the Excellence Award from the Indiana Association of Nurse Anesthetists; the Outstanding Nursing Alumni Award from Ball State University; and the AANA Alice Magaw Outstanding Clinical Practitioner Award. Ms. Rowles has been a Member of the Indiana Commission on Health Care Excellence; a Member of the Accreditation Association Ambulatory Health Care; Associate Member in the American Society of Interventional Pain Physicians and Indiana Society of IPP; a Member of the Society of Pain Management; and finally, a Fellow and Member of the Board of Directors in the American Academy of Pain Management (AAPM). Considered an expert in interventional pain management, Jackie Rowles developed a nationally recognized system of CRNA skill competency assessment that has served as a tool in patient safety initiatives.

Adding to her professional accomplishments, Ms. Rowles has been recognized for speaking on anesthesia- and pain management-related topics over the years. During her AANA Presidency, Ms. Rowles advocated for CRNAs and patients before the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Food and Drug Administration, and other federal agencies. In addition, Ms. Rowles directed that the AANA be represented before this Congress to testify about the contributions of CRNAs in the Veterans Affairs and military health systems. Finally, Ms. Rowles has been an invaluable advocate for the value of CRNAs in health reform.

Madam Speaker, I rise to ask my colleagues to join me today in recognizing the outgoing President of the American Association of Nurse Anesthetists, Ms. Jackie S. Rowles, CRNA, MBA, MA, FAAPM, for her notable career and outstanding achievements. And, on a personal note, Jackie, stay out of the sand traps and enjoy the fairways and greens.

EARMARK DECLARATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the Republican Leader-

ship standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, FY 2010 Department of Defense Appropriations Act:

1. Project Name—Lightweight Munitions and Surveillance System for Unmanned Air and Ground Vehicles

Requesting Member—SCOTT GARRETT
Bill Number—H.R. 3326, FY 2010 Department of Defense Appropriations Act

Account—RDT&E (Army), Shipboard Systems Component Development

Requesting Entity—Imperial Machine & Tool Company, 8 West Crisman Road, Columbia, NJ 07832

Description of the Project—The Hybrid Projectile program's goal is to produce low-cost guided munitions capable of reaching targets faster than a traditional UAV. These munitions will be more efficient and effective than current guided projectiles of the same caliber with larger payloads and the ability to change targets or be recalled mid-flight. With additional taxpayer funding, current early phase research can be accelerated, completed, and transferred to other caliber weapons. The Hybrid Projectile program will offer a wide range of forward-looking, advanced weapons and surveillance capabilities to not only Army personnel, but also members of all branches of the Armed Services.

Description of the Spending Plan—
(\$4,800,000)

\$900,000—Design/Study: Design and study costs are associated with the intense engineering and drafting of the various hybrid projectiles. Imperial dedicates personnel solely to this project.

\$1,100,000—Personnel/Salaries: This cost is for the salaries of employees at Imperial Machine & Tool Co. and subcontractors (if required) that will be working on the program for FY10.

\$800,000—Equipment: Equipment purchases are associated with hardware and electronics necessary to continue development of Hybrid Projectiles. Imperial Machine & Tool Co. owns state of the art manufacturing equipment. Therefore, there are no capital equipment purchases necessary.

\$2,000,000—Manufacturing: This allows for the advanced manufacturing of hybrid projectiles through novel machining practices and cutting edge technology.

Total—\$4,800,000.

2. Project Name—Landing Craft Composite Lift Fan

Requesting Member—SCOTT GARRETT
Bill Number—H.R. 3326, FY 2010 Department of Defense Appropriations Act

Account—RDT&E (Navy) Weapons and Munitions Advanced Technology

Requesting Entity—Curtiss-Wright Flow Control/Engineered Pump Division, 222 Cameron Drive, Suite 200, Phillipsburg, NJ 08865

Description of the Project—This project will support the design, development, and manufacture of two sets of prototype composite material lift fans for application on current and next generation Navy landing craft vessels. The initiative will address an ongoing problem the Navy has been experiencing with current generation metal lift fan blades that have to be replaced every few months at a cost of approximately \$1.4 million a year. This technology will extend the life of landing craft lift

fans, reducing failures, maintenance, and life cycle costs. The proposed fan improvement utilizes state of the art composite materials, fiber-reinforced matrix composites. Similar composite materials have proven themselves in pumps used in sea water applications on-board U.S. Naval Ships. This funding would complete the development of landing craft composite lift fan initiated in FY09, providing final design and production ready capability to replace current generation landing craft lift fans.

Description of the Spending Plan—
(\$1,500,000)

\$750,000—prototype installation on Navy LCAC

\$525,000—US Navy testing of prototype on LCAC

\$225,000—final design modifications as identified in testing

Total—\$1,500,000.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Account: RDTE, AF

Legal Name of Requesting Entity: L-3 Communications Integrated Systems

Address of Requesting Entity: 10001 Jack Finney Boulevard, Greenville, Texas 75403

Description of Request: I have secured \$2,500,000 for the Rivet Joint Services Oriented Architecture (SOA) with L-3 Communications Integrated Systems. Funding for this project will fully implement the RC-135 SOA, which will ensure full RIVET JOINT integration in the ISR Enterprise, thus meeting USAF/DoD/DNI requirements for making ISR data and information discoverable, accessible, and to enable information sharing. RIVET JOINT requires continuous, current access to other ISR nodes, databases, and special processing to accomplish current and projected missions. At the same time, the ISR Enterprise will benefit greatly from RC-135 provision of ISR services, both intra- and post-mission. This will be achieved by building on current ongoing RC-135 ground systems, extending the number and performance of ISR services available through these systems, and fully meeting USAF/DoD/ DNI SOA tenets. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Account: RDTE, A

Legal Name of Requesting Entity: Denison Industries

Address of Requesting Entity: 22 Fielder Street, Denison, Texas 75020

Description of Request: I have secured \$2,000,000 for the Predictive Casting Process Modeling for Rapid Production of Critical Defense Components with Denison Industries. Funding for this project will develop and implement new casting technologies and materials that will give the Department of Defense lightweight alternatives and the lowest cost options for producing vehicles that can survive against many of today's threats. It will help reverse the trend of U.S. foundries closing or moving overseas by leading the transition of new technologies that will solidify manufacturing in America and secure high skilled jobs and growth markets. It will establish a working research facility to further educate the next generation of engineers. For an often fragmented industry, it will coordinate resources and funding and help assure a continued source of American casting producers for both the military and commercial applications. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Account: RDTE, A

Legal Name of Requesting Entity: Raytheon Company

Address of Requesting Entity: 2501 West University Drive, McKinney, Texas 75071

Description of Request: I have secured \$2,000,000 for the Current Force common Active Protection System Radar with the Raytheon Company. Funding for this project will be used to integrate a critical FCS technology, the Active Protection System (APS), into the Army's Current Force combat vehicles. Vehicle survivability and protection of our Soldiers are paramount concerns for the Army, especially in ongoing operations in Iraq and Afghanistan. The Army's Abrams, Bradley, and Stryker vehicle programs all have requirements for APS. Additional federal funding is warranted to meet these requirements and enhance force protection. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Account: RDTE, N

Legal Name of Requesting Entity: Mustang Technology Group

Address of Requesting Entity: 400 West Bethany Drive, Suite 110, Allen, Texas 75013.

Description of Request: I have secured \$1,000,000 for the Moving Target Indicator (MTI) Scout Radar with the Mustang Technology Group. The Navy lacks an all-weather airborne unmanned air vehicle (UAV) surveillance capability to detect and track high value targets that move, stop for a while, and then move again (Move Stop Move: MSM). Not having this capability allows suspected fast boat attackers to become untraceable when stopped within littoral regions and terrorists that stop and plant mines and IEDs along the shoreline to evade surveillance. Existing UAV radars possess a multi target track all-weather capability but do not have the ability to detect and track targets that move, stop, then move again. However, a new affordable Active Electronic Scanned Array (AESA) based radar is

being developed for the Navy. The MTI Scout AESA radar hardware has been designed to support MSM and funding for this project will help develop, integrate, and test the MSM mode software. This radar capability offers the low lifecycle costs afforded by solid state reliability, has over twice the performance of similar systems, and is upgradeable with simple software updates. The light weight and low power of the MTI Scout radar make it ideal for many other airborne manned and unmanned surveillance platforms including the Predator, Fire Scout and MC-12W Adding the MSM function within the size, weight, and power of a UAV airborne platform will give field commanders a new lifesaving surveillance tool to win the global war on terror. I certify that I do not have any financial interest in this project.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the two earmarks I secured as part of H.R. 3326, Department of Defense Appropriations Act, 2010

My first request, totaling \$4 million, will come from the Air Force Research and Development Appropriations account (RDT&E) under Budget Line Title "Aerospace Propulsion" for the Thermal and Energy Management for Aerospace (THEMA) II program. This program will enable improved performance and range for the next air vehicles while making key steps towards national environmental and domestic energy goals. The initiative is comprised of discrete technology, system optimization and integration elements that provide the enabling foundation for future air vehicles and capabilities. The basic and applied research to be performed under the THEMA II initiative is necessary to ensure that the technologies needed for high power, high performance, cost effective, energy efficient secondary power thermal and energy management systems are ready and available as these future vehicles and vehicle capabilities are developed and matured. Previously, THEMA received \$3.5 million in FY 2008. The entity to receive funding for the THEMA II program is the Air Force Research Laboratory (AFRL) Power Division at Wright-Patterson Air Force Base in Dayton, Ohio, for a "plus-up" of an already existing contract competitively won by Hamilton-Sundstrand, a division of United Technologies Company, located at 4747 Harrison Avenue in Rockford, Illinois, 61125.

My second request, totaling \$2 million, will come from the Army RDT&E Appropriation Account under the Budget Line Title "Combat Vehicle & Automotive Advanced Technology" for the Fuel System Component Technology Research program at Northern Illinois University (NIU). NIU, under the current Rapid Optimization of Commercial Knowledge (ROCK) program, has worked with a number of small companies in the Rockford, Illinois area to develop new products for improved processing of

precision small parts as well as parts fabricated out of titanium. The Fuel System Component Manufacturing Technology Improvement program will have NIU work with small manufacturers in Rockford to develop improved manufacturing processes for fuel handling and similar components to enable more affordable, longer lasting lighter weight components for new and retrofit applications. The program will enable the cost-effective production of precision fuel-fluidic system components in small quantities such as are needed for replacement parts or typical military small order quantities. These manufacturing technologies will also enable higher fuel efficiency engines in vehicles ranging from trucks and cars to railroad locomotives all the way to aircraft turbines. The entity to receive funding for the Fuel System Component Manufacturing Technology Improvement program is Northern Illinois University located at 1120 East Diehl Road in Naperville, Illinois 60563.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBAYE, and the Ranking Minority Member, Representative JERRY LEWIS, and the Chairman of the Defense Appropriations Subcommittee, Representative JOHN MURTHA, and the Ranking Minority Member, Representative C.W. BILL YOUNG, for working with me in a bipartisan manner to include these two critical requests in this spending bill.

COMMENDING THE 100TH ANNIVERSARY OF THE TILLAMOOK COUNTY CREAMERY ASSOCIATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. SCHRADER. Madam Speaker, I rise today to honor the 100th anniversary of the Tillamook County Creamery Association. The Tillamook Creamery Association and its world famous cheese factory is an institution in Tillamook County, Oregon, and now, for 100 years, has been one of the oldest farmer cooperatives in my state.

The roots of the Tillamook County Creamery Association date back to those pioneers who ventured out West on the Oregon Trail. When they arrived in Oregon, many established farms after seeing that the fertile lands and cool ocean breeze of Tillamook County were appealing for dairy production. In 1894, an entrepreneur named T.S. Townsend took 30 cows from local Tillamook farmers and created the first commercial cheese plant in Tillamook County. His cheese, and specifically his cheddar cheese recipe, gained fame across the west and Townsend eventually became known as the "Cheese King of the Coast."

As more local dairy owners followed Townsend's lead and founded their own cheese plants, 10 came together in 1909 to form the Tillamook County Creamery Association (TCCA). The goal of the association was to promote their community by marketing all of the cheese from Tillamook as being from the county, instead of from individual farmers. That cooperative ensured that all profits from

the sale of dairy products from Tillamook would go back to the farmers and everyone else who ensured its production.

By the late 1940s several of the larger independent cheese production plants merged and by 1968, all of the small cheese plants had combined and together built a centralized cooperative plant in Tillamook known as the Tillamook Cheese Factory. As the factory and its delicious cheese became known across the country, the owners built a visitors center where tourists could watch the cheese making process, taste homemade fudge and ice cream and of course, sample the cheese. The factory eventually became the largest attractor of tourism in Tillamook County, with now close to 1 million people visiting annually.

Even today, Tillamook cheese is still being internationally recognized. It won six awards in cheddar cheese at the 2008 National Milk Producers Federation cheese contest and five at the 2009 Oregon Dairy Industries. In 2009, for the third year in a row the factory was ranked by the Portland Business Journal as one of the Most Admired Companies in Oregon for forestry or agriculture products. It's owned, of course, by 110 local Tillamook dairy families.

While 100 years have now passed since the establishment of the association, the guiding principles that the founders promoted remain the same. In the association, it's called "The Tillamook Tradition." That "tradition" always ensures a commitment to quality, cooperation, integrity, stewardship, responsiveness, and a dedication to their local community dairy industries. The association also supports that tradition by annually donating to more than 200 organizations across the state of Oregon. I know, that those original pioneers would be proud to see that even after 100 years, two things have stayed constant: the notion of community first, and of course, the cheese.

UNITED STATES ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT CHANGE OF COMMAND

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MEEK of Florida. Madam Speaker, I would like to take this opportunity to recognize the service and contributions of Colonel Paul Grosskruger of the United States Army Corps of Engineers—Jacksonville District as he passes Command to Colonel Pantano and prepares to retire from military service. He has had a long and admirable career, worthy of distinction and worthy of our gratitude.

Colonel Grosskruger assumed command of the Jacksonville District on July 25, 2006 and it has been my distinct pleasure to work closely with him for these past several years. Most notably, I have worked with Colonel Grosskruger on the Merrill-Stevens Expansion Project and was also fortunate to assist the U.S. Army Corps of Engineers as they completed the restoration of Virginia Key Beach. Each time, Colonel Grosskruger impressed us with his clarity, candor and fairness. Colonel Al Pantano has large new responsibilities to

fill, but from reading his resume and noting his experiences, I am confident that he will be more than up to the task.

Below is a brief biographical sketch of Colonel Grosskruger's long and distinguished career. We have come to expect nothing less than great things of this career officer and we look forward to hearing from Colonel Grosskruger again, though as a private citizen. I know that many members of Florida's delegation join me in wishing him the best as he enters this new stage of life and we have every confidence that Colonel Pantano will continue the U.S. Army Corps of Engineers—Jacksonville District's fine tradition.

Born and raised in eastern Iowa, Colonel Grosskruger was commissioned into the Corps of Engineers upon graduation from the United States Military Academy in 1983. Colonel Grosskruger is a graduate of the U.S. Army Engineer Basic and Advance Courses, the Combined Arms and Services Staff School, the U.S. Army Command and General Staff College, and the U.S. Army War College. He holds a Bachelor of Science degree in engineering mechanics from the United States Military Academy and a Master of Science degree in civil engineering from Iowa State University. He is a registered professional engineer in the both the Commonwealth of Virginia and the State of Florida.

His assignments include platoon leader, battalion S2 officer and company executive officer in the 317th Engineer Battalion, Eschborn, Germany; company commander and battalion S4 officer in the 82d Engineer Battalion, Bamberg, Germany; company commander of the 535th Engineer Company (Combat Support Equipment), Grafenwoehr, Germany; project officer and deputy resident engineer in the Omaha Engineer District, U.S. Army Corps of Engineers, Colorado Springs, Colorado; battalion executive officer, 317th Engineer Battalion, Fort Benning, Georgia; group operations officer, 36th Engineer Group, Fort Benning, Georgia; Instructor, U.S. Army Command and General Staff College, Fort Leavenworth, Kansas; Chief of Engineer Operations and Assistant Corps Engineer, V Corps, Heidelberg, Germany; Commander of the 94th Engineer Combat Battalion, Vilseck, Germany, where he planned and conducted operations in support of Operation Iraqi Freedom. His prior assignment was as the Chief of Staff of the U.S. Army Engineer School, Fort Leonard Wood, Missouri. Colonel Grosskruger's awards include the Bronze Star, the Meritorious Service Medal (seventh award); the Army Commendation Medal (three awards and the "V" device); the Joint Commendation Medal; the Army Achievement Medal (fifth award); the NATO Medal; the Joint Meritorious Unit award; and the Humanitarian Service Medal. He has earned medals from Nicaragua and Poland. He has the U.S. and German parachutist badge and the air assault badge. His battalion earned the Presidential Unit Citation for service with the 3d Infantry Division during Operation Iraqi Freedom.

I would be remiss if I did not also take this opportunity to thank Colonel Grosskruger's wife and family for their support and dedication. It is a well known fact that the hardest job in the military is that of the military spouse; our service men and women would not be

able to do what our country asks of them without the backbone of a loving family. Claudia Grosskruger is to be commended as much as Colonel Grosskruger for their work in service to this country and for their efforts in raising Jerry, 20 and Jennifer, 18.

HONORING SSGT JUAN ROLDAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. PASCRELL. Madam Speaker, I rise today in honor of a true American hero, SSGT Juan Roldan of the United States Army. On December 29, 2006, SSGT Roldan of Paterson, New Jersey, lost both of his legs in an EFP explosion. SSGT Roldan is now fighting his next war as he must learn to walk again. Like so many other soldiers who come home from war, SSGT Roldan relies on his loved ones to help him win this and his precious daughter Rian, who just turned two years old, is now the driving force behind his recovery. SSGT Roldan is not only an inspiration to his daughter, but his experience teaches all of us courage in the face of great adversity. The following poem, written by Albert Carey Caswell, is a tribute to SSGT Roldan.

FOR MY DAUGHTER!

I went off to war, all for her future to ensure . . .
 And all for God and Country Tis of Thee, as were my burdens, my burdens bore . . .
 And for all of those daughters, whose fine daddies won't be coming home no more . . .
 And oh yes, I have lost my two fine strong legs . . . but I won't moan, and I won't beg . . .
 For I have something to so live for . . . for My Daughter, I will win this battle, this war . . .
 For I have one of the greatest gifts from above, Rian, which came from such seeds of love . . .
 For I must teach her, for I must reach her . . . to show her all that it is she so needs each year . . .
 All to help her grow up, and about life and what she needs to know . . . and what really counts so . . .
 As I will inspire her by my love . . . as in my heart, I hold her close and so very high above . . .
 As I will show her, how to lift up her head each morn, even though such pain is worn . . .
 To cherish each new shining day, to touch all hearts along her way . . . as I live on . . .
 Showing her how not to be bitter and afraid, as out and along life's road as made . . .
 For I know she needs me so very much, for her this my battle . . . for her I do so much . . .
 Because so many children . . . will never know, and grow up with such loving daddies so . . .
 And never have such a best friend . . . who will stick with them, through thick and thin . . .
 Who at night will tuck them in, and tell bedtime stories . . . as together, our two hearts blend . . .

Who from them so much can learn, as it's for her and her future, that this my heart so burns . . .
 As she will learn all from me, how great a heart can truly be . . . as to her, mine so speaks . . .
 Showing her, arms and legs yes we may need . . . but, without hearts we can not live indeed . . .
 And what really counts, all in the end . . . is what's in your heart, as where it all so begins . . .
 So for my daughter I will wake . . . as each new day for her, these most courageous steps I take . . .
 As I fight through all of my pain, as I venture out upon heartache's way . . . my soul will remain.
 All so I can see those smiles upon her face, and watch her grow up with such happiness and grace . . .
 And for all of my buddies who died, who shall never so look into their children's eyes . . .
 It's for you too I wake, and to Be the Best Father our Lord God could make . . .
 As I will tell your children, all about your love . . . and how you spoke of them, so high above.
 Recalling, all of those words of love you spoke . . . and all about them, as their names you invoked . . .
 For I stand stronger on this day, all because of this child who before me so lays . . .
 For you Rian . . . give me a reason to live, at night as I watch sleep in your crib . . .
 Daughter, all of this . . . I do, for you . . . my gift from God, that will help see me through . . .
 And if I ever have a son, Juan, I but hope and pray he is like you the one!
 For my Daughter, all this I'll do!

IN RECOGNITION OF SGT STEVE MAY

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. CARDOZA. Madam Speaker, it is with a heavy heart that I rise today to recognize the passing of a great public servant, Sergeant Steve May of the Modesto Police Department who died from medical complications sustained from a 2002 accident that occurred while on duty. As a 23 year veteran of the Department, Sergeant May gave the ultimate sacrifice to our community.

Sergeant May was hired by the Modesto Police Department on February 6, 1979 and promoted to Corporal on January 28, 1992. He was then promoted to Sergeant on September 20, 1994. Sergeant May was a respected member of the Department who was a consummate professional who served his community with distinction. The accident that took Sergeant May from his family and our community occurred on July 29, 2002. Stanislaus County Sheriffs Deputies saw a black pickup that they believed to be suspicious, and after the vehicle attempted to evade officers, it rammed the deputies' patrol car and sped off. Sergeant May was on patrol and spotted the suspect's vehicle in downtown Modesto. He followed the vehicle and pursued it vigorously as the vehicle reached high rates

of speed. The suspect ran two stop signs and was evading police. While running a stop sign, Sergeant May's patrol car was struck and pushed into a tree as the suspect's vehicle hit a house. Sergeant May was trapped inside his car and freed by firefighters. Suffering severe injuries, he was rushed to the hospital for treatment.

Sergeant May's family and our community are deeply saddened by this loss. He leaves behind his wife Diana and their two children—Corinne and Michael. I offer my prayers and condolences as they grieve.

Sergeant May was clearly a remarkable individual, public servant and law enforcement officer who remained dedicated to public safety and service throughout his impressive career. Through his dedicated work, he touched the lives of many and helped change the face of our community. Madam Speaker, it is with respect and gratitude that I ask my colleagues to join me in this posthumous recognition of Police Sergeant Steve May for his dedicated service.

RECOGNIZING PIZZA 4 PATRIOTS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to honor and recognize the extraordinary efforts of the Pizza 4 Patriots Organization, Uno Chicago Grill, and DHL, in teaming up to provide Chicago-style deep dish pizzas on Independence Day to our service men and women serving in both Iraq and Afghanistan. The cumulative effort brought 28,000 pizzas to the troops, allowing them to celebrate our nation's day of independence with a taste and feel of home.

The initiative of retired Air Force Master Sergeant Mark Evans, Pizza 4 Patriots is a non-profit organization that seeks to honor the service of the United States' Armed Forces in Iraq and Afghanistan. With pizzas provided by Uno Chicago Grill and international delivery service provided by DHL, Operation Pizza Surge broke the record for the "World's Largest Pizza Party," and will go down in the Guinness Book of World Records as such.

As our service men and women continue to courageously protect our freedom and liberties throughout the Middle East, the services provided by Pizza 4 Patriots, Uno Chicago Grill, and DHL are of the utmost importance. In garnering donations from individuals and organizations to make Operation Pizza Surge possible, they have helped raise awareness and recognition of the outstanding and courageous job that the United States' military continues to do to protect the liberty and safety of the American people.

We must always remember and pay tribute to the courage and sacrifice of those proud men and women who serve and protect the American people. The efforts of Pizza 4 Patriots, Uno Chicago Grill, and DHL remind us that as we celebrate our independence at home, it is the efforts of our armed forces that allow us to do so.

Madam Speaker, today we congratulate Pizza 4 Patriots, Uno Chicago Grill, and DHL

for a successful completion of Operation Pizza Surge, and we thank them for providing our brave troops with a slice of home while they protect our country and our freedoms abroad.

EARMARK DECLARATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BURGESS. Madam Speaker, pursuant to the U.S. House of Representatives Republican Leadership standards on earmarks, I am submitting the following information regarding one earmark I received as part H.R. 3326, The Department of Defense Appropriations Act, 2010:

(1) Institute for Science and Engineering Simulation (ISES), University of North Texas—\$6 million—Account: 0602102F Materials—\$4,500,000.

ISES at the University of North Texas is currently working closely with the U.S. Air Force to remedy a critical requirement. Due to increased operations as a result of the wars in Iraq and Afghanistan during the past 5 yrs, Air Force aircraft are often pushed to perform beyond their intended design criteria: this has created serious concerns for safety of both the aircraft and personnel. The Air Force requires modeling and simulation research of the performance and lifecycles of materials in aircraft in order to extend the life of current military aircraft and to perform testing on future aircraft structures and material. Utilizing state-of-the-art facilities and equipment at the University of North Texas, the research conducted at ISES will be used to predict/identify and reduce the risk of catastrophic failure in aircraft structural components, extend the life of current aircraft and increase the safety of pilots and personnel.

University of North Texas is located at Hurley Administration Building 175, Denton, TX 76203-2979.

HONORING THE SERVICE OF FORT GRATIOT FIRE CHIEF RONALD B. NICHOLS

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mrs. MILLER of Michigan. Madam Speaker, I rise today to pay tribute to Fire Chief Ronald B. Nichols from the Fort Gratiot Fire Department in St. Clair County, Michigan. This year marks the 50th year Mr. Nichols has been a member of the department—and during 31 of those years he has proudly served as Chief.

Chief Nichols has consistently raised the bar and set a high standard during his outstanding career in the fire service. The State of Michigan and the 10th Congressional District truly have been very fortunate to have him as one of our fire chiefs. During his tenure, the Fort Gratiot Fire Department experienced tremendous growth and commercial expansion. Through his continued leadership, he has

been able to administer safe and effective fire codes while keeping pace with the latest technological advancements and changes in local fire prevention ordinances.

Chief Nichols has stepped forth to fulfill numerous leadership roles and positions. He is a 26 year member of the International Association of Fire Chiefs, a member of the St. Clair County Fire Chiefs Association, a member of the St. Clair County Firefighters Association, and a member of the National Fire Protection Association. In 1992, he was recognized by his community, earning the St. Clair County Firefighters Association Firefighter of the Year Award.

First responders are often under-appreciated and taken for granted until crisis strikes and the public reaches out for help and rescue. Against all common sense and natural instinct, firefighters rush to the scene of an emergency and into harm's way without the slightest hesitation.

Firefighters are the backbone of our communities. Without the promise of any fame, fortune, or so much as a simple "thank-you", firefighters remain constantly vigilant and ready to serve. I know sometimes younger people idolize professional athletes and cheer for their favorite sports teams. And the same could be said for some adults too. But if you really want to see true teamwork search no further than your local fire station. It is here where men and women work together and count on each other to protect lives. Their service demonstrates courage, camaraderie, and bravery.

I am extremely proud of all the men and women who risk so much to protect our safety and well-being, so it is my honor to offer my sincere gratitude to Chief Nichols for his 50 years of service. His leadership, integrity, and dedication are greatly appreciated. I wish him, his family, and his wife, Carole, all the best as he continues to serve the citizens of Fort Gratiot. Thank you, Chief Ronald B. Nichols, for dedicating your life to a noble cause. And thank you for ignoring fear and always demonstrating incredible bravery. That is what a real hero does.

H.R. 3377, THE DISASTER RESPONSE, RECOVERY, AND MITIGATION ENHANCEMENT ACT OF 2009

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H.R. 3377, the "Disaster Response, Recovery, and Mitigation Enhancement Act of 2009". This bill makes amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to improve the assistance that the Federal Government provides to States, local governments, and communities after major disasters and emergencies. I thank Full Committee Ranking Member MICA, as well as the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. DIAZ-BALART), Chair and Ranking Member

of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, for joining me in sponsoring this bill.

H.R. 3377 is a consolidation of many issues brought to the attention of the Committee on Transportation and Infrastructure in the last two and a half years and contains a series of proposals to enable the Federal Emergency Management Agency (FEMA) to carry out its programs and activities related to preparedness, response, recovery, and mitigation more effectively. Several provisions of this bill incorporate proposals put forth by Members on both sides of the aisle.

This bill reauthorizes core FEMA programs and activities, including the Pre-Disaster Mitigation program; codifies programs that FEMA is currently administering under the authority of the Stafford Act but which are not expressly authorized in statute, such as the National Urban Search and Rescue System and Citizen Corps; restores an essential program, the Mortgage and Rental Assistance program, which was eliminated in 2000; and amends eligibility under certain FEMA programs, including the Hazard Mitigation Grant Program, by creating incentives for better building codes.

Congress made changes to the Stafford Act in 2000 with the Disaster Mitigation Act of 2000, and in 2006 with the Post-Katrina Emergency Management and Reform Act. FEMA is still working to implement the changes required in these Acts. This bill makes a number of positive changes to FEMA's authority which, together with prior reforms that FEMA is still implementing, will enable it to become a more effective agency.

H.R. 3377 is a continuation of the Committee's work to address ongoing emergency management and disaster relief needs. In the 110th Congress, the Committee on Transportation and Infrastructure ordered reported a similar bill, H.R. 6658. We are reintroducing this bill, which is an updated version of H.R. 6658, with the intent to move it through Committee and the House as expeditiously as possible.

Specifically, H.R. 3377 reauthorizes the Pre-Disaster Mitigation ("PDM") program, a program to provide cost-effective technical and financial assistance to State and local governments to reduce injuries, loss of life, and damage to property through fiscal year 2012 at a level of \$250 million per year. While a one-year extension was included in the Department of Homeland Security

Fiscal Year 2009 Appropriations Act to keep this vital program alive, Congress must act. If we do not, this worthy program will sunset on September 30, 2009. The bill also reauthorizes the Emergency Management Assistance Compact (EMAC), which expired at the end of fiscal year 2008, to provide form and structure to interstate mutual aid and allows a State impacted by a disaster to request and receive assistance from other states quickly and efficiently.

The bill also specifically authorizes two existing FEMA programs that are not expressly authorized in statute but rely on broader language in the Stafford Act. The National Urban Search and Rescue System (US&R), is a robust system of 28 teams composed of state and local emergency responders who work together to respond to both local incidents and

major disasters and emergencies, and codifies workers' compensation and other protections for US&R teams currently provided administratively by FEMA. The bill also specifically authorizes FEMA's existing citizen preparedness program, known as "Citizen Corps", to help coordinate volunteer activities to better prepare communities to respond to a disaster or emergency, as well as the Citizen Emergency Response Team Program.

The legislation directs the President to modernize the integrated public alerts and warning system to help ensure that our Nation's warning systems are prepared for all hazards, which is currently authorized by the Stafford Act. It also amends section 404 of the Stafford Act by providing for additional assistance under the Hazard Mitigation Grant Program for States that actively enforce an approved building code throughout the State.

H.R. 3377 also authorizes the Disaster Relief Fund and Disaster Support Account, which provide funding for FEMA's Federal Disaster Programs authorized by titles IV and V of the Stafford Act. Since its inception, how the Disaster Relief Fund is set up and administered and what it can be used for has been determined by appropriations; this provision remedies this deficiency and gives the authorizing statute and the authorizing committee in the House and Senate an appropriate role.

The bill also takes small steps to address two very pressing issues that face our nation: health care and housing. This legislation makes temporary employees hired by FEMA in response to a disaster eligible to enroll in the Federal Health Benefits Program. Most of the employees that FEMA sends to disasters—many of whom have been employed by FEMA for years—do not have access to employer sponsored health insurance. This legislation would also restore the Mortgage and Rental Assistance program, which was eliminated in the Disaster Mitigation Act of 2000 (P.L. 106–390). The program provides assistance for up to 18 months in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, are at imminent risk of dispossession or eviction. This will protect communities and citizens who have been impacted by disaster from taking an additional hit by exacerbating the current housing crisis in those communities.

H.R. 3377 further provides new authority to allow FEMA to sell excess materials, supplies, and equipment to States, local governments, and relief or disaster assistance organizations to assist victims of smaller-scale natural disasters and other incidents that do not result in the declaration of a major disaster or emergency. This bill also authorizes FEMA to include household pet and service animal rescue, care, and sheltering to activities during emergency declarations under Title V of Stafford Act. Currently, such activities are only authorized under a Major Disaster Declaration under Title IV of the Stafford Act.

Finally, this legislation addresses an important issue from the aftermath of the response to Hurricane Katrina by requiring FEMA to assess the number of temporary housing units necessary for the agency to effectively respond to future disasters and emergencies. FEMA must, within six months, develop a plan

to store any units needed for future disasters and to dispose of, through sale, transfer, donation, or other means, those units the agency does not need to keep in stock. This legislation provides FEMA the flexibility to provide temporary housing units in its current inventory to victims of disasters that do not rise to the level of a Presidential disaster declaration, if the Governor of the State certifies that there is an urgent need for the housing and meets other requirements.

I urge my colleagues to join me in supporting H.R. 3377, the "Disaster Response, Recovery, and Mitigation Enhancement Act of 2009".

HONORING THE FORMER TEXAS STATE LEGISLATOR LEO ALVARADO, JR.

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. RODRIGUEZ. Madam Speaker, I rise today to pay tribute to my colleague in the Texas Legislature, former State Representative Leo Alvarado, Jr., of San Antonio, who passed away on June 5, 2009. I served with Mr. Alvarado at the State Capitol in Austin during the 1990s, both of us representing districts in Bexar Country.

Madam Speaker, during the recently concluded 1st Called Session of the 81st Texas Legislature, the Texas House of Representatives adopted House Resolution No. 21 in memory of Mr. Alvarado, offered by my former colleague State Representative Delwin Jones of Lubbock, joined by Bexar County members Trey Martinez Fischer, Mike Villarreal, Joe Farias, Joaquin Castro, and Valerie Ryder Corte.

THE STATE OF TEXAS HOUSE OF REPRESENTATIVES RESOLUTION H.R. NO. 21

Whereas, The passing of former state representative Leopoldo "Leo" Alvarado, Jr., on June 5, 2009, at the age of 70, has profoundly saddened the legal and legislative communities and citizens throughout San Antonio and brought a great loss to his family and friends; and

Whereas, Born in San Antonio on April 23, 1939, Leo Alvarado was the son of Maria del Refugio Parias de Alvarado and Leopoldo Alvarado, Sr.; he grew up on the West Side and graduated from Jefferson High School before enlisting in the United States Air Force; following his service to his country, he enrolled in St. Mary's University, where he earned his bachelor's degree in political science and accounting and went on to receive his law degree in 1974; and

Whereas, This dedicated community activist helped organize the J.F.K. Community Forum, which laid the groundwork for West San Antonio agencies engaged in the war on poverty, and served as a consultant to the Inner City Apostolate and as a director of the Mexican American Unity Council and of Project Health and Viable Economics; he was vice chair of the board of the Bexar County Hospital District and worked toward the purchase and reopening of Lutheran General Hospital to serve downtown residents; and

Whereas, Highly respected in his legal career, Mr. Alvarado handled many complex in-

jury and public interest cases; he played an important role in landmark Edgewood ISO cases involving the redistribution of funds from wealthy to poorer school districts, which ultimately led to increased support for education in lower income communities; he was a partner in Weir & Alvarado, P.C., before forming Alvarado & Alvarado, P.L.L.C., with his daughter, Rosemarie Alvarado-Hawkins; and

Whereas, Mr. Alvarado was first elected to the Texas House of Representatives in 1992 and served the people of District 116 for eight years; during his tenure, he was chair of the Freshman House Caucus and was a valued member of the civil practices, house administration, state affairs, redistricting, insurance, and judicial affairs committees; a man of principle and integrity, he worked to improve the lives of all Texans, and he introduced bills relating to high school education and redlining in the insurance industries, among numerous others; and

Whereas, A devoted and loving father, Mr. Alvarado most enjoyed spending time with his family, whom he placed first in all matters; he was also fond of hunting, fishing, playing guitar, cooking, painting, gardening, and travel; and

Whereas, Leo Alvarado leaves a legacy of accomplishments that will continue to benefit people in this state for years to come, and he will long be remembered with deep affection and admiration by all who were fortunate enough to share in the richness of his life; now, therefore, be it

Resolved, That the House of Representatives of the 81st Texas Legislature, 1st Called Session, 2009, hereby pay tribute to the memory of Leopoldo "Leo" Alvarado, Jr., and extend sincere sympathy to the members of his family: to his brother, Carlos Alvarado; to his first wife, Gloria Acosta Farias, and their son, Leopoldo Alvarado Acosta III; to his second wife, Charlene Alvarado, and their children, Rosemarie Alvarado-Hawkins, Christina Lisa Morales, Miguel Antonio Alvarado, and Carlos Andres Alvarado; to his grandchildren, Maria and Sharet Castillejos and Evangeline and Chloe Hawkins; and to the other family members and friends of this esteemed Texan; and, be it further

Resolved, That an official copy of this resolution be prepared for his family and that when the Texas House of Representatives adjourns this day, it do so in memory of Leopoldo "Leo" Alvarado, Jr.

Joe Straus, Speaker of the House.

I certify that H.R. No. 21 was unanimously adopted by a rising vote of the House on July 2, 2009.

Robert Haney, Chief Clerk of the House.

INTRODUCTION OF THE CONGRESSIONAL RESPONSIBILITY AND ACCOUNTABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Congressional Responsibility and Accountability Act. This bill requires Congress to specifically authorize via legislation any proposed federal regulation that will impose costs on any individual of at least \$5,000, impose costs on a business or other private organization of at least \$10,000, or impose aggregate costs on the American people of at least

\$25,000, or cause any American to lose his or her job.

According to some legal experts, at least three-quarters of all federal laws consist of regulations promulgated by federal agencies without the consent, or even the review of, Congress. Allowing unelected, and thus unaccountable, executive agencies to make law undermines democracy and violates the intent of the drafters of the Constitution to separate legislative and executive powers. The drafters of the Constitution correctly viewed separation of powers as a cornerstone of republican government and a key to protecting individual liberty from excessive and arbitrary government power.

Congress's delegation of law-making authority to unelected bureaucrats has created a system that seems to owe more to the writings of Franz Kafka than to the writings of James Madison. The volume of regulations promulgated by federal agencies and the constant introduction of new rules makes it impossible for most Americans to know with any certainty the federal laws, regulations, and rules they are required to obey. Thus, almost all Americans live with the danger that they may be hauled before a federal agency for an infraction they have no reasonable way of knowing is against the law.

While it is easy for members of Congress to complain about out of control federal bureaucrats, it was Congress that gave these agencies the ability to create laws. Since Congress created the problem of lawmaking by regulatory agencies, it is up to Congress to fix the problem and make certain that all federal laws are passed by the people's elected representatives. Therefore, Madam Speaker, I urge my colleagues to cosponsor the Congressional Responsibility and Accountability Act.

EARMARK DECLARATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. REICHERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of the Fiscal Year 2010 Department of Defense Appropriations Act, H.R. 3326.

(1) \$2,300,000 for the Washington National Guard for the Tactical Operations Center

Requesting Entity: Washington State Military Department, Building One, Camp Murray, WA 98430-5000

Agency: NGB/WAARNG, Domestic Operations

Account: National Guard Equipment, Army Guard—P-1/Line # 094

Funding Requested by: Rep. DAVE REICHERT, Rep. BRIAN BAIRD, and Rep. JIM McDERMOTT

Project Summary: This funding would help develop a rapidly deployable mobile command center, interoperable communications, and a

forward domestic response command headquarters capable of providing defense support to civil authorities. This capability is needed to respond to state/interstate/national domestic emergencies, including terrorism and natural hazards like earthquakes, flooding, and fires. It would include tentage, vehicles, power, and communications to relocate support to any community to assist in the event of an emergency and to help in facilitating receipt and control of reinforcing support and supplies necessary to respond to protect citizens' life, property and the economy in the event of an emergency or a disaster. The Washington National Guard is frequently called upon to protect lives and property during state emergencies, however, we do not have any assets dedicated to domestic operations. The federal equipment that they do operate can be (and is) deployed on a regular basis making it unavailable for state emergencies. Acquisition of the Domestic Operations Response Equipment will enable the Military Department to fulfill their mission to the people of the state of Washington.

Finance Plan: Cost of Domestic Operations Response Equipment—Finance Plan

1. The Washington Military Department's stated mission is to minimize the impact of emergencies and disasters on people, property, environment, and the economy of Washington State and the region; provide trained and ready forces for state and federal missions; and provide structured alternative education opportunities for at-risk youth.

2. Estimated costs of the equipment are as follows:

a. Deployable Field Shelter—\$817,493.00
b. Command & Control Vehicle—\$325,000.00
c. Truck Mounted Incident Site System—\$1,157,500.00
Total—\$2,299,993.00

3. The Washington Military Department's mission is to protect lives and property while minimizing the disaster impact on communities, the environment, and the economy of Washington State. They provide a trained and ready force for state and federal missions and offer structured alternative education opportunities for at-risk youth.

Acquisition of the Domestic Operations Response Equipment will enable the Military Department to fulfill their mission to the people of the state of Washington.

(2) \$2,000,000 for B.E. Meyers & Co for Thermal Pointer/Illuminator for Force Protection

Requesting Entity: B.E. Meyers & Co., 14540 NE 91st St., Redmond, WA 98052

Agency: Special Operations Forces, U.S. Navy, RDT&E

Account: R-1/PE#1160479BB; P-1/Line #243; Special Operations Forces Visual Augmentation

Funding Requested by: Rep. DAVE REICHERT

Project Summary: This project would develop a prototype for testing a Long-Range, Day and Night, Covert Thermal Target Designator for ground-based and airborne applications, compatible with thermal imagers presently in use by U.S. Armed Forces. This rapid

research and development program would result in the delivery of 50 field ready, hand-held, targeting devices to the Navy Special Warfare community. There is a demonstrated need for a thermal target designator that is compatible with thermal imagers presently in use by U.S. Armed Forces. The Long-Range, Day and Night, Covert Thermal Target Designator would enable rapid and simple target acquisition while remaining invisible to the human eye and night vision goggles and would operate well in adverse environmental conditions such as fog, rain and dust. This target designator could also be easily and rapidly integrated into existing military operations with minimal additional training required. Infrared (IR) pointing lasers are routinely used for targeting in darkness but are ineffective during bright daylight because the IR wavelength is invisible to the naked eye, and night vision goggles are not typically used during the day. The warfighter could benefit from this thermal target designator capability because it will enable pointing, illuminating and targeting when coupled with the thousands of thermal imagers currently employed by the U.S. Military.

Finance Plan: The proposed development effort is 12 months in duration at a total cost of \$4.15 M. 50 production units will be delivered to the U.S. government at the conclusion of the 12 month effort. Travel is included.

The funding plan is as follows:

Cost Component Burdened Cost

Labor—57.1%

Materials—42.7%

Travel—0.2%

Source of funds is planned as follows:

Cost Component Burdened Cost

Total Government Funding—75%

BE Meyers Funded—25%

3) \$1,000,000 for Stellar Photonics, LLC for Dynamic Eye-Safe Imaging Laser (DESIL)

Requesting Entity: Stellar Photonics, LLC, 14797 NE 95th Street, Redmond, WA 98052

Agency: U.S. Marine Corps: Joint Non-Lethal Weapons Directorate (JNLWD), RDT&E

Account: R-1/PE #0603651M; P-1/Line #21
Funding Requested by: Rep. DAVE REICHERT

Protect Summary: The purpose of funding is to support the existing EYE-SAFE (DESIL, Dynamic Eye-Safe Imaging Laser) laser research program and to improve the capabilities to the non-lethal Plasma Acoustic Shield System (PASS) in terms of making it safer for eyes and increasing the range, higher repetitions and coverage area. The PASS system can be used at check points for riot control and to visually intimidate opponents from entering a restricted area. By operating in the EYE-SAFE laser wavelength and spectrum, the DESIL technology could enable the military to operate their desired laser systems and applications without being in violation of the United Nations' "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" Protocol IV on Blinding Laser Weapons, Vienna, 13th, October 1995.

Finance Plan:

	CY 2010	CY 2011	FY 2010 Total
Total dollar amount of the proposal:	2,027,225.60	1,832,076.83	3,859,302.43
Total Direct Materials	505,545.00	505,545.00	1,011,090.00
Total Estimated Direct Labor	221,050.00	200,375.00	421,425.00
Total Estimated Direct Costs	898,850.83	812,323.89	1,711,174.72
General & Administrative Expenses	1,031,840.21	932,511.19	1,964,351.40
Total Estimated Cost and Fee	2,027,225.60	1,832,076.83	3,859,302.43

This office conducted site visits to meet with representatives from all five of the projects listed above. Enclosed with this disclosure are statements from the military demonstrating the need and use for these specific projects.

DEPARTMENT OF THE NAVY,
NAVAL SPECIAL WARFARE COMMAND,
San Diego, CA, April 6, 2009.

Mr. BRUCE WESTCOAT,
Vice President, Business Development, BE Meyers Corporation, Redmond, WA.

DEAR MR. WESTCOAT: The information provided by BE Meyers email of March 31, 2009 has been reviewed. Naval Special Warfare is very interested in a Thermal Pointer. The proliferation of Night Vision on the battlefield has allowed the enemy combatant to track the use of U.S. forces current Infrared lasers. This emerging technology will allow U.S. Special Operations Forces the ability to mark targets while minimizing the ability to be compromised based on enemy forces current NVG technology.

Your company's continued interest in developing better products for Naval Special Warfare is greatly appreciated. The product as described in the email is very desirable and appears to be an attainable solution in support of Miniature Day/Night Sight (MDNS), Annex to U.S. Special Operations Command Special Operations Peculiar Modification (SOPMOD), of December 16, 2004. Additionally, the Thermal Pointer may have application to other Special Operation Forces and conventional units. The Thermal Laser Pointer, if developed, would enhance our ability to engage opposing forces, in the prosecution of the Global War on Terrorism. Regrettably, funding is not currently available to fund the development of the Thermal Pointer System.

My points of contact for this matter are Mr. Bruce Holmes and Mr. Calvin Hastings.

Sincerely,

T. H. DEGHEOTTO,

Captain, U.S. Navy.

UNITED STATES MARINE CORPS,
JOINT NON-LETHAL WEAPONS
DIRECTORATE,
Quantico, VA, March 27, 2009.

Stellar Photonics, LLC,
NE 95th Street,
Redmond, WA.

TO STELLAR PHOTONICS LLC (MS. INGRID FUHRMAN): The Joint Non-Lethal Weapons Directorate (JNLWD) supports Stellar Photonics, LLC's request for appropriation in the FY2010 Department of Defense Appropriations Bill for the development of a 1.55 microns (a retina-safe wavelength) laser system. I am aware that Stellar Photonics has made some progress at 1.55 microns which bodes well for the successful completion of this project.

We are currently developing non-lethal weapons which employ this special type of ultra-short pulse lasers systems. Given that this non-lethal technology is very new, the US industry-base is not very large. It would be beneficial to the US Government to fund a limited number of US industry partners to develop this new non-lethal weapon technology.

The JNLWD is confident that Stellar Photonics can leverage their existing laser

work performed for the US Army to support this new non-lethal technology. This new nonlethal technology has many useful military and non-military applications.

I feel confident that Stellar Photonics, with the appropriate additional funding, can complete development of such a system and therefore I ask you to consider supporting the Stellar Photonics request for FY10.

DAVID B. LAW,
JNLWD Technology Division Chief.

A SALUTE TO LEAH GANSLER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise to recognize and salute Ms. Leah Gansler, a very special person in the Washington metropolitan region, recognized as a Washingtonian of the Year for her leadership and commitment to helping others, especially disadvantaged children. We are graced by her commitments and accomplishments which have helped so many.

Ms. Gansler launched a nonprofit, CharityWorks, in 1999, after volunteer work showed her the great need in this area among children and families. Leah brought together a team of dedicated friends and community leaders to create this nonprofit and local philanthropic organization. Her vision has been to transform the lives of families and children in the Washington metropolitan area, to try to break the cycle of poverty, to enhance local educational programs, and to enable families to overcome critical health issues, through the philanthropy of the CharityWorks organization. Her plan was a terrific success: CharityWorks' first \$375,000 went to Habitat for Humanity for 20 plots of land and one house, which Gansler's members built. When President Carter learned of the partnership between Habitat for Humanity and CharityWorks, he praised Leah's efforts as "unique in Habitat's history and a sample for other communities." Since 1999, Leah has spearheaded CharityWorks' partnerships that have made an extraordinary impact in our community by distributing a net of more than \$10,000,000.

Wanting to include friends but not stay with the same charity every year, Leah devised two networks: one of 125 volunteers, who would screen charities and work with those chosen, and one of 40 CEOs and others who could give and raise money and would choose the recipient groups. This unique combination of efforts has led to signal accomplishments that have changed and transformed many lives and enriched our greater community. Among some of her greatest accomplishments are: creating 24 college scholarships, opening and expanding literacy programs, supporting after school child literacy programs, and building the Fisher House at the Veteran's Medical Center here in the nation's capital.

Appalling statistics convinced Leah that education is the key to breaking the cycle of dependency on welfare, so CharityWorks partnered with The Orphan Foundation of America to change the lives of twenty-four local foster teens by sending them to college. That same commitment to disadvantaged children led Leah to open and expand child literacy programs in Washington, D.C., Maryland, and Virginia. Through her personal efforts, hard work, and generosity, Everybody Wins, the largest grassroots literacy and mentoring program, serving 3,600 children was awarded \$450,000 by CharityWorks in 2002.

Ms. Gansler also supported after-school and summer programs of The Fishing School in two of the most crime-ridden, depressed neighborhoods of Northeast D.C. Leah's tireless fundraising allowed CharityWorks to raise over \$650,000, providing 120 at-risk elementary school children a safe harbor from violence, addiction and abuse. Similarly, her efforts were key in 2004 to CharityWorks' partner, See Forever, opening a second campus of the Maya Angelou Public Charter School for 150 teens. Leah was the leading light to raise \$700,000 for the school, providing what The NewsHour with Jim Lehrer called "their last shot at success." Because of Leah's dedication, CharityWorks was also able to grant Heads Up more than \$750,000 for after-school and summer programs in some of Washington, D.C.'s most under-resourced neighborhoods. More than 900 at-risk children attend enrichment programs in 10 local schools. Perceiving the need for the Center City Consortium to expand its program, Leah, thru CharityWorks, was able to support 2,400 at-risk children so that they could achieve significant academic gains.

Through the generosity of all whose lives Leah has touched, CharityWorks last year was successful in raising \$2 million to construct the 50th Fisher House on the grounds of the Veteran's Medical Center in Washington, D.C. Fisher House provides a comfort home for families of patients receiving medical care at major military and veteran medical centers.

This year Leah is celebrating 10 years of CharityWorks and partnering with Friendship Public Charter School. They are joining hands to design and build Early Childhood Centers of Excellence at the school and to support students enrolled in Friendship's award winning program.

Madam Speaker, we are fortunate and graced to have a person of such vision and leadership.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010:

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Air Force, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: Advanced Projects Research, Inc., located at 1925 McKinley Avenue, Suite B, La Verne, CA 91750

Description of Request: Provide an earmark of \$1.5 million which will be used to continue testing and development for the production of the Wavelength Agile Spectral Harmonic (WASH) Oxygen Sensor which continually measures oxygen concentration in military high-performance fuel tanks, and the Cell Level Battery Controller that monitors and controls charge and temperature at the cell level of military battery energy storage systems. Approximately \$146,000 will be used for project management; \$220,000 for engineering analysis; \$512,000 for engineering design; \$275,000 for hardware fabrication and assembly; \$329,000 for test engineering; and \$18,000 for material and hardware. This request is consistent with the intended and authorized purpose of the Air Force RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Defense-Wide, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: AeroVironment, located at 181 West Huntington Drive, Suite 202, Monrovia, CA 91016

Description of Request: Provide an earmark of \$1 million to develop the Hand-Held Lethal Small Unmanned Aircraft System (SUAS). Air Force Special Operations Command stated its need for a capability to engage fleeing enemy combatants on the battlefield. The Hand-Held SUAS will help protect U.S. troops by providing an efficient tool to encounter a target quickly with minimum collateral damage using an on-board explosive. Controlled with common ground-control devices, this precision system will provide unparalleled situational awareness and combat effectiveness in urban and mountainous environments. Approximately \$600,000 is for test production, including procurement of parts for manufacturing. \$300,000 is for engineering costs and \$100,000 is for flight testing and range costs. This request is consistent with the intended and authorized purpose of the Defense-Wide RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Army, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: Chang Industry, located at 968 Palomares Avenue, La Verne, CA 91750

Description of Request: Provide an earmark of \$4 million to develop Fire Shield, an Active Protection System (APS), with the cooperation of the U.S. Army Tank Automotive Research, Development and Engineering Center (TARDEC) in Warren, Michigan. Fire Shield would be used to protect armored vehicles from the blast effects and the plasma jet of rocket propelled grenades by detecting and destroying incoming projectiles. Approximately \$800,000 is for directional warhead blast and fragment effects characterization and optimization. \$600,000 will be used for static threat defeat characterization, test and evaluation with directional warhead. \$600,000 will be used for threat defeat test and evaluation on a controlled moving platform with directional warhead. \$1 million will be allocated to integrate the system for use on optimal vehicles, such as Mine Resistant Ambush Protected and Joint Light Tactical vehicles, and protection system deployment configurations (vehicle geometry dependant) for overall vehicle protection using sensor/warhead components. The remaining \$1 million will be used for the preliminary incorporation of Insensitive Munition and development of proper Safe & Arm for the Fire Shield system and conducting preliminary interaction with the Army Fuse Board. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Navy, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: City of Hope National Medical Center, located at 1500 E. Duarte Road, Duarte, CA 91010

Description of Request: Provide an earmark of \$1 million for the City of Hope National Medical Center's Advanced Molecular Medicine Initiative (AMMI), which furthers the mission and goals of the Navy's Division of Molecular Medicine program, performing a variety of basic and translational research programs investigating human disease mechanisms. The Navy's Medical Development Program is directed to develop biomedical equipment and related techniques to reduce morbidity and enhance medical care for combat casualties. The AMMI directly complements these efforts by improving therapeutic treatments for the Department of Defense and civilian populations. This research will also develop expertise and technologies directly applicable to defense against biological, chemical or radiological attacks. \$750,000 is for continued research and \$250,000 is for genotyping. This request is consistent with the intended and authorized purpose of the Navy RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Army, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: Tanner Research, Inc., located

at 825 South Myrtle Avenue, Monrovia, CA 91016

Description of Request: Provide an earmark of \$2,500,000 to continue development of a Dual-Mode Micro Seeker (radio frequency/electro-optical (RF/EO)) for use in improving the accuracy of gun-launched and small missile interceptors used with current and emerging defensive weapons systems. The funding includes: \$300,000 for RF signal processing development; \$850,000 for Monolithic Microwave Integrated Circuits and Complementary Metal-Oxide-Semiconductor integrated circuit development; \$600,000 for EO avalanche photodiode (APD) circuit development; \$450,000 for RF seeker integration; and \$300,000 for EO seeker integration. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

INTRODUCTION OF THE PROTECT AMERICA'S WILDLIFE ACT OF 2009

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to introduce the Protect America's Wildlife (PAW) Act. This legislation is a narrowly crafted amendment to the Airborne Hunting Act, which has been on the books for decades.

Simply put, the PAW Act will stop the unnecessary and unscientific air assault on wolves and other wildlife that is occurring in Alaska, and it will prevent other states from following Alaska's lead.

In 1971, as a response to public outcry over airborne wolf hunting in Alaska, Congress took decisive action by passing the Airborne Hunting Act. The law was a direct result of the national outcry over brutal and needless wolf hunting conducted by airplane in Alaska, brought to the public's attention by a television documentary.

At the time, Congress recognized that this unsportsmanlike practice should only be used in extreme situations—as in the defense of humans, livestock, and wildlife—which is why the Airborne Hunting Act banned the practice and made narrow exceptions for those extreme situations.

The CONGRESSIONAL RECORD reflects that these exceptions, and in particular the wildlife exception, were not intended as a carte blanche to the states. In the 92nd Congress, the House Committee on Merchant Marine and Fisheries prepared a report on "Shooting Animals From Aircraft" that clearly articulated that the states should not "utilize or permit the utilization of aircraft to achieve a balance in wildlife, which should be left to nature or to other more sportsmanlike hunting practices."

Unfortunately, the State of Alaska has spent the last several years defying congressional intent. The state is granting permits to individuals who are harassing and shooting wolves and other wildlife from planes to artificially boost game species, even though the state has no credible scientific evidence to show that the relevant prey populations are actually at risk.

Hundreds of scientists, the esteemed American Society of Mammalogists, and wildlife managers in Alaska have all spoken out against the State's airborne "predator control" programs as unnecessary, unscientific, and in violation of the clear objective of the Airborne Hunting Act. In addition, I recently received a letter, which I will enter into the record, from nine former Alaska Board of Game members that strongly supports the PAW Act and notes that "Alaska's current predator control programs . . . clearly circumvent the federal Airborne Hunting Act (AHA) of 1972."

Wolves are now being shot from airplanes on more than 60,000 square miles of Alaska, including federal lands administered by the Bureau of Land Management and on lands adjacent to several national parks, preserves, and national wildlife refuges. This past spring, state employees targeted wolves that were known to den inside the Yukon Charley Rivers National Preserve, and which were part of a long-term National Park Service study.

Let me be very clear: the exceptions that Congress provided in the Airborne Hunting Act gave states the right to use an extreme measure in extreme circumstances. But instead, the state of Alaska has exploited that exception and violated the intent of the law. Since 2003, more than 1,000 wolves have been killed through these practices. The state's program of hunting predators from the air has spiraled out of control; it is unscientific and goes far beyond any recognizable form of legitimate wildlife management.

Proponents of these practices will say that the state's program is run for the benefit of those who rely upon moose and caribou for food. But the reality is that the state continues to allow moose and caribou hunting by out-of-state hunters and non-local resident hunters, in the same regions they claim airborne wolf hunting is needed to boost moose and caribou populations.

One final note on the pressing need for this legislation. Now that wolves in the Northern Rockies have been removed from the endangered species list, there is a threat that other states may attempt to misuse the same exception that Alaska has misused, to hunt wolves in the lower 48 states from airplanes in order to boost game populations.

The Protect America's Wildlife Act, which I am introducing today, is carefully and narrowly crafted. It specifically addresses the ongoing misuse of the wildlife management provision as I outlined above, while maintaining the ability of states to address legitimate biological emergencies in the wild, as Congress intended.

Specifically, this legislation:

Clarifies the conditions under which states can use airplanes and helicopters to kill wolves and other predators. For example, they may still be used to address legitimate biological emergencies in prey populations;

Requires states to provide a scientific foundation for their use of the wildlife management exception as part of the report to the Department of the Interior which they are already required to submit; and

Maintains the ability of states to use aerial gunning to protect land, water, wildlife, livestock, domesticated animals, human life, or crops.

I urge my fellow Members of Congress to take a stand for wildlife and for proper use of our wildlife laws by supporting the Protect America's Wildlife Act.

JULY 14, 2009.

Re The Protect America's Wildlife Act

DEAR REPRESENTATIVE MILLER: As former members of the Alaska Board of Game, we endorse the modest but crucial changes to the Federal Airborne Hunting Act (16 USC 742j1) contained in the Protect America's Wildlife Act, which you are sponsoring in the U.S. House of Representatives.

The Alaska Board of Game (hereafter Board) is a seven member citizen board appointed by Alaska's governor and confirmed by the state legislature. The Board promulgates Alaska's hunting and trapping regulations and establishes wildlife policies including those for predator control.

The Protect America's Wildlife Act is largely a response to Alaska's current predator control programs, which clearly circumvent the federal Airborne Hunting Act (AHA) of 1972. The legislation would clarify the intent of the AHA so that the exception that allows a state to authorize the use of aircraft to shoot wildlife must be based on the finding of a biological emergency and not used to increase prey populations just to meet increasing hunter demand. It further provides that when a state authorizes aircraft shooting under the exception, it must be supported by adequate scientific data and the shooting must be conducted by government personnel only.

The Protect America's Wildlife Act is in conformance with the laws that Alaskan voters passed by initiative in 1996 and 2000. The state legislature reversed the will of the people both times.

Extensive wolf control is being conducted in Alaska at present. Aerial predator control is now occurring on more than 60,000 square miles of Alaska—the largest predator control program since statehood. Since 2003, more than 1,000 wolves have been killed by private hunters through shooting directly from airplanes or from the land and shoot practice. This past spring, the Alaska Department of Fish and Game killed 84 wolves in 5 days in eastern Alaska. In March, the Board reauthorized aerial predator control for five more years and has eased the regulations further by allowing private aerial gunning teams to now use helicopters to kill wolves.

Many Alaskans object to using state personnel for ongoing airborne wolf control as a standard game management tool unless there is a serious biological problem. And even more strongly object to the use of private pilots for these activities because of the long, well documented history of abuses and violations of the AHA.

We also note that the long, detailed history of predator control in Alaska and elsewhere clearly demonstrates that control is often poorly supported by sound science, ignores other options, and often becomes institutionalized and perpetual. The Protect America's Wildlife Act would help curb these problems by restricting lethal control programs to those that are well justified and truly necessary. We are aware that other control options are available and effective including non-lethal control and habitat management.

In summary, we strongly support The Protect America's Wildlife Act and believe that it would improve the management of wildlife in Alaska as well as settle some longstanding, controversial issues related to predator control.

Sincerely,

Former Alaska Board of Game Members

Vic Van Ballenberghe, Joel Bennett, Leo Keeler, Tom Meacham, George Matz, R.T. Skip Wallen, Bruce Baker, Nicole Whittington-Evans, Jack Lentfer.

EARMARK DECLARATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. ROYCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Department of Defense Appropriations Act, 2010.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 3326

Account: Operations & Maintenance—Defense Wide

Legal Name of Requesting Entity: California State University

Address of Requesting Entity: 401 Golden Shore, Long Beach, CA 90802-4210

Description of Request: To provide \$3,600,000 for the Strategic Language Initiative. Our nation's defense, diplomatic, and business employers need affordable, accessible strategic language instruction programs. The five California State University (CSU) campuses originally comprising the Strategic Language Initiative (SLI) Consortium worked collaboratively between 2005 and 2007 to create an effective model capitalizing on campus language expertise, student heritage language diversity, and local linguistic communities in Arabic, Mandarin, Korean, Persian, and Russian.

No single university has the resources to meet this rapidly changing need for global and regional expertise in a wide range of world languages. National efforts have concentrated on developing flagship programs in languages such as Chinese, Arabic, Russian, and Korean, and creating demonstration materials for offering languages online. These efforts have not adequately tapped into the diverse heritage language communities in California, home to the densest concentration of linguistic and cultural diversity in the nation. Collectively, through the establishment of the CSU Consortium for the Strategic Language Initiative, the southern California campuses of the CSU system have collaborated to provide an innovative approach to intensive language learning that can be a model for other metropolitan consortia. These universities serve the most linguistically diverse populations in the country, with large heritage communities near different campuses, and collectively enroll over 100,000 students each year. Initial participating campuses are CSU Long Beach, Fullerton, Los Angeles, Northridge and San Bernardino. Preliminary assessment data collected from SLI participants showed an average language development progress that significantly exceeds traditional classroom and course-based program in Arabic, Korean, Mandarin, and Persian. Compared to other models of critical language development, the SLI Model is very cost-efficient and effective in advancing a large group of undergraduate and graduate

students through several language proficiency levels across multiple campuses in a relatively short time period, for a fraction of the funding available to other programs. The Consortium's success in southern California can be enhanced by developing a similar model in northern California. This request would build the programs within the current Consortium, and add CSU campuses in San Francisco and San Jose. Lessons learned from the current 5 programs will shape the 2 new programs. The legacy of this federal investment will be an instructional model sustained by the CSU system that effectively responds to the national challenge to graduate more professionals with language and cultural knowledge and skills for an increasingly interdependent global world.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 3326

Account: U.S. Army, Research, Development, Test & Evaluation (RDT&E) Legal Name of Requesting Entity: California State University, Fullerton

Address: 800 N. State College Boulevard, Fullerton, California 92831

Description of Request: Provide \$2,000,000 to continue the Prader-Willi Syndrome

(PWS) Research project being led by the California State University, Fullerton. This funding would allow for the continuation of vital research on Prader-Willi Syndrome, which will help the Department of Defense and its many military families, with children affected by this disorder. More importantly, the research will serve as a resource to the Department for the treatment and study of obesity in general. The strong manifestation of obesity in children with PWS makes it an excellent model for the study and control of obesity in general. Military health experts have characterized the growing problem of obesity amongst active duty and potential recruits as a national security issue because of its overall impact on the health, performance, and readiness of our armed forces. Furthermore, obesity places a significant cost burden on the military and veterans' health care systems. This request is consistent with the intended and authorized purpose of the Army, RDT&E Account and consistent with the DoD mission.

Funding will be used to provide better understanding of how individuals with PWS progress from an initial failure to thrive to morbid obesity. Improved understanding of the various nutritional phases of PWS will not only benefit the treatment and management of PWS, but also provide valuable insights into obesity in general. Researchers will also test the effectiveness of various intervention programs.

HONORING KARI DOMBROVSKI AT TALAH ELEMENTARY SCHOOL IN ST. CLOUD, MINNESOTA FOR THE 2008 PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Kari Dombrovski of Talahi Ele-

mentary School in St. Cloud, Minnesota. Kari was awarded the Presidential Award for Excellence in Mathematics and Science Teaching this July for her work as a second grade teacher.

This award is the highest recognition that an elementary school teacher may receive. She was selected first by a statewide committee and then by a National Science Foundation Committee. Kari's dedication to instilling the building blocks of learning in students may have earned her the award, but the real winners are the kids. The young children that get to spend time with her in her classroom already know she is one of the nation's finest teachers.

I rise to congratulate and honor Kari Dombrovski's dedication to the children of Talahi Elementary School. The Presidential Award for Excellence in Mathematics and Science Teaching is a public recognition of her passionate work in the second grade classroom. The faculty, parents and students that she works with know what a special teacher she is and it is my honor to highlight her accomplishments to this Congress.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3326

Account: Research and Development, Defense Wide, Joint Experimentation

Legal Name of Requesting Entity: Deputy Assistant to the Governor for Commonwealth Preparedness

Address of Requesting Entity: Patrick Henry Building, 1111 East Broad Street, Richmond, VA 23218

Description of Request: Provides \$2,900,000 to enhance the Commonwealth of Virginia's interdiction, response and recovery capabilities to a WMD event through the conduct of a multiple agency, maritime full scale exercise.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3326

Account: Research and Development, Defense Wide, Defense Technology Analysis

Legal Name of Requesting Entity: Old Dominion Research Foundation

Address of Requesting Entity: 4111 Monarch Way, Suite 204, Norfolk, VA, 23801

Description of Request: Provides \$800,000 to Virginia Modeling and Simulation Center in Suffolk, Virginia to formulate modeling and simulation standards for model research, development and use by the government, academic and industry sectors. This is the second year of a three year study.

TRIBUTE TO DR. DAVE RUDY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to congratulate Dr. David R. Rudy, Associate Provost and Dean at Morehead State University, who is retiring this fall after 29 years of service. I want to recognize his record of excellence as a teacher, scholar, mentor, and public servant, and for his distinguished career.

Dr. Rudy has a prominent record as a Professor of Sociology at Morehead State University, publishing numerous articles and books. His books on drug abuse, alcoholism, and the social struggles they entail are valuable tools to fight the challenges that many Americans face with these troubles, including southern and eastern Kentuckians. Dr. Rudy has published numerous scholarly articles including those in Sociological Analysis and the Journal of Studies on Alcohol. He has received funding to support his research from, among others, the Alcohol Beverage Medical Research Foundation at Johns Hopkins University, the National Science Foundation, U.S. Department of Education, and U.S. Department of Housing and Urban Development. Among numerous service and outreach efforts, Dr. Rudy is a graduate of Leadership East Kentucky, served as a researcher for the Kentucky League of Cities "New Cities" program, and serves on the Board of the Advanced Manufacturing Partnership (AMP).

Dr. Rudy has a long track record of mentoring young scholars and supporting excellence in their academic endeavors, with several of his students going on to receive Ph.D.s. He has given them an excellent example to follow. As a tenured professor at Morehead State University he was chosen to serve as Dean of a newly established Program of Distinction. The Institute for Regional Analysis and Public Policy (IRAPP) was then founded by Dr. Rudy in 1999 and over ten years he led the development of IRAPP as a research intensive unit that serves the eastern region of Kentucky. Dr. Rudy has been honored with the Distinguished Researcher Award and Distinguished Service Award by Morehead State University for these and other significant contributions to the campus and community.

Under Dr. Rudy's leadership, Morehead State and the IRAPP program can take pride in his accomplishments. The impact of his career will be felt far and wide, as his students use what they have learned from him, and have their own impacts on eastern Kentucky, our nation and the world. As they do this, they will know that they have Dr. Rudy to thank.

ON TELEWORK DAY IN VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise in support of Monday, August 3, as

Telework Day in Virginia and applaud Governor Tim Kaine on this initiative.

On this day, thousands of Virginians will perform a full day's work from their houses rather than their places of work. This practice empowers workers who feel that they can fulfill their obligations to their employer equally well from home as in a brick and mortar office.

My colleagues, teleworking provides enormous benefits to employers and employees alike, as well as positive social and economic impacts. Teleworking, a practice which dates to the 1960s and then was dramatically expanded in the '90s, thanks to a host of networking innovations, can save employers premises costs and office overhead fees.

If all eligible Federal employees teleworked 2 days per week, the Federal Government could realize \$3.3 billion in savings in commuting costs annually and eliminate the emission of 2.7 million tons of pollutants each year. Furthermore, it would provide an easy and necessary means of operational continuity should the Nation's Capital be the target of another horrific terror attack.

Teleworking can also increase productivity, typically 10 percent to 40 percent per person in large programs, by eliminating the often distressing and frustrating commute to and from work. For example, it eliminates commuting costs for employees because they do not have to pay for gas or public transportation. Given that the average round trip commute is 50 miles and commuters spend an average of 264 hours per year commuting (66 minutes per day), Americans would be relieved of the burden of spending so much time on the road that could be better spent with their families.

Through this practice, employees are allowed the freedom of working at their optimal times; some might be more productive in the morning while others might be more productive late at night. Telework allows the workers to get into a personal daily rhythm and work when they please, thus maximizing individual liberty and occupational productivity.

At this time, States and localities all around the Nation are grappling with ways in which congestion on the roadways can be reduced. We could facilitate greater capacity for mass transportation—but that requires heavy infrastructure investment and the vision to plan long-term. We could also build more roadways—but that would simply invite more cars and more traffic, while doing nothing to improve the quality of life for millions of hard-working Americans.

Those options taken together do indeed form a necessary component of traffic mitigation, but they take both time and money. Teleworking is simple to implement, economical to operate, and reflects the many ways in which technology has allowed the spheres of personal and professional life to blend together. It allows for a young professional to care for her newborn child or a son to care for his ailing mother in the comfort of their own homes, without worrying what would happen should they have to spend a portion of their day in an office, away from those who depend on their presence.

I am proud to say that at the end of 2005, Fairfax County in Virginia was able to meet the region-wide target of having 20 percent of eligible workers engaged in teleworking. I

would invite my colleagues to take note of teleworking's success and stand up for a worker's ability to set his or her own schedule, with the expectation that it will allow for a more flexible lifestyle without compromising productivity. Rather than relying on the desks, chairs, and file cabinets that defined the average employee's office a generation ago, telework allows Americans to bring the workplace to them, not the other way around.

HONORING MASTER SGT. LORENE KITZMILLER

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WAMP. Madam Speaker, the Volunteer State continues to produce the best of the best in our military! Today, I am privileged to rise and honor Master Sgt. Lorene Kitzmiller of the Tennessee Air National Guard who was selected as the 2009 First Sergeant of the Year for the Air National Guard. She was also recognized as an Outstanding Airman of the Year along with five other Airmen nationwide.

Master Sgt. Kitzmiller is serving with the 118th Aeromedical Evacuation Squadron in Nashville. Each year, the States and territories select and submit top performers from the Air Guard's 88 flying units and 579 mission support units to compete for this prestigious award. Out of more than 93,000 enlisted Airmen in the Air National Guard, only six are selected for the final competition.

Kitzmiller has participated in multiple overseas deployments including Operation Northern Watch (Macedonia), Operation Southern Watch (Saudi Arabia), Operation Iraqi Freedom (Kuwait, Baghdad, and twice in Balad), and Operation Enduring Freedom. She also is very active improving her local community and volunteers with the Tennessee Drug Task Force Team and YMCA, serving as a drill instructor during summer camps for troubled youth. She has spent countless hours volunteering with Military Kids Support Programs and Homeless Veterans Associations helping veterans find shelter and employment.

Master Sgt. Kitzmiller hails from Springfield, Tenn., and is currently studying at Austin Peay State University working toward her bachelor's degree. She attended Dickson County High School and left for Navy basic training 10 days after graduation. Upon discharge 4 years later, she joined the Army Reserve, served in several units before transferring to the Tennessee Army National Guard, and then finally to the State's Air National Guard. In December 2005, she was selected as a First Sergeant, fulfilling a dream to follow in her father's footsteps.

Tennessee is very proud of the accomplishments and service of Master Sgt. Lorene Kitzmiller and I proudly recognize her today in the U.S. House of Representatives. Individuals like Kitzmiller continue to give the United States military a reputation of excellence and commitment to their State and their Nation while at home or deployed around the world. On behalf of the great State of Tennessee, I honor Master Sgt. Lorene Kitzmiller for her accomplishments and dedication to Tennessee and the United States of America.

RESTORING CONFIDENCE IN ABSENTEE VOTING

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mrs. MILLER of Michigan. Madam Speaker, before I came to Congress, I had the privilege of serving 8 years as Michigan's Secretary of State. In that job, one of my key responsibilities was to serve as the state's Chief Elections Officer. During my tenure, we made great strides in improving the accuracy and security of the elections system in our state.

However, as any former or current Secretary of State can tell you, one of the greatest challenges you have is convincing non-voters—those who are eligible to vote, and may be registered, but fail to participate in the electoral process. One of the common challenges in changing the views of these citizens is countering the belief that the system doesn't work either due to corruption or negligence or some other issue. So, these citizens fail to exercise their Constitutionally-given rights to choose their government, and they don't vote.

As elected officials, we need to take whatever measures we can to increase the public's confidence in the voting system. One of the greatest achievements of my tenure as Secretary of State was the creation of the Qualified Voter File, which provided for easy determination of who is and is not a registered voter. In fact, the Ford-Carter Commission on Federal Election Reform cited Michigan as a national model in this area. This device was critical to ensuring that we have full voter participation and that no one is needlessly disenfranchised.

Absentee ballots, historically, have been an area that has contributed to this perception. Many have seen these ballots as ripe for corruption and many voters are unsure what happens with their ballots after they mail them in. The bill we are considering today will go a long way towards correcting these perceptions.

H.R. 2510, the Absentee Ballot Track Receive and Confirm Act, authorizes grants to states that choose to establish procedures to track absentee mail-in ballots. These systems would allow voters to find out for themselves the status of their absentee ballot. Voters will now be able to determine when their ballot should arrive, if the elections office received it and whether it was counted.

Additionally, this measure protects the secrecy of the ballot by only marking the outside ballot envelopes. No other information about the voter or how that vote was cast will be recorded.

The right to vote is one of the most cherished rights that we have as citizens. This measure will reduce the potential for fraud and restore confidence in absentee voting among the public. Furthermore, absentee voters will gain the knowledge that their vote has been counted and they are not being disenfranchised through the process.

I urge my colleagues to support the measure.

INTRODUCING HEALTH FREEDOM
LEGISLATION**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. PAUL. Madam Speaker, I rise to introduce two pieces of legislation restoring the First Amendment rights of consumers to receive truthful information regarding the benefits of foods and dietary supplements. The first bill, the Health Freedom Act, codifies the First Amendment by ending the Food and Drug Administration (FDA)'s efforts to censor truthful health claims. The second bill, the Freedom of Health Speech Act, codifies the First and Fifth Amendment by requiring the Federal Trade Commission (FTC) to prove that health claims are false before it takes action to stop manufacturers and marketers from making the claims.

The American people have made it clear they do not want the federal government to interfere with their access to dietary supplements, yet the FDA and the FTC continue to engage in heavy-handed attempts to restrict such access. The FDA continues to frustrate consumers' efforts to learn how they can improve their health even after Congress, responding to a record number of constituents' comments, passed the Dietary Supplement and Health and Education Act of 1994 (DSHEA). FDA bureaucrats are so determined to frustrate consumers' access to truthful information that they are even evading their duty to comply with four federal court decisions vindicating consumers' First Amendment rights to discover the health benefits of foods and dietary supplements.

FDA bureaucrats have even refused to abide by the DSHEA section allowing the public to have access to scientific articles and publications regarding the role of nutrients in treating diseases by claiming that every article concerning this topic is evidence of intent to sell an unapproved and unlawful drug.

Because of the FDA's censorship of truthful health claims, millions of Americans may suffer with diseases and other health care problems they may have avoided by using dietary supplements. For example, the FDA prohibited consumers from learning how folic acid reduces the risk of neural tube defects for four years after the Centers for Disease Control and Prevention recommended every woman of childbearing age take folic acid supplements to reduce neural tube defects. This FDA action contributed to an estimated 10,000 cases of preventable neural tube defects.

The FDA also continues to prohibit consumers from learning about the scientific evidence that glucosamine and chondroitin sulfate are effective in the treatment of osteoarthritis; that omega-3 fatty acids may reduce the risk of sudden death heart attack; that calcium may reduce the risk of bone fractures; and that vitamin D may reduce the risk of osteoporosis, hypertension, and cancer.

The Health Freedom Act will force the FDA to at last comply with the commands of Congress, the First Amendment, numerous federal courts, and the American people by codifying the First Amendment prohibition on prior re-

straint. Specifically, the Health Freedom Act stops the FDA from censoring truthful claims about the curative, mitigative, or preventative effects of dietary supplements. The Health Freedom Act also stops the FDA from prohibiting the distribution of scientific articles and publications regarding the role of nutrients in protecting against disease. The FDA has proven that it cannot be trusted to protect consumers' rights to make informed choices. It is time for Congress to stop the FDA from censoring truthful health information.

The Freedom of Health Speech Act addresses the FTC's violations of the First Amendment. Under traditional constitutional standards, the federal government bears the burden of proving an advertising statement false before censoring that statement. However, the FTC shifted the burden of proof to industry. The FTC presumes health advertising is false and compels private parties to prove the ads (and everything the regulators say the ads imply) to be true to a near conclusive degree. This violation of the First and Fifth Amendments is harming consumers' by blocking innovation in the health foods and dietary supplement marketplace.

The Freedom of Health Speech Act requires that the government actually prove that speech is false before the FTC acts against the speaker. This is how it should be in a free society where information flows freely in order to foster the continuous improvement that benefits us all. The bill also requires that the FTC warn parties that their advertising is false and give them a chance to correct their mistakes before the FTC censors the claim and imposes other punishments.

Madam Speaker, if we are serious about putting people in charge of their health care, then shouldn't we stop federal bureaucrats from preventing Americans from learning about simple ways to improve their health. I therefore call on my colleagues to stand up for good health and the Constitution by cosponsoring the Health Freedom Act and the Freedom of Health Speech Act.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 3326—Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: Southern Research Institution

Address of Requesting Entity: 757 Tom Martin Drive, Birmingham, AL 35211

Description of Request: Provide \$3,000,000 to provide a needed testbed platform for evaluation of advanced sensor technologies in a

cost-effective and countermeasure development for threat systems. The Captive Carry Sensor Testbed addresses the unfunded requirement for enhancing weapon system effectiveness through the development and integration of a UAV-based captive carry sensor testbed and characterization of realistic flight conditions. The project's total budget is \$4,000,000. Specifically within the budget, \$600,000 will go toward system procurement, \$200,000 will go toward system integration, \$1,500,000 will go to an Alabama subcontractor for software and systems, \$900,000 will go toward SRI Program Management, and \$800,000 will go toward Army project management and administration. This request is consistent with the intended and authorized purpose of the Research, Development, Test and Evaluation, Army Account. The Southern Research Institute will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: University of Alabama at Birmingham

Address of Requesting Entity: 1802 6th Avenue South, Birmingham, AL 35249

Description of Request: Provide \$1,500,000 for development of a medical training simulation using a supercomputer-based, immersive virtual environment to train military personnel in medical skills. The simulation will focus on combat search and rescue, mass casualty, confined space, and other challenging environments and scenarios to enhance training. The training simulation capability would allow military personnel to quickly and cost effectively adapt, train, and develop responses for a variety of emerging threats and emergencies. The project's total budget is \$3,837,000. Specifically within the budget, \$1,500,000 will go toward personnel, \$1,200,000 will go toward IT equipment, \$200,000 will go toward software, \$75,000 will go toward administrative expenses, \$25,000 will go toward travel, and \$837,000 will go toward indirect costs. This request is consistent with the intended and authorized purpose of the Research, Development, Test and Evaluation, Army Account. The University of Alabama at Birmingham will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall, Auburn University, AL 36849

Description of Request: Provide \$1,500,000 to develop and demonstrate logistical fuel processor-fuel cell combinations that operate at significantly higher efficiencies than currently used by the Army. System improvements include: overall efficiency, fuel flexibility, activity maintenance and poison tolerance of the various catalysts, startup/shutdown times-

scales, process strength, reliability, safety, thermal/acoustic signature and integration, and reductions in overall weight and volume. This project directly supports the war fighting capabilities of the entire U.S. military. Moreover, it focuses on more efficient power generation from readily available existing fuels, and develops and underpins dual use technologies critical to the energy security of the U.S. The project's total budget is \$6,970,000. Specifically within the budget, \$2,230,000 will go toward Auburn personnel costs, \$1,200,000 will go toward research expense and supplies, \$900,000 will go toward supplies, \$1,090,000 will go to a subcontractor, \$300,000 will go to Anniston Army Depot for tech support for Army vehicle retrofits, and \$1,250,000 will go toward Army project management and administration. This request is consistent with the intended and authorized purpose of the Research, Development, Test and Evaluation, Army Account. Auburn University will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: University of Alabama at Birmingham

Address of Requesting Entity: 1530 3rd Avenue South, AB 720E, Birmingham, AL 35294

Description of Request: Provide \$1,500,000 to focus on rapid development and application insertion of emerging design, materials, and manufacturing technologies to provide solution options for many important military needs. Particular research projects will focus on encapsulated-ceramic armor using metallic thermoplastic matrices, metal matrix composites, modeling of casting and deformation processing for non-ferrous and ferrous alloys, and thermo-mechanical processing of magnesium and other alloys. The project's total budget is \$4,000,000. Specifically within the budget, \$1,200,000 will go toward engineering, \$1,800,000 will go toward equipment, \$100,000 will go toward travel, \$300,000 will go toward supplies, \$500,000 will go toward component fabrication, and \$100,000 will go toward services. This request is consistent with the intended and authorized purpose of the Research, Development, Test and Evaluation, Army Account. The University of Alabama at Birmingham will meet or exceed all statutory requirements for matching funds where applicable.

TESTIMONY GIVEN BY ROGER WINTER ON U.S. SUDAN POLICY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues testimony that Roger Winter, former U.S. State Department special representative on Sudan, gave today before the House Foreign Affairs Subcommittee on Africa and Global Health on the

critical issue of U.S. Sudan policy, specifically as it relates to implementation of the Comprehensive Peace Agreement (CPA).

I deeply respect Roger's viewpoint as a consummate Sudan expert and plan to submit the testimony of the other highly qualified witnesses from today's hearing, in the days ahead.

Chairman Payne, Ranking member Smith and Members of the Subcommittee, thank you for inviting me to be here with you today. And to you, Mr. Payne, your consistent and persistent leadership on Sudan has honestly made you one of my heroes. I mean that sincerely.

To paraphrase one of my favorite authors, I often wonder with awe at the willingness of good people, especially Americans, to suspend all their protective instincts and to accept some of the worst killers in the human race into their midst. I remembered that thought when seeing photos of the Khartoum delegation that arrived recently to discuss Sudan's Comprehensive Peace Agreement (CPA). Perhaps I have seen too much in the Sudan over these last 28 years and have become jaundiced. Still, a necrology of three million dead civilians in Sudan, targeted victims of the policies and actions of the National Congress Party (or National Islamic Front) since its coup in 1989, has got to be noteworthy, especially as the leadership of the NCP have as yet never been held accountable for their crimes. Surely three million is unambiguously a Holocaust number. The gentleman who headed the NCP delegation to Washington recently and received substantial public exposure (e.g. in the Washington Times) has one of the worst track records of all. Surely three million deaths is unambiguously a Holocaust number, a reality for which he makes no apology whatsoever.

Not only has the NCP not paid a price for that body count, its leadership now controls much of Sudan's economy; its indicted President is politically protected by the morally-challenged leadership of the African Union and the Arab League; and it continues to undermine both the CPA itself and also the Sudan Peoples Liberation Movement, its "Partner" in the National Unity government established by the CPA. The NCP has a 100% perfect record. It NEVER ever keeps the agreements it signs with its opponents. The pattern is clear. Take, for example, the issue of the volatile town of Abyei. President Bashir's three-year-long refusal to implement the Abyei Protocol of the CPA after signing it on multiple occasions was followed by his Sudan Armed Forces 31st Brigade's destruction of Abyei town in May of last year. Again, he and his Party have paid no price. In fact, he's essentially been rewarded and now is now threatening to undermine the CPA's promised Referendum on Abyei's future.

Just one month ago, President Bashir celebrated his twentieth anniversary as President. He came to power by coup and, ever since, he and his Party have been at war with the Sudanese people, North, South, East and West. The National Islamic Front/NCP leadership team has been the same since it took power. Since then that able and well-experienced team has confronted a revolving door of U.S. diplomats and "special envoys" who do their best to end Khartoum's destructive behavior. Often they think that Khartoum can be successfully appealed to "to do the right thing" on behalf of the marginalized people of Sudan. It's just not so. Khartoum reads us very well.

Personally, I have changed my perspective on Sudan. As someone who worked for our Government on the CPA, I believed in the vision of "New Sudan". I believed the "democratic transformation" of Sudan had a chance to succeed. I believed that "maybe" there was a faint chance the NCP "might be" willing to "make unity attractive" and so sustain a unified state of Sudan. But Khartoum has killed all that. Those goals are not in any way achievable any longer. In my view there are only two general directions that are supportable by the people of South Sudan at this point: (1) The South will vote overwhelmingly for separation in the Referendum provided for by the CPA or (2) The South will be forced into unilaterally declaring its independence because its CPA-mandated Referendum is frustrated by Khartoum's actions and/or the hollow commitments of the International Community. The International Community's wishy-washy approach to the CPA has helped assure that either option will be messy. However, delay or abandonment of the Referendum would be the worst-possible outcome. I believe, in such a case, return to war would be essentially guaranteed.

Because I believe the Referendum must happen timely and in at least reasonably good form in order for there to be any viable chance for peace and development in the region, I believe it is mandatory that the U.S. fully embrace the people of the South and Abyei, and that we escalate our efforts to achieve a soft-landing as the result of a successfully-held Referendum. The U.S. must be clear and upfront that we will support and protect the outcome of that Referendum; many people died to achieve that right.

It is no secret that South Sudan and Abyei are plagued with serious problems but, under the circumstances, they have come a long way against incredible odds.

For twenty years I was the CEO of a non-profit which was then was called the U.S. Committee for Refugees. In that role I was personally exposed to virtually every human rights and humanitarian disaster in the world. I can assert with great confidence my view that, before the CPA, South Sudan and Abyei were the most destroyed places in the entire world. For more than 80% of the time Sudan has been an independent state Khartoum has fostered war in South Sudan and Abyei. Khartoum has not been a genuine government but has generally functioned partisanly on behalf of a narrow range of Arab interests. As a clear result, calling the South "marginalized" became an understatement. It is amazing what forty-seven years of war can do to people. I would visit Abyei which was essentially denuded of its population and overgrown by bush. I would travel during the war throughout the South seeing the unspeakable conditions, but survivors had to live in it. I'll not focus on it except to say it wasn't only infrastructure that was destroyed, it was much of humanity and human society.

At the time the CPA was signed, there was great optimism about the future. The international community made many promises. Khartoum was playing charades and winning. The SPLM and the newly created Government of Southern Sudan were hopeful. The problems they faced were overwhelming and mostly man-made. Because the South had become quiet and Darfuris were being exterminated in growing numbers by Khartoum forces, attention shifted away from the implementation of the CPA and the delivery of an adequate peace dividend for the South's war-affected civilians. Khartoum, despite

signing the CPA, has consistently undermined it. Supporting violence in the South, destroying Abyei in May 2008, regularly withholding funds due the South and Abyei to cripple the functioning of governance, and activating its friends and 'fellow travelers' in the South to foster civil unrest have all been part of Khartoum's pattern of behavior.

Despite Khartoum, the South has come a very long way and has received substantial international assistance, including major support from the U.S. The South has a functional government, substantial growth in education, health services, roads, and other critical services, all in fifty-five months since the CPA was signed. Candidly, however, the South's progress is also being undermined by internal forces, especially in terms of some civil violence, some official corruption, and some serious weaknesses in governance. My use of the word 'some' here, is to be fair. These problems are serious, especially as they erode popular confidence, but they do not eclipse the progress that has been made, given where they started from and the constant undermining by Khartoum. Let me mention one example of how Khartoum routinely works: Abyei.

Khartoum signed the CPA, including the Abyei Protocol, on January 9, 2005. Khartoum never implemented the Protocol. That meant there was NO government in Abyei and no government services for three years. In May 2008, Khartoum forces completely burned to the ground the market place and all residential areas. One hundred percent of the population, who were all returned displaced people, were again displaced. Subsequently Khartoum forces blew up the SPLM facilities in Abyei. Forced by international neglect of these developments in Abyei, the SPLM agreed to international arbitration by the Permanent Court of Arbitration (PCA) in the Hague. While the PCA was moving forward, an Abyei administration was finally created. That administration was intended to provide services to the population funded by a percentage of oil revenues as specified in the CPA. The Abyei administration's budget was to begin October 1, 2008; it never happened. After much pressure, the Abyei administration got only a small "advance" in February 2009 and another in April. Effectively Abyei administration personnel have not been paid since last January; there is little money for services; the hospital is basically empty. There is still no approved budget for Abyei for the fiscal year now almost over. This is how Khartoum implements the CPA in the single most volatile location in Sudan, with clear intention to undermine stability. This is also typical of how Khartoum has dealt with every important issue in the CPA. To top it off, many of the officers of the 31st Brigade (now renamed) and related militias that destroyed Abyei in May 2008 were promoted, and today hundreds of those men, commanded by thugs like Lt. Col. Thomas Thiel Malual Awak, Major Moyak Mobil Ajak and Captain Joseph Garang Nyoul, among others, are just a short distance north of Abyei town waiting for the next instruction from President Bashir to do their evil deeds. And, in my view, he is preparing to do just that. He has already announced in a very threatening way how he will try to torpedo the Abyei Referendum in 2011.

This is how Khartoum behaves across the board on every important issue. This is the Government our Administration is seeking to "make nice" with. Comparing the problems of the GOSS with those of Khartoum, which really is the failed state? Is it Khar-

toum, the one rolling in cash, thoroughly corrupt, a killer regime whom WE have accused rightly of genocide, the 'government' that undermines all the marginalized populations in Sudan and never keeps its agreements? Or is it the four-and-a-half year old GOSS, struggling to reconstruct a war-devastated South with an almost 100% war-traumatized population of survivors minus several million that didn't survive? Morally, by any assessment, the South wins hands down. And morally, that's where America's heart should be.

Why? I believe that with all their shortcomings, the SPLM and the GOSS politically are fundamentally democrats and genuinely want to provide development for all the populations for which they have governing responsibility. In my view it is in advancing precisely those commitments that U.S. national interests are ultimately located.

To me that requires a U.S. surge in coming along side in a full-blown partnership with the struggling GOSS to improve its performance in terms of governance quality so it can deliver services to and inspire the hopes of the people of South Sudan and Abyei. While I cannot be comprehensively prescriptive on specific programmatic solutions, there are some that are obvious: improved financial management, establishment of corruption detection and prosecution mechanisms, preparation for managing the South's petroleum sector, enhancing their public information capacity so the public is well-informed, increased training of police, and capacity-building in reducing inter-community violence. For the remaining timeline of the CPA and for sometime thereafter, the U.S. should stimulate capacity transfer by an infusion of capable American, Indian and other nationality expertise to work along side their Sudanese counterparts. It also means Washington confronting Khartoum when in big or little ways they obstruct CPA requirements and undermine GOSS capacity.

To me this is an approach of which the American people ultimately will be proud. It will free the people of Abyei and the South and will also best secure our own fundamental interests.

RECOGNIZING GAIL BELMONT FROM
VALLEY SPRINGS, CA

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am honored to recognize a constituent of mine, Gail Belmont from Valley Springs, CA. Gail is an Operation Officer in the Quilts of Valor Foundation. She will be in Washington, DC next month.

A "Quilt of Valor" is a wartime quilt made to honor our War Wounded. It is given to all wounded service men and women to show these brave young men and women how much their sacrifice and service is appreciated. These quilts are meant to provide comfort, love and healing to those who have given so much. It is a tangible way to say, "Thank you for your sacrifice and service for our country." It is not a charity quilt nor a service quilt. It is a beautifully pieced and quilted wartime quilt. It is a wartime quilt made by wartime quilters. Over 22,000 quilts have been given to the wounded. Gail has quilted over 350 of those herself.

Gail is a native Californian, born in Dos Palos. After graduation from high school she entered the Women's Army Corp Band playing trumpet. She served 7 years active and reserve. She then spent 25 years in civil service; law enforcement; warehousing and production control at Sharp Depot.

Shortly after leaving Sharp Depot, Gail's parents had purchased a longarm quilting machine and curiosity had Gail trying her hand at running it. It was an instant success and led to establishing a full-time business, at first in the family garage. Quickly outgrowing the garage necessitated a move to the present location on Stabilus Road in Valley Springs.

Gail has won numerous awards at Machine Quilters Showcase and all the local Fairs and Quilt Shows. Her work is well known in this community in all charity affairs. Quilts have come to her from all over the nation for her special expertise which is free hand quilting and then have been sent all over the world.

When Gail left Valley Springs for Camp Lejeune NC, she and others had 200 Quilts of Valor with them. They stopped at different towns across the country picking up quilts and delivered them to Camp Lejeune, North Carolina where they awarded 1,354 quilts to the 3rd Battalion, 8th Marines who just returned from Afghanistan. While in DC, Gail will join Catherine Roberts who founded this organization as they award the Women's Veterans Memorial at Arlington a quilt and will be honored at the Commandant's evening Parade at the Marine Corps Barracks.

On a previous trip to Washington, Gail awarded the Pentagon a quilt she had quilted which is called the "Pentagon Pride Eagle of Valor Quilt of Valor". This quilt is on display at the Pentagon in the 9/11 display case.

IDLING REDUCTION TAX CREDIT
ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BLUMENAUER. Madam Speaker, each year, long-duration idling of truck engines consumes over 1 billion gallons of diesel fuel and emits 11 million tons of carbon dioxide, 200,000 tons of oxides of nitrogen, and 5,000 tons of particulate matter into the air. Also, idling can increase engine maintenance costs, shorten engine life, adversely affect driver well-being, and create elevated noise levels. Some surveys show that trucks idle anywhere from 6-8 hours a day for as many as 250 to 300 days each year.

This legislation provides an important incentive to protect our environment, reduce fuel consumption, and ease the burden of compliance on the trucking community.

The Idling Reduction Tax Credit Act of 2009 provides a 50% credit for the purchase of an idling reduction unit, capped at \$3,000. These units are part of the Environmental Protection Agency's "Smartway" program, which is geared toward improving energy efficiency, reducing greenhouse gas and air pollutant emissions, and improving energy security for our transportation system.

According to the EPA, idling reduction units can reduce fuel consumption by 8% each year and generate additional air quality savings by eliminating up to 2,400 hours of idling time each year. Unfortunately, these units can cost up to \$8,500. While there are loan programs available for some truckers to help defray this cost, most are unable to take advantage of those programs. The Idling Reduction Tax Credit Act would make the federal government a full partner in this effort. I look forward to working with my colleagues to pass this important legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 30, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED AUGUST 3

2 p.m.
Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine protecting the Chesapeake Bay, focusing on reauthorizing the Chesapeake Bay Program.
SD-406

3 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine eliminating wasteful contractor bonuses.
SD-342

AUGUST 4

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider pending nominations.

Room to be announced

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine strengthening and streamlining Prudential Bank supervision.
SD-538

10 a.m.
Environment and Public Works
To hold hearings to examine the nomination of Gary S. Guzy, of the District of Columbia, to be Deputy Director of the Office of Environmental Quality.
SD-406

Finance
To hold hearings to examine climate change legislation, focusing on allowance and revenue distribution.
SD-215

10:30 a.m.
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold hearings to examine children in disasters, focusing on evacuation planning and mental health recovery.
SD-342

11 a.m.
Intelligence
To receive a closed briefing on certain intelligence matters from officials of the intelligence community.
S-407, Capitol

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S-116, Capitol

2:30 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine Georgia one year after the August war.
SD-419

Health, Education, Labor, and Pensions
To hold hearings to examine protecting patients from defective medical devices.
SD-430

Banking, Housing, and Urban Affairs
Housing, Transportation and Community Development Subcommittee
To hold hearings to examine rail modernization, focusing on transit funding.
SD-538

Judiciary
To hold hearings to examine the Performance Rights Act and parity among music delivery platforms.
SD-226

AUGUST 5

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine proposals to enhance the regulation of credit rating agencies.
SD-538

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Kelvin J. Cochran, to be Administrator, United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.
SD-342

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S-116, Capitol

AUGUST 6

10 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration.
SR-428A

CANCELLATIONS

Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine comprehensive immigration reform, focusing on employment-based immigration to propel America's economy while protecting America's workforce.
SD-226

HOUSE OF REPRESENTATIVES—Thursday, July 30, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BLUMENAUER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 30, 2009.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, You lead Your people, guide them, and help them in their every need. You respond to their faith in many ways. You may use any one or anything to come to the aid of Your people.

At times You bring government or charitable organizations to assist Your people. At other times, family members or neighbors help as they are able. At other times, You empower a person from within with greater imagination or intuition, with more education, or the ability to change direction. Sometimes all anyone can do is to pray.

So today we pray for all those who are overwhelmed by personal or social difficulties. We pray for those drowning in debt, those threatened by firestorms or foreclosure on their homes, by illness, by depression, unemployment or lack of faith. Be faithful, Lord, to Your people, even when they are unfaithful and help those most in need. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. JACKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JACKSON of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

THERE IS NOTHING MORE IMPORTANT THAN HEALTH CARE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, Daniel Webster reminds us on a daily basis in a plaque, a stone engraved above the Speaker's rostrum, that in our time here in Congress we're supposed to do something that's worth being remembered, something valuable. Forty-four years ago today Medicare was signed into law. That Congress did something worthwhile. The Congress that produced Medicaid did something worthwhile. Both those Congresses were vilified, and people said both of those programs were socialism.

Well, they were wrong; they were American. They were caring programs that have helped with people in sickness and getting them healthy in an affordable manner. This Congress can do something worthy of being remembered by passing national health care and taking care of people and extending Medicare and Medicaid to another group of Americans and making sure that we're no longer the only civilized industrialized country in the world that doesn't have health care for all of its citizens.

It's time that we act and we do what Daniel Webster charges us to, and that's to do something worthy of being remembered. Nothing is more important than health care.

PUT VIETNAM BACK ON THE CPC LIST NOW

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, how much longer must we tolerate Vietnam's outrageous and continuous violations of its people's religious freedom and human rights? Just over a week ago, the Vietnamese government assaulted, arrested and imprisoned dozens of Catholics in the Diocese of Vinh for erecting a temporary place of worship

on Tam Toa Parish Church that was destroyed during the Vietnam War. If this is not sufficiently egregious and reprehensible to draw our attention and condemnation, I do not know what is. However, the sad reality is that this is just one of the many audacious and concerning violations perpetrated by the Vietnamese government since it was removed from the list of Countries of Particular Concern in 2006.

Arrests of religious leaders and political activists, intimidation of worshippers, and collusion in labor trafficking have become a common practice by the Vietnamese government. We cannot continue to tolerate unjust, inhumane and illegal practices. Vietnam must be put back on the CPC list, and I urge the State Department to do so expeditiously.

H.R. 3326

(Mr. NYE asked and was given permission to address the House for 1 minute.)

Mr. NYE. Mr. Speaker, I rise today in support of our troops and our military families and in support of a provision in the manager's amendment to the Defense appropriations bill which will help our military families.

Mr. Speaker, injured military personnel and veterans, including many who live in my district, often have to travel far from home to receive specialized medical treatment, taking them away from their families during a difficult time. The Fisher House Foundation is a public-private partnership which provides housing to allow military family members to be close to their loved ones during hospitalizations or medical treatment. Each year the Fisher House program serves about 10,000 families at no charge, enabling them to focus on their husbands and wives, parents, sons and daughters.

This amendment includes a provision which I offered to give more support to the Fisher House Foundation to provide housing to more military families. Mr. Speaker, the troops I worked with in Iraq and Afghanistan were willing to put their lives on the line for our country, and we should do everything in our power to ease the burden on our wounded warriors and their families. I hope my colleagues will join me in supporting this valuable program and in supporting our military families.

IN THEIR OWN WORDS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, here are a few thoughts on the Democrat health tax bill by Democrats:

"This bill . . . does not strike the balance between preserving what works in our current system and fixing what does not work."

Another: "To try to pay for health care reform on the backs of small businesses, I can't support that."

Finally: "The (House) bill being presented, with a poorly defined public option, is a Trojan horse leading to government-controlled health care, and it is not in the best interests of the public."

These are the words and concerns of some of our Democrat colleagues. The Democrat plan raises taxes and mandates on small businesses, killing jobs. It creates a government takeover of health care that will knock millions of Americans, including senior citizens on Medicare, off their current plans.

There is a better way to help Americans afford health care, and it starts with empowering the people, not Big Government.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

JUST DON'T GET SICK

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, here's the problems Americans are facing today: no money, no insurance, get sick, disaster; preexisting condition, no insurance, get sick, disaster; laid off, no insurance, get sick, disaster; employer drops coverage, no insurance, get sick, disaster.

This is what the Democrats are trying to fix. This is what the public option and the exchange will fix. It allows people who like their insurance to keep it, and it will cover those who do not have insurance. The Republican health plan very simply is: just don't get sick.

HEALTH CARE REFORM

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. Mr. Speaker, reforming our Nation's health care system is an urgent national priority. Ensuring high-quality, affordable, access to health care for all Americans is our task here in Congress. Yet, opponents of reform are working to kill the bill and to do nothing about exploiting

health care costs other than help insurance companies profit.

Democrats are working for real reform that empowers patients and their doctors to make the right choices for you. Democrats want health insurance for all Americans with a focus on saving and in investing and prevention for our children. Democrats want to make prescription drugs affordable and guarantee that preexisting conditions will be treated and not denied by insurance company bean counters. Democrats want a system that ensures all patients will receive evidence-based, quality care that's the standard.

My State of Minnesota has proven that high-quality, low-cost health care is a possibility here in the United States, and it should be the standard for all Americans. The time for action is now. We need to pass real health care reform.

YOU'RE JUST TOO OLD

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, when government runs health care, senior citizens sometimes are refused treatment because of their age. In Sweden, an 83-year-old woman was refused medical surgery by the government-run hospital. They said she was just too old for treatment. Marianne Skogh had pain and numbness in her legs for 5 years. She waited more than a year trying to get approval for back surgery to cure the problem. She was rejected by the government. Without the operation, she would be living in incredible turmoil. She said, "What kind of life is that?"

Despite her long wait, Marianne was told her ailment was treatable but she was just too old for surgery. The government-run hospital said since she had previous heart surgery, they were denying her the back surgery. They told her just to take some pain pills. When the pain pills didn't help, the government still wouldn't let her have the surgery. Marianne ended up paying for the operation herself with some private funds and funds she received from friends. She's now pain-free.

Government-run health care lets bureaucrats decide who receives rationed care and who doesn't, who lives and who just dies. And that's just the way it is.

AMERICA NEEDS QUALITY AFFORDABLE HEALTH CARE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, America faces a vital decision to improve health care for all, both its quality and affordability. But follow the money. Ask yourself, Who's making the big bucks

off the current arrangement? Aren't you tired of all those expensive medicine ads on TV? If you weren't sick before you watch them you're sick afterwards.

Pharmaceutical companies are the third most profitable industry in our country. They don't even manufacture most of those medicines here anymore. They outsourced them long ago. And their CEOs grab millions of dollars a year in salaries and bonuses from our middle class that's struggling more each year just to pay for insurance. And the insurance companies? They're raking in your health insurance dollars too. They don't deliver an ounce of care, but they've become the ninth most profitable industry in our country. Go to any state capital. Who owns the highest buildings in those towns? Insurance companies. That says it all. America needs quality, affordable health care, not insurance and pharmaceutical kingdoms.

□ 1015

LISTEN TO THE SENIORS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I have a lot of friends on the Democrat side of the aisle, and we, as Republicans, really care about your future, so I'd like for you to know that one of the largest voting blocs in the country is that of the senior citizens. When they read this and find out about it—and we are going to make sure they do—they're going to really hold you accountable.

So, when you go home, listen to your seniors because they're going to know what's in this bill, and I don't want you guys to lose. I really don't.

DOING NOTHING IS NOT AN OPTION

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, not in six decades have we been this close to achieving the most crucial task of reforming our health care system. Let me be clear: we would be derelict in our duty to the American people if we let this opportunity go to waste.

Now, our colleagues on the other side of the aisle claim that this legislation amounts to the government takeover of health care and that Americans will be stripped of their choices of doctors and plans, but the reality is that everybody in this country will lose if they don't have health care reform.

People like Mary Smith, a 45-year-old with diabetes who just lost her job, she will no longer have to worry about whether she can get insurance again.

Certainly, in my district, everybody will benefit, the 155,000 who lack health care coverage but, also, the majority of my constituents who are insured. They will have stability, security and peace of mind in having health care that they can count on no matter what happens. You will always have options for coverage even if you change or lose your job. You will never be denied coverage if you get sick.

Doing nothing is not an option.

BETTER ALTERNATIVE FOR HEALTH CARE REFORM

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as a doctor, one of the main reasons I came to Congress was to push for health care reform, that is, commonsense reform, not nonsense reform as proposed by our Democrat colleagues. That's why I'm proud to be an original cosponsor of the Empowering Patients First Act, a Republican bill for reform.

This bill contains all of the essential elements of good health care reform, including expanding private insurance to all Americans who want it, removing preexisting illnesses, improving portability, subsidies to the working poor, access to excellent primary and specialty care and, of course, instituting lawsuit reform. All of this is accomplished without a government takeover, without gutting Medicare, without long lines or bureaucrats interfering in the sacred doctor-patient relationship; and it is budget neutral.

It is obvious that private insurance, no matter who pays for it, is the gold standard. As we return to our districts and debate this important issue, I believe we will find that Americans truly want private insurance options, not the government takeover of health care with the Soviet-style central planning of our economy.

THE RECOVERY ACT IS CREATING JOBS

(Mr. SCHRADER asked and was given permission to address the House for 1 minute.)

Mr. SCHRADER. Mr. Speaker, I've come to the floor this week to dispel the assertion by Republican colleagues that the Recovery Act is not creating jobs. It's simply not accurate. I would like to talk to you about the first four construction transportation projects under way in my district.

Oregon 22, one of the few roads that connects the Willamette Valley to the Oregon coast, is getting two overlay construction projects, employing 44 and 80 workers respectively. These projects make sure that freight and tourists can keep our economy going.

Twenty workers are being put to work replacing the concrete barriers on

Interstate 5, a major valley thoroughfare. This makes our highways safe. There are 120 workers who are being put to work paving and rebuilding sections of Highway 101, the only north-south road that connects the small Oregon coastal communities.

Mr. Speaker, those are 261 jobs under way in my district alone at this early stage of the recovery, and there are more in the works.

BRING FISCAL DISCIPLINE BACK TO WASHINGTON

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, in December 2007, our economy slipped into a recession, and since then, the recession has only gotten worse. The American people are hurting.

President Obama and Democrats in Congress promised that their stimulus plan would bring "immediate" relief. Unfortunately for the American people, the results are rolling in. Two million American jobs have been lost since the stimulus was signed into law. More than 400,000 jobs were lost in the month of June alone.

Just when you thought it was clear that we can't spend, borrow and tax our way to a growing economy, Democrats propose a government takeover of health care that will lead to higher taxes, to more government spending, and to even further job losses.

The American people deserve a real plan for real recovery, not another excuse to increase spending, to raise taxes, and to grow government. The Republican economic recovery plan brings fiscal discipline back to Washington, and it puts money back into the hands of the American people.

JOBS AND STIMULUS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, President Obama inherited a labor market in free fall. When President Bush left office in January, job losses peaked as employers slashed a stunning 741,000 jobs.

Congress worked quickly with the new administration to restore financial stability and to pass a recovery package that is beginning to take hold. The pace of job losses has eased from its decline at the end of the Bush administration. Last week, Federal Reserve Chairman Ben Bernanke testified that the unemployment rate would be higher right now without the legislation Congress enacted.

By restoring financial stability and by implementing stimulus measures and a responsible budget, we will make the investments necessary to lay the foundation for economic recovery that

will put Americans back to work now and that will create the jobs of the future.

HEALTH CARE

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, when the House Ways and Means Committee recently considered the health care overhaul proposal, I supported an amendment that said if our constituents must join the government-run public plan, so should Members of Congress. Unfortunately, the Democrats rejected this amendment.

Mr. Speaker, I ask today: If the government-run plan is great enough for the American people, why isn't it good enough for the Members of Congress?

Americans deserve the freedom to choose their health care. This plan doesn't give them that choice. It will force Americans into a plan that supporters of the bill simply don't want.

We need to work together to protect and to strengthen the health care of every American, not take away choice and drive up costs. I urge my colleagues to reject this bill, to work together on a plan that will lower costs, while maintaining the freedoms of Americans to choose their health care.

And that is just some straight shooting from the sheriff.

IT IS TIME TO ENACT REAL HEALTH CARE REFORM

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, it is time to speak a little truth to power, to the powerful special interests and to the insurance companies that are willing to deep-six health care reform for millions of Americans by spreading misinformation and by scaring people. All the while, these big insurance companies raise deductibles, premiums, and copays. They drop people with preexisting conditions. They limit coverage, and they reap billions in excessive salaries, profits, and bonuses.

Look at the facts: United Health earned \$2.9 billion last year. WellPoint reported profits of \$2.5 billion. For CEO pay, United Health Group's Stephen Hemsley made \$3.2 million. WellPoint's Angela Braly made \$9.8 million. It doesn't stop there. Former United Health Group's CEO, Bill McGuire, left his job in 2006 and still took home \$1.1 billion. That's a lot of zeros.

Who are we kidding, Mr. Speaker? This is all about money—campaign contributions, CEO salaries, millions in advertising to kill reform, and billions in profits. That's what's at stake here.

It's time to stop this nonsense and enact real reform that includes a public insurance option based on Medicare

rates and with a network of providers to lower costs and to provide quality care.

THE SEVEN DIRTY WORDS WE CAN'T USE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this year, we lost a comedian of some note named George Carlin. One of the marks of his career was when he challenged the FCC with the seven dirty words. We're now engaged in a debate on health care, and we've been told that there are a number of phrases that we can't use because we're attempting to speak truth to power, power being the Democratic leadership here in the House.

What are these dirty words or phrases we can't use to describe the leading Democratic health care proposal?

We can't call it "government-run" even though that's what it's going to be inevitably. We can't call it "single-payer" even though that's where they're going. We can't call it "socialized medicine." I don't know why not, but we can't. We can't call it "ObamaCare." We can't call it "rationed care" even though rationing is an absolutely essential element to their plan. We can't call it the "government mandate care" even though it's full of mandates. The word "shall" appears, I believe, 100 times in the bill. "Shall" means "must," which means a mandate. You can't call it "keep your change care" because, frankly, there won't be any change for you to keep.

The seven dirty words we can't use.

THE URGENCY OF HEALTH CARE REFORM

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Madam Speaker, I rise today to speak to the urgency of health care reform. I want to share the story of Holly, an Indianapolis woman who has courageously fought and won two bouts with breast cancer. Thankfully, Holly's medical costs were largely covered by insurance. While she praises the care and treatment she received, Holly is rightly worried about the future.

Due to her history of recurring cancer, Holly will be uninsurable if she ever loses her job and, with it, her employer-based health insurance plan. Holly and thousands of people across my district know that the status quo will leave millions more uninsured, in some cases even fighting for their lives.

We must push forward with overhauling our health care system, not

only for the 47 million who are uninsured but for the millions more who will be added to these rolls unless we act. Now is not the time for fear-mongering. Now is not the time for political posturing or for narcissistic behavior. We must be Representatives in the true sense of the word and act on behalf of the American people.

HONORING ST. ANN'S 150TH ANNIVERSARY

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Madam Speaker, I rise this morning in honor of the 150th anniversary of St. Ann's Roman Catholic Church in Hampton, Hunterdon County, New Jersey.

St. Ann's was officially established in 1859, and Father Claude Rolland of France was named its first resident pastor.

Throughout its history, St. Ann's has faithfully fulfilled its mission while, at the same time, helping to establish eight other Catholic churches in Hunterdon and Warren Counties. Due to its contribution to the history of our State in 2003, the church was designated by New Jersey as a Site of Historical Note. Today, St. Ann's Parish is enjoying a period of significant growth under the leadership of its current pastor, Father Michael Saharic.

I congratulate St. Ann's Church for its 150 years of service to the communities of Hampton, Glen Gardner and surrounding areas and as a pillar of faith.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BROWN of Georgia. Madam Speaker, pursuant to clause 2(a)(1) of the IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Georgia, Mr. Broun submitted an amendment to the Committee on Rules to H.R. 3326, Department of Defense Appropriations Act, 2010;

Whereas that gentleman's amendment would have required that none of the funds made available in this Act be used to standardize the design of future ground combat uniforms across the military branches;

Whereas defense appropriations have typically been used to provide funding for various types of equipment such as uniforms;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Ms. Pelosi, the Democratic leadership, and the chairman of

the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 685, the rule to accompany H.R. 3326, be amended to allow the gentleman from Georgia's amendment to be considered and voted on in the House.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader, as a question of the privileges of the House, has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 685 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3326.

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, with Mr. BLUMENAUER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the committee of the whole rose on Wednesday, July 29, 2009, all time for general debate had expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule and the bill shall be considered read through page 147, line 4.

The text of that portion of the bill is as follows:

H.R. 3326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities,

permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$39,901,547,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$25,095,581,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$12,528,845,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$25,938,850,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,308,513,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States

Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,918,111,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$610,580,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,600,462,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,525,628,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,949,899,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not

to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$30,454,152,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$34,885,932,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,557,510,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$33,785,349,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$27,929,377,000: *Provided*, That not more than \$50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That of the funds provided under this heading, not less than \$29,732,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,621,196,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,280,001,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$228,925,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,079,228,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$6,353,627,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$5,888,741,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$13,932,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$415,864,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental res-

toration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$285,869,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE (INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$494,276,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$11,100,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations

made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$277,700,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$109,869,000, to remain available until September 30, 2011.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$404,093,000, to remain available until September 30, 2012.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, \$100,000,000.

TITLE III
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon

prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,144,991,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,358,609,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,681,952,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,053,395,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances,

and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$9,293,801,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$18,325,481,000, to remain available for obligation until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,226,403,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$794,886,000, to remain available for obligation until September 30, 2012.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, \$739,269,000;
Carrier Replacement Program (AP), \$484,432,000;

NSSN, \$1,964,317,000;
NSSN (AP), \$1,959,725,000;
CVN Refueling, \$1,563,602,000;
CVN Refuelings (AP), \$211,820,000;
DD(X), \$1,073,161,000;

DDG-51 Destroyer, \$1,912,267,000;
DDG-51 Destroyer (AP), \$328,996,000;
Littoral Combat Ship, \$2,160,000,000;
LPD-17, \$872,392,000;
LPD-17 (AP), \$184,555,000;
Intratheater Connector, \$357,956,000;
LCAC Service Life Extension Program, \$63,857,000;

Prior year shipbuilding costs, \$454,586,000;
Service Craft, \$3,694,000; and
For outfitting, post delivery, conversions, and first destination transportation, \$386,903,000.

In all: \$14,721,532,000, to remain available for obligation until September 30, 2014: *Provided*, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,395,081,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,563,743,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$11,956,182,000, to remain

available for obligation until September 30, 2012; *Provided*, That no funds provided in this Act for the procurement or modernization of C-17 aircraft may be obligated until all C-17 contracts funded with prior year "Aircraft Procurement, Air Force" appropriated funds are definitized.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$6,508,359,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$809,941,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$16,883,791,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway,

\$4,036,816,000, to remain available for obligation until September 30, 2012.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$82,846,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$11,151,884,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,197,300,000, to remain available for obligation until September 30, 2011: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$27,976,278,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,721,723,000, to remain available for obligation until September 30, 2011: *Provided*, That, notwithstanding any other provision of law, of the funds made available under this heading for missile defense programs, not less than \$80,000,000 shall be available for the Kinetic Energy Interceptor Program.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$190,770,000, to remain available for obligation until September 30, 2011.

TITLE V

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,455,004,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,692,758,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$29,891,109,000; of which \$28,257,565,000 shall be for operation and maintenance, of which not to exceed two percent shall remain available until September 30, 2011, and of which up to \$15,537,688,000 may be available for contracts entered into under the TRICARE program; of which \$384,142,000, to remain available for obligation until September 30, 2012, shall be for procurement; and of which \$1,249,402,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,510,760,000, of which \$1,146,802,000 shall be for operation and maintenance, of which no less than \$84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of

\$34,905,000 for activities on military installations and \$49,934,000, to remain available until September 30, 2011, to assist State and local governments; \$12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than \$12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$351,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which \$348,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,237,684,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT
FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$364,550,000, of which \$183,000,000 shall be for Attack the Network, to remain available until September 30, 2011; \$25,000,000 shall be for Defeat the Device, to remain available until September 30, 2012; \$35,000,000 shall be for Train the Force, to remain available until September 30, 2010; \$121,550,000 shall be for Staff and Infrastructure, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose pro-

vided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$288,100,000, of which \$287,100,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2012, shall be for procurement.

TITLE VII
RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$290,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$611,002,000.

TITLE VIII
GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components

or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2010: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: *Provided further*, That no obligation of funds may be made pursuant to section 1206 of Public Law 109-163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the report of the Committee on Appropriations of the House of Representatives accompanying this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's

budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement:

Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a report within 30 days of enactment of this Act that certifies full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are identified in that report for production beyond advance procurement activities in the fiscal year 2010 budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

F-18 aircraft variants.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2010, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined

in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under federal law.

SEC. 8019. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such

a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity, commencing on the date on which the preliminary planning for the study begins through the date on which a performance decision is rendered with respect to the function, excluding time during which the study is suspended because of protests before the Government Accountability Office or United States Court of Federal Claims but including time during which the study is performed subsequent to such protests.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than \$34,756,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$26,433,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) \$7,426,000 shall be available from "Air-craft Procurement, Air Force"; and

(3) \$897,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by

the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2010 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2010, not more than 5,582 staff years of technical effort (staff years) may be funded for defense FFRDCs, not more than 3,236 staff years may be funded for the systems engineering and integration FFRDCs and not more than 1,264 staff years may be funded for laboratory FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,082 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2011 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$125,200,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case

basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2010. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence

Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2011.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of

equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or
(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the House of Representatives accompanying this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Other Procurement, Army, 2009/2011", \$131,900,000;

"Shipbuilding and Conversion, Navy, 2009/2013", \$177,767,000;

"Other Procurement, Navy, 2009/2011", \$18,844,000;

"Aircraft Procurement, Air Force, 2009/2011", \$687,071,000;

"Missile Procurement, Air Force, 2009/2011", \$60,000,000;

"Other Procurement, Air Force, 2009/2011", \$36,400,000;

"Research, Development, Test and Evaluation, Navy, 2009/2010", \$20,000,000;

"Research, Development, Test and Evaluation, Air Force, 2009/2010", \$70,000,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2009/2010", \$189,357,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Fed-

eral agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with re-

spect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8065. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8066. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", \$106,754,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

SEC. 8072. In addition to amounts provided elsewhere in this Act, \$5,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until ex-

pendent: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$202,434,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, \$45,792,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, \$50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and \$72,400,000 shall be for the Arrow Missile Defense Program, of which \$25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8074. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$454,586,000 shall be available until September 30, 2010, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading Shipbuilding and Conversion, Navy, 2004/2010:

New SSN, \$26,906,000;

LPD-17 Amphibious Transport Dock Program, \$16,844,000;

Under the heading Shipbuilding and Conversion, Navy, 2005/2010:

New SSN, \$18,702,000;

LPD-17 Amphibious Transport Dock Program, \$16,498,000;

Under the heading Shipbuilding and Conversion, Navy, 2007/2011:

DD(X) Program, \$309,636,000;

Under the heading Shipbuilding and Conversion, Navy, 2008/2012:

LPD-17 Amphibious Transport Dock Program, \$66,000,000.

SEC. 8075. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8076. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code,

for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Orthotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapy Assistants, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, Medical Technologists, Medical Technicians, Pharmacy Technicians, Health System Specialists, Medical Instrument Technicians, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8077. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 8078. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8079. (a) In addition to the amounts provided elsewhere in this Act, \$3,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of \$3,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management cooperation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8080. The budget of the President for fiscal year 2011 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That

these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8081. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8082. Up to \$2,500,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8083. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$88,700,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations; \$30,000,000 to the Red Cross; \$6,000,000 to the SOAR Virtual School District; \$5,000,000 to The Presidio Heritage Center; \$5,000,000 to the Paralympics Military Program; \$4,800,000 to the Arrest Deterioration of Ford Island Aviation Control Tower, Pearl Harbor, HI; \$2,000,000 to the Go For Broke program; \$1,000,000 to Our Military Kids; \$3,000,000 to the New Jersey Technology Center; \$2,000,000 to the Women in Military Service for America Memorial; \$500,000 to the Marshall Legacy Institute; \$1,000,000 to the Vietnam Veterans Memorial Fund for Demining Activities; \$7,400,000 to the Edward M. Kennedy Institute for the Senate; and \$1,000,000 for the Riverside General Hospital in Houston, Texas, for the treatment of psychological health issues.

SEC. 8084. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8085. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8086. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8087. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8088. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8089. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) None of the funds appropriated by this Act may be used to institute an inter-Service common contract for acquisition of MQ-1 or MQ-1C UAVs until 30 days after the Secretary of Defense certifies to the congressional defense committees that a common contract would achieve cost savings, be interoperable with, and not create undue sustainment costs compared to the current fleet.

SEC. 8090. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8091. Up to \$15,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8092. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2011.

SEC. 8093. For purposes of section 1553(b) of title 31, United States Code, any subdivision

of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8094. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8095. The Secretary of Defense shall create a major force program category for space for the Future Years Defense Program of the Department of Defense. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8096. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than \$20,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40 Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$10,000,000 in any fiscal year, the R-1, RDT&E Program; R-2, RDT&E Budget Item Justification; R-3, RDT&E Project Cost Analysis; and R-4, RDT&E Program Schedule Profile.

SEC. 8097. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 35 percent of the total cost of the contract, grant, or agreement (or similar arrangement): *Provided*, That this limitation shall apply only to funds made available in this Act for basic research.

SEC. 8098. The Secretary of Defense shall maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

SEC. 8099. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer

until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8100. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8101. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8102. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8103. (a) CONTINUATION OF STOP-LOSS SPECIAL PAY.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$8,300,000 is hereby appropriated to the Secretary of Defense to carry out this section. Such amount shall be made available to the Secretaries of the military departments only to provide special pay during fiscal year 2010 to members of the Army, Navy, Air Force, and Marine Corps, including members of their reserve components, who, at any time during fiscal year 2010, serve on active duty while the members' enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a "stop-loss authority") authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) SPECIAL PAY AMOUNT.—The amount of the special pay paid under subsection (a) to or on behalf of an eligible member shall be \$500 per month for each month or portion of a month during fiscal year 2010 that the member is retained on active duty as a result of application of the stop-loss authority.

(c) TREATMENT OF DECEASED MEMBERS.—If an eligible member described in subsection (a) dies before the payment required by this section is made, the Secretary concerned shall make the payment in accordance with section 2771 of title 10, United States Code.

(d) CLARIFICATION OF RETROACTIVE STOP-LOSS SPECIAL PAY AUTHORITY.—Section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111-32) is amended by adding at the end the following new subsection:

"(i) EFFECT OF SUBSEQUENT REENLISTMENT OF VOLUNTARY EXTENSION OF SERVICE.—Members of the Armed Forces, retired members, and former members otherwise described in subsection (a) are not eligible for a payment under this section if the members—

"(1) voluntarily reenlisted or extended their service after their enlistment or period of obligated service was extended, or after their eligibility for retirement was suspended, pursuant to a stop-loss authority; and

"(2) received a bonus for such reenlistment or extension of service."

SEC. 8104. Appropriations available to the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes may be used for such purchase, up to a limit of \$262,000 per vehicle, notwithstanding other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8105. During the current fiscal year, not to exceed \$10,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army," "Operation and Maintenance, Navy," and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That the funds transferred under this provision are to be merged with, and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8107. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of the reprogramming that—

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity;

(3) augments funds for existing projects in excess of 10 percent or more; or,

(4) reduces by 10 percent or more funding or personnel for a project;

(b) None of the funds provided for the National intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) made after August 1, 2010, except in extraordinary circumstances and after the Committees on Appropriations of the House of Representatives and the Senate are notified 30 days in advance of the reprogramming.

SEC. 8108. None of the funds appropriated or otherwise made available by this Act, or

that remain available for obligation for the Department of Defense from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be used to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76, as of the date of enactment of this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. During the current fiscal year, the Secretary of Defense may transfer to the appropriation "Foreign Currency Fluctuations, Defense" unobligated amounts of funds appropriated for operation and maintenance for fiscal year 2007, 2008, or 2009 and unobligated amounts of funds appropriated for military personnel for any of such fiscal years if such unobligated amounts are not necessary for the liquidation of obligations or for the making of authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations: *Provided*, That the amount in the appropriation "Foreign Currency Fluctuations, Defense" may not exceed the amount specified in subsection 2779(d) of title 10, United States Code, as a result of the transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained in this Act.

SEC. 8110. The amounts appropriated in Title II of this Act are hereby reduced by \$289,570,000 to reflect excess cash balances in Department of Defense Working Capital Funds.

SEC. 8111. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than \$1,000,000, within the Intelligence Community until the Director of National Intelligence certifies to the congressional intelligence committees that the system is being developed and managed in accordance with the Business Transformation requirements.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees notification of approvals under paragraph (1) no later than 30 days after certification. Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(1) Business process reengineering.

(2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.

(3) Assurance the system is compatible with the enterprise-wide business architecture.

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8112. (a) In addition to funds made available elsewhere in this Act, there is hereby appropriated \$439,615,000 to remain available until transferred: *Provided*, That these funds are appropriated to the "Tanker Replacement Transfer Fund" (referred to as "the Fund" elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to "Operation and Maintenance, Air Force", "Aircraft Procurement, Air Force", and "Research, Development, Test and Evaluation, Air Force", only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(b) The Secretary of Defense is directed to award one or more contracts for the aerial refueling tanker replacement program according to either of the following alternatives:

(1) A contract to a single offeror based on a best value or lowest cost source selection derived from full and open competition, subject to the condition that non-development aircraft produced under such contract must be finally assembled in the United States. Such competition and source selection shall include evaluation of the life-cycle costs of each aircraft over a 40-year period (including costs of fuel consumption, military construction and other factors normally associated with operation and support of tanker aircraft) and shall include an independent 40-year life-cycle cost estimate conducted by a federally funded research and development center; or

(2) Contracts awarded to each of the two offerors that responded to Request for Proposal No. FA8625-07-R-6470 (as released on January 29, 2007) subject to the condition that all non-development aircraft produced under any such contracts must be finally assembled in the United States.

(c) The Secretary of Defense shall certify in writing to the congressional defense committees by October 1, 2009, which of the procurement alternatives in subsection (b) represents the most cost-effective and expeditious tanker replacement strategy that best responds to United States national security requirements. The certification shall be accompanied by a report to the congressional defense committees detailing the rationale for such certification.

SEC. 8113. (a) Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the imple-

mentation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) FORM OF PAYMENT.—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term "Post-Deployment/Mobilization Respite Absence program" means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—(1) The authority to provide benefits under this section shall expire on the date that is 1 year after the date of the enactment of this Act.

(2) Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 8114. (a) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFUGEES.—Section 1244(g) of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110-181; 122 Stat. 398) is amended by striking "for a period not to exceed eight months" and inserting "to the same extent, and for the same periods of time, as such refugees".

(b) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN AFGHAN AL-

LIES.—Section 602(b)(8) of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111-8; 123 Stat. 809) is amended by striking "for a period not to exceed 8 months" and inserting "to the same extent, and for the same periods of time, as such refugees".

SEC. 8115. (a) With respect to the list of specific programs, projects and activities contained in the tables entitled "Explanation of Project Level Adjustments" in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI of the House of Representatives, when awarded to a for profit entity, shall be awarded under full and open competition.

(b) For profit entities previously awarded a contract with the Department of Defense which remains in effect during fiscal year 2010, to provide such programs projects or activities as described in subsection (a), shall be considered to have satisfied the conditions of full and open competition, provided that any such contract was awarded under full and open competition.

SEC. 8116. The amounts appropriated in title II of this Act are hereby reduced from the specified accounts in the specified amounts:

"Operation and Maintenance, Navy", \$192,000,000;

"Operation and Maintenance, Marine Corps", \$28,000,000;

"Operation and Maintenance, Air Force", \$188,000,000;

"Operation and Maintenance, Defense-Wide", \$142,000,000.

SEC. 8117. In carrying out Congressionally Directed Medical Research programs related to breast cancer research, the Secretary of Defense shall ensure the following:

(a) The selection process for choosing an individual to serve as a member of an integration panel shall be fair and representative of the interested community so that the integration panel consists of a diverse representation of the breast cancer survivor and advocacy community; and

(b) An individual serving as a member of an integration panel may not be an employee, serve on the board of, or have a financial relationship with the same organization (including any organization related to such organization through common board membership, financial support, or other similar relationship) as that of another individual serving as a member of such panel.

SEC. 8118. None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be used to eliminate any personnel positions from the 194th Regional Support Wing of the United States Air National Guard as of the date of enactment of this Act.

SEC. 8119. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, the District of Columbia, or any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at the Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, the District of Columbia, or any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of detaining or prosecuting such individual until 2 months after the plan detailed in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State or territory (or, in the case of the District of Columbia, to the Mayor of the District of Columbia) to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence or to the freely associated States of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), or the Republic of Palau, or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services or the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

TITLE IX

OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$10,492,723,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section

423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,622,717,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$997,470,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,855,337,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$302,637,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$39,040,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$31,337,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$24,822,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$839,966,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$18,500,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section

423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$41,836,029,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$4,975,665,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$2,961,279,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$7,858,895,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$7,397,800,000, of which:

(1) not to exceed \$12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed \$1,540,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*,

That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY
RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$163,461,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$54,447,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$69,333,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$100,740,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$257,317,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$231,889,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OVERSEAS CONTINGENCY OPERATIONS
TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for expenses directly relating to overseas contingency operations by United States military forces, \$14,636,901,000, to remain available for obligation until expended: *Provided*, That of the funds made available under this heading, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, the defense health program appropriation, and working capital funds accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the

same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", \$7,462,769,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command-Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$1,636,229,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$469,470,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED
COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,219,466,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$370,635,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$5,635,306,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$889,097,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$73,700,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND
MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$698,780,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$260,797,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$1,100,268,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$825,718,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$36,625,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$256,819,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$2,275,238,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$489,980,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of items of equipment as designated by the Chief of the National Guard Bureau and the Chiefs of the reserve components of the Armed Forces, \$500,000,000, to remain available for obligation until September 30, 2012, of which \$300,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RAPID ACQUISITION FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the Rapid Acquisition Fund. For the Rapid Acquisition Fund, \$40,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, for the purpose of pro-

viding for Joint Urgent Operational Needs: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That funds so transferred shall be merged with and shall be available for the same purposes and the same time period as that account to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such funds may be transferred back to this appropriation: *Provided further*, That the transfer authority provided herein is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, \$3,606,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such funds may be transferred back to this appropriation: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$57,962,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$38,280,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$29,286,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$115,826,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$412,215,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,155,235,000, which shall be for operation and maintenance: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities", \$317,603,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", \$1,490,000,000, of which \$730,000,000 shall be for Attack the Network, to remain available until September 30, 2011; \$600,000,000 shall be for Defeat the Device, to remain available until September 30, 2012; and \$160,000,000 shall be for Train the Force, to remain available until September 30, 2010: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", \$8,876,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress),

the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2010.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$3,000,000,000 between the appropriations or funds made available to the Department of Defense in this title, with the exception of the "Overseas Contingency Operations Transfer Fund": *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: *Provided further*, That the amount in this section is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan or Iraq, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of \$75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

SEC. 9005. Not to exceed \$1,300,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, of the funds provided, \$500,000,000 shall not be available until 5 days after the Secretary of Defense has completed a thorough review of the Commander's Emergency Response Program and provided a report on his findings to the congressional defense committees.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any

other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9007. During fiscal year 2010 and from funds in the "Defense Cooperation Account", as established by 10 U.S.C. 2608, the Secretary of Defense may transfer not to exceed \$6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority: *Provided further*, That the amount in this section is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9009. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 9010. (a) REPORT ON IRAQ TROOP DRAW-DOWN STATUS, GOALS, AND TIMETABLE.—In recognition and support of the policy of President Barack Obama to withdraw all United States combat brigades from Iraq by August 31, 2010, and all United States military forces from Iraq on December 31, 2011, Congress directs the Secretary of Defense (in consultation with other members of the National Security Council) to prepare a report that identifies troop drawdown status and goals and includes—

(1) a detailed, month-by-month description of the transition of United States military forces and equipment out of Iraq; and

(2) a detailed, month-by-month description of the transition of United States contractors out of Iraq.

(b) ELEMENTS OF REPORT.—At a minimum, the Secretary of Defense shall address the following:

(1) How the Government of Iraq is assuming the responsibility for reconciliation initiatives as the mission of the United States Armed Forces transitions.

(2) How the drawdown of military forces complies with the President's planned withdrawal of combat brigades by August 31, 2010, and all United States forces by December 31, 2011.

(3) The roles and responsibilities of remaining contractors in Iraq as the United States mission evolves, including the anticipated number of United States contractors to remain in Iraq after August 31, 2010, and December 31, 2011.

(c) SUBMISSION.—

(1) Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through September 30, 2010, the Secretary of Defense shall submit the report required by subsection (a) and a classified annex to the report, as necessary.

(2) The Secretary may submit the report required by subsection (a) separately as provided in paragraph (1) or include the information required by this report when submitting reports required of the Secretary under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2410).

The Acting CHAIR. No amendment shall be in order except the amendments printed in House report 111-233. Each amendment in part A of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; not to exceed eight of the amendments printed in part B of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, shall be in order, may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; an en bloc amendment, if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, consisting of all the amendments printed in part B of the report, shall be in order, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; not to exceed two of the amendments printed in part C of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee, shall be in order, which may be offered only in the order printed in the report, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

After disposition of the amendments specified in the first section of House Resolution 685, the Chair and ranking minority member of the Committee on Appropriations or their designees each

may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

The amendments specified in the first section of House Resolution 685 shall not be subject to a demand for division of the question.

PART A AMENDMENT NO. 1 OFFERED BY MR. MURTHA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111-233.

Mr. MURTHA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. MURTHA:

Page 8, line 11, before the period at the end, insert the following: “: *Provided*, That \$60,199,000 shall be made available for the Joint POW/MIA Accounting Command”.

Page 103, line 3, strike “\$10,000,000” and insert “\$12,000,000”.

Page 118, after line 15, insert the following new sections:

SEC. 8120. None of the funds appropriated or otherwise made available in this Act may be used for advance procurement of the F-22 aircraft: *Provided*, That \$368,800,000 of the funds made available in title III under the heading “Aircraft Procurement, Air Force” may be available for the following programs in the following amounts:

(1) \$64,000,000 for production line shut down activities for the F-22.

(2) \$138,800,000 for spare engines for F-22 and C-17 aircraft.

(3) \$79,000,000 for LAIRCM kits for the Air National Guard.

(4) \$37,000,000 for advanced targeting pods.

(5) \$50,000,000 for advanced radar development.

SEC. 8121. The amount appropriated in title VI under the heading “Defense Health Program” for operation and maintenance is hereby reduced by \$26,000,000 and the amount appropriated under such heading for research, development, test, and evaluation is hereby increased by \$26,000,000.

SEC. 8122. None of the funds appropriated or otherwise made available in this Act may be used to award to a contractor, or convert to performance by a contractor, the provision of utilities at the United States Military Academy at West Point.

SEC. 8123. The amounts otherwise provided by this Act are revised by reducing the amount made available under title II under the heading “Operation and Maintenance, Air Force”, and increasing the amount available under title VI under the heading “Chemical Agents and Munitions Destruction, Defense”, by \$50,000,000.

SEC. 8124. None of the funds appropriated or otherwise made available in this Act may be used by the Secretary of the Army to convert government-owned ammunition production assets to the private sector.

Page 122, line 3, strike “*Provided*, That” and insert “*Provided*, That up to \$241,503,000 of the amount under this heading shall be transferred to the Coast Guard ‘Operating Expenses’ account: *Provided further*, That”.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Pennsylvania (Mr. MURTHA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. This amendment provides \$60,199,000 to be made available for a joint POW/MIA account, \$2 million additional funding for the Fisher House, for a total of \$12 million, for re-directing \$368,800 otherwise available for advanced procurement of additional F-22 aircraft spare parts. Let me explain—well, some money shifting from the health program and some chemical agents and so forth. In other words, some amendments we couldn’t get to in the floor.

The major difference is that I had advanced funding for the F-22 in the bill, and obviously the Senate, in its wisdom, defeated the possibility of the F-22 passing. So what I’ve done is say, okay, if we’re not going to have an F-22, let’s at least fund the original 187 airplanes at the fullest robust level. And that’s the only difference, actually, that we have between myself and Mr. YOUNG.

So with that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition to the manager’s amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 10 minutes.

Mr. YOUNG of Florida. Mr. Chairman, as Chairman MURTHA suggested, we basically support this manager’s amendment. We have no opposition, and in fact, support it except for the one item that has to do with the air superiority aircraft, the F-22.

We support the original position that Chairman MURTHA offered to the subcommittee and the subcommittee agreed to, and that was to be able to keep the production line open for the F-22. We’re just really concerned that 187 aircraft cannot guarantee that we will control the air over the battlefield if that situation develops.

I now include a chart that I discussed yesterday in general debate on the number of aircraft, fighter aircraft, that we have bought over the years, and how many of them we have lost through attrition, through accidents, and through actual combat.

AIRCRAFT HISTORY

F-4: Production: 1958 to 1979 by McDonnell Douglas; Built: 4,138 (2,874 USAF; 1,264 Navy and MC); Lost: 71 combat losses plus 54 lost in accidents (3%).

F-14: Production: 1970 to 1992 by Northrop Grumman; Built: 679; Lost: 121 (18%); Retired in 2007.

F-15: Production: 1974 to 1985 by McDonnell Douglas/Boeing; Built: 1,118; Destroyed: 117 (10%); Active Today: 618.

F-16: Production: 1978 by General Dynamics/Lockheed Martin; Built: 2,230; Destroyed: 334 (15%) includes 25 destroyed due to battle damage; Active Today: 1,167.

F-18: Production: 1983 by McDonnell Douglas/Boeing; Built: 1,048; Lost in accidents: 170 (includes 2 shot down in Gulf War); Stricken for maintenance and exceeding life limits: 246 (40%); Active Today: 632.

F-22: Production: 2001 to 2009 by Lockheed Martin; Building: 187; Projected losses: 6, leaving only 181 (3% like the F-4); 19, leaving only 168 (10% like the F-15); 28, leaving only 159 (15% like the F-16); 34, leaving only 153 (18% like the F-14); 75, leaving only 112 (40% like the F-18).

187 just doesn’t really, in my opinion, doesn’t guarantee that we will have what we need. Hopefully, we’ll never need them, but we just don’t know that we might not need them. And if we need them and don’t have them, where are we and where is the soldier on the ground? If we need them and don’t have them, somebody else’s airplane may be over that battlefield.

So it would have been better if we could have had a straight up-or-down vote on the F-22 issue, and I requested of the Rules Committee to make such an amendment in order, and they chose not to do so.

So I will vote against this manager’s amendment—again, not because we’re opposed to the manager’s amendment, but we think that we are threatening the future security of air control and air superiority over the battlefield.

I reserve the balance of my time.

Mr. MURTHA. I yield myself 2 minutes.

I certainly agree with what the gentleman said. I have a great concern about air superiority, but the problem is we need 292 votes in the House. The President is hard over on this issue. We need 66 votes in the Senate, and there is no chance of us getting that kind of a vote.

So what I’m trying to do is make sure that that is robustly funded, the ones that are there, because the very thing Mr. YOUNG mentioned, the fact that these airplanes have high maintenance, they cost about \$50,000 an hour to maintain, and it’s very expensive and very burdensome. So I want to make sure they have the spare parts they need, the engines they need in order so the ones we have, have what they need.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield now to a very distinguished member of the subcommittee, the gentleman from New Jersey (Mr. FRELINGHUYSEN) for 3 minutes.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I rise in opposition to the amendment authored by our chairman. I don’t quarrel with many of the provisions of the Murtha amendment. He’s absolutely right on in most regards. But, Mr. Chairman, I ask my colleagues to remember one day, April 15, 1953. On that date is the last time a U.S. soldier, sailor or marine was killed by an attack from the air. It’s nearly 60 years ago, during the Korean War.

Air dominance has been the game changer that has allowed our ground troops to execute their missions. We

have air dominance today. Our job here is to make sure we have it tomorrow, and certainly the committee is going to do that. But air dominance is fragile and could slip away quickly. As we gather here today, the Russians are producing advanced fighter aircraft. We know that. The Chinese are apparently working to reverse engineer some of those advanced fighters for their own use, and we know certain countries are producing and selling very sophisticated air defense systems; more accurate, more lethal, more mobile, more difficult to neutralize than any systems our Air Force and Navy has ever faced. Hence, the need for the F-22.

The Air Force has 187 F-22 Raptors. It does not have 187 for combat deployment. We would like that to be the case. About 130 or so are ready, what we call combat coded with the full package, and they're ready for those missions. Approximately 60 are maintained, as I understand, for training and testing purposes.

And the question, of course, arises—and I support the F-25 Joint Strike Fighter. It's on its way, but when and how soon. The Joint Strike Fighter, as we know, is not the Raptor, doesn't have those capabilities. I think we need to keep the F-22 assembly line alive and warm. Once it's shut down, there is virtually no prospect that we can bring it back again. You can't flip the switch to bring the Raptor back into production.

So I rise in reluctant opposition to the amendment. I respect the chairman's desire to sort of keep the line open, have spare parts, but I do oppose the amendment.

Mr. MURTHA. I reserve.

Mr. YOUNG of Florida. I will yield to the gentleman from Georgia (Mr. KINGSTON), a member of the subcommittee, for 2 minutes.

Mr. KINGSTON. I thank the gentleman from Georgia and the gentleman from Pennsylvania.

I wanted to speak about the F-22 issue because, as we know, the Senate has cut off funding for it, but I do have some concerns about our fighter fleet.

Currently, the military inventory is 3,500 fighter aircraft. That's 2,400 for the Air Force, 1,100 for the Navy and the Marine Corps. Most of these aircraft were purchased at high annual rates during the 1980s. These aircraft will reach the end of their service in the next 10 years.

So what we're talking about is something that maybe could be more important in the next decade or within the next decade than might be to people today, but the Air Force will replace the A-10, the F-16, and the F-15 with the F-22 and the F-35 Joint Strike Fighter.

To give you an idea of some of these ages, there are 350 A-10s with an average age of 28 years, 470 F-15s with an

average of 26 years, 220 F-15s with an average of 17 years, 1,200 F-16-S's with an average of 20 years. We have roughly 140 Raptors to replace the fleet and have no F-35-S's and will not have them until 2013. And of course the F-22 production line will end in 2011. That's the Air Force.

Now, as respects the Navy, the Navy will replace the carriers and F/A-18 Hornets with Super Hornets and the F-35-Js, Joint Strike Fighters. The reason they're doing this is to have 125 carriers with an average age of 14 years each, 620 Hornets with an average age of 19 years.

The Acting CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. I yield the gentleman from Georgia 1 additional minute.

Mr. KINGSTON. I thank the gentleman.

What I will do, I will submit some of these statistics for the record. But I guess the bottom line is that we're very concerned with the need to replace the aging fleet in the Navy and in the Air Force, and I believe keeping the F-22 line open resolves some of this.

The Defense Committee has worked very hard on this. There's been a lot of good bipartisan dialogue. I know both sides care about it, whether you're for or against this amendment, but I think that at this time we need to go on this very cautiously and very slowly.

I appreciate the chairman's and the ranking member's leadership on this issue and look forward to continue working with you.

Mr. MURTHA. I just want to reiterate what I said.

The political climate has changed substantially. We're in a situation where the President's hard over, and we are doing the best we can to have robust funding for the fleet. That's what I intend to do, or I hope, when this amendment passes, that's what we'll have done.

With that, I reserve the balance of my time.

□ 1045

Mr. YOUNG of Florida. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I appreciate the difficulty we're in; but once again, to have air superiority requires two things: technical superiority, which the F-22 provides, as well as numerical superiority, which was why originally we were going to build 750. Up until last year, 381 was the minimum. Everyone from Air Combat Command, to Air National Guard, to every study says 243 is the number. There is no data that says 187 is the correct number, other than the Secretary. If the Russians are going to build a new generation and sell 200 to 300 at the same time we cut

250 legacy planes from our Air Force, at the same time we stop the F-22, at the same time the F-35 is not going to be available until 2014 at the earliest and still has problems, we may find ourselves on the wrong side of history if we do not stand up for the F-22. If we can spend \$5 billion on ACORN but complain about \$2 billion for 18,000 jobs to continue on a plane that we need, there is something in our prioritization that needs to be reviewed.

I appreciate the position of the gentleman from Pennsylvania, but here is the time we need to make a statement that the future is essential.

Mr. MURTHA. I yield myself 1 minute.

I will say to the gentleman, as I have said before, we're doing the best we can with what we have. Politically, it's changed so dramatically that we just have no alternative than to make sure that what we have is robustly funded.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, can I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Florida has 2 minutes remaining. The gentleman from Pennsylvania has 7 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

I want to say and to make sure that Members understand that I know that Mr. MURTHA is not opposed to the F-22 and that he supports it because it was in his original mark that he presented to the subcommittee. And I understand the change in political mode that we have experienced. But you know, from the time that I came here, we were fighting about the F-14. There were those who didn't want to do the F-14, which was a very important aircraft for our fleet protection. Most of our new aircraft have been opposed by certain quarters in the country. The M1 tank, which is by far the world's best tank, was opposed by certain groups of people. Well, we cannot afford to allow an enemy to control the air over our troops. It's as simple as that. We have never sent our soldiers into battle with only 187 fighter aircraft in our inventory that have the capability to control the air over the battlefield. So yes, it's expensive. Freedom doesn't come free. I'm not really opposed to this amendment, but I'm going to vote against it because of the F-22 issue.

I yield back the balance of my time.

Mr. MURTHA. I yield back the balance of my time and call for an affirmative vote on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

PART A AMENDMENT NO. 2 OFFERED BY MR. CONAWAY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111-233.

Mr. CONAWAY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. CONAWAY:

Page 8, line 11, after the dollar amount, insert the following: “(increased by \$1,000,000) (reduced by \$1,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. I thank the Chair. I appreciate that, and I will endeavor to not use all the 5 minutes.

Mr. MURTHA. Will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. We're willing to accept the amendment.

Mr. CONAWAY. Mr. Chairman, thank you for accepting the amendment.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. CONAWAY. Yes, sir, I will.

Mr. YOUNG of Florida. Mr. Chairman, we support this amendment and are happy to accept it.

Mr. CONAWAY. Thank you very much.

Let me briefly explain what it does because on the surface, it looks like it's just an in-and-out with no real issue. I will be quick. The issue allows me to talk about financial management, internal controls, and clean audits at the Department of Defense. This is, as it should be, a high priority that is reflected in the priorities set by the Secretary of Defense himself. It's not really up to the Appropriations Committee to find these funds. These funds ought to come out of hide. It's important they do that.

Yesterday or the day before, the Secretary announced a \$60 billion savings search for the Department of Defense. He can't find that money without good internal controls. The authorization committee has said this is now a priority. We've accelerated the movement by 4 years, the point at which the Department of Defense needs to have clean, audited financial statements. Sarbanes-Oxley made that function of internal control a high priority when it

was passed. Businesses had to do what was referred to as section 404 reviews. It was difficult, it was painful, and it was expensive. But almost every one of those publicly held companies will tell you today that after they put those new controls in place, that they are better. Their financial statements are better. Their decisions based on financial information are better. The same thing would apply to the Department of Defense if they would make this a priority. It has to be a priority for the Secretary of Defense, the appropriations committee and the authorization committee.

Mr. MURTHA. Would the gentleman take yes for an answer?

Mr. CONAWAY. I did. I just want to get this on record. I did take yes for an answer. The importance of financial statement auditing is important. It needs to be a priority.

I yield back the balance of my time.

The Acting CHAIR. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.

PART A AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 111-233.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 596 in part A.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. FLAKE:

Page 35, line 2, after the dollar amount, insert “(reduced by \$160,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair. Before I start with this amendment, I want to say that I support the part of the manager's amendment that the gentleman from Pennsylvania offered with regard to the F-22 program. I'm glad that we're doing what we're doing there, and I commend the committee for sticking with what the President wanted there. I think we've done the right thing.

This amendment would remove \$160 million in funding for the U.S.-made first responder radios for use by Mexico's police force. This request is not classified as an earmark but is programmatic funding, and it came to my attention last week when it was featured in a story by the Washington Post. According to the article, 12 Members of Congress requested this funding which is to be used for radios with cer-

tain specifications. The article goes on to say that while no specific company is named in the bill, Motorola, which makes radios that fit the parameters set forth in the bill and which is based in Illinois, home to seven of the requesting Members, appeared to be the intended beneficiary of this funding. At the same time, the article points out that because this request is not considered to be an earmark, the Members who requested it are not required to publicly report it. Typically they have to sign a certification saying they have no financial interest in the earmark, and that was not the case here.

Mr. Chairman, if it looks like an earmark, sounds like an earmark, I think it's an earmark. It ought to be disclosed under House rules, and it isn't here. Even if we accept that funding directed to a nameless company based on a certain set of requirements that only one company could provide is not an earmark, then we're met with an inconvenient problem: Why bother to make the earmark process more open and transparent when it would be just as easy to request the funding—in this case, funding that is several times more expensive than the average earmark—by calling the beneficiary a program and tailoring its description to suit the needs of one company? It's bad enough that this bill includes over 500 earmarks directed at private companies. The sponsors of those earmarks are all required to disclose their requests on their Web sites; and they even certify, as I mentioned, that they have no financial interest. But that is not the case here. They write letters, but it doesn't show up as an earmark.

The Post article quotes Bill Allison, senior fellow at the Sunlight Foundation, as saying, “It kind of makes a mockery of the disclosure requirements we have. They will disclose the little things, the \$1 million projects; but when you have big-ticket items, you don't have Members willing to take responsibility for those.” I agree with Mr. Allison's assessment. If we truly want to drain the swamp and make the earmark process more transparent, we can't continue to allow private companies to be funded outside the current House rules.

I urge support for my amendment and reserve the balance of my time.

Mr. MURTHA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve the balance of my time.

Mr. FLAKE. I would inquire of the gentleman on the subcommittee if he believes that this is an earmark; and if it is, why Members aren't required to certify that they have no financial interest if they're requesting money for it?

I yield the gentleman time to respond.

Mr. MURTHA. I will use my own time.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I will reserve the balance of my time.

Mr. MURTHA. I have the right to close, and I reserve my time.

Mr. FLAKE. We have a process here that I think over the years has been abused severely. We see that whenever we pick up the paper. We see examples of earmarks that have gone out of this place in prior years with no notice at all. Last year we didn't even have any opportunity to offer any amendments. The Appropriations Committee didn't even mark up the Defense bill. We see story after story from prior years of what happens when we don't have adequate disclosure and transparency. I would submit that that's what we're continuing here. We have a programmatic request that 12 Members signed a letter. Seven of those Members represent the State in which the recipient of the earmark clearly will receive a huge contract, and yet we don't have to file the disclosure requirements that we do for regular earmarks. I would say that we should not fund this programmatic request, which is really a stealth earmark, and get back to the process that we at least pretend to follow here, where we have disclosure and accountability. I would urge support of the amendment.

I yield back the balance of my time.

Mr. MURTHA. I rise in opposition to the amendment. I am trying to figure out what the gentleman is trying to do. This was in the table from the White House, from the administration, the Defense Department. This would delete \$160 million in drug interdiction and counter-drug activities which go to Mexico, Afghanistan and Colombia. The Defense Department has the authority to train and equip foreign governments for counter-drug activities since Congress enacted section 1004 of the '91 National Defense Authorization Act. This funding will enable the Department of Defense to provide digital communication equipment to our allies in order to fight the increasing drug trade and execute this funding at the discretion of the Department of Defense.

I mean, I can't imagine anything that's more important to us and our troops in Afghanistan than the amount of money that we're putting in for anti-drug interdiction. So I would urge the Members to vote against this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART A AMENDMENT NO. 4 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111-233.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. SESSIONS:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 1001. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the use of hyperbaric oxygen therapy (in this section referred to as "HBOT") under the Secretary of Defense. Such report shall include the following:

(1) The number of members of the Armed Forces, veterans, and civilians being treated with HBOT.

(2) The types of conditions being treated with HBOT and the respective success rates for each condition.

(3) The current inventory of all hyperbaric chambers being used by the Secretary of Defense (including the locations, the purposes, and the rate of use of such chambers).

(4) Any plans for expanding the use of HBOT for treatment.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Texas Mr. (Sessions) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 1100

Mr. SESSIONS. Mr. Chairman, thank you very much, and I appreciate the opportunity for you to recognize me.

Mr. YOUNG of Florida. Mr. Chairman, would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, we are very familiar with this amendment. We know of the great work Mr. SESSIONS has done relative to the hyperbaric chambers for treatment of all types of wounds and diseases, and we are very pleased to accept this amendment.

Mr. SESSIONS. I thank the gentleman, and I appreciate his help.

Mr. MURTHA. If the gentleman would yield, I agree with the amendment.

Mr. SESSIONS. I thank the gentleman, the chairman of the committee, Mr. MURTHA.

Mr. Chairman, I would just like to say that this committee, as well as the

Rules Committee, has been very open to receiving information about the current status of hyperbaric oxygen treatment as an opportunity for us to learn more about how we will help our returning veterans and those who have been injured in conflicts around the globe.

This body has worked very closely with not only Secretary Gates, General Casey, the Chief of Staff of the United States Army, but also with their designee, General Lori Sutton, who is working very closely with the Congress to make sure that we pay attention to the head trauma injuries of our soldiers as they engage in trying to help the United States win the war on terror.

I want to personally thank not only the gentleman, Mr. YOUNG, and the gentleman, Mr. MURTHA, but also the appropriators, Mr. WAMP and Mr. EDWARDS. I would also like to thank the chairwoman of the Rules Committee, Ms. SLAUGHTER, for not only making this amendment in order, but also the words of support that have been expressed on behalf of the Armed Services Committee, but also the Rules Committee.

I thank both these gentlemen for accepting my amendment.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

PART A AMENDMENT NO. 5 OFFERED BY MR. TIERNEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111-233.

Mr. TIERNEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. TIERNEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in title IV under the heading "Research, Development, Test and Evaluation, Defense-Wide" shall be available for the Kinetic Energy Interceptor program, and the amount otherwise provided under such heading is hereby reduced by \$80,000,000.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my colleague, Congressman HOLT, and I are offering this amendment striking \$80 million that's in the bill for the Kinetic Energy Interceptor program. Mr. HOLT and I believe

that the Kinetic Energy Interceptor program no longer warrants Congress' support, and we are not alone in that assessment.

The Bush administration made the initial decision to terminate the KEI program in its fiscal year 2010 Program Objectives Memorandum last fall. Then, President Obama did not include funding for it in his budget proposal, and both the House Armed Services Committee and the Senate Armed Services Committee did not specify funding for it in their respective authorization bills.

Secretary Gates has testified that "the missile's 38 or 39 feet long. It weighs 12 tons. There's no extant ship we can put it on. We would have to design a new ship."

The head of the Missile Defense Agency, Lieutenant General O'Reilly, has said that the KEI program is being terminated because "its capability is inconsistent with the missile defense mission to counter rogue nation threats."

The KEI program was intended to be a 5-year development program that is now a 16-year development program.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. TIERNEY. Mr. Chairman, I would just like to say the majority leader is fond of saying that it is never too late to do the right thing, and here is our opportunity to do the right thing.

We have to, at some point in time, start looking at all of our budgets, and that includes the Defense budget, to make sure that we're not putting money out that needs to be put towards other priorities.

Here you have the Missile Defense Agency's director itself saying that this program should be terminated. You have the Secretary of Defense in two administrations saying the program should be terminated. You have, from what I can hear from people, the silence of those that say they are against this amendment, not arguing that in fact this is a program that should move forward.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. I continue to reserve.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to my colleague from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts.

Almost no one believes that the Kinetic Energy Interceptor program is necessary or that it will be completed successfully. The Director of the Missile Defense Agency, the Secretary of Defense, and the President have all

called for the termination of the program. House and Senate Armed Services Committees have supported that position.

I understand the desire of the chairman of the subcommittee (Mr. MURTHA) to get something of value from all the money that has been already spent, but stringing this program along is not the answer. Even after the removal of this money there will be plenty of funding to learn from the mistakes of the program.

Mr. Chairman, even if the KEI were successful, it will never work well enough to change our strategy. Missile defense systems must be perfect to achieve their professed goals, and we can never get that perfection.

The fact that we don't need them against our friends and that they will only encourage our enemies to build more offensive systems to get around, this so-called shield are the arguments against this missile defense. The best this flawed system could ever provide is a provocative, yet permeable defense. I urge my colleagues to adopt the amendment.

Mr. MURTHA. Mr. Chairman, I continue to reserve.

Mr. TIERNEY. I am happy, I guess, to keep on talking. I think that the desire to have the final word without any rebuttal is somewhat indicative of the strength of an argument, but if that is the gentleman's choice, certainly you are able to do that.

I would note that the administration urges the Congress to support the President's initiative to terminate or reduce programs that fund narrowly focused activities and duplicate existing programs and that have outlived their usefulness. It particularly mentions the Kinetic Energy Interceptor program as one of those, indicating that we can better target scarce resources and redirect funds to programs with a greater potential for results. And that, of course, is in the Statement of Administration Policy with respect to this bill.

Let me, if I can, Mr. Chairman, just read what the Director of the Missile Defense Agency says about this, and he said this on May 21, 2009:

"The original KEI mission grew from a boost phase only mission to a boost and mid-course mission. The development schedule grew from 5½ years to 12 to 14 years (depending on spirals), program cost grew from \$4.6 billion to \$8.9 billion, and the missile average unit production cost grew from \$25 million to over \$50 million per interceptor. Technical issues delayed the first booster flight test date (established in 2007) by over a year," and this year any further testing is highly unlikely.

"Given the above and that 15 percent of the \$8.9 billion worth of work on contract till 2018 has been accomplished, the KEI program was terminated."

And further, you have the Secretary of Defense, Mr. Gates, indicating that this is one decision that he didn't have to make or take credit for. The Missile Defense Agency itself, under the Bush administration, essentially eliminated the Kinetic Energy Interceptor, or thought that it had.

First of all, he said this has been a 5-year development program that now looks like it's about to be a 16-year development program. There has not been a single flight test. There has been little work on the third stage of the kill vehicle, which is obviously critical. A big part of the program is that it needs to be close to the launch site to be able to be effective, and the 38- or 39-foot size of the instrument and the weight of 12 tons means that we have no extant ship that could actually be used to get close enough. It would be virtually of limited or no use against Iran or Russia or the Chinese. It has very limited capability, and that is why this is not a productive way to proceed on this matter.

There may be some argument by some here—and we will never know until after we're finished talking, of course—that we want to keep some of this money in for research purposes. Let me suggest to my colleagues that there is a significant amount of money in research, development and testing within the entire Department of Defense budget as well as within the budget for the Missile Defense Program.

I urge my colleagues to support this motion and thank the chairman for the time.

Mr. MURTHA. I rise in opposition to the amendment. It will strike \$80 million out of the Kinetic Energy Interceptor program.

In my estimation, what I said to the Defense Department over and over again, all at once, after all these years of no oversight in the Defense Department, they get nothing from the program. We've got the same thing in the Presidential helicopter. We've got the same thing in many of these other programs. What I'm trying to convince them is they have to have oversight earlier in a research program.

Now, the Under Secretary tells me that in the new research programs he is going to try to have a cost cap or some kind of effectiveness so that they measure it, benchmarks of some sort so that they can measure these earlier.

We may have to adjust this in conference if this amendment doesn't pass, but I ask the Members to vote "no" on this amendment, and we will see what we can work out. The program has already spent \$1 billion, and we ought to get something out of it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

It is now in order to consider amendments printed in part B of House Report 111-233.

PART B AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 1 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Enhanced Navy Shore Readiness Integration.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Let me just state, since the gentleman wouldn't yield time at the end of his statement for me to ask, with the last earmark amendment I had, the only information we have from the committee says that the money is to go to Mexico for a program in Mexico, for radios for Mexico. Afghanistan was never mentioned. If it is covered, we don't know that.

But when the Appropriations Committee takes 18 minutes to mark up the bill and then brings it to the floor and then the chairman of the subcommittee won't answer a question about it, to just say, Well, it's for Afghanistan as well, that doesn't help with this process at all. And I think that will be the pattern today, whether to simply reserve time and then not yield any so we can have any kind of colloquy to find out what really is at the heart of these earmarks or what these are really for.

So I hope that changes. I hope we have a real discussion here because we didn't get it in the Appropriations Committee. Remember, 18 minutes to approve a bill unanimously, with more than 1,000 earmarks in it that nobody in the full body had seen, and we only got a copy of days before the bill came out. Eighteen minutes.

Anyway, this amendment would prohibit \$5 million from going to fund Enhanced Navy Shore Readiness Integration. The earmark is going to Concur-

rent Technologies. Now, most people who have been following this process will know that name and know it well because Concurrent has drawn considerable attention due to its proclivity for earmarks. According to Taxpayers for Common Sense, Concurrent received more than \$200 million in earmarks between 2001 and 2006.

Concurrent technically is a nonprofit organization, with revenues in the hundreds of millions of dollars. And it is receiving earmark after earmark after earmark after earmark, although questions are raised all over the place. According to the Center for Responsive Politics, Concurrent Technologies' employees have donated more than \$113,000 to current members of the House Defense Appropriations Subcommittee since 1998.

Let me just use a chart here. This chart kind of explains the phenomenon that we will see over and over and over again. And with every earmark amendment I am offering today, this pattern exists where Members of Congress will earmark dollars; the earmark spending goes to the earmark recipient; the earmark recipient will then turn around; and lobbying firms representing the earmark recipient, PACs there, executives from the lobbying firm, executives from the company itself, contribute handsomely to Members of Congress, and it recycles again and again and again. Circular fund-raising, that's what we're talking about here.

Now, I will point out that when Members of Congress request an earmark, they are forced to sign a certification letter saying that they have no financial interest. This kind of circular fund-raising is not illegal, and that's not what I'm alleging at all. But is it right? And should we, as Members of Congress, tolerate it again and again and again when these companies like Concurrent Technologies are in the news for having problems explaining what they've done with the earmark money that they've received again and again? And here we go saying, Now we have transparency and accountability, and we've changed the earmark process, and yet here we are again appropriating more money through an earmark to Concurrent Technologies.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I reserve my time.

Mr. FLAKE. Mr. Chairman, when we were discussing earmarks earlier in the appropriation cycle, one Member defending his earmark came to the floor and said he was getting an earmark for a university. Based on things I've read in the papers, this college does not have a lobbyist, either a Federal or State lobbyist. No one from the school

has donated to my campaign; nothing at the school is named after me or is proposed to be named after me. To my knowledge, the school has never received an earmark of any sort from the Federal Government prior to this.

I would ask the gentleman, the sponsor of the earmark, if he can make the same statement with regard to this earmark. Have moneys come back from the recipient of the earmark?

And I would yield him time to do so.

□ 1115

Mr. DICKS. Mr. Chairman, I reserved my time and I will answer this on my own time.

Mr. FLAKE. Roll Call has noted that PMA, and we will get to another PMA earmark a little later, has been—well, let me step back just a bit. Sunlight Foundation has noted that Concurrent Technologies paid PMA \$320,000 in lobbying fees in 2008 and received more than \$14 million in earmarks sponsored by five Members, including the sponsor of this amendment. This signifies an impressive 4,463 percent return on investment. It's no wonder this process of circular fund-raising continues.

According to the Center for Responsive Politics, the sponsor of this earmark is reportedly among the five top recipients of PMA contributions. Roll Call noted that PMA has been the largest source of campaign contributions since 2001 and PMA and its client have provided the sponsor of this earmark with nearly \$200,000 in campaign contributions since 2001.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. FLAKE.

In addressing my colleagues, I want to begin by clarifying what the funds designated for Enhanced Navy Shore Readiness Integration are directed to.

Several years ago the Navy adopted a significantly different approach to managing all of its installations on U.S. soil. The commander of Navy Installations Command operates an \$8 billion enterprise for the Nation. Now, you can imagine that when making changes in such a vast enterprise, its leaders want to explore innovative options; but they need to carefully evaluate ideas to find the best ones. They also need to test out an idea as a pilot project, and that's exactly what happened here.

The Concurrent Technologies Corporation is a nonprofit. In fact, they just had a competitive bid which they won a few months ago. They do great work for the United States Navy. The Navy often matches the money that Congress puts up because the work is of such high quality. And this company is located in Bremerton, Washington, one of its branch offices. They do great work for Navy Region Northwest.

I don't have anything named after me. My family has no interest in this

in any way, shape, or form. This is a good, solid program; and this company this year has no one representing it. It doesn't have a lobbying firm. Well, the gentleman wants to make various insinuations, but I still funded it because it was quality work. It was work that was meritorious. And Congress has the right to do this.

Congress also has the right to review national programs. National programs should be considered by Congress. We can either increase the funding for them or decrease the funding for them. We have the right to do that. Congress has the power of the purse, and we can't give it away because it's in the Constitution. And this is an important issue.

Now, all I can tell my colleagues here is that this is a good operation in Bremerton. They're doing fine work for the United States Navy, and I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 258 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 258 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 258 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____ . None of the funds provided in this Act shall be available for Reduced Manning Situational Awareness.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, before I get to the substance of the amendment, if people out there want to know why members of the Appropriations Committee, and particularly the Defense Subcommittee, are loathe to talk about these earmarks and to talk about this process and why the markup in the full committee took a full 18 minutes, this might explain it.

If you look here to the left of this chart, 33 percent of the dollar value of

the earmarks in the Defense Appropriations bill go to just under 4 percent of the Members of this body. One-twenty-fifth of the Members in this body take home 33 percent of the earmarked dollars in this appropriations bill. So I don't blame them for wanting to get through this quickly, for having an 18-minute markup where nobody really talks about anything; you just shove it on through and it's a unanimous vote. If you want to know why, here it is.

But this Congress, the rest of the body, the rank-and-file Members who aren't on that committee ought to be concerned, particularly when over and over again there are press stories that are unflattering about what happens when earmarks go in this fashion. The Washington Post's top story above the fold today is another one, talking about how Members are loathe to get rid of these pork projects in the bill or these earmarks.

So I would submit that if anybody out there is wondering why this process goes so quickly and Members are so disinclined to debate, why not? If you can do it, do it. If 4 percent of the Members in this body can take home 24 percent of the earmarks, that's a pretty good gig. But the rest of us ought to be concerned, and I think the country is concerned, certainly the press is reporting that there is an issue there.

This amendment would remove \$5 million for funding for the Reduced Manning Situational Awareness program. According to the sponsor of this program, it's a command and control system with smart sensors, 3-D visualization, video analytics, and bandwidth management.

I'm not here to argue the merits of the program. I frankly don't have much knowledge in that area. But what we see here again is an earmark going to a private company. Sometimes Members will say, I'm just working for my district; I'm just getting earmarks for economic development in my district. In this case the company is not even located in the sponsor's district.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I am not going to talk about the amendment because the gentleman has conceded that the program it would fund is essential to force protection, and that is the case.

But I think the point that I want to make is there has been a lot of misleading information suggested here, not necessarily intentionally and I don't think with any attempt to besmirch anyone's character. We have heard on the cap-and-trade bill "read the bill." We have heard on the health

bill, if we ever see one, "read the bill." And I agree with all of that. We ought to be reading the bills.

I don't think my friend from Arizona has read this bill, and it is not nearly as big as the cap-and-trade bill was or the health bill will be. But had he read the bill, he would have found on page 113, section 8115(a) that it says: "Those which are considered congressional earmarks for purposes of rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition."

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, I'm glad the gentleman brought up this phrase in the bill that it should be opened to full competition. The reason for the earmark is to get around competition. We all know that. Now we can have language in the bill that requires that. But I had a meeting with some Defense Department procurement officials and the Comptroller General a while ago, and I asked the Defense Department officials, What is your process with these earmarks? And they said, We subject them to full competition, basically except when we don't. So I asked them, Can you do a random sample of earmarks in the 2009 or 2008 Defense bill and come back to me and let me know how many went to the intended recipient for the earmark?

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield.

Mr. DICKS. The gentleman obviously hasn't read the bill because it's in the bill that you have to compete these projects if it is done by a for-profit company. Congress has passed a law saying you have to compete these. So the gentleman is wrong in so many ways, but on this one you are really wrong.

Mr. FLAKE. I thank the gentleman for trying to clarify that. But I would submit that that is the process that the Defense Department says that they follow now. So they will take this language and say that's what we do already, except when we don't. And when they don't subject it to full competition, they simply issue what's called a J&A. And the J&A is the justification for why that earmark was not subject to competition.

I have asked for months and months and months, and I'm still waiting for some of those J&As. But we know with uncanny precision these earmarks end up with the intended recipient and simply putting in language in here, which my guess is will be taken out in the Senate anyway, though it doesn't mean much in the first place, it will not likely survive the Senate; but if it does, the Defense Department will say we do that anyway.

If it's subject to full competition, the gentleman mentioned with Concurrent

Technologies that they had won in open competition for another pot of money. Well, great. If they're so good, why do we have to earmark money for them? Why don't we say compete on your own like everybody else? That is the purpose of these earmarks, to get around competition. That is the purpose of it. So to say, well, we inserted language in it and that will solve it all, it simply doesn't because the Defense Department knows who butters their bread. They know that they need to follow with uncanny precision the intended recipient.

The Acting CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 315 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 315 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____ . None of the funds provided in this Act shall be available for Body Armor Improved Ballistic Protection, Research and Development.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, let me just finish the thought I had before.

President Bush a couple of years ago said that earmarks that end up in the report language and not in the bill itself, like these earmarks, that he would instruct the Federal agencies to ignore them and to simply openly compete contracts out there. This Appropriations Committee inserted language after the President did that and said that the President or the Federal agencies should have to follow the language in the report even though it wasn't legislative language.

So if we're all keen on competition here, why in the world, until the public started to focus on it, did we instruct the Federal agencies and say you have to take the language that's in the report as if it were law?

Anyway, let's get to this amendment.

This amendment would remove \$2.2 million in funding for KDH Defense, for a Body Armor Improved Ballistic Protection.

I have not come here to debate the merits of the earmark. Again, I'm not an expert in improved ballistic protection defense. But I should say again I think people in our military are and the Pentagon is and that they should probably make this decision rather than a single Member of Congress.

As reported by Roll Call earlier this week, KDH Defense has received millions in earmarks to produce an underwater swimmer detection sonar system for the Navy to be used to protect its docks and ships. KDH's expertise lies in sewing bulletproof vests, but reportedly this earmark project was the first product to be delivered by KDH Electronic Systems, a startup company affiliated with KDH.

After several years and a series of botched agreements with subcontractors, KDH has yet to deliver this product. Based on the statements made by the president of KDH, it doesn't appear as though they ever will. And yet we are here today again ready to provide KDH with millions more in taxpayer dollars.

I would ask why are we doing this when we already have information that some of the individuals or companies that will be associated with this earmark haven't exactly done well in the past, haven't produced what they said they would, in some cases have little expertise in the area that they say they do in order to get the earmark?

Mr. Chairman, I reserve the balance of my time.

□ 1130

Mr. MURTHA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. FLAKE. Mr. Chairman, again, here we have the same pattern of circular fund-raising. Again, I am not alleging any illegal activity here. This is legal. It is unfortunate, but it is legal for Members to sign a certification that they have no financial interest in the earmark. But our same Ethics Committee issues guidance to the Members saying campaign contributions do not necessarily reflect or constitute financial interest.

That, I would submit, Mr. Chairman, is the wrong approach, and we are going to continue to see story after story where earmark recipients simply don't have the capability or the inclination to deliver on the product that they said they would deliver on, and yet they still continue, even in this environment with investigations swirling around all over, to receive these same earmarks.

By now, my colleagues are familiar with the PMA scandal that has plagued this body for months. There is an investigation, at least they are looking into it, we are told, by our own Ethics Committee here.

I am unconvinced that the PMA scandal will be the last scandal we see in this body. I am convinced that there will be earmarks that we approve today that later investigation will determine were not aboveboard, that these companies receiving these earmarks simply weren't delivering, because we have seen that again and again and again, and yet we go through this same process as if nothing were amiss.

I reserve the balance of my time.

Mr. MURTHA. I reserve my time.

Mr. FLAKE. Mr. Chairman, an editorial in The New York Times, entitled "Political Animal 101," referred to the "relationship between campaign dollars and the customized appropriations they are fed by grateful lawmakers" as "the ultimate in symbiotic survival and cynical influence trading."

That is The New York Times. There have been editorials in the Washington Post. They have been in Roll Call and The Hill and just about everywhere. The mainstream media has done a great job investigating this and showing that this process leaves a lot to be desired.

Again, it doesn't have to be illegal to be something that Members of this body should stand up and say, you know, our House should have a higher standard here. We ought to have a higher standard than whether we can survive an investigation going on by the Justice Department right now, that we ought to leave some confidence with the public that we are doing things right here. And I would submit when you have more than 1,000 earmarks, more than 500 of which represent no-bid contracts to private companies like this one, then we have got a problem.

I urge support of the amendment.

The Acting CHAIR. The gentleman's time has expired.

Mr. MURTHA. Let me read again to the gentleman from Arizona. "With respect to the list of specific programs, projects and activities contained in the tables entitled Explanation of Project Level Adjustment in the report of the Committee on Appropriations of the House of Representatives, those which are considered Congressional earmarks for purpose of rule XXI of the House of Representatives, when awarded for a profit entity, shall be awarded under full and open competition."

Now, let me tell you, you talk about old awards. KDH was awarded on 14 July 2090, a competitive \$39.4 million contract for 65,000 vests for the Army and Air Force. They must be doing a good job or they wouldn't have been made that award.

I went to Iraq. They were short—would the gentleman, I know the staff has a lot of information for him, but I would like him to listen to what I am saying.

I went to Iraq and I found with the First Division a 44,000 shortage of armor. The biggest complaint I get from the troops in the field—I don't know how often you visit the field, Mr. FLAKE. I don't know how often you come to the people that do this work.

When I go in the factories, their sons and daughters are working in this place. They love the work that they do. They know they are doing work that is under very specific guidelines set by the government.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members to address their remarks in debate to the Chair.

Mr. MURTHA. You are absolutely right. I am sorry, Mr. Chairman.

Mr. Chairman, I want you to know that when I go to visit these plants and I see these people working, whose sons and daughters are fighting, they know how important these vests are. They know how important the work that they do is for the Defense Department.

I remember 20 years ago when I brought defense companies into my district and I had 24 percent unemployment. We didn't have the specifications. We didn't have any small business that could do the work. We didn't get any awards. Once we learned the ISOs, once we were able to perfect it, once we were able to compete—the people of my district are hardworking—we got the unemployment down to below the national level and diversified the economy.

All I can do is bring people in. I can't direct them where to do the business of the Defense Department. They do it on their own. They are the ones that award the contracts. I visit those plants and I see those hardworking people. I see what they do for this great country. Not only the troops serving in Iraq and Afghanistan, but the public who work in these defense organizations do everything they can to help this great country.

We put money into the budget. We have an obligation to take care of our district. We have an obligation to take care of this great country. And the people working in my district work hard.

I visit these plants and these bases all the time. I visit the troops and I ask them, What are your biggest problems? The biggest problem is employment, Mr. Chairman. The biggest problem is the fact that the vests are too heavy for Afghanistan. They are working on trying to get vests that aren't so heavy.

I just went out to the hospital the other day. I don't know how often Mr. FLAKE goes to the hospital. I am sure he goes quite often. Every week he probably goes to the hospital. But I will tell you this. I go to the hospital.

I saw a young fellow who was wounded two years ago. His organs were outside of his body for 10 days. He had a bag for about 6 months. He got rid of the bag. They did another operation.

This goes on continuously. Nobody has done more work for the medical profession, putting earmarks in for breast cancer, ovarian cancer, all of those things, because we feel so strongly about it.

We want a great defense in this country, and the people working in the defense industry do a great job. We don't appropriate this money for anybody except the people that do the work, and if they do the work, they are awarded the contracts. And they are competitive contracts, and it is very clear in our bill, and it doesn't come out of the bill. It has been in title X of the bill ever since I can remember. They have to be competitive if they are pro-profit.

With that, I yield back the balance of my time and ask for a "no" vote on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

PART B AMENDMENT NO. 389 OFFERED BY FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 389 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 389 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. __. None of the funds provided in this Act shall be available for Gulf Range Mobile Instrumentation Capability.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I want to respond a little to what the chairman of the Defense Subcommittee said.

He mentioned some of the horrible things that are happening in Iraq and Afghanistan. I have attended funerals myself of members who were killed by an IED or some other measure out there that they need greater protection from. But that is not what we are talking about here.

The reason we are here and the reason I offered the last amendment is it is going to a firm that, according to press reports, doesn't have the expertise to do what they intend to do and in the past have not delivered on the promises that were made before.

We see stories again and again and again on that same theme, that earmarks go to such companies. In fact,

there is a trial going on, I believe, right now in Florida where an earmark recipient has pled guilty, I believe, to distributing earmark money to contractors who had no intention of following through and delivering on the contract. That is why we are here.

So we can talk all we want about the needs of our troops in the field, and that is why I am offering these, because this money should be going to our troops in the field. Instead, it is being bled off, in some cases, according to press reports, to companies who don't know enough about what they are doing to receive the earmark. But they are getting an earmark and getting around competition despite the language in this year's bill which claims that these will be subject to free and open competition.

This particular amendment, Mr. Chairman, would remove \$3 million from funding for a Gulf Range Mobile Instrumentation Capability project. Again, I am here not knowing the specifics of the technology here, but I would submit that there are people in the Defense Department that perhaps might know better than some Members. And in this case, I would think that the chairman of the Defense Subcommittee would concede that we shouldn't be giving money to companies that have been implicated, at least it has been alleged, that they are under investigation.

The Wall Street Journal reviewed real estate records and reported that many of the facilities that ProLogic, the recipient of this earmark, uses are partly owned by the family of the CEO, and ProLogic pays the CEO monthly rent that is higher than prevailing local rates. ProLogic was also subpoenaed in a broader Federal investigation into earmarks going to West Virginia, where ProLogic is headquartered.

The Wall Street Journal also noted that four of ProLogic's six facilities were located in the congressional districts of senior members of the House Appropriations Committee. CBS News reported that ProLogic has spent more than \$880,000 lobbying and contributed more than \$400,000 to congressional campaigns.

I should note this company has denied allegations of wrongdoing and the status of the investigation is currently unknown.

But here we have a company that press reports say is either under investigation or cooperating with an investigation, and we are still giving it an earmark, a no-bid contract. Despite what is said about this will be open to free and open competition, we are giving them an earmark and saying this company at this address should get this money.

I just don't see where this connects with the speech about the needs of our men and women in the military. Again, I will stipulate, we need to make sure

that our men and women are armed, that they have force protection, that they have the arms and everything else they need. And that is why I am so against this process that we have here, because we bleed off money that should be going to our military into companies, through no-bid contracts, who in too many cases simply aren't doing the work that they were contracted to do.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I will claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I don't know about the company and the concerns that Mr. FLAKE has about the company. I don't even know the company, but I know the issue and I know the needs for the Eglin Range. The Air Force and the Navy use the eastern part of the Gulf of Mexico for just tremendous amounts of training.

Members will recall that during the debates over oil drilling and drilling for natural gas and doing other kinds of commercial activities in the eastern Gulf of Mexico, we always protected the Gulf of Mexico east of the military mission line because it was so critical to training for our national defense, to train those pilots and those people who are on seaborne missions, to train them so, if they do have to go into harm's way, they will have the proper training.

This is for range sensors to help with the training of those military training programs of the Air Force and Navy. If you recall, the debate was very, very aggressive on that issue, and the Congress on numerous occasions agreed that we had to protect the eastern Gulf of Mexico so that we were free to use those areas for training.

Now, I am not going to vote for this amendment. The interesting thing here is, I think, if Mr. FLAKE were a member of the Armed Services Committee or the Appropriations Committee, he would have a better knowledge of how that works. He may never have even heard of what we call unfunded requirements. He may never have heard of witnesses coming to testify before these committees on the issue of the request by the administration for appropriations and then giving you and giving the members of the committees a list of unfunded requirements, things that they need that were not included by OMB in the budget request.

The Members that have been here for a while might remember that when I first became chairman of this subcommittee, I identified every unfunded requirement that I could and I put it on a scroll and we rolled it across the front of this Chamber so people, Members, could see what the military said they needed but didn't have in the budget request.

I will give you one example. In talking about bombers at a particular hearing some years ago, an Air Force officer said to me, You know, these bombers are really important, but you guys aren't paying attention to something else really important.

I said, Tell us about it. What are you talking about?

□ 1145

He said, do you know that the tugs that we use to pull the bombers out of the hangars to take them out to the runway, we don't have enough? And so, if we have a large mission, we have bombers and aircraft waiting in line to get a tug to pull them out. Well, that's an unfunded requirement, and the committee tries to take care of those unfunded requirements. The Defense Department, under the language that I read earlier, must compete, no matter what the bill says, no matter what the report says about where the committee thinks that the work ought to go, the Defense Department has to compete it.

Now, I don't know how much more transparency we can give to Mr. FLAKE if the projects are competed. But I agree with him. If someone, some company is not doing the job properly, then they ought to be investigated, and they ought to be taken off the list of contractors. In fact, in my own district I had a request for an earmark in this year's bill, and the Inspector General decided to pay that company a visit to see about something. I'm not even sure what it was about because they keep these investigations pretty secret.

But I pulled the request for that earmark until we work it out, until we find out what happened here, what went wrong, what are they investigating. And I think we ought to do that. And I don't think we ought to be providing contracts to anyone who hasn't treated the public trust properly. So Mr. FLAKE and I aren't totally in disagreement, but we're in disagreement on this amendment because that Eastern Gulf of Mexico range that is so important to training Air Force and Navy pilots especially, and seaborne vehicles, is very, very important, and those sensors are part of that training.

I yield back my time.

Mr. FLAKE. I would disagree with the gentleman. I think we're in total agreement on this amendment. CBS News reported ProLogics businesses are getting a lot of attention, a lot of it from the FBI, which is investigating whether it diverted public money for its own private profit. This company is reported to be under investigation. And so should we be giving it an earmark?

The gentleman mentioned that he doesn't know the company. But this we do know; that this company, it's reported by CBS and by others, that it is under investigation, and we're giving an earmark. So when the gentleman says that he thinks that we are in

agreement that we shouldn't give earmarks to companies that it's alleged that there's some impropriety going on, I would submit that that's what we have here, according to the press. And unless we know completely that they're clean and doing good work, then we shouldn't give them an earmark. We should instead say to the Department of Defense: you decide. The gentleman mentioned that he doesn't know the company. Does he know if this company is the only company that can provide these services outlined?

Mr. MILLER of Florida. Mr. Chair, I rise in opposition to the amendment.

I stand in vigorous support of my request for a Gulf Range Mobile Instrumentation Capability. This capability will convey enormous long-term benefits and provide weapons systems in a cost effective manner on time.

DISTRICT INTRODUCTION

For those of you that don't know, I represent the First District of Florida, which is home to Eglin Air Force Base, Air Force Special Operations Command, Naval Air Stations Pensacola and Whiting Field, Cory Station, which hosts the Center for Information Dominance and is the proud future home of the Joint Strike Fighter.

ARGUMENT/JUSTIFICATION

The project fulfills a critical need. Specifically at Eglin Air Force Base, the 46th Range Group has a need for a capability for remote test, collection, storage and relay of various types of data. This capability can be accomplished with a Gulf Range Mobile Instrumentation Capability. This capability is needed to support test events which occur over large geographic areas on both land and sea. Examples of this testing include Live, Virtual, Constructive test events, large footprint weapons testing, Directed Energy testing, and hypersonic testing.

This capability does not exist because there is a shortfall across this nation in both adequate range space and instrumentation to realistically test today's long-range stand-off weapons. This problem is expanding with the enhanced performance of weapons in development. The Eglin range remains one of the only locations to test these weapons over its enormous land and water area. The instrumentation shortfalls can and should be addressed today. This project would develop mobile data acquisition capabilities to address the need for cost efficient operations involving remote areas with multiple ranges across the nation. As a simple example, extending a datalink, much like a wireless network, over 150 nautical miles into the Gulf would greatly support test operations. Test professionals need this capability and it will help ensure that our defense test and evaluation capabilities field cost-effective systems.

Developmental test and evaluation brings new capabilities to the battlefield and saves lives. I have had the opportunity to watch some of the magnificent testing conducted on the Eglin range. The 46th Test Wing completed testing last year on the small diameter bomb and it is now being employed for F-15E Strike Eagles in Afghanistan because it offers unique low-collateral damage capability. This testing could be expedited and improved with

the instrumentation capability we are discussing now. Future weapons testing includes Tomahawk, Joint Direct Attack Munition, Non-Line of Sight-Launch System, and continued testing of the Small Diameter Bomb. These programs will all benefit from increased safety, shorter tests, and a better product. In the end, this will convey benefits to Military activities across the nation, as we eventually link geographically separate ranges.

The T&E infrastructure, whether administered by a military service or by a Defense Department entity, continues to be a target for budget cuts year after year. In a recent letter I sent to the Secretary of Defense, and the Undersecretary of Defense for Acquisition, Technology, and Logistics, I questioned why the 2010 funding for Test and Evaluation is \$57.9 million below last year's level and noted that such a lack of funding could negatively impact numerous critical Department of Defense programs.

Five senators, including Senator MARTINEZ and Senator NELSON, recently sent a letter to Chairman INOUE and Senator COCHRAN identifying two Test and Evaluation budget shortfalls in the FY2010 Budget. In fact, Congress created the Director of Test Resource Management in 2003 and in conjunction with the Director of Operational Test and Evaluation, the DTRMC is supposed to be afforded the opportunity to certify each military service's budget every year before it is submitted to Congress. Due to the new Administration and different budget submission timelines, the DTRMC was not able to certify the services' budgets for the Fiscal Year 2010 submission. In the wake of acquisition reform, the Administration must fund areas that contribute to long-term cost savings.

I am looking forward to seeing the contributions of the Gulf Range Mobile Instrumentation Capability to future weapon systems. This capability is a critical need because a shortage exists across the nation of adequate instrumentation systems. However, investments in test and evaluation infrastructure provide magnified benefits because they affect so many weapon systems. The right test resources provide weapon systems on time, in a cost-effective manner.

Mr. FLAKE. I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 432 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 432 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 432 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Ultra Low Profile EARS Gunshot Localization System.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Just in reference to the last amendment, let me finish my thought there. Here we have, and the ranking minority member on the subcommittee concedes that we shouldn't be giving an earmark to a company if there's allegations out there that they're not doing the job that they're supposed to do, or that there's some cloud hanging over, I would assume. And yet that's what this earmark is for.

And so I seem to hear that, yeah, that we shouldn't do that and that my amendment would be agreed to. But all I heard were noes when my amendment was offered. So I would hope that when it comes time to vote, that Members will say, you know, regardless of everything else, perhaps if it's reported that a company is under investigation, perhaps we shouldn't be giving it an earmark until that's cleared up. And so I would hope that that's remembered when it comes time to vote later this day.

This amendment would strike \$1.5 million from the Ultra Low Profile EARS Gunshot Localization System. According to the sponsor's Web site, funding for this localization will produce a completely covert detection system which will enhance situational awareness and survivability of our military.

Mr. Chairman, this sounds like a worthwhile project. Even though the military did not request it, it may be something that we will ultimately benefit from. But why are we earmarking funds again here for a private, for-profit company that will not have to compete, regardless of the language that's in the House bill—that will likely not survive the Senate anyway, but which complies with regulations that the Defense Department says they already have about competition?

According to the sponsor's Web site, Planning Systems, Incorporated, will be the recipient of these funds. What's not included is justification for use of taxpayer dollars to an entity that the receiving entity of these funds was a client of now-defunct PMA Group. We're all familiar, all too familiar with the PMA Group. The PMA Group, and the companies it represented, donated more than \$270,000 to the sponsor of this earmark in the 2008 cycle alone. Collectively, employees of the PMA

Group and its clients have contributed nearly \$1 million to the sponsor since 1998.

According to the Center for Responsive Politics, this earmark sponsor was the third-highest recipient of contributions from PMA since 1998. And that's not all. The recipient of this earmark, Planning Systems, Incorporated, has contributed more than \$35,000 to the campaign of the sponsor of this earmark, again, according to the Center for Responsive Politics.

Again, there is nothing in our House rules that prohibit this. I'm not alleging that there are. But I'm saying that we have to stop this process of circular fund-raising. It just looks too bad outside of this body when we have a process where Members of Congress will earmark spending to an earmark recipient, and that earmark recipient, through its employees, through a PAC, through its lobbyists or through its executives, will contribute very handsomely back to the Member of Congress' campaign committee.

There is no other way to look at this outside of this body, I would say, than to say we shouldn't be doing that, particularly in a process where we're told that there are more than 1,000 earmarks in the bill, just days before the bill comes to the floor, and we know that 552 of those earmarks are no-bid contracts to private companies like this one.

I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MORAN of Virginia. I rise in opposition to the amendment. I thank the gentleman from Arizona for his conscientious scrutiny, particularly of the appropriations process. I trust perhaps some day he will look at the tax process, the Tax Code, which many of your colleagues are very much aware, has far more earmarks of greater amount. But in deference to the gentleman's concern, again, I would underscore the fact that in this appropriations bill, we make clear, in legislation, that when there is an earmark awarded to a for-profit entity, it shall be awarded under full and open competition.

Now, that's legislative language. It's not intent or report language. It's the law. I appreciate the fact that the gentleman has raised this earmark because otherwise no attention would be given to it since it represents about $\frac{1}{1000}$ of 1 percent of the entire bill, a very small amount, \$1.5 million.

Normally it would go without notice. But fortunately, the gentleman has raised it, so it gives me an opportunity to explain what it does. And it is quite true that Mr. Alan Friedman's firm, who is a terrific person, CEO, and scientist, was represented by PMA, which,

in fact, is located in my Congressional district. And I'm proud to have their support, frankly, because they too were conscientious in making sure that their earmarks were fully investigated, vetted, and competitively bid. And, in fact, for the last three straight years, this system was competitively bid and won.

What this system is is called the SWAT system. It is very strongly supported by our military because it saves lives. What it does is to enable people, special operations primarily, and intelligence assets, that are in denied territory, and I don't need to go into detail any further than that, to find out exactly where gunshots are coming from, how far away, and how many snipers there are. And it's worked exceptionally well.

What Mr. Friedman does with this small amount of money is to address one problem with this system, which is that it's bulky. It's very visible. It has radars, and so it's too easily detected by the enemy so, to some extent, our people can be an easier target as a result. What this does is to make this system virtually invisible. And for \$1.5 million it's going to save hundreds of lives in our expectation; that's why we are more than confident that when it is competitively bid, which is required by this legislation, it will win this bid.

If the gentleman was actually to look at this system, he, even, would vote to include the money in this bill to ensure this system is available for our military in some of the roughest, most dangerous terrain, so as to save their lives.

I reserve the balance of my time, Mr. Chairman.

Mr. FLAKE. I would simply ask, and maybe when he has his time back, to explain why, if it was open to competition in the last 3 years, why we had to earmark it this year.

The gentleman made the point that's been made again, that these have to be subject to fair and open competition. Let me say again, the Defense Department has said that all along. For years they've said the same thing. We subject these earmarks to full and open competition, but that doesn't stop Members of Congress. As soon as this bill is passed today, there will be a flurry of press releases, I guarantee it, where Members will say, I was successful in securing funding for this particular program. And if it's open to competition, how do you know that you've secured funding?

Let me just read from a couple of the press releases in the past:

I was pleased to secure funding to assist these small businesses in Prince George's County working on projects that will benefit our Nation's military and the safety of our troops.

That was somebody who knows the process pretty well. It's the majority leader. He put out a press release as soon as legislation was passed, not

waiting for the competition that supposedly comes when the project gets to the Defense Department. And like I said, tomorrow you'll see a round of those same press releases: I was able to secure funds, because Members know, with uncanny precision, the Defense Department will follow these earmarks.

I would say, again, with this particular earmark it sounds like a great program. The sponsor of the earmark indicated that this was open to competition in the last couple of years. That's great. Why do we have to earmark it this year?

I yield back the balance of my time.

□ 1200

Mr. MORAN of Virginia. May I inquire how much time I have, Mr. Chairman.

The Acting CHAIR. The gentleman has 2½ minutes.

Mr. MORAN of Virginia. Mr. Chairman, again, in case it wasn't fully understood—this may resolve the gentleman's concern.

In the legislation, it says, again, that all earmarks, when awarded to a for-profit entity, shall be awarded under full and open competition.

I can't stress that enough.

Now, to address the gentleman's concern, first of all, I've never made a press announcement about this. In fact, truth be known, I haven't talked to Mr. Friedman for probably a year, and I certainly didn't even let him know that this earmark was in. It was in because we checked with military personnel, vetted it, and found that this was a system that was a substantial improvement over what the military is currently using, which is called the SMART System. This is the EARS System. These are acronyms. This, as I explained, will be a much safer, less visible system that will protect lives.

Now, Mr. Friedman is no longer represented by PMA, and I haven't had contact with him. The fact is, at least in quite some time, this has been in here because of the merits of the project. It's only \$1.5 million, but it is highly meritorious. That's why it is in.

I grant you I know about it because it takes place, the work is done, in my congressional district. It also represents jobs, but they're not simply jobs for the sake of keeping people employed; they're jobs to protect our military and civilian personnel in the most dangerous terrain and in the most dangerous places on the planet. That's what this does for \$1.5 million.

Now, again, I have enormous respect for the people in the Pentagon, but they don't always move with blazing speed when they are making a change from one system to another. Oftentimes, you go with the status quo. Even though there are deficiencies, it is the easiest thing. What this does and the reason we put many of these ear-

marks in is that it adds a new level of technology to do a better job of accomplishing its underlying purpose.

With that, I again thank the gentleman for raising this issue.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 439 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. HOLDEN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 439 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for AARGM Counter Air Defense Future Capabilities.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit \$2.5 million from being directed to Alliant Tech Systems, or ATK, for AARGM Counter Air Defense Future Capabilities.

According to ATK's Web site, AARGM is a supersonic, medium-range, air-launched tactical missile used by the U.S. and by allied forces. The sponsor's Web site and certification letter state that the funds directed to this project in the bill would enable ATK to continue to demonstrate improvements to AARGM, particularly at longer ranges.

Now, here again, I am not going to argue the merits of the problem; neither are most of us here. It's possible that ATK's missile system is the best one out there, but we don't know that. I would suggest that nobody in this body knows that, not even the sponsor of the earmark.

We don't know that because there is no way the Appropriations Committee thoroughly vetted each of the 1,102 earmarked projects in this bill during its 18-minute markup. We don't know that because Members of Congress, in general, don't have the kind of expertise required to make that determination.

In cases like these, when we're determining the kind of missiles that best

work for our Armed Forces, it seems to me that the decision is best made by experts at the Department of Defense. Once that determination is made, just like with any other procurement, the contract to make these missiles ought to be competitively bid through the DOD.

But as is the case with nearly 550 of these earmarks, we have a handpicked private company being handed Federal funds for a project based solely on the discretion of one Member of Congress. This is a no-bid contract. This alone should be troubling enough, but there is an additional facet.

I mentioned the problem with circular fundraising that has been detailed by so many media organizations out there. It's getting tiring reading these stories every day. The Associated Press reported that an ongoing FBI investigation is "highlighting the close ties between special interest spending provisions, known as earmarks, and the raising of campaign cash."

As I mentioned, in every one of the individual earmarks that we're discussing today, there are examples of funding going to the earmark recipient, and then the executives from the company, their lobbyists and the PACs are contributing large amounts of campaign dollars back to the sponsors of the earmark. That simply doesn't look right. It may be legal. It is.

Our Ethics Committee has said that you can get campaign contributions in close proximity to earmarks; but Members of this body, I would think, would want to have a higher standard here. We ought to say, you know, maybe we don't know exactly the kind of missile systems that ought to be used. We ought to leave that to those with a little more expertise instead of giving a no-bid contract to a private company which happens to be in the district or doesn't but which is simply willing to provide a lot of campaign contributions.

So I would say, Mr. Chairman, we have to stop this process. We have to say we can no longer afford to award no-bid contracts to private companies, as we have done in the past, regardless of the language that is inserted which says that all of these have to be subject to competition.

We know how it works in the Defense Department because they say now, over the past several years, these have to be subject to competition. Yet, time and time again, when you look, there is an uncanny alignment between the earmark recipient designated by the sponsor of the earmark and the company that eventually gets the dollars.

I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. FLAKE. Mr. Chairman, again, I would say we can no longer continue to give no-bid contracts to private companies. I would say, as I mentioned, that for those who say we have language now in the bill—and I would certainly yield time to the gentleman, to the chairman of the Subcommittee on Defense—I would hope that he would agree, if they really believe in this language and that if the Senate knocks the language out, that we will not agree to a conference report that has these no-bid contracts in it.

If that is the case, if we are so willing to believe that this language actually has any force—and I don't believe it does because the Defense Department already says that they subject these earmarks to full competition—for those who are placing so much stock in this language, I would assume that they agree so strongly and that they will say these are going to be subject to competition. If the Senate strikes that language out, I would like to hear from those here that the House will also nullify those no-bid contracts, because we have designated who those recipients should be.

I yield back the balance of my time.

Mr. MURTHA. Let me read to the gentleman, Mr. Chairman:

"With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition."

This amendment would prohibit \$2.5 million for AARGM Counter Air Defense Future Capabilities. Now, I know that Members of Congress represent their districts. I know that Arizona gets \$9.7 billion in defense. I'm sure that this Member is not worried about the fact that some of this money may go someplace else. I know that's not his reason for this. It's \$9.7 billion. It's fifth in the number of defense industries throughout the country. Let me tell the Chair a story:

When I first took over the committee in 1989, I looked at one of the projects that the Navy was working on. They made consoles for all of the ships in the Navy, and they were paid \$850,000 for those consoles. We said, You've got to compete them. We had probably 25 to 30 hearings that year. We had 51 trips that we sent the troops on, which is the same as we had this year. We had 37 hearings this year, and we had hundreds and hundreds of meetings.

This one particular program was called the Q-70. We forced them to compete it, and it's a very interesting thing. The Navy went to the Air Force and said, Look, we want you to buy

this particular program, and we'll buy it from you. This is so they wouldn't have to compete. Well, the staff found out about it; and in the end, that didn't work and they competed.

That particular console now costs \$125,000 per unit. We've saved over \$1 billion. They happen to make that in my district. Some people would say that was an earmark. We saved over \$1 billion in one contract. On another submarine torpedo contract, we saved over a half a billion dollars.

So small business is the backbone of industry in this country. All the growth has been in small business. These folks are working diligently. They pay taxes. They go home every day, and they know how important it is to do good work. They meet super-specifications from the military. They complain all the time that the specifications are too tough and that competition is too tough.

The first time that I brought defense companies to my district, I had 24 percent unemployment, and we couldn't get any business out of them because none of my companies knew how to do defense work. Now, in Arizona, they obviously know how to do defense work. They've got \$9.7 billion worth of business in Arizona. Pennsylvania is not even on the list for the amount of defense work. That's embarrassing with all of the troops that we send. We send more National Guard members to Iraq and Afghanistan than any other National Guard unit in the country. I've lost 19 people in my congressional district, so I feel very strongly about this.

Small business is the backbone. These people that I visit are working hard. They know how tough it is. They know that they meet the specifications, and they bid on these contracts, and they win these contracts, and I'm proud to represent them. With that, I ask for a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 449 OFFERED BY MR.

FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 449 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for AN/SLQ-25D Integration.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit \$8 million from being directed to Argon ST, which is a private systems engineering and development company headquartered in Fairfax, Virginia.

The sponsor's Web site and certification letters say that the funding from this earmark would be used to upgrade current naval torpedo defense capabilities that would enhance ship survivability against the modern threat of a torpedo attack.

This isn't the first time that this company has received Federal funding for a project. This project, itself, received two earmarks, totaling \$8.7 million in 2007, and \$7.5 million was also allocated to such a system in 2006.

The FEC records indicate that, since 2006, employees of the earmark recipient, Argon ST, have donated more than \$47,000 in campaign contributions to the sponsor of the earmark. According to the Center for Responsive Politics, the Argonne PAC made \$23,000 in donations to the sponsor's campaign and to his leadership PAC in the 2008 election cycle.

□ 1215

According to the FEC, this represented more than a third of all donations of Argon's PAC made during the election cycle. In addition, during the 2008 cycle, Argon ST was reported to be the second highest contributor to the earmark sponsor's PAC. The funding for this earmark may very well be vital to national defense or it may not be. We just don't know here, I would suggest. But the earmarking system is so opaque that the purposes and justifications for more than 1,100 earmarks in this bill are a mystery to just about everyone.

Again, the committee took a whole 18 minutes to accept this bill on to the floor with a unanimous vote. Had this earmark been closely examined, it would have been revealed that this earmark recipient acquired Coherent Systems in 2007. Coherent Systems' former president and CEO now faces Federal charges for soliciting kickbacks from a defense contractor.

Argon ST is cooperating with Federal authorities in the investigation and is not facing any charges. But in the wake of the Abramoff scandal and the burgeoning PMA scandals, I would simply ask whether Congress should be providing no-bid contracts to private

companies involved in Federal investigations. I would submit that it should not.

There is more than \$2.7 billion in earmark spending in this bill. We've had less than 2 weeks to go over 1,100 earmarks that comprise this spending. We simply can't continue to do this.

I know the Member will stand up and say these have to be competed out. And I will again ask the Member, and I will actually yield him the rest of my time, if he will stand and say that if the Senate removes this language that requires open competition, if then we will then remove these no-bid contracts.

And I will yield to the gentleman for that. He doesn't have to take my time. He can take his own.

Again, what I am asking is if the Senate removes the language that Members put, I think, too much stock in because the Defense Department says they already subject these contracts to full and open competition, but if the Senate should remove that language, will the Members of this body remove the no-bid contracts, 552 of them, I believe, from the bill.

And I would yield for an answer.

I yield back my time.

Mr. MURTHA. Let me read again to the Chair.

"With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition."

In this particular case, this company is doing very well. Reuters gave them a very high rating. But what we look at is the people that work in those places, the awarding of these contracts, the fact that the Defense Department has such high levels of specification that they insist on.

When you go to a defense company, they have all kinds of things that are added that are not true in most places, and small business is the best you can get at doing this kind of work.

During World War II, we produced 83,000 airplanes in 1 year during 1943, 30,000 tanks. There were some abuses, I'm sure. Today, we don't have that capacity. What we worry about, if we don't have small business doing this, it's going to go overseas, and if it goes overseas, we're going to lose those businesses, we'll lose the ability. We continually put "buy American" in our provisions, and it turns out that it still goes overseas. Much of the airplane parts are built overseas. Much of the parts—if we weren't careful, some of the body armor would be built overseas because some of the companies would be cheaper.

So we insist they be built in this country. We insist Americans do it. And those Americans are so proud of the work that they do, they have Americans flags there. They have pictures of the troops. They have letters from the troops about how proud of the work they are doing, and the government checks continually to make sure they're doing that kind of work, and they meet those specifications.

With that, I would ask for a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 553 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated number 553 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 553 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the following projects:

Account	Project	Amount
AP,N	Crane Integrated Defensive Electronic Countermeasures Depot Capability.	\$2,000,000
DPA	Low Cost Military Global Positioning System (GPS) Receiver.	\$4,000,000
OM,A	TRANSIM Driver Training.	\$3,500,000
OM,AF	Joint Aircrew Combined System Tester (JCAST).	\$2,000,000
OM,ARNG	Multi-Jurisdictional Counter-Drug Task Force Training.	\$3,500,000
OM,N	Enhanced Navy Shore Readiness Integration.	\$5,000,000

Account	Project	Amount	Account	Project	Amount	Account	Project	Amount
OP,A	Ft. Bragg Range 74 Combined Arms Collective Training Facility.	\$1,000,000	RDTE,A	Javelin Warhead Improvement Program.	\$5,000,000	RDTE,DW	Ultra Low Profile EARS Gunshot Localization System.	\$1,500,000
OP,A	Laser Marksmanship Training System.	\$2,000,000	RDTE,A	Joint Precision AirDrop Systems-Wind Profiling Portable Radar.	\$2,300,000	RDTE,DW	United States Special Operations Command—USSOCOM/STAR-TEC Partnership Program.	\$2,000,000
OP,A	Machine Gun Training System for the Pennsylvania National Guard.	\$3,000,000	RDTE,A	Lightweight Metal Alloy Foam for Armor.	\$4,000,000	RDTE,N	76mm Swarmbuster Capability.	\$2,000,000
OP,A	Multi-Temperature Refrigerated Container System.	\$3,500,000	RDTE,A	Mobile Integrated Diagnostic and Data Analysis.	\$2,000,000	RDTE,N	Advanced Battery System for Military Avionics Power Systems.	\$2,000,000
OP,A	Radio Personality Modules for SINGGARS Test Sets.	\$3,000,000	RDTE,A	Nanotechnology for Potable Water and Waste Treatment.	\$2,000,000	RDTE,N	Advanced Capability Build 12 and 14.	\$2,000,000
P,MC	Portable Military Radio Communications Test Set.	\$1,500,000	RDTE,A	Rapid Response Force Projection Systems.	\$5,000,000	RDTE,N	Advanced Composite Manufacturing for Composite High-Speed Boat Design.	\$2,000,000
PANMC	Enhanced Laser Guided Training Round.	\$4,500,000	RDTE,A	Reduced Manning Situational Awareness.	\$3,500,000	RDTE,N	Advanced Manufacturing for Submarine Bow Domes and Rubber Boots.	\$2,000,000
RDTE,A	Advanced Composite Armor for Force Protection.	\$2,000,000	RDTE,A	Remote Bio-Medical Detector.	\$2,500,000	RDTE,N	Air Readiness/Effectiveness Measurement Program.	\$2,000,000
RDTE,A	Advanced Composite Research for Vehicles.	\$5,000,000	RDTE,AF	Universal Control.	\$3,100,000	RDTE,N	AN/SLQ—25D Integration.	\$8,000,000
RDTE,A	AN/ALQ 211 Networked EW Controller.	\$1,000,000	RDTE,AF	Advanced Modular Avionics for Operationally Responsive Satellite Use.	\$4,000,000	RDTE,N	Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.	\$2,000,000
RDTE,A	Army Vehicle Condition Based Maintenance.	\$5,000,000	RDTE,AF	Cyber Attack and Security Environment.	\$1,000,000	RDTE,N	Common Command and Control System Module.	\$4,000,000
RDTE,A	Defense Support for Civil Authorities for Key Resource Protection.	\$1,000,000	RDTE,AF	Demonstration and Validation of Renewable Energy Technology.	\$5,000,000	RDTE,N	EP-3E Requirements Capability Migration Systems Integration Lab.	\$6,250,000
RDTE,A	Dermal Matrix Research.	\$2,000,000	RDTE,AF	Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.	\$2,500,000	RDTE,N	High Density Power Conversion and Distribution Equipment.	\$1,500,000
RDTE,A	Effects Based Operations Decision Support Services.	\$2,000,000	RDTE,AF	Rivet Joint Services Oriented Architecture.	\$3,000,000	RDTE,N	Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.	\$1,500,000
RDTE,A	Eye-Safe Stand-off Fusion Detection of CBE Threats.	\$2,500,000	RDTE,AF	Senior Scout Communications Intelligence (COMINT) Capability Upgrade.	\$3,000,000	RDTE,N	Integrated Advanced Ship Control.	\$1,000,000
RDTE,A	Fire Shield	\$4,000,000	RDTE,DW	Gulf Range Mobile Instrumentation Capability.	\$3,000,000	RDTE,N	Integrated Condition Assessment and Reliability Engineering.	\$1,000,000
RDTE,A	Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.	\$3,500,000	RDTE,DW	Hand-held, Lethal Small Unmanned Aircraft System.	\$1,000,000			
RDTE,A	Heavy Fuel Engine Family for Unmanned Systems.	\$4,000,000	RDTE,DW	Low Cost Stabilized Turret.	\$1,000,000			
RDTE,A	Highlander Electro-Optical Sensors.	\$2,000,000	RDTE,DW	Mosaic Camera Technology Transition.	\$2,000,000			
RDTE,A	Hostile Fire Indicator for Aircraft.	\$2,000,000						

Account	Project	Amount
RDTE,N	Joint Explosive Ordnance Disposal Diver Situational Awareness System.	\$2,000,000
RDTE,N	Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.	\$4,500,000
RDTE,N	Management of Lung Injury by Micro-nutrients.	\$1,500,000
RDTE,N	Micro-Drive for Future HVAC Systems.	\$600,000
RDTE,N	Military Upset Recovery Training.	\$1,000,000
RDTE,N	Modular Advanced Vision System.	\$2,000,000
RDTE,N	Navy Advanced Threat Simulator.	\$2,000,000
RDTE,N	Next Generation Electronic Warfare Simulator.	\$2,000,000
RDTE,N	Paragon (Frequency Extension).	\$3,000,000
RDTE,N	Persistent Surveillance Wave Powerbuoy System.	\$2,000,000
RDTE,N	Submarine Fatline Vector Sensor Towed Array.	\$2,000,000
RDTE,N	Submarine Navigation Decision Aids.	\$5,000,000
RDTE,N	Wide Area Sensor Force Protection Targeting.	\$2,000,000
RDTE,N(MC) ...	Global Supply Chain Management.	\$1,000,000

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, let me note before I start this amendment, again I ask the chairman that if the Senate nullified the language requiring free and open competition, that the House would say, Okay, we will remove these no-bid contracts. I didn't hear an answer to that.

I would suggest that we know full well the Senate will remove that language. I think we put too much stock in the language anyway, but the Senate will surely remove it, because not to remove it might force some Senators to think they might not be able

to secure funding for their earmark, and we know that's not going to happen.

So, if we were serious about this language, if we were serious about free and open competition, we wouldn't be earmarking in this fashion. Full stock.

Mr. Chairman, I would ask unanimous consent that this amendment be modified in the form I placed at the desk.

Mr. MURTHA. I object.

The Acting CHAIR. Objection is heard.

Mr. FLAKE. This amendment would prohibit nearly \$200 million for more than 70 earmarks for former clients of the PMA Group that would be funded in this bill.

We are now all familiar with the PMA scandal that I think is in the beginning stages and certainly not the end. PMA Group was a prominent lobbying firm that specialized in obtaining defense earmarks for its clients, whose offices were recently raided by the FBI, according to The Hill, as part of a Federal investigation into politically corrupt—potentially corrupt political contributions. The lobbying firm has ceased operations and shuttered its political action committee, but not before, according to The New York Times, leaving a detailed blueprint of how the political money churn works in Congress.

PMA is emblematic of the troubling circular fund-raising that's become entrenched in the current earmarking process. CQ Today noted that the firm has charged \$107 million in lobbying fees from 2000 to 2008. Safe to say, the PMA Group was associated with showering Members of Congress with campaign cash.

According to the Center for Responsive Politics, since 1998, the firm and its clients have given \$40.3 million total to the candidate committees and leadership PACs of 514 lawmakers, nearly every Member of the current Congress. The Center also reported that members of the Defense Appropriations Subcommittee have collected nearly \$1 million in campaign cash since 1998 from PMA employees and the firm's PAC. If you include contributions from employees and PACs of the parent companies and subsidiaries of PMA clients, the total jumps to nearly \$8 million over the last decade.

In review of the 2008 PMA earmarks, the Sunlight Foundation noted that 40 organizations whose sole lobbyist was PMA had an average return on their lobbying fee investment of more than 2,700 percent. Clients of the firm received at least \$300 million worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news that the FBI raided the firm's office and the justice investigation into the firm was well known. That was earlier this year.

The omnibus spending bill that we approved in January, had money for

PMA clients in there just weeks after it was revealed that the PMA's offices had been raided, and we still didn't scrub them out. I would submit if we're not going to do it then, when would we do it?

I believe there are 70 earmarks in this bill for former clients of PMA. And we have had several privileged resolutions, of which I think at one count 29 members of the majority party, and nearly all members of the majority party, agreed that we should have the ethics committee look into the relationship between PMA and campaign dollars that have come to this Congress.

I reserve the balance of my time.

Mr. MURTHA. I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. FLAKE. I would yield the remainder of my time to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I rise in support of this amendment. Coming from Illinois, we know the pace and timing of a Federal investigation. I think it's fairly clear that PMA and several principals will now be indicted.

To protect this House and to protect the Appropriations Committee, I think having a strategic pause in the spending of this money is necessary. It's clear that PMA and its key folks with so many Federal resources now dedicated to this investigation are going to face Federal criminal prosecution.

So to protect this House, this is a wise amendment to put forward to make sure that we can be beyond reproach. As someone who comes from Governor Blagojevich's State and already knows how Federal prosecutions and work goes forward, so many resources have been put forward on this case already that it is clear that an indictment is coming forward. And to protect this House, I think we should adopt the amendment.

Mr. MURTHA. I rise in opposition to the amendment. Let me read to the House again—the one Member keeps mentioning over and over again the same thing I'm going to mention.

“With respect to the list of specific programs, projects and activities contained in the tables entitled ‘Explanation of Project Level Adjustments’ in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition.

As I mentioned, I hope that there is no Member that's trying to protect

their own Defense money—\$9.7 billion in Arizona—that this is not the reason that there is opposition to these things.

But I don't say that under any circumstances. One thing I say is we put money in for projects. We don't put it in because of any one Representative.

Last year—this PMA is defunct, and this year, we've put the projects in that we thought were worthwhile, not because they're from a Representative, because they don't represent them any more. Those projects are in the budget because Members, themselves, thought they were good projects.

And with that, I ask a "no" on the amendment.

Mr. FRANKS of Arizona. Mr. Chair, my voting record has consistently demonstrated my support for a full investigation of The PMA Group, its lobbying activities, and the relationship between Member budget requests and campaign contributions by the House Committee on Standards of Official Conduct. I also publicly maintain that all budget requests that The PMA Group lobbied on behalf of should not be funded by the taxpayers. I intend to vote "aye" on this amendment.

Mr. MURTHA. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

EN BLOC AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an en bloc amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendments en bloc consisting of all the amendments printed in part B of House Report 111-233 offered by Mr. FLAKE:

AMENDMENT NO. 1

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Enhanced Navy Shore Readiness Integration.

AMENDMENT NO. 2

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Army CH-47 Helicopter Forward and Aft Hook Project.

AMENDMENT NO. 3

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Army National Guard UH-60 Rewiring Program.

AMENDMENT NO. 4

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Internal Auxiliary Fuel Tank system.

AMENDMENT NO. 5

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a C-130 Active Noise Cancellation System.

AMENDMENT NO. 6

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Civil Air Patrol.

AMENDMENT NO. 7

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Large Aircraft Podded Infrared Countermeasures Systems for Air Force Reserve KC-135.

AMENDMENT NO. 8

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Skills Management Command Portal.

AMENDMENT NO. 9

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the AN/AAR-47D(V)X Missile Warning System.

AMENDMENT NO. 10

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Crane Integrated Defensive Electronic Countermeasures Depot Capability.

AMENDMENT NO. 11

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Universal Avionics Recorder Wireless Flight Download Data.

AMENDMENT NO. 12

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Composite

Operational Health and Occupational Risk Tracking System.

AMENDMENT NO. 13

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Armor and Structures Transformation Initiative-Steel to Titanium.

AMENDMENT NO. 14

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Flexible Aerogel Materials Supplier Initiative.

AMENDMENT NO. 15

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the High Performance Thermal Battery Infrastructure Project.

AMENDMENT NO. 16

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Aluminum Oxy-Nitride and Spinel Optical Ceramics.

AMENDMENT NO. 17

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Inventory for Defense Applications.

AMENDMENT NO. 18

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Low Cost Military Global Positioning System (GPS) Receiver.

AMENDMENT NO. 19

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Metal Injection Molding Technological Improvements.

AMENDMENT NO. 20

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Navy Production Capacity Improvement Project.

AMENDMENT NO. 21

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Radiation

Hardened Cryogenic Read Out Integrated Circuits.

AMENDMENT NO. 22

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Counter-Threat Finance—Global.

AMENDMENT NO. 23

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Air-Supported Temper Tent.

AMENDMENT NO. 24

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the New Jersey Technology Center.

AMENDMENT NO. 25

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Electronics and Personal Cooling.

AMENDMENT NO. 26

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Anti-Corrosion Nanotechnology Solutions for Logistics.

AMENDMENT NO. 27

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Army Force Generation Synchronization Tool.

AMENDMENT NO. 28

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Common Logistics Operating System.

AMENDMENT NO. 29

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Fort Benning National Incident Management System Compliant Installation Operations Center.

AMENDMENT NO. 30

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Ground Com-

bat System Knowledge Center and Technical Inspection Data Capture.

AMENDMENT NO. 31

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Initiative to Increase Minority Participation in Defense.

AMENDMENT NO. 32

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Logistics Interoperability.

AMENDMENT NO. 33

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an M24 Sniper Weapons System Upgrade.

AMENDMENT NO. 34

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Modular Command Post Tent.

AMENDMENT NO. 35

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Secure Remote Monitoring Systems.

AMENDMENT NO. 36

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Military Lens System Fabrication and Assembly.

AMENDMENT NO. 37

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Net-Centric Decision Support Environment Sense and Respond Logistics.

AMENDMENT NO. 38

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Operational/Technical Training Validation for Joint Maneuver Forces at Fort Bliss.

AMENDMENT NO. 39

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for TRANSIM Driver Training.

AMENDMENT NO. 40

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for UH-60 Leak Proof Drip Pans.

AMENDMENT NO. 41

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Autonomous Robotic Inspections for Aging Aircraft.

AMENDMENT NO. 42

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Engine Health Management Plus Data Repository Center.

AMENDMENT NO. 43

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Joint Aircrew Combined System Tester (JACST).

AMENDMENT NO. 44

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvement.

AMENDMENT NO. 45

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Joint Interoperability Coordinated Operations and Training Exercise.

AMENDMENT NO. 46

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Army National Guard M939A2 Repower Program.

AMENDMENT NO. 47

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Multi-Jurisdictional Counter-Drug Task Force Training.

AMENDMENT NO. 48

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for UH-60 Leak Proof Drip Pans.

AMENDMENT NO. 49

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Multi-Climate Protection System.

AMENDMENT NO. 50

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an LSD-41/49 Diesel Engine Low Load Upgrade Kit.

AMENDMENT NO. 51

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Hydroacoustic Low Frequency Source Generation Systems.

AMENDMENT NO. 52

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Force Protection Boats (Small).

AMENDMENT NO. 53

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Enhanced Detection Adjunct Processor.

AMENDMENT NO. 54

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Deployable Joint Command and Control Shelter Upgrade Program.

AMENDMENT NO. 55

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Adaptive Diagnostic Electronic Portable Testset.

AMENDMENT NO. 56

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for One AF/One Network Infrastructure for the Pennsylvania National Guard.

AMENDMENT NO. 57

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for One AF/One Network Infrastructure.

AMENDMENT NO. 58

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Aircrew Body Armor and Load Carriage Vest System.

AMENDMENT NO. 59

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Air National Guard Joint Threat Emitter—Savannah Combat Readiness Training Centers.

AMENDMENT NO. 60

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Virtual Interactive Combat Environment Training System for the Virginia National Guard.

AMENDMENT NO. 61

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Ultralight Utility Vehicles for the National Guard.

AMENDMENT NO. 62

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Radio Personality Modules for SINGARS Test Sets.

AMENDMENT NO. 63

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Multi-Temperature Refrigerated Container System.

AMENDMENT NO. 64

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Mobile Defensive Fighting Position.

AMENDMENT NO. 65

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Machine Gun Training System for the Pennsylvania National Guard.

AMENDMENT NO. 66

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Laser Marksmanship Training System.

AMENDMENT NO. 67

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Ft. Bragg

Range 74 Combined Arms Collective Training Facility.

AMENDMENT NO. 68

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the ATIS Maintenance and Enhancement Program.

AMENDMENT NO. 69

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Ultra Lightweight Camouflage Net System (ULCANS).

AMENDMENT NO. 70

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a MGPTS Type III or Rapid Deployable Shelter.

AMENDMENT NO. 71

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Flame Resistant High Performance Apparel.

AMENDMENT NO. 72

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Thorium/Magnesium Excavation—Blue Island.

AMENDMENT NO. 73

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Special Operations Forces Modular Glove System.

AMENDMENT NO. 74

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a WMD Multi-Sensor Response and Infrastructure Project System.

AMENDMENT NO. 75

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Autonomous Sustainment Cargo Container.

AMENDMENT NO. 76

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Atomized

Magnesium Domestic Production Design and Development.

AMENDMENT NO. 77

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Army Vehicle Condition Based Maintenance.

AMENDMENT NO. 78

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Army Portable Oxygen Concentration System.

AMENDMENT NO. 79

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for ARL 3DE Model-Based Inspection and Scanning.

AMENDMENT NO. 80

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Antioxidant Micronutrient Therapeutic Countermeasures.

AMENDMENT NO. 81

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Anti-Microbial Bone Graft Product.

AMENDMENT NO. 82

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an AN/ALQ 211 Networked EW Controller.

AMENDMENT NO. 83

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Aluminum Armor Project.

AMENDMENT NO. 84

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an All Composite Bus Program.

AMENDMENT NO. 85

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Tactical Laser Flashlight.

AMENDMENT NO. 86

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Reactive Armor Systems.

AMENDMENT NO. 87

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Radar Transceiver IC Development.

AMENDMENT NO. 88

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Rarefaction Weapon Engineered System.

AMENDMENT NO. 89

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Packaging Materials for Combat Rations.

AMENDMENT NO. 90

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Lithium Ion Phosphate Battery System for Army Combat Hybrid HMMV and Other Army Vehicle Platforms.

AMENDMENT NO. 91

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Lightweight Gunner Protection Kit for Lightweight MRAP Vehicle.

AMENDMENT NO. 92

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Ground EW and Signals Intelligence System.

AMENDMENT NO. 93

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Flexible Solar Photovoltaic Technologies.

AMENDMENT NO. 94

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Field Artillery Tactical Data System.

AMENDMENT NO. 95

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Digital Hydraulic Drive System.

AMENDMENT NO. 96

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Detection of Explosives.

AMENDMENT NO. 97

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Conductivity Program.

AMENDMENT NO. 98

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Composites for Light Weight, Low Cost Transportation Systems using a 3+ Ring Extruder.

AMENDMENT NO. 99

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Composite Research for Vehicles.

AMENDMENT NO. 100

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Composite Ammunition Magazine/Mount System.

AMENDMENT NO. 101

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Composite Armor for Force Protection.

AMENDMENT NO. 102

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Carbon Hybrid Battery for Hybrid Electric Vehicles.

AMENDMENT NO. 103

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Bonded Diamond for Optical Applications.

AMENDMENT NO. 104

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Affordable Turbine Engine Program.

AMENDMENT NO. 105

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Acid Alkaline Direct Methanol Fuel Cell.

AMENDMENT NO. 106

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Enhanced Laser Guided Training Round.

AMENDMENT NO. 107

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Small Caliber Ammunition Production Modernization.

AMENDMENT NO. 108

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Magneto Inductive Remote Activation Munitions System (MI-RAMS) M156/M39 Kits and M40 Receivers.

AMENDMENT NO. 109

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Portable Military Radio Communications Test Set.

AMENDMENT NO. 110

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Portable Armored Wall System.

AMENDMENT NO. 111

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Microclimate Cooling Unit for M1 Abrams Tank.

AMENDMENT NO. 112

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Marine Corps MK 1077 Flatracks.

AMENDMENT NO. 113

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Special Operations Forces Combat Assault Rifle.

AMENDMENT NO. 114

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for SOPMOD II (M4 Carbine Rail System).

AMENDMENT NO. 115

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Light Mobility Vehicle—Internally Transportable Vehicle.

AMENDMENT NO. 116

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Ballistic Armor Research.

AMENDMENT NO. 117

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Beneficial Infrastructure for Rotorcraft Risk Reduction.

AMENDMENT NO. 118

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Bio-Printing of Skin for Battlefield Burn Repairs.

AMENDMENT NO. 119

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Blood Safety and Decontamination Technology.

AMENDMENT NO. 120

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Breast Cancer Medical Information Network Decision Support.

AMENDMENT NO. 121

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Brownout Situational Awareness Sensor.

AMENDMENT NO. 122

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Buster/Blacklight UAV Development.

AMENDMENT NO. 123

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Cadmium Emissions Reduction-Letterkenny Army Depot.

AMENDMENT NO. 124

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Capabilities Expansion of Spinel Transparent Armor Manufacturing.

AMENDMENT NO. 125

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Carbide Derived Carbon for Treatment of Combat Related Sepsis.

AMENDMENT NO. 126

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Cellular Therapy for Battlefield Wounds.

AMENDMENT NO. 127

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Ceramic and MMC Armor Development using Ring Extruder Technology.

AMENDMENT NO. 128

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a CERDEC Integrated Tool Control System.

AMENDMENT NO. 129

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Chronic Tinnitus Treatment Program.

AMENDMENT NO. 130

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Clinical Technology Integration for Military Health.

AMENDMENT NO. 131

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Collagen-Based Wound Dressing.

AMENDMENT NO. 132

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Combat Medic Trainer.

AMENDMENT NO. 133

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Command, Control, Communications Technology.

AMENDMENT NO. 134

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Compact Biothreat Rapid Analysis Concept.

AMENDMENT NO. 135

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Composite Small Main Rotor Blades.

AMENDMENT NO. 136

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Compostable and Recyclable Fiberboard Material for Secondary Packaging.

AMENDMENT NO. 137

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Conversion of Municipal Solid Waste to Renewable Diesel Fuel.

AMENDMENT NO. 138

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Crewmember Alert Display Development Program.

AMENDMENT NO. 139

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Current Force Common Active Protection System Radar.

AMENDMENT NO. 140

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Cyber Threat Analytics.

AMENDMENT NO. 141

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Defense Sup-

port for Civil Authorities for Key Resource Protection.

AMENDMENT NO. 142

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Defense Support to Civil Authorities Automated Support System.

AMENDMENT NO. 143

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Dermal Matrix Research.

AMENDMENT NO. 144

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Development of Improved Lighter-Weight IED/EFP Armor Solutions.

AMENDMENT NO. 145

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for De-Weighting Military Vehicles through Advanced Composites Manufacturing Technology.

AMENDMENT NO. 146

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Diabetes Care in the Military.

AMENDMENT NO. 147

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Domestic Production of Nanodiamond for Military Applications.

AMENDMENT NO. 148

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Drive System Composite Structural Component Risk Reduction Program.

AMENDMENT NO. 149

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Dual Stage Variable Energy Absorber.

AMENDMENT NO. 150

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Effects Based Operations Decision Support Services.

AMENDMENT NO. 151

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Electric All Terrain Ultra Light Vehicle for the Minnesota National Guard.

AMENDMENT NO. 152

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Electrically Charged Mesh Defense Net Troop Protection System.

AMENDMENT NO. 153

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Electronic Combat and Counter Terrorism Threat Developments to Support Joint Forces.

AMENDMENT NO. 154

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Enabling Optimization of Reactive Armor.

AMENDMENT NO. 155

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Enhancing the Commercial Joint Mapping Toolkit to Support Tactical Military Operations.

AMENDMENT NO. 156

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Environmentally Intelligent Moisture and Corrosion Control for Concrete.

AMENDMENT NO. 157

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Execution of a Quality Systems Program for FDA Regulation Activities.

AMENDMENT NO. 158

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Extended Duration Silver Wound Dressing-Phase II.

AMENDMENT NO. 159

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Eye-Safe Standoff Fusion Detection of CBE Threats.

AMENDMENT NO. 160

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Field Deployable Hologram Production System.

AMENDMENT NO. 161

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Fire Shield.

AMENDMENT NO. 162

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Flu Vaccine Technology Program.

AMENDMENT NO. 163

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Foil Bearing Supported UAV Engine.

AMENDMENT NO. 164

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Fuel System Component Technology Research.

AMENDMENT NO. 165

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.

AMENDMENT NO. 166

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Fused Silica for Large-Format Transparent Armor.

AMENDMENT NO. 167

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Gas Engine Driven Air Conditioning.

AMENDMENT NO. 168

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Geospatial Airship Research Platform.

AMENDMENT NO. 169

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Headborne Energy Analysis and Diagnostic System.

AMENDMENT NO. 170

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Heavy Fuel Engine Family for Unmanned Systems.

AMENDMENT NO. 171

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for High Strength Glass Production and Qualification for Armor Applications.

AMENDMENT NO. 172

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Highlander Electro-Optical Sensors.

AMENDMENT NO. 173

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for High-Volume Manufacturing Development for Thin-film Lithium Stack Battery Technologies.

AMENDMENT NO. 174

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Hostile Fire Indicator for Aircraft.

AMENDMENT NO. 175

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Human Organ and Tissue Preservation Technology.

AMENDMENT NO. 176

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Hybrid Electric Drive All Terrain Vehicle.

AMENDMENT NO. 177

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Hybrid Electric Heavy Truck Vehicle.

AMENDMENT NO. 178

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Improved Thermal Batteries for Guided Munitions.

AMENDMENT NO. 179

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Improved Thermal Resistant Nylon for Enhanced Durability and Thermal Protection in Combat Uniforms.

AMENDMENT NO. 180

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Infection Prevention Program for Battlefield Wounds.

AMENDMENT NO. 181

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Infectious and Airborne Pathogen Reduction.

AMENDMENT NO. 182

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Injection Molded Ceramic Body Armor.

AMENDMENT NO. 183

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Ink-based Desktop Electronic Material Technology.

AMENDMENT NO. 184

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Integrated Defense Technical Information.

AMENDMENT NO. 185

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Integrated Family of Test Equipment V6 Product Improvement Program.

AMENDMENT NO. 186

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Integrated Lightweight Tracker System.

AMENDMENT NO. 187

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Intelligence, Surveillance and Reconnaissance (ISR) Simulation Integration Laboratory.

AMENDMENT NO. 188

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Intelligent Energy Control Systems.

AMENDMENT NO. 189

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Intensive Quenching for Advanced Weapon Systems.

AMENDMENT NO. 190

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Inter Turbine Burner for Turbo Shaft Engines.

AMENDMENT NO. 191

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for IR-Vascular Facial Fingerprinting.

AMENDMENT NO. 192

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an IUID Data Platform.

AMENDMENT NO. 193

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Javelin Warhead Improvement Program.

AMENDMENT NO. 194

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Joint Fires and Effects Trainer System Enhancements.

AMENDMENT NO. 195

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Joint Precision AirDrop Systems-Wind Profiling Portable Radar.

AMENDMENT NO. 196

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Large Format Li-Ion Battery.

AMENDMENT NO. 197

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Lens-Less Dual-Mode Micro Seeker for Medium-Caliber Guided Projectiles.

AMENDMENT NO. 198

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Lightweight 10-meter Antenna Mast.

AMENDMENT NO. 199

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Lightweight Magnesium Parts for Military Applications.

AMENDMENT NO. 200

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Lightweight Metal Alloy Foam for Armor.

AMENDMENT NO. 201

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Lightweight Munitions and Surveillance System for Unmanned Air and Ground Vehicles.

AMENDMENT NO. 202

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Lightweight Packing System for Enhancing Combat Munitions Logistics.

AMENDMENT NO. 203

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Lightweight Polymer Designs for Soldier Combat Optics.

AMENDMENT NO. 204

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Lightweight Protective Roofing.

AMENDMENT NO. 205

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Lightweight, Battery Driven, and Battlefield Deployment Ready NG Feeding Tube Cleaner.

AMENDMENT NO. 206

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a LW25 Gun System and Demonstration.

AMENDMENT NO. 207

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an M109A6 Paladin.

AMENDMENT NO. 208

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Medical Biosurveillance and Efficiency Program.

AMENDMENT NO. 209

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Medium Caliber Metal Parts Upgrade.

AMENDMENT NO. 210

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Micro Inertial Navigation Unit Technology.

AMENDMENT NO. 211

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Micro-machined Switches in Support of Transformational Communications Architecture.

AMENDMENT NO. 212

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Mid-Infrared Super Continuum Laser.

AMENDMENT NO. 213

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Military Drug Management Center.

AMENDMENT NO. 214

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Mobile Integrated Diagnostic and Data Analysis.

AMENDMENT NO. 215

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Mobile Mesh Network Node.

AMENDMENT NO. 216

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Mobile Power 30 kW System Power Control Unit Development Project.

AMENDMENT NO. 217

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Model for Green Laboratories and Clean Rooms.

AMENDMENT NO. 218

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Mortar Anti-Personnel/Anti-Material Technology.

AMENDMENT NO. 219

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a MOTS All Sky Imager.

AMENDMENT NO. 220

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Multi-layer Co-extrusion for High Performance Packaging.

AMENDMENT NO. 221

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Multiplexed Human Fungal Infection Diagnostics.

AMENDMENT NO. 222

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Nanocrystal Source Display.

AMENDMENT NO. 223

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Nanofluid Coolants.

AMENDMENT NO. 224

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Nanotechnology for Potable Water and Water Treatment.

AMENDMENT NO. 225

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Nanotechnology Fuze.

AMENDMENT NO. 226

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Nanotechnology-Enabled Self-Healing Anti-Corrosion Coating Products.

AMENDMENT NO. 227

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Networked Reliability and Safety Early Evaluation System.

AMENDMENT NO. 228

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Neural Control of External Devices.

AMENDMENT NO. 229

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Next Generation Communications System.

AMENDMENT NO. 230

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Next Generation Green, Economical and Automated Production of Composite Structures for Aerospace.

AMENDMENT NO. 231

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Next Generation Wearable Video Capture System.

AMENDMENT NO. 232

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Night Vision and Electronic Sensors Directorate.

AMENDMENT NO. 233

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Non-Leaching Antimicrobial Surface for Orthopedic Devices.

AMENDMENT NO. 234

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Novel Zinc Air Power Sources for Military Applications.

AMENDMENT NO. 235

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an OMNI Active Vibration Control System.

AMENDMENT NO. 236

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Optimization of the US Army Topographic Data Management Enterprise.

AMENDMENT NO. 237

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Optimizing Natural Language Processing of Open Source Intelligence.

AMENDMENT NO. 238

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Pacific Command Renewable Energy Security Systems.

AMENDMENT NO. 239

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Personal Miniature Thermal Viewer.

AMENDMENT NO. 240

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Personal Status Monitor.

AMENDMENT NO. 241

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Plasma Sterilizer.

AMENDMENT NO. 242

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Polymeric Web Run-Flat Tire Inserts for Convoy Protection.

AMENDMENT NO. 243

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Portable Fuel Cell Power Source.

AMENDMENT NO. 244

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Portable Mobile Emergency Broadband Systems.

AMENDMENT NO. 245

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Portable Sensor for Toxic Gas Detection.

AMENDMENT NO. 246

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Power Efficient Microdisplay Development for US Army Night Vision.

AMENDMENT NO. 247

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Precision Guidance Kit Technology Development.

AMENDMENT NO. 248

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Precision Guided Airdropped Equipment.

AMENDMENT NO. 249

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Predictive Casting Modeling for Rapid Production of Critical Defense Components.

AMENDMENT NO. 250

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Printed and Conformal Electronics for Military Applications.

AMENDMENT NO. 251

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Protein Hydrogel for Surgical Repair of Battlefield Injuries.

AMENDMENT NO. 252

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Qualification and Insertion of New High Temperature Domestic Sourced PES for Military Aircraft.

AMENDMENT NO. 253

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Rapid Response Force Projection Systems.

AMENDMENT NO. 254

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Rapid Wound Healing Cell Technology.

AMENDMENT NO. 255

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Rare Earth Mining Separation and Metal Production.

AMENDMENT NO. 256

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Reactive Materials.

AMENDMENT NO. 257

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Recovery, Recycle, and Reuse of DOE Metals for DoD Applications.

AMENDMENT NO. 258

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Reduced Manning Situational Awareness.

AMENDMENT NO. 259

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Reducing First Responder Casualties with Physiological Monitoring.

AMENDMENT NO. 260

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Remote Bio-Medical Detector.

AMENDMENT NO. 261

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Scalable Effi-

cient Power for Armament Systems and Vehicles Dual Use.

AMENDMENT NO. 262

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Self Powered Prosthetic Limb Technology.

AMENDMENT NO. 263

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Sensor Tape Physiological Monitoring.

AMENDMENT NO. 264

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Shared Vision.

AMENDMENT NO. 265

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a SHARK Precision Guided Artillery Round—105mm.

AMENDMENT NO. 266

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Silent Watch, IB NPS 1160 Lithium-Ion Advanced Battery.

AMENDMENT NO. 267

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Silver Fox and Manta Unmanned Aerial Systems.

AMENDMENT NO. 268

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Smart Machine Platform Initiative.

AMENDMENT NO. 269

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Smart Oil Sensor.

AMENDMENT NO. 270

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Smart Wound Dressing for MRSA Infected Battlefield Wounds.

AMENDMENT NO. 271

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Soldier Situational Awareness Wristband.

AMENDMENT NO. 272

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Solid Oxide Fuel Cell Powered Tactical Charger.

AMENDMENT NO. 273

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Solid State Process of Titanium Alloys for Advanced Material Armaments.

AMENDMENT NO. 274

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Specialized Compact Automated Mechanical Clearance Platform.

AMENDMENT NO. 275

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Standard Ground Station—Enhancement Program.

AMENDMENT NO. 276

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Superlattice Semiconductors for Mobile SS Lighting and Solar Power Applications.

AMENDMENT NO. 277

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Surveillance Augmentation Vehicle.

AMENDMENT NO. 278

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Tactical Cogeneration System.

AMENDMENT NO. 279

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Tactical Metal Fabrication System (TacFab).

AMENDMENT NO. 280

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Tamper Proof Organic Packaging as Applied to Remote Armament Systems.

AMENDMENT NO. 281

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Technologies for Military Equipment Replenishment.

AMENDMENT NO. 282

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Telepharmacy Robotic Medicine Device Unit.

AMENDMENT NO. 283

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Testing of Microneedle Device for Multiple Applications.

AMENDMENT NO. 284

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Tire to Track Transformer System for Light Vehicles.

AMENDMENT NO. 285

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Treatment of Battlefield Spinal Cord and Burn Injuries.

AMENDMENT NO. 286

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Tungsten Heavy Alloy Penetrator and Warhead Development.

AMENDMENT NO. 287

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for UH-60 Transmission/Gearbox Galvanic Corrosion Reduction.

AMENDMENT NO. 288

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Ultra Light Metallic Armor.

AMENDMENT NO. 289

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Ultra Light Weight Transmissions.

AMENDMENT NO. 290

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Universal Control.

AMENDMENT NO. 291

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Unmanned Robotic System Utilizing a Hydrocarbon Fueled Solid Oxide Fuel Cell System.

AMENDMENT NO. 292

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Vanadium Safety Readiness.

AMENDMENT NO. 293

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Video Compression Technology.

AMENDMENT NO. 294

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Voice Recognition and Cross Platform Speech Interface Upgrades.

AMENDMENT NO. 295

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for VTOL Man-Rated UAV and UGV for Medical Multi-Missions and CASEVAC.

AMENDMENT NO. 296

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Waterside Wide Area Tactical Coverage and Homing.

AMENDMENT NO. 297

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Wireless HUMS for Condition Based Maintenance of Army Helicopters.

AMENDMENT NO. 298

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Wireless Medical Monitoring System.

AMENDMENT NO. 299

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for 3D Bias Woven Perform Development.

AMENDMENT NO. 300

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Propulsion Non-Tactical Vehicle.

AMENDMENT NO. 301

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Electromagnetic Location of IEDs Defeat System.

AMENDMENT NO. 302

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Deformable Mirrors for High Energy Laser Weapons.

AMENDMENT NO. 303

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Electronic Components for Sensor Arrays.

AMENDMENT NO. 304

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Lithium Battery Scale-up and Manufacturing.

AMENDMENT NO. 305

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Modular Avionics for Operationally Responsive Satellite Use.

AMENDMENT NO. 306

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Vehicle Propulsion Center.

AMENDMENT NO. 307

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for ALC Logistics Integration Environment.

AMENDMENT NO. 308

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Algae-Derived Jet Fuel for Air Force Applications.

AMENDMENT NO. 309

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for AT-6B Demonstration for ANG.

AMENDMENT NO. 310

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for B-1 AESA Radar Operational Utility Evaluation.

AMENDMENT NO. 311

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for B-52 Tactical Data Link Capability.

AMENDMENT NO. 312

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Ballistic Missile Technology.

AMENDMENT NO. 313

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a BATMAV Program Miniature Digital Data Link.

AMENDMENT NO. 314

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Big Antennas Small Structures Efficient Tactical UAV.

AMENDMENT NO. 315

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Body Armor Improved Ballistic Protection, Research and Development.

AMENDMENT NO. 316

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Command

and Control Service Level Management (C2SLM) Program.

AMENDMENT NO. 317

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Corrosion Detection and Visualization Program.

AMENDMENT NO. 318

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for COTS Technology for Space Command and Control.

AMENDMENT NO. 319

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Cyber Attack and Security Environment.

AMENDMENT NO. 320

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Development and Testing of Advanced Hybrid Rockets for Space Applications.

AMENDMENT NO. 321

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Distributed Mission Interoperability Toolkit (DMIT).

AMENDMENT NO. 322

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Domestic Manufacturing of 45nm Electronics.

AMENDMENT NO. 323

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Efficient Utilization of Transmission Hyperspace.

AMENDMENT NO. 324

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Eglin AFB Range Operations Control Center.

AMENDMENT NO. 325

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Transportable Renal Replacement Therapy for Battlefield Applications.

AMENDMENT NO. 326

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for EMI Grid Fabrication Technology.

AMENDMENT NO. 327

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Florida National Guard Total Force Integration.

AMENDMENT NO. 328

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Gallium Nitride (GaN) Microelectronics and Materials.

AMENDMENT NO. 329

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for GAPS/AWS Horizontal Integration.

AMENDMENT NO. 330

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the Hawaii Microalgae Biofuel Project.

AMENDMENT NO. 331

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for High Bandwidth, High Energy Storage, Exawatt Laser Glass Development.

AMENDMENT NO. 332

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for High Energy Li-Ion Technology for Aviation Batteries.

AMENDMENT NO. 333

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a High Pressure Pure Air Generator System.

AMENDMENT NO. 334

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Hybrid Bearings.

AMENDMENT NO. 335

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Hybrid Nanoparticle-based Coolant Technology Development and Manufacturing.

AMENDMENT NO. 336

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Integrated Engine Starter/Generator.

AMENDMENT NO. 337

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Integrated Propulsion Analysis and Spacecraft Engineering Tools (IPAT/ISSET).

AMENDMENT NO. 338

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Large Area, APVT Materials Development for High Power Devices.

AMENDMENT NO. 339

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Laser Peening for Friction Stir Welded Aerospace Structures.

AMENDMENT NO. 340

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.

AMENDMENT NO. 341

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Low-Defect Density Gallium Nitride Materials for High-Performance Electronic Devices.

AMENDMENT NO. 342

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Micro-machined Switches for Next Generation Modular Satellites.

AMENDMENT NO. 343

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Multilingual Text Mining Platform for Intelligence Analysts.

AMENDMENT NO. 344

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Multi-Mode Propulsion Phase IIA; High Performance Green Propellant.

AMENDMENT NO. 345

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Object.

AMENDMENT NO. 346

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Open Source Research Centers.

AMENDMENT NO. 347

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Planar Lightwave Circuit Development for High Power Military Laser Applications.

AMENDMENT NO. 348

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Predator C.

AMENDMENT NO. 349

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Production of Nanocomposites for Aerospace Applications.

AMENDMENT NO. 350

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Reconfigurable Secure Computing.

AMENDMENT NO. 351

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Rivet Joint Services Oriented Architecture.

AMENDMENT NO. 352

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Senior Scout Communications Intelligence (COMINT) Capability Upgrade.

AMENDMENT NO. 353

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Small Turboman Versatile Affordable Advanced Turbine Engine Program.

AMENDMENT NO. 354

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Technical Order Modernization Environment.

AMENDMENT NO. 355

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Watchkeeper.

AMENDMENT NO. 356

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Wavelength Agile Spectral Harmonic Oxygen Sensor and Cell-Level Battery Controller.

AMENDMENT NO. 357

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Wire Integrity Technology.

AMENDMENT NO. 358

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Battery Technology.

AMENDMENT NO. 359

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Decision Support System.

AMENDMENT NO. 360

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Development of Antiviral Prophylactics and Therapeutics.

AMENDMENT NO. 361

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Technologies Sensors and Payloads/Unattended SIGINT Node.

AMENDMENT NO. 362

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for AELED IED/WMD Electronic Signature Detection.

AMENDMENT NO. 363

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Affordable Miniature FOPEN Radar Special Operations Craft—Riverine (SOC-R).

AMENDMENT NO. 364

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Affordable Robust Mid-Sized Unmanned Ground Vehicle.

AMENDMENT NO. 365

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the AESA Technology Insertion Program.

AMENDMENT NO. 366

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Autonomous Control and Video Sensing for Robots.

AMENDMENT NO. 367

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Autonomous Machine Vision for Mapping and Investigation of Remote Sites.

AMENDMENT NO. 368

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Battle-Proven Packbot.

AMENDMENT NO. 369

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Biometric Optical Surveillance System.

AMENDMENT NO. 370

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Botulinum Neurotoxin Research.

AMENDMENT NO. 371

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Botulinum Toxin Treatment Therapy.

AMENDMENT NO. 372

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Broad Spectrum Therapeutic Countermeasure to OP Nerve Agents.

AMENDMENT NO. 373

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for California Enhanced Defense Small Manufacturing Suppliers Program.

AMENDMENT NO. 374

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Carbon Nanotube Thin Film Near Infrared Detector.

AMENDMENT NO. 375

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Chemical and Biological Resistance Clothing.

AMENDMENT NO. 376

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Chemical and Biological Threat Reduction Coating.

AMENDMENT NO. 377

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Copper-Base Casting Technology Applications.

AMENDMENT NO. 378

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Corrosion Resistant Ultrahigh-Strength Steel for Landing Gear.

AMENDMENT NO. 379

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Covert Waveform for Software Defined Radios.

AMENDMENT NO. 380

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Distributed Network Switching and Security.

AMENDMENT NO. 381

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for DLA VetBiz Initiative for National Sustainment.

AMENDMENT NO. 382

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for End to End Semi Fab Alpha Tool.

AMENDMENT NO. 383

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Enhancement of Geo-location Systems.

AMENDMENT NO. 384

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Environmentally Friendly Nanometal Electroplating Processes for Cadmium and Chromium Replacement.

AMENDMENT NO. 385

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Facility Security Using Tactical Surveys.

AMENDMENT NO. 386

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Flashlight Soldier-to-Soldier Combat Identification System.

AMENDMENT NO. 387

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a GMTI Radar for Class II UAVs.

AMENDMENT NO. 388

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Hand-held, Lethal Small Unmanned Aircraft System.

AMENDMENT NO. 389

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Gulf Range Mobile Instrumentation Capability.

AMENDMENT NO. 390

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Hand-Held Apparatus for Mobile Mapping and Expedited Reporting.

AMENDMENT NO. 391

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for helicopter Cable Warning and Obstacle Avoidance.

AMENDMENT NO. 392

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for High Accuracy Network Determination System—Intelligent Optical Networks.

AMENDMENT NO. 393

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for High Speed Optical Interconnects for Next Generation Supercomputing.

AMENDMENT NO. 394

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Hybrid Power Generating System.

AMENDMENT NO. 395

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for HyperAcute Vaccine Development.

AMENDMENT NO. 396

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Improving Support to the Warfighter.

AMENDMENT NO. 397

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Integrated Analysis Environment.

AMENDMENT NO. 398

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Integrated Rugged Checkpoint Container.

AMENDMENT NO. 399

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Intelligence, Surveillance, and Reconnaissance Global Sensors Architecture (ISR-GSA).

AMENDMENT NO. 400

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Joint Gulf Range Complex Test and Training.

AMENDMENT NO. 401

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Joint Services Aircrew Mask Don/Doff Inflight Upgrade.

AMENDMENT NO. 402

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Lifetime Power for Wireless Control Sensors.

AMENDMENT NO. 403

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Low Cost Stabilized Turret.

AMENDMENT NO. 404

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Material, Design and Fabrication Solutions for Advanced SEAL Delivery System External Structural Components.

AMENDMENT NO. 405

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for MEMS Sensors for Real-Time Sensing of Weaponized Pathogens.

AMENDMENT NO. 406

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Miniature Day Night Sight for Crew Served Weapons.

AMENDMENT NO. 407

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Miniaturized Chemical Detector for Chemical Warfare Protection.

AMENDMENT NO. 408

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Mismatch Repair Derived Antibody Medicines to Treat Staphylococcus-derived Bioweapons.

AMENDMENT NO. 409

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Missile Activity and Characteristics—Releasable.

AMENDMENT NO. 410

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Moldable Fabric Armor.

AMENDMENT NO. 411

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Mosaic Camera Technology Transition.

AMENDMENT NO. 412

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Multi-target Shipping Container Interrogation System Mobile Continuous Air Monitor.

AMENDMENT NO. 413

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for National Radio Frequency Research, Development and Technology Transfer.

AMENDMENT NO. 414

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Optical Surveillance Equipment.

AMENDMENT NO. 415

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Portable Device for Latent Fingerprint Identification.

AMENDMENT NO. 416

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Portable Rapid Bacterial Warfare Detection Unit.

AMENDMENT NO. 417

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Potent Human Monoclonal Antibodies Against BoNT A, B and E Suited for Mass Production and Treatment of Large Populations.

AMENDMENT NO. 418

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Protective Self-Decontaminating Surfaces.

AMENDMENT NO. 419

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Radio Inter-Operability System.

AMENDMENT NO. 420

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Reduced Cost Supply Readiness.

AMENDMENT NO. 421

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Regenerative Filtration System for CBRN Defense.

AMENDMENT NO. 422

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Remote VBIED Detection and Defeat System.

AMENDMENT NO. 423

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Rigid Aeroshell Variable Bouyancy Air Vehicle.

AMENDMENT NO. 424

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Science, Technology, Engineering and Mathematics (STEM) Initiative.

AMENDMENT NO. 425

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Sea Catcher UAS Launch and Recovery System.

AMENDMENT NO. 426

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Secure, Miniaturized, Hybrid, Free Space, Optical Communications.

AMENDMENT NO. 427

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Self-decontaminating Polymer System for Chemical and Biological Warfare Agents.

AMENDMENT NO. 428

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Tactical, Cargo, and Rotary Wing Aircraft Decon.

AMENDMENT NO. 429

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Thermal Pointer/Illuminator for Force Protection.

AMENDMENT NO. 430

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Total Perimeter Surveillance.

AMENDMENT NO. 431

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for UAV Directed Energy Weapons Systems Payloads.

AMENDMENT NO. 432

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Ultra Low Profile EARS Gunshot Localization System.

AMENDMENT NO. 433

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Under-Vehicle Inspection System.

AMENDMENT NO. 434

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Unified Management Infrastructure System.

AMENDMENT NO. 435

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a United States Special Operations Command—USSOCOM/STAR-TEC Partnership Program.

AMENDMENT NO. 436

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a United States Special Operations Command—SOC-RATES High Assurance Platform Program.

AMENDMENT NO. 437

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an X-Band/W-Band Solid State Power Amplifier.

AMENDMENT NO. 438

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a 76mm Swarbuster Capability.

AMENDMENT NO. 439

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for AARGM Counter Air Defense Future Capabilities.

AMENDMENT NO. 440

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Accelerating Fuel Cells Manufacturability.

AMENDMENT NO. 441

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Battery System for Military Avionics Power Systems.

AMENDMENT NO. 442

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Capacity Build 12 and 14.

AMENDMENT NO. 443

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Advanced Composite Manufacturing for Composite High-Speed Boat Design.

AMENDMENT NO. 444

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Fuel Filtration System.

AMENDMENT NO. 445

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Logistics Fuel Reformer for Fuel Cells (Phase II).

AMENDMENT NO. 446

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Advanced Manufacturing for Submarine Bow Domes and Rubber Boats.

AMENDMENT NO. 447

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Aegis Research and Development.

AMENDMENT NO. 448

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Air Readiness/Effectiveness Measurement Program.

AMENDMENT NO. 449

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for AN/SLQ-25D Integration.

AMENDMENT NO. 450

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Arc Fault Circuit Breaker with Arc Location.

AMENDMENT NO. 451

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Automated Missile Tracking.

AMENDMENT NO. 452

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.

AMENDMENT NO. 453

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Autonomous UUV Delivery and Communication System Integration.

AMENDMENT NO. 454

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Bow Lifting Body Project.

AMENDMENT NO. 455

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Common Command and Control System Module.

AMENDMENT NO. 456

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Common Digital Sensor Architecture.

AMENDMENT NO. 457

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Common Safety System Controller.

AMENDMENT NO. 458

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Continuous Active Sonar for Torpedo DCL Systems.

AMENDMENT NO. 459

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Cooperative Engagement Capability.

AMENDMENT NO. 460

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Countermining LIDAR UAV-Based Systems.

AMENDMENT NO. 461

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Electronic Motion Actuation Systems.

AMENDMENT NO. 462

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an EP-3E Requirements Capability Migration Systems Integration Lab.

AMENDMENT NO. 463

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Floating Area Network Littoral Sensor Grid.

AMENDMENT NO. 464

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Flow Path Analysis Tool.

AMENDMENT NO. 465

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Gallium Nitride (GaN) Power Technology.

AMENDMENT NO. 466

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an HBCU Applied Research Incubator.

AMENDMENT NO. 467

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for High Density Power Conversion and Distribution Equipment.

AMENDMENT NO. 468

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a High Power Density Motor Drive.

AMENDMENT NO. 469

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Highly Integrated Siloxane Optical Interconnect for Military Avionics.

AMENDMENT NO. 470

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a High-Shock 100 Amp Current Limiting Circuit Breaker.

AMENDMENT NO. 471

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a High-Temperature Superconductor Trap Field Magnet Motor.

AMENDMENT NO. 472

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.

AMENDMENT NO. 473

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Image-Based Navigation and Precision Targeting.

AMENDMENT NO. 474

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Improved Kinetic Energy Cargo Round.

AMENDMENT NO. 475

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Infrared Materials Laboratory.

AMENDMENT NO. 476

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Integrated Advanced Ship Control.

AMENDMENT NO. 477

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Integrated Condition Assessment and Reliability Engineering.

AMENDMENT NO. 478

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Integrated Power System Power Dense Harmonic Filter Design.

AMENDMENT NO. 479

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Integrated Psycho-Social Healthcare Demonstration Project.

AMENDMENT NO. 480

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Integration of Advanced Wide Field of View Sensor with Reusable, Reconfigurable Payload Processing Testbed System.

AMENDMENT NO. 481

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Intelligent Retrieval of Imagery.

AMENDMENT NO. 482

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an IP over Power Line Carrier Network Integration with ICAS.

AMENDMENT NO. 483

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Joint Explosive Ordnance Disposal Diver Situational Awareness System.

AMENDMENT NO. 484

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.

AMENDMENT NO. 485

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Kinetic Hydropower System Turbine.

AMENDMENT NO. 486

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Landing Craft Composite Lift Fan.

AMENDMENT NO. 487

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Laser Optimization Remote Lighting System.

AMENDMENT NO. 488

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Laser Phalanx.

AMENDMENT NO. 489

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Lightweight Composite Structure Development for Aerospace Vehicles.

AMENDMENT NO. 490

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Lithium Ion Storage Advancement for Aircraft Applications.

AMENDMENT NO. 491

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Low Frequency Active Towed Sonar System Organic ASW Capability.

AMENDMENT NO. 492

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Low Signature Defensive Weapon System for Surface Combatant Craft.

AMENDMENT NO. 493

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Maintenance Free Operating Period.

AMENDMENT NO. 494

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Maintenance Planning and Assessment Technology Insertion.

AMENDMENT NO. 495

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Management of Lung Injury by Micronutrients.

AMENDMENT NO. 496

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Marine Corps Cultural and Language Training Platform.

AMENDMENT NO. 497

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Marine Mammal Awareness, Alert and Response Systems.

AMENDMENT NO. 498

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Marine Mammal Detection System.

AMENDMENT NO. 499

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Micro-Drive for Future HVAC Systems.

AMENDMENT NO. 500

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Military Upset Recovery Training.

AMENDMENT NO. 501

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Mobile, Oxygen, Ventilation and External (MOVES) System.

AMENDMENT NO. 502

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Modular Advanced Vision System.

AMENDMENT NO. 503

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Mold-in-Place Coating Development for the U.S. Submarine Fleet.

AMENDMENT NO. 504

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Moving Target Indicator Scout Radar.

AMENDMENT NO. 505

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Multi-Mission Unmanned Surface Vessel.

AMENDMENT NO. 506

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a NAVAIR High Fidelity Oceanographic Library.

AMENDMENT NO. 507

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Navy Advanced Threat Simulator.

AMENDMENT NO. 508

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Next Generation Electronic Warfare Simulator.

AMENDMENT NO. 509

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Next Generation Scalable Lean Manufacturing Initiative—Phase Two.

AMENDMENT NO. 510

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Next Generation Shipboard Integrated Power—Fuel Efficiency and Advanced Capability Enhancer.

AMENDMENT NO. 511

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Non Traditional Ballistic Fiber and Fabric Weaving Applications for Force Protection.

AMENDMENT NO. 512

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Open Source Naval and Missile Database Reporting System.

AMENDMENT NO. 513

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Out of Autoclave Composite Processing.

AMENDMENT NO. 514

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Paragon (Frequency Extension).

AMENDMENT NO. 515

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Passive RFID Development.

AMENDMENT NO. 516

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Persistent Autonomous Maritime Surveillance.

AMENDMENT NO. 517

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Persistent Surveillance Wave Powerbuoy System.

AMENDMENT NO. 518

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Photovoltaic Rooftop Systems for Military Housing.

AMENDMENT NO. 519

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Precision Engagement Technologies for Unmanned Systems.

AMENDMENT NO. 520

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Pure Hydrogen Supply from Logistics Fuels.

AMENDMENT NO. 521

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Quiet Drive Advanced Rotary Actuator.

AMENDMENT NO. 522

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Regenerative Fuel Cell Back-up Power.

AMENDMENT NO. 523

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Ship Model Testing.

AMENDMENT NO. 524

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Shipboard Wireless Maintenance Assistant.

AMENDMENT NO. 525

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Shipboard Wireless Network.

AMENDMENT NO. 526

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Silicon Carbide Wafer Production—Process Development for Low Defect Power Electronics.

AMENDMENT NO. 527

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for SSBN(X) Systems Development.

AMENDMENT NO. 528

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Submarine Automated Test and Re-Test.

AMENDMENT NO. 529

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Submarine Fatline Vector Sensor Towed Array.

AMENDMENT NO. 530

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Submarine Navigation Decision Aids.

AMENDMENT NO. 531

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Submarine Panoramic Awareness System.

AMENDMENT NO. 532

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Submarine System Biometrics Access Control.

AMENDMENT NO. 533

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Tactical High Speed Anti-Radiation Missile Propulsion Demonstration.

AMENDMENT NO. 534

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Underwater Explosion Modeling and Simulation for Ohio Class Replacement Composite Non-Pressure Hull Fairing.

AMENDMENT NO. 535

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Underwater Explosion Modeling and Simulation for Voyage Repair Team Tool Management.

AMENDMENT NO. 536

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Wide Area Sensor Force Protection Targeting.

AMENDMENT NO. 537

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Workforce Requirements Planning—Team Enhancement.

AMENDMENT NO. 538

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for X-49A Envelope Expansion Modifications.

AMENDMENT NO. 539

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Battlefield Sensor Netting.

AMENDMENT NO. 540

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Enhanced Small Arms Protective Insert.

AMENDMENT NO. 541

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Near Infrared Optical Augmentation System.

AMENDMENT NO. 542

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Remote Aiming and Sighting Optical Retrofit.

AMENDMENT NO. 543

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for an Intelligent Graphics Torpedo Test Set Troubleshooting Maintainers Aid.

AMENDMENT NO. 544

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Lightweight Torpedo P5U Test Equipment Modernization.

AMENDMENT NO. 545

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Life Support for Trauma and Transport.

AMENDMENT NO. 546

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for environmentally Sealed, Ruggedized Avionics Displays.

AMENDMENT NO. 547

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for RDT&E for the Family of Heavy Tactical Vehicles (FHTV).

AMENDMENT NO. 548

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Hyper Spectral Sensor for Improved Force Protection.

AMENDMENT NO. 549

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Enhanced Driver Situational Awareness.

AMENDMENT NO. 550

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for a Clinical Trial to Investigate Efficacy of Human Skin Substitute.

AMENDMENT NO. 551

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for Army/Joint STARS Surveillance and Control Data Link Technology Refresh.

AMENDMENT NO. 552

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the MacDill Air Force Base Online Technology Program.

AMENDMENT NO. 553

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in this Act shall be available for the following projects:

Account	Project	Amount
AP,N	Crane Integrated Defensive Electronic Countermeasures Depot Capability.	\$2,000,000

Account	Project	Amount	Account	Project	Amount
DPA	Low Cost Military Global Positioning System (GPS) Receiver.	\$4,000,000	RDTE,A	Effects Based Operations Decision Support Services.	\$2,000,000
OM,A	TRANSIM Driver Training.	\$3,500,000	RDTE,A	Eye-Safe Standoff Fusion Detection of CBE Threats.	\$2,500,000
OM,AF	Joint Aircrew Combined System Tester (JCAST).	\$2,000,000	RDTE,A	Fire Shield	\$4,000,000
OM,ARNG	Multi-Jurisdictional Counter-Drug Task Force Training.	\$3,500,000	RDTE,A	Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.	\$3,500,000
OM,N	Enhanced Navy Shore Readiness Integration.	\$5,000,000	RDTE,A	Heavy Fuel Engine Family for Unmanned Systems.	\$4,000,000
OP,A	Ft. Bragg Range 74 Combined Arms Collective Training Facility.	\$1,000,000	RDTE,A	Highlander Electro-Optical Sensors.	\$2,000,000
OP,A	Laser Marksmanship Training System.	\$2,000,000	RDTE,A	Hostile Fire Indicator for Aircraft.	\$2,000,000
OP,A	Machine Gun Training System for the Pennsylvania National Guard.	\$3,000,000	RDTE,A	Javelin Warhead Improvement Program.	\$5,000,000
OP,A	Multi-Temperature Refrigerated Container System.	\$3,500,000	RDTE,A	Joint Precision AirDrop Systems-Wind Profiling Portable Radar.	\$2,300,000
OP,A	Radio Personality Modules for SINCGARS Test Sets.	\$3,000,000	RDTE,A	Lightweight Metal Alloy Foam for Armor.	\$4,000,000
P,MC	Portable Military Radio Communications Test Set.	\$1,500,000	RDTE,A	Mobile Integrated Diagnostic and Data Analysis.	\$2,000,000
PANMC	Enhanced Laser Guided Training Round.	\$4,500,000	RDTE,A	Nanotechnology for Potable Water and Waste Treatment.	\$2,000,000
RDTE,A	Advanced Composite Armor for Force Protection.	\$2,000,000	RDTE,A	Rapid Response Force Projection Systems.	\$2,000,000
RDTE,A	Advanced Composite Research for Vehicles.	\$5,000,000	RDTE,A	Reduced Manning Situational Awareness.	\$5,000,000
RDTE,A	AN/ALQ 211 Networked EW Controller.	\$1,000,000	RDTE,A	Remote Bio-Medical Detector.	\$3,500,000
RDTE,A	Army Vehicle Condition Based Maintenance.	\$5,000,000	RDTE,A	Universal Control.	\$2,500,000
RDTE,A	Defense Support for Civil Authorities for Key Resource Protection.	\$1,000,000	RDTE,AF	Advanced Modular Avionics for Operationally Responsive Satellite Use.	\$3,100,000
RDTE,A	Dermal Matrix Research.	\$2,000,000	RDTE,AF	Cyber Attack and Security Environment.	\$4,000,000
			RDTE,AF	Demonstration and Validation of Renewable Energy Technology.	\$1,000,000

Account	Project	Amount	Account	Project	Amount	Account	Project	Amount
RDTE,AF	Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.	\$5,000,000	RDTE,N	Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.	\$2,000,000	RDTE,N	Submarine Fatline Vector Sensor Towed Array.	\$2,000,000
RDTE,AF	Rivet Joint Services Oriented Architecture.	\$2,500,000	RDTE,N	Common Command and Control System Module.	\$4,000,000	RDTE,N	Submarine Navigation Decision Aids.	\$5,000,000
RDTE,AF	Senior Scout Communications Intelligence (COMINT) Capability Upgrade.	\$3,000,000	RDTE,N	EP-3E Requirements Capability Migration Systems Integration Lab.	\$6,250,000	RDTE,N	Wide Area Sensor Force Protection Targeting.	\$2,000,000
RDTE,DW	Gulf Range Mobile Instrumentation Capability.	\$3,000,000	RDTE,N	High Density Power Conversion and Distribution Equipment.	\$1,500,000	RDTE,N(MC) ...	Global Supply Chain Management.	\$1,000,000
RDTE,DW	Hand-held, Lethal Small Unmanned Aircraft System.	\$1,000,000	RDTE,N	Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.	\$2,000,000	<p>The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.</p> <p>The Chair recognizes the gentleman from Arizona.</p> <p>Mr. FLAKE. I thank the chairman.</p> <p>As my colleagues are aware, I submitted 553 amendments to the Rules Committee, each seeking to strike an earmark that was listed by the sponsoring Member as going to a private for-profit earmark—553 amendments. Nearly half of these—I'm sorry. There are 1,102 earmarks representing \$2.7 billion. This is not chump change. This is a lot of money going out the door. I'm sorry. I said 553. 552 are listed as going to for-profit companies. If a dollar amount is attached to these earmarks, it's \$1.3 billion, comprising nearly half of the earmarked dollars in the bill. I simply do not believe, and I think the country agrees, that we should be doing no-bid contracts for private companies.</p> <p>As much as the Members on the other side of the aisle, and this side aisle, as much of the members of the Appropriations Subcommittee will say that these are going to be competed out, we know that they won't be.</p> <p>We had testimony from the Comptroller General's office in the Government Reform Committee. He said there is no automated database that provides insight into the extent of competition achieved on congressional earmarks. I have been trying for literally months to get some insight into this process. And we were told, as I mentioned, we were told we do compete these out, but then when I asked them to do a random sample of earmarks in a prior bill, they came back and confessed that with uncanny precision, these earmarks find their way to the intended recipients.</p> <p>This process will not change because language has been submitted in this bill just saying they must now be competed. If the Members really believe that statement, then they would agree that if the Senate nullifies that language, that they would strike these no-bid contracts and say that the Defense Department should simply make them all open to competition.</p>		
RDTE,DW	Low Cost Stabilized Tur-ret.	\$1,000,000	RDTE,N	Integrated Advanced Ship Control.	\$1,500,000			
RDTE,DW	Mosaic Camera Technology Transition.	\$2,000,000	RDTE,N	Integrated Condition Assessment and Reliability Engineering.	\$1,000,000			
RDTE,DW	Ultra Low Profile EARS Gunshot Localization System.	\$1,500,000	RDTE,N	Joint Explosive Ordnance Disposal Diver Situational Awareness System.	\$2,000,000			
RDTE,DW	United States Special Operations Command—USSOCOM / STAR-TEC Partnership Program.	\$2,000,000	RDTE,N	Joint Tactical Radio System	\$4,500,000			
RDTE,N	76mm Swarbuster Capability.	\$2,000,000	RDTE,N	Handheld Manpack Small Form Factor Radio System.	\$1,500,000			
RDTE,N	Advanced Battery System for Military Avionics Power Systems.	\$2,000,000	RDTE,N	Management of Lung Injury by Micro-nutrients.	\$600,000			
RDTE,N	Advanced Capability Build 12 and 14.	\$2,000,000	RDTE,N	Micro-Drive for Future HVAC Systems.	\$1,000,000			
RDTE,N	Advanced Composite Manu-facturing for Composite High-Speed Boat Design.	\$2,000,000	RDTE,N	Military Upset Recovery Training.	\$2,000,000			
RDTE,N	Advanced Manu-facturing for Sub-marine Bow Domes and Rubber Boots.	\$2,000,000	RDTE,N	Modular Advanced Vision System.	\$2,000,000			
RDTE,N	Air Readiness/ Effectiveness Measurement Program.	\$2,000,000	RDTE,N	Navy Advanced Threat Simulator.	\$2,000,000			
RDTE,N	AN/SLQ-25D Integration.	\$8,000,000	RDTE,N	Next Generation Elec-tronic Warfare Simulator.	\$2,000,000			
			RDTE,N	Paragon (Fre-quency Ex-tension).	\$3,000,000			
			RDTE,N	Persistent Sur-veillance Wave Powerbuoy System.	\$2,000,000			

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But we know that they're not going to do that because the Members here know the Senate is not going to agree to that language. Even if they did, the Defense Department confesses here: There is no way to really track these, but with uncanny precision, even though they've had a process that they claim subjects these earmarks to open competition, they aren't subjected to open competition. They know that unless they follow the guidelines in these conference reports that they may not get funding next year.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Washington.

Mr. DICKS. If, in fact, we do wind up competing these projects, which is the intent of our committee, wouldn't the gentleman say that that is a major step forward in correcting his concern, if they were, in fact, competed?

Mr. FLAKE. If they were, in fact, competed, we wouldn't need to earmark them. That's the point. An earmark is a way around competition. We've seen it in other appropriations bills, and it's no different here in defense. You earmark dollars because you want that company, either in your district or out, to be sure to receive that funding. That's why in the certification letters the Members say, This earmark is to go to this recipient at this address.

Mr. DICKS. Will the gentleman yield on that point?

Mr. FLAKE. I yield to the gentleman.

Mr. DICKS. Because, again, the gentleman may not understand the process. It is because that is the company that has made the request of the Member of Congress. The Member of Congress now realizes that it is going to be competed, that it isn't going to necessarily go to that company. I think that is a good reform. I supported it in the Appropriations Committee.

Also, by the way, for the gentleman's knowledge, all of these earmarks, every single earmark, was vetted with the Department of Defense before the committee staff and Members considered those amendments. They were looked at by the Department of Defense.

Mr. FLAKE. Reclaiming my time, I would submit that if it's going to be subjected to competition, there is no reason to name the recipient organization that's to get the earmark.

Mr. DICKS. They're the ones that made the request.

Mr. FLAKE. Excuse me. I have very limited time.

The Acting CHAIR. The gentleman from Arizona controls the time.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from Arizona has 45 seconds remaining.

Mr. FLAKE. As I mentioned, I have very little time. I will say that if we believe in that language, then we would agree that if the Senate nullifies it, then we would take out these no-bid contracts. Would the gentleman agree to that?

Mr. DICKS. I think we ought to fight for that language in conference to do the very best we can to prevail and to keep that language.

Mr. FLAKE. I would submit that the gentleman knows full well that the Senate will not retain that language, that that bill will come back to the House without that language, and that we, unless we take a stand here—and we can with this amendment—and simply strike funding for those, if these companies are great—some of them are, I'm sure—then they'll win these contracts. If they're not, they won't. But the Member won't be earmarking and saying, This money needs to go to this company at this address. That is a no-bid contract. That's what the Member is seeking; and that, unfortunately, is what happens when it gets to the Defense Department.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I know that the gentleman from Arizona, who is my friend, listened to the comments that I made when I read from the bill earlier and when others have read from the bill. But I don't think he heard. He listened, but he didn't hear. The intent of this legislation is that any money provided here will be competitively bid.

Now I've gone to the Senate in conference many, many times and have returned so frustrated many, many times. I don't know what the Senate will do on this language or anything else in this bill. But I know if I were a Senator and I was being accused on the floor today, I would be really offended by the fact that he is suggesting that the Senate doesn't want competition. I am not prepared to say that. I think the Senators believe in competition, just like the House.

Mr. FLAKE. Will the gentleman yield?

Mr. YOUNG of Florida. No, I won't. If I have the time, I might; but right now I don't have time.

As we participate in this debate, anyone listening might think that Congress is all a bunch of crooks and that American free enterprise is sneaking in the back door to make money and that the Congress and the Department of Defense are at odds all the time. Well, that's not true. Congress is full of good people. The Defense Department secures our Nation. But they don't have all of the knowledge, and they don't have all of the wisdom. Neither does the administration, neither does the

Congress. That's why we work together. I think that's one reason that the drafters of the Constitution included article I, section 9 to say how appropriations should be handled. Now maybe you don't like the way the appropriations are handled. People can make that decision in the House every 2 years. Article I, section 9 says very simply, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." Now what that means is, Congress appropriates the people's money. The Constitution—read it thoroughly—does not say that Congress can only appropriate money requested by the administration. It does say that the administration can only spend money that has been appropriated by the Congress. Now if you don't like that, offer a constitutional amendment. Amend the Constitution. But somebody's got to be responsible, and the Constitution makes Congress responsible.

I said that the Pentagon is not the fountain of all knowledge. I will give you a couple of examples of where Congress has insisted, over objection on the part of the Pentagon, for certain types of appropriations. With the leadership of Jerry Lewis who was the chairman of the subcommittee at the time, this subcommittee and the Congress insisted that we buy, produce and deploy unmanned aerial vehicles. We call it the Predator; and next to the American soldier on the ground, al Qaeda fears that Predator more than any other weapon that we have. The Pentagon didn't want it. It was not in any budget request. Congress insisted, and it has become one of the most effective weapons that we have in the war against terror in Iraq and in Afghanistan.

Then on another side of it—not taking out the enemy but saving our own people—without any support from the administration, Congress created something we refer to as the Bone Marrow Transplant Program. It is a life-saving program that has saved the lives of thousands of people. The administration didn't like it. They just thought we were wasting our time trying to do it, but we did it anyway. They told us we would never develop probably, maybe 50,000 people willing to donate their bone marrow to save the life of another human being, but we prevailed. Today there are over 7 million people in the registry that we created with an earmark that are saving lives every day not only in America but in many countries around the world. We have relationships with 13 other countries where we exchange patients and exchange bone marrow over the oceans to save people's lives, to give them a chance for life. That was a congressional earmark.

The Acting CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

It is now in order to consider amendments printed in part C of House Report 111-233.

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I have at the desk Campbell amendment No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in title II under the heading "Operation and Maintenance, Marine Corps" shall be available for the MGPTS Type III or Rapid Deployable Shelter project, and the amount otherwise provided under such heading is hereby reduced by \$3,000,000.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, this amendment would strike the \$3 million earmark for the Rapid Deployable Shelter project, which money would go to Johnson Outdoors Inc. Mr. Chairman, during the debate on the previous earmark, there's been a lot of discussion on all the previous earmarks about how the earmarks say that they are to be competitively bid. I guess the question that I would have is: If, in fact, the earmarks are to be competitively bid, why did the author/sponsor of this earmark send in his certification letter to the ranking member and the chairman of the Appropriations Committee to say, "The entity to receive funding for this project is Johnson Outdoors Inc., 625 Conklin Road, Binghamton, New York, 13903."

So I would ask the question of the sponsor: If these are to be competitively bid, how do you reconcile that with the statement that "the entity to receive funding for this project is"?

Mr. DICKS. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Washington.

Mr. DICKS. I think it's a very simple answer. It's the company that made

the request. But that doesn't mean that when there is a competition that this funding is going to necessarily go to that company. But if you want the people to certify that they don't have a financial interest, you've got to put down the name of the company that made the request.

Mr. CAMPBELL. If I can reclaim my time, and I understand—the gentleman from Washington and I have discussed this. Frankly, some day I hope—maybe after this, which is the last appropriations bill—we can sit down and see if we can figure something out here. Because this says, "The entity to receive the funding for the project is." If that's not dispositive, I don't know what is.

Mr. DICKS. We might want to change that language to "will compete for the project."

Mr. CAMPBELL. Well, then, don't list the entity. If somebody requested the money, and the expectation is that they're going to get it, then where is the competitive bidding? Shouldn't we just simply say, Here is a project. Here is what it is. There is no name. There is no indication. Let whoever wants to bid for this thing compete for it, and require that there be a minimum of three bidders or the earmark doesn't go out. Because sometimes these things are written to a specific product that perhaps only one company makes.

I understand the gentleman from Washington's point on this, but I hope you understand mine. Mr. Chairman, this is a stain on this House. I don't want to be doing this. We've all got better things to do. There happens to be a recession going on. There are a lot of people out of work. There happens to be a big and legitimate debate about how health care should go forward in this country. We have a lot of things to do. But this has been a stain on this House, these earmarks, particularly the ones on private companies. I don't do any earmarks; and arguably, if I were king, I don't think we should do any in this House at all. I understand the legitimate argument for them, but I absolutely reject any thought or idea that earmarks that go to private entities like this, with a direction to a private entity, are anything but a stain in this House.

Mr. Chairman, there are former Members of this body in jail today because of earmarks to private entities. I wish I could say that there will never be any more, but I don't know that. But the way we won't have any more is if we stop this practice, and we don't do this sort of thing again in the future. This really is about this House and the integrity of this House and the view of the integrity of this House to the outside world, to our constituents, and to the people of the United States.

I would ask a couple of more questions. I am almost out of time. But did the company submit for defense procurement and was turned down, is that

why you have this earmark? How did you determine the price, that \$3 million is the right price? And will you, as other Members have, commit that you have not received and will not accept campaign contributions from company executives, employees, shareholders or lobbyists on this entity? Other Members on this floor have made that commitment.

With that, Mr. Chairman, I will yield back the balance of my time.

Mr. HINCHEY. Mr. Chairman, I oppose the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. Mr. Chairman, I just want to make it clear that we're dealing with a situation here which is critically important to military personnel both here in the United States and in many places around the world.

□ 1245

I'm sure that the sponsor of this amendment doesn't realize what it's like not to have a roof over your head, but if you're in the military and you're stationed out in places that are difficult and hazardous to deal with, it's important to have these tents.

The particular entity with which we are focusing attention on in this particular earmark to provide these tents is a company that has done so over and over again in the context of bidding—and bidding successfully—for it. The Army and Marine Corps, just as an example, currently have unmet needs for shelters, and those unmet needs are growing.

This year, the tent and shelter industry was informed by the Marine Corps—just by the Marine Corps—of a need of 9,000 tents. Unfortunately, those real priorities are not resulting in production orders. And the main reason they're not resulting in production orders is due to the way in which the Department of Defense has focused on other things and not dealing with this particular aspect of the needs of military personnel in a number of places, here and in a lot of other places which are dangerous around the world, Iraq, Afghanistan, places like that, for example. So without this stop-gap funding for these shelter programs, our troops could literally be without that roof over their head.

The Defense Logistics Agency had stated that the tent and shelter industry is a critical part of the U.S. defense industrial base, and they did that in the context of a report to the Congress. So supporting this amendment by Mr. CAMPBELL will leave the United States military with a smaller, less competitive, and potentially foreign source of this essential material which is needed by our military personnel.

You're dealing with something that is fundamentally essentially important. And in the context of this particular situation, if we didn't deal with

it in this particular way, perhaps these manufacturing operations would come from places outside the United States. There are a lot of people here, apparently, who are opposed to many of the things that we're doing, who are not opposed to having manufacturing activities in other parts of the world and not here.

So this is what we are intending to do, to make sure that the military gets the security, the safety that they need and, at the same time, to ensure in every way that we can that the manufacturing process is done here in the United States so that these jobs are going to be an important part of our dealing with this economic recession, which was put forward over the course of the previous 8 years and is now something that we are dealing with effectively.

So if you're opposed to this earmark, it really doesn't make any sense. If you're opposed to the amendment, that makes perfect sense. And that is exactly what we're doing, for all of the good reasons that I have stipulated, and that's why this amendment should remain as an important part of this absolutely essential piece of legislation.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 8 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I have amendment No. 8 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 8 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds provided in title IV under the heading "Research, Development, Test and Evaluation, Army" shall be available for the Model for Green Laboratories and Clean Rooms project, and the amount otherwise provided under such heading is hereby reduced by \$1,500,000.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, first, before I discuss this amendment, I

would like to make a comment relative to the gentleman from New York's defense of his earmark before.

If, in fact, these shelters are necessary—and I'm not going to dispute that point with the gentleman, they may in fact be—then why do we not have a designation that the Defense Department shall procure 9,000, 90,000, whatever it is, items of shelter, and they should procure them from a U.S.-based source, and they should do it under competitive bidding and get at least three bids and pick that which is deemed to be the highest quality and the lowest cost? Wouldn't that be an appropriate way to do this?

And that's what I am saying, and I think the gentleman from Arizona before me is saying. We are not here—and certainly I am not here—to say that it is not Congress' right to appropriate funds. It is, in fact, the right, as you have all pointed out, as enumerated in the Constitution. However, there is a right way to do that and there is a wrong way to do that. And with these 552 no-bid, going-to-private-companies earmarks, amounting to \$1.3 billion, which if the 18 minutes of debate in committee were spent entirely on the earmarks means that each earmark received 2 seconds of debate, this is not the proper way to do it.

This particular earmark, Mr. Chairman, would strike \$1.5 million designated for the Green Laboratories and Clean Rooms project and would reduce the overall funding of the bill by an equivalent amount, and this money is intended to go to Amethyst Technologies. And again, as we have discussed, if this is competitively bid, why does the sponsor's letter, which I have here, of certification of this earmark say, and I quote, "The contact name and address is Ms. Kimberly Brown, President, Amethyst Technologies, 1450 South Rolling Road, Suite 2041, Baltimore, Maryland, 21227?"

Mr. Chairman, again I would ask—and I don't think I see the author of the earmark—but let me ask someone over there, whoever is going to deal with this, why, again, is only one company listed if it is to be competitively bid?

If there is no response to that, then I guess I would ask, did this company submit this to the Defense Department for procurement? Did this company even try to go to the Defense Department and make their case with those in the military whose job it is to determine what is best for the military?

Mr. TAYLOR. Would the gentleman yield?

Mr. CAMPBELL. I will yield, yes.

Mr. TAYLOR. I want to thank the gentleman. You ask a great question. The reason is, in the 6 years that he was Secretary of Defense, Don Rumsfeld decimated the defense acquisition community, fired tens of thousands of people who would have drawn those

drafts and would have put it out for bid. We are trying to reconstitute that community right now.

Mr. CAMPBELL. Reclaiming my time, Donald Rumsfeld is no longer Secretary of Defense, has not been for some time, and there is a different President. We are dealing with appropriations for a fiscal year that begins later this year and goes into 2010.

Look, if you think this is necessary, just don't say it's for this company, that it's \$1.5 million. Because another question I would have is, how do you determine the \$1.5 million is the right price? What are you getting for \$1.5 million, and how do you know you couldn't get the same thing somewhere else for half that?

And I will yield.

Mr. TAYLOR. You are exactly right. Because of the lack of trained professionals, there really isn't anyone in the DOD anymore who can say what something should cost. You don't learn that overnight. Now, we are trying to restore that—

Mr. CAMPBELL. Just reclaiming my time, I'm happy to exchange, but if there's nobody, then isn't that something the Armed Services Committee should be dealing with?

And I would yield.

Mr. TAYLOR. And we are dealing with it.

The other part is, on those major programs, starting with the big ones, whenever we buy something here going forward, we are demanding that when we buy something, we own the technical data package, that from now on we will own the specifications so that—

Mr. CAMPBELL. Reclaiming my time—

Mr. TAYLOR. If we think the contractor is not being fair with us, we can put it out for bid for someone else.

Mr. CAMPBELL. Reclaiming my time, could I inquire as to how much time I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. CAMPBELL. I am going to reserve the balance of my time, and I would ask that the gentleman please continue his argument on his time.

Mr. MURTHA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. CAMPBELL. Mr. Chairman, one other question, one that didn't get answered on the last earmark, and I will ask it again on this particular earmark. I understand the sponsor is not here, but will the sponsor commit, as other people have done on this floor, that he has not received and will not accept campaign contributions from the company, its executives, its stockholders, employees, or lobbyists, or

other people who can benefit directly from the earmark? Because, Mr. Chairman, if people won't do that, then as the gentleman from Arizona and others have suggested, that is where, perhaps, we can get in deeper trouble on these sorts of things in the future.

Mr. Chairman, I ask for an "aye" vote.

I yield back the balance of my time.

Mr. MURTHA. Mr. Chairman, let me read the policy of the committee. The full committee just brought me the policy which answers the gentleman's question.

Under the policies adopted by the great Appropriations Committee, "The use of Member earmarks awarded to for-profit entities as a functional equivalent of no-bid contracts is ended.

"In cases where the committee funds an earmark designated for a for-profit entity, the committee includes legislative language requiring the executive branch to nonetheless issue a request for proposal that gives other entities an opportunity to apply and requires the agency to evaluate all bids received and make a decision based on merit. The legislative language included in the bills requires 'full and open competition.'

"This gives the original designee an opportunity to be brought to the attention of the agency, but with the possibility that an alternative entity may be selected."

Now, let me read to the gentleman, Mr. Chairman: "With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI"—this is on page 113 of the bill—"when awarded to a for-profit entity, shall be awarded under full and open competition."

In this particular case, they strike \$1.5 million from hospital maintenance and so forth. Nobody, there is no committee in the Congress—the authorizing committees work on different things. We work on making sure that the medical facilities are clean, making sure that they are taken care of. And Mr. BISHOP offers an amendment which wants to make sure that the funding would provide for development, renovation, maintenance, to test the environmental sustainable laboratories, hospitals, and clean rooms for drug development.

I ask for a "no" vote.

I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Again, I would remind the gentleman; the gentleman makes the point that we have had a new administration for 6 months. Don Rumsfeld, the guy who said he knew the Iraqis had weapons of mass destruction and he knew they were going to use them, decimated the acquisition force.

Unless you own the specs, you can't put it out for competition. We are in the process, in the Armed Services Committee, of getting the specifications of everything we buy from here on out—something Rumsfeld never did—so that we can have the kind of competition that the gentleman seeks. We are in the process of doing so, starting with the Littoral Combat Ship.

If the gentleman has a question, I would be more than happy to answer it.

Mr. CAMPBELL. Would the gentleman yield?

Mr. TAYLOR. Sure.

Mr. CAMPBELL. Does the gentleman see a problem with doing these in the future without a company name?

Mr. TAYLOR. Again, there will be times when someone who has invented something comes to Congress and says, I have something that is bigger, faster, smaller, faster—whatever the deal is. And if that person says, and by the way, I own the unique rights to this, do you want to buy it from me or not? That first time it makes sense for the Nation to buy it. It also makes sense for the Nation to say, from here on out, when we buy your product, we are buying the specifications with it so we can get it from somebody else in the future.

Mr. CAMPBELL. Will the gentleman yield?

Mr. TAYLOR. Sure.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time and ask for a "no" vote.

The Acting CHAIR. The gentleman from Pennsylvania controls the time and he has yielded back his time.

The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-233 on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Mr. MURTHA of Pennsylvania.

Amendment No. 3 printed in part A by Mr. FLAKE of Arizona.

Amendment No. 5 printed in part A by Mr. TIERNEY of Massachusetts.

Amendment No. 1 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 258 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 389 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 432 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 439 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 449 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 553 printed in part B by Mr. FLAKE of Arizona.

Amendments en bloc by Mr. FLAKE of Arizona.

Amendment No. 1 printed in part C by Mr. CAMPBELL of California.

Amendment No. 8 printed in part C by Mr. CAMPBELL of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

□ 1300

PART A AMENDMENT NO. 1 OFFERED BY MR.

MURTHA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 165, not voting 5, as follows:

[Roll No. 661]

AYES—269

Abercrombie	Connolly (VA)	Gonzalez
Ackerman	Conyers	Gordon (TN)
Altmire	Cooper	Grayson
Andrews	Costa	Green, Al
Arcuri	Costello	Green, Gene
Baca	Courtney	Griffith
Baird	Crowley	Grijalva
Baldwin	Cuellar	Gutierrez
Barrow	Cummings	Halvorson
Bean	Dahlkemper	Hare
Becerra	Davis (AL)	Harman
Berkley	Davis (CA)	Hastings (FL)
Berman	Davis (IL)	Heinrich
Berry	Davis (TN)	Hensarling
Bishop (GA)	DeFazio	Herseth Sandlin
Bishop (NY)	DeGette	Higgins
Boccheri	Delahunt	Hill
Bordallo	DeLauro	Himes
Boren	Dent	Hinche
Boswell	Dicks	Hinojosa
Boucher	Dingell	Hirono
Boyd	Doggett	Hodes
Brady (PA)	Donnelly (IN)	Holden
Braley (IA)	Doyle	Holt
Brown, Corrine	Drieaus	Honda
Butterfield	Duncan	Hoyer
Camp	Edwards (MD)	Inslee
Campbell	Edwards (TX)	Israel
Capps	Ehlers	Jackson (IL)
Capuano	Ellison	Jackson-Lee
Cardoza	Ellsworth	(TX)
Carnahan	Emerson	Johnson (GA)
Carney	Engel	Johnson (IL)
Carson (IN)	Eshoo	Johnson, E.B.
Castle	Etheridge	Jones
Castor (FL)	Faleomavaega	Kagen
Chandler	Farr	Kanjorski
Childers	Filner	Kaptur
Christensen	Flake	Kennedy
Chu	Foster	Kildee
Clarke	Frank (MA)	Kilpatrick (MI)
Clay	Fudge	Kilroy
Cleaver	Garrett (NJ)	Kind
Clyburn	Gerlach	Kirkpatrick (AZ)
Cohen	Giffords	Kissell

Klein (FL)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano

Neal (MA)
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmuter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader

Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Souder
Stark
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watson
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark

Fattah
Hall (NY)

Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberti
Velázquez
Walden

NOT VOTING—5

McCarthy (NY)
Norton

□ 1324

Ms. LEE of California, Ms. KOSMAS and Messrs. GOHMER T and KUCINICH changed their vote from “aye” to “no.”

Ms. EDWARDS of Maryland and Mr. ROHRABACHER changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Mr. Chair, on rollcall No. 661, had I been present, I would have voted “yea.”

Ms. NORTON. Mr. Chair, on rollcall No. 661, had I been present, I would have voted “aye.”

Stated against:

Mr. TURNER. Mr. Chair, on rollcall No. 661, inadvertently voted “aye”, intending to vote “no.”

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. JACKSON of Illinois. Mr. Chairman, are these 2-minute votes or 5-minute votes, the series?

The Acting CHAIR. The remaining votes in this series are 2-minute votes.

PART A AMENDMENT NO. 3 OFFERED BY MR.

FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 48, noes 373, not voting 18, as follows:

[Roll No. 662]

AYES—48

NOES—165
Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)

Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCauley
McClintock
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sessions

Bachmann
Bachus
Barrett (SC)
Bartlett
Boustany
Burton (IN)
Campbell
Cantor
Cassidy

Castle
Coble
Cooper
Deal (GA)
Duncan
Flake
Foster
Foxy
Garrett (NJ)

Halvorson
Hensarling
Herger
Ingilis
Jenkins
Kind
Kline (MN)
Lamborn
Linder

Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Clever
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)

Myrick
Paul
Petri
Pitts
Price (GA)
Rohrabacher
Royce

NOES—373

Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inlee
Issa
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones

Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Stark
Westmoreland
Wilson (SC)

Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loeb sack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCauley
McCollum
McCotter
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey

Olson Ryan (OH) Teague
 Ortiz Sablan Terry
 Pallone Salazar Thompson (CA)
 Pascrell Sánchez, Linda Thompson (MS)
 Pastor (AZ) T. Thompson (PA)
 Paulsen Sanchez, Loretta Thornberry
 Payne Sarbanes Tiahrt
 Perlmutter Schakowsky Tiberi
 Perriello Schauer Tierney
 Peters Schiff Titus
 Peterson Schock Tonko
 Pierluisi Schrader Towns
 Pingree (ME) Schwartz Tsongas
 Platts Scott (GA) Turner
 Poe (TX) Scott (VA) Upton
 Polis (CO) Serrano Van Hollen
 Pomeroy Sessions Velázquez
 Posey Sestak Visclosky
 Price (NC) Shea-Porter Walden
 Putnam Sherman Walz
 Quigley Shimkus Wamp
 Radanovich Shuler Wasserman
 Rahall Shuster Schultz
 Rangel Simpson Waters
 Rehberg Sires Skelton
 Reichert Skelton Watson
 Reyes Slaughter Watt
 Richardson Smith (NJ) Waxman
 Rodriguez Smith (TX) Weiner
 Roe (TN) Smith (WA) Welch
 Rogers (AL) Snyder Wexler
 Rogers (KY) Souder Whitfield
 Rogers (MI) Space Wilson (OH)
 Rooney Speier Wittman
 Ros-Lehtinen Spratt Wolf
 Roskam Stearns Woolsey
 Ross Stupak Wu
 Rothman (NJ) Sullivan Yarmuth
 Roybal-Allard Sutton Young (AK)
 Ruppertsberger Tanner Young (FL)
 Rush Taylor

NOT VOTING—18

Berkley Israel Mollohan
 Bishop (GA) Kingston Murphy, Tim
 Broun (GA) Lipinski Olver
 Gohmert Lowey Pence
 Hall (NY) McCarthy (NY) Shadegg
 Hinchey McDermott Smith (NE)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 One minute remains in this vote.

□ 1328

So the amendment was rejected.

The result of the vote was announced
 as above recorded.

Stated against:

Mr. TIM MURPHY of Pennsylvania. Mr. Chair, on rollcall No. 662 I was unavoidably detained. Had I been present, I would have voted “no.”

Mr. SMITH of Nebraska. Mr. Chair, on rollcall No. 662 I was unavoidably detained. Had I been present, I would have voted “no.”

PART A AMENDMENT NO. 5 OFFERED BY MR. TIERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 307, not voting 8, as follows:

[Roll No. 663]

AYES—124

Arcuri Hoekstra Perriello
 Baldwin Holt Peters
 Berman Honda Petri
 Biggert Hoyer Pierluisi
 Bishop (NY) Inslee Pingree (ME)
 Blumenauer Israel Polis (CO)
 Bordallo Jenkins Pomeroy
 Boswell Johnson (GA) Price (NC)
 Braley (IA) Johnson (IL) Quigley
 Bright Kagen Roybal-Allard
 Brown-Waite, Kaptur Sánchez, Linda
 Ginny Kilroy T.
 Capps Sanchez, Loretta
 Capuano Sarbanes
 Carnahan Larsen (WA) Schakowsky
 Castle Lee (CA) Schauer
 Castor (FL) Levin Schiff
 Chu Lewis (GA) Sensenbrenner
 Coble Loebsack Serrano
 Crowley Lofgren, Zoe Sestak
 Davis (CA) Lynch Shea-Porter
 DeFazio Maffei Sherman
 Delahunt Markey (MA) Skelton
 Doggett Matheson Slaughter
 Duncan Matsui Speier
 Edwards (MD) McCollum Spratt
 Ehlers McGovern Stark
 Ellsworth Michaud Sutton
 Eshoo Miller (NC) Thompson (CA)
 Farr Miller, George Tierney
 Finer Mitchell Tonko
 Foster Moore (WI) Tsongas
 Frank (MA) Moran (VA) Van Hollen
 Goodlatte Murphy (NY) Velázquez
 Gordon (TN) Murphy, Patrick Visclosky
 Grijalva Nadler (NY) Walden
 Gutierrez Neal (MA) Watt
 Halvorson Oberstar Waxman
 Hare Obey Weiner
 Heinrich Olver Welch
 Himes Paul Wu
 Hodes Payne Yarmuth

NOES—307

Abercrombie Butterfield Diaz-Balart, M.
 Ackerman Buyer Dicks
 Adersholt Calvert Dingell
 Adler (NJ) Camp Donnelly (IN)
 Akin Campbell Doyle
 Alexander Cantor Dreier
 Altmire Cao Driehaus
 Andrews Capito Edwards (TX)
 Austria Cardoza Ellison
 Baca Carney Emerson
 Bachmann Carson (IN) Engel
 Bachus Carter Etheridge
 Baird Cassidy Faleomavaega
 Barrett (SC) Chaffetz Fallin
 Barrow Chandler Fattah
 Bartlett Childers Flake
 Barton (TX) Christensen Fleming
 Bean Clarke Forbes
 Becerra Clay Fortenberry
 Berkley Cleaver Foxx
 Berry Clyburn Franks (AZ)
 Bilbray Coffman (CO) Frelinghuysen
 Bilirakis Cohen Fudge
 Bishop (GA) Conaway Gallegly
 Bishop (UT) Connolly (VA) Garrett (NJ)
 Blackburn Conyers Gerlach
 Blunt Cooper Giffords
 Boccheri Costa Gingrey (GA)
 Boehner Costello Gohmert
 Bonner Courtney Gonzalez
 Bono Mack Crenshaw Granger
 Boozman Cuellar Graves
 Boren Culberson Grayson
 Boucher Cummings Green, Al
 Boustany Dahlkemper Griffith
 Boyd Davis (AL) Guthrie
 Brady (PA) Davis (IL) Hall (TX)
 Brady (TX) Davis (KY) Harman
 Broun (GA) Davis (TN) Harper
 Brown (SC) Deal (GA) Hastings (FL)
 Brown, Corrine DeGette Hastings (WA)
 Buchanan DeLauro Heller
 Burgess Dent Hensarling
 Burton (IN) Diaz-Balart, L. Herger

Herseth Sandlin McDermott
 Higgins McHenry
 Hill McHugh
 Hinchey McIntyre
 Hinojosa McKeon
 Hirono McMahan
 Holden McMorris
 Hunter Rodgers
 Inglis McNeerney
 Issa Meek (FL)
 Jackson (IL) Meeks (NY)
 Jackson-Lee Melancon
 (TX) Mica
 Johnson, E. B. Miller (FL)
 Johnson, Sam Miller (MI)
 Jones Miller, Gary
 Jordan (OH) Minnick
 Kanjorski Mollohan
 Kennedy Moore (KS)
 Kildee Moran (KS)
 Kilpatrick (MI) Murphy (CT)
 King (IA) Murphy, Tim
 King (NY) Murtha
 Kingston Myrick
 Kirk Napolitano
 Kirkpatrick (AZ) Neugebauer
 Kissell Norton
 Kline (MN) Nunes
 Kosmas Nye
 Kratovil Olson Stearns
 Kucinich Ortiz Stupak
 Lamborn Pallone Sullivan
 Lance Pascrell Tanner
 Larson (CT) Pastor (AZ) Taylor
 Latham Paulsen Teague
 LaTourette Pence Terry
 Latta Perlmutter
 Lee (NY) Peterson
 Lewis (CA) Pitts
 Linder Platts
 Lipinski Poe (TX)
 LoBiondo Posey
 Lowey Price (GA)
 Lucas Putnam
 Luetkemeyer Radanovich
 Lujan Rahall
 Lummis Rangel
 Lungren, Daniel Rehberg
 E. Reichert
 Mack Reyes
 Maloney Richardson
 Manzullo Roe (TN)
 Marchant Rogers (AL)
 Markey (CO) Rogers (KY)
 Marshall Rogers (MI)
 Massa Rohrabacher
 McCarthy (CA) Rooney
 McCaul Ros-Lehtinen
 McClintock Roskam
 McCotter Ross Young (FL)

NOT VOTING—8

Cole Klein (FL) Rush
 Green, Gene McCarthy (NY) Woolsey
 Hall (NY) Rodriguez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining in this vote.

□ 1332

Mrs. MALONEY changed her vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced
 as above recorded.

Stated for:

Mr. ELLISON. Mr. Chair, during rollcall vote No. 663 on H.R. 3326, I mistakenly recorded my vote as “no” when I should have voted “aye.”

Stated against:

Mr. KLEIN of Florida. Mr. Chair. Today, July 30, 2009, I was unavoidably detained on rollcall No. 663.

Had I voted, I would have voted “no” on rollcall No. 663.

PART B AMENDMENT NO. 1 OFFERED BY MR.
FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 77, noes 347, answered “present” 10, not voting 5, as follows:

[Roll No. 664]

AYES—77

Bachmann	Graves	Nunes
Barton (TX)	Halvorson	Paul
Blackburn	Heller	Paulsen
Blumenauer	Hensarling	Pence
Boehner	Herger	Petri
Boustany	Hoekstra	Pitts
Broun (GA)	Inglis	Price (GA)
Burton (IN)	Issa	Roe (TN)
Campbell	Jenkins	Rohrabacher
Cantor	Johnson (IL)	Roskam
Cassidy	Jordan (OH)	Royce
Castle	Kind	Ryan (WI)
Chaffetz	Kirk	Scalise
Coble	Kirkpatrick (AZ)	Schmidt
Cooper	Kline (MN)	Sensenbrenner
Deal (GA)	Lamborn	Sessions
Duncan	Linder	Shadegg
Ehlers	Lummis	Shimkus
Flake	Manzullo	Smith (NE)
Forbes	Marchant	Speier
Foster	McCaul	Stark
Fox	McClintock	Stearns
Galeggly	Minick	Wamp
Garrett (NJ)	Moran (KS)	Westmoreland
Gohmert	Myrick	Wittman
Goodlatte		

NOES—347

Abercrombie	Boucher	Conyers
Ackerman	Boyd	Costa
Aderholt	Brady (PA)	Costello
Adler (NJ)	Brady (TX)	Courtney
Akin	Braley (IA)	Crenshaw
Alexander	Bright	Crowley
Altmire	Brown (SC)	Cuellar
Andrews	Brown, Corrine	Culberson
Arcuri	Brown-Waite,	Cummings
Austria	Ginny	Dahlkemper
Baca	Burgess	Davis (AL)
Bachus	Buyer	Davis (CA)
Baird	Calvert	Davis (IL)
Baldwin	Camp	Davis (KY)
Barrow	Cao	Davis (TN)
Bartlett	Capito	DeFazio
Bean	Capps	DeGette
Becerra	Capuano	Delahunt
Berkley	Cardoza	DeLauro
Berman	Carnahan	Diaz-Balart, L.
Berry	Carney	Diaz-Balart, M.
Biggert	Carson (IN)	Dicks
Bilbray	Carter	Dingell
Bilirakis	Childers	Doggett
Bishop (GA)	Christensen	Donnelly (IN)
Bishop (NY)	Chu	Doyle
Bishop (UT)	Clarke	Dreier
Blunt	Clay	Driedhaus
Boccieri	Cleaver	Edwards (MD)
Bono Mack	Clyburn	Ellison
Boozman	Coffman (CO)	Ellsworth
Bordallo	Cohen	Emerson
Boren	Cole	Engel
Boswell	Connolly (VA)	Eshoo

Etheridge	Lucas	Rogers (KY)
Faleomavaega	Luetkemeyer	Rogers (MI)
Fallin	Luján	Rooney
Farr	Lungren, Daniel	Ros-Lehtinen
Fattah	E.	Ross
Filner	Lynch	Rothman (NJ)
Fleming	Mack	Roybal-Allard
Fortenberry	Maffei	Ruppersberger
Frank (MA)	Markey (CO)	Rush
Franks (AZ)	Markey (MA)	Ryan (OH)
Frelinghuysen	Marshall	Sablan
Fudge	Massa	Salazar
Gerlach	Matheson	Sánchez, Linda
Giffords	Matsui	T.
Gingrey (GA)	McCarthy (CA)	Sanchez, Loretta
Gonzalez	McCollum	Sarbanes
Gordon (TN)	McCotter	Schakowsky
Granger	McDermott	Schauer
Grayson	McGovern	Schiff
Green, Al	McHugh	Schock
Green, Gene	McIntyre	Schrader
Griffith	McKeon	Schwartz
Grijalva	McMahon	Scott (GA)
Guthrie	McMorris	Scott (VA)
Gutierrez	Rodgers	Serrano
Hall (TX)	McNerney	Sestak
Hare	Meek (FL)	Shea-Porter
Harman	Meeks (NY)	Sherman
Hastings (FL)	Melancon	Shuler
Hastings (WA)	Mica	Shuster
Heinrich	Michaud	Simpson
Herseth Sandlin	Miller (FL)	Sires
Higgins	Miller (MI)	Skelton
Hill	Miller (NC)	Slaughter
Himes	Miller, Gary	Smith (NJ)
Hinchee	Miller, George	Smith (TX)
Hinojosa	Mitchell	Smith (WA)
Hirono	Mollohan	Snyder
Hodes	Moore (KS)	Souder
Holden	Moore (WI)	Space
Holt	Moran (VA)	Spratt
Honda	Murphy (CT)	Stupak
Hoyer	Murphy (NY)	Sullivan
Hunter	Murphy, Patrick	Sutton
Inslee	Murphy, Tim	Tanner
Israel	Murtha	Taylor
Jackson (IL)	Nadler (NY)	Teague
Jackson-Lee	Napolitano	Terry
(TX)	Neal (MA)	Thompson (CA)
Johnson (GA)	Neugebauer	Thompson (MS)
Johnson, E. B.	Norton	Thompson (PA)
Johnson, Sam	Nye	Thornberry
Jones	Oberstar	Tiahrt
Kagen	Obey	Tiberi
Kanjorski	Olson	Tierney
Kaptur	Olver	Titus
Kennedy	Ortiz	Tonko
Kildee	Pallone	Towns
Kilpatrick (MI)	Pascarell	Tsongas
Kilroy	Pastor (AZ)	Turner
King (IA)	Payne	Upton
King (NY)	Perlmutter	Van Hollen
Kingston	Pierriello	Velázquez
Kissell	Peters	Visclosky
Klein (FL)	Peterson	Walden
Kosmas	Pierluisi	Walz
Kratovil	Pingree (ME)	Wasserman
Kucinich	Platts	Schultz
Lance	Poe (TX)	Waters
Langevin	Polis (CO)	Watson
Larsen (WA)	Pomeroy	Watt
Larson (CT)	Posey	Waxman
Latham	Price (NC)	Weiner
LaTourette	Putnam	Wexler
Latta	Quigley	Whitfield
Lee (CA)	Radanovich	Altmire
Lee (NY)	Rahall	Wilson (OH)
Levin	Rangel	Wilson (SC)
Lewis (CA)	Rehberg	Wolf
Lewis (GA)	Reichert	Woolsey
Lipinski	Reyes	Wu
LoBiondo	Richardson	Yarmuth
Loebach	Rodriguez	Young (AK)
Lowey	Rogers (AL)	Young (FL)

ANSWERED “PRESENT”—10

Barrett (SC)	Chandler	Lofgren, Zoe
Bonner	Conaway	Welch
Butterfield	Dent	
Castor (FL)	Harper	

NOT VOTING—5

Buchanan	Hall (NY)	McCarthy (NY)
Edwards (TX)	Maloney	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1335

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 258 OFFERED BY MR.
FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 69, noes 351, answered “present” 10, not voting 9, as follows:

[Roll No. 665]

AYES—69

Bachmann	Hensarling	Pence
Blackburn	Herger	Petri
Blumenauer	Hoekstra	Pitts
Boustany	Inglis	Price (GA)
Broun (GA)	Issa	Roe (TN)
Campbell	Jenkins	Rohrabacher
Cassidy	Johnson (GA)	Roskam
Chaffetz	Johnson (IL)	Royce
Coble	Jordan (OH)	Ryan (WI)
Coffman (CO)	Kind	Scalise
Cooper	King (IA)	Schmidt
Deal (GA)	Kirkpatrick (AZ)	Sensenbrenner
Doggett	Kline (MN)	Sessions
Duncan	Lamborn	Shadegg
Ehlers	Linder	Shimkus
Flake	Lummis	Smith (NE)
Forbes	Marchant	Speier
Fox	McCaul	Stark
Garrett (NJ)	McClintock	Teague
Gohmert	McHenry	Terry
Goodlatte	Minick	Walden
Halvorson	Moran (KS)	Westmoreland
Heller	Olver	Wittman

NOES—351

Abercrombie	Bishop (UT)	Cao
Ackerman	Blunt	Capito
Adler (NJ)	Boccieri	Capps
Akin	Boehner	Capuano
Alexander	Bono Mack	Cardoza
Altmire	Boozman	Carnahan
Andrews	Bordallo	Carney
Arcuri	Boren	Carson (IN)
Austria	Boswell	Carter
Baca	Boucher	Castle
Bachus	Boyd	Childers
Baird	Brady (PA)	Christensen
Baldwin	Brady (TX)	Chu
Barrow	Braley (IA)	Clarke
Bartlett	Bright	Clay
Barton (TX)	Brown (SC)	Cleaver
Bean	Brown, Corrine	Clyburn
Becerra	Brown-Waite,	Cohen
Berkley	Ginny	Cole
Berman	Buchanan	Connolly (VA)
Biggert	Burgess	Costa
Bilbray	Burton (IN)	Costello
Bilirakis	Buyer	Courtney
Bishop (GA)	Calvert	Crenshaw
Bishop (NY)	Camp	Crowley
	Cantor	Cuellar

Bordallo	Grijalva	Miller, Gary
Boren	Guthrie	Miller, George
Boswell	Gutierrez	Mitchell
Boucher	Hall (TX)	Molohan
Boyd	Hare	Moore (KS)
Brady (PA)	Harman	Moore (WI)
Brady (TX)	Hastings (FL)	Moran (VA)
Braley (IA)	Hastings (WA)	Murphy (CT)
Bright	Heinrich	Murphy (NY)
Brown (SC)	Herseeth Sandlin	Murphy, Patrick
Brown, Corrine	Higgins	Murphy, Tim
Brown-Waite,	Hill	Murtha
Ginny	Himes	Myrick
Buchanan	Hinches	Nadler (NY)
Burgess	Hinojosa	Napolitano
Buyer	Hirono	Neal (MA)
Calvert	Hodes	Neugebauer
Camp	Holden	Norton
Cantor	Holt	Oberstar
Cao	Honda	Obey
Capito	Hoyer	Olson
Capps	Hunter	Olver
Capuano	Inslee	Ortiz
Cardoza	Israel	Pallone
Carnahan	Jackson (IL)	Pascarell
Carney	Jackson-Lee	Pastor (AZ)
Carson (IN)	(TX)	Paul
Carter	Johnson (GA)	Payne
Childers	Johnson, E. B.	Perriello
Christensen	Johnson, Sam	Peterson
Chu	Jones	Pierluisi
Clarke	Kanjorski	Pingree (ME)
Clay	Kaptur	Poe (TX)
Cleaver	Kennedy	Pomeroy
Clyburn	Kildee	Posey
Cohen	Kilpatrick (MI)	Price (NC)
Cole	Kilroy	Putnam
Conyers	King (NY)	Quigley
Costa	Kingston	Radanovich
Costello	Kirk	Rahall
Courtney	Kissell	Rangel
Crenshaw	Klein (FL)	Rehberg
Crowley	Kosmas	Reichert
Cuellar	Kratovil	Reyes
Culberson	Kucinich	Richardson
Cummings	Lance	Rodriguez
Dahlkemper	Langevin	Rogers (AL)
Davis (AL)	Larsen (WA)	Rogers (KY)
Davis (CA)	Larson (CT)	Rogers (MI)
Davis (IL)	Latham	Rohrabacher
Davis (TN)	LaTourette	Rooney
DeFazio	Latta	Ros-Lehtinen
DeGette	Lee (CA)	Ross
Delahunt	Lee (NY)	Rothman (NJ)
DeLauro	Levin	Roybal-Allard
Diaz-Balart, L.	Lewis (CA)	Ruppersberger
Diaz-Balart, M.	Lewis (GA)	Rush
Dicks	Lipinski	Ryan (OH)
Dingell	LoBiondo	Sablan
Donnelly (IN)	Loeb sack	Salazar
Doyle	Lowey	Sánchez, Linda
Dreier	Lucas	T.
Duncan	Luetkemeyer	Sanchez, Loretta
Edwards (MD)	Luján	Sarbanes
Edwards (TX)	Lungren, Daniel	Shakowsky
Ehlers	E.	Schauer
Ellison	Lynch	Schiff
Ellsworth	Mack	Schock
Emerson	Maffei	Schrader
Engel	Maloney	Schwartz
Eshoo	Marchant	Scott (GA)
Etheridge	Markey (CO)	Scott (VA)
Faleomavaega	Markey (MA)	Serrano
Fallin	Marshall	Sestak
Farr	Massa	Shea-Porter
Fattah	Matheson	Sherman
Finler	Matsui	Shimkus
Fleming	McCarthy (CA)	Shuler
Forbes	McCollum	Shuster
Fortenberry	McCotter	Simpson
Frank (MA)	McDermott	Sires
Franks (AZ)	McGovern	Skelton
Frelinghuysen	McHugh	Slaughter
Fudge	McIntyre	Smith (NJ)
Gallegly	McKeon	Smith (TX)
Giffords	McMorris	Smith (WA)
Gingrey (GA)	Rodgers	Snyder
Gonzalez	McNerney	Souder
Goodlatte	Meek (FL)	Space
Gordon (TN)	Meeks (NY)	Spatt
Granger	Melancon	Stearns
Graves	Mica	Stupak
Grayson	Michaud	Sullivan
Green, Al	Miller (FL)	Sutton
Green, Gene	Miller (MI)	Tanner
Griffith	Miller (NC)	Taylor

Teague	Turner	Weiner
Thompson (CA)	Upton	Wexler
Thompson (MS)	Van Hollen	Whitfield
Thompson (PA)	Velázquez	Wilson (OH)
Thornberry	Visclosky	Wilson (SC)
Tiahrt	Walz	Wolf
Tiberi	Wasserman	Woolsey
Tierney	Schultz	Wu
Titus	Waters	Yarmuth
Tonko	Watson	Young (AK)
Towns	Watt	Young (FL)
Tsongas	Waxman	

ANSWERED "PRESENT"—10

Barrett (SC)	Chandler	Lofgren, Zoe
Bonner	Conaway	Welch
Butterfield	Dent	
Castor (FL)	Harper	

NOT VOTING—3

Hall (NY)	McCarthy (NY)	Stark
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ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1342

Mr. PLATTS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 432 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 82, noes 341, answered "present" 11, not voting 5, as follows:

[Roll No. 667]

AYES—82

Bachmann	Gohmert	McHenry
Barton (TX)	Goodlatte	McKeon
Blumenauer	Halvorson	Minnick
Blunt	Heller	Moran (KS)
Boehner	Hensarling	Myrick
Boustany	Herger	Nunes
Broun (GA)	Hoekstra	Paulsen
Burgess	Inglis	Pence
Burton (IN)	Issa	Petri
Campbell	Jenkins	Pitts
Cantor	Johnson (IL)	Platts
Cassidy	Jordan (OH)	Price (GA)
Castle	Kind	Roe (TN)
Chaffetz	Kirk	Roskam
Coble	Kirkpatrick (AZ)	Royce
Coffman (CO)	Kline (MN)	Ryan (WI)
Cooper	Lamborn	Scalise
Deal (GA)	Linder	Schmidt
Duncan	Lummis	Sensenbrenner
Ehlers	Lungren, Daniel	Sessions
Flake	E.	Shadegg
Fortenberry	Manzullo	Shimkus
Foster	Marchant	Smith (NE)
Fox	McCarthy (CA)	Speier
Garrett (NJ)	McCaul	Stark
Gerlach	McClintock	

Stearns	Upton	Wamp
Terry	Walden	Westmoreland

NOES—341

Abercrombie	Doyle	Loebsack
Ackerman	Dreier	Lowey
Aderholt	Driehaus	Lucas
Adler (NJ)	Edwards (MD)	Luetkemeyer
Akin	Ellison	Luján
Alexander	Ellsworth	Lynch
Altmire	Emerson	Mack
Arcuri	Engel	Maffei
Austria	Eshoo	Maloney
Baca	Etheridge	Markey (CO)
Bachus	Faleomavaega	Markey (MA)
Baird	Fallin	Marshall
Baldwin	Farr	Massa
Barrow	Fattah	Matheson
Bartlett	Filner	Matsui
Bean	Fleming	McCollum
Becerra	Forbes	McCotter
Berkley	Frank (MA)	McDermott
Berman	Franks (AZ)	McGovern
Berry	Frelinghuysen	McHugh
Biggert	Fudge	McIntyre
Bilbray	Gallegly	McMahon
Bilirakis	Giffords	McMorris
Bishop (GA)	Gingrey (GA)	Rodgers
Bishop (NY)	Gonzalez	McNerney
Bishop (UT)	Gordon (TN)	Meek (FL)
Blackburn	Granger	Meeks (NY)
Boccheri	Graves	Melancon
Bono Mack	Grayson	Mica
Boozman	Green, Al	Michaud
Bordallo	Green, Gene	Miller (FL)
Boren	Griffith	Miller (MI)
Boswell	Grijalva	Miller (NC)
Boucher	Guthrie	Miller, Gary
Boyd	Gutierrez	Miller, George
Brady (PA)	Hare	Mitchell
Brady (TX)	Harman	Mollohan
Braley (IA)	Hastings (FL)	Moore (KS)
Bright	Hastings (WA)	Moore (WI)
Brown (SC)	Heinrich	Moran (VA)
Brown, Corrine	Herseth Sandlin	Murphy (CT)
Brown-Waite,	Higgins	Murphy (NY)
Ginny	Hill	Murphy, Patrick
Buchanan	Himes	Murphy, Tim
Buyer	Hinche	Murtha
Calvert	Hinojosa	Nadler (NY)
Camp	Hirono	Napolitano
Cao	Hodes	Neal (MA)
Capito	Holden	Neugebauer
Capps	Holt	Norton
Capuano	Honda	Nye
Cardoza	Hoyer	Oberstar
Carnahan	Hunter	Obey
Carney	Inslee	Olson
Carson (IN)	Israel	Olver
Carter	Jackson (IL)	Ortiz
Childers	Jackson-Lee	Pallone
Christensen	(TX)	Pascarell
Chu	Johnson (GA)	Pastor (AZ)
Clarke	Johnson, E. B.	Paul
Clay	Johnson, Sam	Payne
Cleaver	Jones	Perlmutter
Clyburn	Kagen	Perriello
Cohen	Kanjorski	Peters
Cole	Kaptur	Peterson
Connolly (VA)	Kennedy	Pierluisi
Conyers	Kildee	Pingree (ME)
Costa	Kilpatrick (MI)	Poe (TX)
Costello	Kilroy	Polis (CO)
Courtney	King (IA)	Pomeroy
Crenshaw	King (NY)	Posey
Crowley	Kingston	Price (NC)
Cuellar	Kissell	Putnam
Culberson	Klein (FL)	Quigley
Cummings	Kosmas	Radanovich
Dahlkemper	Kratovil	Rahall
Davis (AL)	Kucinich	Rangel
Davis (CA)	Lance	Rehberg
Davis (IL)	Langevin	Reichert
Davis (KY)	Larsen (WA)	Reyes
Davis (TN)	Larson (CT)	Richardson
DeFazio	Latham	Rodriguez
DeGette	LaTourette	Rogers (AL)
Delahunt	Latta	Rogers (KY)
DeLauro	Lee (CA)	Rogers (MI)
Diaz-Balart, L.	Lee (NY)	Rohrabacher
Diaz-Balart, M.	Levin	Rooney
Dicks	Lewis (CA)	Ros-Lehtinen
Dingell	Lewis (GA)	Ross
Doggett	Lipinski	Rothman (NJ)
Donnelly (IN)	LoBiondo	Roybal-Allard

Ruppersberger	Skelton	Tsongas
Rush	Slaughter	Turner
Ryan (OH)	Smith (NJ)	Van Hollen
Sablan	Smith (TX)	Velázquez
Salazar	Smith (WA)	Visclosky
Sánchez, Linda	Snyder	Walz
T.	Souder	Wasserman
Sanchez, Loretta	Space	Schultz
Sarbanes	Spratt	Waters
Schakowsky	Stupak	Watson
Schauer	Sullivan	Watt
Schiff	Sutton	Waxman
Schock	Tanner	Weiner
Schrader	Taylor	Wexler
Schwartz	Teague	Whitfield
Scott (GA)	Thompson (CA)	Wilson (OH)
Scott (VA)	Thompson (MS)	Wilson (SC)
Serrano	Thompson (PA)	Wolf
Sestak	Thornberry	Woolsey
Shea-Porter	Tiahrt	Wu
Sherman	Tiberi	Yarmuth
Shuler	Tierney	Young (AK)
Shuster	Titus	Young (FL)
Simpson	Tonko	
Sires	Towns	

ANSWERED "PRESENT"—11

Barrett (SC)	Chandler	Lofgren, Zoe
Bonner	Conaway	Welch
Butterfield	Dent	Wittman
Castor (FL)	Harper	

NOT VOTING—5

Andrews	Hall (NY)	McCarthy (NY)
Edwards (TX)	Hall (TX)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1345

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HALL of New York. Mr. Chair, I missed rollcall votes 661 through 667.

Had I been present, I would have voted "aye" on 661, and "no" on 662–667.

PART B AMENDMENT NO. 439 OFFERED BY MR.

FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 78, noes 348, answered "present" 10, not voting 3, as follows:

[Roll No. 668]

AYES—78

Bachmann	Burgess	Coffman (CO)
Blackburn	Burton (IN)	Cooper
Blumenauer	Campbell	Deal (GA)
Boehner	Cantor	Duncan
Boozman	Cassidy	Ehlers
Boustany	Castle	Flake
Brady (TX)	Chaffetz	Forbes
Broun (GA)	Coble	Fortenberry

Foxx
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)

NOES—348

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Bocieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
 Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper

Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Drieaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallely
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
 (TX)

Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Terry
Walden
Wamp
Westmoreland
Wittman

Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
 Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan

Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmuter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert

Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmuter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert

ANSWERED “PRESENT”—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—3

Barton (TX)
McCarthy (NY)
Rodriguez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1348

So the amendment was rejected.

The result of the vote was announced
as above recorded.

PART B AMENDMENT NO. 449 OFFERED BY MR.

FLAKE

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Arizona (Mr. FLAKE)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 83, noes 338,
answered “present” 11, not voting 7, as
follows:

[Roll No. 669]

AYES—83

Bachmann
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foster
Foxx
Garrett (NJ)
Gingrey (GA)
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Terry
Walden
Wamp
Westmoreland
Wittman
Wolf

NOES—338

Cohen
Connolly (VA)
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Drieaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallely
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
 (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lowey
Lucas
Luetkemeyer
Lujan
Lynch
Mack

Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)

Paul
Paulsen
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schneider
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler

Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)

Chandler
Conaway
Dent
Diaz-Balart, L.

Harper
Lofgren, Zoe
Welch

NOT VOTING—7

Aderholt
Cole
Conyers

Gohmert
McCarthy (NY)
Payne

Sutton

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1351

So the amendment was rejected.

The result of the vote was announced
as above recorded.

PART B AMENDMENT NO. 553 OFFERED BY MR.

FLAKE

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Arizona (Mr. FLAKE)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 118, noes 304,
answered "present" 11, not voting 6, as
follows:

[Roll No. 670]

AYES—118

Austria
Bachmann
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris
Rodgers
Miller (MI)
Miller, Gary
Minnick

Gohmert
Goodlatte
Hall (TX)
Halvorson
Heller
Hensarling
Himes
Hodes
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Speier
Stark
Stearns
Teague
Terry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wittman

Mitchell
Moran (KS)
Myrick
Nunes
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Quigley
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Speier
Stark
Stearns
Teague
Terry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wittman

NOES—304

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Calvert
Capito
Capps

Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle

Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Frank (MA)
Frelinghuysen
Fudge
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono

Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lowey
Lucas
Lujan
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon

Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schauer
Schiff
Schock
Schneider
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)

Chandler
Conaway
Dent
Diaz-Balart, L.

Harper
Lofgren, Zoe
Welch

NOT VOTING—6

Davis (IL)
Edwards (TX)

Franks (AZ)
Graves

Herger
McCarthy (NY)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this
vote.

□ 1354

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. FRANKS of Arizona. Mr. Chair, on roll-
call No. 670, I was unavoidably detained. Had
I been present I would have voted "aye."

EN BLOC AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Arizona (Mr. FLAKE)

on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 82, noes 342, answered “present” 11, not voting 4, as follows:

[Roll No. 671]

AYES—82

Bachmann	Hensarling	Myrick
Blackburn	Herger	Neugebauer
Boustany	Himes	Nunes
Broun (GA)	Hoekstra	Pence
Burgess	Issa	Petri
Burton (IN)	Jenkins	Pitts
Campbell	Johnson (IL)	Price (GA)
Cantor	Kind	Quigley
Cassidy	King (IA)	Roe (TN)
Chaffetz	Kirk	Rohrabacher
Coffman (CO)	Kline (MN)	Roskam
Cooper	Lamborn	Royce
Deal (GA)	Latta	Ryan (WI)
Doggett	Linder	Scalise
Duncan	Luetkemeyer	Schmidt
Ehlers	Lummis	Sensenbrenner
Emerson	Lungren, Daniel	Sessions
Flake	E.	Shadegg
Fleming	Marchant	Shimkus
Forbes	McCaul	Smith (NE)
Fortenberry	McClintock	Speier
Fox	McCotter	Stark
Garrett (NJ)	McHenry	Stearns
Gohmert	McMorris	Tiberi
Goodlatte	Rodgers	Walden
Hall (TX)	Miller (MI)	Wamp
Halvorson	Minnick	Westmoreland
Heller	Moran (KS)	Wittman

NOES—342

Abercrombie	Brady (TX)	Cummings
Ackerman	Braley (IA)	Dahlkemper
Aderholt	Bright	Davis (AL)
Adler (NJ)	Brown (SC)	Davis (CA)
Akin	Brown, Corrine	Davis (IL)
Alexander	Brown-Waite,	Davis (KY)
Altmire	Ginny	Davis (TN)
Andrews	Buchanan	DeFazio
Arcuri	Buyer	DeGette
Austria	Calvert	Delahunt
Baca	Camp	DeLauro
Bachus	Cao	Diaz-Balart, M.
Baird	Capito	Dicks
Baldwin	Capps	Dingell
Barrow	Capuano	Donnelly (IN)
Bartlett	Cardoza	Doyle
Barton (TX)	Carnahan	Dreier
Bean	Carney	Driedhaus
Becerra	Carson (IN)	Edwards (TX)
Berkley	Carter	Ellison
Berman	Castle	Ellsworth
Berry	Childers	Engel
Biggert	Christensen	Eshoo
Bilbray	Chu	Etheridge
Bilirakis	Clarke	Faleomavaega
Bishop (GA)	Clay	Fallon
Bishop (NY)	Cleaver	Farr
Bishop (UT)	Clyburn	Fattah
Blumenauer	Coble	Filner
Blunt	Cohen	Foster
Boccheri	Cole	Frank (MA)
Boehner	Connolly (VA)	Franks (AZ)
Bono Mack	Conyers	Frelinghuysen
Boozman	Costa	Fudge
Bordallo	Costello	Gallagher
Boren	Courtney	Gerlach
Boswell	Crenshaw	Giffords
Boucher	Crowley	Gingrey (GA)
Boyd	Cuellar	Gonzalez
Brady (PA)	Culberson	Gordon (TN)

Granger	Markey (MA)	Rothman (NJ)
Graves	Marshall	Roybal-Allard
Grayson	Massa	Ruppersberger
Green, Al	Matheson	Rush
Green, Gene	Matsui	Ryan (OH)
Griffith	McCarthy (CA)	Sablan
Grijalva	McCollum	Salazar
Guthrie	McDermott	Sánchez, Linda
Gutierrez	McGovern	T.
Hall (NY)	McHugh	Sanchez, Loretta
Hare	McIntyre	Sarbanes
Harman	McKeon	Schakowsky
Hastings (FL)	McMahon	Schauer
Hastings (WA)	McNerney	Schiff
Heinrich	Meek (FL)	Schock
Hereth Sandlin	Meeks (NY)	Schrader
Higgins	Melancon	Schwartz
Hill	Mica	Scott (GA)
Hinchev	Michaud	Scott (VA)
Hinojosa	Miller (FL)	Serrano
Hirono	Miller (NC)	Sestak
Hodes	Miller, Gary	Shea-Porter
Holden	Miller, George	Sherman
Holt	Mitchell	Shuler
Honda	Mollohan	Shuster
Hoyer	Moore (KS)	Simpson
Hunter	Moore (WI)	Sires
Inglis	Moran (VA)	Skelton
Inslee	Murphy (CT)	Slaughter
Israel	Murphy (NY)	Smith (NJ)
Jackson (IL)	Murphy, Patrick	Smith (TX)
Jackson-Lee	Murphy, Tim	Smith (WA)
(TX)	Murtha	Snyder
Johnson (GA)	Nadler (NY)	Souder
Johnson, E. B.	Napolitano	Space
Johnson, Sam	Neal (MA)	Spratt
Jones	Norton	Stupak
Jordan (OH)	Nye	Sullivan
Kagen	Oberstar	Sutton
Kanjorski	Obey	Tanner
Kaptur	Olson	Taylor
Kennedy	Olver	Teague
Kildee	Ortiz	Terry
Kilpatrick (MI)	Pallone	Thompson (CA)
Kilroy	Pascarell	Thompson (MS)
King (NY)	Pastor (AZ)	Thompson (PA)
Kingston	Paul	Thornberry
Kirkpatrick (AZ)	Paulsen	Tiahrt
Kissell	Payne	Tierney
Klein (FL)	Perlmutter	Titus
Kosmas	Perrillo	Towns
Kratovil	Peters	Tsongas
Kucinich	Peterson	Turner
Lance	Pierluisi	Upton
Langevin	Pingree (ME)	Van Hollen
Larsen (WA)	Platts	Velázquez
Larson (CT)	Poe (TX)	Visclosky
Latham	Polis (CO)	Walz
LaTourette	Pomeroy	Wasserman
Lee (CA)	Posey	Schultz
Lee (NY)	Price (NC)	Watson
Levin	Putnam	Watt
Lewis (CA)	Radanovich	Waxman
Lewis (GA)	Rahall	Weiner
Lipinski	Rangel	Wexler
LoBiondo	Rehberg	Whitfield
Loeb sack	Reichert	Wilson (OH)
Lowey	Reyes	Wilson (SC)
Lucas	Richardson	Wolf
Lujan	Rodriguez	Woolsey
Lynch	Rogers (AL)	Wu
Mack	Rogers (KY)	Yarmuth
Maffei	Rogers (MI)	Young (AK)
Maloney	Rooney	Young (FL)
Manzullo	Ros-Lehtinen	
Markey (CO)	Ross	

ANSWERED “PRESENT”—11

Barrett (SC)	Chandler	Harper
Bonner	Conaway	Lofgren, Zoe
Butterfield	Dent	Welch
Castor (FL)	Diaz-Balart, L.	

NOT VOTING—4

Edwards (MD)	Tonko
McCarthy (NY)	Waters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1357

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 1 OFFERED BY MR.

CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 353, not voting 5, as follows:

[Roll No. 672]

AYES—81

Bachmann	Gohmert	Myrick
Barrett (SC)	Goodlatte	Nunes
Blackburn	Halvorson	Paul
Blunt	Heller	Paulsen
Boehner	Hensarling	Pence
Boozman	Herger	Petri
Boustany	Hoekstra	Pitts
Broun (GA)	Inglis	Price (GA)
Brown-Waite,	Issa	Roe (TN)
Terry	Ginny	Jenkins
Burgess	Johnson (IL)	Rogers (MI)
Burton (IN)	Jordan (OH)	Rohrabacher
Buyer	King (IA)	Roskam
Campbell	Kirk	Royce
Cantor	Kline (MN)	Ryan (WI)
Cassidy	Lamborn	Scalise
Chaffetz	Linder	Schmidt
Coble	Lummis	Sensenbrenner
Coffman (CO)	Manzullo	Sessions
Cooper	Marchant	Shadegg
Deal (GA)	McCarthy (CA)	Shimkus
Duncan	McCaul	Smith (NE)
Ehlers	McClintock	Speier
Flake	McHenry	Stearns
Forbes	McMorris	Walden
Fox	Rodgers	Wamp
Franks (AZ)	Minnick	Westmoreland
Garrett (NJ)	Moran (KS)	Wittman

NOES—353

Abercrombie	Bono Mack	Clarke
Ackerman	Bordallo	Clay
Aderholt	Boren	Cleaver
Adler (NJ)	Boswell	Clyburn
Akin	Boucher	Cohen
Alexander	Boyd	Cole
Altmire	Brady (PA)	Conaway
Andrews	Brady (TX)	Connolly (VA)
Arcuri	Braley (IA)	Conyers
Austria	Bright	Costa
Baca	Brown (SC)	Costello
Bachus	Brown, Corrine	Courtney
Baird	Buchanan	Crenshaw
Baldwin	Butterfield	Crowley
Barrow	Calvert	Cuellar
Bartlett	Camp	Culberson
Barton (TX)	Cao	Cummings
Bean	Capito	Dahlkemper
Becerra	Capps	Davis (AL)
Berkley	Capuano	Davis (CA)
Berman	Cardoza	Davis (IL)
Berry	Carnahan	Davis (KY)
Biggert	Carney	Davis (TN)
Bilbray	Carson (IN)	DeFazio
Bilirakis	Carter	DeGette
Bishop (GA)	Castle	Delahunt
Bishop (NY)	Castor (FL)	DeLauro
Bishop (UT)	Chandler	Dent
Blumenauer	Childers	Diaz-Balart, L.
Boccheri	Christensen	Diaz-Balart, M.
Bonner	Chu	Dicks

Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hereth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lee (CA)
Lee (NY)
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich

NOT VOTING—5

McCarthy (NY)
Pingree (ME)

Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1400

So the amendment was rejected.
The result of the vote was announced
as above recorded.

PART C AMENDMENT NO. 8 OFFERED BY MR.
CAMPBELL

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from California (Mr. CAMP-
BELL) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 99, noes 338,
not voting 2, as follows:

[Roll No. 673]

AYES—99

Austria
Bachmann
Barrett (SC)
Bean
Blackburn
Blunt
Boehner
Herger
Boozman
Boustany
Hunter
Brady (TX)
Ingalls
Issa
Jenkins
Burton (IN)
Johnson (IL)
Jones
Cantor
Cassidy
Kind
Castle
King (IA)
Kirk
Kline (MN)
Lamborn
Linder
Luetkemeyer
Lummis
Duncan
Ehlers
Flake
Fleming
Forbes
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves
Hall (TX)
Halvorson
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Terry
Upton
Walden
Wamp
Westmoreland
Wittman

NOES—338

Becerra
Berkley
Berman
Berry
Biggert
Blibray
Billakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccheri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao

Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Kildee
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hereth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)

Wolf
Woolsey

Wu
Yarmuth

Young (AK)
Young (FL)

NOT VOTING—2

McCarthy (NY) Rush

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1404

Mr. HALL of Texas changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Department of Defense Appropriations Act, 2010”.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 685, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 685, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. FRELINGHUYSEN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRELINGHUYSEN. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Frelinghuysen moves to recommit the bill H.R. 3326 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

Page 2, line 22, after the dollar amount, insert “(increased by \$100,000,000)”

Page 26, line 9, after the dollar amount, insert “(increased by \$304,800,000)”

Page 29, line 21, after the dollar amount, insert “(reduced by \$404,800,000)”

In section 8120, strike “None of the funds appropriated” and all that follows through “\$368,800,000 of the funds” and insert “Funds”.

In section 8120, strike paragraph (1) (and redesignate subsequent paragraphs accordingly):

Mr. FRELINGHUYSEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The motion to recommit would restore funding originally included in the bill as reported by the Appropriations Committee for advanced procurement for 12 F-22 aircraft and allow the program to move forward. It would also provide an additional \$100 million for the Army military personnel accounts. These increases are offset by cutting \$400 million in unrequested funds for the Presidential helicopter, a troubled program that the President himself has proposed to eliminate.

My motion to recommit is consistent with the recently passed Defense authorization bill which recognized the continued vital need for the F-22 by authorizing an additional F-22 aircraft and, at the same time, did not authorize additional funding for the President's helicopter.

Mr. Speaker, while much is made of the President's threatened veto of this bill over the F-22, the fact of the matter is the President has also threatened a veto over funding for the Presidential helicopter. While I appreciate the President has a role in this process, it is Congress, not the President, that has the power of the purse. I do not believe that we should simply take the President's budget proposal and rubber-stamp it.

In addition, my motion to recommit begins to fill a known funding shortfall in the Army military and personnel accounts that resulted from Secretary Gates' recent decision to increase the total Army end strength by 22,000 troops to support the administration's Afghanistan policy.

My motion would also leave intact the additional funds added in the Murtha amendment for four of the Air Force's unfunded priorities.

I urge my colleagues to support this motion to recommit.

I yield to the gentleman from Utah (Mr. BISHOP), a member of the Armed Services Committee, for the remaining time.

Mr. BISHOP of Utah. Mr. Speaker, we all know that to maintain air superiority, which we have had since the Korean War, requires two elements: one is the technological ability, which we know the F-22 provides, but the other is the numerical superiority that we have to have, which is why, when this program was originally started, it was supposed to be 750 planes.

Even as late as last year, the military was telling us 381 maintains the status quo and 243 is the absolute minimum, a number still maintained by Air Combat Command, by the Air National Guard, by 30 of the military studies over the last 15 years. Even the Chief of Staff admitted the 243 is what they needed.

The only person that said 187 is the Secretary of Defense. There is no study to verify that number. That number is a political number, not a military number.

As we go into the future where the Russians are building a new generation fighter with 200 to 300 extra planes to sell to countries like Iran and Venezuela, when we then couple that by cutting 250 legacy planes already in the Air Force and stopping the F-22 and having an F-35 which will not be available under the best of circumstances until 2014, maybe even 2016 as we are talking about it, what we are doing is putting ourselves in danger 10 and 15 years out of being on the wrong side of history. We cannot do that.

This amendment mirrors what the House voted on the Defense authorization bill by putting back procurement money for 12 F-22s and adding \$100 million for military personnel to help the anticipated shortfall in the upgrade in what we are doing in Afghanistan.

This is the right thing to do. This is what the military needs. We should not simply make a political decision, because I hate to say this in this crass of a way, but when we can authorize \$5 billion for groups like ACORN but \$2 billion to keep 18,000 jobs going and provide planes for another year that this country needs, we have something to do to look at our priorities. The \$2 billion is for the defense of this country into the future. The military needs this plane.

Mr. FRELINGHUYSEN. Please support the motion to recommit.

I yield back.

Mr. MURTHA. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I've said over and over again, I have been for the F-22. The point is we'd need 292 votes here in order to pass the F-22. We'd need 66 votes in the Senate. The Senate voted 58-40 against it. So we have no alternative.

Now, what I've done is try to robustly fund the program as it is. In other words, they have 187. Let's make sure it's funded adequately. Let's make sure they have what they need. They have a lot of maintenance questions about the F-22. There is no question about it, and so we need to make sure it's robustly funded.

The Presidential helicopter, \$3.2 billion we spent on this thing. We ought to get something out of it. One of the

Secretaries said to me the other day that they are going to spend another \$2 billion if you get it right. I said, Wait a minute; how much do you think you will spend if you have to do another one?

I'm trying to work something out with the White House on that and other issues.

It took a little more time than I expected in this bill today, but I'd appreciate a "no" vote on this vote to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRELINGHUYSEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 169, noes 261, not voting 3, as follows:

[Roll No. 674]

AYES—169

Aderholt	Diaz-Balart, L.	Lee (NY)
Adler (NJ)	Diaz-Balart, M.	Lewis (CA)
Akin	Dreier	Linder
Alexander	Duncan	LoBiondo
Austria	Edwards (TX)	Lucas
Bachmann	Fallin	Luetkemeyer
Bachus	Fleming	Lummis
Barrett (SC)	Forbes	Lungren, Daniel
Barrow	Fortenberry	E.
Bartlett	Fox	Mack
Barton (TX)	Franks (AZ)	Manzullo
Bilbray	Frelinghuysen	Marchant
Bilirakis	Gallely	Marshall
Bishop (UT)	Giffords	McCarthy (CA)
Blackburn	Gingrey (GA)	McCauley
Blunt	Gohmert	McClintock
Boehner	Goodlatte	McCotter
Bonner	Granger	McHenry
Bono Mack	Graves	McKeon
Boozman	Guthrie	McMorris
Boustany	Hall (TX)	Rodgers
Boyd	Harper	Mica
Brady (TX)	Hastings (WA)	Miller (FL)
Bright	Heller	Miller, Gary
Brown (GA)	Hensarling	Minnick
Brown (SC)	Herger	Moran (KS)
Brown-Waite,	Hoekstra	Myrick
Ginny	Hunter	Neugebauer
Buchanan	Inglis	Nunes
Burgess	Issa	Olson
Burton (IN)	Jenkins	Pence
Buyer	Johnson (IL)	Perriello
Calvert	Johnson, Sam	Pitts
Cantor	Jordan (OH)	Platts
Cao	King (IA)	Poe (TX)
Capito	King (NY)	Posey
Carter	Kingston	Price (GA)
Cassidy	Kirk	Putnam
Chaffetz	Kirkpatrick (AZ)	Radanovich
Coffman (CO)	Kline (MN)	Rehberg
Cole	Kosmas	Reichert
Conaway	Kratovil	Roe (TN)
Crenshaw	Lamborn	Rogers (AL)
Culberson	Lance	Rogers (KY)
Davis (AL)	Latham	Rogers (MI)
Davis (KY)	LaTourette	Rooney
Deal (GA)	Latta	Ros-Lehtinen

Roskam	Smith (NJ)
Royce	Smith (TX)
Scalise	Souder
Schmidt	Stearns
Schock	Sullivan
Scott (GA)	Teague
Sessions	Terry
Shadegg	Thompson (PA)
Shimkus	Thornberry
Simpson	Tiahrt
Smith (NE)	Turner

NOES—261

Abercrombie	Fudge
Ackerman	Garrett (NJ)
Altmire	Gerlach
Andrews	Gonzalez
Arcuri	Gordon (TN)
Baca	Grayson
Baird	Green, Al
Baldwin	Green, Gene
Bean	Griffith
Becerra	Grijalva
Berkley	Gutierrez
Berman	Hall (NY)
Berry	Halvorson
Biggart	Hare
Bishop (GA)	Harman
Bishop (NY)	Hastings (FL)
Blumenauer	Heinrich
Bocciari	Herseth Sandlin
Boren	Higgins
Boswell	Hill
Boucher	Himes
Brady (PA)	Hinche
Braley (IA)	Hinojosa
Brown, Corrine	Hirono
Butterfield	Hodes
Camp	Holden
Campbell	Holt
Capps	Honda
Capuano	Hoyer
Cardoza	Inslee
Carnahan	Israel
Carmey	Jackson (IL)
Carson (IN)	Jackson-Lee
Castle	(TX)
Castor (FL)	Johnson (GA)
Chandler	Johnson, E. B.
Childers	Jones
Chu	Kagen
Clarke	Kanjorski
Clay	Kaptur
Cleaver	Kennedy
Clyburn	Kildee
Coble	Kilpatrick (MI)
Cohen	Kilroy
Connolly (VA)	Kind
Conyers	Kissell
Cooper	Klein (FL)
Costa	Kucinich
Costello	Langevin
Courtney	Larsen (WA)
Crowley	Larson (CT)
Cuellar	Lee (CA)
Cummings	Levin
Dahlkemper	Lewis (GA)
Davis (CA)	Lipinski
Davis (IL)	Loeb
Davis (TN)	Lofgren, Zoe
DeFazio	Lowe
DeGette	Lujan
Delahunt	Lynch
DeLauro	Maffei
Dent	Maloney
Dicks	Markey (CO)
Dingell	Markey (MA)
Doggett	Massa
Donnelly (IN)	Matheson
Doyle	Matsui
Driehaus	McCollum
Edwards (MD)	McDermott
Ehlers	McGovern
Etheridge	McIntyre
Farr	McMahon
Fattah	McNerney
Finer	Meek (FL)
Flake	Meeks (NY)
Foster	Melancon
Frank (MA)	Michaud
	Miller (MI)
	Miller (NC)
	Miller, George
	Mitchell
	Mollohan

Walden	Wittman
Wamp	Wolf
Westmoreland	Young (AK)
Whitfield	Young (FL)
Wilson (SC)	

Upton	Waters
Van Hollen	Watson
Velázquez	Watt
Visclosky	Waxman
Walz	Weiner
Wasserman	Welch
Schultz	Wexler

NOT VOTING—3

McCarthy (NY)	McHugh	Shuster
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1432

Ms. BALDWIN changed her vote from "aye" to "no."

Mr. BURGESS and Mrs. KIRKPATRICK of Arizona changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 30, not voting 3, as follows:

[Roll No. 675]

YEAS—400

Abercrombie	Burton (IN)	DeLauro
Ackerman	Butterfield	Dent
Aderholt	Buyer	Diaz-Balart, L.
Adler (NJ)	Calvert	Diaz-Balart, M.
Akin	Camp	Dicks
Alexander	Cantor	Dingell
Altmire	Cao	Doggett
Andrews	Capito	Donnelly (IN)
Arcuri	Capps	Doyle
Austria	Capuano	Dreier
Baca	Cardoza	Driehaus
Bachmann	Carnahan	Edwards (MD)
Bachus	Carmey	Edwards (TX)
Baird	Carson (IN)	Ehlers
Barrett (SC)	Carter	Ellsworth
Barrow	Cassidy	Emerson
Bartlett	Castle	Engel
Barton (TX)	Castor (FL)	Eshoo
Bean	Chaffetz	Etheridge
Becerra	Chandler	Fallin
Berkley	Childers	Farr
Berman	Chu	Fattah
Berry	Clarke	Fleming
Biggart	Clay	Forbes
Bilbray	Cleaver	Fortenberry
Bilirakis	Clyburn	Foster
Bishop (GA)	Coble	Fox
Bishop (NY)	Coffman (CO)	Franks (AZ)
Bishop (UT)	Cohen	Frelinghuysen
Blackburn	Cole	Fudge
Blunt	Conaway	Gallely
Bocciari	Connolly (VA)	Garrett (NJ)
Boehner	Conyers	Gerlach
Bonner	Cooper	Giffords
Bono Mack	Costa	Gingrey (GA)
Boozman	Costello	Gohmert
Boren	Courtney	Gonzalez
Boswell	Crenshaw	Goodlatte
Boucher	Crowley	Gordon (TN)
Boustany	Cuellar	Granger
Boyd	Culberson	Graves
Brady (PA)	Cummings	Grayson
Brady (TX)	Dahlkemper	Green, Al
Braley (IA)	Davis (AL)	Green, Gene
Bright	Davis (CA)	Grijalva
Brown (GA)	Davis (IL)	Guthrie
Brown (SC)	Davis (KY)	Gutierrez
Brown, Corrine	Davis (TN)	Hall (NY)
Brown-Waite,	Deal (GA)	Hall (TX)
Ginny	DeFazio	Halvorson
Buchanan	DeGette	Hare
Burgess	Delahunt	Harman

Harper	Matheson	Ross	Stark	Towns	Watt
Hastings (FL)	Matsui	Rothman (NJ)	Tierney	Waters	Welch
Hastings (WA)	McCarthy (CA)	Roybal-Allard			
Heinrich	McCauley	Ruppersberger			
Heller	McClintock	Rush	McCarthy (NY)	Murphy, Tim	Spratt
Hensarling	McCollum	Ryan (OH)			
Herger	McCotter	Ryan (WI)			
Herseth Sandlin	McGovern	Salazar			
Higgins	McHenry	Sánchez, Linda			
Hill	McHugh	T.			
Himes	McIntyre	Sanchez, Loretta			
Hinche	McKeon	Sarbanes			
Hinojosa	McMahon	Scalise			
Hirono	McMorris	Schauer			
Hodes	Rodgers	Schiff			
Hoekstra	McNerney	Schmidt			
Holden	Meek (FL)	Schock			
Holt	Meeks (NY)	Schrader			
Honda	Melancon	Schwartz			
Hoyer	Mica	Scott (GA)			
Hunter	Michaud	Scott (VA)			
Inglis	Miller (FL)	Sessions			
Inslee	Miller (MI)	Sestak			
Israel	Miller (NC)	Shadegg			
Issa	Miller, Gary	Shea-Porter			
Jackson (IL)	Minnick	Sherman			
Jackson-Lee	Mitchell	Shimkus			
(TX)	Mollohan	Shuler			
Jenkins	Moore (KS)	Shuster			
Johnson (GA)	Moran (KS)	Simpson			
Johnson, E. B.	Moran (VA)	Sires			
Johnson, Sam	Murphy (CT)	Skelton			
Jones	Murphy (NY)	Slaughter			
Jordan (OH)	Murphy, Patrick	Smith (NE)			
Kagen	Murtha	Smith (NJ)			
Kanjorski	Myrick	Smith (TX)			
Kaptur	Nadler (NY)	Smith (WA)			
Kennedy	Napolitano	Snyder			
Kildee	Neal (MA)	Souder			
Kilpatrick (MI)	Neugebauer	Space			
Kilroy	Nunes	Stearns			
Kind	Nye	Stupak			
King (IA)	Oberstar	Sullivan			
King (NY)	Obey	Sutton			
Kingston	Olson	Tanner			
Kirk	Olver	Taylor			
Kirkpatrick (AZ)	Ortiz	Teague			
Kissell	Pallone	Terry			
Klein (FL)	Pascarell	Thompson (CA)			
Kline (MN)	Pastor (AZ)	Thompson (MS)			
Kosmas	Paulsen	Thompson (PA)			
Kratovil	Pence	Thornberry			
Lamborn	Perlmutter	Tiahrt			
Lance	Perriello	Tiberi			
Langevin	Peters	Titus			
Larsen (WA)	Peterson	Tonko			
Larson (CT)	Petri	Tsongas			
Latham	Pingree (ME)	Turner			
LaTourette	Pitts	Upton			
Latta	Platts	Van Hollen			
Lee (NY)	Poe (TX)	Velázquez			
Levin	Polis (CO)	Visclosky			
Lewis (CA)	Pomeroy	Walden			
Linder	Posey	Walz			
Lipinski	Price (GA)	Wamp			
LoBiondo	Price (NC)	Wasserman			
Loeback	Putnam	Schultz			
Lowey	Quigley	Watson			
Lucas	Radanovich	Waxman			
Luetkemeyer	Rahall	Weiner			
Luján	Rangel	Westmoreland			
Lummis	Rehberg	Wexler			
Lungren, Daniel	Reichert	Whitfield			
E.	Reyes	Wilson (OH)			
Lynch	Richardson	Wilson (SC)			
Mack	Rodriguez	Wittman			
Maffei	Roe (TN)	Wolf			
Maloney	Rogers (AL)	Woolsey			
Manzullo	Rogers (KY)	Wu			
Marchant	Rogers (MI)	Yarmuth			
Markey (CO)	Rohrabacher	Young (AK)			
Markey (MA)	Rooney	Young (FL)			
Marshall	Ros-Lehtinen				
Massa	Roskam				

NAYS—30

Baldwin	Johnson (IL)	Payne
Blumenauer	Kucinich	Royce
Campbell	Lee (CA)	Schakowsky
Duncan	Lewis (GA)	Sensenbrenner
Ellison	Lofgren, Zoe	Serrano
Filner	McDermott	Speier
Flake	Miller, George	
Frank (MA)	Moore (WI)	
Griffith	Paul	

NOT VOTING—3

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in the vote.

□ 1440

Mr. GRIFFITH changed his vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CONYERS. Madam Speaker, on July 30, 2009, I inadvertently cast a “yea” vote for H.R. 3326. I intended to vote “nay.”

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I request that the RECORD note that for rollcall No. 661, Murtha of Pennsylvania Part A Amendment No. 1, I voted “no”, but would like the RECORD to reflect, I intended to vote “aye.”

I request that the RECORD note that for rollcall No. 675, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, I voted “yea”, but would like the RECORD to reflect, I intended to vote “nay.”

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, on rollcall No. 663 I inadvertently voted “no.” I intended to vote “yes.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces a correction to an earlier vote tally. On rollcall vote No. 666, the ayes were 76 and the noes were 350.

PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 691 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 691

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in the re-

port of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlelady from North Carolina, Representative FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, today the House will consider H.R. 2749, the Food Safety Enhancement Act, legislation that will help make our food supply safer and cleaner and provide much-needed peace of mind to American families.

Too often recently, we have watched horrible news reports showing stories of Americans who have become terribly sick or have died from eating the same simple foods that we take for granted and consume every day. Think about that for a minute. Our country, one of the wealthiest in the world with the most bountiful food supply and endless choices for consumers, has been in the grip of a food panic that shows no signs of easing up. Peanut butter, spinach, cookie dough, beef, tomatoes, sprouts, pistachios—every day it seems like it's something new.

We know that every year 76 million Americans are sickened from consuming contaminated food, and 5,000 of those persons die. This issue has probably touched every one of us in some way. In too many cases, they're not random, unpredictable events but widespread and systematic. And sadly, they are also preventable. They come about because of flaws in our food safety system. I am happy to say that these gaps in protection are closed by this legislation.

Under this bill, we give the FDA new authority, new tools, and a new source of funding to carry out its vital mission. Thanks to this bill, the FDA will make more frequent inspections of food processing facilities, develop a food trace-back system to pinpoint the

source of food-borne illnesses, and have enhanced powers to ensure that imported foods are safe.

The bill provides the FDA better access to the records of food producers and manufacturers without having to wait for an outbreak of food-borne illness.

The bill provides strong, flexible enforcement tools and, importantly, it strengthens penalties imposed on food facilities that fail to comply with safety requirements.

We require food facilities to have safety plans in place to identify and mitigate hazards, one of the best ways to make an immediate improvement to food safety.

The legislation before us is bipartisan, and I think it is safe to say it will fundamentally change the way we protect the safety of our food supply.

It is worth noting the bill was approved by the Energy and Commerce Committee back on June 17 by voice vote. That is how broad the support was.

□ 1445

We know this bill enjoys a lot of support from all Members. It received 280 votes yesterday, including 50 Republican votes that I'm happy to have and very confident that the bill will enjoy the same level of support today.

I will enter a copy of an editorial from today's New York Times into the RECORD. The page made the following points:

"Under the current system, the FDA can only try to coax a food production facility to voluntarily recall its product after people have grown sick or even died. The legislation, the best in years, would give the agency a great deal more power and responsibility to prevent such outbreaks. The FDA would finally have the authority to set strong science-based safety standards for the growing, harvesting, and transporting of both domestic and imported food. The agency would then require each food production facility to come up with the best safety plan showing how it would meet those standards.

"Right now several years or more can elapse before the FDA does a full onsite inspection of a food facility. Most inspections are done by States and not all plants are visited. Under this bill so-called high-risk facilities, ones where there have been problems in the past or ones that handle easily spoiled items like raw seafood, would have to be inspected by the FDA every 6 to 12 months. Lower-risk facilities, which deal with items like dry packaged products with no history of causing problems, would be inspected every 18 months to 3 years."

As others have noted, the legislation is supported by a range of organizations including Consumers Union, Consumer Federation of America, American Public Health Association, Asso-

ciation of Schools of Public Health, Center for Science and the Public Interest, The Pew Charitable Trusts, Trust for America's Health, and the Grocery Manufacturers Association.

I was disappointed yesterday that some farm organizations seem unwilling to support the legislation even after the committee negotiated in good faith to address their concerns. That lack of support cost us the two-thirds support needed for passage.

I want to address a few other concerns, including one complaint that every farm has to pay an annual \$500 fee. I would like to point out that that requirement does not apply to farms that sell directly to consumers, meaning most if not all small family organic farms would not be covered.

Another concern centered on what this bill would mean to small organic farmers and whether the larger FDA power would interfere with their operations. The bill specifically says the FDA can only issue standards for the riskiest products, and the FDA is also directed to take into consideration the impact on small-scale and diversified farms and on wildlife habitat, conservation practices, watershed protection efforts, and organic production methods.

Yet another issue centered on whether confidential farm records might be disclosed by the FDA to others. In fact, the only new records that the FDA can have access to relate only to fresh produce for which the FDA has issued a safety standard or that is the subject of an active investigation of a food-borne illness outbreak.

It is my hope that the small farmers in my district in upstate New York and elsewhere see this bill as a positive step forward in improving safety. Ultimately, we should feel confident about the quality of our food regardless of whether it comes from a big farm or a small family-run organic farm.

Let me touch on one other issue as well. The legislation does not include strong new language to restrict the current overuse, I would say abuse, of antibiotics by farmers who raise livestock for human consumption. We have legislation that has a strong and growing number of supporters who, like me, worry that the use of nontherapeutic antibiotics in our food supply poses an enormous and growing health risk for all Americans. It is my plan to make a strong push on this legislation later in the year, and I hope all my colleagues who are ready to vote for this food safety bill will be with us when we take up the Preservation of Antibiotics for Medical Treatment Act.

Let's approve this food safety bill right now and start taking steps to make sure that our food supply is as safe as it can be.

[From The New York Times, July 30, 2009]

VOTE FOR SAFER FOOD

Far too many Americans are falling ill after eating foods tainted with salmonella,

E. coli and other pathogens. The Food and Drug Administration, which is charged with protecting much of the nation's food supply, doesn't have the authority or the tools to do its job. The House of Representatives can start to fix that problem if it votes this week to approve the Food Safety Enhancement Act.

Under the current system, the F.D.A. can only try to coax a food production facility to voluntarily recall its product after people have grown sick or even died. The legislation, the best in years, would give the agency a great deal more power and responsibility to prevent such outbreaks.

The F.D.A. would finally have the authority to set strong science-based safety standards for the growing, harvesting and transporting of both domestic and imported food. The agency would then require each food production facility to come up with the best safety plan showing how it would meet those standards.

To investigate possible food problems, the F.D.A. would be able to demand far more information during inspections, and it would be required to set up a process for tagging food to make it easier to trace the source of a food-borne illness. The tomato business was devastated last year when tomatoes were blamed for an outbreak of salmonella that was really caused by tainted jalapeño and other peppers.

Right now, several years or more can elapse before the F.D.A. does a full on-site inspection of a food facility. Most inspections are done by states, and many plants are not visited at all. Under this bill, so-called high-risk facilities—ones where there have been problems in the past or ones that handle easily spoiled items like raw seafood—would have to be inspected by the F.D.A. every 6 to 12 months. Lower-risk facilities, which deal with items like dry packaged products with no history of causing problems, would be inspected every 18 months to three years. For that reason, the F.D.A. will need more inspectors, but it is unclear whether new license fees of \$500 a year per food facility will be enough to pay for them.

The bill does not solve all of the problems of food safety, of course. There will still be a patchwork of federal inspection programs done by a variety of different agencies. In the future, one food agency that works for consumers and food producers makes more sense. Right now, the F.D.A. has the responsibility for 80 percent of the nation's food supply, and this bill would give it a lot more of the muscle it needs to do that job.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from New York (Ms. SLAUGHTER), Chair of the Rules Committee, for yielding time. This is a bill I know she feels strongly about.

Mr. Speaker, this bill is being brought to the floor as a rule bill today because it failed to win enough votes to pass under the Suspension Calendar yesterday. It's being brought to the floor under a closed rule. This is yet another closed rule on top of an entire appropriation season filled with closed rules. And I come before you today deeply concerned by the closed rule we have before us.

After promising the American people during campaign season that this

would be the most open and honest Congress in history, Speaker PELOSI has gone back on her word by making this the most closed and restrictive Congress in history. Instead of having their ideas heard, the American people are being silenced with Speaker PELOSI's justification that "we won the election; so we decide."

Majority Leader HOYER stated this past February his agreement with restoring the House to the regular order process of legislating. He said, "I think that is a very important pursuit . . . our committees and Members are served on both sides of the aisle by pursuing regular order. Regular order gives to everybody the opportunity to participate in the process in a fashion which will affect, in my opinion, the most consensus and the best product."

If the majority leader believes this, then why, Mr. Speaker, are we faced with another closed rule today? As my colleagues have expressed time and time again, bringing this number of bills to the floor under closed rules is unprecedented. It does an injustice to both Democrats and Republicans who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time. By choosing to operate in this way, the majority has cut off the minority and their own colleagues from having appropriate input in the legislative process. This is not the way the greatest deliberative body in the world should operate.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now yield 4 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentlewoman for yielding.

Mr. Speaker, based upon yesterday's vote on H.R. 2749, the Food Safety Enhancement Act, one would think that the Democrat leadership would say, wait, maybe we have some issues here that need to be taken care of. Maybe we should refer this bill to the Committee on Agriculture and get some of these problems cleaned up. Instead of taking the lesson from yesterday's defeat on this bill on the Suspension Calendar, the Democrat leadership has decided to run this bill through the House under a closed rule with no debate and no amendments.

I would ask: What's the problem with referring this bill to a committee of jurisdiction to make technical, yet necessary, changes? Why not allow an amendment to clean up some of the bill's problems regarding production agriculture and other rural businesses?

All of us want to support a food safety bill. I will say that again: All of us, including me, want to support a food safety bill. I also believe that if the majority would allow a referral to the

Committee on Agriculture, this food safety bill would receive wide and bipartisan support. However, the Democrat leadership has taken its my-way-or-the-highway approach that leaves those of us from rural America unable to support this legislation.

Yesterday when H.R. 2749 was on suspension, I raised issues that concern farmers and ranchers. The primary concern is an inadequate exemption for grain farmers and livestock producers. True, the bill exempts grain farmers from performance standards and record-keeping from growing and harvesting activities, but it fails to exempt on-farm grain storage and transportation activities. So while I thank the members of the Energy and Commerce Committee for trying to accommodate us, it's still not right and more needs to be done.

Another problem I would like to raise today involves the grain-handling industry, which affects thousands of small grain elevators across the country where farmers deliver their grain. Many of these facilities are already subject to USDA grain inspections. Many are also subject to State and Federal warehouse licensing fees.

However, this bill gives duplication authority to the FDA to do its inspections. It also imposes a one-size-fits-all registration fee for grain-handling facilities large and small. What's the point of the fee? Grain elevators are already subject to licensing fees; so it must be to impose another revenue-raising tax.

A country-of-origin labeling is included in this bill, but we don't need country-of-origin labeling for grain. Unlike meat, grain is a fungible product, and while it's possible, although difficult, to identify a steak, giving identity to tiny individual kernels of grain, which are blended with billions of other tiny kernels of grain, is next to impossible.

I would like to point out that of the many food safety concerns Members and their constituents have raised, I have yet to hear a complaint about the grain industry. This is because we already have a system that works. Instead of strengthening that system, this bill overlays another system of unnecessary bureaucracy.

Mr. Speaker, I oppose the rule and I oppose the bill and would ask once again that the Committee on Agriculture utilize its jurisdiction to correct the flaws so that all of us can vote "yes."

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I would now yield 5 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in opposition to H.R. 2749, the Food Safety Enhancement Act of 2009.

Let me begin by saying that yesterday Members from both sides of the aisle rejected the bill that was attempted to be rushed through Congress. Yet today we find ourselves considering the same legislation under a closed rule. Once again we are barred from offering amendments. I simply have to ask: What's the majority leadership afraid of?

We have said before, and I will continue to say again today, this country has the safest food supply in the world. Does that mean that there isn't room for improvement? No. Does that mean that we shouldn't continue to examine our regulatory systems and find ways to make it better? No. I don't think there is a single Member of Congress who wouldn't support reasonable proposals that improve the safety of what is already the safest supply of food in the world. But this legislation is woefully inadequate. It fails to achieve what we are all seeking for our consumers: an improved food safety system.

The biggest challenge that I can point to is the fact that the bill expands the reach and authority of the U.S. Food and Drug Administration but does not require further accountability. This legislation does not require FDA to spend any additional funds on the inspection of food.

Beyond that there are other provisions that are troublesome. One in particular would mandate FDA to set on-farm production performance standards. I'm stunned that more people are not outraged by this concept, that the Federal Government will tell our farmers and ranchers how to do something that they have been doing since the dawn of mankind. Even after changes that will limit the intrusion of the Federal Government on the farm, the bill still goes too far in the direction of trying to produce food from a bureaucrat's chair in Washington, D.C.

There remains a host of other problems with this bill. For example, has anyone considered if it's wise to have the Federal Government grant licenses and charge fees for processing food? This would mean that the Federal Government could arbitrarily withdraw that license for technical violations of the law that ultimately would shut down an operation. Has anyone even considered the consequences of the provisions of this bill? Has anyone thought about how this would increase the cost of food for consumers and force food production out of the country?

□ 1500

Furthermore, the bill's quarantine authority allows FDA to quarantine the entire Nation if there is evidence or just simply justification or information that a food commodity poses a health risk. No consideration is given to economic losses suffered by food

producers, processors or distributors. In particular, if the FDA ultimately lifts the quarantine because it was wrong, the agency has no obligation, no authority or means to indemnify producers for their losses.

Mr. Speaker, let me revisit my original point. We have the safest food supply in the world. We need to constantly work to improve our food safety system. But if we are sincere in making those improvements, then we must have a bill before us that is not the product of a rushed legislative process where all the committees of jurisdiction were not allowed to fully participate. Yesterday, with the votes of Members on both sides of the aisle, we rejected that process, and today we find ourselves considering the same legislation under a closed rule, once again, barred from offering amendments.

I repeat, what is the majority afraid of? Food safety should not be a partisan or political issue. This should not be a fight. It should be a constructive process.

Defeat this rule. Bring H.R. 2749 back to the committees. Let all the committees of jurisdiction work their will and work their way so that we can create a bill that serves farmers, ranchers, processors, retailers and, yes, consumers. Tell me what is wrong with that. Tell me what is wrong with that.

Let's defeat the rule. Let's finish the process. Let's do better.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to ask a question: If everybody is doing things so well in the United States, why do 76 million Americans get sick every single year from contaminated food and 5,000 of them die?

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the chairwoman for yielding.

Mr. Speaker, I rise with mixed emotions but in support of the rule. I represent the Salinas Valley, which is one of the most productive agricultural regions of the world. We are the "Salad Bowl Capital" of the world. And when you produce fresh produce, for example, lettuce, you don't have a kill step. You can't boil it before you eat it, so you have to be very careful about how you grow this material—lettuce, broccoli, brussels sprouts and all of those things—so you don't have contamination coming from the field.

We have had recalls, the E. coli recall, a very serious recall, and the difficulty we have had over the years is that essentially the Federal responsibility for food safety is in the Food and Drug Administration, the FDA. The responsibility for poultry inspection and meat inspection is in the Department of Agriculture. So you have a split responsibility in this country, and it has been that way for a long, long time.

What you hear in this bill is we need to have some national standards. The

authority for those standards lies, for other than meat and poultry, with the Food and Drug Administration. So if you are going to get these standards and get some national credibility and an equal playing field, then you are going to have to work on the food safety for agriculture and organic and all of those others in this legislation.

We have been trying to do that, and the author of the bill, JOHN DINGELL, has been a tremendous help in trying to understand the nuances of small farmers, of organic farmers and others that are selling to farmers' markets.

But I hear from all my ag folks that they may not want the FDA, who don't know much about growing practices, to be out there. They do agree we need to have these national standards, that this is the only way we are going to ensure that all food we serve in this country, which has the safest food in the world, is going to be even safer.

So I share the concerns raised by the minority, but I think that the best answer to the problem is to work in a constructive way so that we can develop constructive regulations that benefit everyone, and that is an equal playing field, not a split between the USDA and the FDA.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

Mr. Speaker, I rise in opposition to the rule and the underlying legislation. This bill was brought to the floor yesterday under an expedited rule in order to push the measure through with minimal debate. The bill failed to pass under a two-thirds vote, and that is why we are considering it again today.

I have three main objections to the bill in its current form: the cost to our farmers, the jurisdictional overreach of FDA, and the process the majority has taken to bring this to the floor today.

Let me begin by saying that food safety is among the highest priorities of our farmers, the USDA and the Agriculture Committee. In my view, having a safe and abundant domestic food supply is a crucial public health matter and it is equally imperative to our national security.

Although America has the safest food supply in the world, there are clearly improvements that need to be made to our system. However, this legislation is not a step in the right direction. The bill would do little, if anything at all, to improve food safety, yet will have a substantial impact upon the Nation's 2.2 million farms, many of which are family owned and operated.

Specifically, I am concerned with the increased costs this bill will charge farms in the form of unnecessary fees and registrations. Farmers will not be able to sell their products without pay-

ing expensive annual registration fees. Enacting this legislation could place significant new financial and administrative burdens on the Food and Drug Administration. The bill provides the FDA with more regulatory authority over farming activities, when currently such activities are already regulated by the agriculture experts at USDA.

USDA is doing great outreach work on food safety and has a presence in every county across this country. In other words, USDA already is doing a great deal of work on improving food safety, and therefore food safety does not need to be additionally regulated by the FDA. I admit that some modest steps were taken to improve the bill, specifically regarding livestock and row crops, but the minor improvements did not go far enough to improve the overall bill.

The United States Department of Agriculture has a strong record. They work hard to partner with industry, they work hard to provide mechanisms for consumer input, and they work hard on consumer education regarding food safety. Frankly, my confidence lies with the USDA rather than the FDA.

I also have substantial concerns with the process taken to bring this measure to the floor. This legislation bypassed regular order and was not considered by the committee of jurisdiction. This legislation has the greatest impact on our farmers, but never received consideration by the committee tasked with agricultural oversight.

I again strongly urge my colleagues to vote "no" on the rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), chairman emeritus of the Energy and Commerce Committee and dean of the House.

Mr. DINGELL. Mr. Speaker, we are hearing much fiction and little fact. I want to say what I say with great respect and affection for the gentleman from Oklahoma, but giving an understanding of what it is we are doing and why is very important here.

I represent farmers and I represent consumers. Almost all of us have some farmers, and all of us represent consumers. The safety of both is important.

Understand that Food and Drug has been starved of authority and starved of money for a long time. The last meaningful reform in Food and Drug occurred in 1938. America's food is the safest in the world, but it is not as safe as it should be. It should be known that much of the lack of safety of American food comes because of foreign producers, whose production cannot be traced and checked.

We are going to hear complaints about the tomato pepper problem that we had a few years ago. That occurred because there is no way of tracing or

finding how these goods move through commerce. Similar situations have occurred with regard to seafood and shellfish, with regard to berries and grapes, with regard to all manner of leafy vegetables and foods. It occurs because Food and Drug cannot control what enters this country, and it occurs because Food and Drug does not have the authority to properly deal with it.

In the instance of major failures, it has occurred because the Food and Drug Administration does not have sufficient authority to focus on the specific wrongdoers and wrongdoing. So every American producer is hurt. We have enabled Food and Drug and required them to address this by a focused effort.

Now, with regard to the authorities given, first of all, we have assiduously avoided any intrusion into the authority of the Agriculture Committee. Extensive discussions were held between the Commerce Committee members and the Committee on Agriculture; respectful, open, friendly discussions.

If there are troubles inside the Agriculture Committee, that is not a matter that the Commerce Committee can address. But we have achieved the approval of the chairman of the committee, who spoke yesterday, as my colleagues will remember, in favor of the legislation which we now discuss.

What does the legislation do? First of all, it keeps the FDA off the farm. Second of all, it is aimed at seeing to it that we have a responsible program for control. It requires registration of producers and manufacturers. That is very important, because without that, Food and Drug doesn't know who is doing what and has no real control to assure that good manufacturing practices, a word of art, are applied by the industry at every phase.

The Chinese are notoriously sloppy in their handling of food: melamine in milk products, unsafe seafood, unsafe shellfish, unsafe meats, mushrooms that are unsafe.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Ms. SLAUGHTER. I yield the gentleman 2 additional minutes.

Mr. DINGELL. So, if the manufacturer or the processor pays no fee and does not register, he can't bring the food in this country to poison Americans.

Just recently, we had a major peanut scare. Eight people died, that we know of. Large numbers were sickened. We had a similar problem with other nut products, and the result has been that, again, people were sickened. I mentioned the other kinds of problems that we have confronted, including berries. Americans are dying because Food and Drug does not have the authority to protect them, and American producers and American agriculture is being hurt in enormous amounts because of this.

We will shortly be seeing an attempt by my Republican colleagues to come forward with a motion to recommit that will raise money that American manufacturers and producers are contributing to assure that Food and Drug can protect the consuming public and can protect the farmers, manufacturers and producers against unfair competition.

The bill makes it possible for us to track foods from the point where they are grown to the point where they reach the hands of the consumer. That is extremely important, because without that, a disaster impends with regard to the people who are sickened or killed, but it also is going to impact upon the farmers, the producers, and people in the industry.

This is a balanced, honest, fair, and friendly attempt to see to it that everyone gets the protection that Food and Drug can give. The Department of Agriculture, its inspection and its operations, is not impaired by this. And if my good friends on the Agriculture Committee on the minority side have business that they want to do with regard to their concerns on agriculture, I would urge them to do so, but not to raid the funds, not to oppose good legislation, not to prevent the protection of American consumers. The country deserves better.

□ 1515

The SPEAKER pro tempore. The time of the gentleman has again expired.

Ms. SLAUGHTER. I yield an additional 1 minute to the gentleman from Michigan.

Mr. DINGELL. I will use that minute wisely, Madam Chairman, first, to thank you for an excellent rule; second, to thank you for the leadership that you have shown, not only on this matter but many other difficult matters of concern, especially to the American consuming public. The bill is not a new piece of legislation. It has been around and has been the source of a number of investigations by the Commerce Committee, where we find that people are being killed by the inadequacy of authority of Food and Drug, by its inability to protect the American people.

This is a good bill. As I have pointed out, it's old enough to vote. It has gone through many iterations. Now, I hear my friends on the Republican side complaining about the bill. But the harsh fact of the matter is that the changes about which they complain are changes that were made to meet the concerns of the Agriculture Committee as expressed by its chairman, and changes that were made to meet the concerns of producers, manufacturers and growers. I urge my colleagues to support the rule and to support the bill.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to the former chairman of

the Agriculture Committee, Mr. GOODLATTE.

Mr. GOODLATTE. I thank the gentlewoman for yielding. I thank her and the gentleman from Oklahoma for their leadership in attempting to address this issue, even though we bring a bill to the floor under a closed rule, with no opportunity, not only on the floor of the House, but also in the House Agriculture Committee, to mark up a bill that proposes to make food safer. Unfortunately, this bill does little, if anything, to enhance food safety.

The legislation does not require the U.S. Food and Drug Administration to spend one additional penny on the inspection of food; yet the legislation imposes significant regulatory burdens on small businesses without properly holding the regulatory agency accountable. The bill contains an expanded registration requirement that effectively creates a Federal license to be in the food business.

Like the Democrat stimulus bill, cap-and-trade, and the proposed health care bill, this is another example of broadening the size and scope of government, raising new taxes on small businesses, and intruding in the private lives of Americans.

On-farm performance standards: New language added to the bill would exclude row crop producers from FDA regulatory authority over growing and harvesting of crops. Language was also improved that would relieve livestock producers from some of the burdens of the law. Although these are needed changes, they do not go far enough to make the bill acceptable. This bill still leaves our Nation's fruit and vegetable producers subject to objectionable regulatory burdens. We can still expect to have an agency of the Federal Government telling our farmers how to do their jobs.

Registration of food-processing facilities was originally envisioned as a commonsense way of helping the FDA identify facilities under the bioterrorism act in 2002. This provision turns registration into a Federal license for any food business to operate by charging exorbitant fees, making it unlawful to sell food without a registration license and allowing the FDA to suspend a company's registration.

Traceability is another issue. It does not make food safer. Traceability simply adds enormous regulatory burden without even knowing if it can be done in the first place. There is no requirement that the system developed by the FDA be feasible or affordable.

Recordkeeping: Broad recordkeeping authorities will impose significant regulatory burdens. Minimal consideration is given to risks associated with the product produced at the regulated facility when developing the recordkeeping requirements. The language lacks protections from disclosure of proprietary information.

The issue of quarantine authority. The bill's quarantine authority allows the Food and Drug Administration to quarantine a geographic area if there is credible evidence that food poses a health risk. No consideration is given to economic losses suffered by food producers, processors or distributors in the quarantine area. It's my understanding that the ranking member of the Agriculture Committee will offer something that will help to correct that later on, and I hope everyone will support that measure.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 1 minute.

Mr. GOODLATTE. In particular, if the FDA ultimately lifts the quarantine for lack of confirmatory evidence, the agency has no obligation, authority or means to indemnify producers for their losses. Conversely, under the authority of the Animal Health Protection Act and Plant Protection Act, the USDA, which has jurisdiction over other sectors of our food safety and has done an outstanding job, must indemnify producers who have incurred such losses.

The language allows the FDA to act on suspicion to require a producer to cease distribution of food. Once again, no consideration is given in this legislation to indemnification for economic damages, particularly if the FDA was wrong.

From a public health and safety point of view, end product testing offers little protection or assurance. HAACP was introduced as a system whereby the manufacturer evaluates their process and institutes site and process specific controls, rather than attempt to detect problems by testing the finished product. That is the better way to go.

Mr. Speaker, I would urge my colleagues to oppose this rule, this closed rule, and this bad bill.

Ms. SLAUGHTER. I will reserve.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume. The concern about closed rules is not just one expressed by Republicans. Democrats have expressed their own frustrations with the closed manner in which this Congress is being operated, but nothing has changed.

In February, a group of Democrats garnered more than 60 signatures on a letter to Majority Leader HOYER calling for a prompt return to regular order. In the letter, they stated that "Committees must function thoroughly and inclusively, and cooperation must ensue between the parties and the houses to ensure that our legislative tactics enable rather than impede progress." This was written by, as I said, over 60 Democratic Members.

They went on to say, "In general, we must engender an atmosphere that allows partisan games to cease and col-

laboration to succeed. We look forward to working with you to restore this institution." So not only does the closed rule process hurt and exclude Republican Members, it hurts and excludes Democrat Members as well.

By preferring to stifle debate, the Democrats in charge have denied their colleagues on both sides of the aisle the ability to do the job they've been elected to do, offer ideas that represent and serve their constituents. The Democrats in charge are denying Members the ability to offer improvements to legislation, and this is an injustice to all of their colleagues, and this rule and this bill are prime examples.

The Democrats in charge are limiting what ideas can be debated on the floor and what constituents can be represented in this House. Our constituents, in both Republican and Democrat districts, are struggling to make ends meet, are facing unemployment, and yet are simultaneously being shut out of participating in a debate over how their hard-earned taxpayer dollars are being borrowed and spent by the Federal Government.

Mr. Speaker, it's very concerning to me that the Democrat majority has chosen to silence their colleagues on both sides of the aisle yet again. In doing so, they have chosen to keep the millions of constituents we represent from having a voice on the floor of the people's House.

My colleagues have offered a lot of reasons why this bill underlying this rule is not a good bill and needs to be improved. But I want to make a couple of comments about that, also. This bill actually does very little to enhance food safety. In fact, I want to call attention, again, to the motto of the State of North Carolina, "To be, rather than to seem."

We have a bill here called the Food Safety Enhancement Act that does very little to enhance the safety of food. As my colleague from Virginia said just now, the FDA is not being required to spend one extra dime on inspecting food. But it gives unprecedented authority to the Food and Drug Administration by imposing mandatory recall, quarantine authority, recording requirements, warrantless inspection authority and country-of-origin labeling requirements.

By enacting user fees on inspections and licensing requirements on food facilities, this bill essentially places a tax on consumers by increasing the price of food. So much for the promise that taxes would not go up on people who make less than \$250,000 a year.

This bill grants the FDA the authority to shut down or inspect businesses and determine what qualifies as a health concern.

This bill leaves our Nation's fruit and vegetable producers subject to regulatory burdens by allowing the FDA to regulate how crops are raised, dic-

tating to farmers how they should farm. We've been farming since our earliest beginnings as a species, and we've done it without the regulatory guidance of the FDA. This bill reminds me of the tactics of the former Soviet Union, and we know how successful that was.

This bill requires the Secretary of Health and Human Services to establish a tracing system for food. Each person who produces, manufactures, processes, packs, transports or holds such food would have to maintain the full pedigree of the origin and pre-use distribution history of the food. This bill does not explain how far foods will have to be traced back, or how it will be done for foods with multiple ingredients. Given these ambiguities, it's unclear how much it will cost farmers and taxpayers.

This bill also creates severe criminal and civil penalties, including prison terms of up to 10 years and/or fines of up to a total of \$100,000 for individuals.

The bill would impose an annual registration fee of \$500 on any facility that holds, processes or manufactures food. Even though farms are technically exempt, FDA has defined "farm" very narrowly. People making foods such as lacto-fermented vegetables, cheeses or breads would be required to register and pay the fee, which could drive small and start-up producers out of business during difficult economic times.

The bill would empower the FDA to regulate how crops are raised and harvested. It puts the Federal government right on the farm dictating to our farmers. And yet, Mr. Speaker, it never went through the Agriculture Committee. This bill that will directly impact American farmers was never vetted through the established processes in the Agriculture Committee, doing a great disservice to the American people. Why is the Democrat leadership refusing to allow a committee with jurisdiction over this matter to offer their ideas and join in on the legislative process?

This bill will cost taxpayers nearly \$2.2 billion over 5 years. Every day I hear from constituents their concerns that the Federal Government in Washington is borrowing and spending too much. The American people know that in these tough times they should save, not spend money. However, the Federal Government does not reflect the common sense I see throughout my district. Instead, the Democrats in charge continue to borrow more and spend more, increasing our Federal deficit on the backs of our children and grandchildren.

This bill will increase the deficit even more by borrowing and spending money we do not have. We can no longer blame the deficit and economic difficulties today on the previous administration. The Democrats in charge

have shown they do not care about the deficit by continuing to dig America into a bigger and bigger hole with more reckless spending. This borrowed money is all being spent by Speaker PELOSI and the Obama administration, and as a result, the unemployment rate will continue to rise and the deficit will continue to increase.

I urge my colleagues to vote down the previous question and the rule.

I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I would like to close by reiterating what I have said before, that in the United States, every single year 76 million Americans get ill from contaminated food, and 5,000 die.

□ 1530

As a scientist, I, for one, would like once more to feel pride and confidence in the FDA.

I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. SLAUGHTER. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 172

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 31, 2009, Saturday, August 1, 2009, or Sunday, August 2, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 8, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, August 6, 2009, through Tuesday, August 11, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 8, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LUCAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to House Concurrent Resolution 172 will be followed by 5-minute votes on the adoption of H. Res. 691 and motions to suspend the rules with regard to H.R. 2728, if ordered, and H.R. 2510, if ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 191, not voting 11, as follows:

[Roll No. 676]

YEAS—231

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Bocieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro

Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gerlach
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur

Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lowey
Lujan
Lummis
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)

Paul
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda
T.
Sarbanes
Schakowsky

Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague

Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Young (AK)

NAYS—191

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes

Fortenberry
Foster
Foxo
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (GA)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel
E.
Maffei
Manzullo
Marchant
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Melancon
Mica
Michaud
Miller (FL)

Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberti
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—11

Grijalva	Payne	Van Hollen
Lofgren, Zoe	Ryan (OH)	Yarmuth
Mack	Sanchez, Loretta	Young (FL)
McCarthy (NY)	Schwartz	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1557

Messrs. GALLEGLY, BARTON of Texas, SESSIONS, MAFFEI, and KING of Iowa changed their vote from “yea” to “nay.”

Mrs. DAHLKEMPER, Messrs. AL GREEN of Texas, ORTIZ, CLEAVER, and TEAGUE changed their vote from “nay” to “yea.”

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 676, had I been present, I would have voted “yea.”

PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 691, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 180, not voting 4, as follows:

[Roll No. 677]

YEAS—249

Abercrombie	Carnahan	Dingell
Ackerman	Carney	Doggett
Adler (NJ)	Carson (IN)	Donnelly (IN)
Altmire	Castle	Doyle
Andrews	Castor (FL)	Driehaus
Arcuri	Chandler	Edwards (MD)
Baca	Childers	Edwards (TX)
Baird	Chu	Ellison
Baldwin	Clarke	Ellsworth
Barrow	Clay	Engel
Barton (TX)	Cleaver	Eshoo
Bean	Clyburn	Etheridge
Becerra	Cohen	Farr
Berkley	Connolly (VA)	Fattah
Berman	Conyers	Filner
Berry	Cooper	Foster
Bishop (GA)	Costa	Frank (MA)
Bishop (NY)	Costello	Fudge
Blumenauer	Courtney	Giffords
Bocieri	Crowley	Gingrey (GA)
Boren	Cuellar	Gonzalez
Boswell	Cummings	Gordon (TN)
Boucher	Dahlkemper	Grayson
Boyd	Davis (AL)	Green, Al
Brady (PA)	Davis (CA)	Green, Gene
Braley (IA)	Davis (IL)	Griffith
Bright	Davis (TN)	Grijalva
Brown, Corrine	Deal (GA)	Gutierrez
Butterfield	DeFazio	Hall (NY)
Buyer	DeGette	Halvorson
Capps	DeLauro	Hare
Capuano	Dicks	Harman
Cardoza		Hastings (FL)

Herseth Sandlin	McDermott	Schakowsky
Higgins	McGovern	Schauer
Himes	McIntyre	Schiff
Hinchee	McMahon	Schrader
Hinojosa	McNerney	Schwartz
Hirono	Meek (FL)	Scott (GA)
Hodes	Meeks (NY)	Scott (VA)
Holden	Melancon	Serrano
Holt	Michaud	Sestak
Honda	Miller (NC)	Shea-Porter
Hoyer	Miller, George	Sherman
Inslee	Mollohan	Sires
Israel	Moore (WI)	Skelton
Jackson (IL)	Moran (VA)	Slaughter
Jackson-Lee (TX)	Murphy (CT)	Smith (WA)
Johnson (GA)	Murphy (NY)	Snyder
Johnson, E. B.	Murphy, Patrick	Space
Kagen	Murtha	Speier
Kanjorski	Nadler (NY)	Spratt
Kaptur	Napolitano	Stark
Kennedy	Neal (MA)	Stupak
Kildee	Nye	Sutton
Kilpatrick (MI)	Oberstar	Tanner
Kilroy	Obey	Taylor
Kind	Oliver	Thompson (CA)
Kirkpatrick (AZ)	Ortiz	Thompson (MS)
Kissell	Pallone	Tierney
Klein (FL)	Pascarella	Titus
Kosmas	Pastor (AZ)	Tonko
Kucinich	Payne	Towns
Langevin	Perlmutter	Tsongas
Larsen (WA)	Peters	Upton
Larson (CT)	Peterson	Van Hollen
Lee (CA)	Pingree (ME)	Velázquez
Levin	Polis (CO)	Visclosky
Lewis (GA)	Pomeroy	Walz
Lipinski	Price (NC)	Wasserman
Loeb sack	Quigley	Schultz
Lofgren, Zoe	Rahall	Waters
Lowey	Rangel	Watson
Lujan	Reyes	Watt
Lynch	Richardson	Waxman
Maffei	Rodriguez	Weiner
Maloney	Ross	Welch
Markey (CO)	Rothman (NJ)	Wexler
Markey (MA)	Roybal-Allard	Wilson (OH)
Marshall	Ruppersberger	Woolsey
Massa	Rush	Wu
Matheson	Ryan (OH)	Yarmuth
Matsui	Sánchez, Linda T.	
McCollum	Sarbanes	

NAYS—180

Aderholt	Culberson	Jordan (OH)
Akin	Davis (KY)	King (IA)
Alexander	Dent	King (NY)
Austria	Diaz-Balart, L.	Kingston
Bachmann	Diaz-Balart, M.	Kirk
Bachus	Dreier	Kline (MN)
Barrett (SC)	Duncan	Kratovil
Bartlett	Ehlers	Lamborn
Biggart	Emerson	Lance
Bilbray	Fallin	Latham
Bilirakis	Flake	LaTourette
Bishop (UT)	Fleming	Latta
Blackburn	Forbes	Lee (NY)
Blunt	Fortenberry	Lewis (CA)
Boehner	Fox	Linder
Bonner	Franks (AZ)	LoBiondo
Bono Mack	Frelinghuysen	Lucas
Boozman	Galleghy	Luetkemeyer
Boustany	Garrett (NJ)	Lummis
Brady (TX)	Gerlach	Lungren, Daniel E.
Broun (GA)	Gohmert	Mack
Brown (SC)	Goodlatte	Manzullo
Brown-Waite	Granger	Marchant
Ginny	Graves	McCarthy (CA)
Buchanan	Guthrie	McCauley
Burgess	Hall (TX)	McClintock
Burton (IN)	Harper	McCotter
Calvert	Hastings (WA)	McHenry
Camp	Heinrich	McHugh
Campbell	Heller	McKeon
Cantor	Hensarling	McMorris
Cao	Herger	Rodgers
Capito	Hill	Mica
Carter	Hoekstra	Miller (FL)
Cassidy	Hunter	Miller (MI)
Chaffetz	Inglis	Miller, Gary
Coble	Issa	Minnick
Coffman (CO)	Jenkins	Mitchell
Cole	Johnson (IL)	Moore (KS)
Conaway	Johnson, Sam	Moran (KS)
Crenshaw	Jones	

Murphy, Tim	Rogers (KY)	Smith (NJ)
Myrick	Rogers (MI)	Smith (TX)
Neugebauer	Rohrabacher	Souder
Nunes	Rooney	Stearns
Olson	Ros-Lehtinen	Sullivan
Paul	Roskam	Teague
Paulsen	Royce	Terry
Pence	Ryan (WI)	Thompson (PA)
Perriello	Salazar	Thornberry
Petri	Scalise	Tiahrt
Pitts	Schmidt	Tiberi
Platts	Schock	Turner
Poe (TX)	Sensenbrenner	Walden
Posey	Sessions	Wamp
Putnam	Shadegg	Westmoreland
Radanovich	Shimkus	Whitfield
Rehberg	Shuler	Wilson (SC)
Reichert	Shuster	Wittman
Roe (TN)	Simpson	Wolf
Rogers (AL)	Smith (NE)	Young (AK)

NOT VOTING—4

McCarthy (NY)	Sanchez, Loretta
Price (GA)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1604

Mr. MOORE of Kansas changed his vote from “yea” to “nay.”

Mr. CARSON of Indiana changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WILLIAM ORTON LAW LIBRARY IMPROVEMENT AND MODERNIZATION ACT

The SPEAKER pro tempore (Mr. CAPUANO). The unfinished business is the question on suspending the rules and passing the bill, H.R. 2728, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 2728, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 383, noes 44, not voting 6, as follows:

[Roll No. 678]

AYES—383

Abercrombie	Baca	Becerra
Ackerman	Bachmann	Berkley
Aderholt	Bachus	Berry
Adler (NJ)	Biggart	Bilbray
Alexander	Baldwin	Bilirakis
Altmire	Barrett (SC)	Bishop (GA)
Andrews	Barrow	Bishop (NY)
Arcuri	Barton (TX)	Bishop (UT)
Austria	Bean	

Blumenauer Fudge
Blunt Gallegly
Boccheri Gerlach
Boehner Giffords
Bonner Gohmert
Bono Mack Gonzalez
Boozman Goodlatte
Boren Gordon (TN)
Boswell Granger
Boucher Graves
Boustany Grayson
Boyd Green, Al
Brady (PA) Green, Gene
Braley (IA) Griffith
Bright Grijalva
Brown (SC) Guthrie
Brown, Corrine Gutierrez
Brown-Waite, Hall (NY)
Ginny Hall (TX)
Buchanan Halvorson
Burton (IN) Hare
Butterfield Harman
Buyer Harper
Calvert Hastings (FL)
Camp Hastings (WA)
Cao Heinrich
Capito Heller
Capps Herseht Sandlin
Capuano Higgins
Cardoza Hill
Carnahan Himes
Carney Hinchey
Carson (IN) Hinojosa
Castle Hirono
Castor (FL) Hodes
Chaffetz Hoekstra
Chandler Holden
Childers Holt
Chu Honda
Clarke Hoyer
Clay Hunter
Cleaver Inglis
Clyburn Inslee
Cohen Israel
Cole Issa
Conaway Jackson (IL)
Connolly (VA) Jackson-Lee
Conyers (TX)
Cooper Jenkins
Costa Johnson (GA)
Costello Johnson, E. B.
Courtney Johnson, Sam
Crenshaw Jones
Crowley Kagen
Cuellar Kanjorski
Culberson Kaptur
Cummings Kennedy
Dahlkemper Kildee
Davis (AL) Kilpatrick (MI)
Davis (CA) Kilroy
Davis (IL) Kind
Davis (KY) King (NY)
Davis (TN) Kirk
DeFazio Kirkpatrick (AZ)
DeGette Kissell
Delahunt Klein (FL)
DeLauro Kline (MN)
Dent Kosmas
Diaz-Balart, L. Kratovil
Diaz-Balart, M. Kucinich
Dicks Lance
Dingell Langevin
Doggett Larsen (WA)
Donnelly (IN) Larson (CT)
Doyle Latham
Driehaus LaTourette
Duncan Latta
Edwards (MD) Lee (CA)
Edwards (TX) Lee (NY)
Ehlers Levin
Ellison Lewis (CA)
Ellsworth Lewis (GA)
Emerson Linder
Engel Lipinski
Eshoo LoBiondo
Etheridge Loeb sack
Fallin Lofgren, Zoe
Farr Lowey
Fattah Lucas
Filner Luetkemeyer
Fleming Lujan
Forbes Lungren, Daniel
Fortenberry E.
Foster Lynch
Frank (MA) Mack
Frelinghuysen Maffei

Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sarbanes

Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)

NOES—44

Akin
Bartlett
Blackburn
Brady (TX)
Broun (GA)
Burgess
Campbell
Cantor
Carter
Cassidy
Coble
Coffman (CO)
Deal (GA)
Dreier
Flake

NOT VOTING—6

Berman
McCarthy (NY)

Moore (WI)
Price (GA)

Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner

Neugebauer
Olson
Paul
Petri
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Shadegg
Stearns
Westmoreland
Wilson (SC)

Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1613

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PRICE of Georgia. Mr. Speaker, on roll-call Nos. 677 and 678 I was inadvertently detained. Had I been present, I would have voted "no" on No. 677 and "no" on No. 678.

ABSENTEE BALLOT TRACK,
RECEIVE, AND CONFIRM ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2510.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 2510.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIR OF
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,
Washington, DC, May 15, 2009.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 194 of title 14, United States Code, as Chairman of the Committee on Transportation and Infrastructure, I am required to designate three Members of the United States Coast Guard Academy Board of Visitors. I designate Representative Michael H. Michaud (Maine), Representative Mazie Hirono (Hawaii), and Ranking member John L. Mica (Florida) to serve on the Board of Visitors.

Since its founding in 1876, the Coast Guard Academy, based in New London, Connecticut has accomplished its mission of "educating, training, and developing leaders of character who are ethically, intellectually, professionally, and physically prepared to serve their country." The Board of Visitors meets annually with staff, faculty and cadets to review the Academy's programs, curricula, and facilities and to assess future needs. The Board of Visitors plays an important supervisory role in ensuring the continued success of the Academy and the tradition of excellence of the U.S. Coast Guard.

Thank you for your consideration in this matter.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

□ 1615

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF
H.R. 3269, CORPORATE AND FINANCIAL
INSTITUTION COMPENSATION FAIRNESS ACT OF 2009

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111-237) on the resolution (H. Res. 697) providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions, which was referred to the House Calendar and ordered to be printed.

FOOD SAFETY ENHANCEMENT ACT
OF 2009

Mr. DINGELL. Mr. Speaker, pursuant to H. Res. 691, I call up the bill (H.R. 2749) to amend the Federal Food,

Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 691, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in House Report 111-235 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food Safety Enhancement Act of 2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Rules of construction.
- Sec. 5. USDA exemptions.
- Sec. 6. Alcohol-related facilities.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

- Sec. 101. Changes in registration of food facilities.
- Sec. 102. Hazard analysis, risk-based preventive controls, food safety plan, finished product test results from category 1 facilities.
- Sec. 103. Performance standards.
- Sec. 104. Safety standards for produce and certain other raw agricultural commodities.
- Sec. 105. Risk-based inspection schedule.
- Sec. 106. Access to records.
- Sec. 107. Traceability of food.
- Sec. 108. Reinspection and food recall fees applicable to facilities.
- Sec. 109. Certification and accreditation.
- Sec. 110. Testing by accredited laboratories.
- Sec. 111. Notification, nondistribution, and recall of adulterated or misbranded food.
- Sec. 112. Reportable food registry; exchange of information.
- Sec. 113. Safe and secure food importation program.
- Sec. 114. Infant formula.

Subtitle B—Intervention

- Sec. 121. Surveillance.
- Sec. 122. Public education and advisory system.
- Sec. 123. Research.

Subtitle C—Response

- Sec. 131. Procedures for seizure.
- Sec. 132. Administrative detention.
- Sec. 133. Authority to prohibit or restrict the movement of food.
- Sec. 134. Criminal penalties.
- Sec. 135. Civil penalties for violations relating to food.
- Sec. 136. Improper import entry filings.

TITLE II—MISCELLANEOUS

- Sec. 201. Food substances generally recognized as safe.
- Sec. 202. Country of origin labeling.
- Sec. 203. Exportation certificate program.

Sec. 204. Registration for commercial importers of food; fee.

Sec. 205. Registration for customs brokers.

Sec. 206. Unique identification number for food facilities, importers, and custom brokers.

Sec. 207. Prohibition against delaying, limiting, or refusing inspection.

Sec. 208. Dedicated foreign inspectorate.

Sec. 209. Plan and review of continued operation of field laboratories.

Sec. 210. False or misleading reporting to FDA.

Sec. 211. Subpoena authority.

Sec. 212. Whistleblower protections.

Sec. 213. Extraterritorial jurisdiction.

Sec. 214. Support for training institutes.

Sec. 215. Bisphenol A in food and beverage containers.

Sec. 216. Lead content labeling requirement for ceramic tableware and cookware.

SEC. 3. REFERENCES.

Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 4. RULES OF CONSTRUCTION.

(a) Nothing in this Act or the amendments made by this Act shall be construed to prohibit or limit—

- (1) any cause of action under State law; or
- (2) the introduction of evidence of compliance or noncompliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) Nothing in this Act or any amendment made by this Act shall be construed to—

- (1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;
- (2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 5. USDA EXEMPTIONS.

(a) USDA-REGULATED PRODUCTS.—Food is exempt from the requirements of this Act to the extent that such food is regulated by the Secretary of Agriculture under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(b) LIVESTOCK AND POULTRY.—Livestock and poultry that are intended to be presented for slaughter pursuant to the regulations by the Secretary of Agriculture under the Federal Meat Inspection Act or the Poultry Products Inspection Act are exempt from the requirements of this Act. A cow, sheep, or goat that is used for the production of milk is exempt from the requirements of this Act.

(c) USDA-REGULATED FACILITIES.—A facility is exempt from the requirements of this

Act to the extent such facility is regulated as an official establishment by the Secretary of Agriculture under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act or under a program recognized by the Secretary of Agriculture as at least equal to Federal regulation under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

(d) FARMS.—A farm is exempt from the requirements of this Act to the extent such farm raises animals from which food is derived that is regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

SEC. 6. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—With the exception of the amendments made by section 101(a) and (b) and section 113 of this Act, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5291 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the distributing of any non-alcohol food, except that subsection (a) shall apply to a facility described in paragraphs (1) and (2) of subsection (a) that receives and distributes non-alcohol food provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to exempt any food, apart from distilled spirits, wine, and malt beverages, as defined in section 211 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act and the amendments made by this Act.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

SEC. 101. CHANGES IN REGISTRATION OF FOOD FACILITIES.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

“(z) If it was manufactured, processed, packed, or held in a facility that is not duly registered under section 415, including a facility whose registration is canceled or suspended under such section.”.

(b) ANNUAL REGISTRATION.—

(1) DEFINITION OF FACILITY.—Paragraph (1) of section 415(b) (21 U.S.C. 350d(b)) is amended to read as follows:

“(1)(A) The term ‘facility’ means any factory, warehouse, or establishment (including a factory, warehouse, or establishment of an importer) that manufactures, processes, packs, or holds food.

“(B) Such term does not include farms; private residences of individuals; restaurants;

other retail food establishments; nonprofit food establishments in which food is prepared for or served directly to the consumer; or fishing vessels (except such vessels engaged in processing as defined in section 123.3(k) of title 21, Code of Federal Regulations, or any successor regulations).

“(C)(i) The term ‘retail food establishment’ means an establishment that, as its primary function, sells food products (including those food products that it manufactures, processes, packs, or holds) directly to consumers (including by Internet or mail order).

“(ii) Such term includes—

“(I) grocery stores;

“(II) convenience stores;

“(III) vending machine locations; and

“(IV) stores that sell bagged feed, pet food, and feed ingredients or additives over-the-counter directly to consumers and final purchasers for their own personal animals.

“(iii) A retail food establishment’s primary function is to sell food directly to consumers if the annual monetary value of sales of food products directly to consumers exceeds the annual monetary value of sales of food products to all other buyers.

“(D)(i) The term ‘farm’ means an operation in one general physical location devoted to the growing and harvesting of crops, the raising of animals (including seafood), or both.

“(ii) Such term includes—

“(I) such an operation that packs or holds food, provided that all food used in such activities is grown, raised, or consumed on such farm or another farm under the same ownership;

“(II) such an operation that manufactures or processes food, provided that all food used in such activities is consumed on such farm or another farm under the same ownership;

“(III) such an operation that sells food directly to consumers if the annual monetary value of sales of the food products from the farm or by an agent of the farm to consumers exceeds the annual monetary value of sales of the food products to all other buyers;

“(IV) such an operation that manufactures grains or other feed stuffs that are grown and harvested on such farm or another farm under the same ownership and are distributed directly to 1 or more farms for consumption as food by humans or animals on such farm; and

“(V) a fishery, including a wild fishery, an aquaculture operation or bed, a fresh water fishery, and a saltwater fishery.

“(iii) Such term does not include such an operation that receives manufactured feed from another farm as described in clause (ii)(IV) if the receiving farm releases the feed to another farm or facility under different ownership.

“(iv) The term ‘harvesting’ includes washing, trimming of outer leaves of, and cooling produce.

“(E) The term ‘consumer’ does not include a business.”

(2) REGISTRATION.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(A) in the first sentence of paragraph (1)—

(i) by striking “require that” and inserting “require that, on or before December 31 of each year,”; and

(ii) by striking “food for consumption in the United States” and inserting “food for consumption in the United States or for export from the United States”;

(B) in subparagraphs (A) and (B) of paragraph (1), by inserting “and pay the registration fee required under section 743” after “submit a registration to the Secretary” each place it appears;

(C) in the first sentence of paragraph (2), by inserting “in electronic format” after “submit”; and

(D) in paragraph (4), by inserting after the first sentence the following: “The Secretary shall remove from such list the name of any facility that fails to reregister in accordance with this section, that fails to pay the registration fee required under section 743, or whose registration is canceled by the registrant, canceled by the Secretary in accordance with this section, or suspended by the Secretary in accordance with this section.”.

(3) CONTENTS OF REGISTRATION.—Paragraph (2) of section 415(a) (21 U.S.C. 350d(a)), as amended by paragraph (1), is amended by striking “containing information” and all that follows and inserting the following: “containing information that identifies the following:

“(A) The name, address, and emergency contact information of the facility being registered.

“(B) The primary purpose and business activity of the facility, including the dates of operation if the facility is seasonal.

“(C) The general food category (as defined by the Secretary by guidance) of each food manufactured, processed, packed, or held at the facility.

“(D) All trade names under which the facility conducts business related to food.

“(E) The name, address, and 24-hour emergency contact information of the United States distribution agent for the facility, which agent shall have access to the information required to be maintained under section 414(d) for food that is manufactured, processed, packed, or held at the facility.

“(F) If the facility is located outside of the United States, the name, address, and emergency contact information for a United States agent.

“(G) The unique facility identifier of the facility, as specified under section 1011.

“(H) Such additional information pertaining to the facility as the Secretary may require by regulation.

The registrant shall notify the Secretary of any change in the submitted information not later than 30 days after the date of such change, unless otherwise specified by the Secretary.”.

(4) SUSPENSION AND CANCELLATION AUTHORITY.—Section 415(a) (21 U.S.C. 350d(a)), as amended by paragraphs (1) and (2), is further amended by adding at the end the following:

“(5) SUSPENSION OF REGISTRATION.—

“(A) IN GENERAL.—The Secretary may suspend the registration of any facility registered under this section for a violation of this Act that could result in serious adverse health consequences or death to humans or animals.

“(B) NOTICE OF SUSPENSION.—Suspension of a registration shall be preceded by—

“(i) notice to the facility of the intent to suspend the registration; and

“(ii) an opportunity for an informal hearing, as defined in guidance or regulations issued by the Secretary, concerning the suspension of such registration for such facility.

“(C) REQUEST.—The owner, operator, or agent in charge of a facility whose registration is suspended may request that the Secretary vacate the suspension of registration when such owner, operator, or agent has corrected the violation that is the basis for such suspension.

“(D) VACATING OF SUSPENSION.—If, based on an inspection of the facility or other information, the Secretary determines that adequate reasons do not exist to continue the

suspension of a registration, the Secretary shall vacate such suspension.

“(6) CANCELLATION OF REGISTRATION.—

“(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration if the Secretary determines that—

“(i) the registration was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information; or

“(ii) the required registration fee has not been paid within 30 days after the date due.

“(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the facility of the intent to cancel the registration and the basis for such cancellation.

“(C) TIMELY UPDATE OR CORRECTION.—If the registration for the facility is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

“(7) REPORT TO CONGRESS.—Not later than March 30th of each year, the Secretary shall submit to the Congress a report, based on the registrations on or before December 31 of the previous year, on the following:

“(A) The number of facilities registered under this section.

“(B) The number of such facilities that are domestic.

“(C) The number of such facilities that are foreign.

“(D) The number of such facilities that are high-risk.

“(E) The number of such facilities that are low-risk.

“(F) The number of such facilities that hold food.

“(8) LIMITATION ON DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or cancel a registration shall not be delegated to any officer or employee other than the Commissioner of Food and Drugs, the Principal Deputy Commissioner, the Associate Commissioner for Regulatory Affairs, or the Director for the Center for Food Safety and Applied Nutrition, of the Food and Drug Administration.”.

(c) REGISTRATION FEE.—Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end of subchapter C the following:

“PART 6—FEES RELATING TO FOOD

“SEC. 743. FACILITY REGISTRATION FEE.

“(a) IN GENERAL.—

“(1) ASSESSMENT AND COLLECTION.—Beginning in fiscal year 2010, the Secretary shall assess and collect an annual fee for the registration of a facility under section 415.

“(2) PAYABLE DATE.—A fee under this section shall be payable—

“(A) for a facility that was not registered under section 415 for the preceding fiscal year, on the date of registration; and

“(B) for any other facility—

“(i) for fiscal year 2010, not later than the sooner of 90 days after the date of the enactment of this part or December 31, 2009; and

“(ii) for a subsequent fiscal year, not later than December 31 of such fiscal year.

“(b) FEE AMOUNTS.—

“(1) IN GENERAL.—The registration fee under subsection (a) shall be—

“(A) for fiscal year 2010, \$500; and

“(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under subsection (c).

“(2) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of fiscal year 2011 and each subsequent fiscal year, establish, for the next fiscal year, registration fees under subsection (a), as described in paragraph (1).

“(3) MAXIMUM AMOUNT.—Notwithstanding paragraph (1), a person who owns or operates multiple facilities for which a fee must be paid under this section for a fiscal year shall be liable for not more than \$175,000 in aggregate fees under this section for such fiscal year.

“(c) INFLATION ADJUSTMENT.—For fiscal year 2011 and each subsequent fiscal year, the fee amount under subsection (b)(1) shall be adjusted by the Secretary by notice, published in the Federal Register, to reflect the greater of—

“(1) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

“(2) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

“(3) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

“(d) LIMITATIONS.—

“(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for fiscal year 2010 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

“(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for registration under section 415 at any time in such fiscal year.

“(3) ADJUSTMENT FACTOR.—In this subsection, the term ‘adjustment factor’ applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such Index for October 2009.

“(e) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

“(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

“(B) shall only be collected and available to defray the costs of food safety activities.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

“(4) PUBLIC MEETINGS.—For each fiscal year, the Secretary shall hold a public meeting on how fees collected under this section will be used to defray the costs of food safety activities in order to solicit the views of the regulated industry, consumers, and other interested stakeholders.

“(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in food safety activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

“(h) ANNUAL FISCAL REPORTS.—Beginning with fiscal year 2011, not later than 120 days after the end of each fiscal year for which fees are collected under this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘costs of food safety activities’ means the expenses incurred in connection with food safety activities for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;

“(B) laboratory capacity;

“(C) management of information, and the acquisition, maintenance, and repair of technology resources;

“(D) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(E) collecting fees under this section and accounting for resources allocated for food safety activities.

“(2) The term ‘food safety activities’ means activities related to compliance by facilities registered under section 415 with the requirements of this Act relating to food (including research related to and the development of standards (such as performance standards and preventive controls), risk assessments, hazard analyses, inspection planning and inspections, third-party inspections, compliance review and enforcement, import review, information technology support, test development, product sampling, risk communication, and administrative detention).”.

(d) TRANSITIONAL PROVISIONS.—

(1) FEES.—The Secretary of Health and Human Services shall first impose the fee established under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), for fiscal years beginning with fiscal year 2010.

(2) MODIFICATION OF REGISTRATION FORM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall modify the registration form under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) to comply with the amendments made by this section.

(3) APPLICATION.—The amendments made by this section, other than subsections (b)(2) and (c), shall take effect on the date that is 30 days after the date on which such modified registration form takes effect, but not later than 210 days after the date of the enactment of this Act.

(4) SUNSET DATE.—Section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), does not authorize the assessment or collection of a fee for registration under section 415 of such Act (21 U.S.C. 360) occurring after fiscal year 2014.

SEC. 102. HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN, FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

(a) HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN.—

(1) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342) is amended by adding at the end the following:

“(j) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the requirements of sections 418 and 418A.”.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

“(a) IN GENERAL.—The owner, operator, or agent of a facility shall, in accordance with this section—

“(1) conduct a hazard analysis (or more than one if appropriate);

“(2) identify and implement effective preventive controls;

“(3) monitor preventive controls;

“(4) institute corrective actions when—

“(A) monitoring shows that preventive controls have not been properly implemented; or

“(B) monitoring and verification show that such controls were ineffective;

“(5) conduct verification activities;

“(6) maintain records of monitoring, corrective action, and verification; and

“(7) reanalyze for hazards.

“(b) IDENTIFICATION OF HAZARDS.—

“(1) IN GENERAL.—The owner, operator, or agent of a facility shall evaluate whether there are any hazards, including hazards due to the source of the ingredients, that are reasonably likely to occur in the absence of preventive controls that may affect the safety, wholesomeness, or sanitation of the food manufactured, processed, packed, transported, or held by the facility, including—

“(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, filth, decomposition, parasites, allergens, and unapproved food and color additives; and

“(B) hazards that occur naturally or that may be unintentionally introduced.

“(2) IDENTIFIED BY THE SECRETARY.—The Secretary may, by regulation or guidance, identify hazards that are reasonably likely

to occur in the absence of preventive controls.

“(3) HAZARD ANALYSIS.—The owner, operator, or agent of a facility shall identify and describe the hazards evaluated under paragraph (1) or identified under paragraph (2), to the extent applicable to the facility, in a hazard analysis.

“(c) PREVENTIVE CONTROLS.—

“(1) IN GENERAL.—The owner, operator, or agent of a facility shall identify and implement effective preventive controls to prevent, eliminate, or reduce to acceptable levels the occurrence of any hazards identified in the hazard analysis under subsection (b)(3).

“(2) IDENTIFIED BY THE SECRETARY.—

“(A) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive controls for specific product types to prevent unintentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive controls identified by the Secretary under this paragraph.

“(B) ALTERNATIVE CONTROLS.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive control to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative control effectively addresses the hazard, including meeting any applicable performance standard.

“(C) LIMITATION.—Subparagraph (B) shall not apply to any preventive control described in subparagraph (A), (B), or (E) of subsection (i)(2).

“(d) MONITORING.—The owner, operator, or agent of a facility shall monitor the implementation of preventive controls under subsection (c) to identify any circumstances in which the preventive controls are not fully implemented or verification shows that such controls were ineffective.

“(e) CORRECTIVE ACTIONS.—The owner, operator, or agent of a facility shall establish and implement procedures to ensure that, if the preventive controls under subsection (c) are not fully implemented or are not found effective—

“(1) no affected product from such facility enters commerce; and

“(2) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure.

“(f) VERIFICATION.—The owner, operator, or agent of a facility shall ensure that—

“(1) the system of preventive controls identified under subsection (c) has been validated as scientifically and technically sound so that, if such system is implemented, the hazards identified in the hazard analysis under subsection (b)(3) will be prevented, eliminated, or reduced to an acceptable level;

“(2) the facility is conducting monitoring in accordance with subsection (d);

“(3) the facility is taking effective corrective actions under subsection (e); and

“(4) the preventive controls are effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means.

“(g) REQUIREMENT TO REANALYZE AND RE-
VISE.—

“(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

“(A) review the evaluation under subsection (b) for the facility and, as necessary,

revise the hazard analysis under subsection (b)(3) for the facility—

“(i) not less than every 2 years;

“(ii) if there is a change in the process or product that could affect the hazard analysis; and

“(iii) if the Secretary determines that it is appropriate to protect public health; and

“(B) whenever there is a change in the hazard analysis, revise the preventive controls under subsection (c) for the facility as necessary to ensure that all hazards that are reasonably likely to occur are prevented, eliminated, or reduced to an acceptable level, or document the basis for the conclusion that no such revision is needed.

“(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

“(h) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (a) through (g).

“(i) DEFINITIONS.—For purposes of this section:

“(1) FACILITY.—The term ‘facility’ means a domestic facility or a foreign facility that is required to be registered under section 415.

“(2) PREVENTIVE CONTROLS.—The term ‘preventive controls’ means those risk-based procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, transporting, or holding of food would employ to prevent, eliminate, or reduce to an acceptable level the hazards identified in the hazard analysis under subsection (b)(3) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, transporting, or holding at the time of the analysis. Those procedures, practices, and processes shall include the following, as appropriate to the type of facility or food:

“(A) Sanitation procedures and practices.

“(B) Supervisor, manager, and employee hygiene training.

“(C) Process controls.

“(D) An allergen control program to minimize potential allergic reactions in humans from ingestion of, or contact with, human and animal food.

“(E) Good manufacturing practices.

“(F) Verification procedures, practices, and processes for suppliers and incoming ingredients, which may include onsite auditing of suppliers and testing of incoming ingredients.

“(G) Other procedures, practices, and processes established by the Secretary under subsection (c)(2).

“(3) HAZARD THAT IS REASONABLY LIKELY TO OCCUR.—A food safety hazard that is reasonably likely to occur is one for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish controls because experience, illness data, scientific reports, or other information provides a basis to conclude that there is a reasonable possibility that the hazard will occur in the type of food being manufactured, processed, packed, transported, or held in the absence of those controls.

“SEC. 418A. FOOD SAFETY PLAN.

“(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce

any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food safety plan (in this section referred to as a ‘food safety plan’).

“(b) CONTENTS.—The food safety plan shall include each of the following elements:

“(1) The hazard analysis and any reanalysis conducted under section 418.

“(2) A description of the preventive controls being implemented under subsection 418(c), including those to address hazards identified by the Secretary under subsection 418(b)(2).

“(3) A description of the procedures for monitoring preventive controls.

“(4) A description of the procedures for taking corrective actions.

“(5) A description of verification activities for the preventive controls, including validation that the system of controls, if implemented, will prevent, eliminate, or reduce to an acceptable level the identified hazards, review of monitoring and corrective action records, and procedures for determining whether the system of controls as implemented is effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including the use of environmental and product testing programs.

“(6) A description of the facility’s record-keeping procedures.

“(7) A description of the facility’s procedures for the recall of articles of food, whether voluntarily or when required under section 422.

“(8) A description of the facility’s procedures for tracing the distribution history of articles of food, whether voluntarily or when required under section 414.

“(9) A description of the facility’s procedures to ensure a safe and secure supply chain for the ingredients or components used in making the food manufactured, processed, packed, transported, or held by such facility.

“(10) A description of the facility’s procedures to implement the science-based performance standards issued under section 419.”.

(3) GUIDANCE OR REGULATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall issue guidance or promulgate regulations to establish science-based standards for conducting a hazard analysis, documenting hazards, identifying and implementing preventive controls, and documenting the implementation of the preventive controls, including verification and corrective actions under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2)).

(B) INTERNATIONAL STANDARDS.—In issuing guidance or regulations under subparagraph (A), the Secretary shall review international hazard analysis and preventive control standards that are in existence on the date of the enactment of this Act and relevant to such guidelines or regulations to ensure that the programs under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2)) are consistent, to the extent the Secretary determines practicable and appropriate, with such standards.

(C) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section and the amendments made by this section with respect to facilities that are solely engaged in—

(i) the production of food for animals other than man or the storage of packaged foods that are not exposed to the environment; or

(ii) the storage of raw agricultural commodities for further distribution or processing.

(D) **SMALL BUSINESSES.**—The Secretary—

(i) shall consider the impact of any guidance or regulations under this section on small businesses; and

(ii) shall issue guidance to assist small businesses in complying with the requirements of this section and the amendments made by this section.

(4) **NO EFFECT ON EXISTING HACCP AUTHORITIES.**—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(5) **CONSIDERATION.**—When implementing sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2), the Secretary may take into account differences between food intended for human consumption and food intended for consumption by animals other than man.

(6) **EFFECTIVE DATE.**—

(A) **GENERAL RULE.**—The amendments made by subsection (a) and this subsection shall take effect 18 months after the date of the enactment of this Act.

(B) **EXCEPTIONS.**—Notwithstanding subparagraph (A)—

(i) the amendments made by subsection (a) and this subsection shall apply to a small business (as defined by the Secretary) after the date that is 2 years after the date of the enactment of this Act; and

(ii) the amendments made by subsection (a) and this subsection shall apply to a very small business (as defined by the Secretary) after the date that is 3 years after the date of the enactment of this Act.

(b) **FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.**—

(1) **ADULTERATION.**—Section 402 (21 U.S.C. 342), as amended by subsection (a), is amended by adding at the end the following:

“(k) If it is manufactured or processed in a facility that is in violation of section 418B.”

(2) **REQUIREMENTS.**—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

“SEC. 418B. FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

“(a) **AUTHORITY.**—Beginning on the date specified in subsection (c), the Secretary shall require, after public notice and an opportunity for comment, the submission to the Secretary of finished product test results by the owner, operator, or agent of each category 1 facility subject to good manufacturing practices regulations documenting the presence of contaminants in food in the possession or control of such facility posing a risk of severe adverse health consequences or death.

“(b) **CONSIDERATIONS.**—The Secretary shall require submissions under subsection (a)—

“(1) as the Secretary determines feasible and appropriate; and

“(2) taking into consideration available data and information on the potential risks posed by the facility.

“(c) **BEGINNING DATE.**—The date specified in this subsection is the sooner of—

“(1) the date of completion of the pilot projects and feasibility study under subsections (d) and (e); and

“(2) the date that is 2 years after the date of the enactment of this section.

“(d) **PILOT PROJECTS.**—The Secretary shall conduct 2 or more pilot projects to evaluate the feasibility of collecting positive finished product testing results from category 1 facilities, including the value and feasibility of reporting corrective actions taken when positive finished product test results are reported to the Secretary.

“(e) **FEASIBILITY STUDY.**—The Secretary shall assess the feasibility and benefits of the reporting by facilities subject to good manufacturing practices regulations of appropriate finished product testing results from category 1 facilities to the Secretary, including the extent to which the collection of such finished product testing results will help the Secretary assess the risk presented by a facility or product category.

“(f) **LIMITATIONS.**—Nothing in this section shall be construed—

“(1) to require the Secretary to mandate testing or submission of test results that the Secretary determines would not provide useful information in assessing the potential risk presented by a facility or product category; or

“(2) to limit the Secretary’s authority under any other provisions of law to require any person to provide access, or to submit information or test results, to the Secretary, including the ability of the Secretary to require field or other testing and to obtain test results in the course of an investigation of a potential food-borne illness or contamination incident.

“(g) **DEFINITION.**—In this section, the term ‘category 1 facility’ means a category 1 facility within the meaning of section 704(h).”

(c) **FOOD DEFENSE.**—

(1) **ADULTERATION.**—Section 402(j), as added by subsection (a), is amended by striking “and 418A” and inserting “, 418A, or 418C”.

(2) **REQUIREMENTS.**—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

“SEC. 418C. FOOD DEFENSE.

“(a) **IN GENERAL.**—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food defense plan (in this section referred to as a ‘food defense plan’).

“(b) **CONTENTS.**—The food defense plan shall include each of the following elements:

“(1) A food defense assessment to identify conditions and practices that may permit a hazard that may be intentionally introduced, including by an act of terrorism. This assessment shall evaluate processing security, cybersecurity, material security (including ingredients, finished product, and packaging), personnel security, storage security, shipping and receiving security, and utility security.

“(2) A description of the preventive measures being implemented as a result of such assessment to minimize the risk of intentional contamination.

“(3) A description of the procedures to check for and identify any circumstances in which the preventive measures are not fully implemented or were ineffective.

“(4) A description of the procedures for taking corrective actions to ensure that when preventive measures have not been properly implemented or have been ineffective, appropriate action is taken—

“(A) to reduce the likelihood of recurrence of the failure; and

“(B) to assess the consequences of the failure.

“(5) A description of evaluation activities for the preventive measures, including a review of records provided for under paragraph (6) and procedures to periodically test the effectiveness of the plan.

“(6) A description of the facility’s record-keeping procedures, including records documenting implementation of the procedures under paragraphs (3), (4), and (5).

“(c) **HAZARD.**—For purposes of this section, the term ‘hazard that may be intentionally introduced, including by an act of terrorism’ means a hazard for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish preventive measures because the hazard has been identified by a food defense assessment by application of—

“(1) a targeting assessment tool recommended by the Secretary by guidance; or

“(2) a comparable targeting assessment tool.

“(d) **FOOD DEFENSE HAZARDS IDENTIFIED BY THE SECRETARY.**—

“(1) **ESTABLISHMENT.**—The Secretary may establish by regulation or guidance preventive measures for specific product types to prevent intentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive measures identified by the Secretary under this paragraph.

“(2) **ALTERNATIVE MEASURES.**—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive measure to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative measure effectively addresses the hazard.

“(e) **REQUIREMENT TO REASSESS AND REVISE.**—

“(1) **REQUIREMENT.**—The owner, operator, or agent of a facility shall—

“(A) review the food defense assessment under subsection (b)(1) for the facility and, as necessary, revise the food defense assessment under subsection (b)(1) for the facility—

“(i) not less than every 2 years;

“(ii) if there is a change in the process or product that could affect the food defense assessment; and

“(iii) if the Secretary determines that it is appropriate to protect public health; and

“(B) whenever there is a change in the food defense assessment, revise the preventive measures under subsection (b)(2) for the facility as necessary to ensure that for all hazards identified, the risk is minimized, or document the basis for the conclusion that no such revision is needed.

“(2) **NONDELEGATION.**—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

“(f) **RECORDKEEPING.**—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (b) and (e).

“(g) **ACCESS TO PLAN.**—

“(1) **ON INSPECTION.**—An officer or employee of the Secretary shall have access to the food defense plan of a facility under section 414(a) only if the Secretary, through an

official who is the director of the district under this Act in which the facility is located or an official who is senior to such a director, provides notice under section 414(a)(1)(C).

“(2) NONDISCLOSURE.—A food defense plan, and any information derived from such a plan, shall be exempt from disclosure under section 552 of title 5, United States Code.”

(3) PROHIBITION.—Section 301(j) (21 U.S.C. 331(j)) is amended by inserting after “entitled to protection” the following: “or a food defense plan, or any information derived from such a plan, under section 418C”.

SEC. 103. PERFORMANCE STANDARDS.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by section 102, is amended by adding at the end the following:

“(1) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the standards issued under section 419.”

(b) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 102(b), is further amended by adding at the end the following:

“SEC. 419. PERFORMANCE STANDARDS.

“(a) PERFORMANCE STANDARDS.—The Secretary shall, not less frequently than every 2 years, review and evaluate epidemiological data and other appropriate sources of information, including research under section 123 of the Food Safety Enhancement Act of 2009, to identify the most significant food-borne contaminants and the most significant resulting hazards. The Secretary shall issue, as soon as practicable, through guidance or by regulation, science-based performance standards (which may include action levels) applicable to foods or food classes, as appropriate, to minimize to an acceptable level, prevent, or eliminate the occurrence of such hazards. Such standards shall be applicable to foods and food classes. Notwithstanding the timelines set forth in this paragraph, the Secretary shall as appropriate establish such science-based performance standards for identified contaminants as necessary to protect the public health.

“(b) LIST OF CONTAMINANTS.—Following each review under subsection (a), the Secretary shall publish in the Federal Register a list of food-borne contaminants that have the greatest adverse impact on public health. In determining whether a particular food-borne contaminant should be added to such list, the Secretary shall consider the number and severity of illnesses and the number of deaths associated with the foods associated with such contaminants.

“(c) SAMPLING PROGRAM.—In conjunction with the establishment of a performance standard under this section, the Secretary may make recommendations to industry for conducting product sampling.

“(d) REVOCATION BY SECRETARY.—All performance standards of the Food and Drug Administration applicable to foods or food classes in effect on the date of the enactment of this section, or issued under this section, shall remain in effect until revised or revoked by the Secretary.”

(c) REPORT TO CONGRESS.—The Secretary of Health and Human Services shall submit to the Congress by March 30th of the year following each review under section 419 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), a report on the results of such review and the Secretary's plans to address the significant food-borne hazards identified, or the basis for not addressing any significant food-borne hazards identified, including any resource limitations or limitations in data that preclude further action at that time.

SEC. 104. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by sections 102 and 103(a), is amended by adding at the end the following:

“(m) If it has been grown, harvested, processed, packed, sorted, transported, or held under conditions that do not meet the standards established under section 419A.”

(b) STANDARDS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102(b) and 103(b), is amended by adding at the end the following:

“SEC. 419A. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

“(a) STANDARDS.—The Secretary, in coordination with the Secretary of Agriculture, shall establish by regulation scientific and risk-based food safety standards for the growing, harvesting, processing, packing, sorting, transporting, and holding of those types of raw agricultural commodities—

“(1) that are a fruit, vegetable, nut, or fungus; and

“(2) for which the Secretary has determined that such standards are reasonably necessary to minimize the risk of serious adverse health consequences or death to humans or animals.

“(b) CONTENTS.—The regulations under subsection (a)—

“(1) may set forth such procedures, processes, and practices as the Secretary determines to be reasonably necessary—

“(A) to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into raw agricultural commodities that are a fruit, vegetable, nut, or fungus; and

“(B) to provide reasonable assurances that such commodity is not adulterated under section 402;

“(2) may include, with respect to growing, harvesting, processing, packing, sorting, transporting, and storage operations, standards for safety as the Secretary determines to be reasonably necessary;

“(3) may include standards addressing manure use, water quality, employee hygiene, sanitation and animal control, and temperature controls, as the Secretary determines to be reasonably necessary;

“(4) may include standards for such other elements as the Secretary determines necessary to carry out subsection (a);

“(5) shall provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

“(6) may provide for coordination of education and enforcement activities;

“(7) shall take into consideration, consistent with ensuring enforceable public health protection, the impact on small-scale and diversified farms, and on wildlife habitat, conservation practices, watershed-protection efforts, and organic production methods;

“(8) may provide for coordination of education and training with other government agencies, universities, private entities, and others with experience working directly with farmers; and

“(9) may provide for recognition through guidance of other existing publicly available procedures, processes, and practices that the Secretary determines to be equivalent to those established under paragraph (1).

“(c) EDUCATION AND COMPLIANCE.—The Secretary shall coordinate with the Secretary of

Agriculture to provide for effective implementation of education and compliance activities. The Secretary may contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.”

(c) TIMING.—

(1) PROPOSED RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a proposed rule to carry out section 419A of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

(2) FINAL RULE.—Not later than 3 years after such date, the Secretary of Health and Human Services shall issue a final rule under such section.

(d) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(e) UPDATE EXISTING GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall update the guidance document entitled “Guidance For Industry: Guide To Minimize Microbial Food Safety Hazards For Fresh Fruits And Vegetables” (issued on October 26, 1998) in accordance with this section and the amendments made by this section.

SEC. 105. RISK-BASED INSPECTION SCHEDULE.

(a) IN GENERAL.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

“(h)(1) Each facility registered under section 415 shall be inspected—

“(A)(i) by one or more officers duly designated under section 702 or other statutory authority by the Secretary;

“(ii) for domestic facilities, by a Federal, State, or local official recognized by the Secretary under paragraph (2); or

“(iii) for foreign facilities, by an agency or a representative of a country that is recognized by the Secretary under paragraph (2); and

“(B) at a frequency determined pursuant to a risk-based schedule.

“(2) For purposes of paragraph (1)(A), the Secretary—

“(A) may recognize Federal, State, and local officials and agencies and representatives of foreign countries as meeting standards established by the Secretary for conducting inspections under this Act; and

“(B) may limit such recognition to inspections of specific commodities or food types.

“(3) The risk-based schedule under paragraph (1)(B) shall be implemented beginning not later than 18 months after the date of the enactment of this subsection.

“(4) Such risk-based schedule shall provide for a frequency of inspections commensurate with the risk presented by the facility and shall be based on the following categories and inspection frequencies:

“(A) CATEGORY 1.—A category 1 food facility is a high-risk facility that manufactures or processes food. The Secretary shall randomly inspect a category 1 food facility at least every 6 to 12 months.

“(B) CATEGORY 2.—A category 2 food facility is a low-risk facility that manufactures or processes food or a facility that packs or labels food. The Secretary shall randomly inspect a category 2 facility at least every 18 months to 3 years.

“(C) CATEGORY 3.—A category 3 food facility is a facility that holds food. The Secretary shall randomly inspect a category 3 facility at least every 5 years.

“(5) The Secretary—

“(A) may, by guidance, modify the types of food facilities within a category under paragraph (4);

“(B) may alter the inspection frequencies specified in paragraph (4) based on the need to respond to food-borne illness outbreaks and food recalls; and

“(C) may inspect a facility more frequently than the inspection frequency provided by paragraph (4);

“(D) beginning 6 months after submitting the report required by section 105(b)(2) of the Food Safety Enhancement Act of 2009, may—

“(i) publish in the Federal Register adjustments to the inspection frequencies specified in subparagraphs (B) and (C) of paragraph (4) for category 2 and category 3 food facilities, which adjustments shall be in accordance with the Secretary's recommendations in such report; and

“(ii) after such publication, implement the adjustments; and

“(E) except as provided in subparagraphs (B) and (C), may not alter the inspection frequency specified in paragraph (4)(A) for category 1 food facilities.

“(6) In determining the appropriate frequency of inspection, the Secretary shall consider—

“(A) the type of food manufactured, processed, packed, or held at the facility;

“(B) the compliance history of the facility;

“(C) whether the facility importing or offering for import into the United States food is certified by a qualified certifying entity in accordance with section 801(q); and

“(D) such other factors as the Secretary determines by guidance to be relevant to assessing the risk presented by the facility.

“(7) Before establishing or modifying the categorization under paragraph (4) of any food facility or type of food facility, the Secretary shall publish a notice of the proposed categorization in the Federal Register and provide a period of not less than 60 days for public comment on the proposed categorization.”

(b) REPORTS ON RISK-BASED INSPECTIONS OF FOOD FACILITIES.—

(1) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing—

(A) the number of foreign and domestic facilities, by risk category, inspected under the risk-based inspection schedule established under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), in the preceding fiscal year; and

(B) the costs of implementing the risk-based inspection schedule for the preceding 12 months.

(2) THIRD-YEAR REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee

on Health, Education, Labor, and Pensions of the Senate describing recommendations on the risk-based inspection schedule under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), including recommendations for adjustments to the timing of the schedule and other ways to improve the risk-based allocation of resources by the Food and Drug Administration. In making such recommendations, the Secretary shall consider—

(A) the nature of the food products being processed, stored, or transported;

(B) the manner in which food products are processed, stored, or transported;

(C) the inherent likelihood that the products will contribute to the risk of food-borne illness;

(D) the best available evidence concerning reported illnesses associated with the foods processed, stored, held, or transported in the category of facilities; and

(E) the overall record of compliance with food safety law among facilities in the category, including compliance with applicable performance standards and the frequency of recalls.

SEC. 106. ACCESS TO RECORDS.

(a) RECORDS ACCESS.—Subsection (a) of section 414 (21 U.S.C. 350c) is amended to read as follows:

“(a) RECORDS ACCESS.—

“(1) RECORDS ACCESS DURING AN INSPECTION.—

“(A) IN GENERAL.—Except as provided in paragraph (3), each person who manufactures, processes, packs, transports, distributes, receives, or holds an article of food in the United States or for import into the United States shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article bearing on whether the food may be adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A.

“(B) SCOPE OF RECORDS.—The requirement under subparagraph (A) applies to all records relating to the manufacture, processing, packing, transporting, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.

“(C) IMMEDIATE AVAILABILITY WITH NOTICE.—Records not required to be made available immediately on commencement of an inspection under subparagraph (A) shall nonetheless be made available immediately on commencement of such an inspection if, by a reasonable time before such inspection, the Secretary by letter to the person identifies the records to be made available during such inspection. Nothing in this subparagraph shall be construed as permitting a person to refuse to produce records required under and in accordance with subparagraph (A) due to failure of the Secretary to provide notice under this paragraph.

“(2) ADDITIONAL AUTHORITIES TO ACCESS RECORDS REMOTELY; SUBMISSION OF RECORDS TO THE SECRETARY.—

“(A) REMOTE ACCESS IN EMERGENCIES.—If the Secretary has a reasonable belief that an article of food presents a threat of serious adverse health consequences or death to humans or animals, the Secretary may require each person who manufactures, processes, packs, transports, distributes, receives,

holds, or imports such article of food, or any article of food that the Secretary determines may be affected in a similar manner, to submit to the Secretary all records reasonably related to such article of food as soon as is reasonably practicable, after receiving written notice (including by notice served personally and outside normal business hours to an agent identified under subparagraph (E) or (F) of section 415(a)(2)) of such requirement.

“(B) REMOTE ACCESS TO RECORDS RELATED TO FOOD SAFETY PLANS.—With respect to a facility subject to section 418 and 418A, the Secretary may require the owner, operator, or agent of such facility to submit to the Secretary, as soon as reasonably practicable after receiving written notice of such requirement, the food safety plan, supporting information relied on by the facility to select the preventive controls to include in its food safety plan, and documentation of corrective actions, if any, taken under section 418(e) within the preceding 2 years.

“(C) ELECTRONIC SUBMISSION.—If the records required to be submitted to the Secretary under subparagraph (A) or (B) are available in electronic format, such records shall be submitted electronically unless the Secretary specifies otherwise in the notice under such subparagraph.

“(3) LIMITED RECORDS ACCESS ON FARMS.—

“(A) APPLICATION.—Paragraphs (1) and (2) do not apply with respect to farms, except as provided in this paragraph.

“(B) IN GENERAL.—A person who is the owner, operator, or agent of a farm (as defined in section 415) shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to an article of food produced, manufactured, processed, packed, or held on such farm as specified in paragraphs (1) and (2) if—

“(i) such article of food is a fruit, vegetable, nut, or fungus that is the subject of a standard issued under section 419A; or

“(ii) such article of food is the subject of an active investigation by the Secretary of a food borne illness outbreak and is not a grain or similarly handled commodity as defined in subsection (c)(4)(C)(ii).

“(C) RECORDS ACCESS ON FARMS PRIOR TO RULEMAKING.—

“(i) IN GENERAL.—As soon as practicable after the enactment of this paragraph, the Secretary shall, in coordination with the Secretary of Agriculture, identify 1 or more fruits, vegetables, nuts, or fungi for which the Secretary shall have access to records on farms. Such identification shall be made by guidance, following notice and public comment.

“(ii) IDENTIFICATION OF RAW AGRICULTURAL COMMODITIES.—The Secretary, in coordination with the Secretary of Agriculture, shall make the identification in clause (i), based on any past food borne illness outbreak attributed to the fruit, vegetable, nut, or fungus—

“(I) in the United States and the risk that a similar outbreak could occur again in the United States; or

“(II) in a foreign country and the risk that a similar outbreak could occur in the United States.

“(iii) DURATION OF AUTHORITY.—The authority to have access to records for a fruit, vegetable, nut, or fungus under this subparagraph shall begin on the date on which the Secretary identifies such fruit, vegetable,

nut, or fungus under clause (i) and shall terminate on the effective date of a final rule issued by the Secretary under section 419A.

“(iv) SCOPE OF RECORDS ACCESS.—In the guidance under clause (i), and for the period specified in clause (iii), the Secretary, in coordination with the Secretary of Agriculture, shall determine the scope of the records to which the Secretary shall have access under this subparagraph.

“(D) RULE OF CONSTRUCTION.—This paragraph shall not be construed as limiting access to any records authorized under—

“(i) this Act or the Public Health Service Act, as in effect on the day before the date of the enactment of this paragraph; or

“(ii) regulations issued under such Acts on any date before the date of the enactment of this paragraph.”

(b) REGULATIONS CONCERNING RECORD-KEEPING.—

(1) AMENDMENT.—Subsection (b) of section 414 (21 U.S.C. 350c) is amended to read as follows:

“(b) REGULATIONS CONCERNING RECORD-KEEPING.—The Secretary, in consultation and coordination, as appropriate, with other Federal departments and agencies with responsibilities for regulating food safety, shall by regulation establish requirements regarding the establishment and maintenance, for not longer than 3 years, of records by persons who manufacture, process, pack, transport, distribute, receive, or hold food in the United States or for import into the United States. The Secretary shall take into account the size of a business in promulgating regulations under this subsection. The Secretary shall consult with the Secretary of Agriculture in promulgating regulations with respect to farms under this subsection and shall take into account the nature of and impact on farms in promulgating such regulations. The only distribution records which may be required of restaurants under this subsection are those showing the restaurant’s suppliers and subsequent distribution other than to consumers.”

(2) APPLICATION.—The Secretary of Health and Human Services shall promulgate revised regulations to implement section 414(b) of the Federal Food, Drug, and Cosmetic Act, as amended by this subsection. Section 414(b) of the Federal Food, Drug, and Cosmetic Act and regulations thereunder, as in effect on the day before the date of the enactment of this Act, shall apply to acts and omissions occurring before the effective date of such revised regulations.

(c) CONFORMING AMENDMENTS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended—

(1) in the second sentence—

(A) by striking “(excluding farms or restaurants)” and inserting “(excluding farms, except as provided in section 414(a)(3))”;

(B) by inserting “receives,” before “holds”;

(C) by striking “described in section 414” and inserting “described in or required under section 414”; and

(D) by striking “when the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals” and inserting “bearing on whether such food is adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A”; and

(2) in the fourth sentence—

(A) by striking “the preceding sentence” and inserting “either of the preceding two sentences”; and

(B) by inserting “recipes for food,” before “financial data.”

SEC. 107. TRACEABILITY OF FOOD.

(a) PROHIBITED ACT.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting “, the violation of any requirement of the food tracing system under section 414(c);” before “or the refusal to permit access to or verification or copying of any such required record”.

(b) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting “or (4) the requirements of section 414 have not been complied with regarding such article,” before “then such article shall be refused admission”.

(c) PRODUCT TRACING FOR FOOD.—Section 414 (21 U.S.C. 350c), as amended by section 106, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) TRACING SYSTEM FOR FOOD.—

“(1) IN GENERAL.—The Secretary shall by regulation establish a tracing system for food that is located in the United States or is for import into the United States.

“(2) INFORMATION GATHERING.—

“(A) TRACING TECHNOLOGIES.—Before issuing a proposed regulation under this subsection, the Secretary shall—

“(i) identify technologies and methodologies for tracing the distribution history of a food that are, or may be, used by members of different sectors of the food industry, including technologies and methodologies to enable each person who produces, manufactures, processes, pack, transports, or holds a food to—

“(I) maintain the full pedigree of the origin and previous distribution history of the food;

“(II) link that history with the subsequent distribution of the food;

“(III) establish and maintain a system for tracing the food that is interoperable with the systems established and maintained by other such persons; and

“(IV) use a unique identifier for each facility owned or operated by such person for such purpose, as specified under section 1011; and

“(ii) to the extent practicable, assess—

“(I) the costs and benefits associated with the adoption and use of such technologies;

“(II) the feasibility of such technologies for different sectors of the food industry; and

“(III) whether such technologies are compatible with the requirements of this subsection.

“(B) PUBLIC MEETINGS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct not less than 2 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to provide input and information to the Secretary.

“(C) PILOT PROJECTS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct 1 or more pilot projects in coordination with 1 or more sectors of the food industry to explore and evaluate tracing systems for food. The Secretary shall coordinate with the Secretary of Agriculture in conducting pilot projects with respect to farms under this subsection.

“(3) REGULATION.—

“(A) IN GENERAL.—Taking into account information obtained through information gathering under paragraph (2), the Secretary shall issue regulations establishing a tracing system that enables the Secretary to identify each person who grows, produces, manufactures, processes, packs, transports, holds, or sells such food in as short a timeframe as

practicable but no longer than 2 business days.

“(B) SCOPE OF REGULATION.—The Secretary may include in the regulations establishing a tracing system—

“(i) the establishment and maintenance of lot numbers;

“(ii) a standardized format for pedigree information; and

“(iii) the use of a common nomenclature for food.

“(C) COORDINATION REGARDING FARM IMPACT.—In issuing regulations under this paragraph that will impact farms, the Secretary—

“(i) shall coordinate with the Secretary of Agriculture; and

“(ii) take into account the nature of the impact of the regulations on farms.

“(4) EXEMPTIONS AND LIMITATIONS.—

“(A) DIRECT SALES BY FARMS.—Food is exempt from the requirements of this subsection if such food is—

“(i) produced on a farm; and

“(ii) sold by the owner, operator, or agent in charge of such farm directly to a consumer or to a restaurant or grocery store.

“(B) FISHING VESSELS.—Food is exempt from the requirements of this subsection if such food is produced through the use of a fishing vessel as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

“(C) GRAINS AND SIMILARLY HANDLED COMMODITIES.—

“(i) LIMITATION ON EXTENT OF TRACING.—In addition to the exemption under subparagraph (A), any tracing system established under this subsection with regard to any grain or similarly handled commodity shall be limited to enabling the Secretary to identify persons who received, processed, packed, transported, distributed, held, or sold the grain or similarly handled commodity from the initial warehouse operator that held the grain or similarly handled commodity for any period of time to the ultimate consumer.

“(ii) DEFINITIONS.—In this subparagraph:

“(I) The term ‘grain or similarly handled commodity’ means wheat, corn, grain sorghum, barley, oats, rice, wild rice, rye, soybeans, legumes, sugar cane, sugar beets, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, camelina, cottonseed, cocoa beans, grass hay, and honey. The term may include any other commodity as determined by the Secretary in coordination with the Secretary of Agriculture.

“(II) The term ‘warehouse operator’ has the meaning given that term in section 2 of the United States Warehouse Act (7 U.S.C. 241), except that the term also includes any person or entity that handles or stores agricultural products for other persons or entities or, in the case of a cooperative, handles or stores agricultural products for its members, as determined by the Secretary in coordination with the Secretary of Agriculture.

“(D) EXEMPTION OF OTHER FOODS.—The Secretary may by notice in the Federal Register exempt a food or a type of facility, farm, or restaurant from, or modify the requirements with respect to, the requirements of this subsection if the Secretary determines that a tracing system for such food or type of facility, farm, or restaurant is not necessary to protect the public health.

“(E) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—For a food or person covered by a limitation or exemption under subparagraph (B), (C), or (D),

the Secretary shall require each person who produces, receives, manufactures, processes, packs, transports, distributes, or holds such food to maintain records to identify the immediate previous sources of such food and its ingredients and the immediate subsequent recipients of such food.

“(F) RECORDKEEPING BY RESTAURANTS AND GROCERY STORES.—For a food covered by an exemption under subparagraph (A), restaurants and grocery stores shall keep records documenting the farm that was the source of the food.

“(G) RECORDKEEPING BY FARMS.—For a food covered by an exemption under subparagraph (A), farms shall keep records, in electronic or non-electronic format, for at least 6 months documenting the restaurant or grocery store to which the food was sold.”.

SEC. 108. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

(a) IN GENERAL.—Part 6 of subchapter C of chapter VII (21 U.S.C. 371 et seq.), as added by section 101(c), is amended by adding at the end the following:

“SEC. 743A. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

“(a) IN GENERAL.—The Secretary shall assess and collect fees from each entity in a fiscal year—

“(1) that—

“(A) during such fiscal year commits a violation of any requirement of this Act relating to food, including any such requirement relating to good manufacturing practices; and

“(B) because of such violation, undergoes additional inspection by the Food and Drug Administration; or

“(2) during such fiscal year is subject to a food recall.

“(b) AMOUNT OF FEES.—The Secretary shall set the amount of the fees under this section to fully cover the costs of—

“(1) in the case of fees collected under subsection (a)(1), conducting the additional inspections referred to in such subsection; and

“(2) in the case of fees collected under subsection (a)(2), conducting food recall activities, including technical assistance, follow-up effectiveness checks, and public notifications, during the fiscal year involved.

“(c) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

“(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

“(B) shall only be collected and available to defray the costs referred to in subsection (b).

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

“(d) WAIVER.—The Secretary shall waive and, if applicable, refund the amount of any fee collected under this section from an enti-

ty as a result of a food recall that the Secretary determines was inappropriately ordered.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to additional inspections and food recall activities occurring after the date of the enactment of this Act.

SEC. 109. CERTIFICATION AND ACCREDITATION.

(a) MISBRANDING.—

(1) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by section 101(a), is amended by adding at the end the following:

“(aa) If it is part of a shipment offered for import into the United States and such shipment is in violation of section 801(q) (requiring a certification of compliance for certain food shipments).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to shipments offered for import on or after the date that is 3 years after the date of the enactment of this Act.

(b) CERTIFICATION OF COMPLIANCE FOR IMPORTS.—Chapter VIII (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(a), as amended by section 107(b), by inserting after the third sentence the following: “If such article is food being imported or offered for import into the United States and is not in compliance with the requirement of subsection (q) (relating to certifications of compliance with this Act), then such article shall be refused admission.”;

(2) in the second sentence of section 801(b), by striking “the fourth sentence” and inserting “the fifth sentence”; and

(3) by adding at the end of section 801 the following:

“(q) CERTIFICATIONS CONCERNING IMPORTED ARTICLES.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—The Secretary may require, as an additional condition of granting admission to an article of food being imported or offered for import into the United States, that a qualified certifying entity provide a certification that the article complies with requirements of this Act as specified by the Secretary if—

“(i) for food imported from a particular country, territory, or region, the Secretary finds, based on scientific, risk-based evidence, that the government controls in such country, territory, or region are inadequate to ensure that the article is safe and that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a);

“(ii) for a type of food for which there is scientific evidence that there is a particular risk associated with the food that presents a threat of serious adverse health consequences or death, the Secretary finds that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a); or

“(iii) for an article imported from a particular country or territory, there is an agreement between the Secretary and the government of such country or territory providing for such certification.

“(B) FORM OF CERTIFICATION.—A certification under subparagraph (A) may take the form of a statement that the article or the facility or farm that manufactured, processed, packed, held, grew, harvested, sorted, or transported the article, as the case may be, complies with requirements of this Act as specified by the Secretary, or any other form as the Secretary may specify, including a listing of certified facilities or other entities. The Secretary may require that the cer-

tification include additional information regarding compliance.

“(C) ADEQUATE GOVERNMENT CONTROLS.—

“(i) PROCESS.—Before requiring a certification under clause (ii) of subparagraph (A) with respect to a food, the Secretary shall establish a process by which a country or territory may demonstrate that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

“(ii) DEMONSTRATION.—The Secretary shall not require a certification under clause (ii) of subparagraph (A) for a food exported from a country or territory, if that country or territory has demonstrated, pursuant to the process established by the Secretary under clause (i), that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

“(D) NOTICE OF CANCELLATION OR SUSPENSION OF CERTIFICATION.—As a condition on acceptance of certifications from a qualified certifying entity, the Secretary shall require the qualified certifying entity to notify the Secretary whenever the qualified certifying entity cancels or suspends the certification of any facility or other entity included in a listing under subparagraph (B).

“(E) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—The Secretary shall apply this paragraph consistently with United States obligations under international agreements.

“(2) QUALIFIED CERTIFYING ENTITY.—For purposes of this subsection, the term ‘qualified certifying entity’ means—

“(A) an agency or a representative of the government of the country from which the article originated, as designated by such government or the Secretary; or

“(B) an individual or entity determined by the Secretary or an accredited body recognized by the Secretary to be qualified to provide a certification under paragraph (1).

“(3) NO CONFLICTS OF INTEREST.—

“(A) IN GENERAL.—The Secretary shall issue regulations to ensure that any qualified certifying entity and its auditors are free from conflicts of interest. In issuing these regulations, the Secretary may rely on or incorporate international certification standards.

“(B) REGULATIONS.—Such regulations shall require that—

“(i) the qualified certifying entity shall have a committee or management structure for safeguarding impartiality;

“(ii) conflict of interest policies for a qualified certifying entity and auditors acting for the qualified certifying entity shall be written;

“(iii) the qualified certifying entity shall not be owned, operated, or controlled by a producer, manufacturer, processor, packer, holder, supplier, or vendor of any article of the type it certifies;

“(iv) the qualified certifying entity shall not have any ownership or financial interest in any product, producer, manufacturer, processor, packer, holder, supplier or vendor of the type it certifies;

“(v) no auditor acting for the qualified certifying entity (or spouse or minor children) shall have any significant ownership or other financial interest regarding any product of the type it certifies;

“(vi) the qualified certifying entity shall—

“(I) obtain and maintain annual declarations from all personnel who may be directly involved in the performance of audits as to whether they do or do not have direct financial interests in any producer, manufacturer, processor, packer, holder, supplier, or vendor

of foods, and a list of any such companies in which they do have financial interests or by which they were employed in the past year; and

“(II) when an auditor is assigned to audit a facility, require that individual to affirm that he or she has no financial interest in the company that owns or operates that facility and was not employed by that facility in the previous year;

“(vii) neither the qualified certifying entity nor any of its auditors acting for the qualified certifying entity shall participate in the production, manufacture, processing, packing, holding, promotion, or sale of any product of the type it certifies;

“(viii) neither the qualified certifying entity nor any of its auditors shall provide consultative services to any facility certified by the qualified certifying entity, or the owner, operator, or agent in charge of such a facility, unless the qualified certifying entity has procedures in place, approved by the Secretary, to ensure separation of functions between auditors providing consultative services and auditors providing certification services under this subsection;

“(ix) no auditors acting for the qualified certifying entity shall participate in an audit of a facility they were employed by within the last 12 months;

“(x) fees charged or accepted shall not be contingent or based upon the report made by the qualified certifying entity or any personnel involved in the audit process;

“(xi) neither the qualified certifying entity nor any of its auditors shall accept anything of value from anyone in connection with the facility being audited other than the audit fee;

“(xii) the qualified certifying entity shall not be owned, operated, or controlled by a trade association whose member companies operate facilities that it certifies;

“(xiii) the qualified certifying entity and its auditors shall be free from any other conflicts of interest that threaten impartiality;

“(xiv) the qualified certifying entity and its auditors shall sign a statement attesting to compliance with the conflict of interests requirements under this paragraph; and

“(xv) the qualified certifying entity shall ensure that any subcontractors that might be used (such as laboratories and sampling services) provide similar assurances, except that it shall not be a violation of this subsection to the extent such subcontractors perform additional nutritional testing services unrelated to the testing under this subsection.

“(C) DEFINITIONS.—In this paragraph:

“(i) The term ‘anything of value’ includes gifts, gratuities, reimbursement of non-audit-related expenses, entertainment, loans, or any other form of compensation in cash or in kind.

“(ii) The term ‘direct financial interest’ does not include any ownership of mutual funds that have a financial interest in a company.

“(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary shall—

“(A) require that, to the extent applicable, any certification provided by a qualified certifying entity be renewed by such entity at such times as the Secretary determines appropriate; and

“(B) refuse to accept any certification if the Secretary determines that such certification is no longer valid or reliable.

“(5) ON-SITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under this subsection, or whether to accept certi-

cations from a qualified certifying entity, the Secretary may—

“(A) observe on-site audits of qualified certifying entities by such accreditation body; or

“(B) for any facility that is certified by a qualified certifying entity, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an on-site audit of the facility, which shall include access to, and copying and verification of, any related records.

“(6) ELECTRONIC SUBMISSION.—The Secretary shall provide, in coordination with the Commissioner responsible for Customs and Border Protection, for the electronic submission of certifications under this subsection.

“(7) NO LIMIT ON AUTHORITY.—This subsection shall not be construed to limit the authority of the Secretary to conduct random inspections of imported articles or facilities of importers, issue import alerts for detention without physical examination, require submission to the Secretary of documentation or other information about an article imported or offered for import, or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported articles.”.

SEC. 110. TESTING BY ACCREDITED LABORATORIES.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(uu) The violation of any requirement of section 714 (relating to testing by accredited laboratories).”.

(b) LABORATORY ACCREDITATION.—Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

“SEC. 714. TESTING BY ACCREDITED LABORATORIES.

“(a) IN GENERAL.—

“(1) REQUIREMENT.—Whenever analytical testing of an article of food is conducted as part of testimony for the purposes of section 801(a), or for such other purposes as the Secretary deems appropriate through regulation or guidance, such testing shall be conducted by a laboratory that—

“(A) is accredited, for the analytical method used, by a laboratory accreditation body that has been recognized by the Secretary; and

“(B) samples such article with adequate controls for ensuring the integrity of the samples analyzed.

“(2) INDEPENDENCE OF LABORATORY.—

“(A) CERTAIN TESTS.—Tests required for purposes of section 801(a) or in response to a finding of noncompliance by the Secretary shall be conducted by a laboratory independent of the person on whose behalf such testing is conducted and analyzed.

“(B) CERTAIN PRODUCTS.—The Secretary may require that testing for certain products under paragraph (1) be conducted by a laboratory independent of the person on whose behalf such testing is conducted.

“(b) RECOGNITION OF LABORATORY ACCREDITATION BODIES.—The Secretary shall establish and implement a program for the recognition, based on standards the Secretary deems appropriate, of laboratory accreditation bodies that accredit laboratories to perform analytical testing for the purposes of this section. The Secretary shall issue regulations or guidance to implement this program.

“(c) ONSITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under subsection (b), the Secretary may—

“(1) observe onsite audits of laboratories by such accreditation bodies; or

“(2) for any laboratory that is accredited by such accreditation body under this section, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an on-site audit of the laboratory, which shall include access to, and copying and verification of, any related records.

“(d) PUBLICATION OF LIST OF RECOGNIZED ACCREDITATION BODIES.—The Secretary shall publish and maintain on the public Web site of the Food and Drug Administration a list of accreditation bodies recognized by the Secretary under subsection (b).

“(e) NOTIFICATION OF ACCREDITATION OF LABORATORY.—An accreditation body that has been recognized pursuant to this section shall promptly notify the Secretary whenever it accredits a laboratory for the purposes of this section and whenever it withdraws or suspends such accreditation.

“(f) ADVANCE NOTICE.—Whenever analytical testing is conducted pursuant to subsection (a), the person on whose behalf the testing is conducted shall notify the Secretary before any sample of the article is collected. Such notice shall contain information the Secretary determines is appropriate to identify the article, the location of the article, and each laboratory that will analyze the sample on the person's behalf.

“(g) CONTENTS OF LABORATORY PACKAGES.—Whenever analytical testing is conducted pursuant to subsection (a), the laboratory conducting such testing shall submit, directly to the Secretary—

“(1) the results of all analyses conducted by the laboratory on each sample of such article; and

“(2) all information the Secretary deems appropriate to—

“(A) determine whether the laboratory is accredited by a recognized laboratory accreditation body;

“(B) identify the article tested;

“(C) evaluate the analytical results; and

“(D) determine whether the requirements of this section have been met.

“(h) EXIGENT CIRCUMSTANCES.—The Secretary may waive the requirement of subsection (a)(1)(A) (relating to analytical methods) on a laboratory or method basis due to exigent or other circumstances.

“(i) FEDERAL LABORATORY TESTING.—If Customs and Border Protection laboratory testing concludes that an article of food is adulterated or misbranded, the Secretary shall consider and utilize as appropriate the testing results issued by the Customs and Border Protection laboratories in making a decision about the admissibility of the product.

“(j) NO LIMIT ON AUTHORITY.—Nothing in this section shall be construed to limit—

“(1) the ability of the Secretary to review and act upon information from the analytical testing of food (including under this section), including determining the sufficiency of such information and testing; or

“(2) the authority of the Secretary to conduct, require, or consider the results of analytical testing pursuant to any other provision of law.”.

SEC. 111. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

(a) **PROHIBITED ACTS.**—Section 301 (21 U.S.C. 331), as amended by section 110, is amended by adding at the end the following: “(vv)(1) The failure to notify the Secretary in violation of section 420(a).

“(2) The failure to comply with any order issued under section 420.”.

(b) **NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, and 104, is amended by adding at the end the following: “**SEC. 420. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.**

“(a) **NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.**—

“(1) **IN GENERAL.**—A responsible party as that term is defined in section 417(a)(1) or a person required to register under section 801(s) that has reason to believe that an article of food when introduced into or while in interstate commerce, or while held for sale (regardless of whether the first sale) after shipment in interstate commerce, is adulterated or misbranded in a manner that presents a reasonable probability that the use or consumption of, or exposure to, the article (or an ingredient or component used in any such article) will cause a threat of serious adverse health consequences or death to humans or animals shall, as soon as practicable, notify the Secretary of the identity and location of the article.

“(2) **MANNER OF NOTIFICATION.**—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation or guidance.

“(b) **VOLUNTARY RECALL.**—The Secretary may request that any person who distributes an article of food that the Secretary has reason to believe is adulterated, misbranded, or otherwise in violation of this Act voluntarily—

“(1) recall such article; and

“(2) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

“(c) **ORDER TO CEASE DISTRIBUTION.**—If the Secretary has reason to believe that the use or consumption of, or exposure to, an article of food may cause serious adverse health consequences or death to humans or animals, the Secretary shall have the authority to issue an order requiring any person who distributes such article to immediately cease distribution of such article.

“(d) **ACTION FOLLOWING ORDER.**—Any person who is subject to an order under subsection (c) shall immediately cease distribution of such article and provide notification as required by such order, and may appeal within 24 hours of issuance such order to the Secretary. Such appeal may include a request for an informal hearing and a description of any efforts to recall such article undertaken voluntarily by the person, including after a request under subsection (b). Except as provided in subsection (f), an informal hearing shall be held as soon as practicable, but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended to require a recall of such article. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the

actions required by the order, the Secretary shall vacate the order.

“(e) **ORDER TO RECALL.**—

“(1) **AMENDMENT.**—Except as provided under subsection (f), if after providing an opportunity for an informal hearing under subsection (d), the Secretary determines that the order should be amended to include a recall of the article with respect to which the order was issued, the Secretary shall amend the order to require a recall.

“(2) **CONTENTS.**—An amended order under paragraph (1) shall—

“(A) specify a timetable in which the recall will occur;

“(B) require periodic reports to the Secretary describing the progress of the recall; and

“(C) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

In providing for such notice, the Secretary may allow for the assistance of health professionals, State or local officials, or other individuals designated by the Secretary.

“(3) **NONDELEGATION.**—An amended order under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

“(f) **EMERGENCY RECALL ORDER.**—

“(1) **IN GENERAL.**—If the Secretary has credible evidence or information that an article of food subject to an order under subsection (c) presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may issue an order requiring any person who distributes such article—

“(A) to immediately recall such article; and

“(B) to provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

“(2) **ACTION FOLLOWING ORDER.**—Any person who is subject to an emergency recall order under this subsection shall immediately recall such article and provide notification as required by such order, and may appeal within 24 hours after issuance such order to the Secretary. An informal hearing shall be held within as soon as practicable but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended pursuant to subsection (e)(1). If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

“(3) **NONDELEGATION.**—An order under this subsection shall be issued by the Commissioner of Food and Drugs, the Principal Deputy Commissioner, or the Associate Commissioner for Regulatory Affairs of the Food and Drug Administration.

“(g) **NOTICE TO CONSUMERS AND HEALTH OFFICIALS.**—The Secretary shall, as the Secretary determines to be necessary, provide notice of a recall order under this section to consumers to whom the article was, or may have been, distributed and to appropriate State and local health officials.

“(h) **SAVINGS CLAUSE.**—Nothing contained in this section shall be construed as limiting—

“(1) the authority of the Secretary to issue an order to cease distribution of, or to recall,

an article under any other provision of this Act or the Public Health Service Act; or

“(2) the ability of the Secretary to request any person to perform a voluntary activity related to any article subject to this Act or the Public Health Service Act.”.

(c) **ARTICLES SUBJECT TO REFUSAL.**—The third sentence of subsection (a) of section 801 (21 U.S.C. 381), as amended by section 107(b), is amended by inserting “or (5) such article is subject to an order under section 420 to cease distribution of or recall the article,” before “then such article shall be refused admission”.

(d) **EFFECTIVE DATE.**—Sections 301(vv)(1) and 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsections (a) and (b), shall apply with respect to articles of food as of such date, not later than 1 year after the date of the enactment of this Act, as the Secretary of Health and Human Services shall specify.

SEC. 112. REPORTABLE FOOD REGISTRY; EXCHANGE OF INFORMATION.

(a) **REPORTABLE FOOD REGISTRY.**—Section 417 (21 U.S.C. 350f) is amended—

(1) in subsection (a)(1), by striking “means a person” and all that follows through the end of paragraph (1) and inserting the following: “means—

“(A) a person who submits the registration under section 415(a) for a food facility that is required to be registered under section 415(a), at which such food is manufactured, processed, packed, or held;

“(B) a person who owns, operates, is an agent of, or is otherwise responsible for such food on a farm (as such term is defined in section 1.227(b)(3) of title 21, Code of Federal Regulations, or successor regulations) at which such food is produced for sale or distribution in interstate commerce;

“(C) a person who owns, operates, or is an agent of a restaurant or other retail food establishment (as such terms are defined in section 1.227(b)(11) and (12), respectively, of title 21, Code of Federal Regulations, or successor regulations) at which such food is offered for sale; or

“(D) a person that is required to register pursuant to section 801(s) with respect to importation of such food.”;

(2) in subsection (b), by adding at the end the following:

“(3) **REPORTING BY FARMS, RESTAURANTS, AND RETAIL FOOD ESTABLISHMENTS.**—In addition to the electronic portal described in paragraph (1), the Secretary shall make available alternative means of reporting under this section with respect to farms, restaurants, and other retail food establishments with limited ability for such reporting.”;

(3) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by inserting “following a timely review of any reasonably available data and information,” after “reportable food,”;

(B) in subparagraph (A), by striking “and” at the end;

(C) by redesignating subparagraph (B) as subparagraph (C); and

(D) by inserting after subparagraph (A) the following:

“(B) submit, with such report, through the electronic portal, documentation of results from any sampling and testing of such article, including—

“(i) analytical results from testing of such article conducted by or on behalf of the responsible party under section 418, 418A, 419, 419A, or 714;

“(ii) analytical results from testing conducted by or on behalf of such responsible party of a component of such article;

“(iii) analytical results of environmental testing of any facility at which such article, or a component of such article, is manufactured, processed, packed, or held; and

“(iv) any other information the Secretary determines is necessary to evaluate the adulteration of such article, any component of such article, any other article of food manufactured, processed, packed or held in the same manner as, or at the same facility as, such article, or any other article containing a component from the same source as a component of such article; and”;

(4) in subsection (e)—

(A) in paragraph (1), by inserting “if the responsible party is required to register” after “415(a)(3)”; and

(B) by adding at the end the following:

“(12) Such additional information as the Secretary deems appropriate.”.

(b) EXCHANGE OF INFORMATION.—Section 708 (21 U.S.C. 379) is amended—

(1) by striking “The Secretary” and inserting “(a) The Secretary”; and

(2) by adding at the end the following:

“(b)(1)(A) The Secretary may provide to any Federal agency acting within the scope of its jurisdiction any information relating to food that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

“(B) Any such information provided to another Federal agency shall not be disclosed by such agency except in any action or proceeding under the laws of the United States to which the receiving agency or the United States is a party.

“(2)(A) In carrying out this Act, the Secretary may provide to a State or local government agency any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

“(B) Any such information provided to a State or local government agency shall not be disclosed by such agency.

“(3) In carrying out this Act, the Secretary may provide to any person any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that providing the information to the person is appropriate under the circumstances and the recipient provides adequate assurances to the Secretary that the recipient will preserve the confidentiality of the information.

“(4) In carrying out this Act, the Secretary may provide any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j)—

“(A) to any foreign government agency; or

“(B) any international organization established by law, treaty, or other governmental action and having responsibility—

“(i) to facilitate global or regional harmonization of standards and requirements in an area of responsibility of the Food and Drug Administration; or

“(ii) to promote and coordinate public health efforts,

if the agency or organization provides adequate assurances to the Secretary that the agency or organization will preserve the confidentiality of the information.

“(c) Except where specifically prohibited by statute, the Secretary may disclose to the

public any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that such disclosure is necessary to protect the public health.

“(d) Except as provided in subsection (e), the Secretary shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law any information relating to food obtained from a Federal, State, or local government agency, or from a foreign government agency, or from an international organization described in subsection (b)(4), if the agency or organization has requested that the information be kept confidential, or has precluded such disclosure under other use limitations, as a condition of providing the information.

“(e) Nothing in subsection (d) authorizes the Secretary to withhold information from the Congress or prevents the Secretary from complying with an order of a court of the United States.

“(f) This section shall not affect the authority of the Secretary to provide or disclose information under any other provision of law.”.

(c) CONFORMING AMENDMENT.—Section 301(j) (21 U.S.C. 331(j)) is amended by striking “or to the courts when relevant in any judicial proceeding under this Act,” and inserting “to the courts when relevant in any judicial proceeding under this Act, or as specified in section 708.”.

SEC. 113. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

“SEC. 805. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

“(a) IN GENERAL.—The Secretary may establish by regulation or guidance in coordination with the Commissioner responsible for Customs and Border Protection a program that facilitates the movement of food through the importation process under this Act if the importer of such food—

“(1) verifies that each facility involved in the production, manufacture, processing, packaging, and holding of the food is in compliance with the food safety and security guidelines developed under subsection (b) with respect to such food;

“(2) ensures that appropriate safety and security controls are in place throughout the supply chain for such food; and

“(3) provides supporting information to the Secretary.

“(b) GUIDELINES.—

“(1) DEVELOPMENT.—For purposes of the program established under subsection (a), the Secretary shall develop in consultation with the Commissioner responsible for Customs and Border Protection safety and security guidelines applicable to the importation of food taking into account, to the extent appropriate, other relevant Federal programs, such as the Customs-Trade Partnership Against Terrorism (C-TPAT) programs under section 211 of the Security and Accountability for Every Port Act of 2006.

“(2) FACTORS.—Such guidelines shall take into account the following factors:

“(A) The personnel of the person importing the food.

“(B) The physical and procedural safety and security of such person's food supply chain.

“(C) The sufficiency of preventive controls for food and ingredients purchased by such person.

“(D) Vendor and supplier information.

“(E) Other programs for certification or verification by a qualified certifying entity used by the importer.

“(F) Such other factors as the Secretary determines necessary.”.

SEC. 114. INFANT FORMULA.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a) and 109(a), is amended by adding at the end the following:

“(bb) If it is a new infant formula and—

“(1) it is not the subject of a registration made pursuant to section 412(c)(1)(A);

“(2) it is not the subject of a submission made pursuant to section 412(c)(1)(B), or

“(3) at least 90 days have not passed since the making of such registration or of such submission to the Secretary.”.

(b) REQUIREMENTS.—Section 412 (21 U.S.C. 350a) is amended—

(1) in subsection (c)(1)(B), by striking “(c)(1)” at the end and inserting “(d)(1), subject to subsection (d)(2)(B)”; and

(2) in subsection (d)(1)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “, and”; and

(C) by adding at the end the following:

“(E) information on any new ingredient in accordance with paragraph (2)(A).”;

(3) in subsection (d), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (d) the following:

“(2)(A) The description of any new infant formula required under paragraph (1) shall include, for any new ingredient for use in the formula—

“(i) a citation to a prior approval by the Secretary of the new ingredient for use in infant formula under section 409;

“(ii) a citation to or information showing a prior consideration of the new ingredient for use in infant formula under any program established by the Secretary for the review of ingredients used in food; or

“(iii) for a new ingredient that is not a food additive or a color additive, information equivalent to that provided under any program established by the Secretary for the review of ingredients used in food.

“(B) If the information submitted under subparagraph (A) is the information described in clause (iii) of such subparagraph, the 90 day period provided by subsection (c)(1)(B) shall not commence until the Secretary has completed review of the information submitted under such clause and has provided the submitter notice of the results of such review.”.

Subtitle B—Intervention

SEC. 121. SURVEILLANCE.

(a) DEFINITION OF FOOD-BORNE ILLNESS OUTBREAK.—In this section, the term “food-borne illness outbreak” means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOOD-BORNE ILLNESS SURVEILLANCE SYSTEMS.—The Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”), acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(1) coordinating Federal, State, and local food-borne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(2) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(3) developing improved epidemiological tools for obtaining quality exposure data, and microbiological methods for classifying cases;

(4) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(5) expanding capacity of such systems, including fingerprinting and other detection strategies for food-borne infectious agents, in order to identify new or rarely documented causes of food-borne illness;

(6) allowing timely public access to aggregated, de-identified surveillance data;

(7) at least annually, publishing current reports on findings from such systems;

(8) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(9) integrating food-borne illness surveillance systems and data with other bio-surveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(10) other activities as determined appropriate by the Secretary.

(C) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) **IN GENERAL.**—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve food-borne illness outbreak response and containment.

(B) Accelerate food-borne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of food-borne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(2) **REVIEW.**—In developing the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of this Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

SEC. 122. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) **PUBLIC EDUCATION.**—The Secretary, in cooperation with private and public organizations, including the appropriate State entities, shall design and implement a national

public education program on food safety. The program shall provide—

(1) information to the public so that individuals can understand the potential impact and risk of food-borne illness, take action to reduce their risk of food-borne illness and injury, and make healthy dietary choices;

(2) information to health professionals so that they may improve diagnosis and treatment of food-related illness and advise individuals whose health conditions place them in particular risk; and

(3) such other information or advice to consumers and other persons as the Secretary determines will promote the purposes of this Act.

(b) **HEALTH ADVISORIES.**—The Secretary shall work with the States and other appropriate entities to—

(1) develop and distribute regional and national advisories concerning food safety;

(2) develop standardized formats for written and broadcast advisories; and

(3) incorporate State and local advisories into the national public education program required under subsection (a).

SEC. 123. RESEARCH.

The Secretary shall conduct research to assist in the implementation of this Act, including studies to—

(1) improve sanitation and food safety practices in the production, harvesting, and processing of food products;

(2) develop improved techniques for the monitoring of food and inspection of food products;

(3) develop efficient, rapid, and sensitive methods for determining and detecting the presence of contaminants in food products;

(4) determine the sources of contamination of food and food products, including critical points of risk for fresh produce and other raw agricultural commodities;

(5) develop consumption data with respect to food products;

(6) draw upon research and educational programs that exist at the State and local level;

(7) utilize the DNA matching system and other processes to identify and control pathogens;

(8) address common and emerging zoonotic diseases;

(9) develop methods to reduce or destroy pathogens before, during, and after processing;

(10) analyze the incidence of antibiotic resistance as it pertains to the food supply and evaluate methods to reduce the transfer of antibiotic resistance to humans; and

(11) conduct other research that supports the purposes of this Act.

Subtitle C—Response

SEC. 131. PROCEDURES FOR SEIZURE.

Section 304(b) (21 U.S.C. 334(b)) is amended by inserting “and except that, with respect to proceedings relating to food, Rule G of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions shall not apply in any such case, exigent circumstances shall be deemed to exist for all seizures brought under this section, and the summons and arrest warrant shall be issued by the clerk of the court without court review in any such case” after “in any such case shall be tried by jury”.

SEC. 132. ADMINISTRATIVE DETENTION.

(a) **AMENDMENTS.**—Section 304(h) (21 U.S.C. 334(h)) is amended—

(1) in paragraph (1)(A), by striking “credible evidence or information indicating” and inserting “reason to believe”;

(2) in paragraph (1)(A), by striking “presents a threat of serious adverse health con-

sequences or death to humans or animals” and inserting “is adulterated, misbranded, or otherwise in violation of this Act”;

(3) in paragraph (2), by striking “30” and inserting “60”;

(4) in paragraph (3), by striking the third sentence; and

(5) in paragraph (4)(A) by striking the terms “five” and “five-day” and inserting “fifteen” and “fifteen-day”, respectively.

(b) **REGULATIONS.**—The Secretary shall issue regulations or guidance to implement the amendments made by this section.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 133. AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.

(a) **PROHIBITED ACT.**—Section 301 (21 U.S.C. 331), as amended by sections 110 and 111, is amended by adding at the end by adding the following:

“(ww) The violation of a prohibition or restriction under section 304(i).”.

(b) **IN GENERAL.**—Section 304 (21 U.S.C. 334) is amended by adding at the end the following:

“(i) **AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD WITHIN A STATE OR PORTION OF A STATE.**—

“(1) **AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.**—

“(A) **IN GENERAL.**—

“(i) After consultation with the Governor or other appropriate official of an affected State, if the Secretary determines that there is credible evidence that an article of food presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may prohibit or restrict the movement of an article of food within a State or portion of a State for which the Secretary has credible evidence that such food is located within, or originated from, such State or portion thereof.

“(ii) In carrying out clause (i), the Secretary may prohibit or restrict the movement within a State or portion of a State of any article of food or means of conveyance of such article of food, if the Secretary determines that the prohibition or restriction is a necessary protection from an imminent threat of serious adverse health consequences or death to humans or animals.

“(2) **NOTIFICATION PROCEDURES.**—Subject to paragraph (3), before any action is taken in a State under this subsection, the Secretary shall—

“(A) notify the Governor or other appropriate official of the State affected by the proposed action;

“(B) issue a public announcement of the proposed action; and

“(C) publish in the Federal Register—

“(i) the findings of the Secretary that support the proposed action;

“(ii) a statement of the reasons for the proposed action; and

“(iii) a description of the proposed action, including—

“(I) the area affected; and

“(II) an estimate of the anticipated duration of the action.

“(3) **NOTICE AFTER ACTION.**—If it is not practicable to publish in the Federal Register the information required under paragraph (2)(C) before taking action under paragraph (1), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

“(4) APPLICATION OF LEAST DRASTIC ACTION.—No action shall be taken under paragraph (1) unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the imminent threat of serious adverse health consequences or death to humans or animals.

“(5) NONDELEGATION.—An action under paragraph (1) may only be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the Commissioner of Food and Drugs or the Principal Deputy Commissioner.

“(6) DURATION.—Fourteen days after the initiation of an action under paragraph (1), and each 14 days thereafter, if the Secretary determines that it is necessary to continue the action, the Secretary shall—

“(A) notify the Governor or other appropriate official of the State affected of the continuation of the action;

“(B) issue a public announcement of the continuation of the action; and

“(C) publish in the Federal Register the findings of the Secretary that support the continuation of the action, including an estimate of the anticipated duration of the action.

“(7) RULEMAKING.—The Secretary shall, consistent with national security interests and as appropriate for known hazards, establish by regulation standards for conducting actions under paragraph (1), including, as appropriate, sanitation standards and procedures to restore any affected equipment or means of conveyance to its status prior to an action under paragraph (1).”

SEC. 134. CRIMINAL PENALTIES.

Section 303(a) (21 U.S.C. 333) is amended—

(1) in paragraph (1), by striking “Any” and inserting “Except as provided in paragraph (2) or (3), any”; and

(2) by adding at the end the following:

“(3) Notwithstanding paragraph (1), any person who knowingly violates paragraph (a), (b), (c), (k), or (v) of section 301 with respect to any food that is misbranded or adulterated shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.”

SEC. 135. CIVIL PENALTIES FOR VIOLATIONS RELATING TO FOOD.

(a) IN GENERAL.—Paragraph (2) of section 303(f) (21 U.S.C. 331 et seq.) is amended to read as follows:

“(2)(A) Any person who violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

“(i) \$20,000 in the case of an individual, not to exceed \$50,000 in a single proceeding; and

“(ii) \$250,000 in the case of any other person, not to exceed \$1,000,000 in a single proceeding.

“(B) Any person who knowingly violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

“(i) \$50,000 in the case of an individual, not to exceed \$100,000 in a single proceeding; and

“(ii) \$500,000 in the case of any other person, not to exceed \$7,500,000 in a single proceeding.

“(C) Each violation described in subparagraph (A) or (B) and each day during which the violation continues shall be considered to be a separate offense.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations committed on or after the date of the enactment of this Act.

SEC. 136. IMPROPER IMPORT ENTRY FILINGS.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, and 133, is amended by adding at the end the following:

“(xx) The submission of information relating to food that is required by or under section 801 that is inaccurate or incomplete.

“(yy) The failure to submit information relating to food that is required by or under section 801.”

(b) DOCUMENTATION FOR IMPORTS.—Section 801 (21 U.S.C. 381), as amended by section 109, is amended by adding at the end the following:

“(r) DOCUMENTATION.—

“(1) SUBMISSION.—The Secretary may require by regulation or guidance the submission of documentation or other information for articles of food that are imported or offered for import into the United States. When developing any regulation or guidance in accordance with this paragraph, to the extent that the collection of documentation or other information involves Customs and Border Protection efforts or resources, the Secretary shall consult with Customs and Border Protection.

“(2) FORMAT.—A regulation or guidance under paragraph (1) may specify the format for submission of the documentation or other information.”

TITLE II—MISCELLANEOUS

SEC. 201. FOOD SUBSTANCES GENERALLY RECOGNIZED AS SAFE.

Section 409 (21 U.S.C. 348) is amended by adding at the end the following:

“Substances Generally Recognized as Safe

“(k)(1) Not later than 60 days after the date of receipt by the Secretary, after the date of the enactment of this subsection, of a determination that a substance is a GRAS food substance, the Secretary shall post notice of such determination and the supporting scientific justifications on the Food and Drug Administration’s public Web site.

“(2) Not later than 60 days after the date of receipt of a request under paragraph (1), the Secretary shall acknowledge receipt of such request by informing the requester in writing of the date on which the request was received.

“(3) In this subsection, the term ‘GRAS food substance’ means a substance excluded from the definition of the term ‘food additive’ in section 201(s) because such substance is generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use.”

SEC. 202. COUNTRY OF ORIGIN LABELING.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), and 114(a), is amended by adding at the end the following:

“(cc) In the case of a processed food, if the labeling of the food fails to identify the country in which the final processing of the food occurs.

“(dd) In the case of nonprocessed food, if the labeling of the food fails to identify the country of origin of the food.”

(b) REGULATIONS.—

(1) PROMULGATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to carry out paragraphs (cc) and (dd) of section 403 of

the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) RELATION TO OTHER REQUIREMENTS.—Regulations promulgated under paragraph (1) shall provide that labeling meets the requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), if—

(A) in the case of a processed food, the label of the food informs the consumer of the country where the final processing of the food occurred in accordance with country of origin marking requirements of the United States Customs and Border Protection; or

(B) in the case of a nonprocessed food, the label of the food informs the consumer of the country of origin of the food in accordance with labeling requirements of the Department of Agriculture.

(c) EFFECTIVE DATE.—The requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), take effect on the date that is 2 years after the date of the enactment of this Act.

SEC. 203. EXPORTATION CERTIFICATE PROGRAM.

Section 801(e)(4) (21 U.S.C. 381) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by inserting “from the United States” after “exports”; and

(B) by striking “a drug, animal drug, or device” and inserting “a food (including animal feed), drug, animal drug, or device”;

(2) in subparagraph (A)(i)—

(A) by striking “in writing”; and

(B) by striking “exported drug, animal drug, or device” and inserting “exported food, drug, animal drug, or device”;

(3) in subparagraph (A)(ii)—

(A) by striking “in writing”; and

(B) by striking “the drug, animal drug, or device” and inserting “the food, drug, animal drug, or device”; and

(C) by striking “the drug or device” and inserting “the food, drug, or device”;

(4) by redesignating subparagraph (B) as subparagraph (C);

(5) by inserting after subparagraph (A) the following:

“(B) For purposes of this paragraph, a certification by the Secretary shall be made on such basis and in such form (such as a publicly available listing) as the Secretary determines appropriate.”; and

(6) by adding at the end the following:

“(D) Notwithstanding subparagraph (C), if the Secretary issues an export certification within the 20 days prescribed by subparagraph (A) with respect to the export of food, a fee for such certification shall not exceed such amount as the Secretary determines is reasonably related to the cost of issuing certificates under subparagraph (A) with respect to the export of food. The Secretary may adjust this fee annually to account for inflation and other cost adjustments. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended, without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration to cover the cost of issuing such certifications. Such sums as necessary may be transferred from such appropriation account for salaries and expenses

of the Food and Drug Administration without fiscal year limitation to such appropriation account for salaries and expenses with fiscal year limitation.”.

SEC. 204. REGISTRATION FOR COMMERCIAL IMPORTERS OF FOOD; FEE.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, and 136, is amended by adding at the end the following:

“(zz) The failure to register in accordance with section 801(s).”.

(2) MISBRANDING.—Section 403 (21 U.S.C. 343) as amended by sections 101(a), 109(a), 114(a), and 202, is amended by adding at the end the following:

“(ee) If it is imported or offered for import by an importer not duly registered under section 801(s).”.

(3) REGISTRATION.—Section 801, as amended by sections 109 and 136, is amended by adding at the end the following:

“(s) REGISTRATION OF IMPORTERS.—

“(1) REGISTRATION.—The Secretary shall require an importer of food—

“(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

“(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

“(2) GOOD IMPORTER PRACTICES.—The maintenance of registration under this subsection is conditioned on compliance with good importer practices in accordance with the following:

“(A) The Secretary, in consultation with Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported food is in compliance with the requirements of this Act.

“(B) The measures under subparagraph (A) shall ensure that the importer of a food—

“(i) has adequate information about the food, its hazards, and the requirements of this Act applicable to such food;

“(ii) has adequate information or procedures in place to verify that both the food and each person that produced, manufactured, processed, packed, transported, or held the food, including components of the food, are in compliance with the requirements of this Act; and

“(iii) has adequate procedures in place to take corrective action, such as the ability to appropriately trace, withhold, and recall articles of food, if a food imported by the importer is not in compliance with the requirements of this Act.

“(C) In promulgating good importer practices regulations, the Secretary may, as appropriate—

“(i) incorporate certification of compliance under section 801(q) and participation in the safe and secure food importation program under section 805; and

“(ii) take into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

“(3) SUSPENSION OF REGISTRATION.—

“(A) IN GENERAL.—Registration under this subsection is subject to suspension upon a finding by the Secretary, after notice and an opportunity for an informal hearing, of—

“(i) a violation of this Act; or

“(ii) the knowing or repeated making of an inaccurate or incomplete statement or submission of information relating to the importation of food.

“(B) REQUEST.—The importer whose registration is suspended may request that the

Secretary vacate the suspension of registration when such importer has corrected the violation that is the basis for such suspension.

“(C) VACATING OF SUSPENSION.—If the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

“(4) CANCELLATION OF REGISTRATION.—

“(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

“(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the importer of the intent to cancel the registration and the basis for such cancellation.

“(C) TIMELY UPDATE OR CORRECTION.—If the registration for the importer is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

“(5) EXEMPTIONS.—The Secretary, by notice published in the Federal Register—

“(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

“(B) may establish other exemptions from the requirements of this subsection.”.

(4) REGULATIONS.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services in consultation with the Commissioner responsible for Customs and Border Protection shall promulgate the regulations required to carry out section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (3). In establishing the effective date of a regulation promulgated under section 801(s), the Secretary shall, in consultation with the Commissioner responsible for Customs and Border Protection, as appropriate, provide a reasonable period of time for importers of food to comply with good importer practices, taking into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) FEE.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) as added and amended by sections 101 and 108, is amended by adding at the end the following:

“PART 7—IMPORTERS OF FOOD

“SEC. 744. IMPORTERS OF FOOD.

“(a) IMPORTERS.—The Secretary shall assess and collect an annual fee for the registration of an importer of food under section 801(s).

“(b) AMOUNT OF FEE.—

“(1) BASE AMOUNTS.—The registration fee under subsection (a) shall be—

“(A) for fiscal year 2010, \$500; and

“(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under paragraph (2).

“(2) ADJUSTMENT.—For fiscal year 2011 and subsequent fiscal years, the fees established pursuant to paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

“(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average), for the 12-month period ending

June 30 preceding the fiscal year for which fees are being established;

“(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

“(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

“(3) COMPOUNDED BASIS.—The adjustment made each fiscal year pursuant to this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

“(4) WAIVER FOR IMPORTERS REQUIRED TO PAY REGISTRATION FEE.—In the case of a person who is required to pay both a fee under section 743 for registration of one or more facilities under section 415 and a fee under this section for registration as an importer of food under section 801(s), the Secretary shall waive the fees applicable to such person under section 743 or the fee applicable to such person under this section.

“(c) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

“(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

“(B) shall only be collected and available to cover the costs associated with registering importers under section 801(s) and with ensuring compliance with good importer practices respecting food.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.”.

(c) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by section 105, is amended by adding at the end the following:

“(i) IMPORTERS.—Every person engaged in the importing of any food shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.”.

SEC. 205. REGISTRATION FOR CUSTOMS BROKERS.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301(zz) (21 U.S.C. 331), as added by section 204, is amended by inserting “or 801(t)” after “801(s)”.

(2) MISBRANDING.—Section 403(ee) (21 U.S.C. 343), as added by section 204, is amended—

(A) by inserting “or a customs broker” after “by an importer”; and

(B) by inserting “or 801(t)” after “801(s)”.

(3) **REGISTRATION.**—Section 801, as amended by sections 109, 136, and 204, is amended by adding at the end the following:

“(t) **REGISTRATION OF CUSTOMS BROKER.**—

“(1) **REGISTRATION.**—The Secretary shall require a customs broker, with respect to the importation of food—

“(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

“(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

“(2) **CANCELLATION OF REGISTRATION.**—

“(A) **IN GENERAL.**—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

“(B) **NOTICE OF CANCELLATION.**—Cancellation shall be preceded by notice to the customs broker of the intent to cancel the registration and the basis for such cancellation.

“(C) **TIMELY UPDATE OR CORRECTION.**—If the registration for the customs broker is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

“(3) **NOTIFICATION.**—The Secretary shall notify the Commissioner responsible for Customs and Border Protection whenever the Secretary cancels a registration under this subsection.

“(4) **EXEMPTIONS.**—In consultation with the Commissioner responsible for Customs and Border Protection, the Secretary, by notice published in the Federal Register—

“(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

“(B) may establish other exemptions from the requirements of this subsection.

“(5) **CIVIL PENALTIES.**—Notwithstanding any other provision in this Act, a customs broker who violates section 301 because of a violation of section 403(ee), or who violates section 301(xx), 301(yy), or 301(zz), shall not be subject to a civil penalty under section 303(f)(2).”

(4) **REGULATIONS.**—Not later than 24 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner responsible for Customs and Border Protection, shall promulgate the regulations required to carry out section 801(t) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2).

(5) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) **INSPECTION.**—Section 704 (21 U.S.C. 374), as amended by sections 105 and 204, is amended by adding at the end the following:

“(j) **BROKERS.**—Every customs broker required to be registered with the Secretary shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.”

SEC. 206. UNIQUE IDENTIFICATION NUMBER FOR FOOD FACILITIES, IMPORTERS, AND CUSTOM BROKERS.

Chapter X (21 U.S.C. 391 et seq) is amended by adding at the end the following:

“SEC. 1011. UNIQUE FACILITY IDENTIFIER.

“(a) **REGISTRATION OF FACILITY OR ESTABLISHMENT.**—A person required to register a

facility pursuant to section 415 shall submit, at the time of registration, a unique facility identifier for the facility or establishment.

“(b) **REGISTRATION OF IMPORTERS AND CUSTOM BROKERS.**—A person required to register pursuant to section 801(s) or 801(t) shall submit, at the time of registration, a unique facility identifier for the principal place of business for which such person is required to register under section 801(s) or 801(t).

“(c) **GUIDANCE.**—The Secretary may, by guidance, and, with respect to importers and customs brokers, in consultation with the Commissioner responsible for Customs and Border Protection, specify the unique numerical identifier system to be used to meet the requirements of subsections (a) and (b) and the form, manner, and timing of a submission under such subsections. Development of such guidelines shall take into account the utilization of existing unique identification schemes and compatibility with customs automated systems, such as integration with the Automated Commercial Environment (ACE) and the International Trade Data System (ITDS), and any successor systems.

“(d) **IMPORTATION.**—An article of food imported or offered for import shall be refused admission unless the appropriate unique facility identifiers, as specified by the Secretary, are provided for such article.”

SEC. 207. PROHIBITION AGAINST DELAYING, LIMITING, OR REFUSING INSPECTION.

(a) **ADULTERATION.**—Section 402 (21 U.S.C. 342), as amended by section 102, 103(a), and 104(a), is amended by adding at the end the following:

“(n) If it has been produced, manufactured, processed, packed, or held in any farm, factory, warehouse, or establishment and the owner, operator, or agent of such farm, factory, warehouse, or establishment, or any agent of a governmental authority in the foreign country within which such farm, factory, warehouse, or establishment is located, delays or limits an inspection, or refuses to permit entry or inspection, under section 414 or 704.”

(b) **FOREIGN INSPECTIONS.**—Section 704(a)(1) (21 U.S.C. 374(a)(1)), as amended by section 106(c), is amended—

(1) in the first sentence, by inserting “, including any such food factory, warehouse, or establishment whether foreign or domestic,” after “factory, warehouse, or establishment”; and

(2) in the third sentence, by inserting “, including any food factory, warehouse, establishment, or consulting laboratory whether foreign or domestic,” after “factory, warehouse, establishment, or consulting laboratory”.

SEC. 208. DEDICATED FOREIGN INSPECTORATE.

Section 704 (21 U.S.C. 374), as amended by sections 105, 204, and 205, is amended by adding at the end the following:

“(k) **DEDICATED FOREIGN INSPECTORATE.**—The Secretary shall establish and maintain a corps of inspectors dedicated to inspections of foreign food facilities. This corps shall be staffed and funded by the Secretary at a level sufficient to enable it to assist the Secretary in achieving the frequency of inspections for food facilities as described in this Act.”

SEC. 209. PLAN AND REVIEW OF CONTINUED OPERATION OF FIELD LABORATORIES.

(a) **SUBMISSION OF PLAN.**—Not later than 90 days before the Secretary terminates or consolidates any laboratory, district office, or the functions (including the inspection and compliance functions) of any such laboratory or district office, specified in subsection (b),

the Secretary shall submit a reorganization plan to the Comptroller General of the United States, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(b) **SPECIFIED LABORATORIES AND OFFICES.**—The laboratories and offices specified in this subsection are the following:

(1) Any of the 13 field laboratories responsible for analyzing food that were operated by the Office of Regulatory Affairs of the Food and Drug Administration as of January 1, 2007.

(2) Any of the 20 district offices of the Food and Drug Administration with responsibility for food safety functioning as of January 1, 2007.

(c) **CONGRESSIONAL REVIEW.**—A reorganization plan described in subsection (a) is deemed to be a major rule (as defined in section 804(2) of title 5, United States Code) for purposes of chapter 8 of such title.

SEC. 210. FALSE OR MISLEADING REPORTING TO FDA.

(a) **IN GENERAL.**—Section 301(q)(2) (21 U.S.C. 331(q)(2)) is amended by inserting after “device” the following: “, food.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to submissions made on or after the date of the enactment of this Act.

SEC. 211. SUBPOENA AUTHORITY.

(a) **PROHIBITED ACT.**—Section 301(f) is amended by inserting before the period “or the failure or refusal to obey a subpoena issued pursuant to section 311”.

(b) **AMENDMENT.**—Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

“SEC. 311. EXERCISE OF SUBPOENA AUTHORITY.

“(a) **IN GENERAL.**—For the purpose of—

“(1) any hearing, investigation, or other proceeding respecting a violation of a provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food; or

“(2) any hearing, investigation, or other proceeding to determine if a person is in violation of a specific provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food, the Commissioner may issue subpoenas requiring the attendance and testimony of witnesses and the production of records and other things.

“(b) **TIMING OF COMPLIANCE.**—When the Commissioner deems that immediate compliance with a subpoena issued under this section is necessary to address a threat of serious adverse health consequences or death, the subpoena may require immediate production.

“(c) **SERVICE OF SUBPOENA.**—

“(1) **IN GENERAL.**—Subpoenas of the Commissioner shall be served by a person authorized by the Commissioner by delivering a copy thereof to the person named therein or by certified mail addressed to such person at such person’s last known dwelling place or principal place of business.

“(2) **CORPORATIONS AND OTHER ENTITIES.**—Service on a domestic or foreign corporation, partnership, unincorporated association, or other entity that is subject to suit under a common name may be made by delivering the subpoena to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.

“(3) **PERSON OUTSIDE U.S. JURISDICTION.**—Service on any person not found within the territorial jurisdiction of any court of the United States may be made in any manner

as the Federal Rules of Civil Procedure prescribe for service in a foreign nation.

“(4) **PROOF OF SERVICE.**—A verified return by the person so serving the subpoena setting forth the manner of service, or, in the case of service by certified mail, the return post office receipt therefor signed by the person so served, shall be proof of service.

“(d) **PAYMENT OF WITNESSES.**—Witnesses subpoenaed under subsection (a) shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

“(e) **ENFORCEMENT.**—In the case of a refusal to obey a subpoena duly served upon any person under subsection (a), any district court of the United States for the judicial district in which such person charged with refusal to obey is found, resides, or transacts business, upon application by the Commissioner, shall have jurisdiction to issue an order compelling compliance with the subpoena and requiring such person to appear and give testimony or to appear and produce records and other things, or both. The failure to obey such order of the court may be punished by the court as contempt thereof. If the person charged with failure or refusal to obey is not found within the territorial jurisdiction of the United States, the United States District Court for the District of Columbia shall have the same jurisdiction, consistent with due process, to take any action respecting compliance with the subpoena by such person that such district court would have if such person were personally within the jurisdiction of such district court.

“(f) **NONDISCLOSURE.**—A United States district court for the district in which the subpoena is or will be served, upon application of the Commissioner, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney to obtain legal advice) the existence of such subpoena for a period of up to 90 days. Such order may be issued on a showing that the records or things being sought may be relevant to the hearing, investigation, proceeding, or other matter and that there is reason to believe that such disclosure may result in—

“(1) furtherance of a potential violation under investigation;

“(2) endangerment to the life or physical safety of any person;

“(3) flight or other action to avoid prosecution or other enforcement remedies;

“(4) destruction of or tampering with evidence; or

“(5) intimidation of potential witnesses.

An order under this subsection may be renewed for additional periods of up to 90 days upon a showing that any of the circumstances described in paragraphs (1) through (5) continue to exist.

“(g) **RELATION TO OTHER PROVISIONS.**—The subpoena authority vested in the Commissioner and the district courts of the United States by this section is in addition to any such authority vested in the Commissioner or such courts by other provisions of law, or as is otherwise authorized by law.

“(h) **NONDELEGATION.**—The authority to issue a subpoena under this section is limited to the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.”

SEC. 212. WHISTLEBLOWER PROTECTIONS.

Chapter X (21 U.S.C. 391 et seq.), as amended by section 206, is amended by adding at the end the following:

“SEC. 1012 PROTECTIONS FOR EMPLOYEES WHO REFUSE TO VIOLATE, OR WHO DISCLOSE VIOLATIONS OF, THIS ACT.

“(a) **IN GENERAL.**—No person who submits or is required under this Act or the Public Health Service Act to submit any information related to a food, or any officer, employee, contractor, subcontractor, or agent of such person may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee, including within the ordinary course of the job duties of such employee—

“(1) to provide information, cause information to be provided, or otherwise assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of this Act, or any other provision of Federal law relating to the safety of a food, if the information or assistance is provided to, or an investigation stemming from the provided information is conducted by—

“(A) a Federal regulatory or law enforcement agency;

“(B) any Member of Congress or any committee of Congress; or

“(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate the misconduct);

“(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed, or about to be filed (with any knowledge of the employer), in any court or administrative forum relating to any such alleged violation; or

“(3) to refuse to commit or assist in any such violation.

“(b) **ENFORCEMENT ACTION.**—

“(1) **IN GENERAL.**—An employee who alleges discharge or other discrimination in violation of subsection (a) may seek relief in accordance with the provisions of subsection (c) by—

“(A) filing a complaint with the Secretary of Labor; or

“(B) if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, or within 90 days after receiving a final decision or order from the Secretary, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which court shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

“(2) **PROCEDURE.**—

“(A) **IN GENERAL.**—Any action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

“(B) **EXCEPTION.**—Notification in an action under paragraph (1) shall be made in accordance with section 42121(b)(1) of title 49, United States Code, except that such notification shall be made to the person named in the complaint, the employer, and the Commissioner of Food and Drugs.

“(C) **BURDENS OF PROOF.**—An action brought under paragraph (1)(A) or (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

“(D) **STATUTE OF LIMITATIONS.**—An action under paragraph (1)(A) shall be commenced not later than 180 days after the date on which the violation occurs.

“(c) **REMEDIES.**—

“(1) **IN GENERAL.**—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

“(2) **ISSUANCE OF ORDER.**—If, in response to a complaint filed under paragraph (b)(1), the Secretary of Labor or the district court, as applicable, determines that a violation of subsection (a) has occurred, the Secretary or the court shall order the person who committed such violation—

“(A) to take affirmative action to abate the violation;

“(B) to—

“(i) reinstate the complainant to his or her former position together with compensation (including back pay); and

“(ii) restore the terms, conditions, and privileges associated with his or her employment; and

“(C) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary or the court, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

“(d) **RIGHTS RETAINED BY EMPLOYEE.**—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.”

SEC. 213. EXTRATERRITORIAL JURISDICTION.

(a) **PROHIBITED ACT.**—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, 136, and 204, is amended by adding at the end the following:

“(aaa) The production, manufacture, processing, preparation, packing, holding, or distribution of an adulterated or misbranded food with the knowledge or intent that such article will be imported into the United States.”

(b) **JURISDICTION.**—Chapter III (21 U.S.C. 331 et seq.), as amended by section 211, is amended by adding at the end the following:

“SEC. 312. EXTRATERRITORIAL JURISDICTION.

“There is extraterritorial Federal jurisdiction over any violation of this Act relating to any article of food if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.”

SEC. 214. SUPPORT FOR TRAINING INSTITUTES.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall provide financial and other assistance to appropriate entities to establish and maintain one or more university-affiliated food protection training institutes that—

(1) conduct training related to food protection activities for Federal, State, local, territorial, and tribal officials; and

(2) meet standards developed by the Secretary.

SEC. 215. BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS.

(a) **NOTICE OF DETERMINATION.**—No later than December 31, 2009, the Secretary of Health and Human Services shall notify the Congress whether the available scientific data support a determination that there is a

reasonable certainty of no harm, for infants, young children, pregnant women, and adults, for approved uses of polycarbonate plastic and epoxy resin made with bisphenol A in food and beverage containers, including reusable food and beverage containers, under the conditions of use prescribed in current Food and Drug Administration regulations.

(b) NOTICE OF ACTIONS TO BE TAKEN.—If the Secretary concludes that such a determination cannot be made for any approved use, the Secretary shall notify the Congress of the actions the Secretary intends to take under the Secretary's authority to regulate food additives to protect the public health, which may include—

(1) revoking or modifying any of the approved uses of bisphenol A in food and beverage containers, including reusable food and beverage containers; and

(2) ensuring that the public is sufficiently informed of such determination and the steps the public may take in response to such determination.

(c) RULE OF CONSTRUCTION.—Nothing herein is intended or shall be construed to modify existing Food and Drug Administration authority, procedures, or policies for assessing scientific data, making safety determinations, or regulating the safe use of food additives.

SEC. 216. LEAD CONTENT LABELING REQUIREMENT FOR CERAMIC TABLEWARE AND COOKWARE.

(a) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), 114(a), 202, and 204, is amended by adding at the end the following:

“(ff) If it is ceramic tableware or cookware and includes a glaze or decorations containing lead for an intended functional purpose, unless—

“(1) the product and its packaging bear the statement: ‘This product is made with lead-based glaze consistent with Food and Drug Administration guidelines for such lead.’; or

“(2) the product is in compliance with the requirements applicable to ornamental and decorative ceramicware in section 109.16 of title 21, Code of Federal Regulations (or any successor regulation).”

(b) EFFECTIVE DATE.—Section 403(ff) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall apply only to ceramic tableware or cookware that is manufactured on or after the date that is 1 year after the date of the enactment of this Act.

(c) CONSUMER EDUCATION.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, 104, and 111, is amended by adding at the end the following:

“SEC. 421. CONSUMER EDUCATION ON THE CONTENT OF LEAD IN CERAMICWARE AND APPLICABLE LABELING REQUIREMENTS.

“(a) IN GENERAL.—The Secretary shall educate consumers on the safety of ceramicware for food use by posting information on the Web site of the Food and Drug Administration with regard to—

“(1) the content of lead in ceramicware and its glaze;

“(2) existing Federal laws and regulations governing lead in ceramicware;

“(3) as appropriate, existing industry practices and guidelines; and

“(4) the labeling requirements applicable under this Act.

“(b) TOPICS.—The education under this section shall address—

“(1) the broad range of ceramicware types, including traditional pottery, ornamental and decorative ceramicware, cookware, and everyday dinnerware;

“(2) the safety of ceramicware that is aged or damaged;

“(3) the use of ceramicware in microwave ovens;

“(4) the storage of foods in ceramicware;

“(5) the use of home lead test kits by consumers;

“(6) the use of ceramicware by children and women of childbearing age; and

“(7) issues that are especially relevant to subpopulations of consumers who may preferentially use certain types of ceramicware made with lead.”

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DINGELL) and the gentleman from Illinois (Mr. SHIMKUS) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of H.R. 2749, the Food Safety Enhancement Act of 2009.

I remind my colleagues that this bill was up before us yesterday and got 280-something votes in favor of it. It is a good piece of legislation. It is bipartisan. It will fundamentally change the way in which we ensure the safety of our food supply and protect American consumers, farmers and business. I would note it came out of committee in a bipartisan fashion, unanimously, by voice vote.

A series of foodborne disease outbreaks have laid bare unacceptable gaps in our food-safety laws, and this will be the first major change in our food-safety laws with regard to food and drugs since 1938.

In the past 2 years alone, we have witnessed issues of melamine in infant formula and in milk products, and we have seen tainted peppers from Mexico, harmful seafood and shellfish from China, E. coli in spinach, and problems with strawberries and raspberries. Each year, in spite of the fact that we have the most careful and safe food in the world, we find that 76 million people contact a foodborne illness in the United States. According to CDC, some 5,000 die.

This legislation contains significant policy solutions that will address this situation. It is largely based upon legislation I introduced last year along with Energy and Commerce subcommittee Chairmen PALLONE and STUPAK.

We have worked for months with our Republican colleagues in a bipartisan fashion on the Committee on Energy and Commerce to get this bill right. We have worked with our colleagues on the Agriculture and the Ways and Means Committees to address their concerns, and I believe we have done so.

In the end, we have a bill that strikes an important balance; it does not create unnecessary burdens for farmers and small businesses, but it does allow FDA to retain all its existing authority. It takes no authority from the Department of Agriculture or the Committee on Agriculture, and it gives FDA new authorities that it needs to

trace and prevent food-safety problems that may originate on the farm or in other sectors of the food supply chain. And we have carefully protected the farmers against intrusion by the Food and Drug Administration.

I want to talk about key provisions in the bill. Under the legislation, FDA has clear authority to issue and require manufacturers to meet strong, enforceable performance standards to ensure the safety of different types of food.

FDA will establish a food trace-back system so that the public health officials can easily determine the source of foodborne disease outbreaks and protect farmers and producers against unwise and inadequate judgments because of lack of personnel and money.

FDA is going to be required to inspect all food facilities more frequently. And the bill requires FDA to inspect the riskiest ones at least once per year.

FDA will be given new authority to ensure that imported foods are safe, a source of major concern and hazard to our people.

FDA will be given new tools—recalls, record access, penalties to punish bad actors, and the ability to act quickly when presented with a food-safety emergency.

FDA will get a new dedicated source of funding from a \$500 million annual registration fee on food facilities to help it conduct its work of keeping America safe. And this provision and the rest of the bill are supported by American food producers.

FDA will not be the only cop on the beat. Our food producers will focus also on prevention and have a well-deserved and shared responsibility between FDA and food manufacturers to keep our food supplies safe.

The bill will require manufacturers to implement preventive systems to stop outbreaks before they occur. All food facilities will be required to conduct hazard analyses, assess potential food-safety risks, and develop plans to keep the food supply safe.

Mr. Speaker, there is nothing in this bill that is overly burdensome for farmers small or big. We have worked hard—and I believe we have succeeded—in protecting farms of the family size from burdens that could harm their business and their way of life. My own district has many small farms and people with whom I work closely on agricultural matters, and I believe that they will be satisfied with this legislation.

It is a fact here—and I want to address the concerns that I have heard—that farmers who sell a majority of their product direct to the consumers are exempt from the fee system in this bill. Farms that sell directly to consumers, restaurants, and grocery stores will also be exempt from the trace-back system.

Some have expressed concern that FDA will have access to confidential

farm records and make them available for distribution. This is not so. FDA is already limited in the types of records they can access under the law, and they cannot access financial data, pricing data, personnel data, research data, or sales data other than shipment data regarding sales.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DINGELL. Mr. Speaker, I yield myself 1 additional minute.

I have also heard concern that FDA will have the authority to issue safety standards that will apply to farms and interfere with organic farming practices. I want to make it clear that that is not so. In fact, FDA is prohibited from imposing safety standards unless it determines those standards are "reasonably necessary to minimize the risk of serious adverse health consequences or death," a very, very high standard that they have to meet. This will ensure protection of the concerns of organic farmers and that they are taken into consideration before issuing standards. This is why it has the support of the distinguished chairman of the Agriculture Committee and members of that committee from both sides of the aisle.

Mr. Speaker, this is a product of bipartisan cooperation. It is supported by industry. It was approved unanimously by a voice vote in the Energy and Commerce Committee. It reflects findings of more than 20 hearings on the failure of our food system safety processes conducted by five different committees of the House over 3 years. It addresses weaknesses in the food-safety system at FDA that were identified under the Bush administration and included in concerns under the current administration.

H.R. 2749 is a well-vetted, mature piece of legislation. I urge my colleagues to support H.R. 2749. It is old enough to vote; it is over 21 years old.

I urge my colleagues to support this legislation. It is a good bill. It will protect the American people, the American consumers, and it will not hurt American industry, which supports this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

I was a member of the Oversight and Investigation Subcommittee in the last Congress, serving 10 or 12 months in that position. And every time we had a hearing on some unsafe food product, another outbreak would occur. So we knew that we really had to get our heads together and try to address food-safety issues, and we think we've done that with this bill.

I want to thank Chairman Emeritus DINGELL and I want to thank Chairman WAXMAN, Chairman PALLONE and Chairman STUPAK for working with Ranking Member BARTON and DEAL and

myself to really move the bill forward in a way that we could pass it on a voice vote. I just only wish—and I think we could do this, we could do this on energy and we could do this on health if we really sat down and tried to work out the differences.

This is not an easy bill to pass. And as Chairman Emeritus DINGELL said, 21 years he has been working on this. And this is not an easy thing to do. We did all we could. And I do appreciate the time that we spent on the floor and then with staff to work out the difficult options. And so we come here today with a pretty united bill, one that would have passed had it not been on the suspension calendar, and so we bring it up again today.

We have to have confidence in our food supply, and that's what we're trying to do in this bill. And this bill takes the necessary steps to move us forward.

The changes that we have made not just in the original text of the bill, but in addressing some of the concerns we think are very, very helpful. And I want to pledge to my ag Republican friends—and I'm from an agricultural district, and a lot of these groups that support them are good friends of mine. And we want to ensure that we continue to work forward and move forward as the bill does.

A couple of issues that Chairman Emeritus DINGELL said was, you know, the bill does not require farms to register with FDA, and as a result farms do not have to pay a registration fee. Access to farm records is significantly restricted. Livestock and poultry are exempt from the bill. Grain and related commodities are exempt from produce standards. USDA regulated farms, facilities, and products are not subject to the bill. It allows farms to be exempt from the traceability requirements.

We, as a committee, both in the Oversight and Investigation and then as a full committee, we just couldn't sit on the sidelines anymore as we saw case after case of food-borne illnesses. We had to come together in a way to address this.

□ 1630

I think we have done it. I think it's a good product. Can there be some fixes as it moves forward? Yes, there can. But I would ask all my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. I want to thank the gentleman for his hard work both in the Investigations Subcommittee and on the legislation. He and Mr. DEAL and the ranking Republican member, our good friend Mr. BARTON, have been enormously valuable in the work that has been done to bring us to where we are. I commend him and I thank him.

Mr. Speaker, I yield at this time 2 minutes to the distinguished chair-

woman of the Appropriations Subcommittee of jurisdiction on this matter, Ms. DELAURO.

Ms. DELAURO. Mr. Speaker, what is this bill about? What is it about?

Food-borne illness in the United States of America kills 5,000 people every single year.

We went to war in Iraq and Afghanistan when 3,000 people, unbeknownst that when they went to work that day that they weren't coming home, and we went to war in Afghanistan as a result.

We know that 5,000 people every year die of a food-borne illness and an illness, my friends, that can be prevented.

Stand with the mother and the father of a 2-year-old child, the parents who went to the grocery store and brought home spinach or lettuce or sprouts or tomatoes and their child died because of E.coli. Stand with the son and daughter of an elderly person in a nursing home who ate a peanut-based product and wound up dying because of that, having survived illness. That's what this bill is all about.

We can prevent food-borne illness in the United States of America. We can prevent 5,000 deaths every year. That's what this bill is focused on. It is of critical importance. It is about the health and the safety of American families. That health and safety is not only threatened in airports and border checkpoints or harbor containers. It's in fridges, on kitchen tables.

And for too long the cornerstone of our food safety system, the FDA, has only rudimentary, ancient tools and an outdated mandate at its disposal. This bill rectifies that oversight. It gives the FDA the means to deal with the dangers that are posed by our global food system. It enhances the agency's ability to stem microbial illnesses, prevent contamination before it happens.

It looks at risk-based inspection and says, what are the foods that are at highest risk? Let's set up some performance standards to deal with that. Let's put mechanisms in place so that we can trace the contamination and make sure we find it and find it quickly, protect the public health, and, yes, protect industry as well. That was part of this effort as well.

Performance standards are the backbone for monitoring an effective process and a control system. I would urge the FDA to develop testing protocols for each performance standard that it sets. This would include ongoing industry testing programs, supported by periodic sampling by the FDA.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DINGELL. Mr. Speaker, I yield the distinguished gentlewoman an additional 30 seconds.

Ms. DELAURO. Thank you. We have an opportunity. The laws and the statutes at the Food and Drug Administration today are inadequate to protect

the food and the safety of the American people and at the very same time they put at risk the industries that deal with these products. The industry has come forward and said, Give us standards. That's what this bill is all about.

We have an obligation today to pass this bill and to make sure that we say to the American people we are doing everything that we can to prevent 5,000 deaths every single year and particularly the most vulnerable, our children and the elderly.

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. UPTON), who is ranking member on the Energy and Air Quality Subcommittee.

Mr. UPTON. Mr. Speaker, let's face it: the recent events have shown us that the current system regarding food safety is not working. And I want to compliment those Members that have been actively involved in this, those from our Committee on Oversight and Investigations that exposed many of the problems, obviously the leadership on both sides, Republicans and Democrats, as we moved this bill through our subcommittee and then full committee by a voice vote.

The Oversight and Investigations Subcommittee found severe problems. We are very aware of those problems because those problems have been exposed nationally. Obviously, we have a number of very bad actors, but they have jeopardized the whole food chain. We remember the peanut butter issue and spinach and tomatoes. We need to be deliberate to tackle the issue and obviously be bipartisan to resolve the issue, and that's what this legislation does.

As Mr. SHIMKUS indicated, farms are not required to register with the FDA. There are no large fees associated with this bill. There is no duplication with the USDA, as I understand it.

My district in southwest Michigan has a whole number of different food sources from fruits and vegetables to giant food processors and great companies like Kellogg's. Industry is united behind this legislation. It needs to happen so that consumers will know for sure that there is a mechanism in place to identify when a product, in fact, is bad, that needs to be recalled. And this bill, as it has moved through committee, has shown that bipartisan support.

I would urge my colleagues on both sides to support it.

Mr. DINGELL. Mr. Speaker, I yield at this time 3 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. I thank the chairman for yielding.

Mr. Speaker, I rise to engage in a colloquy with my friend, the distinguished gentleman from Michigan (Mr. DINGELL).

We are passing an historic food safety measure today, and I truly appreciate the effort that you and committee staff have made to move this legislation to the floor today. As a Member of Congress who represents the Salad Bowl of the World, Salinas Valley, I feel landmark legislation is long overdue and look forward to working with my colleague as the process moves to the Senate and to the conference committee.

Also as a member of the Agriculture Appropriations Committee, I look forward to working with the gentleman to allocate the resources necessary to make the safest food in the world even safer.

I'd be remiss if I didn't mention my concerns with the fee structure in this measure, and I appreciate the effort by the chairman and the committee, and it's my preference to find a more equitable fee that does not inhibit our farm families from taking advantage of new markets. As a member of the Organic Caucus, I have concerns about the interplay between this bill and the National Organic Program.

It is my understanding, Mr. Chairman, that this bill would not establish any requirements for organically produced or processed products which are in conflict with the requirements established in the Organic Foods Production Act of 1990 and USDA's National Organic Program regulations.

Mr. DINGELL. If the gentleman would yield, the answer to that question is, yes.

Mr. FARR. Thank you. And would this bill necessarily require small farms to participate in the expensive and unworkable electronic traceability system that FDA will set up?

Mr. DINGELL. The answer to that question is, no.

Mr. FARR. I yield to Mr. BLUMENAUER from Oregon, who has worked with Ms. KAPTUR and myself to make sure that the organic and small growers and processors' concerns have a voice.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate the leadership of the chairman. And it's great to see food safety receive the full attention that it deserves.

I am especially concerned about the language regarding interaction between wildlife, livestock, and farming practices. Biodiversity is a prerequisite for a healthy farm. We should not penalize farmers for utilizing techniques such as naturescaping, floodplain restoration, and natural hedgerows to encourage crop health, control pests and invasive species, and enhance soil quality.

We should target reform and safety efforts towards practices which have been directly linked to food disease outbreaks rather than limiting approaches that farmers have used for centuries to reduce their dependence

on pesticides, herbicides, and other carbon-intensive farming techniques.

I would like the assurance from the chairman that he will work with us as Food and Drug Administration develops these criteria so that they will consider the needs of small farms and the practices of organic farmers.

Mr. DINGELL. The answer to that question is, yes; and I will have a more detailed response.

Mr. BLUMENAUER. Thank you, Mr. Chairman, for your courtesy.

Thank you, Mr. FARR, for permitting me to participate in this colloquy.

Mr. DINGELL. If the gentleman from California would yield, I would like to give a more exhaustive response to my friends.

First, we've been hearing complaints that the bill will put unfair, inappropriate, and unnecessary burdens on farmers, particularly small, diversified, and organic farms. We have worked hard to avoid doing that. I want to tell my good friends we would be extremely concerned if this bill created a conflict between food safety and other farm practices aimed at protecting and sustaining the environment. The bill therefore has a number of important provisions designed to prevent such conflicts.

For example, it requires FDA to take into consideration the impacts of any produced food safety standards on small-scale and diversified farms or on wildlife habitat, on conservation practices, watershed protection efforts, and organic production methods. It prohibits FDA from setting any such standards unless these standards are necessary to minimize the risk of serious adverse health consequences or death.

The bill also requires FDA to work in coordination with the U.S. Department of Agriculture to issue such standards. USDA administers the National Organic Program and will be working with FDA to ensure that the safety standards are compatible with organic standards.

Let me speak now to the question about the traceability system in the bill. The traceability provisions in the bill are a critically important part because they allow FDA to quickly track down the sources of food-borne outbreaks. Before FDA can establish any traceability requirements, the bill requires FDA to go through an extensive information-gathering process with public meetings and a pilot project.

As a part of the process, it requires FDA to consider the costs and the benefits and the feasibility for different sectors of the food industry of any traceability technologies under consideration. And for any regulation that would have an impact on farms, FDA must coordinate with USDA and take into account the nature of the impact on the regulation on farms.

Additionally, FDA will be prohibited from requiring farms selling food directly to consumers, restaurants, or

grocery stores to participate in this system.

So I believe we can be confident that whatever traceability system is developed will appropriately take into account the needs and interests of the farmers. And I assure my two good friends that I will work with them to see to it that these commitments are kept.

Mr. FARR. Thank you, Mr. Chairman. I really appreciate that.

Mr. BLUMENAUER. Thank you, sir.

Mr. DINGELL. I thank my two colleagues for their valuable assistance to the committee.

Mr. SHIMKUS. Mr. Speaker, before I yield time to my colleague, I yield myself 15 seconds.

Mr. Speaker, I want to recognize my colleagues Mr. PUTNAM and Mr. COSTA for their bill, the Safe FEAST Act, which I was an original cosponsor on, which got rolled into this bill, and it was of great help when they did that.

Mr. Speaker, I yield such time as he may consume to my colleague from Florida (Mr. PUTNAM).

Mr. PUTNAM. I thank my friend from Illinois for his leadership on this issue and his original cosponsorship of that Safe FEAST Act, which has had a number of its key principles incorporated into the bill that we're debating today.

I rise in support of the bill that we are debating today. It is a bipartisan bill built on a bipartisan effort and a model that could and should be followed for the other big issues facing this Congress. It's unfortunate that the process that was taken did not adequately include our Agriculture Committee, and I would hope that as we move this issue forward that it will continue to improve upon that because it is important that our Agriculture Committee and our Representatives from rural America have input into this, and the bill will benefit from their input.

□ 1645

The scares that have undermined consumer confidence in our food supply over the last several years have as oftentimes been a result of international food products, imported food goods, as they have been domestic. This bill takes an important step forward in setting the same standards on imported food that we place upon domestically produced food as well. That is a major step in the right direction.

One only need look at the controversy over baby formula, at the economic devastation that came from the misleading public statements by the FDA about tomatoes that were grown in America, which turned out to have been food-borne illness resulting from jalapeños imported from Mexico, to learn the lesson that this legislation must apply the same standards to imported foods as it does to domestic.

This legislation implements risk-based assessments, something that is very important as we look at the breadth and depth of the food industry as it has become globalized. As the world has grown smaller, as America's tastes and preferences have changed and they desire produce from Latin America and spices from Asia, these challenges will continue to grow, and this, by placing risk-based science into the bill, will allow us to build up and maintain public confidence in our food supply.

And that is really the crux of the matter between our producers and our consumers, that on this issue of food safety, there is no distinction between the interests of the farmer and the shopper in the grocery store, because the farmer loses out if FDA and USDA cannot rapidly and accurately trace back the source of food-borne illness.

If they paint the industry with a broad brush, economic losses are severe, so the interests of the farmer are that we have a modern, effective regulatory system. The interests of the consumer are that we have a modern, effective regulatory system, so that they have a high level of confidence in the items that they purchase to put on their family's kitchen table. There must be the highest possible standard and the best possible science behind that law.

As this issue moves forward, improvements can be made as it relates to the quarantine, as it relates to traceability, and, most importantly, as it relates to the implementation of this bill for State and local governments, the State Departments of Agriculture and Health, who, by definition, are delegated much of the responsibility by FDA to implement this legislation. They must have the resources and the authority and the full cooperation of FDA. There have been breakdowns in the past where FDA did not share as much as they should. This bill does much to address that, and can do a bit more.

And in an era where organic farming continues to grow in popularity, we must be sensitive to these ever-changing forms and trends in American agriculture.

With that, I am proud to support the legislation, and I appreciate the leadership of my friend from Illinois and my friend from Michigan.

Mr. DINGELL. If the gentleman will yield to me just briefly, I want to commend the gentleman not just for a fine statement, but also for the long and strong support he has given for this kind of legislation and protection for industry and for the consumers.

I would like to observe that the concerns the gentleman has expressed are very valuable and are included in the legislation, particularly in seeing to it that foreigners now have to meet the same requirement that Americans do.

Americans produce and process safe food. Foreigners do not. This will assure our people that they can rely on Food and Drug to protect them not just from American producers and from American processors, but also from the foreigners, who are slipping in dangerous substances.

I want to commend the gentleman and thank him.

Mr. PUTNAM. I thank the chairman emeritus and the dean of the House.

Mr. DINGELL. Mr. Speaker, I am delighted at this time to yield 1 minute to the distinguished gentleman from Georgia (Mr. SCOTT), the chairman of the Subcommittee on Livestock, Dairy and Poultry.

Mr. SCOTT of Georgia. I thank the chairman for yielding.

I just want to state that under the auspices of my subcommittee, food safety is a jurisdiction that we handle. It is very important as we move forward on this to understand that we have got to make our food supply safe. There is no greater thing we can do for the American people and the people of the world than to give absolute assurance that our food supply is safe.

Now, I come from a State, Georgia, where we had an outbreak from salmonella in which we lost eight lives, eight persons that would be alive today if we had this bill in place, because we would have a process of accessing records that we don't have now.

Before this bill is passed, in order to get records from a manufacturer or food processing plant, we can't get it until the food outbreak occurs. But under this bill, when we are inspecting the plant, we will be able to get access to those records. If this was in place, eight Americans would be alive today.

Mr. Speaker, 76 million Americans suffer from food poisoning from our food supply a year; 5,000 are dying.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. DINGLE. I yield the gentleman 30 seconds more.

Mr. SCOTT of Georgia. Five thousand are dying. There is no more plain thing we can do.

And I have heard some comments from those who oppose this bill that this bill does nothing, but it does, Mr. Speaker. It provides for us to have inspections at food plants every 6 to 12 months. Do you know how often we are inspecting them now? Once every 10 years. The American people deserve better than that. They deserve for us to have a trace-back system so that we can trace back and get the origins of the outbreak as quickly as possible.

This is a tremendous bill, a tremendous bipartisan effort, and the American people are expecting us to pass it, and pass it overwhelmingly.

Mr. SHIMKUS. Mr. Speaker, I don't have any additional speakers. I reserve my time.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from New York (Mrs. MALONEY) for purposes of making a unanimous consent request.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of this bill.

In recent years, a series of outbreaks of food-borne illnesses have made clear the need to effectively secure our nation's food supply.

From spinach to cookie dough, foods have become contaminated and have threatened the health of the American people, exposing widespread problems with the food safety system in this country. H.R. 2749 will fundamentally change the way we ensure the safety of the foods we eat.

This bipartisan bill will provide the FDA with new powers and the tools it needs to protect the food supply by providing for more frequent inspections of food-processing plants here in the U.S. and by ensuring the safety of foods imported from overseas.

H.R. 2749 will also provide a new focus on the prevention of food-borne illness by putting systems in place that allow us to better track the source of these outbreaks. This legislation is critical to the health and safety of the American people, and I urge my colleagues to support it.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve.

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to my distinguished friend, the gentleman from Utah (Mr. MATHESON), a superb Member of this body and a great friend of mine.

Mr. MATHESON. Mr. Speaker, I thank the gentleman for yielding.

Included in this bill was the manager's amendment addressing an issue that I raised that Mr. DINGELL has worked long and hard on and helped me figure out a way to address concerns about, lead glazing on ceramic plates on which we eat our food.

This issue first came to my attention with reports in my home State of Utah when a child was sick. After they analyzed the child, they determined the child had lead poisoning. They investigated the home where this child was living and couldn't find any sources of lead.

Ultimately it was discovered that the child's mother had been heating food in the microwave oven. The ceramic bowl or plate she was using wasn't properly glazed or wasn't properly sealed, and lead was leaching out of the plate into the food. Then when she would nurse the baby, the baby would get lead poisoning.

I think we all want to take steps to prevent that type of thing from happening. What we determined is most people don't even realize lead glazing is used on these plates. These plates come in with FDA labels, because the Food and Drug Administration has authority over it, so people who see a label from the Federal Government probably assume it safe.

Included in the manager's amendment is a requirement that there is labeling, just so consumers have the right to know, that it contains a lead-glazed product. If it is properly glazed, it is not necessarily dangerous. But people have the right to know that.

I really commend my friend from Michigan, who has been working on this issue and has been aware of it for a long time. He worked with my office extensively to come up with some way to try to at least make some progress on this issue. It is included in this bill. He is a great legislator, and I am glad he helped me figure that out.

I encourage people to support this bill.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, I would appreciate it if the gentleman didn't praise me, and instead let me say good words about him.

He is a valuable member, a valuable member of our committee. He works hard. He is smart and decent and has been great on this issue. We are proud of him.

Mr. SHIMKUS. I continue to reserve, Mr. Speaker.

Mr. DINGELL. Mr. Speaker, at this time it is my privilege to yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), a very distinguished Member of this body, the chairman of the Agriculture Committee in the House and an extremely wise defender of American agriculture and American farmers.

Mr. PETERSON. Mr. Speaker, I thank the gentleman for yielding.

I first want to commend Chairman Emeritus DINGELL for all of his hard work on this issue, not only during this session of Congress but in many sessions past. We are hopeful that we can move this legislation forward and get additional safeguards in place for food safety in this country.

We also want to commend the other members of the Energy and Commerce Committee on our side of the aisle and on the Republican side of the aisle for their work on this on a bipartisan basis. It is good to see some bipartisan effort happening in the House, and there was some good work done.

We did have some concerns in the Agriculture Committee that we engaged in some discussions and negotiations with Mr. DINGELL and others on the staff of the Energy and Commerce Committee on, and we think we have further improved the bill in terms of how it relates to agriculture. We were able to clarify things in terms of livestock and grain farmers that there was some concern about the language, so that we cleared up some things in terms of performance standards and record keeping.

As the bill came out of Energy and Commerce, there were concerns registered by some of the farm groups. Some of them even indicated they

might oppose it. But at this point, because of the changes that have been made, we now have groups that in the past had some concerns, they are now either neutral or supporting this bill. The United Fresh Fruit and Vegetable Group, Western Growers, the American Farm Bureau, National Association of Wheat Growers, the Cattlemen Beef Association, Turkey Federation, Chicken Council, Pork Producers, Corn Growers, Soybean Association, Rice Federation, American Food Industry Association, United Egg Producers, the American Sheep Industry, the Wheat Growers and the Barley Growers, are now either supporting the legislation or are neutral on the legislation.

We believe that we have addressed the concerns of agriculture. We believe this is a good bill. I encourage Members to support this bill, and again commend my good friend and colleague and the chairman emeritus, Mr. DINGELL, for the great work he has done, as well as his staff.

Mr. SHIMKUS. I continue to reserve, Mr. Speaker.

Mr. DINGELL. Mr. Speaker, I am the only speaker remaining on this side, so if my good friend from Illinois would like to proceed, I will follow him in closing.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume and will just close briefly by saying this is good to see on the floor.

We did take a very difficult issue, one that has been languishing for 21 years, and worked with young Members and new Members, like ADAM PUTNAM, and with the distinguished Chairman Emeritus DINGELL, and got into a room and moved a bill that has the support of almost everybody in the food processing and agriculture community and the marketing of this.

I have sat in numerous hearings, as I said in my opening statement, and every time we would have an oversight investigation hearing there would be an alert of another food-borne illness, and we just knew we couldn't continue down that route.

As my colleague Mr. PUTNAM said, it is going to be helpful to the farmers. It is going to be helpful to the processors when we bring some more security and safety and knowledge that we continue to produce the best food supply in the world. It also will help us with the imported products, and that was a big issue in our debate.

So, with that, this has worked well. We should try this bipartisan method on things like energy and things like health, and maybe we will get there in months to come, I hope, because this is a much better process than us fighting altogether.

With that, again, I thank Chairman Emeritus DINGELL, who really led the way for us to get to where we are today.

I yield back the balance of my time.

□ 1700

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume. First, I want to commend my friend and colleague, Mr. SHIMKUS, and I want to express my gratitude to him. I also want to express my gratitude to Chairman WAXMAN, Chairman STUPAK and Chairman PALLONE, the legislative and appropriation and investigative committee chairmen of the Commerce Committee for the outstanding work they did in preparing this legislation. Also Representative DEGETTE and Representative SUTTON.

My colleagues Mr. BARTON, Mr. DEAL and Mr. SHIMKUS on the minority side have worked very well, carefully, thoughtfully with us, and I owe them a debt of thanks and gratitude. Staff Members like Rachel Sher and Eric Plamm have worked hard on this, as has my friend, Virgil Miller. Chairman PETERSON and JIM COSTA of the Agriculture Committee have been wise advisers and helpers in coming to a bill that could be agreed on by the two committees. Representative LEVIN, Chair of the Subcommittee on Trade of the Ways and Means Committee has been extremely important, as has Representative DELAURO, the Chair of the Appropriations Subcommittee. And Jeanne Ireland, a former staff member of this committee, has been of enormous help in the drafting of the legislation.

We had a long list of supporters. The Obama administration; Grocery Manufacturers Association—the people who sell are going to understand that they're being charged a participation fee; the Wine Institute; Wine America; Distilled Spirits Council of the United States; Center for Science in the Public Interest; Consumers Union; Consumers Federation of America; Center for Foodborne Illness Research & Prevention; Food & Water Watch; Government Accountability Project; National Consumers League; Pew Charitable Trusts; and Safe Tables Our Priority are all active supporters of this legislation.

And these agencies which previously had concerns about the legislation have either lifted their opposition, become neutral or actively support H.R. 2749: United Fresh Fruit and Vegetable; Western Growers; American Farm Bureau Federation; National Association of Wheat Growers; National Cattleman's Beef Association; National Turkey Federation; National Chicken Council; National Pork Producers Council; National Corn Growers Association; American Soybean Association; U.S. Rice Federation; American Feed Industry Association; United Egg Producers; and the American Sheep Industry.

We have seen that in the long time since legislation was passed to bring food and drug up to national needs back in 1938, that many changes have

occurred that have required significant changes, both in the authority of FDA, in its moneys and its abilities to deal, not just with domestic producing problems, but with problems overseas, from which we are receiving lots of dangerous and unsafe food commodities and food products.

This legislation gives food and drug the authority that it needs, the ability to trace, the ability to hold producers abroad accountable, and it sets up a system where foreigners have to participate in the same responsibilities American producers, manufacturers and growers have to, and it enables Food and Drug, for the first time, to have real authorities to enforce the laws of the United States on food safety to protect Americans against unsafe foods coming in from abroad.

And I would remind my colleagues that Food and Drug has neither the resources at the points of entry, nor do they have the personnel at those places to inspect foods coming in. This changes that situation. It is also true that the legislation does something else of importance to our people, and that is, it sees to it that where misbehavior occurs abroad, those same penalties that would be assessed against Americans are assessed against foreigners. This is an important matter of competition to American producers and manufacturers. It sees to it that they are fairly treated, and that there is no more unfair competition by people who could market unsafe commodities to the detriment of American consumers and American growers, producers and processors.

So the legislation is good. A system of assuring responsibility and traceability is available for the first time. And Food and Drug has the authority to terminate the ability of foreigners to sell in this country for the first time in a way which is consistent with American trade laws and the obligations of American people with regard to the safety of food. So, it is a good piece of legislation, and I would urge my colleagues to support it. I would have them know that this is bipartisan, this is a good piece of legislation. It is legislation which protects American people, which sees to it that Americans will no longer be dying of dangerous foods imported into the United States, and it will see to it that American producers are treated fairly in the world marketplace without jeopardy of violation of our law.

It also will see that Food and Drug has the personnel, the resources that it needs to protect the American people, and it is kind to the budget of the American taxpayers.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in opposition to H.R. 2749, the Food Safety Enhancement Act. This bill makes drastic changes to our nation's food safety laws that will affect every farmer and rancher in the United States. However, Mr.

Speaker, the extent of these changes is unknown, because the full text of this bill was not yet available to Members until the day before the vote.

Our Nation has the safest food supply in the world, Mr. Speaker, and that is because our growers and processors work hard to provide quality products to consumers. While the circumstances surrounding recent food safety violations must be addressed, in nearly every case, these were violations of existing laws and standards. It is imperative that Congress does not rush to use these incidents as an excuse to unnecessarily and dramatically expand federal regulation of our producers and processors.

This is a better bill than the one that came out of the Energy and Commerce Committee. Yet, I am still concerned about the broad authority this legislation gives to the Food and Drug Administration to regulate on-farm practices for our fruit and vegetable growers. If this bill is signed into law, the FDA will for the first time have the explicit authority to regulate the way produce is grown and harvested.

I am also concerned, Mr. Speaker, with the significant financial burden that the new traceability and record-keeping requirement will have on America's small farmers and agriculture processors. This bill would allow FDA to charge huge fines for even minor paperwork violations that could put smaller operations out of business.

Also of note, is the broad quarantine authority that this bill gives to FDA. While I recognize the need to quarantine the source of foodborne illnesses, this bill would allow the FDA to quarantine wide geographic areas where the source may exist. We know that the FDA can make mistakes over the origin of an outbreak, and this provision could cause devastating economic impacts to growers and processors who have done absolutely nothing wrong.

Agriculture is the number one industry in Washington State. Creating jobs and growing our economy is dependent upon supporting our farmers and ranchers—not passing legislation that could put them out of business.

I have heard some of my colleagues say that we can rely on the Senate to address the flaws in this bill. I believe that the House of Representatives owes it to our growers and processors to take the time to do this right, and not rely on the Senate to fix our mistakes.

Mr. HOLT. Mr. Speaker, I rise today in support of the Food Safety Enhancement Act (H.R. 2749), and to commend the Committees on Agriculture and Energy and Commerce for their hard work in crafting the bill.

According to a 2005 study by the Centers for Disease Control, each year 76 million people (25 percent of the population) become sick, 325,000 are hospitalized and 5,000 die from foodborne illnesses in the United States. In recent years, the United States has experienced many incidents of food contamination, caused by biological and man-made toxins. For example, in 2000, various brands of taco shells were found to be contaminated with genetically modified corn meant only for animal feed. In the fall of 2006, spinach contaminated with *E. coli* bacteria resulted in more than 200 confirmed illnesses and at least three deaths. In 2007, various products imported from China

were found to contain wheat gluten contaminated with the industrial chemical melamine, which killed more than a dozen house pets. And recently, people across the country were infected with Salmonella bacteria from eating peanut products from a processing plant in Georgia. Even contaminated cookie dough has ended up in the food supply.

Therefore I commend my colleagues Chairman Emeritus DINGELL, Chairman WAXMAN, Mr. PALLONE and Mr. STUPAK for their firm and comprehensive response to this torrent of food contamination incidents, and for crafting the bill before us today. In addition, I want to acknowledge my colleague Ms. DELAUNO for her own substantial efforts to improve food safety, and her contributions to this bill. It would make many important improvements to our food safety regulations, including creating an up-to-date registry of all food facilities serving American consumers, requiring foreign and domestic food facilities to have safety plans in place to identify and mitigate hazards, and require high-risk food facilities to be inspected every 12 months, and low-risk facilities to be inspected every 18 months. It also requires the Food and Drug Administration, FDA, to develop a system which would expedite import processing for importers who agree to adhere to enhanced safety and security guidelines, and expands FDA trace-back capabilities in the event of a foodborne illness.

In particular, I want to thank the Committees for responding to many of the concerns raised by the National Sustainable Agriculture Coalition and constituents from my district that the bill would negatively impact small, family-owned, and organic farms. For example, the bill before us today provides an exemption from traceability and registration for direct farmer-to-consumer marketing, an exemption for food, facilities and farms that are already regulated by the U.S. Department of Agriculture, and an exemption for grain and hay farmers from full-scale electronic traceability requirements. In all these cases the regulations would be unnecessary and wasteful.

However, a number of the concerns they raised have not been addressed, and I look forward to working with my colleagues in both Chambers to ensure that those matters are addressed as the bill moves through the process. Most importantly, it will be critical to assure that none of the new safety standards weaken the standards under the National Organic Program. In addition, it will be important that we facilitate and enhance the role of conservation and sustainability practices to address food safety issues. And we must ensure that the fee structure in the bill does not disproportionately impact small agricultural producers.

I thank my colleagues again for their leadership and prompt action on this matter, and I urge my colleagues to support this bill, and to work to fine-tune it as it moves through the legislative process.

Mr. DINGELL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 691, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LUCAS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LUCAS. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lucas moves to recommit the bill H.R. 2749 to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendments:

Page 21, lines 3 and 4, strike subparagraph (B) and insert the following:

“(B) shall only be collected and available as follows:

“(i) Fifty percent shall be available to defray the costs of additional safety inspection of food in the United States.

“(ii) Fifty percent shall be available for use under section 137 of the Food Safety Enhancement Act of 2009.

Page 23, line 8, strike “and”.

Page 23, line 11, strike the period and insert “; and”.

Page 23, after line 11, insert the following:

“(F) preemptive purchase of product from facilities as defined in section 415.”.

At the end of subtitle C of title I add the following (and revise the table of contents in section 2 accordingly):

SEC. 137. PREEMPTIVE PURCHASE.

(a) IN GENERAL.—From the fees collected under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by section 102, the Secretary of Health and Human Services may make a preemptive purchase related to activities by the Government in carrying out any provision of this Act or an amendment made by this Act.

(b) LIMITATION.—Notwithstanding subsection (a), the Secretary shall not make any payment under such subsection in excess of the amount of fees available under section 743(e)(2)(B)(ii) of the Federal Food, Drug, and Cosmetic Act, as added by section 102.

Mr. DINGELL. I reserve a point of order, Mr. Speaker.

The SPEAKER pro tempore. The point of order is reserved.

Pursuant to the rule, the gentleman from Oklahoma is recognized for 5 minutes in support of the motion.

POINT OF ORDER

Mr. DINGELL. Mr. Speaker, I raise a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. DINGELL. Under rule XVI, clause 7, and the language of the rule, it says no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. And I'd point out that that is applicable to the questions before us. I would note that the language of the motion does take and separates the receipts that will be gotten from the registration fees, so that 50 percent are available to defray the

costs of additional safety inspection of food; but 50 percent shall be available for use under section 137. But the purpose of that is, rather, for the preemptive purchase of product from facilities as defined in section 415. This allows the broadest kind of purchase of food.

The legislation itself allows certain specific actions, none of which involve purchase of food, particularly under such broad circumstances as the motion allows. The bill only allows expenditure of these registration fees for the following purpose: records access, traceability, recall authority, authority to detain, subpoena authority, prohibition or restriction on the movement of bad food. No further authorities for purchase or expenditure of this money are permitted.

This goes well beyond the fundamental purpose of the legislation and, as such, it constitutes a violation of the rules, going beyond that which is the fundamental purpose of the legislation and so constituting a violation of rule XVI, clause 7 of being not germane.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. LUCAS. Mr. Speaker, the nature of this bill contemplates a number of different things that try to address and protect the supply of domestic food in this country, food in general, I should say. The bill, the language offered, the motion, refers to using 50 percent of these fees collected under section 137 of the motion, which is referenced on the second page. This is just an additional item to all of the things already outlined in the bill in its present form.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I would observe that the language of the legislation nowhere authorizes purchase of food. Under the number of the legislation appears the language, to amend the Food, Drug and Cosmetic Act to improve the safety of food in the global market and for other purposes. And then, down there where you follow, following the words, a bill, and it says, to amend the Federal Food, Drug and Cosmetic Act to improve the safety of food in the global market and for other purposes. Nowhere in the legislation, in my reading, have I been able to find the authorization for the purchase of food or the purchase of food to achieve safety.

I would observe that the language of the motion to recommit permits the purchase of the food without restriction, without restraint or limit. It is some of the grandest authority that is given and well beyond any authority which Food and Drug now has or seeks. Food and Drug has no authority in this area whatsoever for the purchase of food. And the purchasing of food is not for the purpose of protecting the American people, of seeing to it that Food

and Drug can properly assure the safety of the food or the protection of the American consumers. And the language that is, I think, most particularly descriptive of what the proposal does, it follows line 3 at page 2. It says, the Secretary of Health—and this is, I'm reading at line 6—the Secretary of Health and Human Services may make a preemptive purchase related to activities by the government in carrying out any provisions of this act or amendment made by this act.

□ 1715

That might be good language for the Committee on Agriculture to present to the House, but it is not language that you will find in Food and Drug and none that would be suggested by the commerce committee.

The SPEAKER pro tempore. If no other Member wishes to be heard, the Chair is prepared to rule.

The gentleman from Michigan makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Oklahoma is not germane. The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

The bill, as perfected, amends the Federal Food, Drug, and Cosmetic Act to improve the safety of food. It grants the Secretary of Health and Human Services authority to issue mandatory performance standards for reducing hazards and requires the Secretary to conduct risk-based inspections. It also expands the Secretary's access to food safety records and increases the Secretary's ability to oversee the safety of imported food, requiring safety-related documentation for potentially unsafe imported food as a condition of import.

In most pertinent part to the question at hand, the bill provides the Secretary with sundry tools to address an outbreak of food-borne illness. These include a system for the rapid tracing of the origin of food, authority to mandate recalls of contaminated food, and authority to quarantine geographic areas of the United States from which the Secretary reasonably believes contaminated food has originated.

The amendment proposed in the motion to recommit contemplates allowing the Secretary to preemptively purchase food as a matter of food safety, as in the context of section 415 of the Act. The amendment also would make a portion of the proceeds of certain fees contemplated by the bill available only for such preemptive purchases.

The Chair finds that the amendment pursues the same fundamental purpose of the bill by a method that dwells within the range of methods employed by the bill. The Chair therefore holds that the amendment is germane.

Accordingly, the point of order is overruled. The motion is in order.

The gentleman from Michigan may be recognized for 5 minutes in opposition.

Mr. DINGELL. Mr. Speaker, we have before us a bad motion to recommit. With all due respect for its author, we know that the FDA has been chronically starved of resources, particularly in the food area and particularly in its ability to protect the American people.

The amendment offered before us would raid that money and would use it for the purpose of purchasing food. The food is not designated as to how or why it might be purchased. I would point out that this breaks an agreement and an understanding that the committee had in this legislation with regard to the support by the food production industry, especially the parts of the industry that will pay the tax.

The bill only authorizes a modest \$500 registration fee for food facilities. The motion to recommit asserts the bill does not require the FDA to spend one additional penny on the inspection of food. This is a serious untruth.

On Page 23, the bill directs the FDA to spend its registration fees on food safety activities. The bill explicitly provides that food safety activities include conducting inspections. This money will be diverted from the inspection and the protection of the American people, and it will not be available for the activities of Food and Drug. It might give relief to somebody, and it might even be somebody who needs relief, but there's no standards whatsoever given as to who will get the money, how it will be spent, on what, and for what purposes.

The bill requires the FDA to adhere to a rigorous mandatory inspection schedule based on risk. This bill does nothing to enhance that, but it takes money away from the protection of the American consumer by having proper inspections at points of entry or inspections in other countries. That is a bad situation and one which is going to seriously hurt the safety of the American public.

The bill is carefully crafted to ensure that the American Food and Drug Administration will protect American consumers and American manufacturers, processors, growers, and the farmers of this Nation. It enables them to focus on where there is danger, and it enables them to provide the kind of protection that all of those entities need, especially the farmers, the processors and the producers, because today the broad authority that Food and Drug has is no longer sufficiently focused to enable the correct and direct focus on the dangers to the American public.

The bill gives Food and Drug modern authorities to safeguard the food supply, but it gives them the money to do the things that they have to do to protect the American industry and the American-consuming public.

This legislation diverts 50 percent of the receipts that we would get under the legislation from the protection both of producers and from the protection of the American-consuming public.

The bill has provisions that ensure that FDA cannot use its ability to stop distribution recall or to detain or to prohibit or to restrict the movement of food. The Food and Drug Administration will have to use modern authorities in a very careful way, in a way which has the support of the consuming public and of the people whose names and whose organizational structures I mentioned earlier.

We have found out what an inadequately funded FDA does. This legislation will ensure that those evils will persist. The amendment reduces funds to FDA. It thereby increases the likelihood of outbreaks and of danger to the health of the American people and of hurt to the American producers, growers, and farmers.

This is a bad amendment. It is an amendment which threatens the support of industry for this legislation by diverting the money into unwise, unnecessary and undue expenditures which threaten the basic purposes of the legislation. It is bad legislation, and it will worsen what is a carefully thought-out bipartisan bill, which has been produced in consultation, not just with the industry but with the Agriculture Committee, with the administration and with both the Department of Agriculture and the Food and Drug Administration.

I urge my colleagues to reject this amendment, which wastes money and which jeopardizes the life, safety and the well being of American consumers and the well being of American farmers, agriculture, and producers. It's a bad, bad motion to recommit.

I urge the House to reject it.

The SPEAKER pro tempore. The Chair was mis-advised that the gentleman from Oklahoma had already explained the motion.

The proponent of the motion is entitled to 5 minutes and is recognized.

Mr. LUCAS. Mr. Speaker, once again, let me express my gratitude to the chairman emeritus and to the ranking member of the Energy and Commerce Committee. They have both put a great deal of effort into developing this very important piece of legislation, and they are to be commended for their attempts to accommodate the concerns raised by members of the minority party of the Agriculture Committee.

During the past few days, I have discussed many of the more objectionable provisions of this legislation. Today, I am hopeful and optimistic, in offering this motion to recommit, that we can at the very least address two of the bill's most glaring omissions.

Specifically, I would like to focus on what I believe to be a lack of accountability on the part of the Food and

Drug Administration. The legislation before us provides the agency with numerous punitive authorities as well as a new source of revenue charged to people wishing to be in the food business, but it does not require the FDA to spend one additional penny on the inspection of food.

I am hopeful that my colleagues will agree that this is something that we can and should address in this bill as it leaves the House. Therefore, I propose that FDA spend a portion of the funds collected as registration fees for additional food inspections in the United States of America. Let's face it, if we are going to call this bill the Food Safety Enhancement Act, we should probably have something in here that actually enhances food safety.

Now, another issue that is very troubling and the one we hear repeatedly from farm groups is the issue of indemnification. I would point out that the chairman emeritus and the ranking member explained that concern in a Dear Colleague that was sent out last night. The issue of indemnification can be illustrated with the example of what happened to tomato crops in 2008.

The FDA mistakenly attributed an outbreak of salmonella to tomatoes. It was later discovered that contaminated peppers were the actual source of the illness. However, the discovery came after a large part of the 2008 tomato crop was destroyed, and the industry suffered, perhaps, \$100 million in losses as a result.

I appreciate that Mr. DINGELL and Mr. BARTON feel that the passage of this bill will reduce the number and the severity of these mistakes in the future. I truly hope they are right. We must not kid ourselves into believing that the FDA will not make such mistakes in the future. Wrongly implicating agriculture products to food-borne disease outbreaks can cause severe economic losses to farmers and ranchers, who can ill afford them. Unfortunately, this legislation does not address this real concern.

We attempt to address this omission in our motion to recommit. We propose that some of the money coming from the registration fees be set aside for preemptive purchase products from producers. Remember, these purchases only result from direct government action. These changes will not fix everything that we feel to be wrong with the legislation, but they will address some of the more significant problems.

Nothing in this motion adds to the cost of the bill, but it does strengthen FDA accountability, and it guarantees enhanced food safety inspection.

Once again, let's direct that half the money goes to food inspection. Let's make sure the other half of this registration money is available to correct the mistakes that the FDA may make.

I urge all of my colleagues to support this motion. Let's clean up two of the

biggest problems, and let's move forward. I urge all of my colleagues to support this motion once again.

Mr. Speaker, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I understand that the majority on the committee that handles the bill is entitled to close; is that correct?

The SPEAKER pro tempore. That is ordinarily correct.

Mr. DINGELL. Then I ask unanimous consent that I be permitted to proceed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. LUCAS. I reserve the right to object, Mr. Speaker.

Mr. Speaker, could I note for the record: Has the gentleman not used his 5 minutes?

The SPEAKER pro tempore. Because recognitions to explain and oppose the motion were conferred out of sequence, if there is no objection, the gentleman from Michigan will be recognized for 1 minute to close the debate.

There was no objection.

Mr. DINGELL. Mr. Speaker, I will simply observe as follows: the motion to recommit asserts that the bill does not require FDA to spend one additional penny on the inspection of food. That is totally false.

On page 23 of the bill, it directs FDA to spend its registration fees on food safety activities. On line 18, the bill explicitly provides that food safety activities include conducting inspections. The bill also requires FDA to adhere to a rigorous mandatory inspection schedule based on risk.

I yield now to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, for the remaining seconds, the bill on two points:

It violates the rule, and it will weaken the FDA program. This bill inspects the food processing plants at an increased rate, far more than it is doing now. Again, it violates the rule, and it weakens the FDA's program. On those grounds, we reject this motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LUCAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by

5-minute votes on passage of H.R. 2749, if ordered, and motions to suspend the rules with regard to:

H.R. 1752, if ordered;

H. Res. 535, if ordered;

H. Res. 550, if ordered.

The vote was taken by electronic device, and there were—yeas 186, nays 240, not voting 7, as follows:

[Roll No. 679]

YEAS—186

Aderholt	Foxx	Miller, Gary
Akin	Franks (AZ)	Moran (KS)
Alexander	Frelinghuysen	Murphy (NY)
Altmire	Gallely	Murphy, Tim
Arcuri	Garrett (NJ)	Myrick
Austria	Gerlach	Neugebauer
Bachmann	Gingrey (GA)	Nunes
Bachus	Gohmert	Olson
Barrett (SC)	Goodlatte	Paul
Bartlett	Granger	Paulsen
Barton (TX)	Graves	Pence
Biggart	Guthrie	Perriello
Billray	Hall (TX)	Petri
Bilirakis	Harper	Pitts
Bishop (UT)	Hastings (WA)	Platts
Blackburn	Heller	Poe (TX)
Blunt	Hensarling	Posey
Boehner	Herger	Price (GA)
Bonner	Hoekstra	Putnam
Bono Mack	Hunter	Radanovich
Boozman	Inglis	Rehberg
Boren	Issa	Reichert
Boustany	Jenkins	Roe (TN)
Brady (TX)	Johnson (IL)	Rogers (AL)
Bright	Johnson, Sam	Rogers (KY)
Broun (GA)	Jones	Rogers (MI)
Brown (SC)	Jordan (OH)	Rohrabacher
Brown-Waite,	King (IA)	Rooney
Ginny	King (NY)	Ros-Lehtinen
Buchanan	Kingston	Roskam
Burgess	Kirk	Royce
Burton (IN)	Kline (MN)	Ryan (WI)
Buyer	Lamborn	Scalise
Calvert	Lance	Schmidt
Camp	Latham	Schock
Campbell	LaTourette	Sensenbrenner
Cantor	Latta	Sessions
Cao	Lee (NY)	Shadegg
Capito	Lewis (CA)	Shimkus
Carter	LoBiondo	Shuster
Cassidy	Lucas	Simpson
Castle	Luetkemeyer	Smith (NE)
Chaffetz	Lummis	Smith (NJ)
Coble	Lungren, Daniel	Smith (TX)
Coffman (CO)	E.	Souder
Cole	Mack	Stearns
Conaway	Manzullo	Sullivan
Crenshaw	Marchant	Terry
Culberson	Marshall	Thompson (PA)
Davis (KY)	McCarthy (CA)	Thornberry
Deal (GA)	McCaull	Tiahrt
Dent	McClintock	Tiberi
Diaz-Balart, L.	McCotter	Turner
Diaz-Balart, M.	McHenry	Upton
Dreier	McHugh	Walden
Duncan	McIntyre	Wamp
Ehlers	McKeon	Westmoreland
Emerson	McMorris	Whitfield
Fallin	Rodgers	Wilson (SC)
Flake	McNerney	Wittman
Fleming	Mica	Wolf
Forbes	Miller (FL)	Young (AK)
Fortenberry	Miller (MI)	Young (FL)

NAYS—240

Abercrombie	Boswell	Chu
Ackerman	Boucher	Clarke
Andrews	Boyd	Clay
Baca	Brady (PA)	Cleaver
Baird	Braley (IA)	Clyburn
Baldwin	Brown, Corrine	Cohen
Barrow	Butterfield	Connolly (VA)
Bean	Capps	Conyers
Becerra	Capuano	Cooper
Berkley	Cardoza	Costa
Berman	Carnahan	Costello
Berry	Carney	Courtney
Bishop (GA)	Carson (IN)	Crowley
Bishop (NY)	Castor (FL)	Cuellar
Blumenauer	Chandler	Cummings
Bocieri	Childers	Dahlkemper

Davis (AL) Kilpatrick (MI) Quigley
 Davis (CA) Kilroy Rahall
 Davis (IL) Kind Rangel
 Davis (TN) Kirkpatrick (AZ) Reyes
 DeFazio Kissell Richardson
 DeGette Klein (FL) Rodriguez
 Delahunt Kosmas
 DeLauro Kratovil
 Dicks Kucinich
 Dingell Langevin
 Doggett Larsen (WA)
 Donnelly (IN) Larson (CT)
 Doyle Lee (CA)
 Driehaus Levin
 Edwards (MD) Lewis (GA)
 Edwards (TX) Lipinski
 Ellison Loeb sack
 Ellsworth Lofgren, Zoe
 Engel Lowey
 Eshoo Luján
 Etheridge Lynch
 Farr Maffei
 Fattah Maloney
 Filner Markey (CO)
 Foster Markey (MA)
 Frank (MA) Massa
 Fudge Matheson
 Giffords Matsui
 Gonzalez McCollum
 Gordon (TN) McDermott
 Green, Al McGovern
 Green, Gene McMahon
 Griffith Meek (FL)
 Grijalva Meeks (NY)
 Gutierrez Melancon
 Hall (NY) Michaud
 Halvorson Miller (NC)
 Hare Miller, George
 Harman Minnick
 Hastings (FL) Mitchell
 Heinrich Mollohan
 Herseth Sandlin Moore (KS)
 Higgins Moore (WI)
 Hill Moran (VA)
 Himes Murphy (CT)
 Hinchey Murphy, Patrick
 Hinojosa Nadler (NY)
 Hirono Napolitano
 Hodes Neal (MA)
 Holden Nye
 Holt Oberstar
 Honda Obey
 Hoyer Olver
 Inslee Ortiz
 Israel Pallone
 Jackson (IL) Pascarell
 Jackson-Lee Pastor (AZ)
 (TX) Payne
 Johnson (GA) Perlmutter
 Johnson, E. B. Peters
 Kagen Peterson
 Kanjorski Pingree (ME)
 Kaptur Polls (CO)
 Kennedy Pomeroy
 Kildee Price (NC)

NOT VOTING—7

Adler (NJ) McCarthy (NY) Sanchez, Loretta
 Grayson Murtha
 Linder Salazar

□ 1755

Messrs. MOLLOHAN, CARNEY, YARMUTH, Ms. SCHWARTZ, Messrs. BISHOP of Georgia and OBERSTAR changed their vote from “yea” to “nay.”

Mr. GARY G. MILLER of California changed his vote from “nay” to “yea.”
 So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHIMKUS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.
 The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 142, not voting 8, as follows:

[Roll No. 680]

AYES—283

Abercrombie Engel
 Ackerman Eshoo
 Altmire Etheridge
 Andrews Farr
 Baca Fattah
 Bachmann Filner
 Baird Fortenberry
 Baldwin Foster
 Barrow Frank (MA)
 Barton (TX) Frelinghuysen
 Bean Fudge
 Becerra Gerlach
 Berkley Giffords
 Berman Gingrey (GA)
 Berry Gonzalez
 Biggart Gordon (TN)
 Bilirakis Green, Al
 Bishop (GA) Green, Gene
 Bishop (NY) Grijalva
 Blumenauer Guthrie
 Boccheri Gutierrez
 Boren Hall (NY)
 Boswell Halvorson
 Boucher Hare
 Boyd Harman
 Brady (PA) Hastings (FL)
 Braley (IA) Herseth Sandlin
 Brown, Corrine Higgins
 Brown-Waite, Hill
 Ginny Himes
 Buchanan Hinojosa
 Burgess Hirono
 Butterfield Hodes
 Buyer Holden
 Camp Holt
 Cao Honda
 Capito Hoyer
 Capps Inslee
 Capuano Israel
 Cardoza Jackson (IL)
 Carnahan Jackson-Lee
 Carney (TX)
 Carson (IN) Johnson (GA)
 Castle Johnson, E. B.
 Castor (FL) Kagen
 Chandler Kanjorski
 Chu Kaptur
 Clarke Kennedy
 Clay Kildee
 Cleaver Kilpatrick (MI)
 Clyburn Kilroy
 Cohen King (NY)
 Connolly (VA) Kirk
 Conyers Kirkpatrick (AZ)
 Cooper Kissell
 Costa Klein (FL)
 Costello Kline (MN)
 Courtney Kosmas
 Crenshaw Kucinich
 Crowley Lance
 Cuellar Langevin
 Cummings Larsen (WA)
 Dahlkemper Larson (CT)
 Davis (AL) LaTourette
 Davis (CA) Lee (CA)
 Davis (IL) Lee (NY)
 Deal (GA) Levin
 DeFazio Lewis (GA)
 DeGette Lipinski
 Delahunt LoBlondo
 DeLauro Loeb sack
 Dent Lofgren, Zoe
 Diaz-Balart, L. Lowey
 Diaz-Balart, M. Lynch
 Dicks Maffei
 Dingell Maloney
 Doggett Markey (MA)
 Donnelly (IN) Matheson
 Doyle Matsui
 Driehaus McCollum
 Edwards (MD) McCotter
 Edwards (TX) McDermott
 Ehlers McGovern
 Ellison McHugh
 Ellsworth McIntyre

Tanner
 Taylor
 Terry
 Thompson (CA)
 Thompson (MS)
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas

Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wasserman
 Schultz
 Waters
 Watson

NOES—142

Aderholt Granger
 Alexander Graves
 Arcuri Griffith
 Austria Hall (TX)
 Bachus Harper
 Barrett (SC) Hastings (WA)
 Bartlett Heinrich
 Bilbray Heller
 Bishop (UT) Hensarling
 Blackburn Herger
 Blunt Hinchey
 Boehner Hoekstra
 Bonner Hunter
 Bono Mack Inglis
 Boozman Issa
 Boustany Jenkins
 Brady (TX) Johnson (IL)
 Bright Johnson, Sam
 Broun (GA) Jones
 Brown (SC) Jordan (OH)
 Burton (IN) Kind
 Calvert King (IA)
 Campbell Kingston
 Cantor Kratovil
 Carter Lamborn
 Cassidy Latham
 Chaffetz Latta
 Childers Lewis (CA)
 Coble Lucas
 Coffman (CO) Luetkemeyer
 Cole Luján
 Conaway Lummis
 Culberson Lungren, Daniel
 Davis (KY) E.
 Davis (TN) Mack
 Dreier Manzanillo
 Duncan Marchant
 Emerson Markey (CO)
 Fallon Marshall
 Flake Massa
 Fleming McCarthy (CA)
 Forbes McCaul
 Foxx McClintock
 Franks (AZ) McHenry
 Gallegly McKeon
 Garrett (NJ) McMorris
 Gohmert Rodgers
 Goodlatte Mica

NOT VOTING—8

Adler (NJ) Linder Salazar
 Akin McCarthy (NY) Sanchez, Loretta
 Grayson Murtha

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1802

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. AKIN. Mr. Speaker, on rollcall No. 680, had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Mr. ADLER of New Jersey. Mr. Speaker, on rollcall Nos. 679 and 680, had I been present, I would have voted “no” on 679 and “yes” on 680.

PERSONAL EXPLANATION

Mr. GRAYSON. Mr. Speaker, on rollcall Nos. 679 and 680, I missed these votes unavoidably because of a meeting with the White House Chief of Staff at the White House, and heavy traffic from the White House to the Capitol. Had I been present, I would have voted "nay" on 679 and "aye" on 680.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Curtis, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 3183. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3183) "An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DORGAN, Mr. BYRD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. HARKIN, Mr. TESTER, Mr. INOUE, Mr. BENNETT, Mr. COCHRAN, Mr. MCCONNELL, Mr. BOND, Mrs. HUTCHISON, Mr. SHELBY, Mr. ALEXANDER, and Mr. VOINOVICH, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1391. An act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 1392. An act to authorize appropriations for fiscal year 2010 for military construction, and for other purposes.

S. 1393. An act to authorize appropriations for fiscal year 2010 for defense activities of the Department of Energy, and for other purposes.

PROVIDING FOR HOUSE OF REPRESENTATIVES STAFF PAYDAY CHANGES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1752, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 1752, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LATHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 282, noes 144, not voting 7, as follows:

[Roll No. 681]

AYES—282

Abercrombie	Farr	McCarthy (CA)
Ackerman	Fattah	McCaul
Adler (NJ)	Filner	McCollum
Altmire	Forbes	McDermott
Andrews	Portenberry	McGovern
Baca	Poster	McIntyre
Baldwin	Frank (MA)	McMahon
Barrow	Frelinghuysen	McMorris
Bean	Fudge	Rodgers
Becerra	Gerlach	McNerney
Berkley	Giffords	Meek (FL)
Berry	Gonzalez	Meeks (NY)
Bilbray	Gordon (TN)	Melancon
Bilirakis	Graves	Michaud
Bishop (GA)	Grayson	Miller (NC)
Bishop (NY)	Green, Al	Miller, George
Blumenauer	Green, Gene	Minnick
Blunt	Griffith	Mitchell
Boccieri	Grijalva	Mollohan
Boren	Gutierrez	Moore (KS)
Boswell	Hall (NY)	Moore (WI)
Boucher	Hall (TX)	Moran (VA)
Boyd	Halvorson	Murphy (CT)
Brady (PA)	Hare	Murphy, Patrick
Brady (TX)	Harman	Murphy, Tim
Braley (IA)	Hastings (FL)	Nadler (NY)
Bright	Heinrich	Napolitano
Broun (GA)	Herseth Sandlin	Neal (MA)
Brown (SC)	Higgins	Nunes
Brown, Corrine	Hill	Nye
Buchanan	Himes	Oberstar
Butterfield	Hinchee	Obey
Cao	Hinojosa	Olver
Capps	Hirono	Ortiz
Capuano	Hodes	Pallone
Cardoza	Holden	Pascarell
Carnahan	Holt	Pastor (AZ)
Carney	Honda	Payne
Carson (IN)	Hoyer	Perlmutter
Castle	Inslee	Peters
Castor (FL)	Israel	Peterson
Chandler	Jackson-Lee	Pingree (ME)
Childers	(TX)	Platts
Chu	Jenkins	Polis (CO)
Clarke	Johnson (GA)	Pomeroy
Clay	Johnson, E.B.	Price (NC)
Cleaver	Kagen	Quigley
Cohen	Kanjorski	Radanovich
Cole	Kaptur	Rahall
Connolly (VA)	Kennedy	Rangel
Conyers	Kildee	Reyes
Cooper	Kilpatrick (MI)	Richardson
Costa	Kilroy	Rodriguez
Costello	Kind	Ross
Courtney	King (IA)	Rothman (NJ)
Crowley	King (NY)	Roybal-Allard
Cuellar	Kirk	Ruppersberger
Culberson	Kirkpatrick (AZ)	Ryan (OH)
Cummings	Klein (FL)	Sánchez, Linda
Dahlkemper	Kosmas	T.
Davis (AL)	Kucinich	Sarbanes
Davis (CA)	Lance	Schakowsky
Davis (IL)	Langevin	Schauer
Davis (TN)	Larsen (WA)	Schiff
Deal (GA)	Larson (CT)	Schrader
DeFazio	Lee (CA)	Schwartz
DeGette	Levin	Scott (GA)
Delahunt	Lewis (GA)	Scott (VA)
DeLauro	Lipinski	Serrano
Dent	Loebbeck	Sestak
Dicks	Lofgren, Zoe	Shea-Porter
Dingell	Lowe	Sherman
Doggett	Lucas	Shuler
Donnelly (IN)	Luján	Sires
Doyle	Lungren, Daniel	Skelton
Driehaus	E.	Slaughter
Edwards (MD)	Lynch	Smith (NJ)
Edwards (TX)	Maffei	Smith (WA)
Ellison	Maloney	Snyder
Ellsworth	Markey (CO)	Space
Emerson	Markey (MA)	Speier
Engel	Marshall	Spratt
Eshoo	Massa	Stark
Etheridge	Matheson	Stupak
Fallin	Matsui	Sutton

Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Titus
Tonko
Towns

Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Schultz
Waters
Watson

Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wu
Yarmuth
Young (AK)

NOES—144

Aderholt	Gohmert	Paulsen
Akin	Goodlatte	Pence
Alexander	Granger	Perriello
Arcuri	Guthrie	Petri
Austria	Harper	Pitts
Bachmann	Hastings (WA)	Poe (TX)
Bachus	Heller	Posey
Barrett (SC)	Hensarling	Price (GA)
Bartlett	Herger	Putnam
Barton (TX)	Hoekstra	Rehberg
Biggert	Hunter	Reichert
Bishop (UT)	Inglis	Roe (TN)
Blackburn	Issa	Rogers (AL)
Boehner	Jackson (IL)	Rogers (KY)
Bonner	Johnson (IL)	Rogers (MI)
Bono Mack	Johnson, Sam	Rohrabacher
Boozman	Jones	Rooney
Boustany	Jordan (OH)	Ros-Lehtinen
Brown-Waite,	Kingston	Roskam
Ginny	Kissell	Schock
Burgess	Kline (MN)	Sensenbrenner
Burton (IN)	Kratovil	Sessions
Buyer	Lamborn	Shadegg
Calvert	Latham	Shimkus
Camp	LaTourette	Shuster
Campbell	Latta	Simpson
Cantor	Lee (NY)	Smith (NE)
Capito	Lewis (CA)	Smith (TX)
Carter	LoBiondo	Souder
Cassidy	Luetkemeyer	Stearns
Chaffetz	Lummis	Sullivan
Clyburn	Mack	Thompson (PA)
Coble	Manzullo	Thornberry
Coffman (CO)	Marchant	Tiberi
Conaway	McClintock	Upton
Crenshaw	McCotter	Walden
Davis (KY)	McHenry	Westmoreland
Diaz-Balart, L.	McHugh	Whitfield
Diaz-Balart, M.	McKeon	Wilson (SC)
Dreier	Mica	Wolf
Duncan	Miller (FL)	Woolsey
Ehlers	Miller (MI)	Young (FL)
Flake	Miller, Gary	
Fleming	Moran (KS)	
Fox	Murphy (NY)	
Franks (AZ)	Myrick	
Gallegly	Neugebauer	
Garrett (NJ)	Olson	
Gingrey (GA)	Paul	

NOT VOTING—7

Baird	McCarthy (NY)	Sanchez, Loretta
Berman	Murtha	
Linder	Salazar	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1811

Mr. FORTENBERRY changed his vote from "no" to "aye."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

COMMENDING THE CONGRESS OF LEADERS OF WORLD AND TRADITIONAL RELIGIONS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 535, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the resolution, H. Res. 535, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING DAY OF THE AFRICAN CHILD

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 550.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 550.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 848

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 848, the Performance Rights Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMERICANS NEED HEALTH CARE FACTS FROM DEMOCRAT-MEDIA ALLIANCE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, poll after poll shows that Americans reject the administration's health care plan, but the national media continue to downplay the results of their own polls.

For example, in its report on the new NBC/Wall Street Journal poll, NBC itself failed to mention that more people disapprove than approve of the way the President is handling health care.

President Obama says his health care plan is deficit neutral, but the non-partisan Congressional Budget Office says the legislation will substantially increase the deficit.

President Obama says Americans' health care plans will cost less, but the CBO Director says the legislation will cost more, much more.

President Obama says "if you like your current health care plan, you can keep it," but an independent study found that most Americans will lose their current health care plan.

Mr. Speaker, Americans need the facts on health care, not the biased news from the Democrat-media alliance.

□ 1815

PAYGO

(Mr. PETERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERS. Mr. Speaker, I rise today as a proud cosponsor of H.R. 2920, the Statutory Pay-As-You-Go Act of 2009. This important legislation will establish mandatory pay-as-you-go budget discipline, rein in deficit spending, and reduce the national debt.

In the 1990s, pay-as-you-go budget discipline was enshrined in law, and it led to record budget surpluses. After PAYGO was originally codified in 1990, total Federal spending as a percentage of GDP decreased each year from 1991 through 2000. After Congress let PAYGO expire in 2002, projected surpluses of \$5.6 trillion were transformed into record deficits. Passing the Statutory Pay-As-You-Go Act of 2009 will require Congress to make the tough choices necessary to get unacceptable high budget deficits under control and avoid passing today's costs onto our children, grandchildren, and future generations.

Families make tough budget decisions to live within their means, and the government should be forced to do the same. I urge passage of the Statutory Pay-As-You-Go Act of 2009.

HEALTH CARE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I agree with President Obama when he says there's a need for affordable health care.

Mr. Speaker, a trillion-dollar plan is not affordable, particularly when it leaves millions of Americans without insurance.

The Republican health care plan offers a solution for all Americans for health care access, affordability, quality, and choice. Under the GOP plan, medical decisions will be made by patients and their doctors, not a government bureaucrat such as the Democrat-proposed Health Insurance Commissioner.

The GOP plan provides for guaranteed access regardless of preexisting conditions.

The Republican plan lets Americans who like their coverage keep it.

It expands Community Health Centers that are critical points of access that provide health care services based on an affordable sliding scale.

Mr. Speaker, the Republican plan reins in junk lawsuits and will bring down health care costs. We need health care access, affordability, quality, and choice that Americans deserve. Americans deserve the Republican health care plan.

THE FORECLOSURE CRISIS

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, during the upcoming work session, I will return to southern Nevada, which is ground zero for the foreclosure crisis that triggered our current recession. During my time at home, I will be working with constituents who need help with their mortgages, many in homes that are underwater.

Families throughout my district are struggling to make their mortgage payments, and one out of every 16 homeowners in Nevada has faced a foreclosure filing. Folks in District Three clearly need assistance to stay in their homes and avoid foreclosures.

Tonight in kitchens across the country and in every congressional district, families worry about losing the roof over their heads. I'm sure that every one of my colleagues in Congress will hear from such families during the upcoming district work period. I hope they will bring their stories back to Washington. And when Congress reconvenes in September, let us place a renewed focus on helping families stay in their homes and providing them the assistance they need.

There is much more that Congress can and should do, and I commit to working on this issue when we come back after Labor Day. I hope you will all join me in this effort.

IRAN'S MARTYRS OF FREEDOM

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute.)

Mr. MCCOTTER. Mr. Speaker, recently we have seen the end of Islam's 40-day period of mourning for the martyrs of freedom that were killed on June 20, Neda Soltan, Taraneh Mousavi.

And what did the regime do in response? They prevented people from attending their grave sites. They removed people who wanted to lay flowers. And in the end, as reported by msnbc.com, Brigadier General Abdollah Araghi warned against any further gatherings: "We are not joking. We will confront those who will fight against the clerical establishment."

Yes, Mr. Speaker, they will fight against rape and murder, martyrs such

as Neda and Taraneh. But the world will mourn these martyrs, and soon Iran and all the world will rejoice when these murderers are brought to justice and the Iranian people breathe free.

UTMB EMERGENCY ROOM OPENING

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise to pay tribute to the folks in Galveston, Texas, who have worked to make the reopening of the University of Texas Medical Branch emergency room possible.

Last September, Hurricane Ike hit Galveston, swamping parts of the island and forcing thousands of residents to evacuate. The emergency room's floor is at one of the highest physical elevations on the island, more than 30 feet above sea level. Yet the power of Ike's damage delayed the reopening of the emergency room until last week. Southeast Texas lost one of three level one trauma centers, putting a strain on the whole region.

But thanks to tremendous community support, the emergency room will begin receiving patients and eventually offer the same level of trauma care it did before. Every minute counts in a life-threatening emergency. And the reopening of this facility will help provide timely emergency medical services to the area residents.

As a member of the House Homeland Security Committee, I am committed to continue to do all I can to ensure complete recovery for the impacted areas of Texas by Ike. This is a tremendous step forward for the recovery of Galveston and the neighboring communities devastated by Hurricane Ike.

I wish UTMB, its doctors, its nurses, and its staff a successful future. Welcome back.

THE 75TH ANNIVERSARY OF CONTINENTAL AIRLINES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to celebrate the 75th anniversary of my hometown airline, Continental Airlines. I would like to thank all of the employees, past and present and those in the future, who have continued to serve our community and the Nation. We thank them for their original beginnings with great history and great leadership.

I'm reminded of one of their transfer names, Eastern Airlines. I'm reminded, of course, of the uniforms and the admiration that children would give the pilots and flight attendants. We still do that today.

Continental Airlines is in my district, and as well the Bush Interconti-

ental Airport, which is their hub airport.

Let me thank them for the many economic dollars they provide to the fourth largest city in the Nation, Houston, Texas, and as well let me congratulate them as they move forward in a new structure that will allow more diversity, more competition, but stronger airline services and customer relations.

Thank you to the leadership of Continental Airlines and to their CEO, Larry Kellner, and all of the hardworking employees. You've had 75 years. You should be proud.

THE PUBLIC HEALTH INSURANCE OPTION

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the voluntary public health insurance option is an important part of health care reform for a number of reasons.

First, the public plan will provide a competitor for private plans that will help make the entire system more efficient and help drive down prices for everyone. Second, it provides assurance to all Americans that there will be an affordable, comprehensive health insurance plan available to them no matter where they live or work. In many places there are currently only one or two insurers people can choose from.

Third and of vital importance, the public plan will have the ability to test and implement innovative methods of payment that have the potential to make the entire health care system more efficient and patient centered.

The current fee-for-service structure is a fragmented system. No provider will be required to participate in the public plan, but for those who do, it's important for the public plan to be able to implement effective payment reforms for all participating providers. Allowing individual providers to negotiate their own rates and their own methods of payment with the plan will slow the vital process of moving us towards a more efficient, integrated health care system that serves both the patients and the taxpayers.

Now is the time to act on health care reform, including a robust public health insurance option.

HONORING J.D. WILLIAMS

(Mr. TOWNS asked and was given permission to address the House for 1 minute.)

Mr. TOWNS. Mr. Speaker, I rise to recognize the loss of J.D. Williams, who expired 3 days ago.

J.D. Williams was a very special person. He worked with the young people, taught so many how to play baseball. And, of course, he was an outstanding athlete himself.

He was always giving of himself to help others. I recall as a youngster how he would organize and go into his pocket and take money out to be able to assist young people in buying uniforms and being able to move from one location to another to be able to play different teams.

He was just so committed to developing young people. He worked to get them into college, and, of course, he had a relationship with many coaches around the country. And they would respect the fact that if J.D. Williams said that you could play, you would be able to play. And that's the kind of relationship that he had.

Of course, let me say to his family in times like these you can be proud of the accomplishments of J.D. Williams, even though he's no longer with us.

THE NEW BLACK PANTHER PARTY CASE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. As a strong supporter of the Voting Rights Act, I've been deeply troubled by this Department of Justice's questionable dismissal of an important voter intimidation case in Philadelphia, where I grew up, and my dad was a policeman. My commitment to voting rights is unquestioned. In 1981 I was the only member, Republican or Democrat, of the Virginia delegation in the House to vote for the Voting Rights Act, and was harshly criticized by the editorial page of the *Richmond Times Dispatch*.

And when I supported its reauthorization in 2006, I was again criticized by editorial pages. I have grave concerns about the Department's dismissal of this case. Congress must use its oversight to maintain the integrity of the voting system. Oversight is needed now more than ever given the disclosure today in the *Washington Times* that the Department's case against the New Black Panther Party was dismissed over the objections of career attorneys on the trial team as well as the chief of the Department's Appellate Division.

The politicization of the Justice Department by Eric Holder against career employees is absolutely wrong, and the Congress ought to get to the bottom of this.

Mr. Speaker, as a strong supporter of the Voting Rights Act, I have been deeply troubled by this Department of Justice's questionable dismissal of an important voter intimidation case in Philadelphia—where I grew up and my father was a policeman.

My commitment to voting rights is unquestioned. In 1981, I was the only member—Republican or Democrat—of the Virginia delegation in the House to vote for the Voting Rights Act and was harshly criticized by the editorial page of the *Richmond Times Dispatch*, and when I supported its reauthorization in 2006, I was criticized again by editorial pages.

I have grave concerns about the department's dismissal of this serious case. Above all, Congress must use its oversight to maintain the integrity of our voting system.

All the documents surrounding this case need to be made public and all the questions asked in my July 22 letter to Attorney General Holder should be answered. The American people deserve nothing less than full transparency.

Oversight is needed now more than ever given the disclosures in today's Washington Times that the department's voter intimidation case against the New Black Panther Party was dismissed over the objections of career attorneys on the trial team—as well as the chief of the department's Appellate Division.

The politicization of the Justice Department by Eric Holder against career employees is absolutely wrong and the Congress ought to get to the bottom of this.

Sources within the department stated that Associate Attorney General Thomas Perrelli, a political appointee, overruled career attorneys in dismissing the case.

According to the Appellate Division memos first disclosed in the Times article, Appellate Chief Diana K. Flynn said that "the appropriate action was to pursue the default judgment" and that Justice had made a "reasonable argument in favor of default relief against all defendants."

Flynn's opinion was shared by a second Appellate Division official, Marie K. McDerry, who stated, "The government's predominant interest is preventing intimidation, threats and coercion against voters or persons urging or aiding persons to vote or attempt to vote."

Given these troubling disclosures, I call on the attorney general to re-file this civil suit and allow a ruling from the judge based on the merits of the case—not political expediency.

It is imperative that we protect all Americans' right to vote, which I consider a sacrosanct and inalienable right of any democracy. The career attorneys and Appellate Division within the department sought to demonstrate the federal government's commitment to protecting this right by vigorously prosecuting any individual or group that seeks to undermine this right. I hope that the political leadership will follow their example and allow this case to go forward again.

[From the Richmond Times Dispatch—Editorial, October 15, 1981]

A MORE OFFENSIVE LAW

A recent news story from Washington reported that Tenth District Republican Rep. Frank Wolf "didn't want to talk about" his vote in favor of extending the odious federal Voting Rights Act. No wonder. There is absolutely no way that he can justify his endorsement of a measure that officially brands Virginia a second-class state and denies Virginians some of their most precious political rights. Mr. Wolf was the only Virginia congressman to support the bill when it moved through the House of Representatives last week.

Grossly unfair in its present form, the Voting Rights Act would be made even more offensive by changes the House approved. The despicable pre-clearance provision, which now is subject to periodic reconsideration, would become a permanent feature of the law. Under this provision, covered states and localities must obtain federal approval of

any law, action or decision that might affect the voting rights or strength of minorities, especially blacks. The House's new version outlines a procedure by which a state might, theoretically, purify itself and gain exemption from the act, but the process is so cumbersome and vague that it is likely to prove to be worthless. One important aspect of the act that would remain unchanged in the House version is its inequitable selectivity. The law's harsh impact would continue to fall mainly on the South. Efforts to persuade the House to apply the act uniformly throughout the nation were unsuccessful.

Indeed, the House was unwilling to make even the slightest gesture toward fairness. As the bill had emerged from the House Judiciary Committee, it provided that any state or locality seeking to obtain exemption from its coverage would have to get the approval of the United States District Court in Washington. Sixth District Republican Rep. M. Caldwell Butler, one of the principal leaders of the valiant but vain fight against the act offered an eminently sensible amendment that would have permitted states and localities to sue for relief in a local federal district court. The necessity to go to Washington, he argued, would be so costly and cumbersome that many communities would be discouraged from even attempting to qualify for exemption. But the House, unmoved, rejected his proposal.

Not in many years has Virginia followed the kinds of restrictive voting practices that originally inspired the Voting Rights Act. Not in many years has Virginia attempted to abridge the right of its black citizens to vote. Yet if the House bill prevails Virginia, and most of the South, will continue to be treated as wards of the federal government and denied political rights that the rest of the nation freely exercises, and Mr. Wolf will be partly to blame. Fortunately, the House bill faces considerable opposition in the Senate. And Virginia's two representatives in that body—Senators Harry F. Byrd Jr. and John Warner—can be counted on to support, enthusiastically and aggressively, efforts to transform the Voting Rights Act from a selectively punitive measure into a fair and reasonable law.

[From the Washington Times, July 30, 2009]
JUSTICE APPOINTEE OK'D PANTHER REVER-
SAL—CAREER LAWYERS PUSHED FOR SANCTIONS IN CASE

(By Jerry Seper)

Associate Attorney General Thomas J. Perrelli, the No. 3 official in the Obama Justice Department, was consulted and ultimately approved a decision in May to reverse course and drop a civil complaint accusing three members of the New Black Panther Party of intimidating voters in Philadelphia during November's election, according to interviews.

The department's career lawyers in the Voting Section of the Civil Rights Division who pursued the complaint for five months had recommended that Justice seek sanctions against the party and three of its members after the government had already won a default judgment in federal court against the men.

Front-line lawyers were in the final stages of completing that work when they were unexpectedly told by their superiors in late April to seek a delay after a meeting between political appointees and career supervisors, according to federal records and interviews.

The delay was ordered by then-acting Assistant Attorney General Loretta King after

she discussed with Mr. Perrelli concerns about the case during one of their regular review meetings, according to the interviews.

Ms. King, a career senior executive service official, had been named by President Obama in January to temporarily fill the vacant political position of assistant attorney general for civil rights while a permanent choice could be made.

She and other career supervisors ultimately recommended dropping the case against two of the men and the party and seeking a restraining order against the one man who wielded a nightstick at the Philadelphia polling place. Mr. Perrelli approved that plan, officials said.

Questions about how high inside the department the decision to drop the case went have persisted in Congress and in the media for weeks.

Justice Department spokeswoman Tracy Schmaler told The Washington Times that the department has an "ongoing obligation" to be sure the claims it makes are supported by the facts and the law. She said that after a "thorough review" of the complaint, top career attorneys in the Civil Rights Division determined the "facts and the law did not support pursuing the claims against three of the defendants."

"As a result, the department dismissed those claims," she said. "We are committed, to vigorous enforcement of the laws protecting anyone exercising his or her right to vote."

While the Obama administration has vowed a new era of openness, department officials have refused to answer questions from Republican members of Congress on why the case was dismissed, claiming the information was "privileged," according to congressional correspondence with the department.

Rep. Frank R. Wolf, Virginia Republican and a senior member of the House Appropriations Committee who has raised questions about the case, said he also was prevented from interviewing the front-line lawyers who brought the charges.

"Why am I being prevented from meeting with the trial team on this case?" Mr. Wolf asked. "There are many questions that need to be answered. This whole thing just stinks to high heaven."

Ms. Schmaler said the department has tried to cooperate with Congress. "The Department responded to an earlier letter from Congressman Wolf in an effort to address his questions. Following that letter, the Department agreed to a meeting with Congressman Wolf and career attorneys, in which they made a good-faith effort to respond to his inquiries about this case. We will continue to try to clear up any confusion Congressman Wolf has about this case."

Ms. King and a deputy are expected to travel to Capitol Hill on Thursday to meet behind closed doors with House Judiciary Committee Chairman John Conyers Jr., Michigan Democrat, and Rep. Lamar Smith of Texas, the top Republican on the panel, to discuss continuing concerns about the case.

The department also has yet to provide any records sought by The Times under a Freedom of Information Act request filed in May seeking documents detailing the decision process. Department officials also declined to answer whether any outside groups had raised concerns about the case or pressured the department to drop it.

Kristen Clarke, director of political participation at the NAACP Legal Defense Fund in Washington, however, confirmed to The Times that she talked about the case with lawyers at the Justice Department and

shared copies of the complaint with several persons. She said, however, her organization was "not involved in the decision to dismiss the civil complaint."

She said the National Association for the Advancement of Colored People has consistently argued that the department should bring more voter intimidation cases, adding that it was "disconcerting" that it did not do so.

Mr. Perrelli, a prominent private practice attorney, served previously as a counsel to Attorney General Janet Reno in the Clinton administration and was an Obama supporter who raised more than \$500,000 for the Democrat candidate in the 2008 elections. He authorized a delay to give department officials more time to decide what to do, said officials familiar with the case but not authorized to discuss it publicly. He eventually approved the decision to drop charges against three of the four defendants, they said.

At issue was what, if any, punishment to seek against the New Black Panther Party for Self-Defense (NBPP) and three of its members accused in a Jan. 7 civil complaint filed in U.S. District Court in Philadelphia.

Two NBPP members, wearing black berets, black combat boots, black dress shirts and black jackets with military-style markings, were charged in a civil complaint with intimidating voters at a Philadelphia polling place, including brandishing a 2-foot-long nightstick and issuing racial threats and racial insults. Authorities said a third NBPP member "managed, directed and endorsed the behavior."

None of the NBPP members responded to the charges or made any appearance in court.

"Intimidation outside of a polling place is contrary to the democratic process," said Grace Chung Becker, a Bush administration political appointee who was the acting assistant attorney general for civil rights at the time the case was filed. "The Voting Rights Act of 1965 was passed to protect the fundamental right to vote and the department takes allegations of voter intimidation seriously."

Mrs. Becker, now on a leave of absence from government work, said she personally reviewed the NBPP complaint and approved its filing in federal court. She said the complaint had been the subject of numerous reviews and discussions with the career lawyers, and she agreed with their assessment to file the case.

Mrs. Becker said Ms. King was overseeing other cases at the time and was not involved in the decision to file the original complaint.

A Justice Department memo shows that career lawyers in the case decided as early as Dec. 22 to seek a complaint against the NBPP; its chairman, Malik Zulu Shabazz, a lawyer and D.C. resident; Minister King Samir Shabazz, a resident of Philadelphia and head of the Philadelphia NBPP chapter who was accused of wielding the nightstick; and Jerry Jackson, a resident of Philadelphia and a NBPP member.

"We believe the deployment of uniformed members of a well known group with an extremely hostile racial agenda, combined with the brandishing of a weapon at the entrance to a polling place, constitutes a violation of Section 11(b) of the Voting Rights Act which prohibits types of intimidation, threats and coercion," the memo said.

The memo, sent to Mrs. Becker, was signed by Christopher Coates, chief of the Voting Section Robert Popper, deputy chief of the section; J. Christian Adams, trial attorney and lead lawyer in the case; and Spencer, R

Fisher, law clerk. None of the four has made themselves available for comment.

Members of Congress continue to ask questions about the case.

"If showing a weapon, making threatening statements and wearing paramilitary uniforms in front of polling station doors does not constitute voter intimidation, at what threshold of activity would these laws be enforceable?" Mr. Wolf asked.

Mr. Smith also complained that a July 13 response by Assistant Attorney General Ronald Welch to concerns the congressman had about the Philadelphia incident did not alleviate his concerns.

"The administration still has failed to explain why it did not pursue an obvious case of voter intimidation. Refusal to address these concerns only confirms politicization of the issue and does not reflect well on the Justice Department," Mr. Smith said.

Mr. Smith asked the department's Office on Inspector General to investigate the matter, and the request was referred to the department's Office of Professional Responsibility.

Lawmakers aren't alone in the concerns.

The U.S. Commission on Civil Rights said in a June 16 letter to Justice that the decision to drop the case caused it "great confusion," since the NBPP members were "caught on video blocking access to the polls, and physically threatening and verbally harassing voters during the Nov. 4, 2008, general election."

"Though it had basically won the case, the [Civil Rights Division] took the unusual move of voluntarily dismissing the charges . . .," the letter said. "The division's public rationale would send the wrong message entirely—that attempts at voter suppression will be tolerated and will not be vigorously prosecuted so long as the groups or individuals who engage in them fail to respond to the charges leveled against them."

The dispute over the case and the reversal of career line attorneys highlights sensitivities that have remained inside the department since Bush administration political appointees ignored or reversed their career counterparts on some issues and some U.S. attorneys were fired for what Congress concluded were political reasons.

Mr. Weich, in his letter to the congressman, sought to dispel any notion that politics was involved. He argued that the department dropped charges against three of the four defendants "because the facts and the law did not support pursuing" them. He said the decision was made after a "careful and thorough review of the matter" by Ms. King.

U.S. District Judge Stewart Dalzell in Philadelphia entered default judgments against the NBPP members April 2 after ordering them to plead or otherwise defend themselves. They refused to appear in court or file motions in answer to the government's complaint. Two weeks later, the judge ordered the Justice Department to file its motions for default judgments by May 1—a ruling that showed the government had won its case.

The men also have not returned calls from The Times seeking comment.

On May 1, Justice sought an extension of time and during the tumultuous two weeks that followed the career front-line lawyers tried to persuade their bosses to proceed with the case.

The matter was even referred to the Appellate Division for a second opinion, an unusual event for a case that hadn't even reached the appeals process.

Appellate Chief Diana K. Flynn said in a May 13 memo obtained by The Times that

the appropriate action was to pursue the default judgment unless the department had evidence the court ruling was based on unethical conduct by the government.

She said the complaint was, aimed at preventing the "para-military style intimidation of voters" at polling places elsewhere and Justice could make a "reasonable argument in favor of default relief against all defendants and probably should." She noted that the complaint's purpose was to "prevent the paramilitary style intimidation of voters" while leaving open "ample opportunity for political expression."

An accompanying memo by Appellate Section lawyer Marie K. McElderry said the charges not only included bringing the weapon to the polling place, but creating an intimidating atmosphere by the uniforms, the military-type stance and the threatening language used. She said the complaint appeared to be "sufficient to support" the injunctions sought by the career lawyers.

"The government's predominant interest . . . is preventing intimidation, threats and coercion against voters or persons urging or aiding persons to vote or attempt to vote," she said.

The front-line lawyers, however, lost the argument and were ordered to drop the case.

Bartle Bull, a civil rights activist who also was a poll watcher in Philadelphia, said after the complaint was dropped, he called Mr. Adams to find out why. He said he was told the decision "came as a surprise to all of us" and that the career lawyers working on the case feared that the failure to enforce the Voting Rights Act "would embolden other abuses in the future."

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KISSELL). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING BOB DEININGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise to honor a public servant, leader, son, husband and father of the first order, Mr. Robert Deininger, who on August 1, 2009, will complete 40 years of faithful and dedicated service to the U.S. Food and Drug Administration, the FDA.

Following his 1965 graduation from Upper Darby High School, Bob excelled at Grove City College, Grove City, Pennsylvania, graduating in 1969 with a bachelor of science degree in biology. He was quickly hired by the FDA as an investigator in the Philadelphia district office.

In 1977 Bob was selected to be a supervisor of the New Jersey District in Trenton, New Jersey. He later moved to Camden, New Jersey, where he supervised 10 investigators and covered southern New Jersey.

□ 1830

During 13 years in this position, he and his team were involved in many

unique and interesting cases, including those involving food tampering, recalls and compliance actions.

In 1989, Bob was accepted into a government Executive Potential Program. In 1990, he was selected as Director of the Investigations Branch for the Dallas district and moved to Dallas, Texas. In this position, with nearly 100 employees and 13 satellite offices, he was responsible for domestic import inspection activities in Texas, Oklahoma and Arkansas.

Bob's last position was that of District Director, Southwest Import District, SWID, in the FDA Office of Regulatory Affairs, FDA's regulatory field force. As District Director, Bob was responsible for all import operations in the 11-State Southwest Region and along the entire United States-Mexican border, from Brownsville, Texas, to San Diego, California.

Bob's contributions are too numerous to mention, but principal among them are his efforts to improve import coverage uniformity in applying FDA policies and procedures and his work to increase cooperative activities with Customs and Border Protection.

As the Nation has faced serious threats to the safety of its food supply, Bob significantly increased the number of import samples and product exams performed each year and contributed to updating the FDA import training program. Most importantly, Bob focused FDA/SWID outreach and education efforts to work with the Federal and State agencies on border health to improve the health of the population living along the United States and Mexican border.

For all of his accomplishments in life, Bob Deininger's greatest achievement will always be his family. His mother Evelyn and brother Gary are very proud of him, as is his wonderful wife Rosemary. Together, she and Bob have raised two impressive sons, Kristopher and Brian. They are blessed with a lovely daughter-in-law, Katherine, who has given them their pride and joy, grandson Jack.

Mr. Speaker, let us pause and give thanks to Bob Deininger for four decades of tireless, selfless service to the Food and Drug Administration and the American public.

Today, I join the good people of the Seventh Congressional District of Pennsylvania and the thousands of FDA employees Bob has led, mentored and cared for over the course of his brilliant career, and Bob's many friends and colleagues, to wish Rosemary and Bob "fair winds and following seas" as they embark on the next, and no doubt even more remarkable, chapter of their lives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was commu-

nicated to the House by Ms. Wanda Evans, one of his secretaries.

NUMBER OF MARINE SUICIDES INCREASING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, earlier this week I was saddened to read an article in the Marine Corps Times with the heading "7 July suicides push Corps to record pace." I will submit that article for the record.

The article states, "At least seven Marines are believed to have killed themselves so far in July, putting the Corps on a record pace despite broad-based efforts introduced to reduce suicides."

The Corps is on a pace for about 56 suicides in 2009, which would shatter a record set last year when the Corps lost 42 Marines to confirmed or suspected suicide. The article further states, "Marine suicides have increased annually since 2006."

[From the Marine Corps Times, July 30, 2009]

JULY SUICIDES PUSH CORPS TO RECORD PACE

(By Dan Lamothe, staff writer)

At least seven Marines are believed to have killed themselves so far in July, officials said, putting the Corps on a record pace despite broad-based efforts introduced to reduce suicides.

The deaths come as the service rolls out a new suicide-prevention program this week focused on getting sergeants and corporals to take a more active role in watching for signs that a Marine may be in danger of killing himself. Nine Marines killed themselves in June, and 33 have done so this year, said Maj. Carl Redding, a spokesman at Marine Corps headquarters.

The statistics were discussed Monday at the Sergeants Major Symposium, an annual meeting of the Corps' top enlisted leaders in Washington. The 33 dead Marines put the Corps on pace for about 56 suicides in 2009, shattering a record set last year, when the Corps lost 42 Marines to confirmed or suspect suicides.

"We're looking at all options to get a handle on this," said Sgt. Maj. Carlton Kent, the Corps' top enlisted adviser. "We're trying to pinpoint what we can do, and we're going to stay engaged until we find a fix for it."

Marine suicides have increased annually since 2006, when 25 Marines killed themselves. Thirty-three Marines are believed to have committed suicide in 2007, Marine officials said.

The recent numbers have alarmed Marine leadership, prompting additional "all-hands" prevention training in March that included videos made by commanders, a slideshow outlining recent statistics and an overview of warning signs shown by Marines at risk of killing themselves.

On Monday, senior enlisted leaders discussed a next wave of suicide-prevention training that has been in the works for months. Noncommissioned officers throughout the Corps will be trained to watch for suicide signs more carefully, with "master trainer" sergeants who went through 3½ days of training in July at Marine Corps Base Quantico, Va., now fanning out across

the service to teach NCOs how they can be a better help to at-risk Marines.

The new training package will include a 30-minute video featuring professional actors portraying Marines, and 11 documentary film clips featuring Marines who considered killing themselves and survivors of Marines who did, the Corps' senior enlisted leaders were told Monday. It will focus in part on eliminating the stigma of reporting a Marine who is considering suicide, officials said.

"Peer groups have to recognize the signs at ankle level, not chest level," said Sgt. Maj. Michael Timmerman, the senior enlisted adviser with the Personal and Family Readiness Division at Marine Corps headquarters.

Kent said he wants NCOs to feel empowered to report that a Marine in turmoil may be considering suicide, but he believes senior enlisted leadership and officers also need to be actively involved.

"We still have to provide the guidance, oversight and support," he said of senior enlisted leadership. "We have to give [NCOs] the tools they need" to prevent suicides.

Unfortunately, the Army has reported a similar increase in suicides. The suicide rate among Army soldiers hit its highest level in three decades in 2008 when there were 128 confirmed suicides.

Yesterday, at a hearing of the Armed Services Subcommittee on Military Personnel, I was impressed with the comments by military leaders from each of the four services who described the steps they are taking to combat psychological stress among servicemembers. I was also pleased to read in the Marine Corps Times that the Corps has taken increased suicide rates seriously by rolling out a new suicide prevention program and implementing additional all-hands prevention training. However, I also believe that the policymakers in Washington have a role to play.

With Marine Corps Base Camp Lejeune and Marine Corps Air Station Cherry Point in my district, I am well aware of the strain that the wars in Iraq and Afghanistan have placed on our Nation's marines and their families. Military officials have speculated that repeat combat deployments and the toll these deployments have taken on servicemembers' marriages and families have contributed to increased suicide rates.

Mr. Speaker, I also believe that continuous war without a clearly defined goal is contributing to anxiety and depression among some of the members of our military.

In recent days, I have come to the House floor to talk about our Nation's military involvement in Afghanistan and the importance of knowing the end point to our war strategy. After nearly 8 years in Afghanistan, President Obama's order for a surge of additional troops will certainly lead to more killed and wounded, more frequent deployments and more stress on our military and their families. That is the price of war.

While American military personnel faithfully conduct their missions

abroad, elected officials here in Washington also need to take seriously their responsibility to develop a viable, long-term strategy for these operations.

I have spoken to many in the Army and Marine Corps who say our Nation needs an end point to its war strategy. Many servicemembers have gone to Iraq and Afghanistan more than once, and their desire to serve this Nation is greater than ever, but the stress placed on our all-volunteer forces cannot continue forever.

That is why I will continue to urge the President to work with his military commanders and the Congress to articulate to our men and women in uniform what is to be achieved and to develop the best possible strategy for achieving our goals and wrapping up our military commitment in Afghanistan. I will also continue to work with my colleagues in Congress to ensure adequate funding for mental health programs for servicemembers and veterans.

Before closing, Mr. Speaker, I would like to thank the Department of Defense and our military leaders who are doing everything possible to help servicemembers who suffer from anxiety and depression.

Mr. Speaker, as I do just about every night that I come to the floor of the House, I have to close this way, because I regret that I voted to send our troops to Iraq. I have signed over 8,000 letters to the families and extended families so that I could say to God, forgive me for making that decision.

So my close will be this. God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, in Your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq.

And, dear God, because America is in so much trouble, I will close three times by asking, God please, God please, God please continue to bless America.

THE COST OF AFGHANISTAN AND IRAQ SOON TO BE \$1 TRILLION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I would like to thank Congressman WALTER JONES for his 5-minute speech. That was a perfect lead-in to my remarks tonight.

Mr. Speaker, last week I stood in the House to mark two tragic milestones. I said that July had become the deadliest month for our soldiers in Afghanistan since the conflict began, and I reported that the number of American troops who have died in Afghanistan and Iraq had gone over the 5,000 mark.

Today, I rise to warn the House that a third tragic milestone is coming up.

According to a report by the Congressional Research Service, Congress has approved \$941 billion in war-related spending since 9/11. If Congress approves the administration's request for the next fiscal year, funding for Afghanistan and Iraq will go over the \$1 trillion mark. And that is just for direct military operations, Mr. Speaker. The \$1 trillion figure doesn't include the indirect costs, such as health care for our wounded veterans. Many of our veterans will need care for the rest of their lives. Joseph Stiglitz, the Nobel-winning economist, has estimated that when you add it all up, the occupation of Iraq alone will cost us over \$3 trillion.

Tragically, all that spending has not made us any safer. Violent extremists have launched more attacks around the world since 9/11 than before 9/11. The war spending hasn't made us any richer either. It has contributed to our economic crisis, exploded the lid off our national debt, and diverted funds from desperately needed domestic priorities.

Besides Iraq and Afghanistan, Congress has also approved spending for a third war called the global war on terror. That war has been a big mistake, too. As the Rand Corporation has pointed out, when you use the word "terrorist," you elevate them. You elevate them to the status of holy warriors and it encourages them to conduct holy war against the United States.

We need to call terrorists what they really are, criminals and violent extremists. To stop them, we need good intelligence and good police work in the communities where they hide, not massive military occupations that don't get the job done and bleed our Treasury dry.

I am glad that President Obama and Secretary of State Clinton have stopped using the phrase "war on terror." That is a good first step. But now we need to take several more steps. We must speed up the withdrawal of our troops and military contractors from Iraq. We must change our mission in Afghanistan to emphasize economic development, humanitarian aid, education, jobs, and better government.

This is the kind of help that the people of Afghanistan want and need from the United States. This is the kind of help that will give the Afghan people real hope for the future and a reason to reject extremism.

And throughout the world, we must replace military power with the tools of smart power, such as diplomacy, multilateral action, and nuclear non-proliferation. I have offered a "SMART Security Platform for the 21st Century" which could put these tools to work and make the world a safer place.

Mr. Speaker, America cannot afford to keep using military power as our only option. It is dumb foreign policy, dumb military policy, and dumb fiscal

policy. Smart power will save lives and money and build a more peaceful world for our children and their children.

RECOGNIZING THE OUTSTANDING WORK OF TAKE STOCK IN CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to recognize the outstanding work of Take Stock in Children, an amazing program throughout my home State of Florida which provides low-income and at-risk children the scholarships and the guidance that they need to obtain a quality college education.

As a former educator and a former Florida certified teacher, I am personally aware of the importance in providing our children a solid education so that they may be successful, productive, and active members of society in the future.

When students receive the support, the mentoring, and the financial assistance necessary to pursue a college degree, they begin to realize that they can achieve their goals, they are capable of reaching their dreams, and there are people ready to say, "We are here to help you."

This is what Take Stock in Children offers to all of these children. It is an opportunity for the kids in our community to take advantage of the education they might not have otherwise been offered.

Take Stock in Children created an ingenious model of operation which provides the structure and the stability that at-risk and low-income students need in order to be guided to be most productive into college and beyond.

With its innovative mentorship, scholarship, case management, and accountability systems, it is no wonder why Take Stock in Children has flourished. The passion and commitment evident in all aspects of the organization is indeed inspiring. Over 94 percent of all funds that they gather go directly to scholarships and services to students. As more funds are made available to Take Stock in Children, they are quickly made available to the students.

Take Stock in Children has been able to expand into a public-private partnership, so that for every \$2 raised for scholarship and student services, they receive a \$1 match from the Florida Prepaid College Foundation, creating millions of dollars worth of resources for our kids.

As all of our Florida families know, the Florida Prepaid program allows them to invest early for their children's college education. Parents lock in the cost of college when they begin paying into the program, saving them

years of college rate increases and allowing them several years to save for their children's educational needs.

One in ten Florida children has a Florida Prepaid plan, and over 206,000 prepaid students have already graduated from college. I am proud to say that I was one of the cocreators of this program when I served in the Florida Senate.

Take Stock in Children is actually the largest single purchaser of Florida Prepaid scholarships, and it is a great coordinated victory in the fight to help children achieve their dreams of success. It has been over 21 years since I helped create the Florida Prepaid program, and I am continually proud of its successes.

With Florida Prepaid and Take Stock in Children working together, an educational powerhouse has been created for Florida students, combining financial aid as well as guidance and counseling for enrolled and eligible children.

Over 520 students in my district today are recipients of scholarships from Take Stock in Children, and without the support, finding college tuition for these students would not have been likely.

□ 1845

Today, almost \$109 million have been awarded in scholarships and over 1 million hours logged, with over 11,000 volunteers dedicated to helping these students. It is because of the commitment of dedicated individuals that Take Stock in Children has come to be such a tremendous success. As a Member of Congress and an ardent supporter of giving the best education possible to our youth, it pleases me greatly that organizations like Take Stock in Children exists today. I look forward to hearing about all of the future successes of Take Stock in Children, and I again applaud them for their everyday victories for all of our children.

HONORING THE LIFE OF VERMEL COOK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to salute a woman of success and pay tribute to Vermel Cook, 95 years old, who passed just this last week, born on November 24, 1913, a woman that has a very special place in my heart, and that of the city of Houston. Mr. Speaker, can you imagine a woman born before the conclusion of World War I, in the midst of a segregated South, who became an important surgical nurse who attended to the surgeries of the famed surgeon, Dr. Michael DeBakey, and Dr. Denton Cooley, at the Methodist Hospital.

What an achievement. And she did that for 30 years. In her 30 years I

would imagine she saw some of the first heart transplants. She saw the first opportunities to give new life to patients through the genius of Dr. Michael DeBakey, already passed, and Dr. Denton Cooley, who still lives in our community. I'm very proud that this woman raised beautiful children, 6 children. She has 8 grandchildren, 4 great grandchildren.

And one of her wonderful children was a dear friend of mine, the Mitchell family. Her granddaughter, Pam Mitchell, who is saddened by her death, is one of the 8 grandchildren. And her wonderful daughter, surviving daughter, JoAnn Griggs, as well, had the opportunity to live with a great mother and a great father. Her husband, deceased, Leroy Cook, they were married for 50 years and produced great talent for the Mitchell family. Mr. and Mrs. Mitchell and granddaughter Pam and grandson, her young grandson, traveled around the community and provided great music.

She was a woman of religion as well, a member of the Progressive New Hope Church under the Reverend Ennis Brown, and she served at that church for many, many years, a great historic church in the city of Houston. But then as Pastor Brown passed away, she moved to one of the up-and-coming starring churches under the leadership of my dear friend, Pastor Samuel Ratliff, Brentwood Baptist Church. And I am reminded of my visits to that church when Pastor Ratliff and all of the leadership of that church always rallied around Sister Cook. They always were so grateful of her presence there, and, as well, the spark and the laughter and the smile that she brought to the congregation.

I will always remember her, generous in spirit and heart, a nurturer. And now I know why. A surgical nurse in the midst of a segregated America, living through World War I and World War II, standing at the side of the founder of the veterans hospital system of America, Dr. Michael DeBakey. And then his tutee, Dr. Denton Cooley, two giants in the field of medicine. Now their fallen hero goes alongside of Dr. DeBakey, my very dear friend, Sister Vermel Cook.

As she is buried this coming weekend I would ask that we remember her challenges, but also her spirit. I will always be proud to have known her and to have recognized the greatness of her service and how she pioneered for nurses who now have come behind her. She'll be funeralized on Saturday, this coming Saturday, August 1, 2009, at the Brentwood Baptist Church. Though we are saddened by her passing, we know that this will be a commemoration, a celebration of the pioneering spirit and the successes that she had. We pay tribute to Vermel Cook; yes, fallen, but yet successful, a woman that we can be very proud of in this great Nation that

gives us opportunity. God bless you, Vermel Cook, and God bless America.

THE BIG GUNS HAVE LINED UP AGAINST H.R. 1207

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the big guns have lined up against H.R. 1207, the bill to audit the Federal Reserve. What is it that they are so concerned about? What information are they hiding from the American people? The screed is: "Transparency is okay—except for those things they don't want to be transparent."

Federal Reserve Chairman Ben Bernanke argues that H.R. 1207, the legislation to audit the Federal Reserve, would politicize monetary policy. He claims that monetary policy must remain "independent," that is, secret. He ignores history, because chairmen of the Federal Reserve in the past, especially when up for reappointment, do their best to accommodate the President with politically driven low interest rates and a bubble economy.

Former Federal Reserve Board Chairman Arthur Burns, when asked about all the inflation he brought about in 1971, before Nixon's re-election, said that the Fed has to do what the President wants it to do, or it would "lose its independence." That about tells you everything. Not by accident, Chairman Burns strongly supported Nixon's program of wage and price controls, the same year; but I guess that's not political. Is not making secret deals with the likes of Goldman Sachs, international financial institutions, foreign governments and foreign central banks, politicizing monetary policy? Bernanke argues that the knowledge that their discussions and decisions will one day be scrutinized will compromise the freedom of the Open Market Committee to pursue sound policy. If it is sound and honest, and serves no special interest, what's the problem?

He claims that H.R. 1207 would give power to Congress to affect monetary policy. He dreamt this up to instill fear, an old statist trick to justify government power. H.R. 1207 does nothing of the sort. He suggested that the day after an FOMC meeting, Congress could send in the GAO to demand an audit of everything said and done. This is hardly the case. The FOMC function, under 1207, would not change. The detailed transcripts of the FOMC meetings are released every 5 years, so why would this be so different, and what is it that they don't want the American people to know? Is there something about the transcripts that need to be kept secret, or are the transcripts actually not verbatim?

Fed sychophants argue that an audit would destroy the financial market's

faith in the Fed. They say this in the midst of the greatest financial crisis in history, brought on by none other than the Federal Reserve. In fact, Chairman Bernanke stated on November 14, 2007, that “a considerable amount of evidence indicates that central bank transparency increases the effectiveness of monetary policy and enhances economic and financial performance.”

They also argue that an audit would hurt the value of the U.S. dollar. In fact, the Fed, in less than 100 years of its existence, has reduced the value of the 1914 dollar by 96 percent. They claim H.R. 1207 would raise interest rates. How could it? The Fed sets interest rates and the bill doesn't interfere with monetary policy. Congress would have no say in the matter; and besides, Congress likes low interest rates. It is argued that the Fed wouldn't be free to raise interest rates if they thought it necessary. But Bernanke has already assured the Congress that rates are going to stay low for the foreseeable future, and, again, this bill does nothing to allow Congress to interfere with interest rate setting.

Fed supporters claim that they want to protect the public's interest with their secrecy. But the banks and Wall Street are the opponents of 1207, and the people are for it. Just who best represents the “public's” interest? The real question is, why are Wall Street and the Feds so hysterically opposed to 1207? Just what information are they so anxious to keep secret? Only an audit of the Federal Reserve will answer these questions.

AMERICANS NEED HEALTH CARE NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today because America needs health care, and they need it now. The American people cannot wait. Every day that we wait 14,000 Americans lose their health insurance. 46 years ago, at the March on Washington, I said, “They tell us to wait. They tell us to be patient.” We cannot wait, we cannot be patient. People are losing their health, their homes or their very lives because our health system does not work for them. This is not right. It is not just. And we can do better, much better.

It is our moral obligation to lead. The insurance companies do not need our leadership. The drug companies do not need our leadership. They do not need our help. Real, hardworking people need us to lead. We must make sure that in our rush to appease the few, that we do not harm the many. We must adopt a bill that has a strong public health insurance option. We must adopt a bill that makes health

premiums affordable to low and middle-income workers. We must not negotiate away our commitment to the working poor and to middle class Americans. This is the kind of leadership Americans need.

Dr. Martin Luther King, Jr. once said, “Of all the forms of inequality, injustice in health care is the most shocking and inhumane.” If we do not protect our most vulnerable hard-working Americans and their families, we will perpetuate this injustice. The time is always right to do what is right. We should not be afraid to do what is right. We must answer the call of history and pass health reform that works for all Americans.

□ 1900

HEALTH CARE AND JOSHUA LOYA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Mr. Speaker, I am convinced that sharing real stories from people in our communities is the best opportunity to put a human face on the task before us with respect to reforming health care.

We have spoken about costs, tax increases and job losses. We've spoken about access to care and about government-run options. These are all deeply important factors in this equation, and we have a duty to the American people to debate them fully, but there is also a human element that cuts through the debate and the rhetoric and that perfectly crystallizes what is at stake here.

My Republican colleagues and I have tried to impress on the other side the importance of maintaining the doctor-patient decision-making process. I think that Joshua Loya's story says it all.

Brittany Kraft is a constituent of mine from Pearland, Texas. She was 24 weeks pregnant in March of 2002 when her unborn son was diagnosed with hypoplastic left heart syndrome. She was told that he would not be born alive. Her cardiologist consulted with groups of surgeons around the country, but none could offer the help that she needed. Brittany was advised that her child could be put to sleep in utero, and she could go directly to the hospital for a stillbirth. She was unwilling to accept this as her only option, and she decided to fight for her unborn baby.

Brittany made copies of the fetal echocardiograms and sent them to the top five pediatric cardiothoracic surgeons she could find. Only one, Dr. Ed Bove at the University of Michigan's Mott Children's Hospital, said if Brittany came to Michigan, they would do everything they could to save her unborn child.

On June 26, 2002, Joshua Ruben Loya was born. He was immediately

intubated and wired. He was in critical condition, and doctors felt that he was not a good candidate for the corrective surgeries available. He was listed for a heart transplant the day after he was born, and after 16 life-threatening days, at 3 in the morning, Brittany got the call that there was a heart for Joshua.

Almost 7 years later, you would never know what Brittany and Joshua went through. He is a happy, growing boy, with medical needs but with no limitations on a good day. He can run, play, sing, laugh, and dance. Unfortunately, he is immune-suppressed, and will be for the rest of his life. He takes eight medications twice daily, and must adhere to a very strict schedule to control the levels of medication in his system. Too little and he is at risk of rejecting his heart. Too much and the medications trigger kidney failure and disable his immune system, making him even more vulnerable to every germ around.

I tell Joshua's story because, quite frankly, if the health care plans being promoted by the administration and by my Democratic colleagues were to become law, I'm not confident that Josh would be here today. I know that his mother is deeply concerned that, with government-run health care, she might not have had the choice to deliver her baby or to have access to the life-saving medical procedures needed to keep him healthy and alive.

In a massive government-run bureaucracy, Americans may not have the freedom to make the individual decisions that Brittany Kraft made to bring little Joshua into this world. She was in a position to not accept the word of a doctor and was able to search across the Nation for a better chance at life for her unborn son.

While some maintain that Americans like Brittany can stay on their private plans to keep government out of Joshua's health care, they are not considering the far-reaching implications of the government plan. A government-run plan means bureaucrats make the decisions and that private insurers will be forced to follow suit to remain competitive.

There is valid concern that otherwise healthy people will flock to the cheaper government plan and that sick people will try to stay on private plans, putting private insurers out of business.

Joshua's story puts all of this in a crystal-clear context for me, and I urge all of my colleagues to remember Josh Loya as we go back home for the August recess and talk to our constituents about health care reform. Any reform must include freedom for individuals and for their doctors to make their own personal health decisions.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. This is a golden opportunity right after we've heard what we've just heard. We are empathetic, but we want to dispel the misinformation. As to the gentleman who just spoke before me, I don't know what plan he is referring to. So this is what has been propagated from the other side about the health care system envisioned in America's Affordable Health Choices Act. I'm going to address that tonight.

I've heard many of my colleagues across the aisle claim that the Democrats' health care proposal will result in rationing and in the loss of choice. Tonight, let me address that, because, if it did, I would not support it nor would my fellow Democrats. I've heard anecdote after anecdote from the other side about a man here or about a woman there who had to wait for care in Canada or in England, and I do empathize with their stories.

Let's be clear. Our health care plan absolutely does not envision a Canadian-style system. We're Americans. We propose an American system with choice and competition. We are not socializing medicine, and we're not rationing care. This is rhetoric designed to stir fear and to slow down efforts to bring real reform to our system. With that said, I want to share with you a story, not from Canada, not from England, not from Mars, but from right here in the United States—from Montclair, New Jersey, my district.

Jodi, one of my constituents, has been self-employed for 20 years as a dietitian. When she got divorced, she had to pay nearly \$500 a month for COBRA coverage. After a year and a half of timely payments, her plan notified her that her insurance was canceled because the automatic withdrawal from her bank account was processed a day late.

I want to be on the side of those who are going to support folks like this. I do not want to be on the side of those who will perpetuate the support of insurance companies, and that's what we're talking about here. Over the next several months, that's what we will continue to talk about.

There was no appeal available, and Jodi was not notified until 6 weeks after she lost coverage, so it was too late for her to be eligible for HIPAA, protections related to preexisting conditions. When she finally found insurance on the individual market, all of her preexisting conditions were excluded for a year.

Read the bill. When she needed blood work because she was having unexplainable weight gain, the insurance company denied coverage for her tests because of a preexisting thyroid

condition even though she had never experienced these symptoms before.

Read our bill. When she had pain in her foot, the insurance company denied coverage for a doctor visit because she had been to a dermatologist 9 months prior for a wart.

What is different about this story from the stories brought to us from the other side of the aisle is that we have the numbers that prove that Jodi was not alone when she was denied the care that she needed.

If you want to talk about rationing, then let's talk about these numbers: 53 percent of Americans cut back on their health care in the last year because of costs. Between January of 2000 and this year, 5 million families filed for bankruptcy because of medical bills. About one-third of the uninsured have a chronic disease. They are six times less likely to receive care for a health problem than are the insured.

Read the bill. There are 25 million Americans who are underinsured, which means that at least 25 million Americans face premiums, copays and deductibles that they can hardly afford. For these people, people who have insurance, price stands between them and the care they need and the treatments their doctors prescribe. Another 46 million are uninsured with no protection whatsoever from these costs. As many as 22,000 Americans die each year because they don't have health insurance. Read the bill.

That's rationing my friends. That's rationing.

As costs continue to rise, these numbers will grow and grow, so please don't preach to us about rationing. Plans offered by the other side fail to reduce the number of uninsured; they fail to rein in health care costs; and they erode the employer-provided coverage, the one mode of insurance that has kept us from slipping over the precipice.

Our bill, America's Affordable Health Choices Act, will expand access to health care; it will rein in health care costs; and it will end needless rationing in this country.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Mr. Speaker, we are on the verge of something very significant in this body and in this Congress. I am proud to join my colleagues from the Ways and Means Committee here tonight to talk about the prospects of health care reform in this country.

I heard the other day that it was in 1912 that President Teddy Roosevelt first talked about proposing a national health care system for the United States. Today, we're still the only industrialized nation that doesn't have

health care for all of its citizens. We believe it's time, almost 100 years later, to try and get this accomplished for the American people.

Now, a little earlier, my colleague from Texas—my colleague, friend and classmate from college—talked about polls that are out this week that indicate that the American people have somehow turned against the President in his quest to provide health care reform in this country. But what he didn't mention was the other part of that poll, which said, once people understand what H.R. 3200 does, they overwhelmingly support it.

There have been a lot of efforts to mischaracterize what this bill does, what our proposal does. Quite frankly, we're in that sausage-making process now. We have three committees in the House that are working on health care reform. We have two committees in the Senate that are trying to accomplish the same thing, and we have a 1,000-page bill. There are thousands and thousands of pages of legislation that are designed to finally build a kind of health care system that is responsive to the needs of the American citizens and, more importantly, that is responsive to the Nation, its future and its economy.

So I'm not surprised that Americans are a little bit uncertain about what we're doing here, because, again, we're still in that process; but I can assure the people watching tonight, the American public, that the battle lines are about to be drawn. This bill is going to come into focus as the final committee of three in our House reports the legislation out. Over the next month, we will take the argument to the American people. We're very confident that, once the American people understand what we're doing and how we're going to improve their situations, they will overwhelmingly support our proposal.

What the American people want—and what my constituents in Louisville, Kentucky want, what the constituents in New Jersey, in Washington, in New York, and in California all want—is basically the same thing: they want security for life in health care for themselves and for their families. If they're going to lose their jobs, if they're going to lose their coverage, if they want to change jobs, if they want to go back to school or if they want to make those important life decisions, they want the stability of insurance so they don't have to worry about whether a pre-existing condition or something in their health histories will prevent them from being covered. They won't have to worry about getting sick and about having their policies rescinded, as we've heard much evidence about. Most importantly, they will be able to go to sleep every night knowing that a disease or an illness will not bankrupt them and will not change their standard of living.

These are the things we're about to do for the American people, for ourselves as well, because we know, as the Republicans know, if we accomplish this major, major goal, we will have the everlasting appreciation of the American public. We know that because the Republicans have said it.

We heard a Senator the other day say, Well, if we can defeat health care reform, it will be President Obama's Waterloo. He will be finished.

We know from a Republican consultant, Frank Luntz, of his memo 3 months ago, which states, We cannot afford to let the Democrats succeed on getting health care reform. We have no answer to that, but we've got to stop it at all costs.

That's what they've been trying to do. They've been talking about things that are nowhere in the bill. They've been talking about comparisons with Canada, which, by the way, is the only country in the world that does health care the way they do it. As I asked a witness at one of our hearings in Ways and Means: Other than hockey, what have we ever copied from Canada?

□ 1915

We can do something very special in this country. We can create a unique American solution that will bring choice and competition—the two things that have characterized American society throughout its history—to our health care environment by using choice and competition, by creating a public option for American citizens to participate in that will compete with private insurance companies. We can make private insurance companies better, and we can make health insurance more affordable for every American.

This is our goal. This is what we know that H.R. 3200 will do, and we look forward, over the next month, in taking this argument to the American people, because the case we have is a winning case. The hand we have is a winning hand, and we know that the American people will embrace what we are attempting to do.

WAYS AND MEANS HEALTH REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, health care reform may be the single most important issue Members will vote on during their entire legislative career. The issue affects every American. Health care affects our economy at home and our ability to compete internationally.

For the first time in almost 20 years, we have a real opportunity to solve America's health care crisis, and the American people have spoken clearly

and overwhelmingly that they want Congress to produce a solution that puts the American people's interests ahead of special interests.

To say there is urgency in what we need to do is an understatement, and for the last several months, the three committees in the House have been working separately and collaboratively on health care legislation. Two of the committees, including the Ways and Means Committee where I serve, reported bills out of committee to the floor. And I want to explain why the Ways and Means Committee's bill is the best bill and is vital to the success of health care reform.

Let's start with Medicare.

For senior citizens, Medicare is health security. The program is so effectively managed that 97 cents of every dollar goes for patient care, and that means it's 97 percent efficient. In many private insurance company programs, 40 cents of every dollar simply goes for overhead, advertising, paper, not delivering health care. So the smart choice is to develop health care legislation based on a proven model, and that's what we did in the Ways and Means Committee.

A new model with a strong public option based on the Medicare model, which has delivered quality health care to seniors and a very comfortable living to doctors and other medical professionals across this country, that's what we need today.

Without a strong public option, health care reform is just a slogan. And without real cost control, health care reform is just another press release. America spends twice as much on health care as any other industrialized nation in the world, and runaway costs are bankrupting average Americans and consuming an even greater part of our gross domestic product than before. The situation is unsustainable.

Now, we talk about the need to address preexisting conditions when it comes to health care, and we should. But runaway costs are a preexisting economic condition we must fix in the new legislation or we're setting ourselves up for failure.

Recent changes to the legislation have scrapped the proven legislative effective and fair model we have in Medicare and substituted negotiated rates making the government negotiate with doctors. On the surface, it may look fair, but looks can be deceiving. The private sector has had decades of opportunities to make health care work, and the economic wreckage of that is everywhere to be seen. Now they want more.

The legislation now would call for negotiations. Let me tell you what that means. So-called negotiated rates do not limit what can be charged or the rate of increase each year. A public option tied to Medicare is the only way to control the costs; otherwise, health

care costs will keep going up and Americans will keep getting left out.

While the rich can always take care of themselves—health care at any price—the middle class and the disadvantaged will remain one accident or illness away from financial ruin in the richest country in the world. That sounds like the status quo, right? We don't need any more of that.

Under the chairmanship of CHARLIE RANGEL, the Ways and Means Committee tackled these tough issues and produced health care reform legislation that's fair for providers and affordable for the American people.

You have seen what happens when the private marketplace decides what's best for the American people: Wall Street, housing market. Remember, when they say the market will take care of itself, they mean just exactly that. And we need someone to take care of the American people. That's what the Ways and Means bill is all about.

It comes down to this: Who do you trust? The private health insurance industry companies have had 18 years since Mrs. Clinton and the President tried to change it in 1993 and 1994, and there's nothing that's happened except raising the rates and more people losing their insurance. Or you can trust the people who design Medicare, which has given every citizen in this country, every senior citizen, real health security.

The choice will be made in September. The American people will have a month to think about this, listen to their legislators, ask questions, read the bill. It's online. You can find it. There are plenty of ways to find out what's happening. But you have to tell your legislators, We want this bill from the Ways and Means Committee.

HONORING PHILIP MARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SCHAUER) is recognized for 5 minutes.

Mr. SCHAUER. Mr. Speaker, I rise today to honor Philip Maring of Grass Lake, Michigan, for his service in the United States Army. His courage and commitment while serving as an infantryman in Vietnam is truly deserving of our respect and admiration.

Mr. Maring enlisted in the U.S. Army at the age of 17 upon finishing high school. He volunteered to serve in Vietnam and was deployed with the 196th Infantry Brigade in 1972. In July of that year, Mr. Maring was severely wounded by skilled enemy explosives. He remained in the Army despite his injuries and returned home for duty with the 4th Mechanized Infantry Division. Because of his outstanding service in Vietnam, he earned both the Air Medal and the Army Commendation Medal.

Later, Philip Maring was honorably discharged, and he moved to Michigan. He is now retired and enjoys time with his six grandchildren.

Mr. Speaker, hundreds of thousands of Americans still carry the wounds of Vietnam with them. They are deserving of our constant recognition and support, and I am pleased to be able to have shared just one of their stories today.

May the United States Congress and all Americans thank and recognize my constituent, Philip Maring of Grass Lake, Michigan, for his service to our great Nation and for the injuries he sustained while serving as a U.S. Army infantryman in Vietnam.

May God bless Philip Maring and his family.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, under section 423(a)(1) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit an adjustment to the budget aggregates and the 302(a) allocation for the Committee on Appropriations for fiscal year 2010. Section 423(a)(1) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for overseas deployments and other activities when these activities are so designated. Such a designation was included in the bill H.R. 3326 (Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes), as passed by the House. Corresponding tables are attached.

This adjustment is filed for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal Year 2009	Fiscal Year 2010	Fiscal Years 2010–2014
Current Aggregates: ¹			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	3,002,563	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Change for Appropriations adjustment:			
Budget Authority	0	0	n.a.
Outlays	0	7	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	3,002,570	n.a.
Revenues	1,532,579	1,653,728	10,500,149

¹ Current aggregates do not include the disaster allowance assumed in the budget resolution, which if needed will be excluded from current level with an emergency designation (section 423(b)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2011 through 2014 will not be considered until future sessions of Congress.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(a) ALLOCATION

(In millions of dollars)

	BA	OT
Current allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,219,652	1,377,611
Changes for overseas deployment and other activities designations: H.R. 3326 (Department of Defense Appropriations) floor amendment:		
Fiscal Year 2009	0	0
Fiscal Year 2010	0	7
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,219,652	1,377,618

HEALTH INSURANCE FOR AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. RANGEL) is recognized for 30 minutes as the designee of the majority leader.

Mr. RANGEL. First, let me thank Congresswoman WOOLSEY and Congressman ELLISON for sharing their hour with us on Ways and Means. We have been blessed in having such dedicated members of our committee coming down here in support of H.R. 3200.

You heard from BILL PASCRELL, JOHN YARMUTH, the dynamic JOHN LEWIS. We had Dr. McDERMOTT. He spends so much of his life on this very sensitive subject. Soon we will be hearing from Congresswoman SCHWARTZ, and you may have noticed that our discussion has been on a subject that the whole world has wrestled with in the United States, and that is health insurance for Americans.

Tomorrow night, we hope to be able to go back to our congressional districts to discuss this very serious and complex subject, a subject that many Presidents have looked at and hoped that we could provide some decent way to take care of American citizens. But we do believe that this courageous President has not only talked about the problem but brought together the stakeholders—the doctors, the insurers, the nurses, the hospitals, the unions, the private sector, the businesspeople—all coming together to see how they collectively would be in the position to tackle this problem once and for all. They even went as far as to suggest that we could, over 10 years, save \$2 trillion and stop the hemorrhaging of the cost of health insurance by working together, Republicans and Democrats. I say that, notwithstanding the fact that it appears as though the public debate has the Republicans fighting against the Democrats.

The fact is, you can't fight against anybody's ideas if you don't have any of your own. And it's tragic and unfortunate that during the next month, it will appear as though the Republicans are just attacking us because they don't have any way to resolve this serious problem on their own.

Having said that, we intend to move on. The Ways and Means Committee, as you have heard, has passed on a bill that we are so proud to present them. We have two other committees that have jurisdiction: the Education and Labor Committee—they have passed out their bill—and we do hope that tomorrow, we have every reason to believe, that the Energy and Commerce Committee will be passing out their bill.

That means that the House would have completed its work, the three committees would have one bill, and that in September when we come back and blend these bills and merge these bills, we will be able to have a bill that we believe we can go into conference with the Senate as they wrestle with two pieces of legislation over there. And then we hope in September, or certainly soon thereafter, we will be able to present to the President of the United States a bill that tackles this very, very serious problem.

This problem really—everybody listening and everybody in this House of Representatives has had some horror story, some story about what has happened with the insurance that they thought they had, the insurance that they lost, the insurance costs that have just soared, or even people who can't even think about leaving their jobs for fear that they would lose their insurance.

It shouldn't be, in this great country of ours, that people have to worry about education and health care as we try to compete with people throughout the world. It should be in this country that the least thing that you have to worry about if you are sick is how you're going to pay for it. And in a country as industrialized and as wealthy as we are, we shouldn't be included among a handful of countries that don't take care of its people's health.

□ 1930

So in this bill we provide health care for some 50 million people. And believe me, we're providing the insurance that they're getting one way or the other. They're getting health care. It's not the best health care. Sometimes they're afraid to go into the emergency rooms. Sometimes they can't afford to talk to doctors. Sometimes they end up worse off in terms of illness than they would have been if they did have some insurance. But nevertheless, the State governments, city governments and the Federal Government pay for it; and you pay for it too. That's part of the reason why your insurance premiums are going up, because the hospitals are going to charge those that have insurance for it; the insurance companies that are not getting paid, they're going to charge you for it; and ultimately, you're going to find out that this fiscal crisis that our Nation has is just going

to be hemorrhaged more by sharp increases in health care. So it's not just a moral problem. It's not just a health problem. It's a national interest problem in terms of the direction in which this great country of ours is going. But just imagine the relief that all of us will have to know that if we do get sick, the insurance company would not be able to come and tell you that you're not covered. Just imagine, if you want to get insurance, no pre-existing illness would prevent you from getting insurance. Just imagine, if you want to leave your job, you won't have to look at your insurance policy to see whether or not you are going to lose that and not be able to get another one. So this is really just the beginning.

The month of August is going to be America's month, a month to analyze what these bills mean, what it means to you, how it can save you money, protect your health, and protect our country against illnesses that we hope we never have; but sometimes when we are hit, people have lost their homes, lost their bank accounts and ended up in dire financial need because they couldn't afford it. Tonight we hope to share with you some of our thoughts.

I would like at this moment to yield to one of the dynamic Members from Pennsylvania, a member of our committee, Ms. SCHWARTZ. She has worked so hard in this area before she got to Congress, while she has been in Congress and has made an outstanding contribution to the Ways and Means Committee. At this time I yield her such time as she may consume.

Ms. SCHWARTZ. Well, thank you, Mr. Chairman. I have to say, it has been an honor and a privilege to serve on the Ways and Means Committee. I knew when I sought a position on the Ways and Means Committee that it would be always interesting, and we would always be doing important work, always sort of being in the mix of really the principal work that we do in Congress. I'm not sure I could ever have anticipated the opportunity that we've had over the last 7 months to work on the major issues facing this country. Really, there are few issues as important as the health care of Americans. I think we have seen in the Ways and Means Committee, under your guidance and your leadership, the fact that people bring their own experiences with health care. I think what is unique about talking about health care is that each and every one of us have our own experiences, both good and bad. We bring certainly the experiences of our constituents, the concerns of our constituents, and I think our hopes and our dreams for this country of how great it could be, if under your leadership and under our watch, to participate in finding that uniquely American solution to health care, affordable, meaningful health care for all Ameri-

cans. It's really both I think an attainable goal and a big goal. It is one that the President has set out when he ran for the presidency. He sent us out, both on the committee and to Congress, to say, Now is the time to do this.

I think each and every one of us can share stories that we hear from our constituents. I will tell just one, if I may. I have some statistics about the number of Pennsylvanians who don't have health insurance, but I think sometimes it's helpful to bring it down to a personal story. I was asked to visit one of the colleges in my district, Penn State, which is obviously well known. Its center campus is not in my district, but we do have a satellite campus in Abington, a wonderful commuter campus. I met with a group of students who wanted to talk about health care. There was a young woman who talked about the fact that she was raised by a single mother, and she was on CHIP. I think all of us are very proud of the Children's Health Insurance Program. She said her mother made \$20,000, \$25,000 a year. She didn't get health insurance through her work, and there was no way that she was able to afford it on her own. She got CHIP, and she was always grateful that her kids had health insurance.

Well, this young woman was over 21. She no longer had access to CHIP. But she was working full time, was a full-time student; and because of the commuter campus, doesn't either require or offer a way for students to buy health insurance, she looked for it, but it was unaffordable for her. There was no way. She actually tried to find an affordable health policy but couldn't find one. So she took a chance. She had said just a short while before she had gotten sick; and friends of hers felt that she was sick enough that she ought to go to the emergency room; and she went to the emergency room and ended up with a \$7,000 bill. I don't know if she was held overnight. We didn't get into the details of what care she received. But she was healthy. She was doing fine. But suddenly she is faced with \$7,000 in a bill. She had no idea how she was ever going to pay that \$7,000, stay in school and continue on her path. She had a promising future ahead of her. It was going to ruin her credit rating. All of these things. There were consequences; and yet she still said to me, Well, how can we be in this great country and not be able to help her out? I think that's why we're here.

It is for the 50 million Americans without health coverage, certainly for the many, many more millions of Americans who have health coverage who find that if they go to the hospital, something's not covered, that they have a pre-existing condition and are not able to find the coverage, even though they have health insurance. This is why we're here. I had one small

business owner tell me, "I want to be able to provide health insurance, but I can't afford it," or "I provide it, but one of our small group of employees got a serious illness, and we saw a rate increase of 40 percent from one year to the next."

We talk about double-digit inflation. We know that in the last 8 years, we've seen health premiums double in price; and of course we are concerned about the Federal Government as well. We have a deep concern about absolutely maintaining our commitment to seniors in this country under Medicare. They rely on it. Imagine our seniors not having access to health care. This is something that we did 35 years ago—not you and I, but any of you who were here—to get Medicare coverage for all seniors. But again, we see the unsustainable growth in costs. So what are we going to do about it? We actually have a bill before us. We passed it out of the Ways and Means Committee, it was voted on by the Education and Labor Committee; and of course, as we speak, the Energy and Commerce Committee is going through the bill.

What it does is it addresses just the issues, the concerns and the realities of the families that I talked about. It finds a way to bring down the costs under Medicare by really instilling in our system a goal of quality and the value of our dollars, encouraging primary care.

Part of the bill that I want to, again, thank the chairman, his staff and other Members for including in this bill is for the increased opportunity for loan forgiveness and debt repayment so physicians and nurse practitioners can go into primary care. Increased reimbursements in primary care. A new category of medical homes so that if a primary care physician, nurse practitioner or physician's assistant wants to be able to provide ongoing care between visits, make that phone call to see how somebody, like an early diabetic, is doing, make sure they get the kind of care that they need, make sure that they followed up on their prescriptions and that they're following the instructions, that they understand the diet and the exercise that they have to engage in so that they don't end up on renal dialysis years later, lose sight or any of the number of things that can happen with untreated diabetes, is just one example. We actually encourage payments that are bundled—that is our term—but it really basically says, We're going to look out for what happens to you in the hospital and when you go home. New possibilities of encouraging physicians to get together and provide both primary care and specialty care and to keep people out of the hospital. These are life saving and cost saving for the government.

We have got almost \$500 billion in savings that have been already included in the bill that we have before

us. And of course we have found ways to help small businesses with tax credits, to be able to provide health coverage for their employees and encourage all employers to cover health care. Then for the group that is already insured, to say, You're never again going to have preexisting condition exclusions; you are never again going to have to worry about the insurance companies finding a reason to deny coverage because of a health condition; that you won't again have to worry about going bankrupt because we will say, You don't have to pay any more than 10 percent or 12 percent of your annual salary. You will never again have to lose your home or go bankrupt over health costs. These are just some of the consumer protections that we are going to build for people who already have insurance. And of course if you lose your job or you are between jobs—and many Americans change jobs every 3 or 4 or 5 years—that you will have that continuity of coverage. And last, but by no means unimportant, we are going to find a way to help all those 50 million Americans who don't have access to affordable coverage through a new marketplace called an exchange; and we're going set them in a benefits package; and we are going to provide some subsidies for lower income, working folks. At the end of the day, we're going to do what the President told us he wanted to do, and that is to contain costs for government, for businesses and for families. We're going to make sure that insurance is meaningful, and we're going to make sure that every American has access to health coverage. At the end of the day, it's going to be a great day.

Mr. RANGEL. I would like to recognize Dr. McDERMOTT because when people have nothing to compete with, I think it's natural just for them to be critical. I hear talk, Dr. McDERMOTT, that this plan that we're creating for all of America is actually a takeover of all insurance plans by the Federal Government. They say that the Congress and the Federal Government want to get in between a patient and their doctor and to watch out because the government is coming. It bothers me that they would say that because it would appear as though we're only talking about Democrats who are sick and have doctors. We're trying to help all Americans. Could you share with us the public option, what this does for America and what opportunity it gives to people who don't have insurance?

Mr. McDERMOTT. Well, Mr. Chairman, you raise the issue I think that is probably our biggest and most tough issue to deal with, and that's the question of fear. People continue trying to convince people that they have to be afraid. We had a speaker here just a moment ago who had a beautiful picture of a little child, and the fear was that the government is going to come

and take over their health care. Now nothing could be further from the truth in what we've put together.

If you look at America, you have 150 million people in private insurance. Then you've got 50 million people in Medicare; you've got 50 million in Medicaid; and then you've got 50 million who don't have anything. Now these people who have insurance today in their employment, each month when 300,000, 400,000, or 500,000 people lose their jobs, they suddenly are over in the basket with the people who don't have health insurance. So we're not talking about people who aren't trying or people who haven't been paying their taxes or haven't been working. We're talking about us, the middle class, who are in danger in this present system because if your employer stops paying your insurance, you don't have anything, and you're suddenly over here trying to buy it for yourself. It wouldn't matter if you are older, you've got a problem, you've got a problem kid or whatever. You are going to have a very tough time. Now the answer to that is for the government to say, Here is a public option that you can buy into at an affordable price.

The problem with individual insurance, most people by the time they're 30 or 40, you know, something's starting to go wrong, whatever; and the premium for those kinds of insurance programs is \$1,000 a month. Many people are paying \$12,000 out of pocket trying to buy an individual program. That is unreachable for most of the working class in this country. They can't come up with that kind of money. The only solution is to have a government-subsidized program that they can buy into.

Now people say, Ah, there it is. The government's going to make all the decisions. No. You're going to buy an insurance program that will be paid for by a government mechanism, but the delivery of the health care is going to be by private physicians, private hospitals, private nurses. The whole thing is private.

Mr. RANGEL. How could the government get in between the doctor, the hospital and the patient? What are they talking about?

Mr. McDERMOTT. It's part of the scare tactics. If you watch television tonight when you go home, you will see commercials on there saying that the government is somehow going to get between—they did it in '93, '94. It was Harry and Louise. Harry and Louise were sitting at the kitchen table, and Harry says to Louise, You know that Mrs. Clinton, she is going to take away our health care. They're doing that same thing again now, making it appear that that's what's going to happen when no such thing is being planned.

□ 1945

There is no question that the government is not going to be between you

and your doctor and making a decision what needs to be done.

Mr. RANGEL. Well, why would the private insurance companies be against the public option? I mean, if the Congress is saying—and the President wants—that we have 50 million people out there with no health insurance, another 25 million with low health insurance, and we are now going to give them a subsidy, we are going to give them enough money so that they can walk in and get the type of health plan they want, why would the health insurance companies out there fight against, campaign against, put ads against the public option? Why would they do this?

Mr. McDERMOTT. Well, because our bill, CHARLIE, has one thing in it; it says to insurance companies you can't cherry-pick the healthy patients you want to take care of and leave the sick ones to somebody else.

What we say is if you're an insurance company, you've got to cover everybody; you've got to open the doors wide and let anybody come in. Insurance companies don't want that. What they want are healthy patients who pay a premium, for whom they have to pay out very little money, then they can give the rest to the stockholders. Now, there's nothing wrong with that, that's the free enterprise system. But they're afraid that if we have a government system that is there for the people's benefit and has a 3 percent overhead, whereas an average insurance company overhead is 14 percent—and they know the people are going to take the lower premium in the government plan, or they're afraid of that—so they say, you've got to put us on a level playing field.

Well, you can't make profit off people's sickness and have a level playing field with a government plan.

Mr. RANGEL. Well, let me ask Congresswoman SCHWARTZ. If, indeed, the private insurance companies are fighting against the public option, does our legislation demand that a person has to join the public option? How does that work in our legislation?

Ms. SCHWARTZ. Right. It's a really good question. Of course not. We are not in any way telling people where they have to get their coverage or where they have to buy their insurance. If in fact people get a subsidy—and, really, understand that everyone is going to have to pay something. We're not giving away too much free here, everyone is going to pay their share. We're going to help people.

But we're saying to the insurance companies, fine, come in and compete. That's great. We're going to create a marketplace where you can offer new products to another 30 million, almost 40 million people, and then each of those individuals or families or very small businesses will be able to choose between private insurance companies and a public option.

I see that the public option is an opportunity to ensure that there really is competition, because I think in many of the markets across the country we have one major insurance provider, that's it; so not a lot of competition. If you believe in the free market system, you need a little competition there. If you only have one product to buy, and it's very expensive, you don't have a lot of choices.

The insurance companies—I'm not here to beat up on insurance companies, but I will say, they have said if everyone's in, they want to be able to have the opportunity to sell a good product to people. That's fine; we're fine with that. We want them to step up to the plate and offer new insurance products to individuals and small groups. And again, as Mr. McDERMOTT said, make sure it covers certain benefits, it doesn't exclude people, it doesn't cherry-pick, as you say.

There are going to be rules. And we are going to make sure that consumers are protected under these rules. That is very important. But no one is going to be told to go into the public option, no one. They can choose the insurance.

Mr. RANGEL. Well, Dr. McDERMOTT, I've heard Republicans say on this floor, in this House of Representatives, and others on television, that this public option that's being offered to people to take if they want it is really a Democratic socialistic, communist attempt to knock out the private sector. Where do they get this idea, and what do they mean?

Mr. McDERMOTT. It's very strange. And people who talk about believing in competition and believe in the marketplace, as Representative SCHWARTZ says, there are places in this country where there is only one option; and if you have nobody to compete with, they control the prices. And for them to get the idea that it's socialistic to put somebody in there to compete is really saying they're afraid to compete.

They know they can't win. They have failed over the last 18 years. They knocked out Mrs. Clinton's efforts in '93. They had an open field. The entire country was open to the private sector, and they cannot figure out how to cover 50 million people. So we come stepping in and say, we have a way. And they say, oh, no, no. If the people ever get wind of what you're doing, they will leave us. They're afraid that people will leave them because they have been in it for the profit and not in it for the benefit of the patients. And that's really why I think they're afraid.

Mr. RANGEL. Well, some of the private insurance companies say we just don't have enough resources to take care of all these poor folks that you're giving subsidies to. Let me ask you, Congresswoman: Is there anything that we're doing to provide the workforce and to provide the environment so that

sick people can feel secure in getting health care once they have the subsidy?

Ms. SCHWARTZ. Right. And understand that subsidies are provided. Poor people in this country do get Medicaid, and we're expanding that. These are really people who work—and many poor people do as well—every day and simply don't make enough money to be able to afford the high rates of insurance. That's part of it. We want to bring down the cost of the insurance. Again, we hope that the private insurers step up to the plate and help us do that, but they haven't done a great job of containing costs over the last number of years which is why we're in this situation.

But once people have insurance, we are really working hard to make sure that the delivery system, all those doctors and nurses and—well, you can name all the other health providers—are both available and that we're training enough. We anticipate that if we don't do something about the lack of primary care physicians, in 2025 there will be 46,000 too few primary care doctors. That is pretty astounding. A lot of us are getting older—all of us are getting older, I guess—neither of you are, of course—but we also want to make sure that we have the kind of care for every age.

And we're not getting the quality out of the system that we know we should, and that also is an issue that we have taken up in this legislation. We want to encourage our hospitals and our doctors, through financial carrots—there might be some sticks, but mostly we are really creating incentives for our doctors and our hospitals to improve quality.

One of the examples that many of us are becoming aware of is infections that you get in a hospital, or when you leave the hospital after surgery, that you don't have the right kind of followup once you get home and you end up back in the hospital. That's not only really hurtful for the person who is affected, who's sick, but it's also very expensive for all of us. So if we can, and our hospitals can, if we can encourage our hospitals—and in fact insist upon our hospitals really making sure that they reduce the number of infections and readmissions, we would all be better off. And that's what we're trying to do.

There are many pages of what we call delivery system reforms, ways in which we are encouraging everything from home visits after a baby is born to a family, to, as I talked about, primary care, medical homes, and ways that doctors will be able to organize themselves in a way that is much more efficient in quality.

And we're setting out a real goal of changing some of the ways we pay doctors and hospitals, to encourage them to really look at quality and to save

dollars and improve health outcomes. That is one of the most discouraging things; for all the dollars we spend, \$2.5 trillion—not all government, half of it's in the private sector—we don't have the kind of healthy Americans that we should. And that is part of our goal, here, to extend coverage, for the government to be smarter in the way we finance it, and for people to take more personal responsibility in their own health care as well.

Mr. RANGEL. Dr. McDERMOTT, before you came here you've practiced, you've been out here, you've worked with patients and doctors and hospitals. One of the most frightening thoughts that we have is that you get sick and you don't have enough coverage—or you don't have any coverage—you face bankruptcy, you lose your home, you lose your dignity, and sometimes even lose your family merely because you didn't have the resources to deal with a catastrophic illness. What provisions are in this legislation to protect Americans against that?

Mr. McDERMOTT. Well, the plan that would be provided for every American who was in a health insurance plan, whether the private one they were in before or the one that they're in in the government option, would give them the protection for the basic things that everybody needs in a health care system.

I have a story you reminded me of. One night I was going out of a hospital in Seattle and a telephone operator stopped me and said they want you up on the coronary care unit. So I went up there, and there was a guy putting on his clothes and said, I'm leaving the hospital. He had had a heart attack the day before. They wanted him to stay in the hospital. He said, Look, I have no health insurance. If I lie in this bed, it costs me \$1,000 a day, and I can't afford it. And what if I die? I then leave my family with a big bill. So either way I'm caught. And when we put this program together, we give people the assurance that if you have a heart attack, or whatever, and you need hospitalization, you will be taken care of.

Mr. RANGEL. Well, let me thank the speaker and Mr. ELLISON and Ms. WOOLSEY for giving us an opportunity to share what's in our bill. We will be back tomorrow. And we hope during August all Americans can look forward to the President of the United States signing a bill that will give them confidence that wellness is the top priority for this Congress.

Mr. Speaker, I yield back the balance of my time.

THE PROGRESSIVE CAUCUS ON HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 30 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, this is the Special Order hour of the Congressional Progressive Caucus. We come every week to talk with each other and to talk on the House floor about a progressive vision for America, a progressive vision that embraces everybody, where we all do better when we all do better, a progressive vision that says that the greatest moments of American history were when we passed the civil rights bill, when we invested in our infrastructure during the Roosevelt era. The greatest moments in American history were when we passed the 19th Amendment recognizing the right of women to vote. These are the great moments of American history. And this great tradition of a progressive vision for America is what we carry on week in and week out. I want to say that if you want to communicate with us, our Web site is here at the bottom of the page, cpc.grijalva.house.gov.

What I would like to do, Mr. Speaker, is right away turn the microphone over and yield to our caucus cochair, one of the stalwart, big-time fighters who never backs down and always is for the people, who has lived it, who knows it, and who is now representing the people of California in a great struggle to promote a progressive vision, none other than Congresswoman LYNN WOOLSEY—who, by the way, has more 5 minutes against the Iraq war than anybody else in history. I yield to the gentlelady from California.

Ms. WOOLSEY. Thank you very much. And thank you so much, Congressman ELLISON, for doing this every single week for the Progressive Caucus because we do have a progressive message, and by the end of the day, we sometimes think that we are too tired to come down here and talk about our message.

We are in the middle of a health care debate right here in the House of Representatives. And as Congressman RANGEL told us, two of the committees have marked up, written, and are ready to present their health care bills. One of the committees is Ways and Means, the other one is Education and Labor. The Energy and Commerce Committee is working on it right now. And we're going to leave before the end of the week, and we're going to go off while our leadership and the heads of those three committees put the bill together out of these three committees.

One of the committees, what's happening in Energy and Commerce, the progressives disagree with very, very severely. So we have written a letter to

our leadership, to the Speaker and the three chairmen of these committees who will be writing this, pulling these bills together, laying out what the progressives in this Congress stand for, once again, regarding health care.

I'm going to read this letter because I think it's very important. We have 57 Members of the House of Representatives who have signed this letter just today.

□ 2000

I'm reading it to make sure it is in the RECORD.

It says: "Dear Madam Speaker, Chairman Waxman, Chairman Rangel, and Chairman Miller, we write to voice our opposition to the negotiated health care reform agreement under consideration in the Energy and Commerce Committee.

"We regard the agreement reached by Chairman Waxman with several Blue Dog members of the committee as fundamentally unacceptable. This agreement is not a step forward toward a good health care bill but a large step backwards.

"Any bill that does not provide, at a minimum, for a public option with reimbursement rates based on Medicare rates, not negotiated rates, is unacceptable. It would ensure higher costs for the public plan and would do nothing to achieve the goal of keeping insurance companies honest and their rates down.

"To offset the increased costs incurred by adopting the provisions advocated by the Blue Dog members of the committee, the agreement would reduce subsidies to low- and middle-income families, requiring them to pay a larger portion of their income for insurance premiums, and would impose an unfunded mandate on the States to pay for what were to have been Federal costs.

"In short, this agreement will result in the public, both as insurance purchasers and as taxpayers, paying even higher rates to insurance companies. We simply cannot vote for such a proposal."

Mr. ELLISON. So as the Chair of the Progressive Caucus, along with Congressman GRIJALVA, are the Progressives and others hanging tough and sticking up for a robust public option?

Ms. WOOLSEY. That is what this letter is all about. We just want the Chairs of all three committees, when they moosh the three bills together, to know that the Ways and Means Committee and the Education and Labor Committee have bills that we can support. Do not weaken those bills with what is being proposed in the Energy and Commerce Committee this week. That is our goal. And it was not only Progressive Caucus members. It was also the TriCaucus that signed onto this, which is the Congressional Black Caucus, the Congressional Hispanic

Caucus, and the Asian American Caucus.

So this is our letter. This is what we stand for, and this is what we're hoping we will have when we are voting for real health care reform later this fall.

Mr. ELLISON. We thank the gentlewoman for reading that letter into the RECORD.

I want to say that we are joined by Congresswoman EDWARDS of Maryland, who has been a courageous fighter for many issues but has not shrunk from the battle in this fight for real health care reform.

Let me ask the gentlewoman, I think Congressman McDERMOTT has a quick thing he wants to say. So, if the gentlewoman will allow me to yield to him first, then I will yield to her.

Mr. McDERMOTT. I appreciate your giving me a chance to say something. I spoke a little earlier. But one thing I wanted to say. In Seattle they announced that on August 1 the premiums on insurance policies are going up 17 percent.

Now, when people talk about fear and they have to fear the government and fear the government option, this is a real fear. This 17 percent increase in Seattle is going to hurt people badly. Some people are not going to be able to afford continuing their insurance, and that's why it's so important that the Progressive Caucus, led by you and by Ms. WOOLSEY, are out here making sure that people understand there is an option to these absolutely unacceptable increases in premiums.

Nothing else has gone up 17 percent. Housing prices have dropped. Gasoline prices have dropped. But health insurance? Up 17 percent. The only way we are going to stop that is with a government option that makes competition.

Thank you for the work that you are doing. And I again say thank you to the gentlewoman for letting me speak.

Mr. ELLISON. Thank you, Dr. McDERMOTT, for your passionate advocacy.

Now I yield to one of my favorite Members. I love to hear her talk about these issues because she is so articulate. I yield to Congresswoman EDWARDS.

Ms. EDWARDS of Maryland. I thank the gentleman from Minnesota for yielding.

We have been here talking about health care reform, and sometimes out in America when they watch Congress, they might think that this is about Blue Dogs and Progressives and liberals and conservatives and Republicans and Democrats, but health care reform is actually about people.

It's about, for example, a young woman in my congressional district from Hyattsville, Maryland, Ariella, who writes to me that she was 13 years old when her father developed cancer and they were struggling without insurance. And she said no one should be

13 years old and wondering if the insurance company would pay for her father's treatment so that he could see his daughter's next birthday. "Your support and determination to improve this system means the world to so many of us. On behalf of my family and the American Cancer Society, thank you."

It's about Ariella, and it's about the millions of people across the country who don't have health care. It's about millions more who are underinsured, and it's about millions who are insured and are paying skyrocketing costs just discussed by our colleague from Washington, skyrocketing costs of premiums and deductibles and copays that are rising three times the rate of wages.

A good friend of mine from New Hampshire, one of our colleagues, put together this chart, and it shows what the alternatives are. And we can either really work for reform together or not.

Some people know that if you don't have any money and you don't have any insurance, you get sick and it's a disaster. If you have a preexisting condition and you don't have health insurance, you get sick and it's a disaster. If you're laid off and you don't have insurance, you get sick and it's a disaster. If your employer drops your coverage, you don't have any insurance, you get sick, it's a disaster. And so, really, the Republican plan for health care reform is just don't get sick. Well, that's not an option for most Americans.

I know that we have a process here, and I think Americans across the country, Mr. Speaker, are really trying to understand that process, but that's kind of internal. It's not about Ariella who doesn't have health insurance. I know that probably so many of our offices here in the Congress have received letters just as I have from people throughout my congressional district who are begging us to reform this health care system.

They are begging us for their 77-year-old mother who has a gap in her health insurance. They're begging us for their cousin who has breast cancer, who's not getting paid to work, is too sick to go to work, but can't afford even to stay home and to get treatment. They're begging us for their children who have preexisting conditions and can't get insured at all. The American public is begging us to do something about health care reform. We can't just have a plan that says just please don't get sick.

I tried that plan. This Member of Congress tried that plan. Seventeen years ago I didn't have health insurance, and I just crossed my fingers every night not to get sick. I ended up getting sick. I was sick in the produce section of the grocery store. I passed out. I was rushed to the hospital emergency room. And I ended up with thou-

sands of dollars in health care costs. It took me years and years to pay it off. I almost lost my home as a result of that. No American should have to make that kind of decision. And you know what it would have been? It would have been a couple of hundred dollars to go visit the doctor and get some antibiotics, and instead it was thousands of dollars, a financial disaster, and almost losing my home in the process. That's what Americans are suffering from right now, and that's why we have to fix this system.

Now, I know, Mr. ELLISON and Mr. Speaker, we have a process, but that process has to involve, I believe, a public health insurance option that says no matter if you get sick, if you don't have insurance now, you're going to be covered, and we are going to bring down the cost for everyone. That's what Americans want. And it doesn't matter whether you're a middle-income family, a working family, a poor family. You shouldn't have to make a life decision about whether you and your children and your family get health care because you can't afford it.

So I'm excited about the prospect for reform. But I know that there are some bad guys in this fight and the bad guys are out there. I want to share with you who some of those bad guys are because the challenge for us is helping the American people understand that in this country there are people who share interests who don't want to reform the system. The big winners in this broken health care system, let's look at who they are:

The CEO of United Health Group, Stephen Hemsley, his annual financial report, United Health made \$81.2 billion. Their net income, \$2.9 billion. His salary, \$3.2 million.

Mr. Speaker, this is what's at stake. The CEO of WellPoint, Angela Braly, \$61.3 billion they made. Their income, \$2.5 billion. I mean, Americans can't even count these zeros because we don't understand them. What was her salary? It was \$9.8 million.

I mean, this is outrageous. This is the money that that's at stake.

The CEO of CIGNA, Ed Hanway, the annual revenue, \$19.1 billion, \$292 million in net income. His salary, \$12.2 million.

Let's call out these names because I think it's important for Americans to put the names on the faces of those who are reaping billions of dollars of profit, netting millions of dollars in salary, and then taking the American public to the bank without health care reform.

The CEO, Ronald Williams, of Aetna, \$30.9 billion in revenue for Aetna; \$2.8 billion in net income; and his salary, \$24.3 million.

This is outrageous. There's a lot at stake. I understand why these folks are fighting health care reform. I understand, because they stand a lot to lose.

And our job here in the United States Congress is to make sure that it's the American public that wins, that it's the taxpayer that wins, that it's the patient that wins, that it's the doctor who has a relationship with their patient, and not these insurance companies standing between you and your health care, between you and your doctor.

Mr. ELLISON. I actually have a few questions, but I am going to yield to the gentleman from Illinois.

Before I do that, I just want to say that if we just took some of these salaries that are out there and put them into providing care for people, maybe we wouldn't have nearly 50 million people without health care and another 25 million without adequate insurance. It's really outrageous. And they're spending about \$1.4 million a day to lobby against health care, and that's nothing but pocket change for some of those folks, and I can see why they would do that.

With that, I will yield to the gentleman from Illinois, Congressman DAVIS.

Mr. DAVIS of Illinois. Thank you very much, Representative ELLISON.

Let me, first of all, commend you for the leadership that you continue to display as the message leader for the Progressive Caucus. I see you here every week and oftentimes Representative EDWARDS is here with you. So I'm pleased to join you and her and Representative MCDERMOTT, with whom I serve on the Ways and Means Committee, and I know that Chairman RANGEL was here a few minutes ago and others.

□ 2015

You know, as I listened to Representative EDWARDS and as she talked about the winners and the losers, it is amazing that individuals in the health care arena are earning these kind of salaries, and that people are able to somehow or another not want to pay, and people somehow or another don't want to add a few extra dollars.

I come from a county with over 5 million people, and unfortunately, many of them are low income. They are poor. Many of them don't have any insurance at all. They don't have any way to access care, any way to be taken care of. Some of them go to emergency rooms of hospitals that are as many as 8 and 10 miles away in an urban area, and they can't get there.

To think that we now have an opportunity to reform, in a real way, health care delivery and to create the kind of health care delivery system that says that all of our citizens have worth, I don't know how those who are opposing a public option, I don't even know how you could begin to talk seriously about reforming our health care delivery system without a public option.

I have sat through the many hearings that we have had in Ways and Means. I

have sat through countless hours of discussions with staff and experts. No matter what we come up with, we know that we need a robust, not a minuscule, not a weak, not an anemic public option, but we need a real public option, one that can help build upon the network of community health centers that we have spread across the country, which have proven to be worth their weight in gold, which have proven that they can deliver first-rate health and medical care in a cost-efficient way with individuals who understand the language, the culture, and the lifestyles of the people who come.

I agree with the Progressive Caucus members, as well as others, that there just ought not to be a plan without a serious public option.

Again, I want to commend both of you for the tremendous leadership that you continue to display. I know with the kind of attention and care that you give to these issues, that our Congress and our people are going to be in good shape for many years to come.

So, it has been a pleasure for me to stop by and to join with you and have a few words to say. Of course, you know, I remember a term we used to use a lot back in the sixties and seventies. We used to say "a luta continua," meaning that the struggle must continue and we will conquer, without a doubt. If we dare to struggle, we dare to win.

Thank you so much. It is a pleasure to be here.

Mr. ELLISON. Let me thank you again, Congressman DAVIS. You have been putting it out there for so long. There are 57 Members who insist upon a robust public option. It is wonderful to count you among one of those. I think the American people can rest assured there are people in this Congress who are sticking up for their interests and fighting for them, and your leadership in that regard is inspirational. Thank you, sir.

Mr. DAVIS of Illinois. Thank you very much.

Mr. ELLISON. Let me then yield back to the gentlelady from Maryland, Congresswoman EDWARDS. You have got some pretty good stuff over there. What else do you have?

Ms. EDWARDS of Maryland. I have thought about this a lot, as many of us have, and I know that our leadership, the Democratic leadership in this Congress, is moving toward reform at a pace and for a reason that we know is really important. We also know that our President wants real reform. So I think the importance of the discussion that we are having this evening is about how we define reform, particularly how we define a public option and why it is needed.

I think Congressman DAVIS said it, that the system won't really work without a public option. We won't be able to bring down costs without a pub-

lic option. We want people to have choice, the choice of their doctor, choice of their providers. We want people to have the choice to look at the various plans stacked up against each other and say, I want this one over that one. We can do that with a robust public option, one that is tied to the Medicare network.

Today is the 44th anniversary of the enactment of Medicare, and it is instructive that we are here on this day, because there are those who like to say government can't do anything, government doesn't know how to do health care. Well, government sure knew how to do Medicare, and for 44 years people in this country have had the benefit of Medicare, have had the benefit of a Medicare provider network.

That is the kind of network we want for a public option, one that has doctors. We need more doctors, and this legislation that we are looking at will provide more doctors and more nurses. It will ensure that people can get primary care and preventive care. It will ensure that people aren't excluded because of preexisting conditions, and we know that is a problem.

So there are a lot of good things that we have to celebrate about where we are today. But we also have to be vigilant, as Congressman DAVIS said. We have to be vigilant to ensure that we have a robust public option tied to the Medicare provider network and that relies on a payment structure that is stable so that we can inject real competition into the system. Not competition upward for premiums and deductibles and copays, but competition downward, so that we can lower costs, provide quality care, and have a choice of doctors.

I have been thinking, Congressman ELLISON and Mr. Speaker, I have been thinking that there are a lot of enemies to reform and there is a lot at stake out there. There is money flowing all over the system. Not just the CEO salaries and the bonuses and the profits. That is bad enough. So the insurance companies have a lot to lose. And, do you know what? We found out that that is why they have decided that they are going to put skin in this game, and the skin that they put in the game to oppose reform is in the form of their money.

All you have to do is follow the money to know why the enemies of reform are galvanizing. We have to be strong and courageous in our fight against them and for the American people for health care reform.

If you follow the money, let's look at CEO compensation, \$85.4 million. Lobbying expenditures, what they have been spending to fight reform, \$62.5 million. PhRMA alone in the pharmaceutical industry has spent \$233.7 million. And look at their profits, \$8.4 billion. This is a lot of money that is at stake.

So if you follow that money and then follow it right to campaign contributions, they have been throwing campaign contributions all over the map; \$28 million, or \$220 million for the 10-year period from 1998 to 2008. And do you know why? Because they don't want reform.

That is why it is up to those of us in the Congress who are looking out for regular people, looking out for people throughout our congressional districts who really are struggling to pay their premiums and their deductibles and who are struggling to pay their copays that are going up.

I look at my own district. We have a lot of people actually who have health insurance, and the reason is because they have it through their employers. But even their employers are really struggling now. It is getting in the way of our competitiveness. It is getting in the way, because people know that they can't afford, anymore, these premiums. The premiums are going up three times the rate of our wages.

But do you know what? The wages of those CEOs have been going up. Some of their wages have gone up 26 percent in just this last year. But have any of us seen our wages go up like that? The American public hasn't, and it means that those deductibles and those premiums and those copays are no longer affordable.

Mr. ELLISON. Reclaiming my time, the reform that we are talking about includes employer-based health care, where there couldn't be an exclusion for preexisting conditions. There are the existing government programs, Medicare, Medicaid. Part of the money, if we get the version we are looking for, would be to help States cover everybody for Medicaid.

Then the third thing, this would be new and would include a robust public option. The public option would be a program run by an agency in the government that would be not looking to generate a profit. In that case, would the public option that we have been talking about, would they be reaping a portion of those, what is that, \$84 billion in profit? Would that be a cost measure within the public option, if we were able to achieve that?

Ms. EDWARDS of Maryland. Well, I think that what would happen is that the public option would be so competitive. Keep in mind that the CEO of the public option, the Secretary of Health and Human Services, doesn't make \$9.8 million a year. It is a basic government salary, I don't know, about \$175,000 or \$185,000 a year to run all of Medicare. Our CEO is a government employee who doesn't make a ton of money, who is not reaping millions and millions of dollars in compensation.

This is only compensation. Maybe next time I will bring the bonus chart. That would require a lot more zeros.

But I think really there is so much overhead in the private insurance, and

it is really sending costs up. All we want is a public option, and what the American people want is a public option, because something like 70-some percent of the American public actually support a public option, and what they want is something that competes with the private insurers.

After all, Mr. ELLISON, I am not really sure what the private insurers are afraid of, because if they believe in the free marketplace, put the public option in there, let it compete in the free marketplace, and I will tell you what, the competition will be on and costs will be down.

Mr. ELLISON. That is right. And lobbying expenditures, CEO compensation and profits will not be there.

We will have to yield back and be back the next time. This has been the Progressive Hour.

NOTICE OF CONTINUING EMERGENCY WITH RESPECT TO SOVEREIGNTY OF LEBANON—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-59)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2009.

In the past 6 months, the United States has used dialogue with the Syrian government to address concerns and identify areas of mutual interest, including support for Lebanese sovereignty. Despite some positive developments in the past year, including the establishment of diplomatic relations and an exchange of ambassadors between Lebanon and Syria, the actions of certain persons continue to contribute to political and economic instability in Lebanon and the region and constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency de-

clared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.
THE WHITE HOUSE, July 30, 2009.

DOCTORS HOUR

The SPEAKER pro tempore (Mr. KRATOVL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. CASSIDY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CASSIDY. Mr. Speaker, we are pleased to be here. We call this the Doctors Hour because there is a fair number of us on the Republican side who are physicians or in some way health care providers, optometrists, a practicing psychologist, or in some other way connected with the health care field. So we give our own perspective.

Now, my own bio, if you will, aside from being a physician, I have worked with the uninsured in my State of Louisiana for the last 20 years.

□ 2030

That's almost 90 percent of my practice, working with the uninsured in a public hospital. And so, when I speak of what we need to do to help the uninsured, it is purely flowing out of my life experience. I think that as the others come up I'll give them a chance to speak as to it what they're about. I'll start off with a couple of comments. I've learned in my 20 years of, whether private practice or public practice, that the only thing that lowers costs is if you make things patient-centric. If the government is in charge, or the insurance company or a bureaucracy run by anybody is in charge, it becomes something that doesn't work for the patient. The patient's separated from costs. They have a harder time accessing benefits. It just doesn't work.

On the other hand, if you put the patient in the middle, if you tell that woman, listen, you can go see the physician you wish to see and when you go in there there's minimal administrative hassle. And if you don't like that physician, you can go see another physician. It really works. The patient's satisfied, and typically, the patient/physician relationship is stronger. And key to getting good health care is having a strong patient/physician relationship.

Now, frankly, I think the only thing innovative that we've heard from the other side, although their plan kind of is changing on a day-by-day basis, is in one sense, the only thing about that plan which is radical is that it nationalizes health insurance. I was a little amused by my Democratic colleagues earlier who were saying, Oh, my gosh, Republicans are defending insurance companies. No, actually I think they're

defending insurance companies. They like insurance companies so much they want to nationalize it and have a national insurance company.

Now I'm thinking, now we have an insurance company run by the private sector that, if it doesn't work, constituents call Congresswomen, Congressmen, we pass a law that changes that, changes that so that the private insurance company plays by better rules. Now, though, it's going to be both the referee and the player. Now the government will make the rules, but also compete. And as it does that, in some way, we're supposed to expect that the government-run insurance company is going to be kinder and gentler, more cost-effective, higher value product than is the private insurance company.

I think it's the triumph of hope over experience. We hope it will be better. We know Medicaid and Medicare don't work as we wish; in fact, they're going bankrupt, and their bankruptcy is what's driving this plan. And so we're going to believe that the third try is going to be the charm and that this time we get it right. Well, without going further, I'll yield to my fellow physician from Louisiana, JOHN FLEMING.

Mr. FLEMING. Well, I thank my friend and fellow colleague, both a physician and fellow Member of Congress, BILL CASSIDY, and also fellow Louisianan. And of course tonight we're going to be talking about a lot of different things relative to what is really the hottest topic maybe in a decade, health care reform, which both sides of the House are very interested in.

You know, you hear often from this side of the aisle that well, for heavens sakes, we want health care reform. But you guys, on the other hand, Republicans, you want the status quo. Well, I can tell you personally, that I ran for Congress with the overarching intent of getting up here and participating in reform. What I want to bring forth first, before we get into some more details is, I think there's a litmus test as to how good a government-run system is, that proposed by the President and the Democrats. And so, the question is, a rhetorical question is, if it's so good, then shouldn't Congress be the first ones to sign up for it individually, for them and their families?

And, in fact, to see to that, I set forth House Resolution 615, which is supported by 66 Republicans, including our leadership on down, and all it says is that if a Member of Congress votes for a government-run health plan, a public option, if you will, then he or she is willing to forego the waiver, the carve out, the exception, if you will, that's built into their version, and join it immediately for themselves.

Mr. CASSIDY. Now, Congressman FLEMING, how many Democratic co-sponsors do you have?

Mr. FLEMING. I'm sad to say to my friend, and I thank you for yielding back, that so far we have no Democrats, goose egg, zero Democrats.

Mr. CASSIDY. Now, reclaiming my time, because we heard a presentation prior to this that, by golly, this is the best thing since sliced bread; this is the plan that's going to fix everything, and why wouldn't you be on it. So I'm kind of asking you, Dr. FLEMING, why wouldn't they want to be on it.

Mr. FLEMING. Well, I think that is the \$100,000, or shall I say, \$1.6 trillion question, because apparently they're not so enthralled with it that they would like to be in it themselves. And in fact, I put it to the test by actually putting it on my Web site and asking people if they would like their congressman to support it, that they would actually reach out. We have 150,000 Americans who signed the petitions, and the number is growing drastically every day.

And so I would say that, as we go through this debate, that we simply ask our constituents out there to hold us in Congress accountable by contacting your Congressperson or Senator or even the President and say, Mr. President, Mr. or Ms. Congressperson, Mr. or Ms. Senator, will you go to fleming.house.gov and sign up, cosponsor or whatever, House Resolution 615, that simply says that if you're willing to vote for it you're willing to join it.

Mr. CASSIDY. Now, reclaiming my time, and I appreciate that because, again, what we've heard before is that this plan does not put government between the patient and their physician. And yet, I would have to think, if that weren't the case, why wouldn't anyone agree to your bill? I think your amendment was proposed in our committee, and it was defeated on party line votes. So I think Dr. ROE, from Tennessee, may have some thoughts as to what would come between the patient and the physician. I keep emphasizing that because if something's patient-centered, we know the closer it is to the patient, the more likely it works. So let's ask Dr. ROE, a physician from Tennessee, what might come between the patient and the physician. Dr. ROE.

Mr. ROE of Tennessee. Thank you, Dr. CASSIDY. This evening members of the GOP Doctors Caucus want to talk to you about health care solutions. All of us are physicians who ran for Congress, in part, because we saw challenges in our health care system and wanted to be part of a debate on how to improve it. This is my first term. And when I first arrived I was energized by the opportunity to reform how the health insurance industry works and help make health care more affordable, which are probably the two biggest complaints about today's system.

I quickly realized, however, that the House Democratic majority had a radically different vision of how health

care should be delivered. Rather than allowing patients and doctors to make health care decisions, House Democrats' plan is to have Washington bureaucrats decide what is and is not allowed based on its cost effectiveness.

Mr. CASSIDY. Dr. ROE, can I reclaim my time?

Mr. ROE of Tennessee. Yes.

Mr. CASSIDY. Can you show me up there where there is a Washington bureaucrat on that chart? Where might there be a bureaucrat on that chart? Show me where the patient is and show me where a bureaucrat is.

Mr. ROE of Tennessee. Well, the patient, Dr. CASSIDY, is here and here. These are the patients over here. And this person right here, whoever this may be, will be one of the most powerful people in the U.S. This will be a health care commissioner who will decide what is adequate and not adequate insurance coverage. This bureaucrat right here will be very much in those health care decisions.

Mr. CASSIDY. So unlike the Republican plans, which are patient-centric, what you're telling me is this is kind of a top-down, let's figure it out from Washington and lay it on the rest of the country.

Mr. ROE of Tennessee. That's correct. And the solution should come the other way, from the grassroots up. Absolutely. In addition, they, the bureaucrats would create a system so complex that today's system would look like a walk in the park. And then to put the framework in place for government-run health care, the plan called for creation of a government-run insurance company, the so-called public option, which would, over time, bleed out the private insurance industry, because it would be mandated to pay rates less than the cost of care.

In my district, the First District of Tennessee, they call this socialized medicine, and they've sent me here with a very clear message to deliver. Please defeat this bill. People in my district want health care reform. They really, really do. I talk with people all the time who hate insurance companies, and in my time as a doctor, as you all have, I've often spent more time on the phone getting an insurance company to approve a procedure than I did actually doing the procedure. I also talk with people all the time who believe that reform is possible and that results in them getting the same care for less money. And I tell them it's possible, if we focus on rooting out waste in the system.

But even with this desire for reform, people in my district are clear that increasing Washington bureaucrats' roles in health care is not the direction they want our health care system moving in.

Mr. CASSIDY. Dr. ROE, can I reclaim my time?

Mr. ROE of Tennessee. Yes.

Mr. CASSIDY. Of course we don't want this to be a partisan issue. Now frankly, as far as I know, Republicans have not been invited into the discussion. And there are actually some things in that Democratic plan, those thousand pages, that I think are very good. But there's other things, and I think they kind of general concept top-down. But it's not just us.

David Brooks is a columnist for The New York Times. You see him on TV, a very thoughtful man. I have a quote here. The health care system is as big as the entire British economy. There's no way something that big and complex and dynamic can be run out of Washington. We have to set up a dynamic system, not trying to establish a set of rules to be imposed by fiat. Now, I think what you're telling me is that this is a big, complex plan run out of Washington, and not the dynamic system, but rather a set of rules, and whoever that really powerful person is in that purple box, that person will be establishing the rules by fiat. Is that a fair statement?

Mr. ROE of Tennessee. That is correct. And one of the things, Dr. CASSIDY, I think that's very important, that I've heard, and I've got some other comments in a minute. But I think it's very important when you hear about the cost of this health care plan. This plan's somewhere around \$1 trillion over 10 years, which doesn't start paying any money out in the plan till 2013. So really, it's \$1 trillion over 5½ years. Now, let me just explain why that is an extremely low number.

Mr. CASSIDY. Hang on. Hold that thought. Let me give one more David Brooks quote and call on our colleague, Dr. FLEMING okay? Another David Brooks quote talking about the CBO report, speaking about how much it would cost. This is devastating. The plan was sold as a way to bend the cost curve to reduce the rate of health care cost growth. Instead, the cost of the plan to the Federal budget would rise by 8 percent a year, and there wouldn't be anything close to offsetting revenues to pay for it.

Now, Dr. FLEMING, can you sustain a health care system which has out of control inflation, if you will?

Mr. FLEMING. Well, my answer to the gentleman is that I would look to the experience of other health care systems in other countries. If you look at Medicare and Medicaid, we've not been able to do that. Medicare is running out of money. We don't have a solution to that. The States all across the country are having tremendous difficulty figuring out how they're going to pay for Medicaid budgets, their part of it. And then if you look at the U.K., you look at Canada, countries around the world who have these systems, none of them have been able to claim that they can control costs. Their inflation rates are 10 percent or more.

Mr. CASSIDY. Reclaiming my time, part of this plan is to increase Medicaid eligibility, i.e., put more people on to Medicaid. Yet what we've just heard is that Medicaid is bankrupting States, or causing them to raise taxes.

Mr. FLEMING. Absolutely.

Mr. CASSIDY. So going back to my question, if you cannot control costs, can you sustain a health care system?

Mr. FLEMING. In my opinion, no, because, again, if you can't do it for a smaller system, how can you enlarge the system and somehow make it mysteriously work, particularly when there are no models? Massachusetts, Tennessee, TennCare, and so on and so forth, no one has an example of a government-run system that works.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. CASSIDY. I will yield.

Mr. ROE of Tennessee. Let me just tell you the folks out there, and we're going spend about the last half of this hour talking about the positive solutions and what we do agree on. But when I first came to D.C. and I heard of this public option I said, I've heard this before. And in Tennessee, in the early nineties we had managed care that was going to control the cost. We got a waiver from HHS and formed a program called TennCare, where we had about 8 different managed care organizations competing for your business. Now we have one.

In the 1993-1994 year, the State of Tennessee spent combined Federal, State revenue, \$2.5 billion. Eleven years later, 10 to 11 years later, that had gone to over \$8.5 billion. It had tripled and took up almost a third of the State's entire budget. We were complaining about 17 percent now. This took up almost a third and almost every new dollar that the State took in.

Mr. CASSIDY. Reclaiming my time, let me just praise the motivations of the people in Tennessee. They clearly cared about the uninsured, as our Democratic colleagues, are. But it was a flawed model and couldn't be sustained, and we know that those patients were now uninsured again, probably worse off than before the experiment.

Mr. ROE of Tennessee. Well, actually, what happened, just to go over that a little bit, over that period of time, in Tennessee, it was a noble goal to cover as many of our people in our State as we could. But over a short period of time, 45 percent of the people who got on TennCare had private health insurance.

□ 2045

Our Governor is a Democrat, Governor Bredesen. As you all know and as everyone in this Hall knows, in a single-payer system, the way costs are controlled is by rationing care. Well, what we did in Tennessee was, about

200,000 people were removed from the rolls, and what did a significant number of those people do? They went back on their private health insurance.

There is another thing that, I think, you have to ask yourself. By tripling the amount of money you spend on health care, what kind of outcomes will there be? Ultimately, that is what you're really interested in.

What we ended up with in Tennessee was the highest per capita prescription drug use in the Nation, and number two, we were 47th in health outcomes.

I yield back.

Mr. CASSIDY. Dr. BOOZMAN, I would like your opinions on this. You're an optometrist from Arkansas.

Mr. BOOZMAN. Well, thank you very much.

You know, it's interesting. I think we bring up a good subject. When I'm home, one of the things that I hear very, very much from the seniors is, we have a Medicare system that's functioning pretty well. Yet, when you look at it in 2017, it has all kinds of fiscal problems. Their question to me is: Why aren't you fixing the government program you have now before you expand it greatly to millions of people? You guys can correct me or can add to this: I've heard anywhere from 10 percent of the Medicare bill that we pay is just waste and fraud. Why aren't we addressing that?

Mr. CASSIDY. Reclaiming my time, 10 percent in Medicare, a generally accepted figure, is in waste and fraud. So we hear from our colleagues across the aisle that Medicare has lower overhead costs. If you include in that the 10 percent, which is a common way to define "overhead," actually, that 3 percent becomes at least 13 percent. A fair statement. I think an economist would say, if your overhead is so meager that you can't watch out for fraud and abuse, then you need to lump the cost of the fraud and abuse into your overhead.

Mr. BOOZMAN. I agree. As a guy from Arkansas, I just know that there's a heck of a lot of fraud and waste in the system. Rather than expand it like we're talking about doing now, why not fix that first? We hear about the pizza parlors that are charging for dialysis and, you know, things like that.

So, again, I would say that we need to get our act together there and reform the Medicare system that we've got.

I know I'm in a situation now. It's not uncommon at all for me to have people my age call and say, My mom has moved to town, and I can't find a Medicare provider because the fees are so low for physicians that people have started either limiting the slots that they use for the Medicare practice or they've simply discontinued the practice in their clinics.

Mr. CASSIDY. Thank you.

Dr. BROWN, you've joined us. May we have your thoughts on this, please?

Mr. BROWN of Georgia. Well, I thank y'all. I appreciate y'all doing this tonight, and I appreciate your yielding me some time. I think the American people need to know several things about this, and y'all have brought up some very good points.

The CBO says that this ObamaCare plan is not going to save money. It says that, in 10 years, we're still going to have almost 20 million people in this country who won't have health insurance. They need to understand that illegal aliens are going to be given free health insurance by the Federal Government.

Now, last night I was watching C-SPAN, and one of our Democratic colleagues was just railing on about how illegal aliens will not get ObamaCare.

The reality is, in the Energy and Commerce Committee, just today, this morning, one of my Georgian colleagues introduced an amendment to the bill that basically said that you have to look at people's citizenships and confirm whether they're U.S. citizens or not. That was defeated almost on a party-line vote. All of the Republicans voted for the amendment. Most all of the Democrats did not. I think there were one or two who voted with my Republican colleague from Georgia. The amendment was to just affirm that somebody was here legally to get free health insurance. We saw that with SCHIP.

When I first came up here during the last Congress, we had numerous debates about SCHIP, and we had fights over giving State Child Health Insurance Programs to illegal aliens. Our Democratic colleagues absolutely fought and won the fight on this issue. People who come are going to be asked a question, Are you an illegal alien? When they say, No, I am not an illegal alien, then they're not going to do anything to check the legality or the truth of that statement. So it's a self-determination by the applicants as to whether they're legal or not. If they say they're not illegal, then they're going to be given free health insurance under this government plan.

The other thing that, I think, is extremely important for the American people to understand is that this plan is going to cost American workers a tremendous salary decrease. Plus, it is going to put a lot of American workers out of work. In fact, it has been projected that over 100 million people are going to be forced off of their private insurance. Also, as Dr. ROE was just talking about, it happened in the TennCare.

So I've heard a figure of 114 million people who have private insurance today who are going to be forced off their private insurance plans onto this so-called "public option." Well, how does that work?

Well, I have businesses in my own district in northeast Georgia that have told me, businessmen and -women, that they'd rather pay the 8 percent tax, the pay-or-play tax. It would cost them less to pay the extra tax and then put their folks, whose insurance they're paying for today, over on the government plan, the socialized medicine/government plan.

I saw a video today of BARNEY FRANK, who was questioned about the government option. He said in this video, in his own words, that this is the way to get everybody in this country on a single-payer system. So, as to the claim that our Democratic colleagues put forth, which is, if you have private insurance you can keep it but if you don't then we'll give you a public option, is not factual.

They're setting up the game such, as BARNEY FRANK just very blatantly said in this video today—and I think it's on YouTube, and you can go look at it—that this government option is the means to get everybody on one single-payer system provided by the Federal Government, socialized medicine.

Mr. CASSIDY. If I can reclaim my time, let's give credit where credit is due, because the advocates for a public option plan—I'm not an advocate of one, though—will point out that there's a decrease in administrative costs.

So, Dr. ROE, will you look up at that chart once more—or maybe you will, Dr. BOOZMAN—and give us a sense of what will be the administrative costs, do you imagine, with this publicly run health insurance plan.

Mr. ROE of Tennessee. Well, here, Dr. CASSIDY—and then I'll turn it over to JOHN—if you'll look at this—and it's so complicated that it's almost comical—the problem with it is that this is how your health care is going to be administered.

I do want to say for every physician in this room and in this Congress, both Democrat and Republican, and this is truly from the bottom of my heart, it has been a privilege to be a physician and to be able to provide care for people and to administer to them. I believe, and I think every Republican and Democrat believes, that health care decisions should be made between a family, a patient and the doctor.

Now, having said that, if you take a look at having to go through this, you're going to have a Benefits Advisory Committee—and I don't mean this funny, but when the Lord got tired, a committee built a moose, anything that ugly. Basically, this here is going to be deciding what's adequate here as administered by this down here. You'll have the Bureau of Health Information. We'll have comparative effectiveness outcomes.

I want to tell you the other thing. The people who really need to be fearful are senior citizens when you start

looking at getting rid of Medicare Advantage and when you start talking about carving as much as \$500 billion out. I don't think our seniors right now feel like too much is being spent if you'd talk to them and see what their supplementals cost. Well, do you know what that means when you spend less money? You're going to provide less care, and there's no plan in the world that can provide more and more care for a lot less money.

Mr. BROUN of Georgia. Dr. ROE, would you yield for 1 minute?

While you're talking about the seniors, I think the seniors need to understand, too, about this ObamaCare plan and understand that it mandates that those seniors have counseling, I think it is, every 5 years. They have to go get counseling every 5 years about dying. This is a government bureaucracy. I'm not sure where it is in your chart there because it's so hard to figure out what all this bureaucracy is that's being placed between the patient and the doctor.

Yet one of those bureaucracies is going to every 5 years tell people over 65 years of age, basically, that they have a responsibility to look at how they're going to die and how they're not going to cost the American taxpayer money, is basically what they're going to tell them.

Mr. CASSIDY. I thank you for offering that.

Reclaiming my time, Dr. BOOZMAN, JOHN, when you look at that, some patients aren't as sophisticated as others. Let's face it, some folks don't have the same education. Maybe they've had to struggle a little bit to get through life. Imagine if a patient had a problem with that and didn't have a counselor coming to them, as Dr. BROUN mentions, but, by golly, they just have a doctor they don't like, don't get along with, and they want to complain to someone. Where would they complain?

Mr. BOOZMAN. I think that's a real problem.

As was mentioned, one of the things that we see in this type of plan is rationing for seniors. Are they going to be able to get the knees? the hips? In my case, being very familiar with cataract surgery, is somebody going to allow them to have that as they get older and allow them to ease their pain and lead a quality of life?

You know, we're talking about getting preventative care and all this. Well, you do a great job, and you live, and you get up in years, and then we're going to take away the ability for you to go ahead and continue that quality of life.

Mr. FLEMING. Will the gentleman yield?

May I add that the bill, itself, is scored at over \$400 billion to be taken out of the current Medicare program. That's over \$400 billion to be taken out of the current Medicare program. So

that's actually in their bill itself. So I don't see how they can claim that the elderly will get more care. They're only going to get less care.

Mr. BOOZMAN. I agree with the gentleman. If he would yield?

Mr. FLEMING. Yes.

Mr. BOOZMAN. There are so many questions that are unanswered when you look at this chart. If you get denied, you know, who do you appeal to? Is there any appeal?

Mr. CASSIDY. Reclaiming my time, I know there's supposed to be an ombudsman. In the 1,000-page bill, I've found one page that spoke of an ombudsman whom you would call up if you had a complaint.

I guess the point I'm making about administration—I read an article in the McKinsey Quarterly. They said there are three things you absolutely have to do if you're going to control costs. You've got to decrease administrative costs. I look at that and it just gives me a migraine.

Mr. BOOZMAN. If the gentleman will yield, the first thing you've got to do is have some tort reform, and you guys can, you know, very well spell out how you practice defensive medicine when people come in with headaches and things like that, and there's one thing that's not on that chart. There's nothing about nuisance lawsuits, which are driving up the costs of medicine and which make it such that we have counties in Arkansas, where I'm from, that don't have any OB because the guys can't afford the malpractice insurance.

Mr. CASSIDY. If I can reclaim my time, Dr. BROUN, as far as you know with the bill, how does the bill address tort reform?

Mr. BROUN of Georgia. It does not.

Mr. CASSIDY. I'm sorry?

Mr. BROUN of Georgia. It does not address tort reform.

Mr. CASSIDY. We just heard from our colleague from Arkansas that that's a critical thing to do.

Mr. BROUN of Georgia. Well, I was just fixing to ask Dr. BOOZMAN to yield so I could tell him a story.

Two days ago, I talked to the administrator of one of the major hospitals; it's a regional hospital within my congressional district in northeast Georgia. He was telling me just that day that one of the CAT scan techs, a lady, was up in his office, asking for more help in their CAT scan unit at night.

He asked her, Why do you need so much in the way of help there? She said, Because of all the massive amounts of CAT scans that we're running up here through the night which are ordered through the emergency room.

They did 10 CAT scans in one night on patients who'd come in. The administrator's question was, How many of those CAT scans were positive? Zero. Not the first one.

I've worked full time for part of my career as a director of emergency medicine at Baptist Hospital in Georgia.

I've been involved in emergency medicine throughout my medical career, sometimes part time, sometimes no time, when I was just doing family medicine, and other times full time.

Particularly doctors in the emergency room are having to do CAT scans on people who come in with all sorts of aches and pains when they really don't need to do those, but they're having to do those CAT scans and MRIs just because somebody might come back later on and sue them for missing a diagnosis.

Mr. CASSIDY. Now, Dr. BROWN, if I could reclaim my time, earlier, Dr. ROE had suggested—we spent the first half in kind of a critique of what our folks, our colleagues across the aisle, have put forward; but we've set aside our second half to kind of talk about what works. This is kind of a nice segue because I think, one, we know that lowering administrative costs will help, and we know that malpractice reform can also address some of these issues.

I'll go back to the central theme, which has to be that any effective reform has to put the patient in the middle; and when you put the patient in the middle, you've got to give them transparent costs so they know what they're buying before they go in there, and you need to encourage them to make the lifestyle changes because, ultimately, a patient, she or he, is ultimately responsible for his own health.

□ 2100

I know that, Dr. FLEMING, in your business—because you're not only a physician, a congressman, husband, and a father, but you're also a small business man—could you relate your experience with health savings accounts? Perhaps define them for us and say how it worked in your small business.

Mr. FLEMING. Absolutely. I will tell you, approximately 5 years ago, and this is when health savings accounts really—

Mr. CASSIDY. Will you define what that is, please?

Mr. FLEMING. Yes. A health savings account is really very simple, where either the subscriber—the employee—or the employer, as in our case, puts part of the subscription costs into a savings account.

Mr. CASSIDY. Reclaiming my time, you put a portion of that health premium into a bank account of sorts that the patient/employee then controls?

Mr. FLEMING. Not only does he control, but it is nontaxed, and he can use it to buy prescription drugs, to pay the deductible or whatever.

And we were up against a situation where, like many small businesses, our premiums were going up 9, 10 percent, sometimes 15 percent per year, and we were pulling our hair out trying to figure out what else we could do. And this idea of health savings accounts came

out, and we said, Well, let's try this. I had some reluctance from my employees, but we increased the deductible, and the extra amount that we would have paid for the increase in subscription costs, we put it into a health savings account for each and every one of them.

The results were dramatic. The costs flatlined. They did not go up. And since then, they've never gone up more than 3 percent a year. It's empowered the employee, the patient, the family, to buy medications at will.

And it was very interesting. I had one employee who was complaining as we implemented. She said, Well, gee, I spend \$200 a month for inhalers, and how is this going to help me out because I'm going to be spending a lot of time. I said, Well, let me suggest that you stop smoking, and with the money that you save by not having to use inhalers, you will have plenty of money left over. She took me up on it, and now she doesn't need them.

Mr. CASSIDY. Reclaiming my time, could she have used her HSA to buy the medication to help her get off of cigarettes?

Mr. FLEMING. Absolutely.

Mr. CASSIDY. Now, I like that because it puts the patient, the empowered patient in the middle so that she's making the best decisions not only for her wallet, but also for her health and, by the way, for her job because you are able to keep your costs down and keep her employed.

Fair statement?

Mr. FLEMING. Absolutely.

Mr. CASSIDY. Dr. Roe, I think also you've had experience with putting patients in the middle with these health insurance plans. Can you relate that, please.

Mr. ROE of Tennessee. In our own practice, we had traditional health insurance, as most people did, 80/20 cost. As Dr. FLEMING was saying, costs were continuing to go up, and about 3 years ago we introduced this plan for the physicians. There are 11 of us in the group, and all of us decided to go on this plan. And 2 years ago, we have a group that has 294 employees that elected to get their health insurance through our plan at the office: 294, 70 providers, doctors, and extenders. Eighty-four percent of those, of our people, our employees in our office, chose this plan because it put them in control of the dollars.

Let me explain to you how that is. If you believe in wellness and prevention—and the way our plan worked was you had a \$5,000 deductible. That scares everybody to death. But our group put \$4,200 per person in there.

Mr. CASSIDY. Reclaiming my time, you had a savings account for the patient, \$4,200, that you put in there to help pay that high deductible?

Mr. ROE of Tennessee. Yes.

Mr. CASSIDY. But now it's coming out of their pocket if they buy the ex-

pensive medicine as opposed to the insurance company.

Mr. ROE of Tennessee. And guess what the empowered person does? At the end of the year, they've been healthy, they've taken care of themselves, they keep that money. But let's say they have an illness or a wreck or something happens to them. Anything above that deductible is paid 100 percent. So you have catastrophic coverage, but you're in control of the first dollars. And by doing that, again, I think as you pointed out in our Education and Labor meeting, that particular type of insurance protection is 30 percent lower than standard.

Mr. CASSIDY. Reclaiming my time, for a similar-size family, similar benefits, with a health savings account costs are 30 percent lower relative to traditional insurance.

Now, we've talked about and quoted David Brooks talking about the Congressional Budget Office comment that the plans being presented to us do not bend the curve; they elevate the cost curve. And yet here is something which has been proven—it's not a hope, but it's experience—to lower costs by 30 percent.

Mr. ROE of Tennessee. That is correct. And when you empower consumers, as I've said, how many of us have driven across four lanes of interstate to buy gas 3 cents a gallon cheaper? Americans are great shoppers, and they will look after it, as opposed to—when they're spending their own money, they are very careful with it, as opposed to the government up here which is not careful with their money.

Mr. CASSIDY. Reclaiming my time, John, if I can ask you, those patients we talked about earlier, and maybe they haven't had the same educational opportunity, the same economic opportunity, but nonetheless, if gas were cheaper 3 cents a gallon on the other side of the interstate, do you think they would go over four lanes to get it?

Mr. BOOZMAN. Very much so. I was looking on the chart, and it's not up there. But other things, the associated health plans, where if you're a florist, a small business man and you've got your little store and you go in and try to negotiate with the insurance company, you don't have a very strong negotiating position. But if we would allow them to go in with others, thousands of florists, then they could negotiate as a group and get a much better rate like a major corporation.

Mr. CASSIDY. May I add, that is part of some of the Republican alternatives that are being proposed. Allow those small business women and men to band together perhaps to purchase one of these empowering HSAs.

Mr. FLEMING. Why is it that they can't do that now?

Mr. BOOZMAN. In doing that, then you have to go across State lines. Also,

different States have different mandates as far as what they—you have to offer in particular States.

So we could do that at the Federal level and get rid of all of that stuff and not go across the State line.

Mr. BROWN of Georgia. If you would yield just a moment, I would like to point out something. The commerce clause of the Constitution—I'm an original constitutionist, as many people in this House know. In fact, I carry a copy in my pocket. I carry it all the time, even when I'm home doing all sorts of things. I don't take it with me when I go in the shower, but almost.

But the commerce clause under its original intent was supposed to do just exactly what you're talking about, Dr. Boozman, is allow interstate commerce across State lines. And what we've done is we've perverted the Constitution in many ways. And this is one way that commerce clause has been perverted tremendously.

The commerce clause was supposed to make sure that there would not be a lockbox of goods and services at the State line. It was supposed to facilitate interstate commerce, not to control interstate commerce but to facilitate it.

And so we have perverted the Constitution markedly. And this is one good point that the Republicans are pointing out today about trying to give patients the ability to buy the insurance directly from an insurance company across State lines or have these pools with their alumni association. I went to the University of Georgia. We could have a University of Georgia Alumni Association pool. I went to the Medical College at Georgia for medical school. We could have an MCG pool. I'm a Rotarian. We could have a Rotary pool. We could have these huge pools that would help stop some of these problems with portability. It would help solve some of the problems that we have.

Mr. CASSIDY. Reclaiming my time, you always give me these nice bridges to segue into. Some of the Republican alternatives—and you're actually addressing all of those very nicely. And if you're a member of Rotary, you can do that. Now, I like that.

So can I call on my good friend, Dr. FLEMING, if he can initiate some of the discussion of just what the Republican Study Commission is putting forth, not necessarily what Mr. RYAN has put forth or others, but even this step plan.

Mr. FLEMING. You often hear rhetoric from the Democrat side of the aisle that we are the party of the status quo, the party of no, we don't want reform. That is the main thing I ran on to come to Congress. I want health care reform. But I want commonsense reform, not nonsense reform, and that's what the Democrats are offering us.

The first completed bill—there are different versions of bills on the Repub-

lican side, but the first completed bill that's actually been dropped because we've been working behind the scenes for weeks and months to get it perfect, is the Empowering Patients First Act, which I am a proud original cosponsor, and here are some basic parts of it.

No. 1, access to coverage for all Americans. It covers preexisting conditions, and that is the big problem that everybody is talking about here tonight, risk pools.

Mr. CASSIDY. Reclaiming my time, so if you will, what's being said by our colleagues across the aisle to misrepresent our positions, we absolutely favor insurance reform to allow folks with preexisting conditions to get coverage, correct? That's what you just said, correct?

Mr. FLEMING. Yes.

Mr. CASSIDY. So next time someone gets up to the podium and says we don't believe that, that is incorrect; am I correct?

Mr. FLEMING. You are correct.

Mr. CASSIDY. The fact is that is misleading. And that is one thing I like in their plan and I like in our plan.

I yield back.

Mr. FLEMING. It also protects employer-sponsored insurance. But on the other hand, it actually gives ownership of the plans to the individual, and also the individual can buy it outside of their employer.

Mr. CASSIDY. Reclaiming my time, the anecdotes that you gave and Dr. ROE gave regarding the empowered patients by giving them these health savings accounts or something such as that, we empower patients. That's in our plan. It's not the government bureaucracy between our friends up there; rather, it is empowering patients.

Mr. FLEMING. This does not exist. This matrix that you see there with Dr. BOOZMAN, that does not exist in this plan.

Mr. BROWN of Georgia. Dr. CASSIDY if you will yield for a second, to draw a contrast here, too, is this the plan that you were just talking about, Mr. FLEMING. A patient or an employee can choose whether they want to purchase their plan through their employer or not; is that correct?

Mr. FLEMING. That is correct.

Mr. BROWN of Georgia. Well, in the Democratic plan, they're going to be forced to buy the employer-provided health care insurance or they're going to be taxed at a 2 percent increased tax rate over what they're being taxed today. So their taxes are going to go up by 2 percent. They're going to be forced into that employer-provided health care plan that's going to be dictated—if you'll hold just a second, I want to make one very strong point here that people need to understand.

That employer-provided health care plan is going to be dictated by the health care czar panel. It is established

on this menagerie of colors and blocks and things.

Mr. FLEMING. Yes.

Mr. BROWN of Georgia. So the employers won't have a choice anymore about the plan that they offer their employees, and the employee won't have a choice either. And both of them are going to pay a penalty if they don't do what the Federal Government mandates or dictates to them; is that correct?

Mr. FLEMING. That is correct. And also, the government will have to actually certify all health plans. It will be a one-size-fits-all.

Mr. ROE of Tennessee. Would you yield?

Mr. FLEMING. Yes.

Mr. ROE of Tennessee. The Empowering Patients First Act that you just talked about does not contain, as Dr. BROWN just described, these mandates, these taxes.

Mr. CASSIDY. So, Dr. ROE, may I interrupt for a second?

A clear contrast between our plan, if you will, or one of our plans and their plan, aside from their increased administrative costs, aside from their top heavy, aside from ours being lower administrative costs and patient-centered, you're saying that one of the plans being presented to us has the mandates but the Republican plan does not.

Mr. ROE of Tennessee. That's correct.

Mr. BROWN of Georgia. That's the point I was trying to bring up, too, doctors, if I could speak directly to the American citizens, as I cannot due to the rules here.

But if the American citizens understand, the Democratic plan is going to dictate their plan to them. It's all going to be run by government dictation or dictum from Washington, D.C., and this health care czar; whereas, the Republican plan gives the patient and the employer the choice of what they want to do. And that's why I wanted to try to draw that contrast as you were talking.

I yield back.

□ 2115

Mr. FLEMING. Let me finish up because there are only a couple more points left. It also reins in out-of-control costs. This goes back to malpractice reform. This has malpractice reform. The government-run plan has not a word about malpractice reform. And finally, this is budget-neutral. That plan over on this side of the aisle is \$1 trillion to \$1.6 trillion, depending on which year span you are talking about, of course, with the CBO telling us that the costs curve up, not curve down, over time, despite what our President has told us. This one starts out with no cost, no net cost. There are savings built into it.

Mr. CASSIDY. If I may reclaim my time, it's important that the people

watching realize that that is not just Republicans saying this. Again, I'm going to quote. The Congressional Budget Office, as we know, has spoken about how costly this bill would be.

From nytimes.com, I, again, quote David Brooks:

"The theory of the Democratic bills seems to be that 98 percent of Americans can party on, with the latest and costliest health care imaginable, no matter how ineffective, and the top 2 percent will pay for it all." He goes on to say, "If you don't control the rate of health care inflation, even the rich won't be able to pay for the cost increases."

So it's others, not in this Chamber, commenting on the cost of that program and, indeed, commenting on the Congressional Budget Office comments.

Mr. FLEMING. And really, just to get down to the basics, if the patients, if the public, the consumer doesn't have skin in the game, there's no money to be saved in this. If it's all on the providers and all on the government, you will never see costs controlled.

Let me add one other thing before I yield. We were talking a moment ago about the fact that illegal immigrants will be covered under this plan, 10 million or more.

Mr. BROUN of Georgia. Not our plan but the Democratic plan.

Mr. FLEMING. I'm sorry. The Democratic plan provides coverage for illegal immigrants. The Republican plan does not. The Republican plan presumes that we will deal with immigration problems through an immigration reform process. But getting to my final point here is, the other thing that the government-run plan, the Democrat plan, provides for is taxpayer-funded abortions. Not only taxpayer-funded abortions, but an actual mandate, the requirement for convenience. There will have to be convenience centers throughout the country so that young women will not only have access but will have easy access, all at the taxpayers' expense. None of that, of course, is provided for in the Republican plan.

Mr. ROE of Tennessee. If the gentleman will yield, I have a letter that I received from a constituent which was given to me this past week; and I think it's worth passing on. It says:

"Dear Dr. Roe,

"My wife Missy and I are aware of the struggle you face on Capitol Hill over government-run health care. We wish to offer you our personal story of how the current system saved our son, Robby, to use as you see fit to put a human face on our side of this issue. Robby suffers from unbearable pain that began when he had a severe infection he contracted September 2007. It began one Saturday. He went to bed feeling a little off and woke up the next morning with a severe ear ache. Within

5 hours, his eardrum ruptured. In spite of several courses of antibiotics, this infection continued to spread into every cavity of Robby's head, and it began to attack his nervous system and his brain. The pain was torturous. Robby was admitted to the Knoxville Children's Hospital for over a week. The infection finally stopped with I.V. antibiotics, but the damage had been done. Robby lost the ability to walk. He also developed a motor vocal tick associated with constant shooting pain in his head. We researched Robby's symptoms and found doctors at Vanderbilt Children's Hospital in Nashville and Children's Hospital of Philadelphia where Robby was treated by the head of pediatric neurology. We were able to visit these doctors and receive treatment for our son only because our private health insurance gives us the flexibility to do so. In the last 18 months, Robby's been hospitalized six times, including most of this March. Pain medicine, including morphine, PCA, hydrocodone and Demerol gave no relief. He had to be sedated for over a week until the pain subsided. There is still no definitive diagnosis. In spite of this, Robby has had multiple exploratory procedures, MRI, CT, et cetera, and tried nearly 20 medications. We finally found the medicine that helped 4 months ago. This has eased his symptoms significantly. He is doing much better but is still not able to return to school. Throughout this ordeal, the medical system has been helpful, responsive, timely and accessible at all levels. We were always around to be a part of the decision-making process in our son's care from medicines and procedures to which doctors and hospitals treated him. We recently learned of another boy in our area who was about Robby's age that suffered from similar symptoms. He died. We believe competent, fast, flexible care that would be impossible under a government-controlled system saved Robby from this fate. Missy and I lived under a government health care system in the Army. I grew up in an Army family. I remember sitting for hours in the military emergency room with a broken arm."

He goes on, "and we had no recourse. You can't sue the government. We are not wealthy people. We make well below the median income and have had to pay thousands of dollars out of our own pocket to get Robby where he is now. It has been a struggle, but we would gladly pay any amount to ensure the timely care and freedom of choice needed to treat our son. It is true that under a government-controlled system we wouldn't have had these medical expenses. We believe they would have been funeral expenses. Please feel free to use our story. We would be glad to testify or do anything else you feel would be beneficial."

This is Rob and Missy Mathis from Newport, Tennessee.

Mr. CASSIDY. If I may reclaim my time, one, it's a tremendous testament to the faith of that family, their love for their son and to those fine physicians at Vanderbilt. I think all of us share the hope to have high-quality health care affordable, accessible to all Americans. Our concern is that the solutions being brought upon us are going to not only not achieve that but interfere with that relationship, and it's not just folks who are conservatives.

I have an editorial in my local paper by Susan Estrich. You will recall that Susan Estrich was chief of staff for Walter Mondale—I think I have this right—when he ran for President. I don't agree with her, but I respect her thoughts. She's a bright woman. She wrote *Don't Risk Your Health Care*.

She begins:

"The President is 'not familiar' with the bill. No one can explain how it will work yet, as Senator BEN CARDIN told a contentious town meeting. There are various plans, and negotiations are still in the early stages. But whatever it is, we should be for it.

She goes on to say, "Am I missing something?"

Then she describes the relationship that she and her family have with their physician. They are not sure. She wants to be reassured and has seen nothing that reassures her yet that that relationship will be preserved. So it isn't just folks in this arena. It's folks across the country.

Dr. BOOZMAN, what are your thoughts?

Mr. BOOZMAN. Well, I would just say that all of us—and in hearing the letter, all of us have seen patients in our practices that we knew as we prescribed the treatment that they couldn't afford, hardworking people that just didn't have the ability to afford that. So we definitely need reform, and we've talked about that. We need portability. We need more competition, things like that. What we don't need, though, is to try to get this thing done in 2 or 3 weeks.

I was on this school board for 7 years. If we were trying to change the curriculum of the high school class, we'd spend more than 2 or 3 weeks doing due diligence. But to try to do that in a period of 2 or 3 weeks makes no sense at all.

The other thing I would say is that we don't need government-run health care. We don't need to go down the path towards Great Britain and Canada. And something I'd like for you guys to comment on—because you have treated them and things—tell us about the results of cancer and things like that in the Canadian and Great Britain systems compared to the United States. I guess my concern is, in an effort to fix our pretty good system—you know, it's working pretty good—that we actually destroy the system to fix the part that's broken.

Mr. CASSIDY. Reclaiming my time, I would say that it works for 85 percent of the people; but we would favor the reforms that would ease the insecurity that if you get sick, you lose your insurance or it's priced out. So we favor the reform that deals with preexisting conditions. At the same time, we don't want to ruin it for the 85 percent.

I yield to my friend.

Mr. BROUN of Georgia. I thank you, Dr. CASSIDY, for yielding. I just wanted to give you a couple of quick stories, one that goes along with Dr. ROE's story. I have a surgical colleague that I was talking to who told me about getting a phone call from a government bureaucrat about a Medicare patient that he had in the hospital. The doctor got the call from the Medicare bureaucrat in Atlanta who said, Doctor, we have reviewed such-and-such a patient that I understand you have in the hospital. Yes. We have reviewed it. She does not meet criteria to be hospitalized, and we want you to discharge her today.

The doctor said, Well, have you seen my patient?

No.

Are you a doctor?

No.

Are you a nurse?

No.

So you're just a government bureaucrat, is that correct?

Well, I work for CMS.

He said, You've not seen my patient at all?

No.

But you have determined that this patient should not be in the hospital, and you want me to discharge her?

That's correct.

He said, This patient is extremely ill; and if I discharge her, she is very likely to die. I'm not going to discharge her.

The government bureaucrat said, Doctor, you don't understand. We've determined that if you don't discharge this patient today, we're going to fine you \$2,000 a day.

So the doctor went and talked to the patient's family and the patient. What were they to do? Well, he discharged her. She died that night at home.

Mr. CASSIDY. Reclaiming my time just for a second, CMS is the agency that governs Medicaid and Medicare, the Federal program.

Mr. BROUN of Georgia. This was a Medicare bureaucrat.

That's the kind of care that the Democratic plan is going to not only give us more of, but it's going to take it down to lower age groups besides those 65 years of age and older. It's government intrusion into the health care system that has run up the cost tremendously. CBO has already said that the Democratic plan is going to cost more money. It's not going to bring the costs down.

Y'all were talking about the cost curve going up. What that means to

the people who don't understand, that means it's going to be more costly for the health care system under the Democratic plan than what we have today.

Mr. CASSIDY. If I may reclaim my time, we're almost out. I just want to wrap that in with a comment that Dr. FLEMING said about how the best system is one in which the patient is involved. I think you said "skin in the game." The McKinsey Quarterly talks about transparent pricing for value-conscious people. Again, quoting from David Brooks, the New York Times columnist, a very thoughtful man: "I'd say that there have to be cost-conscious consumers within a closely regulated market. Unless you get proper incentives for both providers and consumers, I doubt you're going to go very far. In the current plans," meaning those across the aisle, "all the emphasis is on the providers."

Mr. BROUN of Georgia. Dr. CASSIDY, if you don't mind yielding for another moment, let me tell you about something that happened in my medical practice down in rural southwest Georgia. Congress passed CLIA, the Clinical Laboratory Improvement Amendments. I had a fully automated lab in my office where I would do blood sugars, blood counts and things like that. If a patient came in to see me with a red sore throat, running a fever, white patches on the throat, coughing, runny nose, I would do a complete blood count to see if they had a bacterial infection and thus needed antibiotics to treat it. Or if they had a viral infection, they could have the same clinical picture but didn't need the cost or the exposure to the antibiotics. CLIA shut my lab down and every doctor's lab in this country down. Prior to CLIA, I charged \$12 for that CBC. It took 5 minutes to do with quality control. After CLIA, I had to send patients across the way to the hospital, it took 2 to 3 hours to get the test and cost \$75 for one test. It goes from \$12 to \$75, and 5 minutes to 3 hours. Now this is how government intrusion into health care markedly drives up the cost.

Mr. CASSIDY. If I may reclaim my time, I think you are involved in what is called as a concierge practice or a patient-centered practice where the patient will prepay you, say, \$50 a month; and if you don't satisfy that patient, she goes to see another doctor.

Do I recall that correctly?

Mr. BROUN of Georgia. Well, not exactly. In fact, I have discharged patients at the time I see them. I don't have that concierge practice where I am prepaid. But actually, I charge less. My practice was a full-time house call practice. I was not working in an office.

Mr. CASSIDY. If you would yield back, because I just want to mention that one thing. There are some physicians, a lot of them on the west coast,

that have a practice that is so patient-centered, it works beautifully. In that practice, the patient pays \$50 to \$100 a month and gets all the primary and preventive services cared for. If the patient doesn't like it, they find another doctor the next month. It's like Target or Wal-Mart. If my wife doesn't like the sale at Target, she goes over to Wal-Mart; and if she doesn't like the service at Wal-Mart, she will go back to Target. The fact is, is that the physician, knowing that those folks can go, is going to be more patient-sensitive.

Mr. BROUN of Georgia. And the Republican plan allows patients to do that, where the Democratic plan does not.

Mr. CASSIDY. Thank you all very much.

□ 2130

ENERGY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. BOCCIERI) is recognized for 60 minutes.

Mr. BOCCIERI. Mr. Speaker, this snuck up on me with respect to the timing. My colleagues on the other side of the aisle finished much earlier; they didn't have as much to say as we are tonight about clean energy.

I am joined by my colleague from New York, Congressman McMAHON, who I will recognize here very shortly to talk about one of the pillar issues, one of the seminal issues that we're going to address in this Congress, in this body.

We've already taken action with respect to moving an energy policy forward that puts our country first. And truly, this is about making America stronger, making our country stronger by investing in America.

Now, I know some may think that that's a novel idea, but this is not about Democrats or Republicans. This is not about their ideas versus our ideas. This is about Americans and American innovation, and it's something that I feel so passionately about.

Today we're going to talk about this energy bill that passed through the Congress here, through the House of Representatives. We're going to talk about what has made this such an important issue in the coming weeks that we hope that the Senate will take action as soon as possible.

Before I get too deep into my long speech here, I would like to recognize the gentleman from New York to say a few opening remarks with respect to energy and what we have to offer here in the House of Representatives.

Mr. McMAHON.

Mr. McMAHON. Thank you, Congressman BOCCIERI. And thank you for your leadership on this issue.

Mr. Chairman and Mr. BOCCIERI, it is a privilege and an honor to stand here in the House of Representatives tonight and talk about this important issue. And I bring to it a perspective I think that is very important in this debate. You see, I come from New York City. I grew up in Staten Island, New York, and I now have the privilege and honor of representing Staten Island and Brooklyn, New York, here in the House of Representatives.

For the last few weeks and months, I've been very disappointed at the rhetoric that I've heard in this Chamber, and beyond, from those on the Republican side of the aisle. They, quite frankly, have had their heads in the sand. They, quite frankly, have been tied up in the rhetoric of partisan politics. And I say that as a New Yorker, as someone who suffered and saw firsthand what happens when this country doesn't deal methodically and honestly with energy policy.

You see, September 11, a date that we all know too, too well, in my opinion—and in the opinion of the people of New York and people around the world—occurred because our country has not dealt honestly and fairly with energy policy. Oh, I know it was the act of terrorists, there's no question; men bent on hate, men bent on Islamic fundamentalism to bring down this Nation. But our country has been caught up too long with an addiction to oil from the countries from which these men came.

Every time an American goes to the gas pump and puts gas into his or her car, they are sending money back to a Saudi Government that has sent and continues to send money to al Qaeda. And every time you go to the pump and put gas in your car, you're sending money to Iran so Ahmadinejad can send that money to Hezbollah and roundabout to Hamas. We are paying for terrorists to arm and be energized in a war against America and all the things we stand for.

So I know there can be honest debate on things that we disagree about. I know that we can stand on this side of the aisle and that side of the aisle and have a fair and honest debate about those things. But the things that I've heard over these last few weeks, the lies, the mistruths, the prevarications, are all too much for us to take.

Just think about the way that the Republicans have tried to scare the American people by saying that if we pass an energy security bill here in Washington it will mean an increase in home heating and energy prices of \$3,100 a year. And when they did that, they cited a study from an MIT professor. Upon hearing that, immediately that professor said, That is not true, you are misquoting my study. I did not say that. That's not what the study says.

Weeks and months after that professor issued that disclaimer, we con-

tinue to hear from the other side of the aisle these very same pronouncements. They are untruths, they are misstatements, and they are prevarications, and it's time for it to end. The American people deserve more. The security of our Nation deserves more. The people who lost their lives on 9/11, the families who suffered, the emergency workers who suffered, all those people deserve more. And the men and women who right this moment are in places like Iraq and Afghanistan, they deserve better. They deserve an honest and upfront discussion about energy policy, what it means to our security, and that if we don't get it right now, then more lives could be lost in the future.

Mr. BOCCIERI, I am so glad to be here with you to talk about these important issues. And I know that the people from Ohio to New York out to California will be united in knowing that America is a country—we sent a man to the Moon; we can deal with energy policy as well. And it's something that I look forward to working with you on.

Mr. BOCCIERI. Well, I thank the gentleman from New York. And he is absolutely correct in his assessment of this. This is a matter of our national security.

The American Clean Energy and Security Act that was passed out of this Chamber is about our Nation's national security, moving away from our dependence on foreign oil and, more importantly, creating jobs right here in our country that can't be outsourced.

When we build a brand new nuclear reactor, it cannot be outsourced. When we lay the foundation for new solar panels on tops of buildings or on tops of our homes—or even some day perhaps on tops of our cars, recharging our batteries—those are jobs that can't be outsourced. The maintenance, the delivery, the processing that will go into these jobs are going to create jobs right here in America. And I am so proud that we are leading the edge.

My predecessor, Congressman Regula, started investment in these technologies in our district. And I am glad and proud to be following in his footsteps to make certain that these types of energy investments are and will be making our country stronger in the long run.

Let's revisit some of the things that we've talked about here, Congressman MCMAHON and, Mr. Speaker, the fact that this is about our national security.

First and foremost, this chart right here really is a tell-all with respect to our national energy crisis that we face. 66.4 percent of our oil comes from foreign countries. 66.4 percent of our oil comes from overseas. That means \$475 billion has been sent overseas. We are distributing our wealth. We are sending our resources, our hard-earned dollars overseas to buy a commodity that we

can produce here, we can refine here, that we can explore here.

In fact, the Senate version of the bill adds exploration and drilling right here in the Gulf of Mexico that will add 3.8 billion barrels of oil, but we know that that's not enough because we don't have enough oil here in America to fill the demand that we have. In fact, it's been reported that we have nearly 3 percent of the world's reserves here in America, in the Northern Hemisphere, but we consume about 24 percent of the world's oil. So you do the math. At 22 million barrels a day, 3 percent of the world's oil here in the Northern Hemisphere, we would exhaust that resource very, very quickly.

The number one user in the United States of oil, the number one consumer of oil in the United States, is the Department of Defense. In fact, we consume so much oil in the Department of Defense that we have grown very, very concerned here on Capitol Hill about our dependence on foreign oil because our Nation's military is so dependent on foreign sources of oil, oil that we import, and the fact that we have so many of our military operations going on overseas, so many of our troops, our men and women, are spread across the world that we have a national security crisis right here on our hands. And that's why, Mr. MCMAHON, that's why, Congressman, we have begun testing synthetic fuels. That's why we have been testing blended fuels in the Department of Defense.

At Wright Patterson Air Force Base, they just started testing these blended fuels, synthetic fuels in our aircraft, because we know that of the Department of Defense, the largest consumer of oil in the Department of Defense is our aviation assets. Seventy percent of it is used with respect to our oil needs, and we have got to find an alternative source. That is why this energy legislation is so important to investing in alternative energies and understanding that our Nation's military is so dependent on this fossil fuel.

Now, in 1944, when the United States bombed the Ploesti Romanian oil fields, we effectively cut off the supply of oil to the Germans, but they quickly transitioned to use synthetic fuel, which is a derivative of coal. Now, we know that we have quite a bit of coal here in the United States; it's abundant, it's a natural resource that is very cheap to us, and we are going to continue using it.

In fact, the EPA has said, with the passage of this bill, coal use in America and the United States is actually going to increase. And with it being so abundant, boy, I would love to see, with the investment that we have charged in this legislation to invest in carbon capture, to invest in coal and synthetic fuel and coal-to-gas liquefaction, these new types of technology that can make our country less dependent on foreign

oil, is going to make us stronger in the long run. And if we can put that synthetic fuel, that clean-burning fuel, that clean coal technology in our airplanes some day, we are going to be less dependent on our foreign sources of energy.

Now, one last point before I turn it over to my colleague for some remarks. 66.4 percent of the oil comes from overseas. Do you know how much comes from the Middle East, Congressman? Forty percent of our Nation's demand is filled by the Middle East, by OPEC-producing nations. That is way too much. We have two wars going on in the Middle East, we have countless numbers of our troops over there. And it is argued—and has been argued so many times on this floor—that our Nation's interaction overseas and in the Middle East is about our dependence on that natural resource. And it's time we put America first, we put American troops first, and invest in our country and our people. I would much rather rely on the innovation in the Midwest than the oil in the Middle East.

I yield to my friend.

Mr. McMAHON. Thank you, Congressman.

Congressman BOCCIERI, I think you have really established and hit home about how this is about national security.

You know, there was a time in our Nation's great history—in fact, throughout most of its history—when we would talk about national security, both sides, Republicans and Democrats, would put down the partisan rhetoric, they would put away the myths and half truths and the prevarications and they would just talk to the facts, because what was at stake was not the gain of one side or the other, it was about the very essence of our country, our security, and the safety of our young men and women in uniform, whether it is the uniform of our armed services or the uniform of our first responders back here at home.

Unfortunately, what we've seen throughout this debate from the Republican side is an onslaught, a deluge of untruths, of myths. I want to talk about a couple of those myths before I turn it back over to you. One is about the notion of the household energy audits.

I have stood on this floor and sat in this Chamber and heard our colleagues from the Republican side of the aisle say, If you pass this bill and if America deals honestly and forthrightly with its national security and energy policy, every homeowner in America is going to have to do an energy audit before they can sell their home. Well, you know, Congressman BOCCIERI, and I know that that's not anywhere in the bill. That language does not exist; it's not in the bill, it was not in the bill that we passed. The Energy Security bill contains no provision requiring

that buildings or homes undergo energy retrofits or audits of an existing home's energy efficiency.

The bill does create incentives for builders and homeowners to take steps to reduce the waste in their homes and in their new buildings, and that's to everyone's benefit. The homeowner would save money on their energy bills, and we, as a Nation, would use less energy and, therefore, put ourselves less at risk. And yet we hear over and over again about these imposed requirements on America's homeowners. There is no Federal energy audit requirement. And it leaves the decision to the homeowners and the local governments to deal with that. The bill actually prohibits the EPA from regulating residential and commercial buildings as per the Clean Air Act, and yet we hear the rhetoric over and over again.

But, you know, Congressman, in the debate there clearly have been, I believe, people from the other side of the aisle, Republicans, who have talked fairly and honestly about this issue, and I bet you would be able to tell us about some of them tonight.

Mr. BOCCIERI. Yes, I would, Congressman McMAHON. And I thank you for those remarks.

This is about our national security. This is not something that Congressman BOCCIERI is saying, it's not something the speaker is saying—because he's been on this floor right with us before talking about our national security needs—it's not something that Congressman McMAHON is saying. This is something that the Department of Defense is saying and the CIA is saying.

The U.S. Department of Defense, in 2003, concluded that the risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern. The economic disruptions associated with global climate change are projected by the CIA and other intelligence experts in the United States to place increased pressure on weak nations that may be unable to provide the basic needs and maintain order for their citizens.

□ 2145

So, you see, a component of this energy legislation is about moving away from our dependence on foreign oil, investing in clean energy and technology right here in our country, jobs that can't be outsourced, producing jobs that can put America back to work. And another component of that is addressing the issue of climate change.

Now, cap-and-trade has gotten all the attention in this energy debate, and it shouldn't get all the attention because it's one segment of this bill that we're working on. But even that, which I know that we focus more on the national security part of it, but even our security experts and our Nation's mili-

tary are saying it's a matter of our national security. Let me give you some statistics here:

Today over 80 percent of the world's oil reserves are in the hands of governments and their respective national oil companies. Sixteen of the world's largest 20 oil companies are state owned, are owned by some state. And as you know, we import 66 percent of our oil. This is a matter of our national security, and we have got to take action now, and we must move away from our dependence on foreign oil. Cap-and-trade and the climate change legislation and the energy security that we can derive from a substantive and robust energy policy in this country is a matter of our national security.

Now, that's not something that Congressman McMAHON is saying. That's not something that the Speaker is saying or Congressman BOCCIERI is saying. That's something JOHN MCCAIN is saying, a proud American who put his life on the line for our country, who ran for President. He said that in cap-and-trade there will be incentives for people to reduce greenhouse gas emissions. It's a free-market approach. Let me repeat that again, Congressman McMAHON: it's a free-market approach. The Europeans are doing it. We did it in the case of addressing acid rain.

In fact, we have 20 years of cap-and-trade policy that's been enacted in the policy of the United States that we have found very big successes from. Look, if we do it, we'll stimulate green technologies. This will be a profit-making business. And it won't cost the American taxpayer. Let me repeat that again: it won't cost the American taxpayer. This is something that we have got to enact now, Mr. Speaker. This is about our national security.

In fact, every Presidential candidate that ran for office last year, Democrats and Republicans alike, said it's a matter of national security. Let me revisit a couple of what our friends have said.

Mr. Romney, an astute businessman, said that there are multiple reasons for us to say we want to be less dependent on foreign oil and develop our own sources. That's the key, of course, additional sources of energy here as well as being a more efficient use of energy that will allow the world to have less oil being drawn down from the various sources it comes from without dropping prices too high a level, and it will keep people, some of whom are unsavory characters, from having an influence on our foreign policy. That was Mr. Romney.

Mr. Huckabee, he has another quote in addition to this one on our chart here. He said, A nation that can't feed itself, a nation that can't fuel itself, a nation that can't produce the weapons to fight for itself is a nation forever enslaved. And with respect to a national energy policy, he said, It's so critical that for our own interest economically and from a point of national

security that we commit to becoming energy independent and we commit to doing that within a decade. We have to take responsibility in our own house before we can expect others to do the same in theirs.

It goes back to my basic concept of leadership. Leaders don't ask others to do what they are unwilling to do themselves. Well, we are a leader here in the United States. We're a leader. We sent a man to the Moon in just 10 years, and I vow to you that we can become energy independent. We can have an energy policy that invests in our people, creates jobs here, and moves away from our dependence on foreign oil because we believe in the innovation of America and we don't believe that we need to be dependent on Mid East oil.

I yield to my gentleman friend.

Mr. McMAHON. You're so right, Congressman BOCCIERI.

Mr. Speaker, again, it's just somehow so infuriating. It really is beyond words to think that the Republicans try to take an issue that is so important, not just to our economy, not just to our environment, not just to the future of the generations of people who want to live in America and share in the American Dream, but to national security, the lives of our children, the young people in uniform right now, those who have been lost and those who will continue to be at risk.

And what do they do? They take an important issue like this, and they come up with some quick catch phrases, you know, like the one that they like to use. You talked about cap-and-trade. They like to call it "cap-and-tax." Why do they do that? There is no tax anywhere involved in this bill. The word "tax" is not involved. In fact, in order to tax someone from the national government perspective, you have to invoke the Internal Revenue Code. The Internal Revenue Code is never mentioned in this bill. Instead, this is a proven system, as you said, to bring free-market principles to the system of manufacturing that will allow for not only a cleaner environment but for a new birth, a new generation, of manufacturing jobs in this country.

We have lost our manufacturing base for a whole host of reasons. But here we are. As you said, when you build a nuclear power plant, you can't do that somewhere and import it. It's got to be done here. When you build a windmill farm, that has to be done here. And instead of addressing this very important issue, the other side comes up with catchy phrases, and certainly the one that they have done to cap-and-trade across America I think is very shameful.

Let's talk about cap-and-trade for a minute because some people will say, well, this is a new concept, Congressman BOCCIERI. And how can it be that we know whether or not this will work? Well, there are a couple of ways to

know that. We have already done that in this country.

Many Americans, certainly in the Northeast, where I come from, remember the concept of acid rain caused by sulfur dioxide. And in the 1980s we realized that lakes and rivers were dying across this country because of sulfur dioxide. And we implemented in 1990 a cap-and-trade system when it comes to sulfur dioxide. And what does "cap-and-trade" mean? It simply means that you set a standard of how much pollution can be emitted in the country in a given year and that becomes your cap.

And for what we have done now for the greenhouse gases is the year 2005, and the same was done for sulfur dioxide. And then that allowance to be able to pollute is something that has value to it. You create value. And in the first go-around in the system that we're implementing, or that we want to implement now, 75 percent of those allowances will be free. So there will be no immediate cost to anyone, no increase in prices.

But over time, by 2020, hopefully we will get to a point where we reduce our reliance on foreign oil, we cut down our emissions by 17 percent, and we move forward with a good national security energy policy. We did that with sulfur dioxide, and everyone thought it would take 20 years, but it took 6 years. In 6 years' time, without any impact to our economy, we put an end to the over-pollution of sulfur dioxide.

Many plants put scrubbers on themselves, on their smokestacks. And guess what? In the year 2009 those lakes in my home State of New York are alive again. The fish are no longer swimming on top of the water, dead from pollution. They're alive again. And they are alive with wildlife and they are alive with a future that our country needs. It's about our water resources. It's about our environment. It's about our jobs. It's about our national security.

So you're right, Congressman BOCCIERI, when you say it's about national security. And you've got examples of people who put partisan politics aside. They did it when they were running for President. I only wish the Republicans in the House of Representatives and in the Senate will put politics aside and put the interests of the American people first and get serious about an energy policy that deals with national security.

Mr. BOCCIERI. I couldn't agree with the gentleman more that we have to get serious about our Nation's energy supply.

And this is not about Democrats or Republicans; this is about making America stronger. And Democrats and Republicans alike in the last Presidential election said we need to create jobs here in America. We need to create jobs here. You know, 8,000 manufactured parts go into making one of

those wind turbines. Can you imagine some day that Timken Roller Bearing in my district would be making the roller bearings that go into these wind turbines or SARE Plastics could make the moldings for these respective wind turbines and to make the fiberglass components that go into this? These are jobs that can be made and profit right here in America, that can't be outsourced. And we will be killing two birds with one stone: creating jobs here in America and making us less dependent on energy from abroad.

We have to go back to just a few more of these gentlemen who ran for President last year. I just want to finish up with these two:

Rudy Giuliani, a good Italian, said, We need to expand the use of hybrid vehicles. We need to expand the use of hybrid vehicles, clean coal, carbon sequestration. We have more coal reserves in the United States than they have oil reserves in Saudi Arabia. This should be a major national project. This is a matter of our national security.

Rudy Giuliani got it right because you know what? If we put 27 percent of the vehicles on our roads in America, if just 27 percent of the vehicles on our roads in America were gas-electric hybrids, we could end our dependence on oil from the Middle East. We get 40 percent of our Nation's demand for oil from the Middle East, from OPEC-producing nations, and if just 27 percent of the vehicles on the roads of America were gas and electric hybrids, we could end our dependence on oil from the Middle East. That is a vision that we should all strive for.

Let me talk to you about one of our colleagues here, Mr. PAUL. I spoke with him about 2 weeks ago. He's one of our colleagues here in the House. He said, True conservatives and libertarians have no right to pollute their neighbor's property. You have no right to pollute your neighbor's air, water, or anything. And this would all contribute to the protection of all air and water.

Mr. PAUL is somewhat of a visionary because he believes that in America if we make the right investments, we cannot only protect our country, move away from our dependence on foreign oil, but invest in our people, our way of life, and, more importantly, create jobs here in our country.

I want to yield to my good friend from Virginia (Mr. PERRIELLO). Congressman PERRIELLO is joining us.

Welcome.

Mr. PERRIELLO. I thank Mr. BOCCIERI for yielding.

As I said before, the people who have been against this bill, there are two things that bother me about them that I want to mention.

One is these people aren't just climate skeptics; they're America skeptics. I am sick and tired of hearing the

word “can’t.” They are the same ones who said we couldn’t possibly take the lead out of gasoline. We couldn’t possibly solve the sulfur dioxide problem or clean up our water and streams. We couldn’t integrate our troops or go to the Moon. Can’t, can’t, can’t. Well, when I was growing up I had coach after coach in sports say get the word “can’t” out of your dictionary. That is not an American word. America is all about how are we going to solve the problem.

We know there is nothing we can’t do if we put our minds to it, put our innovative spirit to it. And we see that here. People keep saying on the other side of this debate, well, let’s just let China do it. That’s basically what they’re saying. We don’t want to go ahead of China. We would rather have China invent all the technologies so we buy it from them? I’m sick and tired of buying everything from China. I want us to be making it right here in America and exporting that technology back to them.

So these people aren’t climate skeptics; they are America skeptics. They have given up on the idea that America can do it better than other countries, but I don’t believe that. We are still more innovative than any other country. We are better capitalists than any other country. We are going to be the first to crack carbon capture sequestration technology. We are going to be at the cutting edge again of wind and solar and biomass.

The farmers in my district want to be freedom fighters on the front lines in the struggle for energy independence that makes this country safe and makes it competitive again. That’s because we are better at this than anyone else. That word “can’t” that seems to echo across the other side of the aisle does not have any place in this Hall because America is better than that.

And there is a second thing that bothers me about those who seem so angry about this bill in this body of ours, which is the intense partisanship of it. The worst kind of partisanship is when you think an idea is a good idea until the other side agrees with you and then all of a sudden it becomes the worst idea ever.

Cap-and-trade, to their credit, is a Republican idea. The first President Bush was a visionary and a leader on this in solving the acid rain crisis because it was a Republican notion that we can use the power of the free market to solve these environmental threats.

□ 2200

We saw it again when Senator McCain and then Governor Palin both agreed that some form of cap-and-trade was a good idea. Former Senator from my State, John Warner, a great war hero, a great American, also saw the power of a tradable permit. This was

fundamentally a Republican idea. And in our spirit of bipartisanship we say, we think this problem is so big, of energy dependence, it is threatening our security so much we will look anywhere. We don’t care if that idea comes from one side of the aisle or the other. We just want to solve the problem.

And as soon as we agreed and said, these are good ideas coming from the Republican side, all of a sudden, the only play they had in the playbook was to suddenly say Oh, it must be a bad idea because you agree with us. We can’t even do bipartisanship when you agree with one of our ideas. This is something that is upsetting the American people when the problems run this deep. That’s not what this country’s about. It’s about putting problem-solving ahead of partisanship.

So Mr. BOCCIERI, thank you for doing this hour. It’s so important for our national security, for our national competitiveness, but also for the very culture, the very soul of this country. It is all about that infinite horizon of possibility that says there is nothing we cannot do as a Nation, particularly when we unleash the power of the free market and that call to serve the common good that has led generation after generation to leave this country stronger than they found it.

Mr. BOCCIERI. I find you very inspirational, Congressman PERRIELLO. You’re exactly right. And it’s often been said that fear is not a tool of leadership; fear is a tool of the status quo. And that’s exactly what we see from the other side right now; injecting fear, talking about taxes. Listen folks, there are no taxes in this bill. Don’t believe me. Believe Senator McCain, who ran for President last year. Senator McCain said this is a free market approach and it won’t cost the American taxpayers. We know here in this body that the jobs of tomorrow won’t come on their own. We must incubate them and grow them domestically so they can not be outsourced. That’s what this bill is about.

We’re joined by two of our other colleagues, distinguished colleagues, bright minds here, young bright minds I should say here in the House of Representatives, Congressman KRATOVIL from Maryland, and our good friend from New York, Congressman TONKO. Why don’t we start with Congressman TONKO. Welcome.

Mr. TONKO. Thank you, Representative BOCCIERI. I listened intently to our colleague from Virginia, and when Representative PERRIELLO talked about the lack of response from the other side, the anger, perhaps, that is expressed, the politics of fear that are engaged, that those in and of themselves would be enough measure of concern. But the fact that that’s coupled with an agenda that back-burnered over the last administration so much of the progress, we’re reminded of a huge fail-

ure of the delivery system, the energy delivery system, in August of 2003. Here, 6 years later, we’re not responding as well as we should. This measure allows us to, with a smart-metering investment, with an upgrading of the grid.

You know, it was brought to our attention in very painful and dark terms, where blackouts gripped not only the Northeast and the Midwest of the U.S., but Southeast Canada, where two nations suffered from failure in the grid system. We have opportunities to embrace technology, technological improvements, advancements in smart metering and investments in the grid, to respond to that sort of failure. That was back-burnered. So were the investments in updating our renewable opportunities, investing in renewables.

This measure will allow us to look seriously at renewable investments across the country. I’m also coupling that exercise with a bill that deals with wind turbine efficiency, where we’ll look at materials that will allow for greater response from Mother Nature, where we’re able to take the elements of nature and make them work to our energy needs, all through American jobs, to produce America’s energy needs. That will enable us to take the advancements that we know are possible.

We look at situations like super-conductive cable, where, in my district, they are now breaking their own records, super power is, by developing even stronger opportunities for us to reinvest and invest in innovative ways in the delivery system, in a way that, again, takes advantage of the intellectual capacity of this Nation.

So this is about entering into a mix that already finds global competitors, but it advances an American agenda in a way that will place us in the role of leader. We cannot continue to sit by idly along the sidelines of this global green energy race and advance the notion that China will build all the solar systems, that Germany will embrace the same sort of renewable or advance manufacturing processes.

We have opportunities here in this Nation to develop battery response through the stimulus package. I’ve seen what GE is working on, as it enters into this fray, to provide for an array of battery opportunities where it’s not just Lithium ion that we develop but perhaps look at sodium chloride mixed with nickel, where we can address not only energy generation needs for batteries, but also the energy storage for intermittent situations, intermittent-type power, and where we can also use it for heavy fleets and lighter fleets for transportation-sector purposes.

So there are tons of applications here. Just that GE battery application would find 300 to 400 jobs in my district that will enable us to provide the

linchpin, to open the doors to limitless possibilities. You know, it's that sort of fervor that we saw in the sixties, in the late fifties and sixties where, as a Nation, we went forward with the boldness of definition and the expression of vision where we could be better, where we could move into a space race. And we know that we invested, and we won for that investment. We need to do that here. And clean energy jobs for every State in this Nation is a great theme.

And politics of fear that respond to the efforts of progress that we have embraced just don't have a place in this mix. It is unfair to the American public, as it looks not only for job creation, but for the establishment, for the igniting of an innovation economy. And Representative BOCCIERI, thank you for bringing us together so that people can share thoughts of what's happening today and where we can expand and extrapolate upon that progress in untold terms.

Mr. BOCCIERI. Well, Congressman TONKO, you're so right. And I know you and Congressman KRATOVIL believe like I do and like Teddy Roosevelt said, that the worst that you can do in a moment of decision is nothing. The energy policy that we have right now in the United States is failing us miserably because we have troops overseas right now that are putting their life on the line for a natural resource that we could become independent from if we just invest in our country and our people.

Mr. TONKO. One of the main reasons I ran for this role in Congress was to establish a comprehensive energy policy, where we have a plan, where we act accordingly, where we update and implement that plan, and where it's all-inclusive. We haven't had that. And this is one solid way to grow jobs that are meaningful, where we are going to express and exercise our right to energy security, energy independence, and therefore, national security, which is critically important with the outcome here.

Mr. BOCCIERI. Congressman KRATOVIL, welcome.

Mr. KRATOVIL. Thank you all for being here. And it's so nice hearing my very articulate colleagues talk about this. Mr. BOCCIERI, thank you for bringing us together once again to talk about this. You know, you have mentioned a number of Presidential candidates in the last election that talked about the significance of cap-and-trade and talked about the significance of reducing our dependence on foreign oil. But I think, you know, it's important that we give some additional historical perspective to this debate.

You mentioned that what we are doing now is failing us. But it's been failing us for 40 years. We have been talking about reducing our dependence on foreign oil for the last 40 years.

We've been talking about the significant impact this has on us in terms of our national security. We've been talking about the need to move towards renewable energy and renewable fuel and reducing our dependence on foreign oil, and yet, we haven't done anything really substantial until now.

Every President since Richard Nixon has advocated the need for our energy independence. In 1974, Nixon promised we could achieve it within 6 years. Gerald Ford said we can do it in 10 years. And Jimmy Carter pledged to wage the moral equivalent of war to achieve it.

And yet, once again, as years have gone by, we haven't had the political will to do what needed to be done to reduce our dependence on foreign oil. And getting back to some of the comments that Mr. PERRIELLO made about the political part of it, you know, the bottom line is, at some point we do have to put politics aside and recognize that we are here for a reason. We are here to represent the best interests of the people of this country and not to represent necessarily simply our political parties. And you are right to say that these initiatives came, many of these ideas, cap-and-trade, came from the other side of the aisle. And yet, when we pushed that forward, we got very little support from the other side of the aisle.

□ 2210

Now, we did have some courageous Republicans in the House who voted with us. I think there were probably seven or eight who voted with us, but the bottom line is that we have been talking about this for years, and it was time that we did something about it, and I'm happy to be here with those of you who were willing to do what needed to be done to move us towards a better future for this country.

With that, I'll yield back.

Mr. BOCCIERI. Well, Congressman KRATOVIL, I know you believe in America, that you believe in American innovation and that you believe an energy policy that creates jobs here in America, that moves us away from our dependence on foreign oil and that makes us energy independent within a number of years is the right energy policy and the right economic policy for our country, which is about investing in our people, investing in our ingenuity and in our innovation.

You know, the most that we have at stake in this is the fact that Congressman PERRIELLO, Congressman KRATOVIL, Congressman TONKO, and Congressman MCMAHON—we all have families, and you think about where our moms and dads have come from in terms of what they have seen and the changes they've seen. They've seen us put a man on the Moon. We can do the same in 10 years. Our families have seen a lot, and we can produce the type of innovation with the right policy in

this country that will move our Nation forward.

I know, Congressman MCMAHON, you believe in our Nation's national security. I'll yield to you.

Mr. MCMAHON. Thank you, Congressman BOCCIERI.

I know we all do. We all, I think, take serious umbrage at the fact that the Republicans throw out these myths, these lies and these prevarications when it's about national security. Let's look at one.

I mentioned how they talked about what it would cost every homeowner, and they said it would be \$3,100 a year. This was a study that was disproved. We mentioned that earlier. Yet the Congressional Budget Office, the independent authority that they rely on so often for their facts, at least whenever it favors their position, has said that, under our clean energy and national security bill, every homeowner in this country on average, between now and 2020, will pay \$175 extra because of this bill, not per year but over the whole course of the next 11 years.

In many places, like the Northeast, because of how we get our energy already and because of the infrastructure we have in place, our costs will actually go down \$5 a month by 2018. Think about that. Some of us will save money, at most \$175. Those rates would go up anyway.

On the other side, when it's about national security, when it's about young men and women who are risking their lives in the uniforms of our country, they're throwing out lies. You know, I just want to tell you one quick story about what happened to me today, and it really struck home. It's about a visit I had in my office.

You know, for 50 years, Staten Island was the site of the municipal garbage dump for the City of New York. Congressman TONKO knows the story well because he was very involved in environmental politics up in Albany when he was an assemblyman. It took us 50 years to get it closed, and it was 2,200 acres of the largest landfill in the history of the world. Today, because of this law that we passed in the House—and hopefully it will get passed in the Senate—a company came to see me because they want to put solar panels on that landfill.

Wouldn't that be a great American story? It would be a great success story for Staten Island, for the people I represent on Staten Island, for the City of New York, and for our country that, in a short period of time, within 10 years, you could go from a disgusting landfill and environmental nightmare to a place that is producing energy through solar panels or windmills as our borough president has suggested. What a great thing. That's America. That's the America we grew up in. That's the America we believe in.

That's the America you've spoken about, Congressman BOCCIERI, Congressman PERRIELLO, Congressman KRATOVIL, and Congressman TONKO. That's the America that we came to Washington to fight for. That's the America that the Republicans have turned their backs on, and that's the America that's worth fighting for.

Mr. BOCCIERI. Well, you're so right, Congressman MCMAHON. We all believe in the hope and promise of America, that with the right investment and with the right guidance with respect to public policy in this country, we can become energy independent and can create jobs here in America.

You know, we hear the raw fear that the other side spews out to try to scare people away from supporting the public policy that, in its essence, was truly a Republican idea in the very beginning. We hear the facts about rates, and we talk about how this is going to, you know, charge up rates and about how these government inspectors are going to show up and check on your light bulbs in your hot tub. I mean, this is utterly ridiculous.

First and foremost, in the State of Ohio, we have a Public Utilities Commission. The electric industry and other industries in the State of Ohio are regulated industries. They can't just arbitrarily walk in and raise rates. There has to be a justification. Our Public Utilities Commission, PUCO, is a function of State government, and we have empowered State governments in this legislation to make sure that these big utility companies are not going to run away as they transition to alternative forms of energy. So rates will be held in line. Despite what our colleagues on the other side will say, there are no taxes in this bill.

JOHN MCCAIN said it's a free-market approach, and it won't cost the American taxpayers. I believe JOHN MCCAIN was right. He introduced a cap-and-trade bill three times with Senator JOE LIEBERMAN. So this is about putting America first.

Congressman PERRIELLO, I know you have a few words.

Mr. PERRIELLO. Well, I just wanted to pick up on what Mr. MCMAHON was talking about as far as turning trash into energy. We're trying to do that in my district in southern Virginia. We're even trying to turn waste into energy. And by that, I mean manure. We've got poultry waste. We've got cattle farmers ready to turn this into power. Talk about a country that was built on the idea of making lemonade out of lemons. With what some of our forefathers were handed, this is it. We're literally making energy out of that.

The U.S. Department of Agriculture has estimated that by 2015 this will deliver over \$1 billion to our farmers; and in the decades ahead, it could be up to \$15 billion a year extra to our farmers. That's because our farmers are the

hardest working people in this country. They're ready to be those freedom fighters.

There's one other thing I wanted to mention. You talked about rates. Not only are there lies out there about what it's going to do to rates and taxes, but the most important thing, I think, in this bill and the one thing I hear so much about, whether it's from farmers or from business owners or just from people who are trying to keep the lights on in their own homes, is the crazy fluctuation in prices. You know, all of a sudden, you're at \$4.60 a gallon last summer. Then you're down to \$2. Then you're heading back up to \$3 a gallon.

That fluctuation is driven, in part, by these speculators out there who are just gambling on the kitchen table budgets of the American people. For years and years, both parties have known that this huge Enron loophole was out there which was driving the speculation. For once, we finally went after it, and we actually protected consumers in this bill.

The CBO figures, which Mr. MCMAHON mentioned, about there being a \$12-a-month increase is the maximum it would be. That's assuming we do nothing to reduce our energy consumption, and it doesn't take into account that we're going after these speculators who have been driving up the price. These people are making billions of dollars at the expense of the average American home. That's part of what we've done here, too, which is to go out and to protect consumers. So it's a smart bill.

You know, one quick thing before I yield back: people sometimes say, Have you read the 1,200 pages in this bill? Then I say, Have you? There's a lot of good stuff in there. There's a lot of good stuff that's going after these speculators and that's protecting consumers. Some of the best things for our farmers are in those 1,200 pages.

There are a lot of serious people here who were looking out for consumers, for farmers and for small business owners. Mr. BOCCIERI fought hard to get more money in this bill for manufacturing areas that have been hit hard with jobs going overseas. There's a lot of good stuff in here.

As Americans, we know that freedom isn't free. Part of that means you step up to the duties of citizenship, that you go out there and that you read the bill. Look at it as an opportunity, as an invitation to be part of this great freedom struggle for our country. We can do this, and this is a great step in that direction.

With that, I yield back.

Mr. BOCCIERI. Well, I thank the Congressman for his passion.

Before we wrap this up this evening, we've got to hear from a young, bright mind from Ohio.

Congressman RYAN, thank you for joining us tonight. Give us some of your words.

Mr. RYAN of Ohio. Thank you, Mr. BOCCIERI.

I was reading an article—and I was telling the Congressman from Virginia this. There was an article in *The New York Times* today, because a lot of people in our districts are like, Well, you know, China is not going to abide by this, and India is not going to have to deal with this, and we're out on our own here, and we've got to compete against these people.

There are actually provisions in the bill on steel and paper and some other things that do control imports coming from these other countries; but today in *The New York Times*, there was an article about this town in China where there was a big factory that was poisoning the people who lived within the area of this factory, and these people were going to the hospital. They were sick. They were nauseous. It was a bad scene. It was because of the pollution that was coming out of this factory; 400,000 people a year die in China because of air pollution.

□ 2220

And at some point, based on China's long history, they have these uprisings among the people, the government squelches it and tries to fix the problem. So if you have 400,000 people a year dying in China, at some point those people are going to want clean air. At some point.

I say this. Let China sleep for a couple of years. Let us get ahead of the curve. Let us make these investments and then produce these products, and finally we can export products to China that they're going to want because their people are demanding it.

So I wanted to come down and join this chorus because I think this is an opportunity for places like Youngstown, Ohio; Akron, Ohio; Canton, Ohio; northeast Ohio, where we have a manufacturing base in Virginia or New York or wherever the case may be to finally export things. Eight thousand component parts to a windmill, four hundred tons of steel. Solar panels have all of these complex components. We can do this. This is opportunity. Let's see it like it is.

And I tell folks back in our district, we have a Lordstown plant, a Lordstown General Motors plant, that is going to make this new car, Chevy Cruze. Why are they putting it at Lordstown? Why are they building the Chevy Cruze? Forty miles to the gallon. That's why. It's a green car.

Let's read the tea leaves here. This is where the country is going. This is where we need to be. We can finally be at a point, Mr. BOCCIERI, where we export products to China and we make money and create jobs here. That's what this is about. And we can talk about clean air and climate change, and I believe in all of that and I think it's great, but the bottom line is this means jobs for northeast Ohio.

And I think the more we talk about that, the more we recognize that, the more we plug our businesses in. Mr. BOCCIERI got a \$30 billion amendment in to help the auto industry convert over to alternative energy. Those are the things we need to do, and those are the things that are in this bill.

So I yield back, but I think this is opportunity, and if we see it as opportunity, it will work for us.

Mr. BOCCIERI. Thank you, Congressman RYAN. You're exactly right that the pillars of this legislation are about creating jobs in America, moving away from our dependence on foreign oil, and making our Nation more secure. National security is a big issue.

Congressman KRATOVIL.

Mr. KRATOVIL. You're absolutely right. There was a lot of talk in the bill about climate change, and that was certainly a significant part of it. But the bottom line is, what was more important to me in terms of voting for this is exactly what you said, national security and creating American jobs. And the energy bill clearly presents an incredible opportunity to spur innovation and create new jobs in this country, and that was one of the big reasons that I supported it.

Also, I want to go back to something Mr. PERRIELLO said about the fluctuation in prices. Again, the irony in this country is that oftentimes we are faced with a crisis and we deal with whatever that crisis is but we never deal with the underlying issue that causes the crisis.

And you were talking about the gas prices. A year ago, when the gas prices were \$4 a gallon, the entire population in America was saying, My gosh. What is going on? What are we going to do about this? It's outrageous that we're paying \$4 a gallon. It's outrageous that we're sending money overseas to the people that seek to destroy us. What are we going to do about it?

And then a year later, people in this Chamber have apparently—on the other side of the aisle, apparently forgotten.

Well, my answer to that is we should never forget that if we were paying \$4 a gallon for gas last year, we could be paying \$4 a gallon tomorrow. That has not changed unless we take responsibility and do what we should have done 40 years ago and started making an effort to have energy independence and reducing our dependence on foreign oil.

We shouldn't get angry. We should get even and do what we need to do as Americans to reduce our dependence on foreign oil.

Mr. RYAN of Ohio. That's exactly the point, that if we do nothing—which is what our friends on the other side of the aisle want us to do is nothing. We know that over the last 8 years, \$1,100 increase in energy costs. So keep doing that, you know what you're going to get.

What we're saying is we can't afford to keep doing nothing. We have to do something. And what we're doing is reducing our dependency. Give us control over what we're doing. We have no control in many ways when we're depending on sheiks in the Middle East. So, to your point, we've got to take control of this issue.

We're Americans, for God's sake. And you know what? When have we started in this country to be afraid of doing big things? Let's wrap our arms around this energy issue and take control of it and take it under the umbrella of the United States of America and stop all of these problems. You're exactly right. If gas is \$4 a gallon this summer, we would be getting calls from our constituents, What are you doing? And you know what? If it wasn't for the recession, it probably would be. So next year, there will be \$4-a-gallon gas, and hopefully we're moving along to fix this problem.

Mr. BOCCIERI. Mr. TONKO, why don't you take a minute and wrap it up.

Mr. TONKO. Thank you for bringing us together, and it's great to develop this colloquy with our colleagues here in the House, but I can't help but wonder which of us would have the opportunity to serve in this House if we pledged at election time to make certain that we develop jobs in competing nations for developing green energy innovation? Which of us would serve here? Which of us would serve here if we pledged to send dollars to some of the most troubled spots in the world that find us defending freedom-loving nations against some of these forces around the globe? We would be rejected resoundingly by that electorate.

Well, that's what's happening here. The agents of status quo are content to continue this effort to have other nations build the renewable resources out there. They would be content to have the American public send tons of their hard-earned dollars into the economies of the Mideast on which we rely for well over 60 percent of our oil supply. That is unacceptable.

And we can do it cleaner, we can do it greener, we can do it through American resources that develop American jobs to respond to the energy crises around the world. We can become that go-to Nation that will be the exporter of energy intellect, energy innovation, energy ideas. Just like we won the race in the 1960s for the space race.

We need to win this race. We don't have a choice to enter in. I think that choice has been made because there is a competitive edge already that's being developed with other nations out there. We need to go forward with an aggressive investment.

The investment here is to combat a huge deficit that was inherited by this administration, by the Obama administration. It was driven high and it started with a surplus. They spent away

that surplus. They drove us into a deficit situation, and now it is necessary for us to invest in an innovation economy that creates jobs.

Mr. BOCCIERI. I thank the gentlemen for joining us tonight. This has been a very intriguing dialogue, and I hope we garner a deeper appreciation for what it means to become energy independent. You all have the right vision. Now we have to find the courage in the Senate. We have to find 60 patriots in the Senate who will stand up and put America first and suggest that this is about producing and creating jobs here in our country, protecting our national security, and moving away from our dependence on foreign oil.

So with that, I will yield to my good friend from New York as we wrap it up.

Mr. McMAHON. Thank you for convening the Freshmen Power Hour, and thank you also for having such a special guest in Congressman RYAN gracing us with his eloquence here, with his maturity and wisdom from so many years here in Congress.

You guys have said it all here tonight. This is, quite frankly, a no-brainer. Cap-and-trade was a Republican idea. It makes sense. It's market principles. It's about national security. It's about jobs, manufacturing good jobs for electricians and carpenters and plumbers and steamfitters and engineers and scientists. It is about our environment, too.

You know, Congressman RYAN, when you were talking about the people in China saying, Hey, we want clean air, in Staten Island in New York, we have the highest lung cancer rates in America. The people of Staten Island and Brooklyn and New York City, we want clean air, too. So it's about the environment as well.

But this is a bill that allows us to do all of those things in a uniquely American way, the right way. I'm glad we voted for it in the House. I'm disappointed at the Republicans that they keep lying about it, but I hope, as you said, 60 patriots in the Senate will find a way to get this done and we'll send this bill to the President's desk and get it signed.

Mr. BOCCIERI. Mr. Speaker, let's get this done for America.

We yield back.

□ 2230

CULTIVATING AMERICAN ENERGY RESOURCES

The SPEAKER pro tempore (Mr. MINNICK). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker. I do appreciate the time.

As frustrating as these times are, and as difficult as these times are for America, it never ceases to be an honor

to serve in this body and to be serving, in my case, the constituents of east Texas. It does mean so much, and the more that you know about history and where we've come from—

Ms. FOXX. Would my colleague from Texas yield for a moment?

Mr. GOHMERT. Yes, I will yield.

PARLIAMENTARY INQUIRY

Ms. FOXX. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. FOXX. One of the gentlemen just speaking in the Special Order said, "Republicans keep lying about it." I thought there might be some concern about the use of that phrase, and I would like to ask the Speaker if that is an acceptable phrase to be used on the floor when speaking about other Members.

The SPEAKER pro tempore. Members are reminded not to engage in personalities.

Ms. FOXX. Thank you, Mr. Speaker. Unfortunately, the folks who said it are not here to hear you say that. But thank you very much.

Mr. GOHMERT. I appreciate the gentlewoman from North Carolina pointing that out. I was in the back, jotting down a few notes. But I have had some concerns about some of the things that I had heard. For example, it is inappropriate under the House rules for someone in this body to call another person in this body a liar. That violates the House rules clearly. It's inappropriate to call names in here and engage in personality destruction. That's not appropriate. I've had constituents wonder why those of us on the floor don't call each other names, like Gordon Brown was called in Parliament in England. I have explained to them, Well, we have rules in the House. We don't do that kind of thing here. It's entirely inappropriate, and you can be called down. You can be censured for inappropriate conduct here on the floor and name calling, engaging, as the Speaker said, in attacks on personality.

But there was a comment I did hear in the discussion amongst my colleagues across the aisle about energy; and what I noted when I wrote down the comment was, "If we do nothing like those on the other side say," and I attribute no ill motive or intent to that comment. But the trouble is, that is not accurate; and obviously, it indicates just an ignorance with regard to what has been proposed on this side.

For example, in the area of energy, we have proposed bill after bill that would provide this country more energy. For example, 80 percent or so of our coast is off-limits to drilling off that coast. You can drill off the coast of Texas, Louisiana, Mississippi. There are some areas where drilling is going on. But we have found in Texas that despite all the naysayers who have said

it would kill off fishing, when I was growing up in Texas, they allowed platforms off the coast. We ended up having platforms off the coast of Texas, drilling for oil and gas. Lo and behold, guess what happened—fish proliferated out there. They used the platforms as an artificial reef. So if you go out fishing in the Gulf with a guide, they're likely to take you to an oil and gas platform because the fishing abounds around there. Lo and behold, man and environment can work together for the good of both. Not only would we produce great amounts of energy and avoid this country going back to \$4 a gallon gasoline, which we are going to go to because of the policies of the current administration and the current Speaker who want to put more and more—not just want to—they are constantly putting more and more of our natural energy resources off-limits, just constantly.

Some of us have had bills, supported bills that have used the information available to say, If we allow drilling off the Outer Continental Shelf, it will do a number of things. For one thing, it will provide tremendous amounts of money for the Federal Treasury because of the royalties coming from that. Not only that, there are estimates that if we allow Outer Continental Shelf drilling, that it would produce at least 1.1 to 1.3 million jobs. Well, the President originally promised that he would create 3 million jobs, and he backed off of that and said, well, he may save that many, or 4 million, may save them. And obviously you can never document that you saved a job, only if you created them or didn't. So that's why it was important to inject the word "save" in there.

But with regard to drilling in the Outer Continental Shelf, there would actually be real jobs created, not just on the platforms—there, of course—but it would create jobs in every single State. Then also if we allowed drilling up in ANWR—and it's not this beautiful mountaineous area up there. It's not. You go up there, and there's nothing there. Nothing lives there. The caribou may go through once a year, but they can't live there. There's nothing to live on. Birds may fly through every now and then, but there's nothing there for them to live on. That's the area that Jimmy Carter designated for drilling because it was an ideal place, and there was plenty of oil there. But if we allowed the oil to be pursued there, it would create a tiny footprint; and compared to the massive size—and it gets smaller constantly with technology—there would be another 1 million jobs created around the country, the United States, more Federal money, more jobs, which actually would create more Federal money. Then also there are some slopes in Alaska where drilling for natural gas has not been allowed, and that's esti-

mated to create another 1.1 to 1.3 million jobs. We could have between 3 million and 4 million jobs without taxing an extra quarter of a penny. It would cost nothing extra if we just used the resources we've got.

Ms. FOXX. Would the gentleman yield?

Mr. GOHMERT. Yes. I yield to my friend from North Carolina.

Ms. FOXX. I appreciate your helping to correct some of the things that they said. But I was very concerned with the fact that they said, We, on this side, want to do nothing. You know, I can challenge the veracity of their comments, particularly on that one. The gentleman, I know, is aware of the fact that Republicans have been trying for 2½ years to do something about the situation with energy. I know that you shared with 130 of us, I think, who came down last summer and spoke all during the month of August. But just for my sake and for anybody who's watching tonight, would you please verify that Republicans have offered several bills to do the very kinds of things that these gentlemen were talking about tonight? The unfortunate thing is that we're in the minority. They're in the majority. So they can talk a lot about it, and they could do something about it when we could not at the time, except bring it to the attention of the American people. But please make a comment about the American Energy Act.

Mr. GOHMERT. Well, sure. We had the American Energy Act. There are so many Republican bills that have been filed, and they encompass virtually everything. We want more solar. We want more wind. All these different sources. Nuclear power. I never thought I would end up indicating we ought to emulate France about anything, but they've done a terrific job in producing nuclear energy.

□ 2240

And so that is another area that we can utilize.

Natural gas from the horizontal drilling, the hydraulic fracking, when it's properly done, it has produced now, in recent years we find out, much more natural gas than we thought. And we have plans that encompass all of these things, every single source of energy.

What also our friends across the aisle have not realized, they made a comment about how their energy, their "crap and trade" bill would actually create jobs. And that does indicate to me that they didn't read their own bill. And that's rather unfortunate because there are things that contradict what they said.

But we've had many bills, and we call them "all of the above." And as my friend, Dr. Foxx, recalls, we were pushing an all of the above. We want to utilize all of the gifts with which this country has been blessed. We have

more coal—now, coal burned improperly pollutes the atmosphere. We can demand better; coal-to-liquid that doesn't produce all the pollution that just burning coal does. We can require scrubbers, as we have over the years, to help clean up the environment.

We have more coal than any nation in the world. We have vast supplies of natural gas, now over 100 years worth. We've got vast amounts of oil. We had estimates in our Natural Resources Committee—and we've talked about so many of these issues there—in a 500-square-mile area that includes Utah, Wyoming, and part of Colorado, there is a very thick shale there that we would like to see oil produced. And some estimates are 1 trillion to 3 trillion barrels of oil could be produced. Well, we were told that there's only about 1 trillion barrels of oil left in the entire Middle East, and we may have one to three times that much in one 500-square-mile area if we allow the people to go after it. And our plans all include those things.

But one other thing about pursuing that energy ourselves would be, we have a plan. We have bills that would actually take the money from the Outer Continental Shelf revenue, it would take money from ANWR production, it would take money from the gas production in Alaska and would actually use that to do research and find these other sources of energy.

I have a bill myself that they won't let come to the floor, and it's far-reaching. And some might say, well, it's kind of like the Star Wars idea that Reagan pushed—which ended up bringing down the Soviet Union and providing cover for so much of the world these days. But I really believe that someday solar energy will be our best source of energy and we'll be able to utilize it more so than ever. But we don't have a good way to store electricity. We can store energy. Energy can be stored, as it is in a place or two around the country, where during low-usage times they will maximize production of electricity to use it to pump water up into high reservoirs so that in peak times the water can flow down, turn turbines, and produce additional amounts of electricity. Now, that's storing energy, but it's not storing electricity.

So I had a bill that would say, for anyone who comes up with a way to store electricity in megawatt amounts for 30 days without losing more than 10 percent of the power, you get a \$300 million cash prize. Now, obviously if somebody comes up with a way to do that, they're going to make a lot of money off the process. Some say there is no way that could ever happen. Some scientists I've talked to said, Man, if we could do that, find a way to hold that electricity, we would never need any other source again. It would revolutionize everything. We might even be

able to harness electricity. I mean, the lightning from electricity that would come down, we could just store that.

And so those things, I think they are out there. I don't know of a Democrat bill that addresses that; that's a Republican bill, that's my bill. That's far-reaching; it's not going to happen in the next 2 years. But we believe if you use the energy resources we've got, the carbon-based resources we've got, demand clean air, clean water, and be good stewards of the environment, but then use the proceeds to develop the next generation of energy, then we don't have to have people lose jobs.

Now, our friends across the aisle were talking about they were concerned about jobs going to China and places like that. The fact is, that crap-and-trade bill is going to run jobs to China, India, Brazil. And I don't see how anybody can say they're going to help the environment by closing down manufacturers in this country and driving them to countries who produce four to 10 times more pollution to do the same job that goes into the same atmosphere. That is ridiculous. That doesn't preserve our environment; it makes it worse.

And another thing, too, it's historical fact that when a country's economy is struggling, the country quits worrying about the environment. They quit being good stewards of the environment. We don't have to do that. We can be good stewards, but you've got to have a vibrant economy to do that.

So why in the world would you want to put extra requirements on your industry in order to drive them to countries that would pollute 4 to 10 times as much? It makes no sense at all.

I yield to my friend, Dr. FOXX.

Ms. FOXX. Well, I think that this is a great segue to talk about the other subject that we wanted to talk about tonight, which is health care, and what is happening with the health care debate.

Mr. GOHMERT. Let me reclaim my time just briefly because that's where we want to get, but I do want to point out one other thing.

When I hear the talk about what this body is doing to create jobs, let me mention this. They didn't read the crap-and-trade bill because it says—and I pulled it out here on the floor, but I didn't have the full bill because there was only one bill in which both the 300-page amendment filed at 3:09 a.m. was being interfaced with the other bill, and that was right up there on the second level. And I finally got up there and found out where the one—and the Speaker ruled, consulting with the Parliamentarian, that even though there was no final bill that was put together with the amendments in the final bill, that that two stacks of documents that was not collated, didn't have all the lines deleted that it was supposed to, that that bill constituted

the official copy that was supposed to be here on the floor.

But in that bill there was a climate—I believe it was called a Climate Adjustment Fund, something like that, and it created a fund. And in the face of people saying across the aisle that nobody's going to lose their jobs, we're going to create jobs—and I heard it again tonight—if you just read the bill—obviously these weren't the people that wrote it, but whichever staffers wrote it, they knew that somebody was going to lose their job. Maybe Members didn't know because they hadn't read it, but the staffers that put that bill together knew people were going to lose their jobs because the fund said it was to compensate people who lost their jobs because of the crap-and-trade bill.

And not only that, it created money in there to help people with relocation. But the problem is, it wasn't going to help them relocate to China, India, Brazil and these different places where those jobs were going to actually go. That was in the bill. So the people, whatever staffers drafted that bill, they knew people would lose their jobs, but unfortunately the Members that didn't read the bill didn't know that that was in there.

And not only that, as my friend, Dr. FOXX, knows, in the last month, what have we been doing? According to my friends, some of them across the aisle, Oh, we've been concentrating on jobs, jobs, jobs. Last week, we passed a bill for \$770 million for wild horses and burros. I love horses, I grew up riding them, I love them. But the problem created after our friends across the aisle took the majority, they outlawed controlling the herds of these wild horses—even though they have an area bigger than New York State to run wild in.

Well, they have proliferated like crazy. And now, since we couldn't do anything for herd control, now they want to spend \$770 million, a big hunk of that, to buy a place bigger than West Virginia for the horses to continue to run around in. There was some money in there that I'm sure would have created a few jobs, that was going to help the wild stallions with their birth control, their contraception. So that was going to be interesting to see somebody apply for that job and do whatever was required to help the stallion with his contraception needs. But anyway, that was \$770 million.

Not only that, my friend knows that we just passed—and I know neither one of us voted for it—we passed a bill for \$25 million to help the otters. And as I pointed out here, when we passed the bill for \$25 million for the cranes—not the whooping cranes, but cranes, most of which are in other countries—and \$25 million for rare dogs and cats—none of which are in this country.

I was pointing out to my friends across the aisle, you know, you talk

about wanting to save jobs and helping; we've got Americans with habitat problems right here. And you're sending money to China that we have to borrow from China in order to buy land to let these rare dogs and cats live on so somebody can move into that area that's starving and kill those rare dogs and cats. I mean, that's insane when we have Americans having habitat problems.

□ 2250

So when I hear people saying oh, no, we're all about jobs, jobs, jobs, I am very concerned. But I was able to point out to some of my friends that supported the crap-and-trade bill that actually there is good news in there for the people that supported that, like our friends across the aisle that did, that actually when the voters find out what all is in that bill that they didn't read, there's good news for them because they may be eligible for both relocation and that allowance because they'll lose their job as a result of that bill. So they may be able to get proceeds under the fund when they lose their jobs because they voted for that bill. I did want to point those things out.

The sea turtles, don't forget we sent sums because it may be necessary to protect sea turtles, and 80 percent of that is required to go to foreign countries and not stay here. I mean, people here have habitat problems, and we're spending money like it's just growing on trees up here, and we are going to be in trouble.

Now I would like to get into the health care issue because there is money being spent, again, like it's growing on trees. The estimate of the President's plan, \$1 trillion to \$2 trillion. We had just gotten the data back, I think, in May for 2007 that showed all the spending for Medicare and Medicaid. It didn't even include SCHIP. Medicare and Medicaid. And we want to help people. We are a caring Nation, and that's what a caring Nation does. But you've got to spend your money wisely.

So we got the data, and you divide the number of households in America into the amount of money spent by the government on Medicare and Medicaid, and it's \$9,200 per household, for every household in America. The average is every household in America had to come up with \$9,200 in order to fund much less than one-third of the population on Medicare, Medicaid, and SCHIP. Well, that's insane. We can do better than that.

That's why I started putting together my own bill that basically would save tremendous amounts of money. And for the first time ever, senior citizens would have complete coverage. They wouldn't have to buy wraparound, supplemental coverage, anything like that. They would have complete cov-

erage with a high deductible insurance, which is normally so much cheaper because you have the high deductible.

Then to cover that deductible, for any household where people were on Medicare, Medicaid, or SCHIP or any combination, we would give them cash money, \$3,500, in a health savings account that they access with a debit card, and it is theirs to access for health care. And for anybody that might try to spend it on anything else, it wouldn't work because the bill requires it to be coded in such a way that only health care items, whether it's prescription drugs, over-the-counter drugs, treatment at the doctor's office, all those kinds of things would be covered. And when you ran up \$3,500, if you did, then the insurance that we would purchase for you every year would kick in and you'd be covered.

And to provide \$3,500 in a household account of everyone on Medicare, Medicaid, and SCHIP, give them that cash money in the health savings account they completely control with that debit card, no gatekeeper insurance company or government telling them they can't if it's truly for real health care needs, and then above that the private insurance we would purchase with Federal money would cover them so well, they wouldn't need any kind of other supplemental.

Now, that is showing care for senior citizens, for those who are in poverty. For all of those who are in poverty, senior citizens, disabled that needed Medicare, Medicaid, or SCHIP, that is the kind of caring that I know Republicans care about; that you can do it better without some government bureaucrat jumping in between people and their doctor.

Now, I have a health savings account right now and insurance coverage. Some people say Congress has got these gold-plated policies. I've got a \$3,000 deductible. I had better insurance when I was in private business. I had better insurance when I was a judge and chief justice than I do right now. I did. But I've a \$3,000 deductible policy, and I try to accumulate enough money each month into my health savings account, but it's going away at the end of the year.

Well, in the bill that I'm going to file, and I have about got it finished, it actually lets your health savings account amount roll over if you have excess in there each month. But for our seniors, all those on Medicare, Medicaid, and SCHIP, they would get a new \$3,500 in their health savings account every year. They would have new insurance purchased every year. And they couldn't be dropped because of a preexisting condition or anything like that. They'd just be covered and we'd take care of them. That's the kind of thing that shows when you really care about people.

I yield to my friend Dr. Foxx.

Ms. FOXX. I appreciate my friend leading the Special Order here tonight on health care.

I always like to start with setting the stage and getting the facts. I come from a background in education and in business, and I like to put the facts out so that people can see what they are and then make judgments themselves instead of just saying, like some of our colleagues do, what is happening. So I would like to show a chart that I have and I'd like to really talk about what is being talked about and what has driven this emphasis on doing something about health care.

Now, we hear that it's being called "health care reform," although I think some of our colleagues and the President have stopped using that term "health care reform." But I think it's really important that we put into perspective what it is we are talking about.

We hear all the time that there are 47 million Americans who do not have health care. That is not accurate. I have the numbers. I have the sources for them. If anybody wants to get these from me, they're from the Census Bureau. They are from the Congressional Research Service, the National Institutes of Health, the National Institute for Health Care Management, and the National Survey of American Families. So these are not numbers that I have made up or Republicans have made up; these are numbers that come from government sources.

So first of all, we don't have 47 million Americans who do not have health care. I've said it before. I have been criticized for saying it. But it is the truth. All Americans have health care. All they have to do is go to a doctor or go to a hospital. They will get health care. We do not turn people away from health care providers in this country. So they have health care.

But what these people really should be saying is they want to talk about the number of people who do not have insurance. There is a big difference between saying a person doesn't have health care and doesn't have insurance. And even that number needs to be clarified. So the folks who are making a big issue out of 47 million Americans, which is an inaccurate figure, really should be saying there are 45.7 million people in this country who are uninsured. Now, let me break that down.

Of those, 9.5 million are not citizens. So when you hear it's Americans who do not have health insurance, that's not accurate either when you're using the 45.7 million because 9.5 million of them are noncitizens. Many of them are here illegally.

Then we have people who are eligible for public programs: Medicare, Medicaid, SCHIP. That's 12 million people. They have chosen not to participate in those programs.

You know, this is the freest, greatest country in the world. We are allowed in

this country to make decisions, lots and lots of decisions. And I find it really interesting that our friends on the other side want to push choice that destroys unborn babies but when it comes to choice for school, when it comes to choice not to participate in a government program, they are not so keen on that. But we do have 12 million people who have chosen not to go into Medicare, not to go into Medicaid or SCHIP.

□ 2300

That's their choice. Then we have 9.1 million who are only temporarily uninsured. That means for maybe a month out of a year, in between jobs, or for other reasons, they might be uninsured. But they are not uninsured all the time. That is just for a brief period of time. So that's another 9.1 million. Then there are 7.3 million who make over \$84,000 a year. They are perfectly capable of purchasing health insurance. But most of them are young people who don't feel the need to do it.

I talked to a lady on the phone tonight who used to own a small business, and she said that it was all men, and they were between the ages of 20 and 35. And she said, we had the lowest rates for insurance of anybody because those people don't get sick very often and don't need a lot of insurance, and insurance obviously is calibrated on facts related to the age and the usage. And so she said it was very low rates at that time.

So a lot of people who are in that age range don't see the need to get insurance. So there's 7.3 million. That brings us down to 7.8 million who have lower income and long-term uninsured. These are people who probably would like to have insurance, but they feel they can't afford it. That's the number of people that we need to be serving in this country.

We do not need to turn our culture completely upside down, which is what the proposal from the Democrats is, in terms of health care, give government control of our lives, to take care of 7.8 million people. That would be a relatively inexpensive thing to do when you're talking about trillions of dollars.

Now, I believe, as my colleague has mentioned, that we need to reform Medicare and Medicaid. I believe in that. I think we should be doing better in those areas. We could make those programs better. We could have a higher quality of care, I believe, and again, more choices for our seniors and for those who need those programs. But we simply do not need to redo the entire health care system in this country to take care of 7.8 million people.

We know that American people are hurting. Republicans know that we need reform. And I want to go back to what our colleagues on the other side of the aisle keep saying. But saying it isn't going to make it true. They keep

saying, Republicans don't want to do anything. They talk about our being the do-nothing group. That is simply not true. It was Republicans who instituted health savings accounts. And it's one of the things that the Democrats most hate because, again, it gives people choices. It allows people to build wealth. If they put that money into health savings accounts and they don't use it, they keep it. If you put money into insurance and you don't use it, it's gone.

We believe in building wealth and allowing individuals to do that. We believe in continuing the good habits that this country has fostered over the years, again, keeping the government out of our lives, keeping the government from running our lives from cradle to grave, and letting people make their own decisions and continuing to make this country the great country that it is, the only country I know of where people are struggling to get into. And I'd like to yield back to my colleague from Texas, because I know he has some great stories to tell about issues related to health care and some experiences, more experiences to talk about. And so I'd like to yield back.

Mr. GOHMERT. I thank the gentleman for yielding back. But I thank her even more for her insightful comments and explanations about those who are without insurance and what the real number is that we're talking about, and the real number that we really need to do something to assist. That is so immensely helpful.

But I was struck last week too that, during debate over the health care issue, and some on this side of the aisle were giving story after story, true stories, of just terrible things that had happened, and people died, suffered immensely under health care in England or Canada because of the long waiting list that people get put on to get, either diagnostics to find out if there's a problem, or what the problem is, and then whatever the therapeutic need is, whether it's surgery, radiation, whatever, how long they waited, and some died while waiting for that.

And we had a friend across the aisle get up and say that, You know, gee, folks here are talking about Canada and England and their health care. No, no, we're not going to be like them. We're America. We always do things better.

And I was so struck by that comment because, for a couple of decades, we've been hearing people on the other side of the aisle talk about we need health care like England. We need health care like Canada. And that's been going on for a number of years, pointing to Canada. Look, we need to be like Canada. We heard that over and over. And then when we start getting into the nitty-gritty and just exactly how people are getting treated in Canada and England, the great examples we've heard for so

many years, and we start pointing out these are not good systems that you've been telling us we need to imitate and emulate, then we get the response, Well, we're America. We'll certainly do it better than they did.

Well, the trouble is it doesn't matter what your country is. When you pursue socialism, and the United States government or any other government is trying to take over health care, and run health care, you're headed for trouble. It's socialized medicine. I was an exchange student in the Soviet Union back in 1973 for a summer. We went to hospitals, to medical schools. There were 8 of us allowed in on that program in the Soviet Union that year. And anyway, I don't want socialized medicine. I've seen it.

And now we have friends across the aisle who have admitted this week that, really, you know, the public option they've been pushing for, it's just a way to finally get to the single-payer health care where the government runs everything. And my friends, Mr. Speaker, should know that once the government pays for everybody's health care, then they will have every right to tell you how to live, tell you what you can eat, tell you where you can go, if it's too dangerous. Once they pay the health care, then freedom and liberty that has been known in this country will be so dramatically impeded.

We don't have to go there. And when you use common sense, which I'm told in Washington is not so common, you use common sense, you see that we're already, probably by now, spending \$10,000 from every household in America, on average, to just give 90 million people health care. And you realize, good grief, we could do better than that. If we just bought them the best sterling silver, golden health care in the world, gave them that kind of coverage, and there are some things that need to be done so the insurance company doesn't create problems and impede your freedom there, too. And you give them money for their own health savings account that they completely control, and it ends up being cheaper—that's a real solution.

□ 2310

You give senior citizens complete control for the first time since Medicare came into existence, and then you give them complete coverage like they've never had, like they've never had. So that's a rather significant development.

There are a few other things I'd like to point out which are proposed in my bill, because I am sick of people across the aisle saying that we don't want to do anything about health care and that we like the status quo. Folks, we cannot stand to do the status quo. We have got to make some changes or it is going to bankrupt this country. We can do better, and this is one proposal that will.

One of the things we've got to have is complete transparency in health care costs because we sure don't have it now. We're not even close. You know, I've asked myself before: What is this going to cost? Well, it all depends; and it does. Which insurance have you got? If you don't have insurance, then that's another cost; but they may give you a little discount. Even if they give you a little discount, it's not going to be as cheap as you could get if you were an insurance company like Blue Cross.

Well, under my proposal, under this plan, you would have complete transparency because every health care provider would have to disclose to you exactly what the cost is. If they're proposing a cost that's different to you than what they've charged to some insurance company, then they have to tell you that, and they have to tell you how much they charge to these other entities. That's part of the bill. We've got to get away from this insane billing system where a hospital may bill \$1,000 to \$1,500 for a room for a night, hoping they'll get back \$100 to \$150.

I was involved in a situation. It wasn't my personal situation, but I was very familiar with it. There was a car wreck. A man ran a stop sign. The hospitalization was 2 days, the testing, all the doctors, the ambulance—everything—came to around \$10,000. That was the total of all the bills. As an attorney, you gather together all of those bills, and you provide them to the auto insurance company of whoever is at fault, and often they'll work out a settlement with you.

In that case, a settlement was reached. Money was put in escrow as required under State law, and then State law requires, before any of the proceeds of the settlement can be disbursed, that it has to first refund any money that any health care provider or insurance company has provided on behalf of the injured party. So, in accumulating the documentation, again, it was around \$10,000 total.

The documentation came back from all of the providers that everyone had been paid in full by the health insurance company of the injured driver. Everybody has been paid in full under their agreement with the health insurance company, so then you have to get documentation from the health insurance company.

Okay. Show us how much you paid to all of these different health care providers—hospital, ambulance, tests, doctors, all that stuff. Show us how much you paid to satisfy the \$10,000 in health care costs, and you'll be cut a check for that amount, and we'll send it right on out to you. The documentation came as to how much the insurance company paid in full satisfaction of \$10,000 in health care costs, and it was right at \$800 to satisfy \$10,000 in medical claims.

So, if you're the party and if you get these claims, you go, Oh, my word.

This is \$10,000 of health care costs? Thank goodness I have insurance. I sure couldn't afford \$10,000. If you knew the real truth, that it was being paid in full with \$800, you might realize, gee, you don't need as much insurance as you thought you did. You could buy cheaper insurance; you could have a deductible, and your insurance would be cheaper.

With the proposal for everybody, it would cover everybody on Medicare, Medicaid and SCHIP or any combination. We give them cash in their accounts that they control, and then buy insurance on top of that. It will save this government money, the State's money, and it will give dignity back to seniors who've had to beg the government, who've had to beg their supplemental carriers and who've had to get into arguments. That would have to cease. That would cease and it should. As the Federal Government, we should see to that and not create greater slaves to the Federal Government.

Another thing that this bill would do—and again, it's a Republican bill. There are numerous, wonderful plans that are being proposed on the Republican side of the aisle, but we're not in the majority. The majority can control and can keep every one of these great ideas from coming to the floor. In my proposal, it also addresses and provides great incentives for employers to pay money into individuals' health savings accounts, and that would be money that you, the individual, would have, would control, which would be yours. Again, it's a debit card—it's in the bill—that's coded to cover things that are health care related. Then you would have a high deductible insurance to cover things above the health savings account amount.

Yet since young people hardly cost anything, young people in their 20s and 30s, they would be accumulating vast amounts of money in their health savings accounts so that, by the time they would get to be seniors, the government wouldn't need to pay anything because they would already have so much in their health savings accounts that they could buy their own great insurance. They could pay for whatever they'd need, and they'd have a high deductible insurance.

There have been some statistics that have been put together that have shown that young people could pay for the best assisted living that they could ever need. Special needs would be addressed. That would be the way to get off this road to the \$22 trillion that has been estimated we're headed toward with the Medicare system we're on right now.

There are those who have been desensitized by President Bush's requesting \$700 billion last fall, by President Obama's asking for \$700 billion this year and by the \$400 billion land omnibus bill's actually getting, apparently,

over \$400 billion of the original bailout money for Secretary Geithner to throw around at his friends as he sees fit. So people have kind of been desensitized as to how much \$1 trillion is.

So that it can be put in perspective, the total amount estimated to have been received by the U.S. Treasury for tax year 2008 is apparently going to be around \$2.5 trillion.

We have Medicare that is running through the roof, which will break this country. At the same time, seniors, relatives of mine whom I love and care about, are having to buy supplemental insurance because it really doesn't take care of what they need. They're fussing with their insurance companies; they're fussing with Medicare. That is ridiculous. You get toward your last days on Earth, and you've got to fuss over that kind of stuff? That's absurd. We don't have to do that.

Another issue, though, with regard to health care is not only the transparency of costs, but it is an issue with regard to migrants, both illegal and legal, getting free health care. We've seen very clearly health care costs will bankrupt this country if we don't do something to save this Nation, and we can. It's doable, but we have got to get back to reality.

It's estimated that there are over 1.5 billion people in the world who would like to immigrate, who would like to come into the United States. Legally or illegally, they would like to come into this country. Well, we've got over 300 million Americans right now. If 1.5 billion people came into this country, it would overwhelm everything, and we would be bankrupt overnight because we would not be able to absorb that kind of thing.

So, at some point, we have got to go back, as our forefathers did, and say: You know what? The rule of law means something. That's why we have such a top economy in the world, and that's why our friends to the south, Mexico, don't. They've got great workers, hard-working people. They've got incredible national resources, but they're not one of the top 10 economies because they've not been a nation of laws where the rule of law has mattered. They've been a country where graft and corruption all too often have been the rule of the day, not the rule of law. You can bribe your way out of things, and that is why they have not advanced.

Well, we don't need to forsake the rule of law. I am all for having all of the visas we need to supply the workers we need. Right now, we don't need a lot of workers, because there are a lot of out-of-work Americans.

So, as to all this talk about jobs Americans won't do, well, we had a hearing in the crime subcommittee in the last couple of weeks, and we found out that, out of just over 200,000 people incarcerated in Federal prison, 53,000 of them are migrants, immigrants in the

country. We were told that most of them were illegal immigrants. We didn't get the exact number out of the 53,000.

□ 2320

But over 25 percent of the people in Federal prison are not American citizens and most of those 53,000 are illegally here. Well, people who are illegally here and are not paying for health care will bankrupt this country if we allow this to go unabated. And some of us care enough about our contribution as the greatest philanthropic country in the world's history and if we'd like to continue to do that, that we need this economy going and going forward in good measure.

And so part of this proposal and part of this bill is that if you are seeking a visa to come into this country, you will have to show proof that you have a health savings account, health insurance to cover your health needs while you're here. There's a provision where employers can set up migrant worker health care costs, or to cover health care costs while they're here and that will satisfy the requirement. You can show proof that the household you're going to be living in will allow you to be part of their household insurance and health savings account. But you're going to have to provide that or you don't get a visa or you don't get one renewed.

Not only that, the Supreme Court in this caring nation says if you present yourself while you're illegally in this country to a hospital, we'll provide your health care needs. That's the law. The Supreme Court says it is; we'll follow the law. But once we've got you well enough to travel, you will be deported and because a bankrupt nation is a matter of national security to avoid, then if you come back after you've been illegally here and required free treatment, free to you but at a huge cost to the American taxpayer, then that will be a crime, that you came in illegally, got free health care and then after deported you came back again, that will be a crime and you would have to be incarcerated. We have got to stop that, so that we continue to be the kind of nation that 1.5 billion people would like to come to and that people around the world can receive the great charity of this nation. Otherwise, a bankrupt nation can't help anybody around the world.

Mr. Speaker, I would like to inquire, how many minutes do I have left?

The SPEAKER pro tempore. The gentleman has 6 minutes remaining.

Mr. GOHMERT. Thank you, Mr. Speaker.

I would also like to point out that under this health care plan, insurance whether purchased by the employer, purchased by the Federal Government, purchased by the individual, it will be totally owned by the individuals that

have the insurance which means it's fully portable. There will be provisions that you can't be dropped because of preexisting conditions, things like that, because we have got to get things back on keel and that would be very helpful to do that.

I would just like to encourage, Mr. Speaker, those who are beginning to think, and I was on a telephone town hall conference tonight before I came over. We had thousands of people on that call. We asked the question, how many would like for the government to run health care? And we had right at 98 percent say they absolutely did not want the government running health care. They know too much about it themselves. We asked how many people were satisfied with their own health insurance or their health care situation and the vast majority were. We don't have to redo the entire system. We don't. But we can do better than we are, and my Republican friends I've talked to, especially the last couple of weeks, like this idea. We'll be getting that filed and we'll get it scored. There's an opportunity to show the caring heart of Americans. And in a different way from what my colleague across the aisle was intimating when he said, We're Americans, we can do—what he was talking about—socialized medicine better here than they've done it. Not if it's socialized medicine, but I would submit to you as Americans, we can do better.

I never seek to impose my religious beliefs on anyone else but I think it's important to know history and where we are and I'd just like to conclude, because it may be a word of encouragement to people, that when the Washington Monument was dedicated, there's a four-sided pyramid capstone that was put on there, there's writing on all four sides but on the side facing the Capitol, up here this way, are the Latin words, *laus Deo*, praise be to God. That's on the top of the Washington Monument. That is the tallest point in Washington, D.C. Those people back then put *laus Deo*, praise be to God, on the side facing the Capitol for this reason: This is east of the Washington Monument. This is the side from which the sun comes up. They wanted to make sure that when God's first rays of sun hit anything in this Nation's Capitol, it was the words—boom—praise be to God, and that is what I hope Americans will be able to say with our Founders for many centuries to come.

With that, Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEWIS of Georgia) to revise

and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. TITUS, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SCHAUER, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Ms. LINDA T. SANCHEZ of California, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Friday, July 31, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2937. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Requirements Applicable to Undefined Contract Actions (DFARS Case 2008-D029) (RIN: 0750-AG29) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2938. A letter from the Chief Counsel, FEMA, Department Homeland Security,

transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1055] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2939. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting draft legislation entitled, "Defense Production Act Reauthorization of 2009"; to the Committee on Financial Services.

2940. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8081] received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2941. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of July 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2942. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-14, proposed Letter(s) of Offer and Acceptance, pursuant to section 36(d)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2943. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2944. A letter from the Assistant Secretary and the Acting Assistant Secretary for Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 046-09, Transmittal No. DDTC 065-09, Transmittal No. DDTC 005-09, Transmittal No. DDTC 070-09, and Transmittal No. DDTC 052-09, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

2945. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2946. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment (Transmittal No. DDTC 074-09); to the Committee on Foreign Affairs.

2947. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed export defense articles or services (Transmittal No. DDTC 028-09); to the Committee on Foreign Affairs.

2948. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 010-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2949. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 063-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2950. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 057-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2951. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 073-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2952. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to Germany (Transmittal No. DDTC 051-09); to the Committee on Foreign Affairs.

2953. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 067-09, certification of an application for a license for the export of defense articles of defense services to be sold under contract, pursuant to section 36(c) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2954. A letter from the Auditor, District of Columbia, transmitting the Office's report entitled "Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2008", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2955. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Audit of Advisory Neighborhood Commission 7A for Fiscal Years 2005 through 2008, as of March 31, 2008", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2956. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Audit of Advisory Neighborhood Commission 6C for Fiscal Years 2005 through 2008, as of March 31, 2008", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2957. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-34; Introduction [Docket FAR: 2009-0001, Sequence 5], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2958. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-022, Contractor Performance Information [FAC 2005-34; FAR Case 2006-022; Item

I; Docket 2008-0002; Sequence 2] (RIN: 9000-AK99) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2959. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-028, Role of Interagency Committee on Debarment and Suspension [FAC 2005-34; FAR Case 2008-028; Item III; Docket 2009-0021; Sequence 1] (RIN 9000-AL33) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2960. A letter from the Acting Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-32; Small Entity Compliance Guide [Docket: FAR 2009-0002, Sequence 5] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2961. A letter from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting the 2008 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2962. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2008 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2963. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the New Haven-Hartford and New London, Connecticut, Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL83) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2964. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION (RIN: 3206-AL13) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2965. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the 2008 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

2966. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG-2009-0430] (RIN: 1625-AA08) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2967. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Target Fireworks, Detroit River, Detroit, MI [Docket No.: USCG-2009-0483] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2968. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Pamunkey

River, West Point, VA [Docket No.: USCG-2008-1175] (RIN: 1625-AA09) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2969. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: F/V PATRIOT, Massachusetts Bay, MA [Docket No. USCG-2009-0512] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2970. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD [Docket No.: USCG-2008-1119] (RIN: 1625-AA11) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2971. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Symphony Orchestra; San Diego, California [Docket No.: USCG-2009-0345] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2972. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Post 9/11 GI Bill [DOD-2009-OS-0021] (RIN: 0790-AT43) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2973. A letter from the Federal Register Liaison Officer, Department of Veterans Affairs, transmitting the Department's final rule — Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA): Preauthorization of Durable Medical Equipment (RIN: 2900-AM9) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2974. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF PORT LIMITS OF DAYTON, OHIO, AND TERMINATION OF THE USER-FREE STATUS OF AIRBORNE AIRPARK IN WILMINGTON, OHIO [USCBP-2005-0091] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2975. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting the Commission's 2008 Annual Report on operations under the War Claims Act of 1948, as amended, pursuant to 50 U.S.C. app. 2008 and 22 U.S.C. 1622a; jointly to the Committees on Foreign Affairs and the Judiciary.

2976. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connection Slough, Bacon Island, CA [Docket No.: USCG-2008-1141; formerly CGD11-03-005] (RIN: 1625-AA09) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Veterans' Affairs.

2977. A letter from the Secretary, Department of Energy, transmitting proposed legislation to repeal subtitle J, Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources, of Title IX of the Energy Policy Act of 2005; jointly to the Committees on Science and Technology and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3269. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions; with an amendment (Rept. 111-236). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 697. Resolution providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions (Rept. 111-237). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2010 (Rept. 111-238). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS. Committee on Oversight and Government Reform. H.R. 2392. A bill to improve the effectiveness of the Governor's collection, analysis, and dissemination of business information by using modern interactive data technologies; with an amendment (Rept. 111-239). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LARSON of Connecticut (for himself and Mr. TIBERI):

H.R. 3399. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. PRICE of Georgia (for himself, Mr. AKIN, Mr. ALEXANDER, Mr. SCALISE, Mrs. BACHMANN, Mr. SOUDER, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. JORDAN of Ohio, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. CASSIDY, Mr. LAMBORN, Mr. FLEMING, Mrs. LUMMIS, Mr. WAMP, Mr. MARCHANT, Mr. ROONEY, Mr. COFFMAN of Colorado, and Ms. FALLIN):

H.R. 3400. A bill to provide for incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, the Judiciary, Rules, the Budget, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. POE of Texas):

H.R. 3401. A bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual

violence victims and provide for technical corrections; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself and Mr. COSTA):

H.R. 3402. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund; to the Committee on the Judiciary.

By Ms. WOOLSEY (for herself, Mr. ALTMIRE, and Mr. GEORGE MILLER of California):

H.R. 3403. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. STARK, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Ms. LINDA T. SANCHEZ of California, Mr. JOHNSON of Georgia, Ms. FUDGE, Ms. HIRONO, Mr. NADLER of New York, Ms. BORDALLO, Mr. FARR, Mr. LATOURETTE, Mrs. MILLER of Michigan, Mr. PETERS, Mr. DINGELL, and Mrs. CAPPS):

H.R. 3404. A bill to amend the Assistance for Unemployed Workers and Struggling Families Act and the Supplemental Appropriations Act, 2008 to provide for the temporary extension of certain unemployment benefits and the temporary availability of further additional emergency unemployment compensation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself and Mr. CASTLE):

H.R. 3405. A bill to authorize the production of Saint-Gaudens Double Eagle ultrahigh relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3406. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts reimbursed by an individual's employer for certain dietary supplements and meal replacement products; to the Committee on Ways and Means.

By Mr. BUYER (for himself, Mr. MICHAUD, and Mr. BROWN of South Carolina):

H.R. 3407. A bill to amend title 38, United States Code, to make certain improvements to laws administered by the Secretary of

Veterans Affairs relating to benefits for severely injured veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McDERMOTT (for himself, Mr. NEAL of Massachusetts, and Mr. TIERNEY):

H.R. 3408. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Ms. BERKLEY, Mr. SHIMKUS, Mr. COHEN, Mr. SHERMAN, Ms. HERSETH SANDLIN, Mr. OBERSTAR, Mr. CARDOZA, Mr. KIND, Mr. DAVIS of Illinois, Mr. DAVIS of Alabama, Mr. HELLER, and Mr. CROWLEY):

H.R. 3409. A bill to amend the Internal Revenue Code of 1986 to allow an additional credit against income tax for the adoption of an older child; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Mr. OBERSTAR, Mrs. BIGGERT, Mr. ROSKAM, Ms. BERKLEY, Mr. BILBRAY, Mr. BRALEY of Iowa, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Mr. FOSTER, Ms. HARMAN, Mr. KIND, Mr. MANZULLO, Mr. THOMPSON of California, Mr. SHIMKUS, Mr. HOLDEN, Mr. VIS-CLOSKY, and Mrs. HALVORSON):

H.R. 3410. A bill to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 3411. A bill to exempt certain coastal barrier areas in Florida from limitations on Federal expenditures and financial assistance under the Coastal Barriers Resources Act, and limitations on flood insurance coverage under the National Flood Insurance Act of 1968; to the Committee on Natural Resources, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself and Ms. ROS-LEHTINEN):

H.R. 3412. A bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. CAPITO (for herself and Mr. SPACE):

H.R. 3413. A bill to authorize the National Telecommunications and Information Administration of the Department of Commerce to make grants for the establishment of information technology centers in rural areas; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana (for himself, Mr. VIS-CLOSKY, Mr. DONNELLY of Indiana, Mr. SOUDER, Mr. BUYER, Mr. BURTON of Indiana, Mr. PENCE, Mr. ELLSWORTH, and Mr. HILL):

H.R. 3414. A bill to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the "Otis Bowen Comfort Home"; to the Committee on Veterans' Affairs.

By Mr. COSTELLO:

H.R. 3415. A bill to suspend flood insurance rate map updates in geographic areas in which certain levees are being repaired; to the Committee on Financial Services.

By Mr. DAVIS of Alabama:

H.R. 3416. A bill to extend to individuals evacuated from their residences as a result of a major disaster the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, to direct the Election Assistance Commission to make grants to States to respond to election administration needs which result from a major disaster, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. COFFMAN of Colorado, Mr. POLIS, Ms. MARKEY of Colorado, Mr. SALAZAR, and Mr. PERLMUTTER):

H.R. 3417. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature & Science in Denver, Colorado; to the Committee on Natural Resources.

By Mr. ELLSWORTH:

H.R. 3418. A bill to amend part D of title XVIII of the Social Security Act to apply the exceptions process for tiered formulary drugs to specialty tier drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. WEXLER, Mr. COHEN, Mr. KUCINICH, Ms. ROS-LEHTINEN, Ms. NORTON, Mrs. NAPOLITANO, Ms. FUDGE, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, Ms. MOORE of Wisconsin, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, and Ms. WASSERMAN SCHULTZ):

H.R. 3419. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. JONES, Mr. PIERLUISI, Ms. SCHAKOWSKY, Mr. LOEBSACK, Mr. BISHOP of New York, Mr. TONKO, and Mr. GRIJALVA):

H.R. 3420. A bill to improve and enhance substance use disorder programs for members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Ms. KILROY (for herself, Mr. GUTIERREZ, Mr. MINNICK, Mr. PERRIELLO, Ms. SCHAKOWSKY, Mr. BACA, Ms. SPEIER, Mr. HINCHEY, Mr. ELLISON, Ms. MOORE of Wisconsin, Ms. FUDGE, Ms. KAPTUR, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; to the Committee on Financial Services.

By Mr. KING of Iowa (for himself and Mr. LATHAM):

H.R. 3422. A bill to amend title XVIII of the Social Security Act to make temporary im-

provements to the Medicare inpatient payment adjustment for low-volume hospitals, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON (for himself and Mr. INGLIS):

H.R. 3423. A bill to impose certain sanctions on North Korea as a result of the detonation by that country of a nuclear explosive device on May 25, 2009, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 3424. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for excess non-taxed reinsurance premiums with respect to United States risks paid to affiliates; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3425. A bill to authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia to commemorate the enactment of the Fair Housing Act in 1968; to the Committee on Natural Resources.

By Ms. PELOSI (for herself, Ms. SLAUGHTER, Mr. MARKEY of Massachusetts, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. DELAURO, Ms. MCCOLLUM, Mr. SERRANO, Mr. GRIJALVA, and Mr. HARE):

H.R. 3426. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Public Health Network; to the Committee on Energy and Commerce.

By Mr. QUIGLEY:

H.R. 3427. A bill to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REICHERT:

H.R. 3428. A bill to amend the Emergency Economic Stabilization Act of 2008 to require a corresponding reduction in the authorization to purchase each time a repayment is made for assistance received under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. RYAN of Wisconsin (for himself, Mr. DAVIS of Alabama, and Mr. CROWLEY):

H.R. 3429. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. LEWIS of Georgia, and Mr. RUSH):

H.R. 3430. A bill to establish a Medicare DSH pilot program under which participants shall establish collaborative care networks to reduce the use of emergency departments, inpatient and other expensive resources of hospitals and other providers and provide more comprehensive and coordinated care to low-income individuals, including those without health insurance coverage, and to

establish a Collaborative Care Network Center; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER (for himself and Mr. BOREN):

H.R. 3431. A bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles; to the Committee on Energy and Commerce.

By Mr. SPACE (for himself and Mr. PAUL):

H.R. 3432. A bill to amend the Internal Revenue Code of 1986 to allow long-distance rural commuters a deduction during periods when the local price of gasoline exceeds \$3 per gallon; to the Committee on Ways and Means.

By Mr. WITTMAN:

H.R. 3433. A bill to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. DONNELLY of Indiana:

H.R. 3434. A bill to amend the Internal Revenue Code of 1986 to modify the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H. Con. Res. 172. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. ALEXANDER:

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress that the Federal Government should not levy any additional taxes on firearms or firearm ammunition during the current economic hardship; to the Committee on Ways and Means.

By Mrs. LUMMIS:

H. Res. 696. A resolution acknowledging and congratulating Western Wyoming Community College in Southwest Wyoming on the occasion of its 50th anniversary of service to the students and citizens of the State of Wyoming; to the Committee on Education and Labor.

By Mr. JONES:

H. Res. 698. A resolution expressing the sense of the House of Representatives that the fatal crash of an MV-22 aircraft on April 8, 2000, in Marana, Arizona, was not a result of aircrew human factors or pilot error; to the Committee on Armed Services.

By Mr. GRAVES (for himself, Mr. LUETKEMEYER, Mrs. EMERSON, Mr. MOORE of Kansas, Ms. JENKINS, and Mr. CLEAVER):

H. Res. 699. A resolution expressing the appreciation of Congress for the service and sacrifice of the members of the 139th Airlift Wing, Air National Guard; to the Committee on Armed Services.

By Mr. LOEBSACK (for himself and Mr. EHLERS):

H. Res. 700. A resolution expressing support for designation of the week beginning on November 9, 2009, as National School Psychology Week; to the Committee on Education and Labor.

By Mr. MORAN of Virginia:

H. Res. 701. A resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem; to the Committee on Natural Resources.

By Mr. REICHERT:

H. Res. 702. A resolution directing the Comptroller General of the United States to submit reports ensuring the effectiveness of Federal programs and amending the Rules of the House of Representatives to require that certain standing committees of the House hold at least one hearing on each such report that falls within their jurisdiction; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

151. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to SENATE RESOLUTION NO. 26 urging the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years; to the Committee on Education and Labor.

152. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 43 expressing opposition to the federal rule change to eliminate a health care professional's right to refrain from performing morally-objectionable procedures; to the Committee on Energy and Commerce.

153. Also, a memorial of the Legislature of the State of Minnesota, relative to CHAPTER No. 171 memorializing the President and Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota; and urging the Congress of the United States to repeal United States Statutes at Large, volume 12, page 819, chapter 119, and pages 803-804, chapter 103; to the Committee on Natural Resources.

154. Also, a memorial of the Senate of the State of West Virginia, relative to SENATE RESOLUTION NO. 34 requesting the United States Congress to enact the Education Begins at Home Act; jointly to the Committees on Education and Labor and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. HIMES, Mr. WAXMAN, Mr. HONDA, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 108: Mr. SMITH of New Jersey.

H.R. 213: Mr. BACHUS and Mr. BAIRD.

H.R. 275: Mr. SOUDER.

H.R. 303: Mr. PAUL.

H.R. 333: Mr. PAUL.

H.R. 422: Mr. SCOTT of Georgia.

H.R. 430: Mr. LATTA.

H.R. 433: Mr. LATTA.

H.R. 444: Mr. BURTON of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. DAHL-KEMPER, and Mr. BOREN.

H.R. 503: Mr. DREIER.

H.R. 557: Mr. YOUNG of Florida.

H.R. 571: Mr. SCHOCK and Mr. ENGEL.

H.R. 614: Mr. FORBES.

H.R. 621: Mr. FOSTER, Mr. TONKO, Mr. SCHOCK, and Ms. KILROY.

H.R. 648: Mr. SESTAK.

H.R. 658: Mr. FRANK of Massachusetts.

H.R. 668: Mr. MORAN of Kansas.

H.R. 678: Mr. PLATTS.

H.R. 690: Mr. CROWLEY, Mr. MATHESON, Mr. SIREN, and Mr. LINDER.

H.R. 699: Mr. CHANDLER.

H.R. 734: Ms. KAPTUR, Mr. KISSELL, Mr. AL GREEN of Texas, and Mr. JOHNSON of Georgia.

H.R. 743: Mr. PAUL and Mr. DUNCAN.

H.R. 874: Mr. SESTAK.

H.R. 886: Mr. GUTIERREZ.

H.R. 953: Mr. MANZULLO.

H.R. 977: Mr. RAHALL, Mr. WEXLER, Mr. PASCRELL, Mr. HALL of New York, and Mr. BRIGHT.

H.R. 1017: Mr. HEINRICH.

H.R. 1074: Mr. MARSHALL, Mr. ALTMIRE, and Mr. ROHRABACHER.

H.R. 1079: Mr. SHERMAN.

H.R. 1094: Mr. MICHAUD, Mr. MCNERNEY, Mr. KANJORSKI, Mr. PAUL, and Mr. BOUSTANY.

H.R. 1101: Mr. LARSEN of Washington.

H.R. 1177: Mr. MARSHALL, Mr. LUETKE-MEYER, and Mr. MCCOTTER.

H.R. 1206: Mrs. BACHMANN.

H.R. 1207: Mr. JACKSON of Illinois and Mr. PAYNE.

H.R. 1208: Mr. ISSA and Mr. AKIN.

H.R. 1221: Mr. GRAVES.

H.R. 1235: Mr. CAO, Mr. CHAFFETZ, Mr. MCGOVERN, Mr. JOHNSON of Georgia, and Mr. CONYERS.

H.R. 1278: Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. NADLER of New York, Mr. FILNER, Ms. MCCOLLUM, Mr. SKELTON, Mr. CONYERS, and Mr. JOHNSON of Georgia.

H.R. 1283: Mr. THOMPSON of Mississippi and Mr. AL GREEN of Texas.

H.R. 1313: Mr. CANTOR.

H.R. 1327: Mr. SESSIONS.

H.R. 1362: Ms. DELAUNO and Mr. BAIRD.

H.R. 1431: Mr. KLINE of Minnesota.

H.R. 1454: Mr. DUNCAN and Mr. WELCH.

H.R. 1547: Mr. GONZALEZ.

H.R. 1552: Mr. QUIGLEY.

H.R. 1557: Mr. QUIGLEY.

H.R. 1578: Mr. GRIJALVA, Mr. FATTAH, Mr. SABLON, Mr. GRAYSON, Mr. SCOTT of Virginia, and Mr. HINOJOSA.

H.R. 1596: Mr. LYNCH, Mr. SIREN, and Mr. GUTIERREZ.

H.R. 1605: Mr. MORAN of Virginia.

H.R. 1616: Mr. HIMES.

H.R. 1625: Mr. SCHAUER and Mr. CONYERS.

H.R. 1645: Mr. HIMES.

H.R. 1660: Mr. HIGGINS.

H.R. 1682: Mr. AKIN.

H.R. 1716: Mr. ROTHMAN of New Jersey.

H.R. 1718: Mr. TAYLOR.

H.R. 1826: Mr. MICHAUD and Mr. SERRANO.

H.R. 1828: Mr. GRIJALVA.

H.R. 1831: Mr. TEAGUE, Mr. LEWIS of Georgia, and Mr. MCGOVERN.

H. R. 1908: Mr. LATOURETTE.

H.R. 1977: Mr. SIREN.

H.R. 2017: Mr. SMITH of Nebraska.

H.R. 2030: Mr. FILNER.

H.R. 2083: Mr. LATHAM.

H.R. 2122: Mr. ISSA.

H.R. 2139: Mr. PETERS, Mr. INGLIS, and Mr. DENT.

H.R. 2143: Mr. QUIGLEY.

H.R. 2149: Mr. HALL of New York and Mr. ISRAEL.

H.R. 2170: Mrs. McMORRIS RODGERS.

H.R. 2194: Mr. LEE of New York, Ms. SLAUGHTER, Mr. MICA, Mr. TURNER, Mr. RYAN of Ohio, Mr. SKELTON, Mr. HALL of New York, Mr. LARSEN of Washington, Mr. PASCRELL, Ms. DELAUNO, Ms. DEGETTE, Mr. ROHRABACHER, and Mr. CUMMINGS.

H.R. 2198: Mr. FLEMING.

H.R. 2222: Ms. KOSMAS and Mr. ISRAEL.

H.R. 2254: Mr. WELCH, Mr. LARSEN of Washington, Mr. HASTINGS of Florida, Mr. HOLT, Mr. SMITH of New Jersey, Mr. PAUL, Mr. HONDA, and Ms. BERKLEY.

H.R. 2262: Mr. CARSON of Indiana, Ms. WOOLSEY, Ms. SPEIER, Mr. LEWIS of Georgia, and Mr. SHERMAN.

H.R. 2268: Mr. THOMPSON of California.
H.R. 2296: Mr. PITTS, Mr. MANZULLO, Mr. ALEXANDER, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Mr. ROHRABACHER, Mr. SHIMKUS, Mr. BISHOP of Utah, Mr. HARPER, and Mr. ROE of Tennessee.

H.R. 2305: Mr. MARSHALL, Mr. HERGER, and Mr. GORDON of Tennessee.

H. R. 2329: Mr. SCHOCK.
H.R. 2373: Mr. MCCAUL.
H.R. 2425: Mrs. MCMORRIS RODGERS.
H.R. 2478: Mr. HIMES.
H.R. 2480: Ms. MATSUI and Mr. LANCE.
H.R. 2493: Mr. MARCHANT, Mr. POSEY, and Ms. FALLIN.

H.R. 2497: Ms. LEE of California.
H.R. 2516: Mr. FRELINGHUYSEN.
H.R. 2517: Mr. LEWIS of Georgia.
H.R. 2520: Mr. LATOURETTE.
H.R. 2523: Mr. KENNEDY.
H.R. 2542: Mr. LARSEN of Washington.
H.R. 2567: Mr. DOGGETT.
H.R. 2625: Ms. SPEIER, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. NADLER of New York, and Mr. HOLT.

H. R. 2626: Mr. BARTLETT.
H.R. 2681: Ms. CLARKE.
H.R. 2698: Mr. LOBIONDO and Mr. SMITH of Washington.

H. R. 2699: Mr. LOBIONDO and Mr. SMITH of Washington.

H. R. 2730: Mr. HOLT.
H.R. 2766: Mr. GRIJALVA.
H.R. 2808: Mrs. MCMORRIS RODGERS.
H.R. 2866: Ms. LEE of California and Mr. BERMAN.

H.R. 2897: Mr. QUIGLEY, Ms. WASSERMAN SCHULTZ, Ms. SPEIER, Mr. CARNEY, and Ms. SCHAKOWSKY.

H.R. 2909: Mr. FRANK of Massachusetts.
H.R. 2935: Ms. DELAULO, Mr. NADLER of New York, Ms. RICHARDSON, and Ms. TSONGAS.

H.R. 2936: Mr. SPACE.
H.R. 2941: Mr. LARSEN of Washington, Mr. MEEK of Florida, Mrs. MCMORRIS RODGERS, Ms. DEGETTE, Mr. PAYNE, and Mr. UPTON.

H. R. 2969: Mr. GRIJALVA.
H.R. 3003: Mr. McDERMOTT.
H.R. 3006: Ms. WATERS.
H.R. 3035: Mr. PAUL and Ms. BERKLEY.
H.R. 3039: Mr. DREIER.

H.R. 3042: Mrs. CHRISTENSEN and Mr. COURTNEY.

H.R. 3043: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.

H.R. 3044: Mr. MILLER of Florida, Ms. ZOE LOFGREN of California, Mr. KLEIN of Florida, Mr. OLSON, Mr. DENT, Mr. GRAVES, and Mr. MCCAUL.

H.R. 3070: Ms. CHU, Mr. FALOMAVAEGA, Ms. HIRONO, Ms. LINDA T. SANCHEZ of California, Mrs. NAPOLITANO, Mr. HONDA, Ms. CLARKE, Mr. GRAYSON, and Mr. CONNOLLY of Virginia.

H.R. 3085: Mr. GRIJALVA.

H.R. 3107: Mr. BILIRAKIS, Mr. PENCE, Mr. ROYCE, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, and Mr. LAMBORN.

H.R. 3110: Ms. JACKSON-LEE of Texas.

H.R. 3116: Mr. LANGEVIN.

H.R. 3157: Mr. WALZ, Mr. KLINE of Minnesota, Mr. PAULSEN, Ms. MCCOLLUM, Mr. ELLISON, Mrs. BACHMANN, and Mr. OBERSTAR.

H.R. 3164: Mr. KENNEDY and Mr. WU.

H.R. 3167: Mr. ALEXANDER.

H.R. 3186: Mr. WITTMAN.

H.R. 3197: Ms. NORTON.

H.R. 3218: Ms. FOXX.

H.R. 3231: Mr. MANZULLO, Mr. BLUNT, and Mr. ALEXANDER.

H.R. 3233: Mr. MASSA.

H.R. 3235: Mr. LATTI.

H.R. 3245: Mr. FRANK of Massachusetts and Mr. MAFFEL.

H.R. 3246: Mr. MASSA.

H.R. 3257: Mr. MCGOVERN and Mr. SCHIFF.

H.R. 3259: Mr. FILNER.

H.R. 3260: Mr. HIGGINS.

H.R. 3265: Mr. GRIJALVA.

H.R. 3266: Mr. JONES and Ms. KAPTUR.

H.R. 3273: Mr. INGLIS.

H.R. 3274: Mr. YOUNG of Alaska and Mr. BROWN of South Carolina.

H.R. 3286: Ms. FUDGE.

H.R. 3289: Mr. GORDON of Tennessee.

H.R. 3300: Mr. PERLMUTTER.

H.R. 3308: Mr. LATHAM.

H.R. 3310: Mr. KLINE of Minnesota and Mr. WITTMAN.

H.R. 3339: Mr. LUJÁN.

H.R. 3341: Mr. McCLINTOCK, Mr. PLATTS, Mr. PITTS, and Mrs. BACHMANN.

H.R. 3356: Mr. POSEY, Mrs. BACHMANN, Mr. AKIN, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. SHADEGG, Ms. FALLIN, Mr. BARTLETT, Mr. LINDER, and Mr. SESSIONS.

H.R. 3360: Mr. CAPUANO.

H.R. 3376: Mr. COBLE, Mr. MICA, and Mr. YOUNG of Alaska.

H.R. 3382: Mr. BARRETT of South Carolina, Mr. CHILDERS, Mr. COBLE, and Mr. STUPAK.

H.R. 3394: Mr. ROHRABACHER.

H. Con. Res. 42: Mr. WATT, Mr. FILNER, and Mr. JOHNSON of Georgia.

H. Con. Res. 43: Mr. FILNER and Mr. JOHNSON of Georgia.

H. Con. Res. 44: Mr. JOHNSON of Georgia.

H. Con. Res. 67: Mr. GRIJALVA.

H. Con. Res. 73: Mr. GRIJALVA, Mr. JOHNSON of Georgia, and Mr. LEWIS of Georgia.

H. Con. Res. 129: Mr. WITTMAN and Mr. TAYLOR.

H. Con. Res. 144: Mr. REICHERT.

H. Con. Res. 157: Mrs. BACHMANN and Mr. POE of Texas.

H. Con. Res. 160: Mr. MURTHA, Mr. SHULER, Mr. SESTAK, and Mr. WELCH.

H. Con. Res. 163: Ms. MARKEY of Colorado, Mr. AL GREEN of Texas, Mr. SHULER, Mr. HOLT, and Ms. MCCOLLUM.

H. Con. Res. 169: Mr. MILLER of Florida, Mr. JORDAN of Ohio, Mr. SENSENBRENNER, Ms. FOXX, and Mr. ROGERS of Kentucky.

H. Res. 32: Mr. AL GREEN of Texas.

H. Res. 57: Mr. MANZULLO.

H. Res. 150: Mr. WATT, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia.

H. Res. 175: Mr. MINNICK.

H. Res. 467: Mr. SPACE.

H. Res. 487: Mr. BOUSTANY, Mr. RADANOVICH, Mr. SMITH of Texas, and Mr. SESSIONS.

H. Res. 494: Ms. SHEA-PORTER.

H. Res. 513: Mr. POE of Texas.

H. Res. 550: Mr. STARK.

H. Res. 554: Mr. FORBES, Mr. SAM JOHNSON of Texas, Mr. ROE of Tennessee, Mr. LOEBSACK, Mr. WITTMAN, and Mr. WHITFIELD.

H. Res. 577: Mr. PENCE, Mr. CARSON of Indiana, Mrs. SCHMIDT, Mr. TERRY, Mr. DEAL of Georgia, Mr. BUYER, and Mr. BARTON of Texas.

H. Res. 581: Mr. THORNBERRY, Mr. ALEXANDER, and Mr. COLE.

H. Res. 604: Mr. BURGESS, Mr. POE of Texas, Mr. BILIRAKIS, Mr. PENCE, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. LAMBORN.

H. Res. 619: Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, and Mr. ROONEY.

H. Res. 627: Mr. SHUSTER, Ms. SHEA-PORTER, Mr. CONAWAY, Mr. ROGERS of Alabama, Mr. ELLSWORTH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. THORNBERRY, Mr. LANGEVIN, Mr. MILLER of Florida, Mr. JOHNSON of Georgia, Mr. ROHRABACHER, Mr. WILSON of South Carolina, Mr. SPRATT, Mr. SNYDER, Mr. LOBIONDO, Mr. COURTNEY, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. MASSA, Mr. Bright, Mrs. DAVIS of California, Mr. WITTMAN, Mr. REHBERG, Mr. ORTIZ, Mr. WU, Mr. FILNER, Mr. BERMAN, Mr. RODRIGUEZ, Mr. MINNICK, Ms. BEAN, Mr. ARCURI, Ms. SCHWARTZ, Ms. KOSMAS, Mr. KLEIN of Florida, Mr. KIND, Mr. KLINE of Minnesota, Mr. COOPER, Ms. GIFFORDS, Mr. HONDA, and Mr. POE of Texas.

H. Res. 638: Mr. GENE GREEN of Texas, Mr. MEEKS of New York, Mr. ROSKAM, Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, Mr. PAUL, Mr. POE of Texas, Mr. WAMP, Mr. HENSARLING, Mr. ROHRABACHER, Mr. CARNAHAN, Mr. BLUNT, Mr. TANNER, and Mr. AL GREEN of Texas.

H. Res. 659: Ms. LEE of California, Mr. RANGEL, Mr. WATT, Mr. BARROW, Ms. MOORE of Wisconsin, Mr. FATTAH, Mr. CUMMINGS, Mr. COHEN, and Mr. DAVIS of Alabama.

H. Res. 663: Mr. MILLER of Florida.

H. Res. 666: Mr. POE of Texas.

H. Res. 676: Ms. GIFFORDS.

H. Res. 677: Mr. CONNOLLY of Virginia, Mr. FILNER, Mr. SNYDER, Mr. FALOMAVAEGA, Mr. CROWLEY, Mr. HONDA, and Mr. ACKERMAN.

H. Res. 679: Mr. AL GREEN of Texas.

H. Res. 686: Mr. JORDAN of Ohio, Mr. COHEN, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. KILDEE, Mr. CONYERS, Ms. MATSUI, Ms. SLAUGHTER, Mr. GUTIERREZ, Mr. NEAL of Massachusetts, Mr. DRIEHAUS, Mr. GARRETT of New Jersey, Mr. NYE, Mr. HILL, Mr. CHILDERS, Mr. BERRY, Mr. MINNICK, Mr. RUPPERSBERGER, Mr. BOYD, Ms. LORETTA SANCHEZ of California, Ms. CHU, Mr. McDERMOTT, Mrs. HALVORSON, Mr. LEVIN, Mr. BARROW, Mr. TANNER, Mr. CARDOZA, Mr. PETERSON, Mr. PERRIELLO, Ms. KILROY, Mr. WEXLER, Mr. MOLLOHAN, Mr. HALL of New York, Mr. SALAZAR, Mr. SCHRADER, Mr. CROWLEY, Mr. KLEIN of Florida, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Mr. HIGGINS, Mr. STARK, Mr. FATTAH, Ms. SUTTON, Mr. PALLONE, Ms. DEGETTE, Mr. MURTHA, Mr. LEWIS of California, Mr. BRIGHT, Mr. SPRATT, Mr. DELAHUNT, Mr. McMAHON, Mr. CONNOLLY of Virginia, Mr. SCHAUER, Mr. DAVIS of Illinois, Mr. TEAGUE, Ms. CASTOR of Florida, Mr. BUTTERFIELD, Ms. KOSMAS, Ms. ESHOO, Mr. BECERRA, Mr. KIND, Mr. RUSH, Mr. LANCE, Mr. ELLISON, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. CARNEY, Mr. SHERMAN, Mr. COSTELLO, Mr. BERMAN, Mr. TONKO, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, Mr. WILSON of Ohio, Mr. DINGELL, Mr. MILLER of North Carolina, Mr. KUCINICH, Ms. JENKINS, Mr. BOCCIERI, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. MURPHY of New York, Mr. LYNCH, Mr. LANGEVIN, Ms. MOORE of Wisconsin, Mr. QUIGLEY, Mr. RANGEL, Mr. BOREN, Mr. MOORE of Kansas, Mr. SHULER, Mr. ANDREWS, Mr. MORAN of Virginia, Ms. DELAULO, Mr. KENNEDY, Mr. ACKERMAN, Mr. HINCHEY, Ms. SPEIER, Mr. PERLMUTTER, Mr. WAXMAN, Mr. LARSON of Connecticut, Mr. DICKS, Mr. BISHOP of New York, Ms. SCHWARTZ, Mr. OLVER, Mr. FOSTER, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. COLE, Mr. BILBRAY, Mr. TIAHRT, Mr. BUYER, Mr. POE of Texas, Mr. JONES, Mr. BARTLETT, Mr. CUMMINGS, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. CAMPBELL,

Mr. LATTA, Mr. KRATOVIL, Mr. FRELINGHUYSEN, Mr. HINOJOSA, Mr. PIERLUISI, and Mr. BACHUS.

H. Res. 689: Mr. ROONEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FRANK of Massachusetts, or a designee, to H.R. 3269, the Corporate and Financial Institution Compensation Fairness

Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 848: Mr. ADLER of New Jersey.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

63. The SPEAKER presented a petition of Mayor and City Commission of the City of Wilton Manors, Florida, relative to RESOLUTION NO. 3415 URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO ADOPT THE MILITARY READINESS ENHANCEMENT ACT OF 2009 (H.R. 1283), WHICH ELIMINATES THE “DON’T ASK, DON’T TELL” POLICY AND, AMONG OTHER THINGS, ADOPTS A POLICY OF NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION WITHIN THE UNITED STATES ARMED FORCES; which was referred to the Committee on Armed Services.

SENATE—Thursday, July 30, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord of our pilgrim years, the day returns and brings us the round of its concerns and duties.

As our Senators serve You and country, make them aware that their attitudes, words, and actions influence the structure of events and human relationships around our Nation and world. Help these representatives of freedom to master themselves that they may be the servants of others. In these times of strain, keep them from magnifying the slights and stings that are a part of the legislative process. Give them pure hearts and a passion to serve the American people with integrity and honor.

Lord, today, we commit to You all that we have and are to realize Your best for this Nation and world.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for an hour. Senators will be permitted to speak for 10 minutes each. Under an agreement reached last night, we are going to turn to the consideration of H.R. 3357, the highway trust fund legislation, among others things. Rollcall votes are expected to occur throughout the day.

The Senate will recess from 2 p.m. to 3 p.m. to allow for a Members-only briefing with Secretary Clinton and Secretary Gates, who both just returned from overseas—the Secretary of State and the Secretary of Defense.

I have not had an opportunity to speak to the Republican leader today, but we will probably have the four votes after the briefing we will have with the two Secretaries. We will stack them, and we should be able to complete all the debate at that time. The legislation has not yet arrived from the House, but I think it will be here in the next half hour or so.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE WEEK VIII, DAY IV

Mr. MCCONNELL. Madam President, the American people are making their voices heard in the debate over health care. One of the things they are demanding is that we do something to lower costs. This is why the proponents of a government takeover never fail to mention lowering costs as one of their primary goals. Yet, more and more, Americans are beginning to ask themselves a very simple question: How can more government lead to lower costs?

They look at Medicare, a government-run health care program that's nearly bankrupt, and they don't understand how an even bigger, more complicated government-run health plan won't end up in the same condition—and they certainly don't understand why the administration would propose cutting hundreds of billions of dollars from Medicare to help pay for this massive new government-run plan.

Yet, this is precisely what some are proposing: that we use Medicare as a piggy bank to pay a significant portion of the administration's plan for health care reform. Well, in my view, it's a terrible idea, and on the 44th anniversary of this vital program that roughly 40 million Americans rely on each day, I think it is important to explain why.

Here is how one of the proposed cuts would work. Right now, if a senior citizen on Medicare needs surgery, his or her hospital stay will likely be covered by Medicare. And because health care costs go up each year, Medicare provides for annual increases that ensure that hospitals and other providers are able to keep pace with inflation.

What the administration and some Democrats in Congress are now proposing is that we reduce or even eliminate this annual increase—thus, cutting the amount of money we spend on Medicare, a drastic measure that could have a serious impact on our hospitals and the communities and patients they serve.

It would be one thing if these cuts were being proposed as a way of strengthening Medicare. The simple fact is that Medicare faces significant challenges that must be addressed. When Medicare Part A—the program that pays for hospital stays—was enacted, 44 years ago today, it was projected that in 1990 this program would spend \$9.1 billion on hospital services and related administration. As it turned out, spending in 1990 totaled almost \$67 billion—or more than seven times the original prediction. These exploding costs have taken a toll on the program's bottom line. Today, Medicare is already spending more than it is taking in, and it is expected to be insolvent in just 8 years. Unfortunately, the administration plans to use Medicare cuts in order to fund yet another new government program.

America's seniors don't want politicians in Washington tampering with Medicare to pay for health care reform. They want us to fix it. I get letters almost every day from some of the nearly 700,000 Kentuckians who have Medicare. They are counting on it in the years ahead, and they are worried

about its future. In my view, we have a serious obligation to make sure it's there for them. Unfortunately, the administration's proposal takes the wrong approach.

Just yesterday, the Joint Economic Committee completed a study on the administration's proposed cuts to Medicare. It found that if these cuts were used to restore Medicare rather than to fund a government takeover of health care, the Medicare trust fund's 75-year unfunded liability would be reduced by 15 percent, or more than \$2 trillion, and that it would delay the trust fund's bankruptcy by 2 years. In short, while any savings from a reformed Medicare would strengthen it for a longer period of time were they put back into the current program, this just highlights how important overall reform is to ensuring that Medicare continues to serve our seniors.

This is why I have argued for weeks that any savings from Medicare should be put back into the program. And this is why I have also repeatedly urged the administration and my colleagues in the Senate to move forward on the bipartisan Conrad-Gregg proposal, which would provide a clear pathway for fixing the problems in Medicare and other important entitlement programs. Conrad-Gregg would force us to get debt and spending under control. It is the best way to reform Medicare. It deserves the support of every Member of Congress.

Doctors and hospitals across the country are worried about what these proposed cuts in Medicare would mean for them and their patients. Earlier this year, the Kentucky Hospital Association warned that the kinds of cuts being considered in Washington would seriously impact the services hospitals currently provide to seniors in my State. I would encourage my colleagues to talk to seniors, doctors, and medical professionals in their own States and see what they're saying. My guess is that it's a lot different than what some of the lobbyists and interest groups here in Washington are saying.

Some in Congress seem to be in such a rush to pass just any reform, rather than the right reform, that they are looking everywhere for the money to pay for it—even if it means sticking it to seniors with cuts to Medicare. If there was ever a program that needed to be put on a sounder financial footing it is Medicare. And yet throughout the debate over health care, we don't seem to be focusing our attention on this vital issue. Instead, the same people who are unwilling to make the hard choices that are needed to fix Medicare now want us to trust them to create a new government program that will inevitably suffer from these same problems. It just doesn't add up, and Americans are beginning to realize it.

So on this anniversary, here is my message: Using massive cuts to Medi-

care as a way to pay for more government-run health care isn't the kind of change Americans are looking for. Americans want savings from Medicare to be used to strengthen Medicare, not to create a system that would increase long-term health care costs, force Americans off the insurance they have and like, and lead to a government takeover of health care that has the same fiscal problems that Medicare has.

Forty-four years ago today, President Johnson signed Medicare into law, saying that our Nation would never "refuse the hand of justice to those who have given a lifetime of service and wisdom and labor" to their Nation. Those of us in Congress have a responsibility to fulfill that vow. And the best way to do so is to work together on reforms that address the real problems in our health care system, problems like the ones we see with Medicare.

I have been encouraged, as lawmakers on both sides, and even the President, have acknowledged that the reform proposals we have seen so far are not where they need to be. Strengthening Medicare to make sure it meets the needs of seniors today and in the years to come would be a very good place to start.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

SOTOMAYOR NOMINATION

Mr. ALEXANDER. Madam President, I have a statement to make about the President's nomination of Judge Sonia Sotomayor to be Associate Justice of the U.S. Supreme Court.

Even though Judge Sotomayor's political and judicial philosophy may be different from mine, especially regarding second amendment rights, I will vote to confirm her because she is well qualified by experience, temperament, character, and intellect to serve as an Associate Justice of the U.S. Supreme Court.

In 2005, I said on this floor that it was wrong for then-Senator Obama and half the Democratic Senators to vote against John Roberts—a superbly qualified nominee—solely because they disagreed with what Senator Obama described as Roberts' "overarching political philosophy" and "his work in the White House and the Solicitor General's Office" that "consistently sided" with "the strong in opposition to the weak." Today, it would be equally wrong for me to vote against Judge Sotomayor solely because she is not "on my side" on some issues.

Courts were never intended to be political bodies composed of judges "on your side" who would reliably tilt your way in controversial cases. Courts are supposed to do just the opposite: decide difficult cases with impartiality.

The oath Judge Sotomayor has taken twice and will take again when she is sworn in as Associate Justice of the Supreme Court says it best:

... I will administer justice without respect to persons, and do equal right to the poor and to the rich and ... I will faithfully and impartially discharge and perform all the duties incumbent upon me ... under the Constitution and laws of the United States.

During her confirmation hearings, Judge Sotomayor expressly rejected then-Senator Obama's view that in a certain percentage of judicial decisions, "the critical ingredient is supplied by what is in a judge's heart ... and [in] the depth and breadth of one's empathy." In answer to a question from Senator KYL, she said in her confirmation hearing:

I can only explain what I think judges should do, which is judges can't rely on what's in their heart. They don't determine the law. Congress makes the laws. The job of a judge is to apply the law. And so it's not the heart that compels conclusions in cases. It's the law. The judge applies the law to the facts before that judge.

Giving broad Senate approval to obviously well-qualified nominees helps to increase the prestige of the Supreme Court and to confirm its impartiality. For that reason, until the last few years, Republican and Democratic Senators, after rigorous inquiries into the fitness of nominees, usually have given those well-qualified nominees an overwhelming vote of approval. For example, no Justice on the Supreme Court that John Roberts joined in 2005 had received more than nine negative votes. Four were confirmed unanimously. All but three Republican Senators voted for Justice Ginsburg, a former general counsel of the American Civil Liberties Union. Every single Democratic Senator voted to confirm Justice Scalia.

In truly extraordinary cases, Senators, of course, reserve the prerogative, as I do, to vote no or even to vote to deny an up-or-down vote.

During the 8 years I was Governor of Tennessee, I appointed about 50 judges. In doing so, I looked for the same qualities Justice Roberts and Judge Sotomayor have demonstrated: intelligence, good character, restraint, respect for law, and respect for those who came before the court. I did not ask one applicant how he or she would rule on abortion or immigration or taxation. I appointed the first female circuit judge in our State and the first African-American court chancellor and the first African-American State supreme court justice. I appointed both Democrats and Republicans. That process served our State well and helped to build respect for the independence and fairness of our judiciary.

In the same way, it is my hope that my vote now will not only help to confirm a well-qualified nominee but will help to return the Senate to the practice only recently lost of inquiring diligently into qualifications of a nominee

and then accepting that elections have consequences, one of which is to confer upon the President of the United States the constitutional right to nominate Justices of the Supreme Court.

Madam President, I ask unanimous consent to have printed in the RECORD my floor remarks in support of Judge John Roberts on September 27, 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOOR REMARKS OF U.S. SENATOR LAMAR ALEXANDER IN SUPPORT OF JUDGE JOHN ROBERTS, SEPTEMBER 27, 2005

My constituents have been asking me: who will President Bush nominate for the second Supreme Court vacancy? And the question reminds me of the kicker from California who went to Alabama to play for Coach Bear Bryant. Day after day in practice, the kicker kept punting it more than 70 yards. Day after day, Bryant never said a word. Finally, the young man went to Bryant. Coach, I came all the way here from California to be coached by you and you never say a word to me. "Son," Bryant said, "When you start kicking it less than 70 yards, I will remind you of what you were doing when you kicked it 70 yards."

My only respectful suggestion to President Bush is that he try to remember what he was thinking when he appointed John Roberts, and to do it again. For anyone who has been trained in the law, as I have, and who knows something about the profession, it has been a pleasure to watch Judge Roberts' nomination and his confirmation process. It is difficult to overstate how good Judge Roberts seems to be. He has the resume of most talented law students' dreams: editor of the Harvard Law Review and clerk to Judge Henry Friendly. I was a law clerk to Judge John Minor Wisdom in New Orleans who regarded Henry Friendly as one of the two or three best appellate judges of the last century. Judge Roberts learned from Judge Friendly. Then he was law clerk to the last Chief Justice. Add to that his work in the Solicitor General's office where only the best of the best are invited to work. Then add his success as an advocate before the Supreme Court both in private and in public practice. Then still further add his demeanor, his modesty both in philosophy and in person—something that is not always so evident in a person of superior intelligence and great accomplishment. And his kindnesses to individuals with whom he has worked. His performance before the Senate Judiciary Committee demonstrated all of those qualities: restraint, good humor, intelligence, and a command of the body of law that a Supreme Court justice must consider. The televised episodes could be the basis for a law school course or any civics class.

Judge Roberts brings, as he repeatedly said, no agenda to the Supreme Court. He understands that he did not write the Constitution, and it's not his job to rewrite it but to interpret it. That he does not make laws, but is obligated to apply them. He understands the federal system.

For a devotee of the law, watching the John Roberts hearings was like watching Michael Jordan play basketball at the University of North Carolina in the early 1980s or Chet Atkins as a session guitarist in the 1950s in Nashville. One doesn't have to be a great student of the law to recognize there is unusual talent here.

So then if Judge Roberts' professional qualifications and temperament are so universally acclaimed why do we now hear so much talk of changing the rules and voting only for those justices who we can be assured are "on our side." That would be the wrong direction for our country. In the first place, history teaches us that those who try to predict how Supreme Court nominees will decide cases are almost always wrong. Felix Frankfurter surprised Franklin Roosevelt. Hugo Black surprised the South. David Souter surprised almost everybody.

In the second place, courts were never intended to be set up as political bodies that could be relied upon to always tilt one way or another in controversial matters. Courts are supposed to do just the opposite: to hear the facts and impartially apply the law and the Constitution in controversial matters. Who will have confidence in a system of justice that is deliberately rigged to be on one side or the other despite what the facts and the law are?

Finally, failing to give overwhelming approval to an obviously well-qualified nominee like Judge Roberts just because he is "not on your side" reduces the prestige of the Court. It jeopardizes its independence. It makes it less effective as it seeks to perform its indispensable role in our constitutional republic.

For these three reasons Republican and Democratic senators, after rigorous hearings and discussions, have traditionally given well-qualified nominees for Supreme Court justice an overwhelming vote of approval. I'm not talking about the ancient past, I'm speaking of justices who are on the Court today, none of whom are better qualified than Judge Roberts.

Justice Breyer—Confirmed by a vote of 87–9 in a Congress composed of 57 Democrats and 43 Republicans.

Justice Ginsburg—Confirmed by a vote of 96–3 in that same Congress.

Justice Souter—Confirmed by a vote of 90–9 in a Congress composed of 55 Democrats and 45 Republicans.

Justice Kennedy—Confirmed by a vote of 97–0 in a Congress composed of 55 Democrats and 45 Republicans.

Justice Scalia—Confirmed by a vote of 98–0 in a Congress composed of 47 Democrats and 53 Republicans.

Justice O'Connor—Confirmed by a vote of 99–0 in a Congress composed of 46 Democrats and 53 Republicans.

Justice Stevens—Confirmed by a vote of 98–0 in a Congress composed of 61 Democrats and 37 Republicans.

The only close vote on this Court was for the nomination of Justice Thomas following questions of alleged misconduct by the nominee. Thomas was confirmed by a vote of 52–48. However, even in that vote, 11 Democrats crossed the aisle to support the nominee.

If almost all Republican senators can vote for Justice Ginsburg, a former General Counsel for the American Civil Liberties Union, and a nominee who declined to answer numerous questions so as not to jeopardize the independence of the court on cases that might come before her, and if every single Democratic U.S. senator could vote for Justice Scalia—then why can't virtually every senator in this chamber vote to confirm Judge Roberts?

I was governor for eight years in Tennessee. I appointed about fifty judges. I looked for the same qualities Judge Roberts has demonstrated: intelligence, good character, restraint, respect for the law, and respect for those who came before the court. I

did not ask one applicant how he or she would rule on abortion or immigration or taxation. I appointed the first woman circuit judge, as well as men. I appointed Tennessee's first African American chancellor and the first African American state Supreme Court justice. I appointed Republicans and Democrats. That process served our state well and helped build respect for the independence and fairness of our judiciary. I would hope we would try to do the same as we consider this nomination for the United States Supreme Court.

It is unlikely in our lifetimes, that we will see a nominee for the Supreme Court whose professional accomplishments, demeanor and intelligence is superior to that of John Roberts. If that is so, then I would hope that my colleagues on both sides of the aisle will do what they did with all but one member of the current Supreme Court, and with most of the previous justices in our history, and vote to confirm him by an overwhelming majority.

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Ms. KLOBUCHAR. Madam President, health care reform is a very personal matter for me and a personal matter for so many people in my State. I first got interested in this issue, as I think many of us did, after something happened to me when my daughter was born. When she was born, she was very sick. She could not swallow. Back then, insurance companies had a rule that new moms and their babies were kicked out after 24 hours. After she had been in intensive care, I was kicked out of the hospital after 24 hours. As my husband wheeled me out in a wheelchair, I remember thinking: This wouldn't have happened to the wife of the head of the insurance company, but it happened to me.

I went to the legislature, along with a lot of other mothers, and said we have to change this to at least guarantee new moms and their babies a 48-hour hospital stay. Minnesota was one of the first States in the country to adopt that rule, which later, under President Bill Clinton, became national policy.

I remember going to the legislature and standing there at the conference committee, and some of the insurance companies were there trying to make sure the implementation of this 48-

hour rule was delayed. I decided to take all the pregnant women I knew to the conference committee. We outnumbered the lobbyists two to one. So when the legislators said, When should this new bill take effect which guarantees new moms and babies 48 hours, all the pregnant moms said, "Now." And that is what happened. That is my experience, and that is how I got involved in this issue.

As I have traveled our State, I have heard from Minnesotans about the importance of doing something about health care. They want cost-effective health care. We have one of the best health care systems in the country. The President has lauded Minnesota. We know it is good. We have something like 93 percent coverage, and it tends to be run a lot more efficiently.

But still there are people in my State, as there are all over the country, who are saying: We can't have the status quo because we know our premiums are going up and up. Maybe we can afford it this year, but we are not going to be able to afford it next year; or, if I lose my job, I am not going to have health care tomorrow.

That is what the people in my State are saying. I heard from Dawn in Staples, MN, who is struggling to afford the prescription drugs necessary to treat her multiple sclerosis, and John in Oakdale, MN, who has insurance for his wife and three sons but ends up paying thousands of dollars in deductibles and coinsurance if one of his boys gets sick.

Meanwhile, a new study by the White House Council of Economic Advisers found that small businesses pay up to more than 18 percent—18 percent more—to provide health insurance for their employees, often forcing these businesses to lay off employees or cut back on their coverage.

I was up in Two Harbors, MN, about a month ago visiting a little backpack company that has done amazing things. They are actually making some of the backpacks now for our troops in Iraq and Afghanistan. They said that their health care premiums now are something like \$20,000 for a family of four—small businesses paying that much, for one family, for health care insurance. It cannot go on.

I was down in southern Minnesota in the southeastern corner of our State and met with one of the clinic heads there, someone who heads up one of the hospitals in Wisconsin and Minnesota. He said they had three emergency appendectomies in just a 2-week time period and they should not have happened at that point, they should have been caught earlier. When they talked with the three people who showed up for the emergency appendectomies, they said: Why are you here? Two said: We are in small businesses, and we thought if we came in too early—we thought we could just get over this be-

cause we were afraid what it would do to the premiums. The third person who had the emergency appendectomy said: I just don't have the money to pay for this.

That is what we are hearing all over our State, in a State that tends to have one of the best health care systems in the country.

The American people know inaction is not an option. If we do not act, costs will continue to skyrocket and 14,000 Americans will continue to lose health insurance every single day. That is the status quo. We must not waiver in our efforts to enact a uniquely American solution to our Nation's health care problems. We must keep what works and fix what is broken. We must also level the playing field between consumers and insurance companies, preserve choice, expand access, and provide safeguards so that people do not lose their coverage if they lose or change their jobs, have preexisting medical conditions, or simply grow older.

As we prepare to take up landmark health reform legislation, many in Washington are looking to Minnesota as a national leader. In Minnesota, we have developed a health care system that rewards quality, not quantity. It promotes coordinated, integrated care, and it focuses on prevention and disease management and controls costs. That is why we tend to have healthier people in our State. That is why we tend to have more people covered. That is why we tend to have more quality health care, because we focus on the system as a whole.

Congressional Budget Office Director Doug Elmendorf recently testified before the Senate Budget Committee that to truly contain health care spending, Congress must change the way Medicare pays providers in an effort to encourage cost-effectiveness in health care.

I couldn't agree more. Shifting to a value-based system is critical to controlling health care costs. Because you know what—and people would be shocked by this—when you look at States that have some of the highest quality, they tend to have some of the lowest costs, and States that have the highest costs tend to have the lowest quality care. That is messed up.

Most health care is purchased on a fee-for-service basis, so more tests and more surgeries—if not done appropriately, with the patient in mind—can mean more money; quantity, not quality, pays. According to researchers at Dartmouth Medical School, nearly \$700 billion per year is spent on unnecessary or ineffective health care. That is 30 percent of total health care spending.

To rein in costs we need to have all health care providers aiming for high-quality, cost-effective results, as they do in Minnesota. That is why I have introduced legislation, along with Sen-

ator MARTINEZ, that would create a value index as part of a formula used to determine Medicare's fee schedule. This indexing will help reduce unnecessary procedures because those who produce more volume will need to also improve care or the increased volume will negatively impact fees.

To correct myself, that legislation was actually introduced with Senator GREGG, and Senator MARTINEZ and I have introduced a bill to focus on Medicare fraud.

Linking rewards to the outcomes for the entire payment area creates the incentive for physicians and hospitals to work together to improve quality and efficiency. In too many places patients must struggle against a fragmented delivery system where providers duplicate services and sometimes work at cross-purposes.

We must also look at other areas where we can help reduce inefficient health care spending because, in the end, this is about focusing on quality care and getting that care to the patients who need it. It is focusing on the patients instead of all the insurance providers and all the other people who feed off the system. It is focusing on what works best for the patients. Recent studies show if all the hospitals in the country followed the protocol the Mayo Clinic uses in the last 4 years of a chronically ill patient's life—lives where the quality index is incredibly high—I think most people in this country and their families would love to have that kind of health care. If we used the model the Mayo Clinic uses, we would save \$50 billion every 5 years in Medicare spending. That money can be used to bring more people into the system. That money can be used to make health care more affordable for the people of this country.

That is what we are talking about when we talk about health care reform. The bill we have on Medicare costs and Medicare fraud—the bill I have with Senator MARTINEZ—would require direct depositing of all payments to providers under Medicare and Medicaid so they are not ripping off the system or scamming the system; that it is going to the people who need it. The bill has been endorsed by the AARP, the National Association of District Attorneys, and the Credit Union National Association. Representative PATRICK MURPHY is carrying the legislation in the House.

It is no small task, but we must reform America's health system. I strongly believe in reaching this goal to reform, making sure we don't have the status quo, where it is becoming harder and harder and harder for people in this country to afford health care. We need a system that depends on rewarding and controlling costs, that rewards quality and stopping fraud and making the system work for the people of this country.

For the sake of our fiscal health and for the sake of the millions of Americans struggling to afford the care they need, enacting effective health care reform in this country is essential. We know it is not easy and it will not happen overnight. It is 17 percent of this economy. But we also know that doing nothing and saying no to everything and calling things names, when we are effectively trying to find a solution, is the wrong way to go.

I hope my colleagues in the Senate will start working on this bill constructively so we can get something done for the people of this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I see the Senator from Nevada is on the floor, and I would like to ask, before I seek recognition here—I would be happy to yield the floor to the Senator, with the understanding that I would follow him, if the Senator from Nevada would give me an indication of how long he might be speaking.

Mr. ENSIGN. At the most, 10 minutes.

Mr. DURBIN. Madam President, I ask unanimous consent, following the morning business statement of the Senator from Nevada, that I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Nevada.

HEALTH CARE REFORM

Mr. ENSIGN. Madam President, I thank the assistant leader from the Democratic side, the Senator from Illinois, for that courtesy.

I rise today to talk about health care reform. It is critical in our system that we address the issue of cost. We have the finest quality health care system in the world, but it is too expensive for too many Americans, and because of that, many Americans are uninsured. Not only are too many Americans uninsured, for a lot of folks who have insurance, especially those who receive insurance through their employer, they probably haven't received the kind of raises they would have otherwise received simply because employers are paying more and more for their employees' health insurance and there isn't money left over to provide higher wages.

It is critical for many reasons that we address the cost issue. We spend about \$2 trillion a year in the United States on health care. Some people say we need to spend more, but I disagree with that. I actually think we spend plenty of money in the United States on health care, we just don't spend it in the right ways. We need to eliminate waste and the bureaucratic spending of our health care dollars and get that money to the patients.

There are five different committees between the House and the Senate that are working on health care reform proposals—three in the House, two in the Senate. Let me quickly address the HELP Committee bill, which is one of the committees in the Senate that has passed a bill. The HELP bill was passed on a straight party line vote. I think the reasons for that, which I will point out, are the flaws that are in that bill.

First of all, the bill is not paid for. Second of all, it is too expensive and it doesn't cover enough people, especially for the money it spends. Two hundred times in the bill the Secretary of Health and Human Services is given new powers to establish programs, parameters, appropriate moneys, and otherwise dictates the course of one-sixth of our economy—200 different times. The HELP bill is around 600 pages. If each one of those times where it detailed or gave powers to the Secretary of Health and Human Services—if that was actually written in bill form at that point, the bill would probably have been about 5,000 pages. That is how incredibly complex our health care system is and how even more complex some people are trying to make it.

This bill creates 50 new offices, bureaus, commissions, programs, and bureaucracies, with 87 new government programs created in the Community Transformation Grants Program alone. The Democrats rejected by party-line vote, an amendment that would have prevented the bill from spending funds on sidewalks, parks, bike paths, and street lights. We all like those kinds of things. I actually ride bikes. I like to see bike paths and things such as that. But certainly there is not a place for that in the health care reform bill that we are trying to work out before the Senate and the House of Representatives.

Furthermore, the final cost of the bill has not been released. I serve on the Finance Committee, and there is a group of bipartisan Senators trying to work together to come up with an agreement. They have not been able to do that, and the big reason for that is they are trying to finalize the details. The details are extraordinarily challenging because of how complex our health care system is today.

That is why we need to take our time and get it right. You don't mess with one-sixth of the economy of the United States and get it wrong. There are no do-overs when it comes to health care reform. If we mess it up, we literally can mess up our country. We can mess up the economy of our country and potentially threaten the very existence of our system of government because we can bankrupt our country.

We all know Medicare and Medicaid are threatening to bankrupt our system of government as it stands today. All that the HELP Committee bill and the other that have been introduced

bills do so far, is accelerate how fast Medicare and Medicaid can bring economic collapse to the United States.

I am working on other proposals. There are examples out there where things are being done right in the health care system. I have told this story to my colleagues many times. Safeway is a company that saw their health care costs skyrocketing year after year. With 200,000 employees, they were spending about \$1 billion a year on health care expenses, with costs increasing every year. When a company is only making \$200 million to \$300 million a year, and their costs are going up 20 percent a year, you can see the writing on the wall. They were going to bankrupt their company with health care costs alone.

Safeway set out on a new course and focused on four areas. They incentivized their employees through lower premiums, if they didn't smoke or they would quit smoking, they provided smoke cessation products. They focused on the area of obesity with weight management. If employees were in the proper body mass index or if they lost weight, they would give them a lower health care premium. They also focused on cholesterol and hypertension. They didn't penalize employees for having high cholesterol, but they rewarded them for keeping their cholesterol under control and they rewarded them for keeping their blood pressure under control.

Rewarding healthy choices actually works. Safeway is a very good example. What happened to Safeway in the last 4 years, compared to the rest of the United States, is that Safeway has been able to lower their health care costs by 40 percent.

Unfortunately, the Congressional Budget Office, which is the official scorekeeper around here and determines how much money is going to be saved, does not have a model that works with something like the Safeway program. CBO's economic models don't work that way. The bean counters around here, unfortunately, don't know how to put that in application for the rest of the country. That is unfortunate because I believe, if we used some of the same modeling Safeway did for the rest of the country, we could save huge amounts of money in our health care system.

We don't have to save 40 percent, such as Safeway did. Maybe we could save 10 percent. Actually, if we don't save anything, and just freeze the rate of growth, we would be so far ahead in money that we would have plenty left over to cover the uninsured. As I said, unfortunately, the Congressional Budget Office doesn't say a model like Safeway's will save money. It is ludicrous, though, to believe that having people quit smoking and rewarding them for proper weight management wouldn't save money. I think we need

to change the economic models we have around here.

Not only would that save money, but it would also lead to higher quality lives. Obesity is an epidemic in the United States. Type II diabetes is rampant. Most Type II diabetics can actually reverse, or at least control their diabetes through diet and exercise. We need to encourage healthier behaviors in the United States. Instead of just having a sick care system, let's actually create a true health care system in the United States.

Another thing we need to do, I believe very strongly—and this is a role for the government—we need to provide transparency on cost and quality so individuals can shop. In the bay area, a colonoscopy can cost anywhere from \$800 to \$8,000. Well, if the government were to provide cost and quality measurement information across the United States, people could set up plans and they could see what the various costs are. Let's say that between the \$800 and the \$8,000, they might decide to pay \$1,200. And then if they want the more expensive one, they have to pay the difference. If they want the less expensive one, they can get the difference. That will cause people to comparison shop and they will have the information based on cost and quality of outcomes to be able to make smart medical decisions.

The one thing we don't want to do is put a bureaucrat between the doctor and the patient making those sorts of decisions. There is a precious relationship between a doctor and a patient, and we don't want the government making those kinds of decisions. I don't want to see a government-run plan that says, you know what, we are going to have rationing. That is how so many other countries around the world control their costs. They actually ration care, or there is delayed care. We have better outcomes in the United States on cancer, on cardiovascular disease, and in so many other areas than Canada, Great Britain, and other places that have government-run health care plans.

I think it is critical we get together as Republicans and Democrats—as Americans—and come up with a health care system that is lower in cost and even better in quality than we have today. The bills before some of the committees out there are not going to achieve that.

I have done several telephone town-hall meetings in the last couple of weeks. We have called almost 200 thousand Nevadans now and talked to many of them. They answered questions. We have gotten their feedback. The one thing that seems not quite unanimous, but from the calls we are receiving it is overwhelming, is that is people do not want a government plan. They do not want a government bureaucrat rationing their health care.

Whatever plan we come up with should not include a government-run health care plan. I feel strongly about that. I think as more and more of the American people find out what the effects of a government-run plan will be, we will see a lot more opposition coming from them.

I appreciate the Senator from Illinois allowing me to go first. Let's get together as Americans and do the right thing on health care. Let's join as Republicans, Democrats, and Independents across this country and have a health care system that has lower costs and better quality.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

ORDER OF PROCEDURE—H.R. 3357

Mr. DURBIN. Madam President, on behalf of the majority leader and under the authority of the order of July 29 and after consulting with the Republican leader, I now ask that after the conclusion of my remarks, the Senate proceed to H.R. 3357 under the provisions of the July 29 order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DURBIN. Madam President, the Senator from Nevada has just expressed his views on health care, and I would perhaps like to give a little different view on where we are and where we should go. We are wrapping up this end-of-July session. We will be taking a recess for a few weeks. It is one of the few chances during the year for us to be back home, get a little time with our families before school starts. We are all looking forward to it, as everyone does each year. But we have had important work we have done this year, and more important work is to follow.

This year we hope to take up before the end of the year, and pass, health care reform for America. The House of Representatives is moving a bill, a matter that will be considered in September by the House. We are counting on the Finance Committee to work with us to develop a bill for consideration on the floor of the Senate about the same period of time.

These bills and the concepts they contain are going to be there throughout the month of August for everyone to take a close look at and review. This is not going to be done in haste because it is too important. It is going to be

there, and the critics will have a chance to look at it, people will be able to come up with suggestions—constructive suggestions, I hope—that will lead us to the passage of health care reform in this country.

I listened earlier to my colleague and friend from Nevada, Senator ENSIGN, talk about government-run health care. In my hometown of Springfield, IL, a doctor wrote a letter to the editor warning us about government-run health care. I would like to put it in perspective.

There are about 300 million people living in our great Nation. Of those 300 million people, 45 million of them are currently covered by Medicare. Medicare, for seniors and disabled people in America, is a government-run health care plan. For many of these people it is the first health insurance plan they have ever been covered by.

A realtor in southern Illinois came up to me, a woman 63 years old. She said: Senator I want you to meet somebody who has never had health insurance protection one day of her life. I never could afford it. I was a realtor. I didn't have enough money. Knock on wood, lucky for me, I have been pretty healthy. I didn't need it. I was able to pay my medical bills. But, she said, thank God in 2 years I will be under Medicare so the savings I put aside for my retirement are not going to be wiped out by one illness or one surgery. I will have Medicare.

She will join the ranks of 45 million people on a government health insurance plan called Medicare that we have had for 45 years in America and is wildly popular. Not one single critic on the other side of the aisle who stands up and shakes their fist and rails against government health care has said eliminate Medicare. Of course they would not. That is not a position the American people are going to support.

Some people are a little confused though. One of my colleagues went back home over the weekend and somebody said: Senator, listen; whatever you do, don't let the government start meddling in my Medicare plan.

He said: Pardon me, ma'am, but the government runs your Medicare plan.

She didn't understand that. Some people don't, but that is a fact.

So there are 45 million people under Medicare. There are another 65 million Americans, maybe as high as 70 million, who are covered by Medicaid. Medicaid is the health insurance plan for the poorest people in America. We said: If you are poor in America, you are still going to get health care, and we are going to provide it, working with the States. So more than one-third of the people who live in America today are covered by government health insurance.

I have never heard a person on the other side of the aisle say eliminate Medicaid. They don't. They understand

we are a caring, compassionate country, and we are going to provide this health insurance coverage, as we have for decades, as we should.

Here we have one-third of America currently under a government health plan, and on the other side of the aisle people are waving their fists saying: Whatever you do, don't have a government health plan.

It does not work. It is inconsistent. Many people say: I like my health insurance right now. I don't want to change. I don't want to go into Medicare or Medicaid. I like what I have. Would you please leave people alone.

The answer is yes. In fact, we guarantee it. We are going to put in any legislation considered by the House and Senate the protection of you, as an individual, to keep the health insurance you have, if that is what you want. What we are trying to create are voluntary choices and opportunities. These are critically important because, let's face it, the cost of health care is going out of sight. We know it. We sense it.

Some people say: Senator, easy for you to say, you have that famous Senator health care plan.

We have heard all about that one. Let me set the record straight. Members of Congress, if they choose—and I have chosen on behalf of my family—can sign up for the Federal Employees Health Benefits Plan. It is not a special program for Senators or Congressmen. We sign up for the same program that covers Federal employees across the United States, 8 million Federal employees and their families. It is a great program. That is why I signed up for it for my wife and myself.

Open enrollment is once every year. How about that. We get to go shopping once every year for the best health insurance for our families.

What do we choose from? In my case, in Illinois, nine different private health insurance plans. We pick the one best for our families. If we want a lot of coverage, they take more out of our paychecks; less coverage, less out of our paychecks. But it is a voluntary choice, and I think that is what the bottom line should be for Americans.

We are trying to move toward that model, create pools of people similar to Federal employees so they can bargain with the private insurance companies, have good coverage at a reasonable cost. We want to build into this as well health insurance reform. What good is it to have a health insurance plan that says they offer coverage for everything except our sickness? That happens. People who may have turned in a claim last year for an aching back can find this year it is a preexisting condition; it is not covered.

People who, 2 or 3 years ago, may have survived prostate cancer or breast cancer may find no coverage for cancer illness in the future. That is unaccept-

able. That is not really health insurance. Health insurance isn't worth much if it is not going to cover your illness.

So we say as part of health care reform they can no longer exclude people for preexisting conditions. They can no longer exclude people who live in certain parts of the country over those who live in other parts of the country. They cannot discriminate based on age or geography except within certain limitations. This gets health insurance to where it ought to be, not a game where the health insurance companies try to pick and choose the healthiest people in America and push everybody else over the cliff.

We want everybody under the tent. We want folks to understand if they buy health insurance in America, it really will protect them.

I was interviewed this morning on WMAY, a station in my hometown. Jim Leach asked me a question: Senator, if you don't allow insurance companies to discriminate against people with previous conditions, won't all our premiums go up?

The honest answer is, if everybody has health insurance in America, premiums can go down. We are not just paying for our care, we are paying for the care of the uninsured. Uninsured people in America are not going to die on the street, thank God. They are going to show up in an emergency room and they are going to be cared for. When they can't pay their bills, that hospital, that doctor, will pass their medical charges through the system on to those of us who are paying for health insurance.

So if we bring everybody in with health insurance protection, this cost transfer is not going to happen. It is going to reduce the upward push for health insurance premiums in our country.

Second, if we don't have basic rules about health insurance as to what they will cover, hold on tight. We found out in Illinois not too long ago there were actually health insurance companies—I remember this, as a person working in the Illinois General Assembly—there were actually health insurance companies that were selling maternity coverage to new mothers and their children but excluding the newborn baby for the first 30 days of life. Do you know why? Because if you have a premature infant or an infant with a real problem, those first 30 days of medical care can be very expensive. So they just wrote it out of the policy.

We said no way. As a matter of policy in Illinois, if they want to sell health insurance to cover a family or maternity benefits or cover children, they do it from the moment that child is born. We put it in the law.

We can argue that is going to raise the cost of insurance. Maybe it did. But if health insurance is not there when

we need it, frankly, it is not worth the cost. That is why we are doing this health care reform.

There is one other aspect I want to mention, and that is small business. I guess small businesspeople know better than any other group what is happening because these businesses are struggling to survive in a recession. The men and women who own these businesses in good conscience are trying to provide for their employees. Yesterday we had a gentleman from Aberdeen, MD, who came to speak at a press conference. He owns a moving and storage company. His last name is Derbyshire. Mr. Derbyshire inherited this business from his father. He brought his son Garrett with him in the hopes his son would carry it on, I am sure. He always felt a special kinship and connection with his employees. He wants them to do good work and he wants them to be loyal and he wants them to know they are appreciated. So Mr. Derbyshire pays, as an employer, 85 percent of each individual employee's health care premiums—85 percent, and 75 percent of the family's. That is pretty good. I give him an A+ for caring and trying. But he told us he can't keep up with it. Health insurance premiums are going up so fast he doesn't know how long he can do it.

I heard the same thing again. I heard it from the man who owns Starbucks—which, incidentally, offers health insurance to its employees—who told us not that long ago: We want Congress to do this. We think it is the right thing to do, even for part-time employees. But if the costs keep going up we will not be able to continue.

That is the reality small businesses face. When we take a look at what they are facing, last year, only 49 percent of small businesses, three to nine workers, offered health insurance; 78 percent of businesses with 10 to 24 workers offered some type of health insurance. In contrast, 99 percent of businesses with more than 200 employees offer health insurance. It shows if you are operating close to the margin in a small business, and a little added expense pushes you over the edge, one of the first casualties is health insurance protection. It means, incidentally, the employees have no protection. It also means the openers of the business have to go out on the private market.

What happens when they go out on the private market? For small businesses, their choices are limited. The overhead costs, administrative costs are dramatically higher than they are for the larger companies, and many of them cannot afford to do it.

What we are trying to do is offer, through health care reform, a way for every person working, for a business, large and small, to have health insurance. Look at the uninsured people in America and we are going to find that

most of them are not the poorest people in our country. They have Medicaid. Of course, they are not the luckiest people in the world like myself and other families who already have health insurance. They are smack dab in the middle. They are the people working for small businesses, and their children and they are the ones who are uninsured.

If we are going to fill the gaps in America and provide for coverage, that is the way we have to go. What are our goals? Our goals are simply stated. We want to have health care reform which helps the middle class in America. We want to make sure at the end of the day we have stable costs so people know what they can anticipate, so the costs will not run them out of health insurance coverage even if they lose a job. We want to provide a helping hand, for example, to lower income people so they can buy health insurance, giving them a tax break and giving them an incentive. We want to provide incentives and opportunities for businesses so they have the right to shop for the right health insurance coverage. We want to make sure they have stable coverage so these health insurance companies cannot waive the magic wand and all of a sudden they are not covered by health insurance anymore.

Stable costs, stable coverage, and make sure at the end of the day we have quality care available for all Americans.

One element we should be rewarding that the current system does not reward is preventive care.

There are a lot of things we can do to reduce the cost of health care in America and improve the health of individuals and families. We need to create incentives for that to happen. There are ways to do that.

Steve Burd is the CEO of Safeway and of Dominick's. He has a plan for his management employees where they can voluntarily sign up. They go through a health screening, they identify any risk that person might have: being overweight or diabetic or high blood pressure, high cholesterol, things of that nature, smoking. Then they create a little profile and say: What we would like you to do is move toward more fitness, better diet, monitoring your diabetes, monitoring your cholesterol and your blood pressure.

As they show improvement, they earn cash incentives. In other words, they pay them extra money if they get healthier. What has happened to the health insurance costs at Safeway in the last 3 years? It has been flat. It has not increased. Across the board in other companies across America on average it is has gone up 38 percent. So they are on to something.

By incentivizing employees to get healthier, they not only have better lives but better health outcomes and lower costs for their company. Why is

that not a national model? Why are we not doing that across the board saying we are going to move toward a healthier country so we have fewer health care costs?

Second, we have to eliminate the incentives for piling on medical bills. Ever had a member of your family go to the hospital for a day or two or a week, then a month later they send you the bill? Were you amazed at how thick it was? You turn it page after page and say: My goodness, thank goodness I have health insurance—if you do.

But if you do not, you look at the bottom line and say: I do not know how I am going to pay for these things. We reward doctors and hospitals for piling on every single line on the page. Every single line is a profitmaker, instead of saying the real goal is wellness and making certain people get well from diseases and illnesses. So we need to create a new incentive in the way we have health care in America, to take the best and brightest women and men who serve as our medical professionals working at these hospitals and give them the incentive for the best outcome.

Senator KLOBUCHAR from Minnesota was here a few moments ago, and she talked about the Mayo Clinic for which I have the highest regard and highest respect. This is a clinic which gets some of the best results in medicine in America at the lowest cost. How do they do it? What is so miraculous or magic up there in Rochester, MN?

Well, they pay their physicians a salary. The physician does not make an extra buck if he orders an extra test. The physician, instead, looks at that patient and says: I think we need three specialists in this room right now, and let's see if we can work out a plan for wellness. They come together and they work it out. It is not a matter of how many lines there are on a page and final billing. It is a matter of that person going home well, and it works. They have reduced cost, and it happens across America. We have seen it many places such as the Cleveland Clinic, and so many other places have been noted as examples of centers of excellence. That is what I want to see in my State of Illinois. That is what every State and every Senator should be working for.

I will close by saying, let's not fall into the trap of this health care reform debate and let the buzzwords and the words that infuriate people stop us from a meaningful, honest debate. This has to be patient-centered health care not government-centered health care.

We are not talking about rationing. We are talking about a rational health care system that is geared toward wellness and disease prevention. We have to make certain that at the end of the day we allow people to choose their own doctors and their own hospitals

and their own health insurance plans and to keep the health insurance plan they have if they want to.

We have to help small business provide the kind of health insurance coverage they want to have for themselves as owners and for their employees as well. At the end of the day, we can improve this system. It is the biggest single issue challenge Congress has faced in at least 40 years, maybe in a much longer period of time, because it affects every single person in this country.

We can do it. With the President's leadership and his commitment, we can get this right.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HIGHWAY TRUST FUND RESTORATION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3357, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3357) to restore sums to the Highway Trust Fund, and for other purposes.

AMENDMENT NO. 1907, AS MODIFIED

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I call up my amendment and ask that it be modified with the changes at the desk.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1907, as modified.

The amendment, as modified, is as follows:

(Purpose: To temporarily protect the solvency of the Highway Trust Fund)

Strike section 1 and insert the following:

SECTION 1. TEMPORARY PROTECTION OF HIGHWAY TRUST FUND SOLVENCY.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer \$7,000,000,000 to the Highway Trust Fund. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so transferred within the jurisdiction of such committee. The amounts so transferred shall remain available without fiscal year limitation.

Mr. VITTER. Mr. President, I urge all colleagues to come together, as the American people surely want us to do, and adopt this amendment. I truly believe this amendment is the responsible way to address the shortfall in the highway trust fund.

This amendment funds the highway trust fund shortfall by using money from the already-passed stimulus bill. That is important because otherwise we are racking up yet more deficit and more debt on top of the mountains of debt we have already accumulated to pass on to our children and grandchildren. This is important so that, yes, needed highway work can be done, particularly needed work in the midst of a recession, but it can be done without racking up yet more debt to weigh down the economy and burden our children and grandchildren.

I wish to make two central points about this idea and why this amendment is necessary. First, the level of debt we are accumulating is truly staggering. It is beyond our ability to get our hands around. This year alone, the deficit has surpassed \$1 trillion. This year's deficit spending has gone beyond \$1 trillion. By the way, we are not finished this year. It continues to grow. This year, we have racked up over \$1.8 trillion of new debt because there is the \$1 trillion in the normal year's spending plus the huge stimulus bill of \$800 billion. In terms of racking up new debt to put on the backs of our children and grandchildren, there is \$1.8 trillion of new debt this year. That is way beyond anything we have experienced in our lifetime. Just the trillion dollars of deficit spending rivals the sort of numbers we used to talk about not so long ago for the entire Federal budget.

But, unfortunately, it gets worse. It gets significantly worse because this Congress, over my objection, passed President Obama's budget, and that budget takes those mountains of debt I just described—at already sky-high historic levels—and what does it do? Does it work it down? No. It doubles that level of debt in 5 years. It more than triples that level of debt in 10 years. That is the path we are on, and that is the legacy we are handing to our children and grandchildren. That is simply completely irresponsible. To have this mountain of debt already accumulated this year, at historically high levels—\$1.8 trillion accumulated this year alone, and it is growing—and then to have a budget plan that doubles that in 5 years and triples it in 10 years is inexcusable. In that 5-year period, this President will have racked up more debt than every predecessor President before him combined. We need to get off that path, and the American people know it.

The American people understand, through their common sense, that this is a recipe for disaster. All of us as par-

ents want to hand our kids a better world, a world of more opportunity, a better future than even we had handed to us from our parents. Yet we are on a path to do exactly the opposite and hand our kids an enormous burden, hand them a tomorrow full of clouds and uncertainty, particularly dominated by this threat—central fundamental economic threat—of deficit and debt. We cannot accept that. Yet here we are on the floor with the other side proposing to fund the highway trust fund with—guess what—more debt, more borrowing, more borrowing by the government from whoever buys our debt, including wonderful allies around the world like the Communist Chinese Government.

We need to get off this path, and this is one important step in doing that, saying: Yes, we will continue vital highway programs, but we will do it by taking from the already-appropriated stimulus funds. That is appropriate money that is already appropriated through the process. We will not do it by borrowing yet more money.

The other side has fancy arguments about: Well, this is really taking back a loan we sent the general fund 8 years ago. Let's make no mistake about it, that money is long gone. This is racking up more debt, purely and simply. For that very reason—because it is racking up more debt, because it increases outlays in this fiscal year—it has a budget point of order against it, which I will raise before our final vote. So if you need any further proof that the underlying bill requires borrowing yet more money, racking up yet more debt, it is nailed down by the fact that there is a budget point of order against the underlying bill, which I will raise.

The second critical reason we should adopt the Vitter amendment and fund highway projects from stimulus money and not rack up yet more debt goes to the nature of the stimulus and the attempt which has been very slow and very faltering of using those stimulus dollars to help revive the economy. Of course, that was the whole argument behind the stimulus: We are in a severe recession. We need to do something. We need to get spending and economic activity out the door. We need to hold down unemployment. That was the whole argument. From the very beginning, I did not think that would be the result. That is why I voted against the stimulus, both because of the nature of the spending—it is a lot of big government programs, not a lot of true shovel-ready infrastructure spending—and because of the timing of the spending. I thought from the very beginning that relatively few dollars would go out the door immediately and a lot of the stimulus money would not be spent for years. Well, unfortunately, all of that is coming true. Again, if you look at the nature of the spending in the stimulus and the timing of it, it leaves a lot to be desired.

I think all of us in this body, and Americans across the country, favored infrastructure spending as the centerpiece of the stimulus. Yes, let's do real, concrete, shovel-ready projects. Let's build roads and highways and bridges as the best example of a true, concrete, shovel-ready infrastructure project. I certainly strongly supported that element of spending as a way—not the only way but as a way—to help revive our economy.

Unfortunately, that type of project was never a major part of the stimulus bill as passed. In fact, if you take all of the roads and highways and bridges, all of that construction in the entire stimulus, how much of the bill do you think it is? Fifty percent? Certainly not. Thirty percent? Keep going down. Twenty percent? No. Ten percent? Try 3.5 percent. Mr. President, 3.5 percent of the entire stimulus focused on what the American people thought really could be spent to help stimulate the economy: shovel-ready infrastructure projects on roads and highways and bridges.

My amendment is a way to increase that part of the stimulus that goes to that project to increase highway funding through the stimulus, which I think there was a very broad consensus to do from the beginning, but it never got done in the stimulus.

The second big problem with the stimulus is the timing of that money. It has gone out the door very slowly. Of the entire \$800 billion stimulus bill, which was supposed to be immediate relief for the economy—let's start turning the corner on this recession immediately passing that bill—today, months later, a half a year later, 10 percent has gone out the door. Only 10 percent has been spent. That is ludicrous.

Of that tiny slice that was roads and highways and bridges—the 3.5 percent—guess how much of that money has gotten spent. Mr. President, 1 percent of that. Not 1 percent of the whole bill, not almost a third of the 3.5 percent. I mean 1 percent of the 3.5 percent; in other words .035 percent of the entire bill—a meaningless amount. So let's increase the amount of money we take from the stimulus pot and immediately get it out the door for vital highway projects.

Because of those factors in the stimulus—the nature of the spending, which was never focused on real, shovel-ready infrastructure; only 3.5 percent going to roads and highways and bridges; and the timing of the money, which has been amazingly slow; only 10 percent of the stimulus spent right now and only 1 percent on roads and highways and bridges—what has been the effect on the economy? Well, of course, the effect has been slim to none.

This chart I have in the Chamber says it all. This graph is what the proponents of the stimulus bill say would

happen to unemployment over time: We pass the stimulus, and it is going to help revive the economy. It is going to make sure unemployment peaks at less than 8 percent and then comes down. Well, unfortunately, the reality has been very different, because compared to this prediction by the proponents of the stimulus, this is the reality, as I show you on this chart. This is what unemployment has been doing in the last several months—going up and up and up, well beyond the peak that was predicted, reaching almost 10 percent today.

Again, this is the second fundamental reason we need to adopt the Vitter amendment, because the stimulus, as it was put together, is not weighted nearly enough toward real infrastructure such as roads and highways and bridges, and it is not weighted nearly enough on spending now versus years from now. This Vitter amendment will help change that for the better. It will reweight the stimulus, at least at the margin, to more roads and highways and bridges and more spending now because we need it now in the midst of this recession now.

So again I urge all of my colleagues to come around and embrace and support this Vitter amendment. Doesn't it make sense to say we need to start now in terms of rejecting this path of more and more and more debt? Because the underlying bill, make no mistake about it, is funded by more borrowing, more debt. That is why a budget point of order lies against the underlying bill. I will raise that budget point of order before the end of our debate.

Secondly, doesn't it make sense to say: Look, the stimulus idea was about exactly this sort of spending? Americans across the country favor stimulus spending that is really focused on roads and highways and bridges and real infrastructure, things that are truly shovel ready. They do not favor big government waste programs and they do not favor spending 3 years from now because that is going to have no impact to get us out of this recession right now.

This amendment, again, will fine-tune the stimulus in the positive direction, toward spending on roads and highways and bridges, and virtually all of us support more of that spending, including the distinguished chairman of the Environment and Public Works Committee. She had an amendment on the stimulus to do just that, which was opposed and defeated by the other side.

This amendment will also fine-tune the stimulus to get more money out the door now. Don't we need that? Only 10 percent of the \$800 billion has been spent. Don't we need to front-load it a lot more than that to have any sort of significant positive impact on this recession?

Again, tragically, the unemployment figures say it all. The prediction: Peak

at 8 percent, come down from there. The reality: We continue to go up and up and up—perilously close right now—toward 10 percent.

Again, I urge all of my colleagues, Democrats and Republicans, to join together, to work together, as the American people want us to do, around a basic commonsense idea. Let's stop the debt. Let's stop racking up yet more debt, putting it on the backs of our children and grandchildren. Let's front-load the stimulus and do shovel-ready infrastructure now rather than big government projects 3 years from now.

With that, Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, could the Presiding Officer let us know how much time remains on the Vitter amendment and general debate?

The PRESIDING OFFICER. The Senator from California has 30 minutes remaining. The Senator from Louisiana has yielded back his time. There is 20 minutes of debate on the bill itself.

Mrs. BOXER. Mr. President, thank you very much.

Mr. President, of all the times to stop job creation in its tracks, I will tell you, this is not the time to do it. The Republican response to the bill that has come over from the House—the bill that would restore the funding, make sure there is funding in the highway trust fund to get us through September 30, and also make sure we can handle unemployment insurance and also ensure that our families can get mortgages, those who qualify—the answer from our Republican friends, and they have a right to do it, is to take that funding from the unobligated stimulus package.

Now, here is the thing. We know we are starting to finally get those dollars for our economic recovery out the door. We know that. Yes, they are not flying out the door because the administration wants to make sure these are worthy projects. But I will tell you right now, the Republicans are putting at risk the very program they say they embrace: the highway program. The fact is, we still have \$10 billion for highway-related jobs that would be subjected to the Vitter amendment. So, irony of ironies, they say they are extending the highway trust fund, but that amendment puts these funds at risk, puts these jobs at risk.

The stimulus is designed to create those jobs. The funding is getting out the door. I have gone to my State and seen it at work. Yes, we know employment is lagging. So what do you do when employment is lagging? You do not go to a program that is designed to put people to work.

I think it is important to note that the House bill is not only deficit neutral, it actually reduces the deficit. Ac-

cording to CBO, not only does it do it in 2010 but over the next 5- to 10-year period. That is because of the way they are funding the trust fund and the way they are funding the housing priority.

What the Republicans are doing is they are taking a deficit reduction measure that keeps the highway trust fund solvent through the end of September, that makes sure people can continue to get unemployment insurance, that makes sure people can get mortgages—those who qualify—and they are saying that, instead of reducing the deficit, let's slash the stimulus program, take funding away from our States, away from our counties, our cities, and our businesses back home when it is not necessary.

Mr. DURBIN. If the Senator will yield further, I am trying to see whether there is net job creation from the Senator's amendment or if we would lose ground with it. If our goal is to create more jobs in America—I listened to the Senator's explanation, and I would like to ask the Senator from California this: Even if we just take the money out of one pocket and move it to another pocket, how does that create new jobs in America?

Mrs. BOXER. Clearly, it is not even moving funds, it is slashing funds from the stimulus program, which has one purpose, and that purpose is to create jobs.

Mr. VITTER. Will the Senator yield?

Mrs. BOXER. We have heard from our Republican friends over and over again, who voted against the stimulus—although I have to say some of them are standing in front of projects built with stimulus dollars, but we will forget that for now—we are hearing from them that the stimulus isn't working fast enough. What do they want to do today but cut the funding?

What I have suggested—and I want to get my friend's reaction to this—to my friends on the other side—because I agree we ought to extend the highway trust fund for 18 months; I don't like the way they are paying for it—is to wait until the end of the stimulus program, and if there is funding at that time that hasn't been obligated, that has been left on the table, take those funds and add them to the highway trust fund.

Mr. DURBIN. If the Senator will further yield, I ask the Senator from California this: Since the Senator from Louisiana didn't support the President's recovery and reinvestment program, and most of those on his side of the aisle did not, those of us who voted for it did it with the understanding it would do a number of things. It provides tax relief for families, and it provides a helping hand to those who are unemployed, so they can afford health care insurance if they have lost their job, for example. It does provide infrastructure programs and projects. It is my understanding we are a little over 4

months into this 2-year stimulus program—not quite 5 months into it—and the Senator from Louisiana wants to basically declare it a failure, never having voted for it. I ask the Senator from California, when the Senator from Louisiana talks about the number of dollars committed, the number of projects we have agreed to, it was my understanding that, as of a couple weeks ago, we had obligated over \$200 billion out of the \$787 billion, meaning we promised we will pay, once the projects are underway and the jobs are actually created, and that number is going to continue to grow as we obligate it. Is it not also true that we want to make certain, whether we are spending money for projects under the highway trust fund or the stimulus bill, that we don't waste taxpayer dollars; we want to look carefully at each project to make sure it serves a public purpose and make certain Americans are going to work at a decent wage, and when it is over, we not only get through the recession, but we have a legacy of projects that will serve our economy and our Nation.

If the Senator from Louisiana has his way, he is going to take the money out that we are currently investing into creating jobs in America and move it into the highway trust fund. I am wondering if the Senator could respond. Does it make any sense for us to take a different approach on the stimulus and not be careful that the money we spend is actually spent well?

Mr. VITTER. Will the Senator yield?

Mrs. BOXER. I will yield to the Senator from Louisiana on his time, but I will keep my time right now. It is very important we thread this needle in the right way. We want those jobs out there, and we want them out there as fast as they can get there.

Out of the \$27 billion for highway projects, there is \$10 billion remaining. I can assure both my friends that it is very important to be careful in the way you do it. If you do it too quickly, you know what will happen on the floor of the Senate. We will have our friends on the other side saying: "they rushed." We want to be careful, but we don't want to, at this point, as we see this recovery starting to take hold—we all believe and hope it is true—we know employment is the lagging indicator. This is not the time to throw a dagger into the heart of job creation. That is what the Senator's amendment will do.

Mr. DURBIN. I ask the Senator from California, if I have the appropriate amendment before us, does the Senator from Louisiana go beyond the highway trust fund in the money that is transferred? Does he apply some of the money from the stimulus to unemployment and to mortgage insurance or is that a separate amendment? I know his amendments were filed late last night, and I am not sure.

Mrs. BOXER. I believe the Senator's amendment—and he can explain it—

deals with the trust fund, and others will have similar amendments for UI and mortgage insurance.

Mr. DURBIN. I ask the Senator—and this is a legitimate inquiry, as I don't know the answer—on the stimulus projects we are funding, what is the requirement for a local match for those projects, as opposed to requirements for projects under the highway trust fund?

Mrs. BOXER. My understanding is it is 100 percent because it is the stimulus. We are trying to do that because our States are suffering—yours is and mine. We saw our Republican Governor talk about how heavy our hearts are back there, and we decided to help our State. This is very different. It is 100 percent offset.

Mr. DURBIN. The stimulus is 100 percent Federal, which means projects go forward even if States are struggling with the budget. If the money goes into the highway trust fund for projects, most of that required a State or local match, right?

Mrs. BOXER. That is correct; 20, 30 percent.

Mr. DURBIN. Most States, including Illinois, California, and others, would have a more difficult time moving projects forward through the highway trust fund rather than the stimulus, which is 100 percent Federal dollars.

Actually, the Senator from Louisiana is cutting down the opportunity, reducing the opportunity for infrastructure projects by requiring this match through the highway trust fund; isn't that correct?

Mrs. BOXER. I say to the assistant majority leader, he is absolutely correct. I understand the need to extend the trust funds to 18 months. On that part, Senator VITTER and I are in agreement. But the way he funds it is hurtful to the American people, to the American workers, to our businesses, and to our contractors. Even though we know a lot of us want to see these funds get out there quicker, they are on the verge—Vice President BIDEN has said we have committed more than a fourth of the Recovery Act total funds. We are on track to meet the deadline set when the act was passed in February, spending 70 percent by the end of September of 2010. He points out that the purpose of the stimulus was the jolt for immediate help but then a long-term economic recovery.

This kind of amendment—and the others we will see—which says to the American people: Gee, it is 4 months and we want to forget about this whole notion—doesn't make sense. The timing of this is way off. If at the end of the 2-year period, within which the stimulus is supposed to act, there is money left over, I will be the first one saying: Let's either reduce the deficit with it or let's put it into the highway trust fund. I do believe infrastructure should have gotten more funds from the stimulus, but that is another point.

Mr. DURBIN. My last question to the Senator from California—and I join her in opposition to this amendment—is this: If the net result of the Vitter amendment is not to increase jobs in America but actually will reduce jobs in America, it seems like it is the opposite of what we ought to be doing in the middle of a recession, with so many Americans losing work. We want to create good-paying jobs here at home, and the Vitter amendment, by increasing the need for a State and local match, for example, is going to decrease the likelihood of creating jobs. The stimulus money—100 percent Federal money that is for shovel-ready projects—will move more quickly into the economy and into paychecks and will help us rebound from this recession we are in.

I say to the Senator from California, I thank her for her opposition to this amendment. I hope our colleagues on both sides will realize that even if you didn't vote for the stimulus, voting for the Vitter amendment is going to take money away from projects in your States that will create good-paying jobs.

Mrs. BOXER. Before my friend leaves, I think I can put some specifics out to him. We already know there are \$10 billion worth of highway projects that have not been obligated. That is at risk right away. We know there are Superfund cleanups that are long overdue. We have funds for that. We have \$5.5 billion in construction-related activity that deals with cleaning up underground leaking storage tanks and the specialized, good-paying jobs that those activities create. We have \$300 million to restore our Nation's wildlife refuges. We have \$100 million in a great program Republicans and Democrats have been lauding in my committee—the Economic Development Administration—where you leverage those funds from business. That would be at risk. We have \$5 billion available for flood control. It is ironic that my friend from Louisiana—I have been working with him and Senator LANDRIEU to do everything in our power to stop flooding. We have problems in our State, and Lord knows and the world knows about the problem in Senator VITTER's State; \$5 billion was available for flood control, for water supply and harbor maintenance, all of which are focused on job creation, and the irony of ironies is that those funds could well be cut under the Vitter amendment.

Mr. DURBIN. So the Senator's amendment would effectively cut funds used in the stimulus for flood control?

Mrs. BOXER. Any funds not obligated out of the \$5 billion available. As we know, Vice President BIDEN says, on average, 25 percent of the funds have been obligated. That means a good portion of the \$5 billion for flood control would, in fact, be at risk.

I thank my friend for coming over and helping me explain to our colleagues and the American people why we oppose this amendment, even though it may be well intentioned. At the end of the day, it hurts our people and their chance to get good jobs.

I yield the floor and reserve my time.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, let me briefly address some of the issues and misconceptions that have come up by focusing on four key points.

First, I believe the Senator from Illinois said: Why would we want to take anything out of the stimulus and stop job creation? I have a news flash: There is no job creation. Unemployment is going up. Again, unfortunately and tragically, the unemployment numbers say it all. This was the projection from the proponents of the stimulus about unemployment peaking at 8 percent and then coming down. Tragically, this is the reality. Joblessness goes up and up, toward 8 percent. So there is no job creation right now.

No. 2, the Senator from Illinois said: Why would we want to move money from one pocket into another pocket? That doesn't do anything. Well, it does a lot if the pocket we are removing money from is stuff that would not be spent until after 2011, and we move it to a pocket focused on real, concrete roads, highways, and bridges—spending that can be done now. That is a big change in terms of the type of spending we are talking about. It is a big change in terms of the timing of the spending.

The biggest reason for the stimulus having no significant impact on unemployment is the type and the timing of the spending. On the timing side, only 10 percent of the entire \$800 billion stimulus has been spent to date. On the type of spending, only 3.5 percent of the whole bill was ever for roads, highways, and bridges. Only 1 percent of that—1 percent of the 3.5 percent—has been spent yet. So, yes, we are moving money from one pocket to another so as not to run up more debt. In the process, we are having a lot more imme-

diated, positive impact on employment. That is very important.

Point No. 3: In direct response to the Senator from California, if she would like to wall off any stimulus money—the money for roads, highways and bridges and the money for flood control—and say the President cannot use that money in this transfer, I would be very open and supportive of such a second-degree amendment.

I did not do that simply to give the administration maximum flexibility in terms of working out those details. However, again, if the Senator from California would like to propose a second-degree amendment to wall off true highway funding or flood control funding, or whatever, I would be happy to support that.

Fourth and finally, I couldn't believe my ears, but I think the Senator from California said the underlying bill involves deficit reduction. Let's get real. I know Washington is a fairy tale world. I know things are turned upside down so often, like Alice in Wonderland, but the underlying bill involves racking up more debt, more deficit. That is the whole motivating factor of my amendment. The underlying bill does nothing but borrow more. Don't take my word for it; look at the fact that there is a budget point of order against the underlying bill which I will point out and raise for consideration by the Senate.

So the underlying bill clearly involves more debt. How could it not? We are taking money from the general fund to fill in the highway trust fund. Guess what. We are deficit spending in the general fund. We are already, through the general fund, racking up a deficit. So if we take money from there, we have to backfill that if we spend the same amount with more borrowing, more deficit, more debt.

Again, if we care about turning the corner on deficit and debt, this is the responsible amendment to support and the responsible approach to take. The underlying bill racks up more debt; the Vitter amendment avoids that.

Again, there is a budget point of order against this underlying bill about

which, with the cooperation of the Senator from California, I believe she needs to make some introductory comments, but I will make that budget point of order now.

I yield the floor to the Senator from California.

Mrs. BOXER. Madam President, how much time remains on the Vitter amendment on either side?

The ACTING PRESIDENT pro tempore. The Republican side has 9½ minutes for Senator VITTER; 15 minutes for Senator BOXER.

Mrs. BOXER. And on the general debate?

The ACTING PRESIDENT pro tempore. Twenty minutes on the general debate.

Mrs. BOXER. Madam President, I am going to put a couple of items in the RECORD and make sure Senator VITTER can offer his budget point of order. I asked if Senator DURBIN would be willing to take 10 minutes on our side on the general debate. I don't think I have to ask unanimous consent, but why don't I do that. I ask unanimous consent that after I conclude and after Senator VITTER makes his point of order, then we get to Senator DURBIN for his 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, on the issue of the Congressional Budget Office score that scores the House bill as deficit reduction, I find it intriguing that my friend who supports the CBO when they say we are spending money—for example, on the health bill, they say: Oh, look. CBO says it costs money, but he derides it when CBO says this particular bill is a deficit reducer.

I ask unanimous consent to have printed in the RECORD the CBO score that shows, in fact, the bill sent over from the House reduces the deficit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 3357: TO RESTORE SUMS TO THE HIGHWAY TRUST FUND AND FOR OTHER PURPOSES

	Changes in direct spending (in millions of dollars)			
	2009	2010	2009–2014	2009–2019
Section 1—Appropriate \$7 billion to the Highway Trust Fund:				
Budget Authority	0	0	0	0
Estimated Outlays	1,000	–1,000	0	0
Section 4—Increase Loan Limit to \$400 Billion for the GNMA Mortgage-backed Securities Loan Guarantee Program Account:				
Estimated Budget Authority	–40	0	–40	–40
Estimated Outlays	–40	0	–40	–40
Total, H.R. 3357:				
Estimated Budget Authority	–40	0	–40	–40
Estimated Outlays	960	–1,000	–40	–40

NOTES:

Section 2 would have no estimated budgetary impact relative to CBO's baseline. The costs of providing benefits under the unemployment compensation program are assumed in the baseline, consistent with section 257 of the Deficit Control Act of 1985, which states that "funding for entitlement authority is assumed to be adequate to make all payments required."

Section 3 also would not have a budget impact. Allowing FHA to guarantee additional loans has no cost or savings because under the Federal Credit Reform, CBO's estimate of the subsidy cost of new FHA guarantees is zero.

Source: Congressional Budget Office.

Mrs. BOXER. Madam President, notwithstanding the order of July 29, I ask

that it be in order for Senator VITTER to make a budget point of order

against H.R. 3357 at this time, and that a motion to waive the applicable point

of order be considered made, with the vote on waiving the point of order occurring at a time to be determined.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Madam President, I will make that point of order. The underlying bill is such a great deficit reduction that it would involve more borrowing and more debt and more mandatory spending. It would specifically increase mandatory spending and exceed the committee's section 302(a) allocation. Therefore, I raise a point of order against the bill pursuant to section 302(f) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. Under the previous order, the waiver is considered made.

Mr. DURBIN. Madam President, I seek recognition pursuant to the unanimous consent agreement of the Senator from California, 10 minutes remaining on our side on the general debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, the Senator from Louisiana suggests the stimulus bill the President enacted is not creating jobs because we still have unemployment. The fact is, it is creating jobs and we are still in a recession. Were we not working with the stimulus bill to put money back in the economy to create American jobs, it would be worse. We all know that.

When the President came to office, he encountered an economy that was losing on average 700,000 jobs a month. Our growth rate had hit a negative 6.3 percent. Foreclosures were at record levels, and residential investment had fallen. Banks were in crisis and freezing lending. Madam President, \$10 trillion in wealth had been lost. Virtually every American with a savings or retirement account had taken a hit. That is when the President took his hand off the Bible and accepted the responsibility of office, and that is what he inherited.

He came to Congress and said: Let's put money in the economy and get Americans back to work. Let's invest in things that will pay off in the long run. Let's build the bridges, the highways, the airports. Let's make sure we make investments that not only create jobs today, but we can rely on in the future to build our economy. And we did it, with limited help from the other side of the aisle.

The Senator who is offering this amendment voted against it. The position for most Senators on the other side of the aisle was, let's do nothing; let's let the market work this out.

Do you have any idea where we would be today if the market was still working this out? I am afraid we would be in sorry shape. We would continue to see

job loss and continue to see more and more unemployed Americans, which is exactly the opposite of what we want.

Now comes the Senator from Louisiana who opposed the stimulus package in the midst of this economic crisis and now says: Let's take money out of the stimulus package that is creating good-paying jobs in America. Let's take it away from the States where they get 100 percent Federal funding for their projects. Let's put it in a different fund. It isn't creating any new investment, but let's put it in a different fund that now requires a State match.

What that means is, if your State budget is struggling—we know a lot of States are—the Senator from Louisiana does you no favor. He is taking a project in your State that is important for your economic future, closes it down and says: We will be glad to give you some of that money back as long as you can come up with matching funds.

I am afraid that is not helpful. It is hurtful at a time when this economy needs all the help it can get. When it comes to the stimulus package, understand, we are a little over 4 months into this stimulus, this 2-year stimulus package.

The Senator from Louisiana says: I am prepared to declare it a failure; let's stop right now.

I am not prepared to declare it a failure. In fact, I think there is an indication that it is starting to put America back to work.

Because of the Recovery Act, on which the Senator from Louisiana wants to reduce spending—listen to this—95 percent of working families are already getting tax credits in their paychecks. Those dealing with job loss are collecting an extra \$25 a week if they are out of work. That does not sound like much if you have a job, but if you are out of work, it means something.

There also is help for unemployed people to pay health insurance. I don't know if the Senator from Louisiana didn't vote for that. I don't know if he thinks that is a good idea. If I were unemployed, I would want my family to have health insurance. That is pretty basic.

There is money to help seniors and college students, many of whom have faced the idea of suspending their college education because mom and dad are struggling at home. The Senator from Louisiana may be opposed to that; I am not. I want them to stay in school. I want them to get their degrees because they will lead America.

We provided \$34 billion in funds for States for Medicaid because our States are struggling to provide health care for the poor. The Senator from Louisiana may oppose that. That is his right to do. I happen to think that providing basic health care to the poor in

America is evidence we are a caring and compassionate nation and will continue to be.

The money that has gone to States and local governments has avoided the layoffs of teachers and police officers and other law enforcement in Louisiana, Illinois, California, and around the Nation. The Senator from Louisiana may think that is a waste of money, we never should have done that. But for a safer America and for an America where kids can go to school and have the teachers they need, I think the money was well spent.

Beyond that, this Recovery Act in which we are involved is one that is starting to make some results. Just starting. I am not being Pollyanna-ish about this. We are still in a recession. I think we are coming out—I hope we are coming out.

In January, the month before this Recovery Act went into law, we lost 741,000 jobs. Terrible. By June, the economy was losing one-third fewer jobs. I wish we were not losing any jobs, but the fact is the stimulus is starting to work.

The Senator from Louisiana, who did not support it, who had no plan for this economy, now wants to take the money out just at the moment it is starting to work. Boy, the perfect Washington answer. Let's move in right now, 4 months into a 2-year program, and declare it a failure. That may be his approach, but I don't think it works for America.

In less than 160 days, more than 30,000 projects have been started under this bill—30,000 across the country. I went to Peoria, IL. There is a project at the airport which is critical to its economic future funded by the stimulus bill, creating good-paying local jobs right in the heartland of Illinois. More than \$23 billion will be made available to fund over 6,600 shovel-ready construction projects; 3,200 are underway. If the Senator from Louisiana has his way, we will stop right there. We will start cutting back on these projects right now. That is his idea of economic recovery.

Over \$369 million has been put into rural water systems. I can tell you, representing a State with a lot of small towns, such as Louisiana, they need this money to make sure their drinking water is safe for the people who live there. The Senator from Louisiana says: Enough said; let's start cutting back on that.

Madam President, \$2 billion has been moved out to State governments and community organizations for weatherization and energy efficiency on low-income homes, and half a billion in overdue cleanup of Superfund sites. The Senator from Louisiana says: Let's cut that money; let's reduce that money. I don't think that makes sense.

We know if we did not have this Recovery Act, there would be more unemployment, more people out of work,

fewer dollars being paid in taxes to the Federal Government and State governments. Our situation would be worse when it comes to the deficit. The more people who are unemployed, the fewer who are paying taxes, the more people need services. It is a recipe for a deficit that grows.

The Vitter amendment, by reducing the spending power of the stimulus funds, will make our deficit worse. That is a fact. He must acknowledge that. I hope he does.

In terms of obligating these funds, I want to make sure at the end of the day, having voted for this and supported it, that the money is well spent. I don't want a single dollar wasted. We are going to take care to make sure these projects make sense, that we have a justification for them, and they will serve America and our economy's future. That is responsible and accountable transparency.

I know the Senator from Louisiana says we are 4 months in, we have not gotten it spent, it is time to bail out. That kind of shortsightedness will not work. The idea that we would cut back on funds for flood control in the States of Louisiana and Illinois makes no sense whatsoever. The Senator from Louisiana is wanting to cut back those funds so he can transfer money into the highway trust fund.

I think we are on the path to recovery. I hope that path is a short one and we reach it soon. In the meantime, the Vitter amendment will not help. The Vitter amendment makes it worse. The situation is that the projects we are counting on to get America back to work, good-paying jobs right here at home, are in danger because of this amendment.

I urge my colleagues on both sides of the aisle, even if they didn't vote for the stimulus package, do the math—100 percent Federal money for the project in that State, as opposed to the Vitter approach which would require 20 percent or more from the State before they could go forward with any projects at a time when most States are struggling. This is not the answer. This will not be the only part of the problem; it will be a big part of the problem.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Nevada.

AMENDMENT NO. 1905, AS MODIFIED

Mr. ENSIGN. Madam President, I call up my amendment at the desk and ask that it be modified with the changes that are at the desk.

The PRESIDING OFFICER. The instruction line of the amendment is so modified.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1905, as modified.

Mr. ENSIGN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To offset the appropriation of funds to replenish the Unemployment Trust Fund with unobligated nonveterans funds from the American Recovery and Reinvestment Act of 2009)

On page 3, after line 12, add the following:

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS TO REPLENISH UNEMPLOYMENT TRUST FUND.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$7,500,000,000 in order to offset the amount appropriated to the Unemployment Trust Fund under the amendment made by section 2 of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

Mr. ENSIGN. Madam President, in my home State of Nevada, the unemployment rate has reached 12 percent, and we are seeing unemployment continue to rise across the country. The President said the stimulus bill that was passed this year was going to keep unemployment no higher than 8.3 percent across the country. We know it is a lot higher than that everywhere now. This is not just a Nevada problem, it is a problem in every State.

American families across the country are hurting, and they are hurting badly. I am offering an amendment that will help families during these tough times. 18 States have depleted their State unemployment fund and are now borrowing from the Federal unemployment fund to cover benefits. The Federal Fund is now running dangerously low. I am offering an amendment to shore up the Federal fund and help the States that have depleted their own funds. My amendment will help in a way that is fiscally responsible. My amendment is very simple. It would say we are going to use money out of the stimulus bill to replenish the Federal unemployment funds that the States are borrowing from, and we are going to do that in a way where we don't increase the deficit. My amendment does not play any phony numbers games, unlike the bill that was sent over here from the House of Representatives. The House bill says, technically, it is not increasing the deficit. The Federal Government, however, is borrowing from future generations, and will very likely forgive the States that have borrowed money, which will therefore increase the deficit.

The U.S. Department of Labor estimates it will take about \$7.5 billion to replenish the Federal fund for the rest of the Fiscal Year. Next year, it is pro-

jected to be at \$30 billion. And we have already seen in the stimulus bill that this Congress is giving money away to the States. We will continue to borrow from future generations so we can forgive that debt the States have run up. States are not going to be able to pay back all they have borrowed, right? That is what we all assume. So let's show some fiscal responsibility and take the money needed to replenish the Federal unemployment fund, out of the stimulus.

The Senator from Illinois was just on the floor talking, and I listened carefully to some of the things he was saying. He was saying that if we actually borrow less—as does the Vitter amendment, for instance—it means our deficit is going to be more. Well, that just doesn't pass the commonsense test. I know what he is saying. He is saying, basically, if we take the money away from the stimulus—in other words, we borrow less now—it is not going to help the economy as much. That was the philosophy behind the stimulus package, that by borrowing money and putting that government money into the economy, we would help the economy recover. I think it is not arguable that there are a certain amount of jobs that can be created by government spending.

The reason I voted against the stimulus bill is because I thought a lot of the money was irresponsibly spent and it was going to run up the deficit. So I was looking more long term, not just short-term. The problem with continuing to borrow more and more is we have the threat of long-term economic harm. We have the threat of long-term inflation in this country, which will be devastating to this economy.

Under the President's budget that was passed here in the Congress, it is projected that our national debt will double in 5 years and triple in 10 years. Think about that. Take all of the debt that was borrowed in the history of this country, from George Washington to George W. Bush, and that debt is going to be doubled in 5 years and tripled in 10 years. That is unsustainable. We have to think about future generations.

States do need help to replenish their Federal unemployment insurance fund. They do need that help. We recognize that. But let's do this in a way where we are not borrowing more money from our children's future. That is really what this is about.

We had the former Fed Chairman, Alan Greenspan, talking to our conference at lunch a couple of weeks ago. One of the things he talked about and one of his big fears is that the United States is borrowing too much money and that can be a future threat to our economy in the form of inflation. If we get to the point where other countries decide not to loan us this money anymore—if they quit buying our Treasury

bills, in other words—our economy falls off a cliff. We don't want to get to that point.

That is why we need to start taking small steps, which can lead to larger steps on being fiscally responsible in this country. We hear Senators from both sides of the aisle get up and talk all the time about being fiscally responsible. Yet every time we have a small proposal that shows fiscal responsibility around here, it is rejected: We can't do that now. We can't do that with this program. The stimulus program is off limits.

Even though a large amount of the stimulus isn't going to be spent for a long time, it was originally supposed to help our economy this year. And the Senator from Illinois just said the economy is recovering. There are signs the recession is slowing down; however, this looks as if this is going to be a completely jobless recovery. That is not what the stimulus bill was supposed to be about. It was supposed to be about creating jobs.

We had alternatives, actually, that would have created jobs, that would have helped the housing industry. The housing industry was the part of our economy that drug the rest of the economy down. So we thought we should have fixed housing before we started putting money into all these other projects and all these other government programs. That was rejected by the Democratic majority, unfortunately. I still believe we need to help the housing industry.

Senator JOHNNY ISAKSON from Georgia has a good proposal—to give a \$15,000 tax credit to anyone who would buy a home. In my State of Nevada, the housing market is still devastated. We have huge foreclosure rates. We have a large amount of inventory to sell out there. The housing market is starting to turn around in some of the other States, but it still has a long way to go, and we could really help the housing market.

The bottom line is that we need to be more fiscally responsible to future generations. My amendment today is just taking a small step toward that.

My dad used to tell me all the time when I was growing up: You have to watch the small amounts of money. He used to say: If you watch the \$20 bills, the large amounts of money will take care of themselves. Well, let's start watching the small amounts. I know \$7.3 billion is not a small amount of money, but around here, it is. Let's start watching at least these amounts of money so that when we are talking about the \$1.8 trillion deficits, we can start taking care of that and we can start being fiscally responsible to future generations.

I urge my colleagues to support this commonsense amendment. I think the Vitter amendment is the right direction to go as well. This is something we need to do for future generations.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I rise to speak against the Ensign amendment, and I want to explain why, so I will take my time off that discussion and retain the remainder of my time on the other amendments.

Let me say that Senator ENSIGN has come to the floor and he wants to talk about fiscal responsibility. I welcome that debate. He blames the Democrats for not doing anything to help us get a handle on deficits and debt. But let's go back to recent history—not ancient history, recent history.

Bill Clinton left the White House in the year 2000, and we had a budget surplus. That was very hard to get to, but we Democrats did it with him and with the help of some of our Republicans. We had a debt practically eliminated. It was on the way down. And I remember discussions about what do we do when we have no more Treasuries to buy.

Then we had George Bush elected, and we had the Republicans supporting him. In a nanosecond, the whole table turned. We went from budget surpluses as far as the eye could see to deficits as far as the eye could see. We went from a debt that was going to be extinguished to a debt that began climbing.

As a result of these policies, there was a call for change in this country. We had more Democrats elected. We have a Democratic President, and he inherited one giant mess. The chickens came home to roost.

So our President said to the Nation: I am going to do everything I can to get out of this economic mess. Help me. Help me pass a bill that will put people to work. He said: I know it is going to be hard. I know it is going to take time, but we need to do this because of the recession. And if we don't get out of this recession, we are not going to be able to attack the problem of deficit and debt.

Anyone who knows President Obama knows that when he was a Senator, he was always conscious of our fiscal issues and distressed about the course we had been on for the last 8 years.

So here is what happens. We are 4 months into the economic recovery package. I have been to places in California, I have seen people getting those jobs—highway jobs, water infrastructure jobs, cleaning up Superfund sites, restoring our wildlife refuges. Those are just some examples of the jobs. And we know, according to Vice President BIDEN, that about 25 percent of those funds have been obligated.

Senator VITTER came down here and said nothing is working; we are not getting those jobs out there. Let's go in and cut that stimulus program—put a dagger in its heart is what they want to do, when it isn't necessary to do so.

The Congressional Budget Office, as I have said—and I have put into the

Record—tells us the bill the House sent us does nothing to increase the deficit. As a matter of fact, it is a small benefit to the deficit over 10 years. They figure it is about \$40 million—not much, but it doesn't produce more deficits.

So they come to the floor and they are arguing the House bill at the desk causes deficits when the Congressional Budget Office says, after they had done a study, absolutely not. They still insist it does. Fine. They do not agree with the CBO.

By the way, they do agree with the CBO when the CBO says there are costs to health care reform. Then they embrace the CBO. But now they can't because it doesn't fit their political rhetoric.

So all I can say is, if you take all these amendments—and, look, I don't think they are meant to be mean-spirited. I think they are honest in their approach. They do not like the fact that we passed the stimulus bill. They do not believe in it, even though a few of them on the other side—a few of them—have gone to see some of the projects that are putting their own people to work. A few have done that. I find that a little disingenuous, but that is their choice.

Their argument just doesn't hold up. Look, if we take the funding out of the stimulus, we put at risk \$10 billion of highway-related jobs. We put at risk millions of dollars that would otherwise be paid to our construction industry. We put at risk very important construction projects at military bases, long overdue Superfund cleanups, the creation of clean energy jobs in the future, improvements to outdated rural water systems. Why would we want to do this—Why, in the middle of a recession, when we have come up with a way to handle this that does not add to our deficit?

On the highway trust fund, Democrats and Republicans in the Senate agree we ought to do an 18-month extension. On that part of the Vitter amendment, you will find me on his side, but not to take the funds out of the unspent stimulus money that is on the ground and putting people to work and will continue to do so. It has only been 4 months since the funding has started to get out the door. Have a little patience. You know, for 8 years we saw the economy turn into a bad way. For 8 years, we saw this economy turning bad. For 8 years, we saw the recession building. For 8 years, we saw the deficit building. For 8 years, we saw the debt building. It is not going to take 4 or 5 months to turn this around. And why would we put a dagger in the heart of job creation at this point, no matter how noble the effort?

I believe it is very important that we don't play games with this bill that is at the desk. For example, Senator BOND is going to offer a very good

amendment. It has nothing to do with cutting the stimulus; it just corrects a real problem, and it restores funding to the trust fund. He is absolutely right on that, and I absolutely will support his amendment. But here is the thing. We have until September 30 to make that fix, when we have to reauthorize the program. This is just a financial transfer into the fund. September 30, we need to actually reauthorize the highway bill. We take care of Senator BOND. But the reason I cannot support it is, as he well knows, the House has stated—and I do not agree with their attitude, I don't agree with it but they have stated—this is it. We are giving you this quick influx of funds, and we do not want to have it come back with amendments.

We can put off the Bond amendment. We have time to deal with it. I praise Senator BOND for continuing to raise this matter before us because we do have to take care of it. Let's just get it straight. When people come down to this floor and rail against deficits and rail against the debt, just remember that little simple piece of history that is documented, that President Clinton left President George W. Bush a surplus as far as the eye could see and a debt going down. Now the other side of the aisle claims our President is not moving fast enough on all these fronts. Let me assure my colleagues our President cares a lot about the financial future of this country. He has two little kids. He knows exactly what their burden is. I do not believe that fiscal responsibility belongs to the other party because it was our party, under Bill Clinton, that got this country in the best financial shape it was in for decades. It only took a few short years to see all that go out the window.

Let's not lecture each other. If they continue to do it, I will just continue to bring up the facts. But, again, I see Senator BOND is here. I am going to repeat what I said before he got here. I complimented the good Senator because I think he is totally right on his amendment. However, I do know if it is attached to this bill what will happen because the House has told us. They will not take up the replenishment. We risk the highway trust fund running out of funds. I personally will work with the Senator from Missouri and my colleague, Senator INHOFE, to make sure the Bond amendment is part of the reauthorization which we will have to do in September. But I thank him because he perseveres. He brings it up all the time, and it is good that he does so. I support exactly what he is trying to do, but the timing, unfortunately, would undermine the replenishment of the trust fund.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, as the ranking member of the committee,

first of all, while I love the chairman dearly, she is dead wrong on all the information she just gave you. Let me go over that briefly.

First of all, on the Clinton administration. Let's keep in mind that even then-Vice President Al Gore admitted they had a recession coming at that time and that reduced the amount of money that was coming in to run the government. We all know that is basic economics. We also know during the 8 Clinton years he downgraded the military by 40 percent—not 10 percent or 15 percent. I will never forget the euphoric attitude: The Cold War is over now; we don't need a defense any longer. We cut down our end strength and our modernization program and all of a sudden 9/11 came and we were in the middle of fighting a war with a military that was downgraded by the President. Obviously, it took a lot of money to bring us out.

I would say on behalf of President Bush that was a tough situation, but he grabbed hold of it. Yes, we had to spend more money at the time, but he had to rebuild what was torn down during the Clinton years.

One word about the Vitter and Ensign amendments. They are both good amendments, and all they are doing is what I thought the chairman of our committee joined me in wanting to do back when we were considering the stimulus bill, the \$789 billion bill. Only 3.5 percent of that went to roads and highways and bridges. That would really have stimulated the economy. I had an amendment cosponsored by the chairman, Chairman BOXER. We were unable to get it passed. That would have turned this into a real stimulus bill. Frankly, we would not be here today if we had been successful doing that.

Look, 67 percent of that \$789 billion is unobligated today. What better use could there be than using that for construction, for getting into something where we can actually stimulate the economy? This has to be done. Our roads, our highways, our bridges are in deplorable condition. Our chairman and I agree on that. We want a robust reauthorization bill. But in the meantime, to be able to take some of the money that is in the stimulus bill that doesn't stimulate anything—we are not talking about taking away from military construction. I am the second ranking member on the Armed Services Committee. I wouldn't tolerate that. That is already in there. But the unobligated funds amount to about 67 percent or about over \$400 billion of the stimulus bill.

I am going to strongly support—in fact, I recommended to both Senators Vitter and Ensign—that this is a good place to find the money we have to find in order to rebuild our system.

I have to say something about the Bond amendment because I will have to

leave the floor in just a minute. I am fully supportive of the amendment. The rescission is bad for every State and bad for the highway program. This amendment corrects an accounting provision in SAFETEA that removes \$8.7 billion of what was supposed to be unneeded contract authority.

I think the rescission was not intended to have the real funding impacts on the States, but the provision in the Energy Independence and Security Act of 2007 changed how the rescission was to be implemented. Now States stand to lose about \$400 million of real money.

Madam President, \$40 million of that \$400 million comes from Oklahoma. Right now the Oklahoma secretary of transportation, Gary Ridley—and I believe he is the best secretary of transportation anywhere in the Nation—recently told me my State will be forced to cancel \$40 million in projects that were supposed to begin this year. For this reason, this amendment cannot be put off. We have to pass it now; otherwise, States will have to cut planned projects in anticipation of this rescission.

Some are arguing this amendment would somehow endanger the passage of the trust fund rescue. I flatly reject this argument. The other body is still in session. Right now they are over there, and we should not bow to its whims. This is not just a Senate problem to fix. The House has a responsibility to address it too.

As I stated earlier, the House is still in session and they can take a few extra hours before their adjourning to pass a highway fix bill with the Bond rescission language in it. It is ludicrous to talk about infrastructure spending being an ingredient in creating jobs on one hand and on the other hand allowing \$8.7 billion in contract authority to disappear.

I urge my colleagues to support all three of these amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 1904

Mr. BOND. Madam President, I thank the ranking member, Senator INHOFE, for his support of the amendment. I thank the Chair for her kind words, even though we disagree. We, all three of us, strongly support the need to get highway funds moving to build the infrastructure we need in our transportation. This is a critical time.

Right now our economy is struggling to recover from the worst recession in generations; hard-working Americans in my home State of Missouri and across the nation are losing their jobs; and our states are straining to fund projects that are critical to our constituents. Unfortunately, unless we act now, our economy, workers, and our States will be dealt another heavy blow.

At the end of September, millions will be cut in on-going, shovel ready highway projects. That does not have to happen. This drastic cut will halt critical transportation projects—like the repair of highways and bridges—across the Nation. In addition to halting critical infrastructure projects, this cut will cost jobs in all 50 States.

My amendment is the action we must take now to protect our struggling economy and protect jobs from this dangerous rescission. This amendment will protect our economy and workers by eliminating the \$8.7 billion rescission of contract authority mandated in the last highway bill—SAFETEA LU—for September 30, 2009.

The reason for repealing this dangerous cut now is simple. We should not be giving money to States for infrastructure, jobs and economic growth with one hand and on September 30 taking money away with the other. This contradictory action just doesn't make any sense and runs counter to our own efforts to improve our Nation's infrastructure.

According to our State departments of transportation, rescinding contract authority can limit our state's ability to fund their priorities and operate their programs as efficiently as possible. There are real world consequences for our States if we continue with these rescissions. The most obvious consequence will be a halt to much needed improvements to our Nation's infrastructure.

I don't think I need to remind people of the state of our infrastructure around this country. If I do, then you simply aren't paying attention.

We are beginning to burst at the seams, our vehicle miles traveled remain at historic highs, congestion rates are up with more and more people sitting in traffic next to trucks carrying products to and from businesses across the Nation. Our deteriorating infrastructure is a real problem and it is taking an economic toll at a time when we simply cannot afford more burdens on our system. Unfortunately, the real world consequences of this dangerous cut will be hardest on workers and families. The Missouri Department of Transportation estimates that this rescission would mean about \$201 million in lost projects and countless pink slips in Missouri. Missouri is not alone. The numbers for other States are startling: California, \$793 million; Pennsylvania, \$404 million; New York, \$406 million; Maryland, \$140 million. But most importantly, behind these numbers there are jobs. The American Association of State Highway and Transportation Officials estimates that for every billion dollars rescinded, our States will miss out on nearly 33,000 jobs.

If Senators were to contact their State's department of transportation they would quickly understand the full

impact this rescission would have back at home. I urge my colleagues to do that before voting.

In fact, let's hear from some State DOT directors on the real effect this recession will have back at home.

Colorado Director of Transportation Russell George stated that the upcoming \$8.7 billion rescission will cost the State \$98.7 billion:

that could have otherwise been obligated and out the door helping to employ hard working Coloradoans and providing important infrastructure projects to the State. This real dollar cut is about 20 percent of the total federal funds Colorado receives each year.

The Department of Transportation director in Nevada, Susan Martinovich, said that the upcoming rescission of \$61 million represents 25 percent of the State's annual \$236 million Federal aid allocation and that she would be forced to cancel \$48 million of projects that are already under construction, having a "devastating effect" on workers.

We have kicked the can down the road on this rescission for far too long.

Right now, with this amendment, is our last opportunity to do what is best for our economy, American workers, and our States by repealing this rescission. I know that I don't want to go back to my State having voted against so many jobs for Missouri.

Repealing this rescission will allow States to continue to move forward to meet our infrastructure needs and to create the jobs that struggling families and this economy so desperately needs.

I also have a letter of support from Americans for Transportation Mobility. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FASTERBETTERSAFER, AMERICANS
FOR TRANSPORTATION MOBILITY,
Washington, DC, July 30, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The Americans for Transportation Mobility (ATM) coalition strongly urges you to pass H.R. 3357, which would address the looming shortfall in the Highway Trust Fund, and make highway and public transportation reauthorization a top Congressional priority during the remainder of the year. The coalition also supports the Bond amendment, which would repeal the rescission of \$8.708 billion in highway contract apportionment to states scheduled to take effect on September 30, 2009.

The 2005 highway and transit reauthorization legislation, the "Safe, Accountable, Flexible, Efficient, Transportation Equity Act: a Legacy for Users" (SAFETEA-LU), which expires at the end of September, guaranteed at least \$223 billion for federal highway program investments through fiscal year 2009. This investment level was predicated on a forecast of anticipated revenues collected for the Highway Trust Fund's Highway Account over the life of SAFETEA-LU. Unfortunately, the Highway Account is expected to run short of cash to liquidate obligations sometime in the next few weeks.

To avert the imminent crisis, Congress should provide revenue to support the Highway account expeditiously. H.R. 3357 would

achieve this by transferring \$7 billion from the general fund of the Treasury to the Highway Trust Fund's Highway Account. This measure would provide states and localities with needed continuity in federal reimbursements to ensure infrastructure efforts around the country do not come to a screeching halt.

While H.R. 3357 is critical to supporting ongoing infrastructure efforts, it is only a short-term solution to an imminent crisis. Continued bailouts for the Highway Trust Fund are hardly a sustainable approach to the nation's infrastructure investment needs. Congress must develop a comprehensive, long-term solution to ensure the platform of our economy is sound.

The "user fee" system has been in place since 1956 when Congress dedicated the gas tax to pay for construction of the Interstate Highway System. This system and the Highway Trust Fund have been a stable source of funding for decades and have offered states and localities the predictability and consistency necessary for capital investment. Additional revenue will be needed to sustain this system and fuel taxes are currently the simplest, fairest, and most effective way to fund surface transportation infrastructure investment. Capital investment requires capital, and there is no alternative for the systemic funding needed at the federal level.

The Coalition strongly urges you to pass H.R. 3357 to address the imminent shortfall in the Highway Trust Fund and support the Bond amendment to repeal the looming rescission. Congress must make highway and public transportation reauthorization the national priority it should be to ensure long-term stability in national infrastructure planning and investment.

Sincerely,
AMERICANS FOR TRANSPORTATION MOBILITY.

Mr. BOND. For the RECORD, this is composed of the American Public Transportation Association; American Road and Transportation Builders Association; Associated Equipment Distributors; Association of Equipment Manufacturers; Associated General Contractors; American Society of Civil Engineers; International Union of Operating Engineers; Laborers International Union of North America; National Asphalt Pavement Association; National Stone, Sand and Gravel Association; United Brotherhood of Carpenters and Joiners of America; and the U.S. Chamber of Commerce.

Madam President, our distinguished chairman of the committee has said if this bill is amended, it will fail because the House of Representatives may not take it. But as the ranking member pointed out, they are still in session. If we believe this is right, accept the Bond amendment, pass this bill as amended, send it to the House, give them the chance to do what is right. Our job is to make sure we get this business right before we go home on August recess.

If the House refuses to take it, they will have to go home and spend all next week explaining why they are at home instead of having passed a bill that could have had workers on highway and bridge projects working at home. They should be asked, if they go home, if they refuse to pass it: Why did you

leave early? The Senate is still in session. You could have stayed there and gotten rid of the rescission that will cut jobs.

There is, I guess, going to be a Budget Act point of order raised against this bill. I will, of course, ask to waive the Budget Act point of order. I would note that if you are going to take budget points of order seriously, this whole bill could be challenged on a Budget Act point of order. I will not do that because I want to see this done.

But let's be clear: This so-called money for this bill comes in from going back and assuming interest was paid on the intergovernmental transfers. We do not do that. That is totally bogus. That is a pencil-whipping trick that I do not believe anybody would honestly score.

That is the problem with the whole bill itself, not just with my amendment. If you want to be serious about paying for this bill, and my amendment, the Vitter amendment, it is very simple: We can rescind a small amount of money, a small portion of the stimulus bill that was passed, and less than only 10 percent has been used. That money we can use to put people to work on shovel-ready projects, make sure the work goes on that otherwise would be cut off by an artificial September 30 date.

I hope my colleagues will support the waiver of the point of order on the budget amendment. Because if you do not, quite simply, to put it in terms we are using every day, if we fail to repeal the rescission, we will be taking the shovels out of hands of workers ready to go to work on shovel-ready projects. That is not something I wish to go home and explain to the people of my State. I do not think Senators and Members of the House would want to go home and explain to the people or the constituents in their areas that they represent.

I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1904.

Mr. BOND. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal a certain provision of the SAFETEA-LU)

At the appropriate place, insert the following:

SEC. ____ . RESCISSION OF UNOBLIGATED BALANCES.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1937) is repealed.

Mr. LEVIN. Madam President, I support repealing the rescission contained

in the SAFETEA-LU bill that requires that on September 30, 2009, \$8.7 billion of apportioned contract authority provided to States for investment in infrastructure be rescinded. This is important to Michigan and all the other States across the Nation that cannot afford to have Federal infrastructure funding cut at a time of severe funding constraints. I will work to repeal this rescission so Michigan and other States do not lose these needed Federal transportation funds.

Based on the assurances of the chairman of the Senate Environment and Public Works Committee that this will be corrected before September 30 and the extremely time sensitive nature of the underlying bill, I will oppose the motion to waive the Budget Act with respect to the Bond amendment to this bill. H.R. 3357 restores funding to the highway trust fund to keep it solvent through September. With the House of Representatives scheduled to adjourn tomorrow any Senate amendment to H.R. 3357 would require that it be sent back to the House, likely killing this important bill. We cannot risk letting the highway trust fund run out of funds.

I will work with the chairman of the Senate Environment and Public Works Committee to repeal the SAFETEA-LU rescission as part of the bill to extend SAFETEA-LU programs for 18 months.

Ms. STABENOW. Madam President, I support rescinding section 10212 of the Safe Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users. Section 10212 will rescind apportioned contract authority for States for infrastructure investment on September 30, 2009. If section 10212 goes into effect, my State could lose up to \$100 million in transportation funds this year alone. While I support the intent of amendment No. 1904, offered by my colleague, Senator BOND, to rescind section 10212 and maintain apportioned contract authority for States, I believe it is more important to follow the direction of Chairman BOXER and pass H.R. 3357 as a clean bill with no amendments. Providing funding for transportation, unemployment insurance, and housing programs included in H.R. 3357 are vital for the State of Michigan, and we must pass this bill quickly rather than delay it in a long conference process. I look forward to working with both Chairman BOXER, who is committed to resolving the problems surrounding section 10212, and with Senator BOND to address this problem in a timely manner.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Before Senator BOND leaves the floor, I wanted to thank him for his leadership on this issue. I wanted to assure him and all the people who support this amendment that this amendment will pass. It will not pass today, I do not think, for one main rea-

son. We are fearful of playing these parliamentary games with the House on the highway trust fund.

We have until September 30 to address this issue. My friend is entirely correct, we must deal with this rescission. We have to repeal it and we are going to repeal it. I will work with him to do that.

I simply wished to say that on September 30, when we are faced with our next deadline, the entire bill has to be reauthorized. So it is not only this problem but many other issues have to be addressed. Again, I wish to state this: I am not happy the House sent us this very short extension.

I and I know my colleague wanted to see the highway trust fund extended for 18 months. I think the places we differ have to do with how we pay for the extension. Senator VITTER and all my colleagues who are dealing with unemployment insurance and the rest want to cut funds out of the job-producing stimulus program. I think it is unnecessary.

I also would say to my colleagues who say we are borrowing and we are borrowing to do all this: Simply look at the CBO score which scores this as a positive. The House bill is scored as a positive because of some of the legislative changes in it. Again, I wish to be clear, I will work side by side with Senator BOND. We are going to reauthorize the highway bill. It might be for 18 months. Maybe we can get together and we can come up with a bill for 5 or 6 years. We have to find a funding source to do that. I hope we can. But we will deal with the Bond amendment. We have to deal with it. The Senator is exactly right—exactly right.

He talks about taking shovels away from workers. The only place I disagree with him is that I think you are taking shovels away from workers by cutting the stimulus. I visited my State. I see people being put to work.

As Vice President BIDEN said: We have only seen 25 percent of the stimulus money go out the door.

So I also wanted to ask unanimous consent when Senator MCCAIN comes to the floor he wanted some time to speak on the Bond amendment. So I ask Senator MCCAIN be given up to 15 minutes to speak on the Bond amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I rise in opposition to the Bond amendment

No. 1904, which if enacted would add another \$8.5 billion to the \$1.8 trillion deficit we are accumulating this year.

As many of my colleagues will recall, when Congress considered the Safe, Accountable, Flexible, Efficient Transportation Equity Act in 2005, the so-called SAFETEA Act, we included a section that required that \$8.543 billion of unobligated contract authority be rescinded on September 30, 2009.

The question, obviously, would arise: Why would we do such a thing, authorize money but then say it will be rescinded or cancelled? It was done for one simple reason; that is, because of the size of the bill it would have been subject to a point of order because it exceeded the budget.

By the way, I would remind my colleagues this was a \$223 billion bloated and earmarked highway bill. So apparently it is not sufficient, in the minds of some, that we at least honor a commitment we made, which would have canceled about \$8.5 billion.

Please keep in mind it was a \$223 billion piece of legislation. Please keep in mind that earlier this year we passed a \$787 billion stimulus bill, that only 10 percent of the money has been spent, and only 1 percent of the \$787 billion stimulus has been spent on highway and infrastructure projects.

So we know there are many billions of dollars more that will be spent on highway and infrastructure projects out of the stimulus bill that has not been spent. Yet that does not seem to be enough, we need to add another \$8.5 billion.

I would point out that this amendment, the same amendment, was considered in the Senate Environment and Public Works Committee on July 15 and was defeated by a vote of 14 to 5.

Well, sometime we have to stop. You keep coming to the floor time after time and saying: At some point we have to consider our children and our grandchildren and the kind of debt they are inheriting. This is another \$8.5 billion which was not budgeted, which will add to the burgeoning debt America is staggering under and at a time when we know that tens of billions of dollars additional will be spent on highway and infrastructure.

It is almost sad to see this because it began with gimmickry in order that the bill on the floor at that time would not be subjected to a budget point of order, knowing there would be an attempt at some point to restore it, which is now being made.

In 2005, we were accumulating deficits but unlike anything we have experienced in the last several months and since the economy cratered back in September of last year.

I hope my colleagues will reject this amendment. It is unnecessary, unneeded, and unwanted. Frankly, it is another sign that we don't understand how serious the deficit problem is, that

we are accumulating the biggest deficit since World War II as a percentage of our gross national product.

I hope my colleagues will vote against the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1905

Mr. REED. Madam President, I rise in opposition to the Ensign amendment. This amendment would fund the unemployment compensation trust fund by taking unobligated money from the recovery package. It is ironic that one of the major tools we are using to maintain employment and grow it is the recovery package. In Rhode Island, our State used about \$200 million, which is a significant sum in their budget, to ensure they didn't have to lay off workers, which would have increased the demand on unemployment, and that they could maintain services. All of this is a result of the recovery package.

We are beginning to see the momentum pick up. For example, with respect to weatherization, Rhode Island initially received some funds, but then the bulk of the funds would be received based upon submission of their plan. The plan is underway. The State will see roughly \$20 million over the next several months to get people to work doing weatherization. Not only does this help the environment, it also provides employment, particularly for those most hard hit, the construction industry.

To take this money now and put it in the trust fund is counterintuitive and counterproductive. On those grounds alone, we have to seriously look at this amendment.

The other issue that should be mentioned, among several, is that CBO has indicated that this approach of moving funds in the underlying bill has no effect on their baseline. It is an intergovernmental transfer that the underlying legislation is proposing.

So this issue, again, is more of a comment, perhaps, on the recovery package than trying to effectively stem unemployment and to provide funds for those who are unemployed.

The issue of unemployment is probably the most significant one we face in the country, particularly in my home State. We know joblessness is rising. It is 12.4 percent in Rhode Island. Rhode Island and 18 other States have had to borrow \$12 billion to keep their State unemployment trust funds solvent. Rhode Island has borrowed more than \$80 million itself to cover unemployment costs, and over the next few

months, they will draw on a line of credit of about \$40 million to keep paying these benefits, which are absolutely critical to families who have lost their jobs. If we don't, today, transfer these funds, as suggested in the underlying legislation, Rhode Island and many other States would be looking at a real crisis in which they would fail to be able to respond to this need for unemployment compensation.

On the merits of where the money comes from—i.e., the Recovery Act, which is the biggest tool we have that is trying to keep people working and employ more people—it doesn't make sense. And not making this transfer, as suggested by the underlying legislation, would imperil the State's ability to provide unemployment compensation in a labor market that is still very weak. We have to do more, and we also have to be more innovative in our approach to unemployment.

One of the things my State has done with its own resources is a work-share program. Rhode Island and 17 other States are using their resources to provide WorkShare, an effective program. Essentially, it allows an employer to cut back on the number of hours a worker is engaged, and that worker would qualify for what is basically a partial unemployment check,—not the full check, so it doesn't put that much of a drain on the trust fund. Part of the conditions in Rhode Island is that the employer must maintain the benefits the workers enjoy. So it is really a win-win-win. First, people do not lose their health care because they must maintain the benefits. Second, they are still employed, so there is continuity of workers on the factory floor or in the office. Third, the pressure on the State trust fund is lessened.

One of the things that is particularly appropriate to mention when it comes to this program is that it provides a big bang for the buck. Mark Zandi, an economist who is well renowned, has indicated that for every dollar of funds we put in through the unemployment system, we get \$1.69 back. That makes sense. People who are getting these funds are using them right away. They are going into the economy with their other funds to buy food, to buy the necessities of life they need. This has a stimulus effect on the economy. That is another reason we have to move very aggressively.

But I would like to broaden this concept of WorkShare, which has been so effective in Rhode Island, to ensure we have a system that would provide some Federal support to those States that are engaged in work share programs. Again, it is not only a very efficient program, it is very popular with industry and business in Rhode Island.

I had the occasion to visit a Hope Global plant, and they have engaged in WorkShare. In fact, the number of companies in the State engaged in

WorkShare has gone up dramatically, given the economic recession.

At this company, I listened to a woman who worked there with her husband, and they benefitted from this program. She said, point blank: Without it, we would have lost our health care and we would have lost our home.

So we can do more when it comes to flexibility and innovation with respect to unemployment. This also includes passing legislation immediately to extend unemployment insurance. Over half a million workers will exhaust their benefits by the end of September, and 1.5 million will run out of coverage by the end of the year. This is an extraordinary number of Americans, and we need to provide them the support of the unemployment system, particularly high unemployment States like Rhode Island.

Also, as I indicated before, this is a way in which we cannot only moderate the crisis of unemployment for families but also to stimulate our economy. In fact, in that sense, it complements the Recovery Act. To take away funds from the Recovery Act to place into the unemployment trust fund would blunt the overall macroeconomic stimulus that we need to get this economy moving again.

The unemployment levels today are unacceptable, particularly in my State of Rhode Island. It is the No. 1 concern. Related to unemployment, for many people in my State, is the concomitant loss of their health care. So we have to move aggressively on health care reform also. But we have to act, and we can act, and we should act. I urge my colleagues to reject the Ensign amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under "Morning Business.")

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I am expecting Senator MCCAIN on the Senate floor anytime, but I think I will begin.

The Government Accountability Office released a report yesterday that talked about the highway trust fund. What they noted is that over the last 4 years \$78 billion of that trust fund has

been spent on things other than highways, bridges, and roads.

Some of the things it has been spent on nobody would have any question. But here we find ourselves—the second time in a year—trying to bail out the trust fund, and we are going to get to decide whether we are going to steal it from our kids or steal it from the stimulus bill, which will actually make it much more stimulative than the money that is there.

But we find ourselves in trouble. When this trust fund was first set up, it was set up during the Eisenhower administration. It was designed to build the Interstate Highway System and help us with roads and bridges and secondary roads and bridges throughout the country. What it has morphed into is that a large percentage of it now does not go for any of that.

So we find ourselves in the midst of a recession—with last year having high gas prices which depressed the money going into the fund, and with a recession now, with decreasing revenues going into the fund—and we have all these projects that we know are priorities for us that need to be fixed.

The other thing we learned from this report is that 13,000 people in this country a year die because of bad roads, bad bridges, and bad highways. So it would seem to me the highway trust fund moneys ought to be spent to eliminate those 13,000 deaths, and the priority ought to be about roads, bridges, and highways.

I will put into the RECORD many other items where the money is spent. Ten percent is mandated for highway beautification. Well, I think that is great—if we do not have a trust fund that is broken, and we do not have 200,000 bridges in the country that structurally have some defect, 93,000 of which are seriously structurally defective. I think it is important that we turn our attention to priorities that will support that.

We are going to have a lot of votes on this today.

I am supportive of us doing what we need to do for the trust fund. I am also supportive of making sure the priorities of the trust funds are about bridges, roads, and highways. Because of what happened in Tulsa, OK, yesterday, we have a man in ICU. Somebody hit a bridge with a car, and he was driving under the bridge in another lane, and chunks of concrete fell through his windshield and seriously injured him. Our highway department knew we had a problem with that bridge—not going under it or over it, but the foundation was suspect in terms of the concrete underlying it, and the uprights. So the dollars that went to build a bicycle path and to plant flowers along the highways and the dollars that went to put in walking paths means that guy is in the hospital today because the dollars didn't go for what they were intended.

So when we have had \$78 billion over the last 4 years that didn't go for roads, highways, and bridges, and instead went for things that aren't going to enhance safety or help save 13,000 lives a year, America has to ask: What are your priorities?

I commend to my colleagues the GAO report: "Highway Trust Fund Expenditures on Purposes Other Than Construction and Maintenance of Highways and Bridges During Fiscal Years 2004–2008" on the GAO Web site at www.GAO.gov.

Mr. President, I make the point that as they look at this, there are important things for us to consider. We know that had we passed a better stimulus bill, we would be doing twice as much now in terms of fixing the real problems in this country in terms of transportation infrastructure. But we didn't. We passed a stimulus bill that created transfer payments on 70 percent of it, and 20 percent of it may be considered to be stimulative. So the hope is that, as we go forward—and we are going to bail this out—what we really need to do is, let's have our own money. In Oklahoma, we have never gotten 100 percent back. The highest was last year. When I came to Congress, we were getting back 74 cents out of every dollar. If we can keep that money, we can get more done with it than what we get done through the trust fund now. That may be one solution to ultimately getting us out of this situation.

Mr. INHOFE. If the Senator will yield, it is a real problem we have here. I remember, up until about 5 years ago, our trust fund took care of our needs. The problem we had was not just the fact that as it goes up, the proceeds go down, but that we got involved in things that had nothing to do with transportation. It used to be bridges, transportation, and highways. It was adequate at that time, but the hitchhikers would say there is a big surplus, so let's tap into that, and now we have all these things having nothing to do with transportation.

Mr. MCCAIN. Will the Senator yield?

Mr. COBURN. Yes, but first I have one other point.

In the last 20 years, we have built 25 transportation museums rather than the money going to highways. Remember the Minneapolis bridge that collapsed? We are putting money into museums, and I wonder if we are going to build a museum about the collapse of the bridge in Minneapolis. We are putting money into museums instead of making sure the roads and bridges—especially the bridges—are safe in this country. Our priorities are messed up, and the American people know that. Hopefully, we can redirect transportation dollars to true transportation projects, not to the aesthetics that we cannot afford now, even though they may be nice, and, No. 2, are causing additional deaths on our highways.

Mr. McCAIN. Will the Senator yield for a question?

Mr. COBURN. Yes.

Mr. McCAIN. Couldn't it also be traced to earmarks and porkbarrel and "demonstration projects"? Couldn't it be traced to the fundamental fact that the 1982 highway bill included 10 demonstration projects totalling \$386 million? The 1987 bill had 152 porkbarrel projects, totaling \$1.4 billion. The 1991 bill had 538 locations with specific porkbarrel projects, totaling \$6.1 billion. The 1998 highway bill had 1,850 earmark projects, totaling \$9.3 billion, and then in 2005 had 5,634 earmark projects, totaling \$21.6 billion. How can anybody who calls himself or herself a fiscal conservative stand by and allow this kind of thing to happen?

And what happens? There was \$2.3 billion for landscaping enhancements along, of all places, the Ronald Reagan Freeway; \$480,000 to rehabilitate a historic warehouse along the Erie Canal; \$600,000 for the construction of horse-riding trails in Virginia; \$2.5 million for the Daniel Boone Wilderness Trail Corridor; \$400,000 to rehabilitate and redesign the Erie Canal Museum; \$400,000 for a jogging, bicycle, and trolley trail in Columbus, GA. How in the world can those things be justified and then expect our constituents not to rise up?

Mr. COBURN. The answer to the Senator's question is, they can't. There is no question that there are certain priorities. What has happened is, as we try to address priorities for individual States, because the States don't get their money back—and there may be a great project in there, and along comes a lousy one.

I just make the point that we have our eye off the ball. The eye needs to go back. All you have to do is go read the story that happened in Tulsa, OK, yesterday. Had we been applying money to transportation instead of nontransportation through this trust fund, that gentleman probably would not be in the hospital today. A 700-pound piece of concrete fell through his windshield, trapping him in the car. We don't just have a problem of not enough money in the trust fund, our problem is that the money that goes out doesn't go for the real things the trust fund was designed to do in the first place.

I will restate, and then I will yield back. We have to do one of two things. Until this country gets out of the financial damage it is in, first, we have to make sure the money is spent on transportation projects, real transportation projects, to save some of those 13,000 who are being lost because we are not fixing roads, bridges, and highways. Second, let's eliminate the thing and let the States keep their money, and we will figure out how to spend it at home. In Oklahoma, we have never gotten a square deal yet.

Mr. McCAIN. Will the Senator yield for a question?

Mr. COBURN. I am happy to.

Mr. McCAIN. Does the Senator know how much we are spending on highway and transportation projects in the stimulus, the \$787 billion stimulus bill?

Mr. COBURN. It could be around 4 or 5 percent. Senator INHOFE will know the answer to that.

Mr. INHOFE. The answer is 3.5 percent, and an additional 3.5 percent in military construction, totaling about 7 percent.

Mr. McCAIN. Does the ranking member know how much of that has been spent in dollars?

Mr. INHOFE. Sixty-seven percent has not been obligated, so 33 percent is obligated.

Mr. McCAIN. I thank the Senator.

Mr. COBURN. Let me add, also, that if you go to USAspending.gov and to recovery.gov, you will find that as of last week—I don't know what it is this week—only \$78 billion of the whole stimulus package has actually been spent. More of it has been obligated but not actually spent. I think there is another \$150 billion obligated out of that. That is one of the reasons we are not seeing the effect of the stimulus. One, it is not going to stimulate things, and it is not getting to where we need it.

Mr. INHOFE. If the Senator will yield, that is another reason the Vitter amendment and Ensign amendment are good. You are talking about money that is out there, not recoverable. Let's try to direct it where we can get something from it. I had an amendment during the stimulus bill to try to triple the amount of money that would go into actual construction, and they would not take it up.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, as Senator COBURN has just mentioned, we released a report today examining how the highway trust fund receipts have been used for projects other than road and bridge construction and maintenance over the past 5 years. It relies heavily on the new GAO analysis that was performed at our request on how we prioritize, or fail to prioritize, our Nation's transportation spending.

Again, I remind my colleagues that the GAO concluded that, over the last 5 years alone, we spent \$78 billion on projects other than road and bridge construction and maintenance. I will repeat that—\$78 billion on projects other than the construction and maintenance of roads and bridges.

Where did it go? According to GAO, over \$2 billion was spent on 5,547 projects for bike paths and pedestrian walkways. As one example, it identified a \$878,000 project for a pedestrian and bicycle bridge for a Minnesota town of 847 people. I don't know what that works out to be, but it works out to roughly \$1,000 per person. I would be

interested to know how many inhabitants actually use that bridge. We all know about the "bridge to nowhere"; perhaps this is a "bridge for no one." Another \$850 million went for 2,272 "scenic beautification" and landscaping projects around the country, and \$84 million was spent on roadkill prevention, wildlife habitat connectivity, and highway runoff pollution mitigation projects. Yet another \$84 million went to 398 pedestrian and bicyclist safety projects. I don't mean to diminish safety, but do we really need to spend Federal dollars for brochures like the one we cited in our report that encouraged bicyclists to "make eye contact, smile, or wave to communicate with motorists. Courtesy and predictability are a key to safe cycling." Still another \$28 million went to the transportation museums, and \$215 million went to scenic or historic highway programs. The list goes on. I know Americans find these numbers as disturbing as I do. They should because they demonstrate that Congress is not focused on our Nation's transportation priorities.

We should not forget that 2 years ago, the I-35 West Bridge over the Mississippi River collapsed during rush hour, killing 13 and injuring 123 more of our fellow citizens. That tragedy exposed a nationwide problem of deficient bridges. According to the Department of Transportation, in 2008, of the Nation's 601,396 bridges, 151,394, or 25 percent, of our bridges were deficient. Over 71,000 of them had significant deterioration and reduced load-carrying capability, and almost 80,000 didn't meet current design standards. Yet we have been spending billions of dollars on bike paths, museums, landscaping, and roadkill-reduction programs.

Part and parcel of the problem, obviously, is the addiction to earmarks. As I mentioned before, the way the earmarks have grown, one of the standard arguments made by the earmarkers and porkbarrelers in Congress is that it has always been like this; we have always had congressional discretion because we know better than the bureaucrats where the taxpayers' money should go. Frankly, I agree that sometimes that is the case, if it competes with other programs, if it is scrutinized and authorized by the appropriate committees. But what we do is we earmark these porkbarrel projects, and many times—let's have a little straight talk, Mr. President—they are in return for campaign contributions, and we see corruption.

People are under investigation. Lobbyists' offices are being raided by the FBI. Again, I am not going to repeat what I said to the Senator from Oklahoma, but the 1982 highway bill had 10—count them—10 demonstration projects, and it was \$386 million; in 1987, \$1.4 billion; 1991, \$6.1 billion; 1998, we get up to 1,850, totaling \$9.3 billion;

and 2005, 5,634 earmarked projects totaling \$21.6 billion of American taxpayers' dollars. That is where we find the bypasses and the beautification projects and the trails. And all those are earmarked by specific Members of Congress. Meanwhile, we have 25 percent of our bridges that are deficient and 71,000 of them have significant deterioration and reduced load-carrying capability and 80,000 that do not meet current design standards.

What are we going to say to the taxpayers of America if, God forbid—and I pray not—there is another bridge collapse? What do we say to them? That we took their tax dollars and built a museum instead of fixing their bridges and highways to ensure their safety?

Maybe—just maybe—if we had not spent \$21.6 billion on earmarked projects, maybe some of that money, just maybe some of that money might have gone to fix the design problems on the bridge over the Mississippi. Maybe not. Maybe we didn't know. I am not making a judgment here. But it seems to me that sooner or later, if you earmark as much as \$21.6 billion of the taxpayers' money for museums and bypasses and brochures, sooner or later the priority projects suffer.

Again, projects originally authorized under SAFETEA-LU, the 2005 highway bill, included \$3.2 billion for landscaping enhancements along the Ronald Reagan Freeway. I have often wondered how often Ronald Reagan turns over in his grave. I bet he was spinning on that one. Mr. President, \$480,000 to rehabilitate a historic warehouse along the Erie Canal; \$600,000 for the construction of horse riding trails in Virginia. You will notice all these projects are earmarked to a specific locality. That is what, among other things, they have in common. There is \$2.5 million for the Daniel Boone Wilderness Trail Corridor; \$400,000 to rehabilitate and redesign the Erie Canal Museum; \$400,000 for jogging, bicycle, and trolley trails in Columbus, GA. The list goes on and on.

No one thinks our Nation should be without flowers, ferries, bike paths, and boat museums. But today we have to make some choices about priorities and how we spend limited resources.

This has to be considered in the backdrop of this year a \$1.8 trillion deficit, the largest in the history of this country since World War II. There is no end in sight. It is almost overwhelming, a \$1.8 trillion deficit this year. But what is worse, there is no way out. No one knows of a plan to bring us to a balanced budget without fundamental reform of Medicare and Social Security. Here before us on health care reform, we see another trillion dollars piled on that.

When are we going to decide we cannot afford taxpayers' dollars to rehabilitate and redesign museums, for trails, for beautification and land-

scaping enhancements when we have other priorities on transportation that have to do with the safety of our citizens?

I thank the Senator from Oklahoma for his continued advocacy for the taxpayers of America. I thank him for all the efforts he makes. I regret that neither he nor I will be elected Miss Congeniality in the Senate again this year. But I also believe the American people are beginning to wake up, and they are beginning to get angry. We saw this in the tea parties that took place all over this country. I hear it and see it in response to my Twitters. Over 1 million people now follow my Twitters and my tweets. They are very interested in this. We are going to post all these. We are going to let the American people know where their dollars have gone.

I urge my colleagues, let's, for once, catch up with the American people and start becoming fiscally conservative. One of the best ways we can be careful stewards of their tax dollars is to make sure we place as our highest priority their safety as they travel the highways and cross the bridges of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, what is the time remaining on this side?

The PRESIDING OFFICER. On the Vitter amendment, 9 minutes is remaining.

Mr. MCCAIN. If the Senator will yield, so I may make a unanimous consent request, I ask unanimous consent to have printed in the RECORD the Introduction and Conclusion of a report entitled "Out of Gas: Congress Raids the Highway Trust Fund for Pet Projects While Bridges and Roads Crumble" by Senator COBURN and myself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTRODUCTION

One of the many recent government bailouts consisted of \$8 billion for the bankrupt Highway Trust Fund (HTF)—a fund set up to support, through federal gasoline and other taxes, all federal transportation programs and projects.

However, the \$8 billion did not solve the problem. The Highway Trust Fund will go bankrupt (again) by the end of August 2009 unless Congress bails it out (again). This week the U.S. House of Representatives voted to spend \$7 billion of taxpayers' money, just to keep the Fund temporarily afloat, and the U.S. Senate is poised to do the same. Mere months ago, Congress provided over \$27 billion for highway and infrastructure projects as part of the American Recovery and Reinvestment Act of 2009.

Yet billion-dollar government bailouts are not the solution to protect our nation's infrastructure. Congress must begin by reprioritizing funds.

Flowers, bike paths, and even road-kill reduction programs, are just some of the many examples of extraneous expenditures (some of which are legally required) funded by Con-

gress through federal transportation bills. Many of these projects are funded as earmarks, while others are born from legislators turning their private passions into public programs. Congress instead should allow states greater flexibility to allocate their highway dollars to their most pressing transportation needs. If Congress fails to reprioritize transportation spending, then crumbling bridges, congested highways, and poor road conditions will continue to deteriorate much to the detriment of all Americans.

Congress must also curb its addiction to earmarking and setting aside transportation funding for legislators' pet projects and programs. If history is any guide, though, the next highway bill will not be earmark free. Congress has increased significantly the earmarking of federal highway funding:

The 1982 highway bill included 10 demonstration projects totaling \$386 million;

The 1987 highway bill included 152 demonstration projects totaling \$1.4 billion;

The 1991 highway bill included 538 location-specific projects totaling \$6.1 billion;

The 1998 highway bill included 1,850 earmarked projects totaling \$9.3 billion; and

The 2005 highway bill included over 5,634 earmarked projects totaling \$21.6 billion.

GAO RELEASES NEW REPORT

A new U.S. Government Accountability Office (GAO) report, compiled at the request of Senators Tom Coburn and John McCain, details how the U.S. Department of Transportation (DOT) has obligated \$78 billion over the last five years for "purposes other than construction and maintenance of highways and bridges." This \$78 billion figure does not fully capture how much has been promised, or authorized, by Congress over the last five years for these "other purposes," it just reflects how much has been released for spending, or obligated, so far.

The \$78 billion, five-year total for obligated expenditures for non-highway, non-bridge construction or maintenance projects includes:

Over \$2 billion on 5,547 projects for bike paths and pedestrian walkways and facilities;

\$850 million for 2,772 "scenic beautification" and landscaping projects;

\$488 million for behavioral research;

\$313 million for safety belt performance grants;

\$224 million for 366 projects to rehabilitate and operate historic transportation buildings, structures, and facilities;

\$215 million for 859 projects under scenic or historic highway programs;

\$121 million on 63 projects for ferryboats and ferry terminal facilities;

\$110 million for occupant protection incentive grants;

\$84 million for 398 projects for safety and education of pedestrians and bicyclists;

\$84 million for 213 road-kill prevention, wildlife habitat connectivity, and highway runoff pollution mitigation projects;

\$28 million to establish 55 transportation museums;

\$19 million for 25 projects to control and remove outdoor advertising;

\$18 million for motorcyclist safety grants; and

\$13 million on 50 projects for youth conservation service.

While some of these expenditures may merit funding, periodic congressional review is essential to determine if all merit continued funding, if measurable outcomes are demonstrating their success, and if their goals could be accomplished with fewer dollars.

Upon review, Congress may find some of these expenditures are unnecessary luxuries and others—such as establishing new transportation museums—simply cannot be justified while the Highway Trust Fund has insufficient funds for repairing dangerous roads and bridges.

RE-EXAMINE BEFORE REFILLING

As Congress debates “refilling” (by deficit spending) the soon-to-be-empty Highway Trust Fund, it should first look at ways to reprioritize areas of current spending that may not reflect the realities of a decaying national transportation infrastructure. Many politicians are quick to defend spending millions in federal funds on their districts’ bike paths, transportation museums, road-side flowers, and even the “bridge to nowhere.” Yet, Congress needs to evaluate whether such projects merit federal funding in light of our current trillion-dollar deficit, the economic downturn, and the realities of a collapsing transportation infrastructure that literally is costing American lives.

THE STATUS QUO WILL NOT WORK

Critics of the GAO report and this report will claim these examples are but a small portion of overall transportation spending and do not begin to address the long-term Trust Fund shortfall.

Yet, we cannot continue to spend \$78 billion in areas other than crucial road and bridge construction and maintenance and beg Congress to steal from our nation’s children and grandchildren when the Highway Trust Fund runs dry. We cannot spend hundreds of millions of tax dollars to renovate “historic facilities” such as gas stations and then complain that history will look poorly on a nation that let its vital interstate transportation system fall into disrepair.

We should not force states to spend approximately 10 percent of all their surface transportation program funds on “enhancement” projects like landscaping, bicycle safety, and transportation museums, when fixing a bridge or repairing a road would be a more practical and necessary use of these limited funds.

We have asked individuals and families across the country to examine their own budgets and start spending more responsibly. We should expect nothing less of our nation’s leaders in Congress.

TOM COBURN.
JOHN MCCAIN.
U.S. Senators.
CONCLUSION

Our country is literally running on empty. Future generations of Americans will inherit a multi-trillion dollar debt because Washington politicians have long relied on reckless borrowing to finance their wish lists of pet projects and programs. There seems to be no crisis facing our nation that Washington politicians believe borrowing or bailouts cannot solve.

Now the politicians want to be trusted with yet another bailout, this time of The Highway Trust Fund. Politicians will not make tough choices, so taxpayers must begin demanding them.

The choices faced today with the Highway Trust Fund are:

What is the best way to spend Highway Trust Funds: Is it to make roadways and bridges more scenic, or more safe?

What is the best way to pay for our nation’s infrastructure needs: Is it to raise taxes on gasoline, borrow more money for yet another government bailout, or reduce spending on non-essential projects that do not strengthen roads or bridges?

GAO reports our nation obligated \$78 billion over five years to projects other than crucial bridge and highway maintenance and repair. Now, Congress is being asked to borrow \$7 billion from general tax revenues to only temporarily refill the Highway Trust Fund.

No one is saying our nation should be without flowers and ferries or bike paths and boat museums. But today’s choices must be about priorities. Should those priorities include spending millions on programs that tell bikers to smile and making states use funds for the safety of their turtles instead of the safety of their citizens?

At a minimum, states should be given the flexibility to opt out of the federal Transportation Enhancement funding requirement.

The shortfall in the Highway Trust Fund could also be addressed without further deficit spending by shifting unused funds from the American Recovery and Reinvestment Act of 2009. Transferring unspent stimulus funds to ensure the Highway Trust Fund remains solvent would be consistent with a stated purpose of the Act to improve our transportation infrastructure to support job growth.

Congress should walk the fiscally responsible path. Each chamber should implement a moratorium on all transportation-related earmarks for the remainder of the 111th Congress.

Washington politicians should be required to sit down with the new GAO report, the transportation bailout request, and our red pens. From there, crossing out extraneous transportation spending should be our first priority. Lives depend on it.

Mr. MCCAIN. I thank my colleague from Alabama.

Mr. SESSIONS. Mr. President, while Senator MCCAIN is here, we were talking about the amount of money the government has spent. We talked about how a third of the money has been obligated from this stimulus package. But I advise, according to the CBO report in June, they only expected 11 percent of the money to actually be disbursed by the end of this year, at least the money that deals with highways, mass transit, and issues of that kind. That is stunningly low because we were told something quite different.

This Vitter amendment is exactly the kind of thing we need to be doing every single day: try to challenge the conventional thinking to figure out how we can deal with a need today without increasing America’s debt.

What Senator VITTER says is when we passed this \$800 billion stimulus package in January, nobody had a chance to read it. We were told repeatedly—and the President himself said more than once—it was to build infrastructure, to complete highways, roads, and bridges. That is what the money was going to be for. He said in February: They are not going to be make-work jobs but jobs doing the work Americans desperately need done, jobs rebuilding our crumbling roads and bridges, and jobs repairing our dangerously deficient dams and levees so we won’t face another Katrina.

I am not sure Congress can stop another Katrina from coming, but we can

perhaps be better prepared for it. But what a lot of people do not know, is that less than 4 percent of the money in that bill was directed for highways and bridges. It was a game, a political trick, because the American people believe that when you need to create jobs, you might as well build something that is permanent, that will benefit the people for years to come and that creates real jobs. In their minds, I think most people envisioned stepping up our road projects. But only, as I said, 4 percent of the entire package went for that purpose.

Now we have a lot of that money not spent. Apparently, 89 percent will not be spent by the end of this fiscal year. Some of it is not obligated at all. We have a shortage in the foundational highway trust fund bill, and we need to come up with \$27 billion. So which do we do? Do we take some of the money that was in the stimulus package that we were told was to be for roads and bridges and use that money and not increase the deficit because that money is already showing up as a hit to the U.S. Treasury or does the money come from some other source that will increase the debt by \$27 billion?

The only reason not to oppose this, that I can see, is some people have already spent this \$27 billion in their own minds. They don’t want to see it utilized for this purpose, and they are undermining our ability to do so. We have a national crisis.

Let me show this chart. It is so stunning that people don’t believe it, but it is based on the budget that President Obama submitted, his 10-year budget. It was analyzed by the Congressional Budget Office, our own group here who has a good reputation. Basically, the Director is elected by a Democratic majority in the Congress, and this is what they show about our deficit.

We have to stop doing this. We cannot sustain a deficit.

In 2008, the debt was \$5.8 trillion. The debt of the United States, since the founding of the American Republic, was \$5.8 trillion. In 5 years, according to the CBO, by following this budget, counting this stimulus package but not even counting the trillion dollar health care proposal and other things that might get added to it, they scored that in 5 years, the debt would be \$11.8 trillion—double. In 5 more years, taking it to 10 years, the debt would triple to \$17.3 trillion. This is the entire debt of the United States of America since the founding of the Republic—it will triple in 10 years. It is unacceptable. We cannot sustain this.

Let me show this chart. Trillions is difficult for people to comprehend, but when you borrow money and you go into debt, you have to pay interest on it. People buy Treasury bills. That is what we do to fund the deficit.

In 2009, this fiscal year, we will make interest payments of \$170 billion on the

debt and the money we borrowed. The total Federal highway program, I believe, is \$40 or \$50 billion, isn't that right Senator INHOFE? He is the expert. So this is four times the Federal highway bill annually. We spend approximately \$100 billion on education. These interest payments increase every year. According to the Congressional Budget Office, 10 years from now, we will not be spending \$170 billion on interest, we will be spending \$799 billion. That is the red numbers, \$799 billion in interest, for which we get not 1 foot of highway paved, not \$1 to the classroom, not \$1 for health care, just interest because we borrowed so much money.

I also point out the numbers do not get better. Over the 10-year budget, the Obama budget, the debt goes up rapidly in the outyears. I note that President Bush was criticized for having a big deficit. The highest deficit he ever had—which was unacceptable, I have to say—was \$459 billion. According to the Congressional Budget Office, there is not 1 year in the next 10 that we will have a deficit that low. The lowest year is over \$600 billion. They calculate the deficit as it grows, and in the 10th year, they calculate the deficit for that 1 year to be \$1.1 trillion—\$1.1 trillion—on an upward spiral.

What I wish to say is there is no plan to pay this debt off. The only plan we have is to see surging debts into the future. That is why you have heard this phrase repeatedly, "This is not sustainable." And it is not. But when we cannot even use our stimulus money to fix the road problem we have, we are not serious about the challenges facing this country.

The bit about interest, if the interest rates go up higher than CBO has scored based on the amount of money we have to borrow—and that could happen—we could end up with an annual interest payment of over \$1 trillion.

Mr. INHOFE. Will the Senator yield? Mr. SESSIONS. Yes, I will.

Mr. INHOFE. First of all, we made an effort—and the Senator referenced the Vitter amendment. We have 67 percent of the \$789 billion that is not obligated. That means it is not there. The Senator is right; in their minds it may be obligated, but it is not obligated. We tried to have an amendment to triple the amount of money that would have gone to roads and highways and bridges back during the consideration, and we couldn't get that in. The Senator was a cosponsor of my amendment. Now we are trying to do the same thing we were unable to do then.

This is supposed to be a stimulus bill. The total amount of stimulus in this bill, in my opinion, is about 7½ percent. This is an opportunity to do something with real jobs and not have any problem in increasing our debt or deficit.

So I appreciate the fact that my colleague is coming down, and several

Senators will be coming down, and drawing this to the attention of the American people as well as to our friends on the other side. There is our opportunity to save lives, to do infrastructure—one of the major reasons we are here in this Chamber today.

Mr. SESSIONS. I appreciate that comment and my colleague's leadership. He has consistently been a champion for infrastructure and roads. We face a tight budget, and I feel strongly about this. I know I am raising my voice but somehow we have to break through the fog and let the American people know that every time we face a little problem we can't just spend more money. We have to look for ways to solve the problem that doesn't increase our debt.

By the way, in case anybody has any doubts, any new spending that we initiate increases the debt because we are running a deficit. So any new spending increases the deficit for the year because it is not offset or paid for.

So I am worried about where we are heading. I do believe infrastructure will pay for itself in the long run, but there is a limit to how much we can spend on it. However, I will concede that we certainly don't need to have a savaging of our highway bill at this point in time and have hundreds of thousands of people perhaps laid off from work because we don't have the money to finish projects that need to be completed. Instead, let's take the money that is in the stimulus bill. Let's take that money and use it now to fix the shortfall in the highway trust fund. Once we do that, we will create jobs. How many, I don't know, but it will create jobs, and that is a double benefit.

We get a permanent benefit for the American infrastructure, and we create jobs for Americans now. We take the money that is sitting there and not being spent and accelerate its use in the time we need it.

I would point out to my colleague the reason this is important, and the reason the administration was able to ram through this stimulus bill—the largest single expenditure in the history of the American Republic, almost \$800 billion in one fell swoop, with hundreds of pages and people having no idea what was in it—is because they said we are facing rising unemployment, and we need to get this money out in a hurry so we can put people to work. Well, only 11 percent of it is going to be obligated by the end of this year.

Unemployment is already at 9.5 percent, and most experts are predicting it will probably continue to go up to 10, maybe 11 percent. Yet we can't get this money out, and we are cutting the highway budget? When we have this shortfall, what do people come up with? Well, they are going to pay for it by adding more debt. We have an economic slowdown, so we no longer have

to worry about the deficit. We don't have to worry about the deficit, they tell us. But we do.

Our children are going to be paying interest on these trillions of dollars for the rest of their lives, and the only people who are going to get the benefit from it are the people living today. That is a selfish thing. We should use the stimulus in an effective way to create jobs—and there are even debates about how wise some of those methods are economically. But the way this package is being managed, the money is not getting out, unemployment is surging, and there doesn't seem to be any hope for the short term for unemployment to abate. So I am worried about it. I do believe we can do better.

They will say: Well, President Bush had a deficit. We inherited all this. But President Bush didn't ask for the \$800 billion in stimulus money that President Obama asked for this year. That is on top of the debt, and I think anybody who is president needs to be thinking about how to reduce spending not see it spin out of control. I don't believe President Bush would have submitted a budget that shows in 10 years—in that one year, 2019—it would be \$1.1 trillion. We have never seen anything like that.

There will not be a year of President Obama's Presidency, according to this—if he serves 8 years—in which this deficit will be as low as President Bush's, and they are predicting growth. No recession is projected in the next 10 years, when CBO scored what the deficits might be. So this is a fair analysis of it.

Mr. President, I want to say I am pleased Senator VITTER has proposed a way that will allow us to meet the shortfall in the highway trust fund without increasing the debt this year, and it is consistent with what the people who proposed the stimulus bill promised all along—that the stimulus money would be used for highways and bridges. It is the right thing to do. I hope we can pass this, and I think the American people should watch closely on how the votes go on this bill.

I thank the Chair, I reserve the remainder of the time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, our national debt is a national challenge and a national problem, and we can face it and face it honestly, Democrats and Republicans. We can't leave these debts to our children. That is a fact. But let's have some honesty in recounting the history of this debt.

When President Clinton left office 9 years ago, he gave to President George W. Bush a surplus not a debt, a surplus. He had not only balanced the budget, he was generating a surplus, and it was giving longer life to Social Security. President George W. Bush inherited

this surplus and an accumulated national debt over the 200-year history of the United States of \$5 trillion—\$5 trillion. Remember that number because 8 years later, when President Bush left office, the national debt had doubled—doubled—with the support of his party.

Why did it double? It doubled because he fought a war and didn't pay for it. He accumulated debt year after year—in addition to the terrible casualties and losses of our brave fighting men and women—and left that debt to future generations. Then, in the midst of this, he cut taxes. For the first time in the history of the United States of America, a President, in the midst of war, cut taxes for the wealthiest people in our country, supported by the same party that comes now and preaches to us their sermon of fiscal integrity.

So when President Bush left office, he left President Obama a deficit and a national debt that had doubled under his watch, with Republican congressional leadership support. That is a fact. Those are facts. President Obama inherited that debt and inherited the problems that came with it and the sickest economy America had seen in 75 years. That is what he was given.

So President Obama said: We have to be serious about our debt, but we have to be honest about it too. Until we get out of this recession, until we stop this rampant unemployment where people are losing their jobs and can't fend for their families and can't pay taxes—obviously, because they do not have work—we are going to see this deficit continue to grow. To stabilize this economy, we need to put people back to work.

The President said: I know it is tough to spend money when you are in debt, but at this moment in time it is like buying a tourniquet to stop the bleeding. We have to do it, even if it takes every penny we have. And he put together a stimulus bill to get this economy back on its feet. With the exception of three then-Republican Senators, not a single one of them would support this effort to stop the recession.

When President Obama came to office, we were losing 741,000 jobs a month. Now, 4 months into our 24-month stimulus, we have cut that number by one-third, and I hope we have turned the corner. But this massive economy of ours, connected throughout the world with so many other global economies, it is pretty tough to turn this battleship and move it in the right direction. I think the President has done the right thing.

The amendment offered by the Senator from Louisiana is an amendment which says: Give up. Give up on stimulating this economy. Give up on stopping this recession. Stop building these projects that create American jobs—good-paying jobs. Stop investing in our infrastructure for future generations.

Stop addressing this recession head on and pray for a good outcome.

I am sorry, but I can't buy it. The Senator from Louisiana is offering a proposal to take money out of the President's recovery and reinvestment package that was determined to stabilize this economy. He wants to take the money out of it when we are 4 months into it. He says this morning: We are not spending this money fast enough.

Incidentally, he voted against this, but now he is criticizing it saying we are not spending it fast enough. Well, I want to spend it quickly, but I want to spend it wisely, and I want accountability. At the end of the day, the taxpayers will hold us all accountable: Did you spend our tax dollars wisely? Did you spend them on projects that really do benefit our country? Did you waste it? Was there fraud? I want those questions answered in the positive frame of mind that we have done everything we can do. So it is not being spent as fast as its critics say, but I think it is being spent wisely, and we are creating jobs all across America.

Thousands of projects are on line now creating good-paying jobs. The amendments we are considering today on the Republican side of the aisle, all from Members who opposed the President's effort to stop this recession with the stimulus bill, every one of them wants to put an end to the stimulus package. With 150 days into this 2-year bill, they want to put an end to it by starting to take money out of it. They have given up on it. They have given up on a package which, incidentally, provided a tax break for 95 percent of the working families in America.

Does that help? You bet it does. These families are struggling in the recession too. They have seen their life savings devastated by the stock market in the last year. Giving them a helping hand is a sensible thing to do.

It is a bill they voted against—the President's bill—which says let's give unemployed workers \$25 more per week so they can get by. Sure, it doesn't sound like a lot of money, except when you don't have a job and every penny counts. They want to criticize, as well, the President's idea of providing health insurance to unemployed workers. No, they said that was a terrible idea. They voted against it.

Think about this: You have just lost your job, you may lose your house, your child has to go to the doctor with a raging fever, and you pray to God a diagnosis isn't going to come down that will wipe out your life savings. For them it is an extravagance—the idea of providing health insurance for unemployed people. For me, it is part of America, a caring country that stands by people when they are facing the misfortunes of losing their job.

The list goes on and on, and they oppose all of it. They now come and say,

we not only opposed it at the outset, we are going to start taking money out of it. We are going to pass it around, moving it in a lot of directions. Some want to put it in the highway trust fund, some in unemployment insurance, and some want to put it in housing programs. But the net result is the same. It takes the money the President wanted to use to stimulate this economy and create good-paying jobs. We need to resist these amendments.

Mr. President, I understand Senator DEMINT wants to offer an amendment, and we are supposed to close at 2. So I don't know if he is prepared at this time, but if he is, I would be happy to yield the floor.

THE PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. I thank my colleague. I would like to make a few comments. I am not going to offer an amendment at this time.

Mr. President, sometimes in this place it is hard to extract the truth from the words. I, frankly, don't understand the opposition to using money for transportation that has already been allocated to transportation.

I think we have had enough of saying we need to spend more money and borrow more money because the Bush administration spent too much and borrowed too much. This is a bipartisan problem. Hopefully, we will have a bipartisan solution.

What is being proposed today is we need more money for highways. The highway trust fund is running out of money. We need more money to pay unemployment benefits. They are running out of money. We would like more money for FHA loans. We have to decide do we want to use money that is already designated for purposes of our economy and helping people who don't have jobs or do we want to borrow more money and spend more money and add more money to our debt?

I don't think this situation is a good reason to say: Hey, we were bad in the past, so let's continue those practices. We are not suggesting with these amendments that we should stop the stimulus plan. We are saying we should use it for the same purposes it was set up for. Let's use it to build roads and bridges and create jobs. Let's use it to make sure those who are unemployed get their benefits. Let's use it to restimulate our housing market.

THE PRESIDING OFFICER. The Senator will now suspend. The Senate is ready to take a recess.

Mr. DEMINT. I thank the Chair for all the time to speak, and I yield the floor.

THE PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3 p.m.

RECESS

Thereupon, the Senate, at 2 p.m., recessed until 3 p.m., and reassembled

when called to order by the Presiding Officer (Mr. FRANKEN).

HIGHWAY TRUST FUND EXTENSION—Continued

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to speak about the transfer of the highway trust fund money. I do, of course, support having the money in the highway fund because so many States need to have this money and we need to assure it is there. I also support the amendments that would use the stimulus money so it would not be new money.

But I do wish to talk about the highway trust fund because I think it is important, as we are talking about this very important transportation issue for our States, that we begin the debate about whether the highway trust fund is now the appropriate vehicle for keeping our Federal highways repaired and also doing the best for every State in transportation. What concerns me is that the first reason for the highway trust fund back in President Eisenhower's day over 50 years ago has been achieved. Yet we are still continuing to have the same formulas where some States are winners and some States are losers. But every State today has the capacity to determine its own priorities and the capacity to fund those priorities, unlike 50 years ago when there were many States that had very little capacity. They had little property, they had little taxable revenue sources, and therefore there was a need for a national system of highways to assure that we had national security. That was the first reason for it—but also mobility and commerce.

Today, however, I think it is time for us to start all over. I think it is time for us to allow States to opt out of the highway trust fund.

Of course, I am speaking for the largest donor State in America. We give more back to other States than any other State. We are a State that has more highway miles than any other State; therefore, we collect more taxes. Because we are a donor State, we give the most away. If these were States that could not meet their own needs and my State of Texas was a State that had its needs covered, maybe you could argue that would be OK. But, in fact, that is not the case. In fact, Texas is facing a huge shortage in our highway funding. We now have two cities that have mass transit systems that are certainly very successful but very far behind the curve when it comes to the transportation glut on our highways. We need to have the money in Texas to start meeting our great transportation needs.

This also affects our environment, because when we have people clogged in traffic, sitting on freeways hour

after hour, of course it is bad for the ability to get where you want to go, but it is also bad for the environment to have the fumes going in the air.

I think today it is time for us to start the debate. Why not let a State opt out, agree to keep in good repair the Federal highway system and allow the States to use their own taxpayer dollars for their own priorities to meet their own transportation and mobility needs? If Texas could keep all the money it raises, rather than toll roads, which are now being contemplated throughout our State, perhaps we could have a mobility plan that would include highways, rapid transit, high-speed rail, and more innovative ideas that are very costly, which we cannot afford at this time.

Obviously, today we are going to go forward with extending the trust fund and replenishing the highway trust fund because that is what people want to do because we don't have time to address the whole issue of reauthorization at this very complicated time. I wish we were not going to consider an 18 month extension in September because I think we ought to have a short-term extension, so we do have the reauthorization of the highway bill, so we can start discussing these priorities—so we can start maybe thinking outside the box. Maybe we can start all over.

The highway trust fund and the highway authorization bill is a mishmash of different projects. I don't think there is fairness in the system at all. You have donor States, you have winner States, and the winner States have all the capacity. The loser States have as much need as the winner States, and the winner States have the ability, I believe, to fund their own options.

Even though I know we are going to extend the highway bill for 18 months by the end of September, and I know we are going to replenish the highway fund today—and I wish it would be from our stimulus package so it would not be yet another deficit-inducing measure from this Congress—I think I am going to lose all the arguments I am making. But I do think it important that we bring this issue to the forefront.

There is no reason in this country today for winner States and loser States. Our States should be able to plan for themselves, make their own priorities, meet their needs, be able to be more efficient, have multimodal systems—which is what I hope for Texas—and be able to use our own tax dollars for our own needs. Were we a State that did not have needs, were we a State that was not growing, maybe we could afford to continue giving 8 cents back for every \$1 we send to Washington. Maybe we could afford to leave the 8 cents in Washington.

Instead, we are getting 92 cents back for every \$1 we send to Washington. That is hundreds of millions of dollars

that we need for our high-growth State that has many traffic problems and congestion problems today. We will repair our highways. We would sign an agreement to repair our highways so there would be no Federal responsibility for that. But I hope this argument will be the beginning of a debate so we can instate a system that will be more in tune with today's times, 50 years after the National Highway System was created—a wonderful system that connects our country but one, now, that is finished. We have our National Highway System. We do have connectivity among our States. Why not allow the States to go out from those Federal highway miles and lanes, to go into their States in the best way for each individual State?

I thank Senator BROWN for allowing me to speak on this issue. I hope, as we go through, we will have more of a discussion.

I do have a bill introduced that would allow States to opt out. It is something I think the time has come to address.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak in time counting against the Ensign amendment. I ask unanimous consent to speak as in morning business and the time be counted against the Ensign amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I first congratulate the Presiding Officer for his first time in the Presiding Officer's chair and wish him many more of these. I know the experience will continue to enrich him and enrich the Senate. I thank the Presiding Officer of the Senate.

Mr. President, last week, more than 1,500 Ohioans woke up at dawn to wait in a line that snaked around the W.O. Walker Center, co-owned by the Cleveland Clinic and University Hospital.

Last week, President Obama also visited the Cleveland Clinic—one of our Nation's premier health care centers.

He observed firsthand how the Cleveland Clinic and cutting-edge health care centers like University Hospitals and Metro Health are providing high-quality care while reducing patients' costs.

But the more than 1,500 Ohioans who stood in line at 5 a.m. last Saturday morning were not waiting for President Obama.

They were waiting to see one of hundreds of dermatologists, nurses, urologists, cardiologists, neurologists, infectious disease specialists, dentists, and

other volunteers who were providing free health care for one of Cleveland's first mass health clinics.

Need a pair of glasses? Lead optician Dr. Rob Engel checked your vision while volunteer Sharon Connor helped you select a pair on the spot.

Need prescription medicine? You were able to visit Margo and Rob Roth, who ran the clinic's pharmacy.

Worried about women's health services? Dr. Laura David, an obstetrician from University Hospitals, was ready to help.

Along with volunteers Maria Parks and her husband Lee, I helped sign-in and register a number of Ohioans.

Many of them were members of hard-working families worried that they might join the 14,000 Americans who lose health insurance each day.

Maria, Lee, and I heard one organizer call a medical volunteer a "hero" for stepping forward to help their neighbors.

That same volunteer responded by saying the real heroes are the fathers, mothers, sons, and daughters struggling every day in the shadow of a looming health care crisis that threatens to send their family into financial ruin.

In fact, most of the people who sought health services at the weekend clinic were from middle class families who had fallen on hard times.

Together with MetroHealth, St. Vincent's, University Hospitals, Case Western Reserve University, and the Cleveland Clinic, Medworks volunteers provided the kind of health care all Americans need, but too many don't receive.

Medworks founder Zac Ponsky turned not only to his community but to his family to contribute their time.

Zach's wife Taryn helped coordinate the many moving parts of the clinic. Kim Ponsky, Zac's sister, is a professional photographer who documented the weekend.

Meanwhile, Zac's father Jeff, brothers Lee and Todd, and sister-in-law Diana—all physicians—provided a standard of care that most of the patients that day had never received.

During a single weekend, the generous volunteers of Medworks taught us the meaning of compassion and humility.

They led by example.

Many patients received multiple services, while doctors made instant referrals to other Cleveland-area doctors for those patients not originally scheduled.

Over the course of the weekend, seven people needing advanced care, once diagnosed, were able to receive it at local hospitals.

More than 130 women had pap tests and nearly 100 women received vouchers for free mammograms at Women's Diagnostics.

Nearly 300 people either walked out of the clinic with a brand new pair of

glasses or will be receiving a new pair soon.

A number of patients received vouchers for follow-up eye care at St. Vincent's Charity Hospital, an exceptional hospital in Cleveland.

Approximately 50 people were tested for HIV. But it was not just health care services that were provided. Each patient also spent time with a social worker who provided counseling and information about followup services. The Ohio Benefits Bank was on hand to offer prescreening for medical, housing, energy, tax, employment and other programs. Approximately 100 patients took advantage of that service.

All told, approximately 300 community members, 100 doctors, 175 nurses, and social workers volunteered their time and services during this Saturday/Sunday event. This includes a number of volunteers who simply showed up unannounced. It included a few patients who were so grateful for the care they then volunteered to stay after their appointments to help.

Building on effectiveness of the weekend, MedWorks is now focused on patient followup. Currently, a team of doctors is reviewing medical records to follow up with emergency cases and to help those people suffering from chronic illness.

MedWorks volunteer and chief of surgery at University Hospitals, Dr. Jeff Ponsky, said:

We're very hopeful that this will become a regular part of our community. We'll get better at it, and we'll be a leader for the country.

We can do more for the millions of Americans who are one illness away from financial ruin. We can do more for the 14,000 Americans who lose their insurance every day. We can do more for the 45 million uninsured and the tens and tens of millions of underinsured in this country.

Today is the 44th anniversary of President Johnson's signing of Medicare. Medicare changed our Nation. It helped pull millions of seniors out of poverty; it fostered personal independence; it fueled our economy; and it helped retirees live long and healthy lives.

Just as those who worked tirelessly 44 years ago to secure health care for America's seniors, the generous MedWorks volunteers in Cleveland are doing all they can for their community.

In Washington, we are working to effect change in our health care system. That is our duty, to make this historic change, to reform the health insurance industry, to allow our Nation to move on from human tragedy—from the health care related bankruptcies, from the competitive disadvantage American businesses face from the huge costs, the burden that small businesses face in this country. We can keep working, keep fighting for the change Americans are demanding.

The Ohioans I met in Cleveland last Saturday, and every Ohioan from Lima to Zanesville, from Chillicothe to Ash-tabula, every American in every town in every State in this Nation all deserve the humane justice of stable and secure health care. That means quality and affordable health care options, public and private both. It means the health care plan that was voted out of the HELP Committee on which the Presiding Officer sits. It means the plan that came out of that committee 2 weeks ago, a plan that injects competition between private insurance plans and a public option, an option that people can choose. It will make those plans work better, cut costs, and keep the insurance companies honest. That will mean people, if they are laid off—if people are laid off in Marion or Dayton, OH, people who have lost their insurance, people in Wapakoneta, in rural Ohio, all will have a public option to compete with sometimes all too few private insurance companies in their areas.

To all the MedWorks volunteers, including Jack Ponsky and his family, including Karil Bialostosky, Joel Goldstein, and Brian Smith, I thank all of you for your commitment, your compassion, and your care for those in need.

Now it is up to us to provide the kind of health care to protect what works in our health care system and to fix what is broken in our health care system.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent now that the debate time remaining with respect to amendments offered be yielded back; that after Senator THUNE offers his amendment, then debate time on that amendment extend until 3:45 p.m., divided as previously provided; that at 3:45 p.m. today, the Senate proceed to vote in relation to the amendments and motion to waive in the order listed, with 2 minutes of debate equally divided and controlled, in order prior to each vote, with the vote time after the first vote limited to 10 minutes each as follows:

Vitter amendment No. 1907, as modified; Ensign amendment No. 1905, as modified; Bond amendment No. 1904; the Thune amendment I have referred to; and the Boxer motion to waive the applicable Budget Act point of order; that with reference to amendment No. 1904, if a Budget Act point of order is raised against the amendment, then a motion to waive the applicable point of

order be considered made, further that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we are going to vote on a series of Republican amendments to a bill that has come over from the House of Representatives that funds the highway trust fund until September 30, that funds unemployment insurance, and that helps us with the housing crisis and allows us to see more mortgages go to qualified families of America.

It is important to note that if we don't accept the House package, we are really playing Russian roulette with the highway trust fund. As the chairman of the Environment and Public Works Committee, who works very hard with my colleague Senator INHOFE across party lines to ensure we have a robust infrastructure program, I want to be clear: If we don't pass this House bill, then we are up against the wall. We send a very bad signal to the people who are counting the contracts that go out for the highway program and the work that follows. We have many working people who count on these jobs.

I support one of these amendments. The Bond amendment makes eminent sense. I do take issue with the timing because we have been told by our House colleagues that this is all we are going to do; if we amend this bill, then we are stuck. So it is one of those awkward and difficult moments.

Truth be told, the people out there who are working hard are not going to get all the subtleties of the moment. They want to make sure their job is there in the morning.

So even though I support one of these amendments, the Bond amendment—and I have stated and Senator BOND understands that I will be supporting him when we reauthorize this bill September 30; we will take care of this rescission—we don't have to take care of it now. What we must take care of today is the highway trust fund. It is running out of funds. We have to act. I hope we can do it across party lines.

The other thing I support is an 18-month extension of highway programs. That is, again, something I have done with my Republican colleagues. We passed out of the Environment and Public Works Committee, on a unanimous vote, an 18-month extension. Senator BAUCUS, over on Finance, was able

to come up with an intergovernmental transfer that does not add to the deficit of about \$27 billion to ensure that we can go forward for 18 months while we sit down across party lines and figure out the long-term answer to funding our highway and transportation needs over the next 5 years.

There is a split between the Senate approach and the House approach. The House approach, which I don't agree with, is to keep making short-term extensions as a way to force us to act in the long term. But we all know we have to figure out a funding source that will take us through the next 5 or 6 years. It is going to take time, and we need to do it right. I believe in making sure we have a pay-go system. I am not willing, as the chairman of the committee, to simply hand off a huge bill to the Finance Committee without any recommendations. So it will take us a little while. We have a difference between the House approach and the Senate approach.

But here is the point and why I believed it was important to be heard before we vote. The House has a very short-term extension. That is what they have given us. They have told us that if we don't take this, we are not going to be able to ensure that the highway trust fund is solvent. I, for one, am not willing to play games with this. It is too serious. Even though I don't agree with the House approach, we have other days left to make the case.

The other point I want to make is that the Republican approach to this is the 18-month extension, which I fully support, and the way they pay for it is by saying: We are going to take money out of the stimulus program, the economic stimulus program that has just begun to take hold in the country. The Republicans didn't vote for it, most of them—three of them did, but the others didn't—and they want to stop it. It is counterproductive, in a time of recession, to stop a jobs program right in the middle. These are jobs for highways, transportation, cleaning up Superfund sites. These are jobs that are dealing with water infrastructure, with education. Of all the times to come up here and recommend that we stop this jobs program now, this is wrong.

I am totally willing to work with my colleagues so at the end of the stimulus bill, at the end of that time, which is in about 18 months, if we have not spent some of those funds, we should take a hard look at putting those funds into the Treasury to reduce the deficit, perhaps. Perhaps we need at that point to use some of it for the highway trust fund. But today is not the day.

If I could summarize where I see things today, we have a series of Republican amendments that basically say we should stop this, we should take funds out of the stimulus package now

in order to pay for unemployment insurance, in order to pay for the highway trust fund, and in order to pay to help our people with their mortgages. And it is counterproductive.

On the one hand, they are doing something to help the economy by helping our people with mortgages, by ensuring there is unemployment insurance, and ensuring there is money in the highway trust fund. On the other hand, they are stopping jobs to do it, and it is not necessary. The House bill, although I do not appreciate the fact that it is a very short-term extension of the highway trust fund, is deficit neutral. CBO has so scored it. So we do not have to do this, and we should not do this.

As I understand it, it is time now to have that series of votes. So I make a parliamentary inquiry as to what time we are having those votes.

The PRESIDING OFFICER. The time under the previous order has expired.

Mrs. BOXER. All right. Then I would yield the floor, and I hope we would be voting at this point.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that Senator SESSIONS is going to get one more amendment in, and then we will start the voting; is that correct?

Mr. SESSIONS. Mr. President, that would be my preference. I would be pleased to call up this amendment now. I do not know what the time agreement is at this point.

Mr. INHOFE. We are ready to vote as soon as the Senator brings it up.

AMENDMENT NO. 2223

Mr. SESSIONS. Mr. President, I ask unanimous consent to call the amendment up and to be able to speak for 2 minutes.

Mr. INHOFE. That sounds good.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have an opportunity to save \$200 billion. It is time for us to do the right thing. We cannot keep spending more and more.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2223.

The amendment is as follows:

(Purpose: To restore sums to the Highway Trust Fund and for other purposes in a fiscally responsible manner)

Strike all after the enacting clause and replace:

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

(2) by adding at the end the following new

“(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund \$7,000,000,000.”.

SEC. 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to “Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds” in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 754) is amended by striking “to remain available through September 30, 2010” and all that follows (before the heading for the following item) and inserting “such sums as may be necessary”.

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to “Federal Housing Administration—Mutual Mortgage Insurance Program Account” in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 966) is amended by striking “\$315,000,000,000” and inserting “\$400,000,000,000”.

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY.

The item relating to “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account” in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 967) is amended by striking “\$300,000,000,000” and inserting “\$400,000,000,000”.

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is rescinded pro rata such that the aggregate amount of such rescissions equals the aggregate amount appropriated under the amendments made by this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

Mr. SESSIONS. I thank the Presiding Officer.

We cannot keep spending more and more. We have several different problems—we have housing problems; we have a problem with unemployment insurance because more people are unemployed than had been predicted; and we have a problem with a shortfall in the highway fund.

Some Senators could argue we do not need to fix every one of these because we do not have the money. But in a way we do have the money because we passed \$800 billion in a stimulus package earlier this year. It was supposed to be primarily, we heard, for roads. But only 4 percent went to roads. So we can fix the shortfall in the highway trust fund by using some of the \$800 billion we have already spent. We can fix the other two problems—unemployment insurance and housing—in the same fashion. Those can be fixed out of this fund.

This amendment would do that. It would reduce the other accounts across the board. Of course, we will still be in

session this year and next year. If we need to adjust other things in some way, we can. Don't let anybody tell you this is going to savage some other account because we can fix those accounts.

I will just say—I know my time is short—this is \$200 billion that will either go to increase spending and increase debt, or we can meet these needs—which hopefully are all necessary—out of the funds we already have out there. If we do not start making these kinds of decisions soon, we are going to have a real problem. According to the scoring of the President's own budget, the total debt of America debt has gone from \$5 trillion this year, to \$11 trillion 5 years from now, to \$17 trillion 10 years from now.

I thank the Presiding Officer and yield the floor.

AMENDMENT NO. 1907, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes, equally divided, on the Vitter amendment.

The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise and urge strong bipartisan support for the Vitter amendment. The Vitter amendment simply moves \$7 billion from the stimulus—less than 1 percent of the original stimulus program—to backfill and take care of the need in the highway trust fund.

This is important to do for two reasons.

First of all, we need to stop the reckless borrowing. We are borrowing ourselves into oblivion. We are borrowing our children into poor economic times. We need to reverse that trend. The underlying bill fixes the hole in the highway trust fund simply by racking up more debt, and that is why there is a budget point of order against it. So we need to stop this never-ending upward spiral of borrowing.

No. 2, by doing this, we can focus a little bit of the stimulus on something I believe we all think it always should have been focused on: infrastructure spending and spending now versus later. This will move the \$7 billion toward roadway spending now, which is effective stimulus.

The PRESIDING OFFICER. The Senator has used 1 minute.

The Senator from California.

Mrs. BOXER. Mr. President, I urge strong bipartisan support against the Vitter amendment. There is nothing about reckless borrowing going on. I have already put into the RECORD today the CBO analysis of the House bill that is before us that says it even creates a little bit of surplus because of how this is handled. This is not going on the debt. So let's not stand here and say what it is about.

The second point is, there are tens of billions of dollars in unspent funds that we authorized on a bipartisan vote on the stimulus package. I know most of

my colleagues on the other side never wanted to do that stimulus package. I understand that. I respect it. But the fact is, we finally see these funds going out and hiring the people we want to make sure have jobs. We see and we hear from our Governors that the funding is helping them retain teachers, police officers. We see funding is helping them move forward with shovel-ready projects.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mrs. BOXER. OK. I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—42

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Wicker

NAYS—55

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 1907), as modified, was rejected.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1905, AS MODIFIED

The PRESIDING OFFICER. There is 2 minutes equally divided.

The Senator from Nevada.

Mr. ENSIGN. Madam President, the next amendment we are going to vote on is a very simple vote, similar to the last one. What it says is the States right now are borrowing from the Federal unemployment trust fund, and that trust fund has been depleted. There are more States that are going to need to borrow from it. It is temporarily putting back into that trust fund a little over \$7 billion.

Next year, there is going to be about \$30 billion that is going to be needed. Does anyone around here, with the dire straits States are in, believe we will not forgive this debt for the States? That is why I am saying don't just borrow the money—even though CBO says this is deficit neutral, let's not borrow the money, which is what is going to end up happening. Let's take it out of the stimulus funds and let's be fiscally responsible around here. States need the help. Those who are unemployed need help. Let's give the help but do it in a fiscally responsible way. That is really the purpose of this amendment. I encourage all Senators to vote for it.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Illinois.

Mr. DURBIN. Madam President, I rise in opposition to the Ensign amendment. I know the Senator has the best of intentions. The underlying bill takes care of the unemployment insurance account. It does it in a deficit-neutral fashion. In fact, it generates a surplus, extra funds beyond what is needed for this purpose.

What the Senator from Nevada wants to do, if you can imagine, is he wants to cut back on spending in the stimulus program, which is building highways and projects across America. He wants to reduce the President's effort to create jobs, thereby creating more unemployment in order to have more money for unemployment in America. It does not work.

We have a good program here. The underlying program takes care of the need of the UI fund, and the President's stimulus package, now 150 days into operation, is generating jobs and opportunities across America. We do not need to kill the stimulus package at this moment. We need to make sure it works to get America back to work.

Please defeat the Ensign amendment.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—41

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Nelson (NE)
Brownback	Gregg	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Wicker
DeMint	Martinez	

NAYS—56

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (FL)
Bayh	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Burr	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Collins	Levin	Warner
Conrad	Lieberman	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Merkley	
Feingold		

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 1905), as modified, was rejected.

AMENDMENT NO. 1904

The PRESIDING OFFICER. There is now 2 minutes evenly divided before a vote with respect to the Bond amendment.

The Senator from Missouri.

Mr. BOND. Madam President, if I could have the attention of my colleagues, please, this measure simply ends the rescission in the SAFETEA-LU highway funding bill we passed 4 years ago which otherwise takes \$8.7 billion out of highway and bridge contract authority for the States. Best estimates are that this would cost 250,000 jobs in all 50 States.

To the argument that we have to take this exactly as the House has passed it because they won't stick around—well, they are in session. If this is right, let's do it.

And for the Budget Act point of order, if you wanted to have this paid for, you should have taken the Vitter amendment. The underlying bill requires the Budget Act point of order waived because it is funded by claiming the nonexistent interest on intergovernmental transfers. That is a trans-

parent sleight of hand or a sleight of pen.

If you want to keep from taking the shovels out of the hands of workers on shovel-ready jobs in every State in the Nation, please vote aye on the waiver of the Budget Act point of order.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I would like to ask my colleagues if they will follow me for just one moment. This is a little complex, but if you will follow me.

First, I agree with Senator BOND's amendment and will vote for it, but not at this moment. Here is why. This rescission Senator BOND wants to achieve is something most of us agree with. If it doesn't happen, the penalties will come to our States on September 30. What we have is the assurance of the chairman of the Environment and Public Works Committee that she will put this rescission in the reauthorization of the highway trust fund before September 30 so there would not be any loss to States.

So what is the problem? Why don't we do it today? Because if we do it today, we jeopardize this extension of the highway trust fund until September 30. We are trying to get this done in short order so we can end the session and come back and do the right thing before September 30. All we are asking today is for you to join us in saying to Senator BOND: Thank you for your good thought, but hold that thought until September.

We still have time to make sure we do the right thing, and we have the assurance of the chairman that it is going to happen. It pains me greatly to raise a point of order against my friend from Missouri on an amendment whose substance I agree with, but if we want to protect the highway trust fund and we want to have an orderly adjournment to the session and not jeopardize jobs, then we need to vote against the Bond amendment.

The PRESIDING OFFICER. The Senator has used his time.

Mr. DURBIN. Madam President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. BOND. Madam President, do I have any time?

The PRESIDING OFFICER. The Senator has used his time as well.

Under the previous order, a motion to waive is considered made.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 34, nays 63, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—34

Alexander	Harkin	Sanders
Barrasso	Hutchinson	Shaheen
Begich	Inhofe	Shelby
Bennet	Isakson	Snowe
Bennett	Leahy	Specter
Bond	Martinez	Thune
Chambliss	McCaskill	Udall (CO)
Cochran	Murkowski	Voinovich
Collins	Nelson (NE)	Wicker
Cornyn	Nelson (FL)	Wyden
Crapo	Risch	
Enzi	Roberts	

NAYS—63

Akaka	Ensign	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Lugar
Bingaman	Franken	McCain
Boxer	Gillibrand	McConnell
Brown	Graham	Menendez
Brownback	Grassley	Merkley
Bunning	Gregg	Murray
Burr	Hagan	Pryor
Burris	Hatch	Reed
Cantwell	Inouye	Reid
Cardin	Johanns	Rockefeller
Carper	Johnson	Schumer
Casey	Kaufman	Sessions
Coburn	Kerry	Stabenow
Conrad	Klobuchar	Tester
Corker	Kohl	Udall (NM)
DeMint	Kyl	Vitter
Dodd	Landrieu	Warner
Dorgan	Lautenberg	Webb
Durbin	Levin	Whitehouse

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 34, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 2223

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2223, offered by the Senator from Alabama.

Mr. SESSIONS. Madam President, among some of the things I think most Members would like to accomplish is fixing the highway trust fund, fixing the unemployment insurance shortfall, and to do something about the housing loan authority. Those are three matters we can address without increasing our deficit. There is \$7 billion in the highway fund this amendment would fix, which is the short-term fix the House did; another \$7 billion for unemployment insurance; and the \$185 billion for the housing fix. Those things we can do within the stimulus package.

Only 11 percent of the \$800 billion will be spent by the end of this fiscal

year. We can use that money to fund these programs, take care of them as we planned to do from the beginning but without increasing the debt.

People say the underlying bill will not increase the debt. That is not accurate. If we agree to this amendment, we will prevent increasing the Nation's debt by \$200 billion.

I urge your support for the amendment. At this point in time we need to save a few billion dollars.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I hope colleagues will listen. What this Sessions amendment does, it takes all the corrections that are in the underlying bill—making sure the highway trust fund does not go bust, making sure the unemployment trust fund is full, making sure we have help for our middle-class families seeking to get mortgages—and it funds it instead of in a deficit-neutral way that is in the underlying bill which I put in the RECORD, the CBO score which actually scores positive in terms of the surplus over the 10 years, it slashes the stimulus funding right as it is beginning to take hold.

If you want to take care of all these things, and I think we all do, let's do it the right way. Let us not do it the wrong way and slash funds from the stimulus bill as we are beginning to see it take hold.

I urge a "no" vote on the Sessions amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Sessions amendment.

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—57

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 2223) was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to waive.

The Senator from California.

Mrs. BOXER. Madam President, I yield 30 seconds to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, this is a very significant vote. I am very upset that we have a lot of things in here I didn't want—the unemployment insurance loans, the Federal Housing Administration loan limit increase. That should not be there. The amendments failed. I wish they had passed. I voted for them.

The thing that bothers me more than anything else is the House put us in this position. They said: Here is the bill; you do it; we are leaving town. That is exactly what happened.

So this is the final vote. We have to have 60 votes. For all practical purposes, this is the final vote. I urge my Republican friends to support waiver of the point of order.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my ranking member. He and I, as everyone knows, don't always agree. But when we do agree, we hope our colleagues will follow. We do not want to play Russian roulette with the highway trust fund. We have to make sure it stays solvent. I urge an "aye" vote.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, this is about a budget point of order. That means the bill, since it was not amended as I would have liked, is contrary to the Budget Act. It has more outlays this year. It also requires us to rack up more debt, borrow more money. In the face of \$2 trillion of new debt this year, doubling that in 5 years, and tripling it in 10, this is a critical vote. Either you vote yes and say let's continue to go down that path or you vote no and say we need to change course about debt.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 71, nays 26, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—71

Akaka	Franken	Nelson (FL)
Alexander	Gillibrand	Pryor
Baucus	Hagan	Reed
Bayh	Harkin	Reid
Begich	Inhofe	Risch
Bennet	Inouye	Roberts
Bingaman	Johnson	Rockefeller
Bond	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Conrad	Martinez	Voivovich
Crapo	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Murkowski	Wicker
Feingold	Murray	Wyden
Feinstein	Nelson (NE)	

NAYS—26

Barrasso	DeMint	Johanns
Bennett	Ensign	Kyl
Brownback	Enzi	Lincoln
Bunning	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Gregg	Sessions
Coburn	Hatch	Thune
Corker	Hutchison	Vitter
Cornyn	Isakson	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 71, the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NELSON of Nebraska. Madam President, when the stimulus bill was being debated, I advocated that any package include a robust investment in rebuilding our Nation's infrastructure. While the stimulus takes a big step in the right direction to address the needs of our aging transportation system, many more steps need to be taken.

I believe that the issues that we face with the solvency of the highway trust fund is an opportunity to make sure that more funding from the stimulus is

directed towards our Nation's roads, while not adding new spending and increasing the Federal deficit. I would encourage any unobligated funding that is redirected as a result of the passage of the amendments offered today be in addition to any stimulus funding already provided for road projects; especially in the case of local road projects. Road projects at the local level will be vital part of the engine that drives our Nation's economic recovery in communities across the country and not maintaining funding for those projects would be a step in the wrong direction.

Finally, an investment in our Nation's roads is a two-for-one: it creates jobs while helping to rebuild our infrastructure. By making sure the highway trust fund remains solvent and continuing to invest in important transportation projects, we can rededicate our efforts to addressing our transportation system needs.

Mr. DODD. Madam President, I rise in strong support of this legislation.

In addition to the important sections dealing with transportation and unemployment insurance, the bill before us today includes two important provisions that are crucial to our Nation's housing market—it increases the authority of the Federal Housing Administration—FHA, to insure loans and the authority of the Government National Mortgage Association—GNMA, to guarantee securities backed by FHA loans.

Just about 2 years ago, the housing market started to implode as the predatory and abusive loans that were pumped out by banks and mortgage lenders started to fail in great numbers. These loans were made by lenders who knew these borrowers could not afford to repay them, and they were made under the eyes of regulators who were indifferent to the fate of the borrowers and who underestimated the impact on our financial system.

These loans were originated by mortgage brokers or retail lenders with funds provided by Wall Street. Nobody took any responsibility for the quality of these loans because everyone thought they were laying the risk off on the next guy by securitizing the loans and selling them off. Regrettably, it is the American people—and the economy—that is paying the price today in the form of a severe credit crunch that is affecting homeowners, small businesses, entrepreneurs, and every consumer that uses a credit card.

As we all know, foreclosures have skyrocketed. Some analysts predict that 8 million homeowners will lose their homes to foreclosure before this crisis is over.

In fact, as the mortgage market has ground to a halt, housing prices have fallen all over the country, in many places by 20 percent or more. This problem is being exacerbated by foreclosed homes flooding the market, driving home prices down further.

The only mortgage credit available in this country is credit that is provided, directly or indirectly, by the Federal Government. A key component of this, accounting for about 30 percent of the new mortgages being made in the market today, is FHA-insured mortgages.

The legislation before us would increase FHA's authority to insure mortgages. If we do not do this, FHA could shut down while we are away on recess. That would mean that about 30 percent of the mortgage credit that is available today to homebuyers and homeowners would simply vanish from the marketplace.

The impact of this would be immediate and devastating—a likely spike in interest rates; more foreclosures; and fewer home purchases as buyers withdraw from the market.

Just this week, we heard some data which indicate that home prices may be stabilizing. But the situation is fragile. If we eliminate FHA from the marketplace, we could eliminate tens of thousands of potential home buyers from the market, as well. As demand dropped, so would home prices, starting a new cycle of economic despair and disinvestment in our cities and towns. That is why the National Association of Realtors, the National Association of Home Builders, and the Mortgage Bankers Association all strongly support this legislation.

The story is much the same with the GNMA increase. GNMA makes it possible for lenders to make FHA loans, and then sell them in federally guaranteed loan pools. GNMA creates an essential outlet for FHA loans so that banks and other lenders can make more mortgage credit available. Without the increased commitment level included in this bill, GNMA will also be forced to close its doors.

These two provisions of the bill before us are crucial for working American families. I strongly urge my colleagues to pass this legislation so that we can send it to President Obama for his signature.

Mr. WARNER. Madam President, as the Highway Trust Fund Act moves through the Senate, I would like to take a moment to stress the importance and urgency of reforming our national transportation system.

I commend Chairman BOXER for her leadership on this effort to keep the trust fund solvent. But the fact that we needed this emergency infusion indicates a much greater problem with the transportation system and how it is funded. I recognize and appreciate the desire to pass a clean 18-month extension of SAFETEA-LU. However, I think we can all agree that fundamental reform will be needed when the time comes to consider a full 6-year authorization bill.

Our Nation's infrastructure is currently inadequate to preserve our global competitiveness and the way we allocate funds for surface transportation lacks true accountability. In short, we do not tie funding to performance. To move to a true performance-based system, there are some immediate steps that should be taken.

An 18-month extension provides a unique opportunity to take some of these steps. Without making any policy reforms or adding any programs, we can begin to collect information on how well transportation funds are serving the public, which will ease our transition to a reformed and effective long-term policy. I have drafted an amendment that would direct the Secretary of Transportation to coordinate with states, metropolitan planning organizations and our new chief performance officer to develop metrics to address the following factors: (1) National Connectivity: How have transportation investments improved the connection of people and goods across the Nation?

(2) Metropolitan Accessibility: How have transportation investments allowed Americans in metropolitan regions to access their jobs and other activities more reliably and efficiently?

(3) Energy Security and Environmental Protection: How have transportation investments reduced carbon emissions and petroleum consumption?

(4) Safety: How have transportation investments improved safety by reducing fatalities and injuries associated with transportation?

My proposal outlines how States and metropolitan regions can begin to report these measures. The factors above are outcome-oriented, objective and measurable. They are also designed to cut across all modes of transportation, and to measure performance across an entire region as opposed to measuring specific projects in a vacuum.

This legislation will help ease the transition to a more performance-based system. Not only will it provide us with actual performance data, but it will help clarify what additional resources states will need to better provide such data in the future.

I look forward to working with my colleagues in the Senate on this initiative to ensure its inclusion in any extension of SAFETEA-LU.

Mr. INHOFE. Madam President, I have worked with the chairmen of the Environment and Public Works, Banking, Commerce and Finance Committees over the last month to put a bill together to address two urgent issues facing the Nation's highway program. First, the highway trust fund is going to run out of money sometime in the next few weeks and will require an infusion of \$5 to \$7 billion to get us through the rest of fiscal year 2009. Second, SAFETEA the 2005 highway bill, is set to expire in 9 weeks. With no realistic chance of Congress passing a

fully funded reauthorization before the program expires, it is essential to provide funding certainty with a longer term extension. States cannot afford to move forward with transportation development activities without confidence in long-term and consistent future Federal reimbursements.

Unfortunately, the House chose not to address both issues, but rather just provide the money necessary to ensure that the highway trust fund does not go broke over the August recess. Their decision has put the Senate in a situation of taking or leaving their bill. I do not like it and frankly think the responsible thing would have been to take up the Senate bill, which would have provided for an 18-month extension of the existing program. The House has been short sighted in forcing the Senate to only address the trust fund fix; with so many other important issues facing Congress, the Senate now must return in 30 days to do this all over again before the program expires at the end of September. I also did not like the added provisions of the loans to unemployment insurance fund or the increase in the Federal Housing Administration cap on loans they can authorize under the Mutual Mortgage Insurance Program. Finally, I thought all the amendments offered by my Republican colleagues were improvements to the bill, but unfortunately, none of them were adopted. Nonetheless, I supported final passage and most importantly voted to waive the point of order that was raised because we cannot afford to allow the highway trust fund to become insolvent. While the bill we adopted today only addresses the immediate trust fund shortfall I look forward to taking care of the extension of the program when we return in September along with the fix of the \$8.7 billion rescission as proposed by Senator BOND's amendment. Given the fiscal pressures on states and the current economic downturn, I agree with the administration that this uncertainty would be devastating to States and would translate into job losses, and so we need to provide certainty until we are able to pass a comprehensive bill.

I am hopeful that as soon as we return from August recess that we will immediately consider the extension legislation introduced earlier this week by all the relevant committees.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: The Senator from Oklahoma, Mr. INHOFE.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—79

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Baucus	Graham	Pryor
Bayh	Grassley	Reed
Begich	Hagan	Reid
Bennet	Harkin	Risch
Bingaman	Hutchison	Roberts
Bond	Inouye	Rockefeller
Boxer	Isakson	Sanders
Brown	Johnson	Schumer
Brownback	Kaufman	Shaheen
Burris	Kerry	Shelby
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Chambliss	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Lincoln	Voinovich
Cornyn	Lugar	Warner
Crapo	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Merkley	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NAYS—17

Barrasso	DeMint	Kyl
Bennett	Ensign	McCain
Bunning	Enzi	McConnell
Burr	Gregg	Sessions
Coburn	Hatch	Thune
Corker	Johanns	

NOT VOTING—4

Byrd	Kennedy
Inhofe	Mikulski

The bill (H.R. 3357) was passed.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Madam President, I wish to take a moment to thank everyone. This was a very complicated series of amendments. It was daunting to figure out what each one of them meant.

The bottom line is that we did replenish the highway trust funds until September 30. Most of us would have liked to have done better than that. We helped with unemployment insurance, and we helped families get mortgages. We also made a commitment to Senator BOND that we are going to take care of his amendment at the appropriate moment.

I particularly thank Senator DURBIN for all his help on the floor. Again, this was a confusing series of amendments. I am pleased with the outcome.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, for the information of all members, I have had a number of conversations with Senator MCCONNELL this afternoon. It appears, at this stage, we have a path toward completing our work next week. We are going to move forward with the Agriculture appropriations bill this evening. We will be on that tonight and tomorrow, and it will be open for amendments. It appears, on that matter, we will either have a vote after 5 o'clock on Monday on final passage or on cloture on that appropriations bill.

Tuesday, we will move to the Supreme Court nomination of Judge Sonia Sotomayor. I haven't had a chance to talk with the chairman and ranking member of the Judiciary Committee. With their approval, we will move to that matter on Tuesday.

We will set a time certain to vote on cloture on the Travel Promotion Act. We need a time certain because, as everyone knows, Senator MIKULSKI is in the hospital now having repair work done on her leg as a result of a fall. We will set that time. And there may be some nominations we will need to deal with.

At this stage, I think that is where we are headed. There will be no votes tonight or tomorrow. It appears the next vote will be Monday afternoon. I have spoken to Senator KOHL and Senator BROWNBACK, and they agree on the appropriations bill that is the way to move forward. I appreciate everyone's cooperation.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

ANTHONY DEJUAN BOATWRIGHT ACT

Mr. ISAKSON. Madam President, I rise on an issue of particular importance. I am delighted Senators BURRIS and DODD are on the floor. Along with Senator CHAMBLISS, the four of us joined in a very important piece of legislation. In fact, in the gallery tonight is a lady named Jackie Boatwright, whose young son Juan, 8 years ago, was severely injured in a daycare center.

For a second, I wish to talk about the legislation we have introduced and encourage all the Members of the Senate to support it. On September 9, 2001, 2 days before the tragedy of September 11, on a Sunday morning, Mrs. Boatwright got up and took her son to daycare and went to church. On her way home, her cell phone rang. She got a call telling her that her son Juan was now in the hospital. While at the daycare center, he pulled up beside a mop bucket, bent over and fell head-first in the bucket, which was full of dirty mop water and bleach.

Juan, today, lies semicomatose in a hospital on a ventilator.

The daycare center had no liability insurance. To Mrs. Boatwright's credit, from the day of that tragedy, she has advocated on behalf of parents and young children, so that it is required they be able to know the insurance available to them to protect their children in a daycare center. I mentioned that Senators DODD, BURRIS, CHAMBLISS, and myself have introduced legislation, which already passed the House. It requires that any daycare center receiving Federal funds from the Child Care and Development Block Grant Program must disclose, upon registration and admittance, to any child and their parents the liability coverage they have to protect that child.

Mrs. Boatwright wants to make sure that what happened to little Juan, and what happened in her life as a tragedy, never happens in the life of any other mother anywhere in America. Mrs. Boatwright is a resident of Augusta, GA. I am proud of her for the example she has set. So many citizens don't think they can make a difference. Mrs. Boatwright is taking a tragedy and making a difference for thousands of parents and children for years to come.

I am proud to encourage the Members of the Senate to help us get unanimous consent to agree with the House and pass this legislation, Juan Boatwright's legacy, the Anthony DeJuan Boatwright Act, requiring disclosure of liability insurance coverage to every parent whose child is entering daycare.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank my colleague from Georgia. Along with ORRIN HATCH, I am the original cosponsor of the Child Care and Development Block Grant Program more than 20 years ago, the first childcare program in this country since World War II. It was a long struggle to pass that legislation. There were battles over supporting people who could not afford expensive child care—to be able to do that for working families. In those days, when we drafted the legislation, it was very hard to convince people of the importance of establishing some standards in childcare. There was a lot of resistance to it. Nonetheless, we got the bill done at minimum standards.

That bill made a huge difference in the lives of millions of people, particularly working women with young children, raising them on their own, to be able to hold down the job and make sure their child could be in a safe place. That was important. I remember talking about how we had better Federal regulations when it came to pets being cared for than we did for children. Your automobile got better care, under Federal regulations, than your child. Ultimately, that legislation became law.

Along with my colleague from Georgia, I, too, commend Mrs. Boatwright for taking on this issue, showing how one individual can change things regarding the minimum requirement that parents be informed as to whether the childcare facility has appropriate insurance. In fact, I would have presumed that was the case, even as author of the original legislation, believing that was something States would have required, let alone Federal legislation.

We have a bill that passed the other body before us, and it makes eminently good sense to me, as someone who has been involved in this issue for 25 years, along with OLYMPIA SNOWE, from Maine, a terrific advocate for the Child Care and Development Block Grant Program.

I don't know where the objections are coming from. I am prepared to work with my colleague and say to Mrs. Boatwright and her family and others that we thank you for raising this issue. I will do whatever I can to see if we cannot get this cleared on the floor of the Senate and have it go to the President for signature. That is a small accomplishment on a major issue that can make a difference in the lives of families.

I thank my colleague from Georgia.

Mr. ISAKSON. I thank the distinguished acting chairman of the HELP Committee for offering that assistance and assisting in the passage of this legislation.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAACP 100TH ANNIVERSARY: IMAGES OF HISTORY

Mr. MENENDEZ. Mr. President, I rise in recognition of the NAACP in this, its 100th anniversary month. I rise in praise of what this extraordinary organization has so proudly come to represent to every American who deeply believes in freedom, human dignity, and equal justice under the law.

Yet I rise with a heavy heart, filled with powerful lasting images of the unimaginable suffering surrounding the founding of this great organization, images of the savage hand of racism—horrific lynchings in the middle of the night, the 1908 race riot in Springfield, IL, the birthplace of Abraham Lincoln, that led a bold band of Americans to do all they could, whatever they could, to end the violence against Blacks, the vicious, unveiled hatred and intolerance that to this day has left deep and painful scars on this Nation.

I rise in recognition of those courageous men and women who, a century ago, stepped forward to found the

NAACP, those who stood against violence, who stood against hatred, Blacks such as W.E.B. Du Bois, Ida B. Wells-Barnett, Mary Church Terrell, and Whites such as Mary White Ovington and Oswald Garrison Villard, descendants of America's first abolitionists. These men and women came forward, echoing the call of W.E.B. Du Bois to secure for all people the rights of the 13th, 14th, and 15th amendments to the Constitution to end slavery, provide equal justice under law, and ensure universal adult male suffrage.

We all know that the full realization of equality, freedom, civil rights, voting rights, and equal justice under law has been a long, sometimes faltering, journey fraught with dead ends, deep divides, and seemingly insurmountable obstacles on the road to a more perfect Union. It has been a journey of starts and stops, with harrowing moments—some horrific, some heart-wrenching, but all equally historic, all part of the American saga, each forever etched in the collective memory of this Nation.

The magnificent building in which we do our work today is a monument to that journey. Those who labored to raise this glorious building in tribute to American democracy were themselves slaves. They laid the foundation. They cut the stones. They raised the walls and built the magnificent dome of the U.S. Capitol. Those slaves lived here on Capitol Hill in the shadow of what is now the Statue of Freedom that looks eastward toward the rising Sun and what was then the new dawn of a rising nation.

They are, in many ways, the ancestors of Freedom herself, the precursors of an event to which we have so boldly stood witness in January, in the shadow of their labors, as a Black man raised his hand on the west front of the Capitol to take the oath of office as President of the United States. What greater tribute to them.

We may have come a long way since they built this monument to democracy, but every day, with every troubling racial incident we see on television or read about in blogs or in newspapers, it is clear the century-long work of the NAACP goes on, the work continues. But it is equally clear, with Barack Obama in the White House, we have come of age, united by a common history, tragic at times, fought on the bloody battlefields of a civil war and still being waged in the hearts of the intolerant and unenlightened among us.

Let the images of history tell the story of America plainly, honestly, for what it is—from the labors of those slaves who built this Capitol to the founding of the NAACP; from the battlefields of Gettysburg and Manassas to the freedom rides and marches through Selma and Montgomery; from bloodshed, tragedy and travails, sacrifices and sorrows from those who lived and

died on plantations or rode the Underground Railroad north, to those freed by the Emancipation Proclamation; from the devastating inhumanity of slavery to the election of Barack Obama.

There are countless images of courage and heroism, humiliation and humility, honor and horror, dignity and indignity; images of hope and despair, fear and frustration; images of fire hoses and police dogs turned on Americans whose only crime was the longing to be free and equal; images still clear in our minds, triumphant images of Martin Luther King at the Lincoln Memorial, millions marching on Washington; deeply moving images of peace-loving men like Congressman JOHN LEWIS beaten down by billy clubs because he simply wanted to cross a bridge; images of abject poverty, of two worlds separate and apart and far from equal; tragic images of a great man lying in a pool of blood on a motel balcony in Atlanta in April of 1968. But none so powerful, none so deeply moving as Barack Obama taking the oath of office as President of the United States on the west front of the Capitol 41 years later.

These are the awesome images of the history of race since the founding of the NAACP. They represent the history of America as much as they represent the history of the NAACP, and we must—all of us, Black and White alike—embrace them, understand them, and learn from them; learn from the tragedy and the sorrow; learn from the long, hard-fought battle that was the civil rights movement; learn from the debate on this floor that eventually led to the Voting Rights Act; learn from the pro-segregationist terrorism that led to the assassination of NAACP Mississippi field secretary Medgar Evers and the death of Dr. King. Today, all of these images, the good as well as the bad, remain part of who we are, part of the American story in which the NAACP has played a pivotal role.

But the Nation has changed, and so the mission of the NAACP has evolved from what it was 100 years ago. The violence has lessened, but the virus of racism and prejudice has mutated, as all viruses do.

Now too often, intolerance rears its ugly head with the mere mention of the word “immigration.” And when it does, let us be comforted by the knowledge that the NAACP is still there, still working, still fighting the good fight.

Today, the NAACP is an expanded organization dedicated to the elimination of all race prejudice in America, whether that prejudice be against Hispanic Americans, Asian Americans, and all Americans who seek political, educational, economic, and social equality. For 100 years, the goal of the NAACP has been to tear down the walls of racial discrimination through the

democratic process and make tolerance and equality a reality for all of us. Let that goal be realized in our generation, in our time, and let us continue—one nation, indivisible—on that long journey to a more perfect Union.

Mr. President, I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2997, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agency programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1908

(Purpose: In the nature of a substitute.)

Mr. KOHL. Mr. President, I call up the substitute amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. BROWNBACK, proposes an amendment numbered 1908.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

Mr. KOHL. Mr. President, I ask unanimous consent that the following staff have unlimited floor privileges during the consideration of the fiscal year 2010 Agriculture appropriations bill: Galen Fountain, Jessica Frederick, Dianne Nellor, Fitzhugh Elder, Stacy McBride, Phil Karsting, and Riley Scott.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I ask unanimous consent that Bob Ross, a detailee from the Department of Agriculture to the Committee on Appropriations, and Katie Toskey, an intern on the Committee on Appropriations, be granted unlimited floor privileges during consideration of the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I rise today in support of the fiscal Year 2010 appropriations bill for the U.S. Department of Agriculture, the Food and Drug Administration and related agencies. This bill was unanimously reported out of Committee on July 7, and I believe it is a well-balanced bill that deserves the support of all Senators.

This bill includes total spending of \$124 billion. Of that total, \$101 billion is for mandatory programs, such as the Supplemental Nutrition Assistance

Program, formerly known as Food Stamps, which is funded at \$61 billion, and the Child Nutrition Programs, which are funded at \$17 billion.

Discretionary spending totals \$23 billion, an increase of \$2.3 billion, and is within our 302(b) allocation. While this is a significant increase from last year, the President's request in just four areas—WIC, food and drug safety, humanitarian food assistance, and rural rental assistance—account for nearly 90 percent of the total increase. The depth and breadth of the responsibilities held by the USDA and FDA are far greater than I believe most Americans realize.

The funds in this bill are used to help ensure the most basic of human needs are met. This bill provides the funds for the two major agencies charged with keeping America's food and medical supply safe, something we nearly always take for granted. It provides funds to ensure that low-income families in rural America have access to affordable housing and opportunities for homeownership. It provides funds to ensure that over 11 million kids receive breakfast and 31 million kids receive lunch at school every day. It provides funds to make sure 2 million kids from low-income families receive a nutritious meal during the summer when their parents are not home. It provides funds to developing countries to provide meals to children when they go to school—which is often the only way to get them there. USDA is also responsible for important agricultural research, conservation activities, community development, animal and plant health activities, agricultural trade, and much more. It is an important bill—more important than many may realize.

There are many specific high notes to mention.

Of the total funding provided in this bill, 69 percent is directed to nutrition programs. The WIC program is funded at more than \$7 billion, which is an increase of almost \$700 million over last year's appropriations bill. This is the amount necessary to meet the increasing need for this program, and will provide nutritious food to nearly 9.8 million low-income mothers and children each month. There is also language included to ensure that military families are not disqualified from the WIC Program because of increased combat pay—this is a small provision, but an important one in recognizing the sacrifices that our soldiers and their families make.

This bill includes \$163 million for the Commodity Supplemental Food Program, which provides supplemental food to nearly 450,000 very low-income senior citizens and more than 30,000 low-income women and children. The Emergency Food Assistance Program, which provides free food to food banks, many of which have seen private dona-

tions decrease significantly, will receive \$253 million in fiscal year 2010. An additional \$7 million is provided to assist food banks in maintaining and upgrading their facilities and equipment so they can continue to serve those in need. In difficult economic times, these programs are vital to those that might otherwise go hungry.

In the area of food and drug safety, this bill provides the full budget request for both the Food Safety and Inspection Service and the Food and Drug Administration. The FDA is provided \$2.3 billion, an increase of nearly \$300 million. This increase, one of the largest in FDA's history, is necessary to continue the slow turnaround of an ailing organization whose responsibilities have vastly outgrown its funding over the past several years. The FDA is in charge of ensuring the safety of one-quarter of consumer products, and it is imperative that it has the funding to carry out its responsibilities. Similarly, the Food Safety and Inspection Service is responsible for ensuring that all of the Nation's meat and poultry is safe to eat. FSIS is provided the full budget request of more than \$1 billion to carry out its mission.

This bill provides substantial funding to support international humanitarian food assistance. The PL 480, Food for Peace, and McGovern-Dole programs are funded at the President's request, which together is an increase of more than \$500 million above last year. These programs are vital to helping relieve hunger in some of the most distressed parts of the world and to encourage children in developing countries to receive an education. To enhance those programs, funding is provided to support the use of micro-nutrient fortified foods and to develop new food aid products that can make a real difference in saving lives and securing long-term health benefits, especially for children. The bill also provides \$13 million, as requested by the President, for USDA to help develop agricultural systems in countries facing severe food shortages. We believe that the development of sustainable food systems is the proper alternative to emergency food assistance. Therefore, this bill provides guidance and support for USDA, in partnership with the country's land grant institutions, PVOs, and others, to work together toward global food security.

America's farmers and ranchers face some of the tightest credit conditions they have faced in years. Agricultural producers are having difficulty obtaining capital necessary to maintain operations, and demands for Federal credit have skyrocketed. This bill provides over \$4 billion of needed credit, representing an increase of nearly \$750 million over 2009. These funds will help sustain agricultural producers as private credit markets stabilize.

This bill also provides increased funding for development of rural Amer-

ica, including housing, essential community facilities, business assistance, and infrastructure. In response to the recent housing crisis, USDA rural housing programs remain among the most important, and the most active, for Americans to achieve home ownership. Over \$13 billion is available for housing loans and grants, including funds for new construction, repair and rehabilitation, and housing vouchers and rental assistance to ensure shelter for the lowest income rural residents. Almost \$1.6 billion is available for loans and grants to small towns to support clean water and sanitary waste disposal systems that are essential for thriving communities.

Agricultural research agencies receive a total of \$2.5 billion in the bill, an increase of nearly \$130 million, not counting research funding provided in the 2008 farm bill. The Agricultural Research Service is USDA's premier in-house research agency. Funding is provided in this bill for ARS scientists to conduct increased research on bio-energy; improved livestock and crop production; human nutrition, including the prevention of childhood obesity; and the reduction of world hunger, among other issues. USDA's National Institute of Food and Agriculture, NIFA, formerly the Cooperative State Research, Education and Extension Service, CSREES, funds research, education and extension projects at universities and other partners throughout the country. As part of NIFA, the bill includes an increase of more than \$94 million for the Agriculture and Food Research Initiative that awards competitive research grants throughout the Nation. These programs allow USDA the flexibility to adapt to meet changing research needs and to work with leading researchers throughout the country.

This bill makes substantial investments to protect the Nation's animal and plant resources from diseases and pests. Almost \$40 million is provided to combat the emerald ash borer which has been found in thirteen states and threatens hardwood forests. Over \$30 million is available to fight the Asian long horned beetle, and almost \$46 million is provided to support the citrus health response program to combat citrus greening.

In all, this bill provides a proper balance among all the agencies funded and sets the proper priorities. Conservation, food and drug safety, farm programs, rural development, renewable energy, nutrition, trade, and the day-to-day functions of USDA and FDA are provided adequate funding and proper guidance. The programs funded by this bill touch the lives of every American numerous times each day, and impact the lives of people living on the other side of the world. These are important programs, and I urge each Senator to support this bill.

Mr. President, I would also like to recognize and thank my ranking member, Senator BROWNBACK, for his counsel and support in putting together this bill, and look forward at this time to his opening statement.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I wish to first thank my colleague for the work he has done on this bill. Senator KOHL and his staff have done an excellent job in putting together a responsible, good, and important bill, and I am delighted to be a part of it and a part of the process. It has been a great group to work with.

The Appropriations Committee, unlike a lot of other committees in the Congress, most of the time has to work in a bipartisan fashion, and that is a good thing. Senator KOHL and his staff have been very good for us to work with, and I think because of that we have what I believe is a solid bill and one for which we are going to be able to get strong and broad support.

Mr. President, this is the first time the agriculture appropriations bill has been on the floor of the Senate for a number of years. I think that is too bad, but I think it is also good we are finally getting it here. The 2006 Ag appropriations bill was the last Ag appropriations bill to be on the floor of the Senate. I think it is a good development that it is here, that it will be pending. I think it also bodes well for us to be able to consider this as a separate and stand-alone bill in the final process so we don't have to put it together with a whole bunch of other appropriations bills, which, to me, is the way the process should work. It is a good way to work, and it is my hope we will be able to have a separate agriculture appropriations bill that will make it the whole way through the process.

I look forward to the debate, and I wish to encourage Members now, this evening, to come to the floor and offer amendments so we can consider this expeditiously but fully. I understand from the majority leader that we want to consider a travel and tourism bill and then the Sotomayor vote and consideration next week. I hope we could get through this bill in an expeditious manner so we could get to the Sotomayor discussion; I believe most of our colleagues will want to speak about Judge Sotomayor being considered for the Supreme Court. Whether you are for or against her, people want to be heard. To have as much time as possible for that next week, it will be important we be expeditious on this Ag appropriations bill.

Overall, the budget for food aid in the bill has increased to levels that will allow us to depend less on emergency supplemental appropriations bills that are not scored, and I think it is important we have a regular scoring process

and not just do this on an emergency basis. I think that is an important improvement in this bill. By funding food aid at historical levels in the regular appropriations process, USDA and USAID will have more certainty about program resources so they can make better decisions about which situations they are able and need to commit food to.

A number of my colleagues have been to refugee camps in different parts of the world, and they have seen this food in action. It is important and it saves people's lives, and these are important food aid programs.

While I believe this is a valuable step, I am even more encouraged by the creation of two pilot programs that we have initiated in this bill. The chairman has worked on it and we have worked on it in our office. Specifically, in the area of food aid, we have created two pilot programs. The first is a nutrition fortification pilot program to develop and field test new and improved micronutrient fortified food products designed to meet the energy and nutritional needs of school-aged children, pregnant women, nursing mothers, infants, and children under 5 who are served by the McGovern-Dole Food for Education Program.

This is a program where we supply food to a number of very difficult situations in countries with poor economies around the world that is given as a school lunch. So it draws students in to go to school, and then it is a lunch for them. It has been a very successful program in both getting nutritional requirements met for children and in getting the educational needs met.

What we are talking about in this pilot program is a narrower section of it where a number of scientists around the world have said the most important thing we could fund—that any country actually could fund—to improve the health of the most people would be micronutrients in the Third World and developing countries that are having difficulty, so the children develop their mental capacity, better eyesight, and their overall health capacity.

This is a relatively low-cost, high-yield, high-benefit program. It saves lives, makes lives more productive, and it makes the United States a lot more popular around the world when we are helping people and saving lives. That is one of the pilot programs.

The second is a new food aid product development pilot program. It has been nearly 30 years since the last type of food aid was developed. Thirty years ago, we developed a corn soy blend that is used in many refugee camps and in difficult situations for individuals around the world who can't get enough food. Thirty years ago, we developed an innovative product called corn soy blend, but nutritional understanding has changed in that period of time.

What we are looking at is a new wave of food aid products and can we do it better. That is in this pilot program.

A number of people working on AIDS around the world, PEPFAR funding particularly in Africa, are saying the big problem with AIDS recipients is they are getting the antiretroviral drugs, and they are using those, but their body is weakened because they do not have their nutritional needs being met. This is to target in on what can we do to make sure those vulnerable populations are getting the nutritional needs they have.

I am excited about this because I think these are the sorts of things we can do that don't cost much. Indeed, my view would be that we don't, in the future, add to the food aid program but we make it a higher nutrient program and we target it in better ways so we can get more out of this. That is the way we should be working.

If young children have access to proper nutrition, the benefits will follow them the rest of their lives. We all know that. That is what we are trying to do with these pilot programs.

Finally, the bill requires the USDA and USAID to scrutinize how the food aid programs function without seeking to change the basic structure of the Food for Peace or McGovern-Dole Food Aid. We will use the data the Secretary and the administrator provide to the subcommittee to make sure these programs are operating as effectively as possible.

I would have preferred a hard upper limit on transportation costs myself, but I recognize there are many strongly held opinions on this matter. My hope is that all parties can agree we should strive to make these programs more efficient because greater efficiency means more people will be fed.

I have cited, for several of my colleagues, an area of great concern to me, in that 60 percent of our food aid dollar presently goes for transportation or administration. Over a majority of it goes for transportation and administration. It seems to me we ought to be able to get that to a tighter position. We have worked with the chairman on this. Everybody is concerned that we try to stretch our food aid dollars and get as much food to starving people as possible.

I greatly appreciate the courtesies Chairman KOHL and his staff have shown me in my first year as ranking member. Chairman KOHL has been at this for several years and he has done a very good job.

Specifically, I thank Galen Fountain, Jessica Frederick, Dianne Nellor, and Bob Ross for their efforts on this bill and the consideration they have shown my staff. I look forward to working through the process on the floor and moving to conference.

I would urge my colleagues, again, to start getting their amendments pending because I think the more expeditious we can be, the more time we will have to consider the amendments and then also to get to the nomination of Judge Sotomayor, which I anticipate most of the body will want to speak on, and that is going to take a long time to get through.

It is a good bill, and I am looking forward to us working through the amendments to make it a better bill through the process.

I yield the floor.

AMENDMENT NO. 2230 TO AMENDMENT NO. 1908

Mr. KOHL. Mr. President, I send an amendment to the desk on behalf of Senator TESTER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. TESTER, for himself, Mr. ENZI, and Mrs. MCCASKILL, proposes an amendment numbered 2230 to amendment No. 1908.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify a provision relating to funding for a National Animal Identification Program)

On page 17, beginning on line 17, strike "\$14,607,000" and all that follows through "program" on line 18 and insert the following: "\$7,300,000 shall be for a National Animal Identification program and may only be used for ongoing activities and purposes (as of the date of enactment of this Act) relating to proposed rulemaking for that program under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act')".

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KOHL. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask unanimous consent to speak in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WHITEHOUSE. Mr. President, I met in my office today with Donna, a Rhode Islander who suffers from vascular disease. Donna's condition forced her to give up her job, and therefore her insurance. She cannot afford to buy it on her own, since it would cost her \$650 a month—money she does not have. So she pays for her medications out of pocket. They should be \$2,000 per month, but her doctor got them down to \$450. But even this is no walk in the park. Donna read me a laundry list of procedures and services she needs but cannot afford, so like so many Americans, she sits waiting, struggling, hoping she does not get worse.

I want to tell my colleagues what I told Donna today: the Affordable Health Choices Act, the bill that the HELP Committee passed out last Wednesday, would mean hope and change and help for Donna. It would mean that insurance companies could not deny her a policy because of her vascular disease, as they can, and do, right now. It would mean that insurance companies could not charge her sky-high rates because of her vascular disease, as they can, and do, right now. It would mean that if Donna needed financial help to purchase a health insurance plan, she would get it. No pre-existing condition exclusions, affordable premium rates, and subsidies for those who need help purchasing a plan. That is what the HELP Committee's plan offers every American in this country.

I also have heard from Madeleine, a Pawtucket resident who cannot afford health coverage despite working two jobs. Her family has a history of colorectal cancer; both her sister and mother lost their fight to this disease. Tragically, Madeleine cannot afford to get a colonoscopy. Without insurance, Madeleine waits and hopes that she doesn't get sick, because that is the only option she has.

Under the Affordable Health Choices Act, Madeleine would have the financial help she needs to buy a comprehensive, affordable plan. But even before she did that, even before everything is in place for Madeline to go to a gateway and buy a plan, she could sign up for the Right Choices program. Under Right Choices, even without insurance, Madeline would have access to all basic preventive services. She would get a chronic disease health risk assessment, a care plan, and referrals to community-based resources. Most importantly, she would get the colonoscopy

she needs, so that she is not another victim of the terrible disease that took her mother and her sister. It goes without saying that preventing this disease and treating it early would, in the long run, save money for the healthcare system as well as preserve Madeleine's health.

I recently had coffee with Shirley, a Middletown resident who described her relief at turning 65. For the past 20 years, she and her husband did not have insurance. As self-employed business owners in their fifties, finding affordable insurance options was impossible, so they went without. They took their chances. Now 65 and eligible for Medicare, they finally have peace of mind. Shirley admits she and her husband were lucky to make it through those 20 years without serious health problems. During our meeting, she urged us to pass health care reform for the millions of hard-working Americans—hard-working, middle-class Americans—who are not as fortunate as she and her husband.

Under the bill passed by the HELP Committee, Shirley would not have endured 20 years of fear and uncertainty without health insurance. As a self-employed, small business owner, Shirley would be eligible for tax credits to either continue to offer health insurance to her employees, or to offer it for the first time. Shirley could also take all of her employees to the health insurance gateway, which will give small firms a choice of multiple insurance plans at a lower cost and of a higher quality than what currently exist in the small group market. If you are a small business owner, this bill is for you.

Judith from Warwick, has shared with me a story about her brother-in-law, whose lungs collapsed during an outpatient procedure. After staying in the intensive care unit for 28 days, he contracted a hospital infection and was rehospitalized four times. Thankfully, a year later, he is symptom free. However, the costs stemming from the treatment totaled over \$500,000. Like her brother-in-law, Judith and her husband are retired and live off of their monthly Social Security check. She reflects that on such a limited income, if she or her husband faced a catastrophic health issue like her brother-in-law, they would be in "dire straits."

The HELP Committee bill creates a Patient Safety Research Center at AHRQ, which will support research, technical assistance, and process implementation grants to local providers to teach and implement best practices. No one should go through what Judith's brother-in-law did. No one should contract a hospital infection that leads to not one, not two, not three, but four rehospitalizations. We know how to prevent hospital-acquired infections; we have seen tremendous results in places like Michigan and

Rhode Island for years. The HELP Committee bill finally creates a national infrastructure to support the dissemination of these proven techniques so that we can drastically improve the quality of care in our system, and in doing so, drastically lower the cost.

Finally, I recently met David, a self-employed resident from Central Falls, who described the astronomical rise in the cost of health insurance for him and his wife. Years ago, he paid \$85 per month for their plan; today, he pays approximately \$19,000 a year for their health insurance. Despite the dramatic jump in price, their health insurance plan does not cover as much as it used to. To keep their premiums and overall health costs down, David has been forced to drop dental coverage and increase the out-of-pocket expenses he and his wife pay on their plan. He noted, "I'm almost afraid to get sick, because today's health plans have so many holes in them, they can nickel and dime you to death."

The Affordable Health Choices Act would do two important things to help David. One, it would require that plans sold in the gateway offer a truly comprehensive set of benefits so that "affordable" does not mean "skinny." Affordable will mean inclusive, available, and accessible. Two, the bill would not allow insurance companies to "nickel and dime you to death" as David fears now. Insurance companies would be prohibited from imposing lifetime or annual limits on the dollar value of benefits for any enrollee. So David will not be forced to pay out-of-pocket once he exceeds certain levels of benefits, as he does now.

There is some uncertainty both in this building and around this country right now about the future of health reform. I want to remind everyone—my colleagues on both sides of the aisle, my colleagues in the House, Rhode Islanders back home, and Americans across the country, the Senate has already put forth a health reform plan that will work for you. It will work for small businesses. It will work for Americans with pre-existing conditions. It will work for Americans struggling to pay health care premiums. It will work for Americans who are in small businesses. It will work for Americans who are one illness away from their family going into bankruptcy. It will work for Americans who are uninsured. It will work for Americans who have been victims of hospital errors. It will work for Americans who need preventive services they cannot afford.

Most importantly, it will work for Donna, for Madeline, for Shirley, for Judith, and for David, and it will work for their fellow Americans all over this country whose stories are all too similar. Heartache, frustration, exhaustion, and disgust with a health care system

that has, at best, disappointed them, and at worst, turned its back on them. The Affordable Health Choices Act offers these Americans a hand up when they need it most, and I am proud to support it.

Before I yield the floor, I want to take one moment to thank the distinguished senior Senator from Iowa for his courtesy in allowing me to proceed. I know he has substantial remarks he wishes to deliver. I hope it was not too much of an inconvenience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

DEBT AND DEFICIT

Mr. GRASSLEY. Mr. President, I thank the Senator from Rhode Island for his kind remarks.

We are only 9 months into fiscal year 2009, and for the first time in American history the Federal deficit has reached and exceeded \$1 trillion. This is not one of those firsts for our great Nation that calls for celebration, and there will not be any celebration.

Unfortunately, the bad fiscal news is not yet over for the year. We are still on track for a year-end deficit of over \$1.8 trillion for fiscal year 2009. That is not according to this Senator, that is according to our official scorer, the Congressional Budget Office, the non-partisan organization.

This 2009 deficit as a percentage of gross domestic product will be a staggering 13 percent, the highest rate since the end of World War II. I have a chart that shows this, a chart that puts the deficit in context.

Here is also a chart that puts the debt into context. I want to remind the Senate that I agree with President Obama that he did, in fact, inherit part of these deficits and debt. What is not often pointed out is this: The deficits and debt were bequeathed back then on a bipartisan basis because the Democrats controlled the last Congress. Starting in the year 2007 that Congress wrote the budget, it wrote the spending bills; that Democratically controlled Congress wrote the financial bailout bill. A Republican President, George W. Bush, signed those spending bills. President Bush signed the financial bailout bill. The chart shows the bipartisan deficit President Obama inherited—and that would be the gray part of the deficit chart—and the chart shows the bipartisan debt President Obama inherited. That would be on the chart as well.

Today we have seen more revisionist fiscal history from many of my friends on the other side. It boils down to two very basic propositions. The first proposition is, all good economic policy and beneficial fiscal effects are due to the partisan tax hike of 1993. The second proposition is that all bad economic policy and detrimental fiscal effects of

this decade are due to the bipartisan tax relief plans of 2001 and 2003.

How convenient for my friends on the other side of the aisle. If we take this fiscal revisionism to its logical extreme, the answer of some on the other side might be to tax every dollar of income earned by the American taxpayer. There seems to be an attitude that any policy that allows Americans to keep more of their own money is just automatically bad, while any policy which takes more of their money and spends it is automatically good.

I think it is fairly clear the fiscal revisionists on the other side do not have a problem with huge deficits; rather, they are threatened by the prospects of Americans deciding what they want to do with their very own money.

In fact, the deficit effects of the stimulus bill passed within a short time after Democrats assumed full control of the Federal Government exceeded the deficit impact of the 8 years of the bipartisan tax relief. Again, this is comparing the tax relief with the stimulus as you see in the chart.

Since the stimulus package spilled a lot of red ink, let's take a look at how the economy has done. Unemployment currently stands at 9.5 percent, the highest rate in the last 26 years. The economy has shed 6.4 million jobs since this recession began, and that also includes, though, 2.6 million jobs lost since President Obama took office.

Even with the passage of the massive \$787 billion stimulus bill in February, the promise of jobs, jobs, jobs that went with that \$787 billion stimulus bill, there is still no end in sight to the rise of unemployment and job losses.

The President himself recently said:

My expectation is that we will probably continue to see unemployment kick up for several months.

While the short-term news is bad, I have bad news for you. The long-term news is much worse. If the Obama budget is adopted, by 2019 we will have added over \$9 trillion to the national debt held by the public, and our debt as a percentage of the economy will grow in excess of 80 percent, in excess of 80 percent, a level also that has not been seen since this country was in World War II.

Let me say, the 50-year average of that national debt, according to the economy, has been about 40 percent. So we are talking about more than doubling what it has been over the last 50 years.

The huge spike in spending that we have seen over the course of the past 9 months has been advertised as temporary. But even so, the deficit as a percentage of GDP in 2019 is projected to be 5.5 percent, a level that everybody, including the President, agrees is unsustainable. You can see that on our charts as well.

Looking beyond the 10-year window paints an even bleaker picture. I have a

chart from the Congressional Budget Office that projects a terrifying rise in debt held by the public as a percentage of GDP over the next 40 years. As we can see from the dotted line, the highest level of debt held by the public as a percentage of GDP, 107 percent, occurred in 1945 as a result and at the end of World War II. In either of the two scenarios outlined in the Congressional Budget Office's long-term budget outlook, shown by the red and green lines on the chart respectively, we are on a course to break this record sometime in the next 15 to 35 years and reach ratios of debt to GDP of up to 128 percent or, at the extreme, 321 percent by 2050.

The Congressional Budget Office's own words are these:

The systemic widening of budget shortfalls projected under CBO's long-term scenarios has never been observed in U.S. history.

Some may ask: Why is this a big deal? What does debt held by the public have to do with my everyday life? The Congressional Budget Office makes three points answering this question. This is the Congressional Budget Office, a nonpartisan group of experts whose sole job is to project, at least 10 years ahead of time, what the situation is with every spending bill and the impact of the deficit. This is what they say: If the ratio of debt to GDP continues to rise, lenders may become concerned about the financial solvency of the government and demand higher interest rates to pay for the increasing riskiness of holding government debt. No. 2, if the debt-to-GDP ratio keeps increasing and the budget outlook is not improved, both foreign and domestic lenders may not provide enough funds for the government to meet its obligations. And No. 3, if the first two points happen, no matter whether the government resolves the fiscal crisis by printing money, raising taxes, cutting spending or going into default, it is certain that economic growth will be seriously disrupted.

Whenever economic growth is seriously disrupted, job growth is seriously disrupted as well. Clearly, a debt-to-GDP ratio approaching 100 percent would have a disastrous impact on everybody's everyday life.

So where do we go from here? Clearly, we are well on our way to fiscal catastrophe unless we change course. What is the best way to break out of this recession, to start creating jobs, to reverse the mountainous growth of deficit and debt and get the economy moving again? That is a very important and long question. Let me see if I can answer. In general, Democrats and Republicans seem to have opposing viewpoints when it comes to the solution to this problem, with Republicans favoring lower taxes and lower spending, while Democrats favor higher taxes and higher spending. However, both Republicans and Democrats agree that health care reform is a crucial ingre-

dient to solving the long-term budget crisis.

Both Republicans and Democrats agree health care reform needs to be paid for as well. The Congressional Budget Office is also on the same page, asserting that, in their words:

In the absence of significant changes in policy, rising costs for health care will cause federal spending to grow much faster than the economy, putting the federal budget on a unsustainable path.

Over the past few months, the rising cost of health care has been characterized by a few creative illustrations. First, we have heard the chairman of the Budget Committee refer to the rising cost of health care as "an 800-pound gorilla." Second, we have heard the President describe the rising cost of health care as "a ticking timebomb."

Today I wish to add a third illustration. The rising cost of health care is a massive, fire-breathing debt and deficit dragon. In the King Arthur legend, the greatest knight among the Knights of the Round Table was Sir Lancelot. Sir Lancelot was also a dragon slayer. In order for Sir Lancelot to strike down the dragon, he had to be equipped with suitable weapons. The same is true today with the rising cost of health care. As Congress contemplates ways to cut down on the massive, fire-breathing debt and deficit dragon, it must wield the proper weapons.

As you can see here, we have the debt and deficit dragon.

A few weeks ago, House Democrats proposed a graduated surtax of up to 5.4 percent on taxpayers making over \$280,000 to partially offset their health care reform bill. This small business surtax would push the top marginal tax rates up to between 43 percent and 46.4 percent, a rate that would jump to over 50 percent in 39 States with Medicare and State and local taxes added in. This is according to the Tax Foundation. So is this small business surtax the proper weapon to strike down the debt and deficit dragon? I have a chart that shows not Sir Lancelot but Sur Taxalot on his way to slay the debt and deficit dragon with his mighty surtax. This is Sur Taxalot, as we can see. The surtax is a large, heavy, painful weapon and lethal to America's job engine, the goose that lays the golden egg, small business America.

Take a good look at Sur Taxalot.

However, it is not effective against the debt and deficit dragon because it does nothing to slow the dragon's exponential growth. The cost of health care that the dragon feasts upon will continue to increase much faster than the revenues that Sur Taxalot can collect with his surtax.

CBO Director Doug Elmendorf testified in front of the Budget Committee 2 weeks ago. Dr. Elmendorf stated: None of the legislative changes looked at by CBO so far, including the House Democrats' small business surtax,

"represent the sort of fundamental change of the order of magnitude that would be necessary to offset the direct increase in federal health costs from the insurance coverage proposals."

Clearly, unlike Sir Lancelot, Sur Taxalot is no dragon slayer.

Now let's look at how House Democrats' small business surtax works. In 2011 and 2012, singles making between \$280,000 and \$400,000 and families making between \$350,000 and \$500,000 will pay an extra 1-percent surtax. Singles making between \$400,000 and \$800,000 and families making between \$500,000 and \$1 million will pay an extra 1.5 percent. Finally, singles making more than \$800,000 and families making more than \$1 million will pay an extra 5.4 percent. Then in 2013 and after, these surtax rates go up to 2 percent, 3 percent, and 5.4 percent, respectively. The only way these rates would not go up in 2013 is if the President's adviser, the Director of OMB, determines in 2012 that there will be more than \$675 billion realized in estimated health care savings by the year 2019.

That is right: The trigger mechanism is back. The House Democrats have made the surtax rate increase subject to a trigger. They have left the judgment on whether to pull the trigger in the hands of a partisan Presidential adviser, not a nonpartisan organization such as the Congressional Budget Office.

As Members of Congress, we should jealously guard our constitutional prerogatives to be the one branch of government tasked with deciding whether revenue is raised by increased taxes or revenue is reduced through decreased taxes. As the great Chief Justice John Marshall said almost 200 years ago:

The power to tax is the power to destroy.

So why would we hand such an enormous power over to the executive branch? I recall, over the last 8 years, hearing from the other side of the aisle that the executive branch was attempting to usurp congressional authority. So where is that jealous guardian of congressional authority now? It seems to be absent.

We have seen this trigger mechanism from the Democrats before. While it has been a couple years, I have spoken at length about this trigger right here on the floor of the Senate.

I ask unanimous consent that a copy of my speech of May 9, 2007, entitled "A Trigger and a Tax Hike on the American People" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHUCK GRASSLEY: A TRIGGER WILL NOT PREVENT A TAX HIKE ON THE AMERICAN PEOPLE

Mr. President, press reports indicated we may be in the ninth inning of the budget season. The President sent his budget up to Capitol Hill over three months ago. The Senate Budget Committee marked up a budget resolution. It passed the Senate. That resolution

lays out the Democratic Leadership fiscal priorities for the next five years. As everyone knows, the American People spoke last November and sent a Democratic Majority to both Houses of Congress. For the first time in 12 years, Democrats have the privilege and the responsibility for our budget.

The Senate spoke very clearly in support of some tax relief. The voice came in the form of the Baucus amendment. My friend, the Chairman, secured \$180 billion to prevent part of the big tax increase that will go into effect on January 1, 2011. Although the Baucus amendment only provides 44 percent of the tax relief room needed, it is far superior to the House position. The House position is zero tax relief. That's right, Mr. President, zero tax relief. Zero tax relief means a total tax increase of \$936 billion over 5 years. That's the largest tax increase in history and one that occurs without a vote of Congress.

That tax increase means real dollars out of the wallets of real middle income families. I've got a chart here. The chart shows a wall of tax increase. This chart shows that a family of four at \$40,000 will face a tax increase of \$2,052. Now, for a lot of my rich liberal friends that may not seem like a lot of money. For a hard working family of four in Iowa, that \$2,052 matters.

As a senior Republican member of the Budget Committee, I've not been consulted on the budget by our Chairman, but I've made my views clear to our distinguished Chairman. What I know about the budget I've learned from press reports. If those reports are true, I'd encourage the Chairman and Senate Leadership to stand strong for the Senate position.

Press reports indicate that the Democratic Budget Committee chairmen are working on a compromise that would condition the tax relief on a surplus. That is, the Baucus amendment would be subject to a trigger. Now, Mr. President, what's a trigger?

I have another chart. This chart deals with perhaps the most famous trigger. The chart shows "Trigger," the cowboy actor, Roy Rogers', horse. You can see from the chart that Trigger is a pretty impressive looking horse. Would definitely like to have Trigger on my farm to help with the chores. Am sure my grand kids would want to ride him if Trigger were stabled on my farm.

As Western movie buffs know, Trigger is no longer with us. Trigger is stuffed and on display at the Roy Rogers-Dale Evans Museum in Branson, Missouri. Although Trigger was an impressive looking horse, this trigger device the Democratic Leadership is looking at is not impressive.

The trigger notion is something that has a long history with the Democratic Leadership. Back in 1996, the Clinton Administration and Democratic Leadership argued for a trigger for the \$500 per child tax credit and other family tax relief proposals. They took this position after President Clinton had vetoed the bill containing the family tax relief proposals. If the Clinton Administration and the Democratic Leadership had prevailed, millions of American families would have received the \$500 per child tax credit perhaps in 1999 through 2001 only. If the President Clinton and the Democratic Leadership had won and the trigger were in place, millions of families would have lost the child tax credit in the years 2002 to now.

The same dynamic occurred in 2001. With surpluses, the Democratic Leadership opposed broad-based bipartisan tax relief, including a doubling of the \$500 per child tax credit. One of the ideas the Democratic

Leadership flirted with was a trigger. There were a few Republicans attracted to the idea.

The trigger was debated somewhat, but never found to be workable. It is a complicated matter. It could be suggested that the mechanics of a broad-based tax trigger are like trigonometry. Trigonometry is a division of mathematics that deals with triangles. It is simple on its face, but you can see from this text book, can become complicated quickly.

Interweaving the complexity and uncertainty of triggered tax relief with the vast American economy could lead to a new term. That new term would be "trig-o-nomics." As much as folks complain about uncertainty and complexity in tax policy, I don't think the Democratic budget negotiators should want to take us to the land of trig-o-nomics.

To some degree, the current law sunset of the 2001 and 2003 is a de facto trigger. If you look at those in opposition to permanence of the bipartisan tax relief, you'll find that it is, with very few exceptions, the same folks who like triggers.

The tax system is a very complex and pervasive force in our society. It affects all Americans and all economic activity. Creating conditional tax relief through a trigger mechanism would de-stabilize an already unwieldy tax system. How are families, businesses, and investors supposed to plan their affairs with a trigger hanging over current law tax rules that keep taxes low? Think about that, Mr. President. What would we be doing to the hard working American taxpayer?

As an aside, those taxpayers, by the way, are sending record amounts of revenue to the Treasury. The bipartisan tax relief plans of 2001 and 2003 are growing the economy. Revenues are ahead of projections by double digit figures for the third year in a row. It's there in the black and white of Treasury and CBO reports. The American taxpayer is doing his and her part to reduce the deficit. I ask unanimous consent to insert in the record a couple of articles from the BNA Daily Report for Executives, one dated May 3, 2007 and another dated May 7, 2007.

So, why trigger on tax increases, when the current law tax levels are bringing in plenty of money to the federal Treasury? It makes no sense to punish the American taxpayer.

The biggest problem I have with a trigger is that it creates yet another budget process bias for higher federal spending. If Congress decides to spend more than planned, the trigger gives the American taxpayer the shaft. Spending taxpayers' money trumps future promised tax relief if a trigger is in place.

The American taxpayer need look no further than the budget resolution conference to see triggered future tax relief's futility. After winning the November elections by claiming to enforce fiscal discipline, Democrats have done three things with the budgets in conference. One, they've guaranteed new spending of at least \$205 billion over the budget baseline. Two, with multiple reserve funds, they've set up many arenas of new spending and new taxes. Three, for the first time in six years, a tax hike on virtually every American taxpayer is built into the budget in future years. Did the American People know that this was how fiscal discipline would be defined after the votes were counted? Higher taxes and higher spending? Did the American People vote for this definition of fiscal discipline in last year's campaign? My guess is the answer is the American taxpayer didn't think fiscal discipline meant higher taxes and higher spending.

If fiscal discipline were the real goal of the Democratic Leadership, they'd employ a

trigger on the new spending they've baked in the budget cake. Mr. President, how about that? The new spending in this budget would only be triggered if the federal budget were in surplus. Do I have any takers among the Democratic budget negotiators?

Mr. President, before the Democratic Leadership rolled out its budget, I challenged them to show a proposal with a single dollar of spending restraint dedicated to deficit reduction. It's a challenge I've issued for several years as bipartisan tax relief has been attacked on fiscal discipline grounds. My challenge has not been met. If you go back a decade, you won't find a proposal for spending restraint from the Democratic Leadership. Check the record. You won't find anything on the spending side of the ledger.

The use of a trigger is more evidence of this obsession with taxing and spending. Instead of accepting the Baucus amendment, which is supported by strongly-bipartisan votes in both bodies, the Democratic negotiators are taking a different path. They want to use a trigger as cover. The trigger will likely mean future Democratic spending proposals will gut future tax relief, thereby guaranteeing a tax increase on virtually every American taxpayer.

Mr. President, it's not too late. I suggest that, if the Democratic budgeteers want to talk the talk of fiscal discipline, they need to walk the walk of fiscal discipline. Apply the trigger. But apply it to the \$205 billion in brand new spending. Don't build a wall of tax relief on America's families. Build a wall of fiscal discipline against runaway federal spending.

I yield the floor.

Mr. GRASSLEY. I have a chart here from the 2007 speech that deals with perhaps the most famous trigger. Of course, I refer to Trigger, the horse belonging to the cowboy actor Roy Rogers. As I mentioned in the past, Trigger is no longer with us. Today he is stuffed and on display at the Roy Rogers-Dale Evans Museum in Branson, MO. Even so, Trigger, in his current stuffed state, is still much more imposing than the House Democrats' trigger device.

While past Democratic trigger proposals were bad, the current House Democrats' trigger proposal is even worse because it is under the control of a partisan OMB Director and is based upon an OMB Director's estimate—I repeat, an estimate—of health care savings for the years 2013 to 2019.

I do not think anyone really expects this trigger to be pulled. Even the non-partisan Joint Committee on Taxation, in its \$544 billion revenue estimate of the House Democrats' small business surtax proposal, assumes that the estimated savings targets will not be reached and the rates will go up, for sure, in 2013.

Clearly, on the question of how to pay for health care reform, Republicans and Democrats appear to be drifting in different directions. Republicans want to pay for health care reform through changes in the health care system—mostly on the spending side but also on the revenue side—to make health care more accessible and more affordable. In contrast, House

Democrats' most recent proposal to pay for health care reform—the small business surtax—goes far outside the universe of health care.

By abandoning the universe of health care in their financing scheme, House Democrats are clearly indicating that the goal of their health care reform proposal is increased coverage at any cost. Even the *New York Times*—now, believe this: Even the *New York Times*, hardly a strident critic of the Democrats in Congress or the White House, cautions against this coverage-at-any-cost approach:

If the government simply extends subsidized insurance to millions of uninsured people but fails to force fundamental changes in the delivery or financing of health care, then federal health care costs will keep escalating at excessive rates. That will drive up deficits in subsequent decades unless new taxes are imposed or new savings found.

That is the end of the quote from the *New York Times*.

We need to reform our health care system, but we need to do it right. That is why I am working with Senator BAUCUS, chairman of the Senate Finance Committee, along with Senators SNOWE, ENZI, CONRAD, and BINGAMAN, to reach a bipartisan solution. My Finance Committee colleagues and our staffs have been working hours and hours each day and night, and weekends, to navigate through the numerous complex issues of health care reform. Has it been easy? Obviously not. However, I am very hopeful we can reach a bipartisan agreement that makes health care in America more accessible and more affordable, while at the same time protecting taxpayers and preventing the Federal Government from taking over health care.

President Obama, in his prime time press conference last week, expressed his agreement with these principles. While stating generally that the reform he is proposing will keep government out of health care decisions, President Obama specifically made the following promises:

I'm not going to sign a bill that, for example, adds to our deficit. I won't sign a bill that doesn't reduce health care inflation so that families as well as government are saving money. I'm not going to sign a bill that I don't think will work.

I will take the President at his words on these promises, but I am going to hold him to them. The President is sending a clear signal that he could not sign the Pelosi bill, the Health, Education, Labor, and Pensions bill, or similar pieces of legislation. Why? Because each of those would drastically expand the Federal Government's control of the health care system, increase the deficit, and fail to reduce long-term health care inflation.

Here is the bottom line. When the long-term budget outlook warns that rising health care costs will cause Federal spending to grow so fast as to put

the Federal budget on an unsustainable path, Congress needs to take action. But, at the same time, when our goal is to reform 17 percent of the economy, while facing a nearly \$2 trillion annual deficit, more than \$9 trillion in new debt over the next decade, and a projected debt-to-GDP ratio of over 300 percent by 2050, we have to make sure we are doing this job right. That is what we are trying to do in the Senate Finance Committee. When we get finished, however long it takes, I hope we can send a deficit-neutral health care reform bill to President Obama that increases access, cuts costs, and puts us on a fiscally sustainable path for years to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

SOTOMAYOR NOMINATION

Mr. CHAMBLISS. Mr. President, I rise this evening to speak on the nomination of Judge Sonia Sotomayor to be the next Associate Justice of the U.S. Supreme Court.

We all know elections have consequences. Because of this, I have tried to give deference to the various nominees submitted by President Obama. I have not voted for all of his nominees, but I have voted for some even though I did not necessarily believe they were the best people he might have nominated.

The case of a nominee to the Supreme Court is unique. This is not a Cabinet member who will rotate out or leave at the end of the President's term. Supreme Court Justices are there for life and decide cases that will affect present and future generations of Americans.

With this in mind, I have reviewed opinions written or concurred in by Judge Sotomayor, reviewed speeches and writings of Judge Sotomayor, talked with lawyers who practice in New York, lawyers who have tried or argued cases before Judge Sotomayor, and others who know her by reputation, and also listened to and reviewed testimony before the Judiciary Committee in her confirmation proceeding. In addition, I spent the better part of an hour in a one-on-one conversation with the judge. Certainly, she has all the education and judicial background to be confirmed as a Supreme Court Justice. Her judicial temperament is not in question. Some lawyers felt she was not qualified for the Supreme Court, and others felt she is.

Judge Sotomayor has a very compelling personal story, and being Hispanic and being female and being nominated to the U.S. Supreme Court adds more credibility to that saga of living the American dream. As Americans, we should be proud she has been nominated. But the role of the Senate is to give the President advice and consent,

and we are required to go beyond the personal side of the nominee.

After reviewing the information I have collected over and over again, I have concluded that I cannot support Judge Sotomayor's nomination. My reasoning is as follows:

First, lawyers nominated to the Supreme Court should be in a class by themselves.

My only experience as a Member of the Senate with this process is with the confirmations of Chief Justice Roberts and Justice Alito. Clearly, they are lawyers who are in a premier class. Lawyers with whom I spoke who know Judge Sotomayor do not put her in that category. Even those who say she should be confirmed do so in a less than enthusiastic way.

Second, I am a strong supporter of the second amendment, and I am concerned about the reasoning of Judge Sotomayor in cases where she has considered this issue.

In *DC v. Heller*, the Supreme Court left unanswered the issue of application of the second amendment to the States. This issue is likely to be decided by the Supreme Court in the next year or so. As a member of the Second Circuit, Judge Sotomayor ruled in the negative on this issue in the *Maloney* case without an explanation, simply citing an old Supreme Court case that is not really directly on point and is certainly outdated. This is too important an issue to give it no more than a cursory review.

Third, I am concerned about the apparent leaning of Judge Sotomayor to use foreign law to interpret U.S. laws and our Constitution.

In her April 28, 2009, speech to the Puerto Rican ACLU, Judge Sotomayor said that while foreign law should not be used as a precedent, she stated it should be "considered." My question is, Why? Judge Sotomayor's answer in that same speech to that question was to align herself with Justice Ginsburg, who supports the use of foreign law and recently stated that "foreign opinions . . . can add to the story of knowledge relevant to the solution of a question." Judge Sotomayor went on to say that unless American courts are more open to ideas in foreign cases, "we are going to lose influence in the world." From an American jurisprudence standpoint, that line of thinking is certainly scary to me.

Lastly, the highly publicized *Ricci* case is very puzzling. A per curiam opinion is unusual for such a complex and precedent-setting case. No analysis for the decision is very troubling to the lawyer in me.

In my conversation with Judge Sotomayor, she stated that the Second Circuit panel was simply following precedent and if the Supreme Court reversed the Second Circuit opinion, it would be establishing a new precedent. The Supreme Court, of course, did reverse the Second Circuit and clearly

stated that no precedent was being followed by the lower court.

Judge Sotomayor did not adequately explain what precedent she was talking about and, in fact, did not answer this question when directly asked the question by Senator KYL at her confirmation hearing. Being less than forthcoming in every respect is very disturbing.

Mr. President, for all of the above reasons, I will cast a "no" vote on the confirmation of Judge Sotomayor next week.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I inquire, we are in morning business, am I correct?

THE PRESIDING OFFICER. The Senator is correct, but we have 10-minute grants.

Mr. DODD. I appreciate that.

HEALTH CARE REFORM

Mr. DODD. Mr. President, what I have done every day over the last week or so is to take the floor to talk about health care, and I do so again this evening, with a note of some sadness. I have just been told there has now been a statement issued that there will be no markup of the Finance Committee bill next week on health care. I know Senator BAUCUS has worked hard at that. I know other members of that committee, in that effort, have been working to try to reach some understanding in all of that. I regret we will now leave here, I gather, next week, at the conclusion of the nomination process for Judge Sotomayor, for a month-long recess to our respective States, or whatever other obligations our colleagues may have. So I am saddened by that.

Let me try to find a good note in all of this—there are five congressional committees between the House of Representatives, the other body, and ourselves that have some jurisdiction over the health care debate. Three of those committees reside in the other body, the House of Representatives; that is, the Energy and Commerce Committee, the Education and Labor Committee, and the Ways and Means Committee. I am told that by tomorrow those three committees will have completed their jobs. They will have reported out a bill. There are two committees in the U.S. Senate with jurisdiction. Jurisdiction over some of the most major components of health care resides in the committee chaired by our colleague from Massachusetts, Senator KENNEDY, who is not with us, as most Americans know, because of his ongoing battle today with brain cancer. In his absence, I have been asked to act as the acting chair of that committee. Two weeks and 2 days ago, we completed our work in that committee. So the

only committee remaining to do some work is the Finance Committee. So of the five committees, four, by the end of business tomorrow, will have completed their jobs.

That does not mean the work is completed. Obviously, a lot of work remains in melding these bills together to try to come up with answers to the thorny questions that remain on how we structure the health care system in our Nation to go from a sick care system, which it is today, to truly a health care system, to deal with the issues of cost, to try to manage these issues so we bend that cost in the coming decades and beyond in a different direction than we are headed today—I will talk about that in a minute—obviously, to improve the quality of health care, which all of us care about. And while we have great quality of health care in many areas of our country, there are still numerous areas where the outcome, the overall health condition, the life expectancy of our fellow citizens, is far less than it ought to be. So accessibility, quality of care, and affordability are still the primary goals. We are all working very hard to try to reach that point.

So four out of five committees will have acted. The fifth, we hope, will achieve that result at some point here or in some manner in which we can move forward with this critical debate in our Nation.

So this evening, I want to spend a few minutes talking about where we are on a couple of these issues. I have discussed, on previous gatherings, my thoughts on aspects of the legislation. Let me share where this debate is.

There is a strong case to be made—we know the economic argument. I am going to get to that in a minute. But there is a moral case to be made as well for health care reform, and it is a very strong one.

Maybe that impresses economists or actuaries, but there is a moral obligation, it seems to me, in a nation as blessed as ours, with great resources and wealth and abundance of resources, natural and otherwise. We live in the wealthiest Nation in the history of mankind. Our generation is an inheritor of incredible work that was done by those who have come before us, who sacrificed greatly, including their very lives, to produce the kind of Nation we live in today. It has been a remarkable story for little more than two centuries, which has resulted in one of the great miracles in world history—to produce a nation where the vast majority of our population can live with financial security, with job opportunities, with the ability to raise families with security, despite what we have gone through in recent years in certain instances. Nonetheless, there is a sense of stability and security about being an American.

In many ways, we are the envy of a good part of the world. So it is impor-

tant, as we think of the debate on health care, to remind ourselves what others have given to produce the kind of results that leave us with a level of lifestyle that is unmatched anywhere around the globe. In spite of that great news, we should note that also 45 million of our fellow citizens, many of whom are children, go to bed every night without health care coverage. In the wealthiest Nation in the history of mankind, nobody should be denied coverage for health care because they have some preexisting condition. What is that? That is some determination that you had a problem, a healthcare problem, before. Therefore, that insurance company will deny you coverage because of that preexisting condition, especially when that excuse is used by so many insurance companies to avoid covering victims of domestic violence, for instance, or those suffering from the most painful of long-term illnesses—those preexisting conditions.

In the wealthiest Nation in the history of mankind, nobody should have to choose between paying their electric bill or taking a sick child to the doctor. I wish that were just in minor cases, small anecdotes. It is not. Regardless of which State we represent, every one of us represents families who, every single day, make those kinds of choices, such as paying that electric bill or cutting back on the family budget because they have to make a choice about whether they can care for that sick family member.

Nobody should have to lose their home and go into bankruptcy because their medical bills are too high. I know the Presiding Officer has heard me on previous occasions in recent times talk about the statistics. Let me repeat them quickly: 62 percent of all bankruptcies in the last several years are health care crisis related—62 to 65 percent. Of that 62 percent, 75 percent of those people had health insurance. When I first saw those numbers that 60 to 65 percent of bankruptcies are due to the health care crisis, I assumed that the overwhelming majority of people in that situation must be those without health care coverage. It pained me to learn that 75 percent of those people actually had health care coverage. Despite that, they ended up in financial ruin, having to go into bankruptcy to survive economically.

In the wealthiest Nation in the world, the one that spends far more on health care than anybody else—some \$2.5 trillion a year, and we now rank 37th in the world in medical outcomes—that is in terms of our overall condition, healthwise, as a people, life expectancy. We now have the first generation of Americans who will live shorter, less healthy lives than their parents. That has never happened before in the history of our country. Each generation of Americans has been able to improve the quality of the health

care of their children. Even in that 19th century and throughout the difficulties of the 20th century, every generation did better on that score. We are about to be the first generation whose children will be less well off—not financially, although that may be the case, but in terms of their health care.

I don't know of anyone in this generation who wants to leave a legacy like that, where because we could not figure out how to deal with health care we left our children in a condition where they will have less healthy lives than we have had. I don't think any one of us—I don't care what our politics are, or where we are from—wants to be part of a generation that gets referred to in history because we could not take better care of our children.

There is a moral case for health care that I know gets dispelled by some because people don't want to take it seriously or don't want to talk about that. Let's just talk about the economics. I think, as a people, we ought to talk about it. I think it motivates us. I think all of us share that common concern that we believe in this great country of ours we ought to be able to do a better job taking care of our fellow citizenry when it comes to the basic right of being provided for when a health care crisis comes.

Today I want to make the case for reform, in addition to being the right thing to do, is also the smart thing to do, the very smart thing to do. It is the smart thing to do for our Federal deficit—and my colleague from Iowa talked about the deficit. I think he is right that we need to confront that issue. Six months ago, an American President assumed office—how quickly we forget—having inherited the largest deficit accumulated not just by any President but by every previous President combined. That is a remarkable track record. It is one thing to have a larger deficit than your predecessor, but over the previous 8 years the administration that just left town, and the Congresses that supported them, accumulated a deficit in 8 years that exceeded the deficits accumulated by all previous 42 Presidents in our American history.

All of a sudden, President Obama arrives in town on January 20 and he gets handed this “gift” from the previous administration: a mountain of accumulated debt. All of a sudden, now this is the big issue we hear about. Where were those voices over the past 8 years as that debt accumulated day after day? All of a sudden they want to lay this at the doorstep of a new President arriving in town.

If they are concerned about it—and I believe my colleagues are—then one certain way to add to it is to do nothing about health care. Let's just leave town for another month, without having addressed this issue in any concrete and thoughtful manner because, clear-

ly, if we do that, the amount of deficit this country will accumulate—Mr. President, we spend 16 cents of every dollar on health care today. I don't know of a single expert who would tell us that by 2040 we will be spending as much as 30 to 40 cents out of every dollar on health care if we do nothing, with inaction, if the status quo dominates. There is a danger of that. We are all painfully aware of that.

The bill that passed our committee 2 weeks and 2 days ago—by the way, it took a long time, 5 weeks. We had 23 sessions and went through some 60 hours—it was 4 weeks from start to finish, actually, almost 60 hours, 23 sessions, on 13 days. We actually considered 287 amendments over that month-long process day in and day out. We accepted 161 amendments offered by our friends on the Republican side. Many were technical and many were substantive amendments.

So we went through a long process and considered it at length, with long debates, with 23 of us, one-quarter of the Senate, sitting on the committee chaired by Senator KENNEDY to consider various ideas within our jurisdiction.

Under that bill we established a very large and robust marketplace where small business owners can go to comparison shop for various health care packages for their employees or themselves. Our bill is the smart thing to do for businesses which often today find themselves choosing between reducing coverage for their employees or laying off workers because they cannot afford to provide it.

In our bill—the one we passed—if our bill would be adopted, as I believe it will be, no longer will small businesses in our country be forced to act as health insurance experts. No longer would they be denied affordable insurance options. No longer would small businesses be discriminated against because they employ someone with a pre-existing condition or one who suffers a sudden unexpected health crisis, thus driving up the premiums for every employee, either making it too costly or making it impossible to provide them coverage.

In our bill we passed not only do we give small businesses somewhere to turn for insurance options, we give them the financial assistance to pay for it—\$1,000 for individuals and \$2,000 for families. Every small business could get that to assist them in that very business of trying to provide for their families.

That has been in our bill. It is written in there. If we can pass that bill, I am confident the other body would adopt it.

We give employers a healthier, more productive workforce. I point out in many parts of our country employers only have one choice or two choices for health care coverage for their employ-

ees. That is all that exists for them, and they want to shop to find out what is available. Under our marketplace in the bill, they would have a wide range of options to choose from of private carriers offering different packages and different levels of cost, allowing the employer to shop on behalf of their employees, and we give them the credit to make it available, financially, to do so. Our bill does more than anything else—certainly, when it comes to small businesses.

Importantly, for those employers who are happy, as many are, with the insurance they have—maybe they are a large employer who has invested heavily in prevention, or they have negotiated low prices and a wide network of providers as exists in some parts of our country. Under our bill nothing changes for them. They can keep the insurance as long as they choose to renew it. That is their business. We change none of that.

If you like what you have, you keep that. If you are a smaller employer and you want to change that and you want better plans, we provide the credits to do so and the option for you to have more choices.

Most of all, we believe reform is the smart thing to do for the American consumer, for those employers and employees. Some of our fellow citizens are getting a good deal when it comes to their insurance. They like the doctor they have, they like the hospital they go to when they need one, and they like the insurance plan they have. They don't want anything about their health care to change. They should not have to worry about that. Our bill protects that. If you like your doctor, your hospital, and your health care coverage, you can keep that, just as that business who wants the plan they have, they can keep that under our bill, which we wrote 2 weeks and 2 days ago—the 900 pages we worked on for almost 5 weeks and on which we considered 300 amendments.

Some of our colleagues have tried to scare our fellow Americans into believing our bill would force change upon them. That is just not true. That is a falsehood. It is being dishonest with the American people. The bill that was crafted in the HELP committee won't make anyone change their doctor or their insurance plan. If they like what they have, they get to keep it. The only change they may see is that there may be more money back in their pocket as a result of what we provided in the options available to people to make better choices at lower costs.

Here is what our opponents won't tell you: If we don't take action—if it is just the status quo and we go back to our States and walk away from all of this and never deal with this issue, you may very well lose the ability to see the doctor you like. That is at risk with inaction. If we don't take action,

you may lose that good insurance plan you have. If we don't take action, you may well find yourself unable to get the kind of care you need when you need it.

If we don't take action in the Congress, families with insurance will continue to pay that hidden tax of \$1,100 that the average family pays every single year to cover the costs of the uninsured who show up at hospitals.

In our country, you will get care. If you walk into the emergency room, we take care of you. But there is a cost for doing so. The cost is, on average, \$1,100 per family a year. That is the tax we pay today because of the failure to provide the kind of plans we adopted in our bill. So that cost falls on families.

Further, Mr. President, if we don't take action, premiums will continue to rise faster than wages. If you don't believe me, look what happened to my State of Connecticut a few weeks ago when an insurance company proposed to raise their rates by 32 percent. I wish that were uncommon. The rates in my States in the last 6 years have gone up 45, 46 percent, and since 1996 in the country, they have gone up 86 percent, vastly outstripping the rate of inflation, with no end in sight.

For those who say we can wait, we don't need to do this now, we ought to postpone all this, it is not necessary, we ought to deal with the deficit or other issues, then consider what is going to happen if we don't move and if we don't come together and get this job done. On every one of these issues, if we don't take action, no matter how secure you may feel today, you may lose that insurance, you may lose that coverage, you may find yourself unable to go to that doctor or hospital you believe you would like to and you continue to pay a rising cost in premiums to cover the uninsured.

Mr. President, 2 weeks and 2 days ago, since our committee acted, 210,000 of our fellow citizens have lost health care coverage. These are people who had insurance 2 weeks ago. Every single day we delay taking action on legislation, 14,000 of our fellow citizens lose health care coverage—every day. So since 2 weeks and 2 days ago, 210,000 of our fellow citizens lost their health care coverage, and we are about to leave for another month. Do the math on a daily basis.

While we as Members of this body go back to our respective States, we have our health care coverage, we have very good health care coverage—very good health care coverage. None of us have to worry about that as we go back and walk away, unfortunately, from a set of issues with which we should be grappling. But we can do so with the assurance, the certainty, and the stability as elected officials in this body that if something happens to any one of us, we are going to be fine because we have great health care coverage. But, unfor-

tunately, for 210,000 of our fellow citizens in the last 2 weeks, that is not the case.

Imagine tonight that you are one of those 210,000 and you wake up in the middle of the night because your child is very sick and you rush them to the hospital, or a spouse or loved one who needs that kind of care because of an accident. These things happen with the least predictability. Every one of us knows what happens. We have all had it happen to us with a child, a spouse, where all of a sudden there is a tragedy, an accident, an injury, there is an illness, and all of a sudden we need that coverage to protect us. Tonight there are 210,000 more people since 2 weeks ago who are in that free-fall hoping that nothing happens until they get back on their feet again, maybe get that new job, find that insurance company that will cover them and provide those benefits.

Imagine yourself being in that spot—think about that—that lack of stability, that lack of certainty, that lack of comfort knowing that if something happens to my family, I cannot help them.

I hope we can get them back on their feet again. I hope they get to see a good doctor, and they will have the drugs they need or care they need to restore their health. But you never get to that question if you cannot even approach it because you don't have the coverage any longer to pay for it.

Those 14,000 a day are going to continue to mount up under the present circumstances. I am disappointed, to put it mildly, that we find ourselves leaving here without continuing to do work. Not that we are going to solve all the problems in the week before we leave, and no one, of course, argues that we shouldn't do this right and we shouldn't be careful to make sure we are doing it right. It is a silly argument to suggest there are people here who don't care about crafting responsible legislation. I will not accept the argument it is too hard and that is the reason we cannot get it done. That is why reforming our health care system is so important, for all those reasons.

Even if you are satisfied with your personal health care situation, you ought not have too much comfort and believe it will be there when you may need it the most.

The bill we passed provides stability so that care that is available to you stays available day after day and provides cost savings that you will see in your family budget. Our bill eliminates entirely the annual and lifetime caps on benefits. So even if you suddenly develop a serious illness or get into a bad accident, you will be able to get the treatment you need, and it does put limits on how much money out of your income you could be forced to spend on insurance.

Today there are no limits. Our bill provides those limits so your expenses

will never be more than you can afford to pay.

Our bill we passed prohibits insurance companies from discriminating against people with preexisting conditions. That is gone forever in our bill. That argument about preexisting conditions is absolutely gone. If we do nothing, it is still there, and so that certainty you think you have is not certain at all with preexisting conditions that exist today. Our bill eliminates those.

You don't have to stay in a job just because you have an illness that would keep you from getting coverage elsewhere. I cannot tell you how many stories I have heard about that, where people have miserable jobs with miserable pay, but they don't dare leave it because they know if they do and they have a preexisting condition, they will be denied the kind of coverage they need to have.

Our legislation also prohibits insurance companies from changing or dropping coverage or refusing to renew it if you get sick. It mandates that these companies cover the things that will help you stay well, such as mammograms or annual checkups, at no additional charge to you as a patient.

The truth is that too many Americans are getting a bad deal, even those who are operating with a comfort that they believe that what they have will be there whenever they need it, and the ones who are getting a good deal might not be able to keep it unless we take action to provide the kind of stability people are looking for.

Even those who somehow are able to ignore the urgent moral imperative of reform I think should support the legislation we crafted simply because it is a better deal for American consumers, and it is the smart thing to do.

It has now been, as I said, more than 2 weeks since our HELP Committee passed its legislation. It is a good bill. It is not a perfect bill, and more work needs to be done. All of us acknowledge that. But it is one that I think every Member of this body can get behind. Every single member of that committee, all 23 of us, every single member added contributions to the original draft. Every Democrat, every Republican added amendments that were adopted to our bill.

By the end of this week, as I pointed out earlier, four of the five committees with health reform bills will have completed their work. I know the Finance Committee, as I said earlier, is working hard to produce a bill as well. When their work is complete, I look forward to sitting down with them to merge our efforts, which is clearly going to happen. We are going to merge our efforts. We are going to take what we have done and merge it with what the Finance Committee has done. So the Senate will have two committees on equal footing dealing with health care

issues. I know the leaders guaranteed that, the President has spoken about it, and I am sure my colleagues will support that effort.

I heard some of my colleagues mention that now is not the time to plow ahead. I disagree. I can't think of a more urgent issue for all the reasons I mentioned this evening and how important it is. I said it may not be as much an urgency for those of us with the stability and certainty of our own health care policies, but for so many of the people we represent—those who are uninsured or underinsured—they have a right to insist we do the job, face the difficult questions, and have the courage to lead on this issue, to be leaders. That is what we are asked to be when people chose us to represent them.

I know it is the case in my own State, as it is across the country. A lot of the choices we have to make are tough ones and hard to explain, in some cases, because they will involve the shared responsibility that all Americans must be involved in if this is going to work. That is why we get sent here. Occasionally, there are matters that require us to stand and make tough choices. We are at such a moment. For us to do less, to walk away from this, I think, will be one of the great tragedies of our time.

I regret we will not be working on this legislation in the coming weeks, although we will in our own way—our staffs will be working and we will be back in our respective States listening to our constituents. I hope when we come back in September, we will have a renewed sense of purpose and get the job done. We have a President who cares about this deeply. We have Members of both bodies who were elected and ran on this issue of reforming our health care system. Major industries, the insurance industry, the providers, the doctors, nurses, the pharmaceutical industry, all today are on the side of getting something done. There are disagreements on how to do this, but wonderful people in public and outside public life are committed to this. It is different than it was 14 years ago. We ought to be able to take advantage of that new alignment, if you will, and get this job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the opportunity to speak after Chairman DODD, who has probably, more than anybody else this year, led the health care effort. As he pointed out, in our committee, it was the longest markup of any bill I have ever seen in my years in the House and Senate.

I spoke today to a Washington Post reporter who said she had never seen a markup so thorough. We faced 160 Republican amendments, either passed or accepted, many of them substantive, some of them not but certainly a major

bipartisan effort. In the HELP Committee, we went over it section by section. This is a very good work product.

We are joined by three committees in the House of Representatives—the Ways and Means Committee and the Education and Labor Committee, which have already completed their work on a similar bill, and another committee is working on it tonight, the Energy and Commerce Committee, a committee on which I sat in my years in the House of Representatives.

All four of these bills are similar. They all protect what works in our health care system, and they fix what is broken. They all provide that, if you are happy with your insurance, you can keep what you have. But in addition, your premium is much more likely to stabilize because, as Chairman DODD said, you are no longer subsidizing to the tune of \$1,100, \$1,200 a year uncompensated care for others. You are paying for your health insurance, but others in society will be paying for their own health insurance rather than what is called cross-subsidies. This legislation obviously covers millions of Americans who are not insured.

All that aside for a moment, I have come to the floor to read letters from people, which I have done every day for the last several days and will continue. We use words such as “market exclusivity, gateway, exchange, cross-subsidies,” and all these kinds of terms. When it gets right down to it, it is how this affects people individually in our country and our State. Whether they are in West Haven or Hartford, whether they are in New London, CT, or New London, OH, people are hurting, and these are some letters from constituents I have received.

I would like to share five, six letters with my colleagues and with the Presiding Officer.

Diana from Seneca County in Ohio writes:

I am a middle-aged widow who returned to college. Next month, I will graduate. I have no health insurance and have been seeking employment for a year. Please help the good citizens of Ohio get health care, many of whom have found themselves in a terrible predicament through no fault of their own. Please help me help myself.

This is an example of people working hard, doing the right thing. Chairman DODD said 14,000 Americans lose their health insurance every day now, and people such as Diana from the Tiffin area in northwest Ohio cannot get ahead of the game, cannot get ahead of the curve, cannot get insurance, has not found a job. In economic times such as these, there are an awful lot of people similar to Diana from Seneca County. That is why it is so important we pass legislation when we come back in September.

Ian from Franklin County—that is central Ohio, the Columbus area:

I am a 31 year old without health insurance. I have a 4-year degree but work part

time. I have no sick days, no vacation days, or personal days. I'm sick and tired of being scared of getting sick. . . . Health care should be based on need rather than ability to pay. Enough.

Just think of how many people in this country live that way. They think about being sick. They think: What happens if I am sick? I am barely making a living. I know if I get sick, I will have to choose between my medical bills and paying my rent or choose between my medicine or sufficiently heating my home in the winter.

Those kinds of choices are very real choices to hundreds of thousands—more than that—Americans every single day.

Lee from Cuyahoga County writes:

I have worked in health insurance in some form or another since 1973. I know Medicare and Medicaid as well as private health insurance. I have seen health insurance from just about all angles and could probably write a book on it. Many times I have told potential clients that “shopping around for health insurance is like going to a casino and betting against the house—where the house is making up the rules, changing the rules, and not letting you know that the rules have been changed.”

This is an expert who made his living by dealing with health care issues. He knows what happens with insurance companies. That is why we did consumer protection in this legislation—no more preexisting conditions, no more dropping coverage indiscriminately, no more caps on coverage, no more gaming the community rating system, no more discrimination. That is what this legislation is all about.

If you have insurance and you like what you have, you can keep it. Absolutely our bill guarantees that. But you also will have these consumer protections because plenty of people who are satisfied with their insurance get sick and find their insurance has been canceled. No more of that under this legislation.

Susan from central Ohio, from Franklin County, writes:

I am in my mid-50s and have been unemployed for over a year, looking for a new job the entire time. Living without health insurance at this point in my life is terrifying.

I am 56. This woman is in her midfifties. She has been unemployed for a year. She is living without health insurance. It sounds like she is healthy but always thinking about it, always scared.

My father was a physician in private practice in Columbus from the 1950s through the 1980s, in the days when the physicians made the diagnoses and the health care providers trusted them to do so. Please fix the health care system, and make it possible for everyone to have access to good medical care.

Susan is somebody who understands the health care system from within. She is the daughter of a physician and understands, in her words:

. . . living without health insurance at this point in my life is terrifying.

Think about that. With all the worries someone has when they are in

their mid-fifties and thinking about what happens if they get sick.

Libby, also from Franklin County, says:

I need a follow-up CT scan for kidney cancer, but I can't afford the co-pay. I have to take early retirement, but can't wait 2 years for disability. I hope having to wait doesn't kill me, but I am one of many. Please fix our broken health care system.

We hear stories every day about health care denied and health care delayed—which really is health care denied—and what happens to people when they have to delay. Libby, from this letter, sounds to me as if she is hoping, hoping, hoping that we can move quickly so she can get insurance and can have the follow-up CT Scan for her kidney cancer.

Claudia, from Franklin County in central Ohio, says:

My husband and I have owned our own successful business for 21 years. Our health insurance costs have escalated to the point where we barely can pay the bill and our coverage is truly awful. With a \$5,000 deductible per person, we are insuring against catastrophic illness only. Little money is available for regular checkups, recommended annual tests, or dental care. I never thought we would be in this position and there is no relief in sight. Many self-employed people are now discontinuing health care because of the cost. We need help.

Claudia and her husband are like small business owners all over this country—people who are self-employed, who have maybe 5 to 10 employees. They can no longer afford health insurance, particularly if they are a business of 30, 40 or 50 people and 2 or 3 of those employees get very sick and they need Remicade or they need Percetin or one of those biologic drugs that cost \$10,000, \$20,000, sometimes \$50,000 or even \$100,000 a year. What happens to that small business, if they have 20 or 30 employees and a couple of those employees end up with drug costs of \$50,000 or \$100,000 a year? That may cause the employer to have to cancel their insurance because the insurance premiums go so high as a result of three or four or five sick people.

This legislation, as Chairman DODD points out, has specific provisions to help small business. It lets them go to the health exchange so they can spread out their costs among the larger numbers of people than the small employers of 10, 15 or 20 people—or in the case of self-employed people such as Claudia from Columbus and her husband—who simply don't have any chance of getting insurance. They know people with insurance in small businesses will no longer have to pay the cost of the uninsured—the extra \$1,100, \$1,200 a year they have to pay. They will get additional tax credits so they can insure themselves and insure their employees.

Almost every employer I know wants to insure their employees. They want to insure their employees. So many simply can't afford it. This bill will

make a difference for small business. It will make a difference with the consumer protections that will help those people who are happy with their insurance but are always anxious about perhaps their insurance being canceled or caps being put on their insurance or all of those issues that happen to people.

That is why this legislation is so important. That is what is reflected in these letters from individual people, whether they are from Zanesville or Mansfield or Urbana or Youngstown. People all over my State are hurting. People all over this country are hurting. People in the State of the Presiding Officer—in Boulder, in Denver. Anywhere in Colorado or in Connecticut we know these problems are every bit as severe as they are in my State. That is why we need to take action.

We have 14,000 Americans every day losing health insurance, and I am hearing from a lot of them. I am hearing from people who are looking for work and can't find work and can't find insurance. It is time we move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Ohio. He has been a member of our committee, and as I mentioned earlier, he has done a tremendous job, as others have as well. SHERROD BROWN brings a wealth of experience. He has been dealing with these issues, obviously, in the other body.

And I think in talking about real people with these issues, there is a tendency of all of us to kind of discuss these matters from about 30,000 feet, using the language we are familiar with to describe what is going on, and too often I think for people across the country, they wonder if anybody is talking about them. I think by reading letters from citizens in Ohio and what they are wrestling with every day, it brings this back down to a level that we need to think of more often when we debate these issues, and that is that every single day, of those 14,000 people who are losing their health insurance, there are many who do confront a health care crisis and lack the ability to respond to it other than showing up in an emergency room or hoping there will be free health care for them because they do not have the capacity to pay for it.

So I appreciate tremendously Senator BROWN's contribution, not only during those long days we spent day in and day out crafting the legislation that is now before us, but now, when we need to do more talking about what is in that bill. Because from a small business perspective, as well as the insured, the prevention, the quality of care, or workforce issues, they are all very significant contributions to our debate.

The Class Act, which allows individual people, at no government expense, to contribute to their own long-term care needs is one of the most innovative and creative ideas in our bill. That will provide not only substantial resources, but the ability of people to lead independent lives who have disabilities under what might otherwise force them to live under more expensive care or tapping into Medicare. In fact, the projections under the Congressional Budget Office is that we have saved \$2 billion in Medicare costs just by having the Class Act—that is the long-term care provisions in the bill.

I invite all my colleagues to read the bill and to go to the briefings. I spent a little more than an hour today with my colleague from California, DIANNE FEINSTEIN, who requested that I come by with staff, with her staff, and go through the various sections of the bill and how it would work; how it would affect people in their State; how these various provisions would work.

I don't want to speak for her, but I think she was pleased to hear what we had done. Obviously, there is more to be done out of the Finance Committee, and I don't have answers for that because there is no bill out of the Finance Committee as yet, but on the part of the effort we have made, as our Members and colleagues look at what we have done, I think they will be pleasantly pleased about the efforts we have made to assist the insured with preexisting conditions, the caps, as I have mentioned, the credits we provide to small businesses to allow them to make that health care insurance available to their employees—as many would like to be able to do—at a cost they can afford, without crippling them because one employee ends up with a serious health condition thus raising the cost of every other employee and the cost of overall health care. That is gone as a result of what we have written in our legislation.

So I urge my colleagues to read the bill, to talk with us, to raise the questions you have, particularly over these weeks between now and the time we come back. I think you will again be pleased at the effort our colleagues have made to vastly improve the status quo and, I think, contribute significantly to where we need to be going with regard to health care reform.

So I am very grateful to Senator SHERROD BROWN of Ohio for his contribution.

Mr. President, I yield the floor.

HONORING OUR ARMED FORCES

LIEUTENANT BRIAN N. BRADSHAW

Mr. CHAMBLISS. Mr. President, I rise today to honor the life and selfless commitment of LT Brian N. Bradshaw to the U.S. Army and to our Nation.

Lieutenant Bradshaw died as a result of an improvised explosive device on

June 25 in Kheyl, Afghanistan. He was 24 years old.

Coincidentally, Lieutenant Bradshaw's life was taken the same day that pop star Michael Jackson died. A Google News search reveals that the number of news stories in the past month filed about Michael Jackson is 142,929, the number filed about Lieutenant Bradshaw? Twenty-six.

It is time the American people know a bit more about this young man who sacrificed for his country his life, his family, and all his potential, giving up all he had and all he was going to be.

In his youth, Lieutenant Bradshaw served his community in Steilacoom, WA, as a search-and-rescue volunteer, as an altar boy, and as a summer camp counselor. Family and friends describe him as a man with "a wry sense of humor" and a deep love for American history.

He graduated from Pacific Lutheran University in the spring of 2007 and joined the Army and began service in Afghanistan in March of 2009. As a member of the U.S. Army, Lieutenant Bradshaw served in the 1st Battalion, 501st Parachute Infantry Regiment, 4th Airborne Brigade Combat Team, 25th Infantry Division, and was stationed at Fort Richardson, AK.

Described as a man who found more meaning in actions than words, it is no surprise that Lieutenant Bradshaw found meaning in his service in Operation Enduring Freedom. In the course of his deployment, he sought to help the less fortunate people of Afghanistan and to improve life for the children there, frequently writing home for packages of gifts to give to local children.

Lieutenant Bradshaw found his voice in the honor and patriotism of the Army. With a father who is a retired National Guard helicopter pilot and a mother who is a retired Army nurse, Lieutenant Bradshaw was a man with the military in his blood.

Thus, it is only fitting the transfer of his remains on June 25 to Bagram Air Force Base was carried out in a ceremony of honor and patriotism that typifies the ideals of the U.S. Armed Forces.

Sent to retrieve Lieutenant Bradshaw's body were members of the Air National Guard from my home State of Georgia. On their sad mission, they landed their C-130 using night-vision goggles in blackout conditions. What appeared to be hundreds of his fellow soldiers in his company stood in formation in the dark as Lieutenant Bradshaw's body was carried aboard the plane.

In a letter to Lieutenant Bradshaw's family, CPT James Adair and MSG Paul Riley of the Georgia Air National Guard, who were present at the ceremony, described the experience:

Everyone we talked to spoke well of him—his character, his accomplishments and how

well they liked him. Before closing up the back of the aircraft, one of Brian's men, with tears running down his face, said, "That's my platoon leader, please take care of him."

The world may have been occupied with other things, the media with other stories. But for one brief moment, the war stopped to honor LT Brian Bradshaw.

Mr. President, it is my honor and privilege today to pay tribute to Lieutenant Bradshaw, who illustrates the commitment to excellence, honor, and courage that exemplifies our Nation. It is thanks to citizens such as him that America has been and will continue to be a great and free Nation.

HEALTH CARE REFORM

Mr. REID. Mr. President, we have come so very far.

But there are some who think we should scrap everything we have accomplished and go back to square one. The truth is that throwing out all the great work we have done until now would be a terrible waste of time, energy and hard work.

There are some who do not think now is the right time to reform health care. In reality, for many who feel that way, there will never be a good time to reform health care.

It is easy to talk only about the part of the road we have yet to cover. As any parent knows, for some, the only question is, "Are we there yet?"

But it would be a mistake not to also acknowledge and appreciate the great distance we have traveled.

For generations, we have been working to fix our broken health care system. This has been the No. 1 issue on our agenda for a long time now. Throughout this year alone, we have explored numerous proposals in numerous bipartisan roundtables, committee hearings and constituent meetings.

Harry Truman recognized long ago that we must do more to make it easier to live a healthy life in America. Shortly after the Second World War, he lamented the fact that millions of our own lack "a full measure of opportunity to achieve and enjoy good health." He knew it was wrong that Americans had no security against what he called "the economic effects of sickness."

Truman knew in 1945 that "the time has arrived for action to help them attain that opportunity and that protection."

Senator KENNEDY—the man who, more than any other, has dedicated his life to our fight for fair health care—echoed Truman's call. He said:

One of the most shameful things about modern America is that in our unbelievably rich land, the quality of health care available to many of our people is unbelievably poor, and the cost is unbelievably high.

Senator KENNEDY did not give this speech last month, though it would

have been very timely if he had. He did not give it last year, though it would have been equally relevant and true. He did not even give it last decade, or the decade before that.

It was in 1978 when Senator KENNEDY decried our shameful system. Yet his words and his cause are as urgent today as ever. In fact, since then our need for reform has gotten significantly worse.

Today we are closer than ever to getting it done. But I know Senator KENNEDY agrees that it should not have taken more than 30 years for Truman's call to compel his echo, that it should not have taken another 30 years for us to come as far as we have today. And I know we cannot afford to wait another 30 years—or even 1 more year—to act.

But for some, more than 60 years of work to stabilize health care for those who have it and secure it for those who don't is "rushing it."

Someone who was born when Harry Truman first called for reform in 1945, but lived his or her entire life without the ability to afford health care as it got more and more expensive every year, would today—finally—be just months away from becoming eligible for Medicare. I don't think that's "rushing it."

For too many, the interests of the insurance rackets still outweigh the interests of the American people.

The difference is that those of us who know we cannot wait any longer know that the American people must come first.

Those who oppose the reform we so desperately need like to talk about it in the abstract.

They use code words, scare tactics and sound bites. They rely on misinformation—like the myth that your government wants to control your health—and misrepresent the real issues.

But reforming health care is not about the abstract, because health care isn't just theoretical. Neither is it about rhetoric or politics. It is about people.

Unlike just about any issue we debate and discuss in this body, health care affects every single living, breathing American citizen.

So I find it curious that in the weeks and months we have talked about health care this year, I haven't heard our opponents say a single word about real families with real problems—families with real diseases, real medical bills and real fears.

This is what health care is about: It is about people like Lisa, in Gardnerville, NV. Lisa lost her job and with it her health care. Now she can't afford to take her sick daughter to the doctor to find out why she gets seizures.

It is about people like Braden in Sparks, NV. Braden owes a hospital \$12,000 for a trip to the emergency

room—the only place he could afford to go for medical care because he doesn't have health insurance.

It is about people like Alysia from Las Vegas, NV. Alysia has suffered with a kidney disease since birth, but she can't get coverage because in the language of the insurance business, her lifelong disease is a preexisting condition.

It is about people like Steve in Henderson, NV. No health insurance company will cover Steve because he has Parkinson's disease. That doesn't just mean he can't get the care he needs to help him cope with this terrible illness—it also means that if Steve gets the flu, or breaks his arm or needs a prescription, he can't afford any medicine or treatment at all.

It is about people like Caleb, a high school student from outside Reno, NV. Caleb was born without legs, and needs new pairs of prosthetics as he grows bigger in his teen years. But his insurance company has decided it knows better than Caleb's doctors, and has decided that last year's legs will have to do.

When we say we are fighting for health care reform that lowers costs, we aren't talking about a balance sheet—we are talking about people like Lisa, Braden, Alysia, Steve and Caleb.

When we say we are fighting for reform that brings security and stability back to health care, we aren't talking about policies and contracts—we are talking about people like Lisa, Braden, Alysia, Steve and Caleb.

When we say we are fighting for reform that will no longer let insurance companies use preexisting conditions as an excuse to deny you the coverage you need, we aren't talking about fine print—we are talking about people like Lisa, Braden, Alysia, Steve and Caleb.

We are talking about the hundreds of thousands just like them across Nevada, and the millions like them across the country.

This cannot be about politics. This must be about them.

Nearly half a century ago, America fearlessly confronted the most confounding medical and economic issue of its day. And a former Senate majority leader reminded us that we must resist the temptation to let the legislation on the written page distract us from its application in the real world. We were asked to look beyond policy and look instead to the people it affects.

It was 44 years ago today—July 30—that President Johnson signed into law the bill that would create the Medicare Program. And on this day in 1965, in Truman's hometown and with the former President at his side LBJ said the following:

Many men can make many proposals. Many men can draft many laws. But few have the piercing and humane eye which can see beyond the words to the people that they touch.

Few can see past the speeches and the political battles to the doctor over there that is tending the infirm, and to the hospital that is receiving those in anguish, or feel in their heart painful wrath at the injustice which denies the miracle of healing to the old and to the poor. And fewer still have the courage to stake reputation, and position, and the effort of a lifetime upon such a cause when there are so few that share it.

But it is just such men who illuminate the life and the history of a Nation.

Today, each of us can be that leader. We each can fulfill the vision of Harry Truman and Lyndon Johnson—each of whom brought honor to this Senate chamber—and of TED KENNEDY, who still does.

Today, if we can each look past our partisan passions and see the patients, the parents, the people who need our help, we can once again renew the life and history of America, and of all Americans.

ENERGY AND WATER APPROPRIATIONS

Mr. KYL. Mr. President, I rise today to speak on my amendment to the fiscal year 2010 Energy and Water Appropriations bill.

This amendment prevents the Department of Energy from spending taxpayer dollars on companies that invest significant resources or do business in Iran's energy sector to fill the Strategic Petroleum Reserve.

Earlier this year, the Department signed contracts with energy giants Shell, Vitol, and Glencore to add almost 17 million barrels to the Strategic Petroleum Reserve. Open source material indicates that these three companies make up a majority of Iran's gasoline imports.

Companies that sell gasoline to Iran should not receive the support of the American taxpayers, and this body has now gone on record multiple times opposing government contracts with companies that have substantial investment in or do business with Iran's energy sector.

My amendment does not penalize the Department of Energy for this activity, but prevents this sort of thing from happening again. Ending taxpayer support for Iran's energy sector is a commonsense step and crucially important. Most major importers of gasoline to Iran have substantial ties to the U.S. Government, and unanimous adoption of my amendment sends a clear message to those involved in Iran's energy sector: You can do business with us, or you can do business with Iran—not both.

MODELING AND SIMULATION R & D

Mr. WARNER. Mr. President, during yesterday's consideration of the fiscal year 2010 Energy and Water Development Appropriations bill, I noted that the managers included certain report language related to modeling and simulation capabilities for an unconven-

tional fossil fuels program. I would like to ask the chairman and ranking member of the subcommittee if their intent was to improve modeling and simulation for unconventional fossil energy technologies, by working in collaboration with universities and industry to establish joint programs for research and development.

Mr. DORGAN. Yes, that is our intent. This legislation would spur innovation and improve modeling and simulation efforts.

Mr. WARNER. I am pleased to learn that, because the Virginia Modeling and Simulation Center—VMASC—at Old Dominion University has extensive experience in modeling, simulation, and visualization of complex systems and events. Its capabilities include a complete suite of visualization software that can incorporate geospatial information with simulation and analysis of energy-related systems and the impact of those systems on various aspects of the environment. It also has extensive experience modeling critical infrastructure components of fossil fuel, electric and natural gas systems. VMASC has also developed capabilities for modeling policy aspects of global warming that can be adapted specifically to fossil fuel systems, and help to identify unconventional oil, natural gas, and coal resources.

VMASC has developed capabilities to model the production of unconventional resources using a combination of computational techniques that can be adapted to simulate a wide variety of scenarios associated with the fossil fuel industry and its relationship to environmental impacts.

Mr. BENNETT. Mr. Chairman, I worked to develop this initiative to incorporate a capability that the Department has failed to cultivate, yet offers tremendous potential to develop our domestic fossil energy potential. The University of Utah's Simulation and Computing Institute which has worked with both the Office of Science and NNSA computing programs is a leading computing program with tremendous potential to contribute to this effort. This outstanding computing capability is coupled with the vast oil and gas production capabilities at the 25 year-old Energy and Geoscience Institute. This organization operates on seven continents and shares research and technology with its 66 corporate members that all have energy production experience. The goal of this program will be to facilitate the development of unconventional fossil energy resources utilizing state of the art computing simulation and modeling capabilities.

Mr. DORGAN. I agree that high performance computing applications are important research tools that can help lead to breakthroughs in energy production. North Dakota State University, NDSU, uses computational modeling and simulations to help analyze

theories and validate experiments that are dangerous, expensive or impossible to conduct. Through its Center for High Performance Computing, NDSU is collaborating with the Department of Energy and its national laboratories on a number of energy research projects.

The capabilities of VMASC, University of Utah, North Dakota State University and other institutions should receive due consideration as the Department of Energy executes this provision.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

EXECUTIVE ACCOUNTABILITY ACT OF 2009

• Mr. BYRD. Mr. President, I draw the attention of the Senate to a bill I recently introduced, S. 1529, the Executive Accountability Act of 2009. This legislation is similar to H.R. 473, introduced in the House of Representatives in January by Mr. JONES of North Carolina.

“Those who cannot learn from history are doomed to repeat it.” That is Santayana’s Law of Repetitive Consequences, and it is the reason I introduced this legislation—that we might learn from history so that we do not repeat it.

The Executive Accountability Act certainly addresses lessons learned from the debate leading to the Iraq conflict, but it is also a lesson we should have learned, and should have corrected, as a result of executive branch actions leading to and during the Vietnam conflict, World War II, the Mexican War, the Spanish-American War and other points in our history when Presidents have distorted the facts, withheld critical information, or exaggerated circumstances in order to sway public opinion and congressional will.

History is replete with examples that know no partisan allegiance. Presidents from both parties have fallen into the trap of inflating fear and distorting facts, if not resorting to outright fabrication, in order to win approval for or justify using military force.

Democratic President Lyndon Johnson misled Congress during the Gulf of Tonkin incident in 1964, publicly announcing that a second attack had occurred. On the same day, however, a naval commander in the Gulf of Tonkin cabled that a review of the second attack was doubtful, calling for a complete evaluation before any further action was taken. Without the complete facts, Congress passed the Gulf of Tonkin resolution, leading the United States in to a war that ultimately took more than 55,000 American lives.

Republican President Richard Nixon expanded the Vietnam conflict in 1969 by authorizing bombing operations in

Cambodia and directing that they be conducted clandestinely. Operational reports of the bombings were either not made or were falsely described as having occurred over South Vietnam rather than Cambodia. A few Members of Congress were informed, secretly, of the bombings, but the remainder of Congress was deceived about the secret bombing campaign over a nation with which the United States was not at war.

Most recently, of course, another President, his Vice President, and other Cabinet officials, used scare-mongering tales of “smoking guns” and “mushroom clouds”; of non-existent weapons of mass destruction; dubious tales of mobile biological laboratories; fictional African trips to buy yellowcake; and, improbable and unsupported rumors of alliances between dictators and terrorists to stampede a fearful nation and a spineless Congress into a so-called “preemptive” invasion of another sovereign nation.

President Abraham Lincoln, an opponent of the Mexican-American War during his service in the House of Representatives, well understood the dangers of preemptive war and the need for the constitutional check on executive power inherent in the requirement for a congressional declaration of war or an authorization to use military force. Lincoln condemned President Polk for driving the U.S. into war with Mexico by putting U.S. forces in danger on disputed territory. Polk then inflamed public and congressional anger by asserting that Mexican soldiers had shed U.S. blood on U.S. soil. Lincoln explained his concerns with his usual eloquence:

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, “I see no probability of the British invading us,” but he will say to you, “be silent; I see it, if you don’t.”

Lincoln went on to say,

The provision in the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.

Lincoln’s insight considered preemptive wars only against neighbors. One can only imagine what he would think

of the global reach that the current military might of the United States gives to an unfettered executive. One can only wonder if Lincoln would think the “good of the people” has been served by a war that has climbed to more than \$845 billion in direct costs, with a total cost to the U.S. economy estimated by some to be more than \$3 trillion. What good has been served that is worth the more than 4,000 U.S. combat deaths and more than 31,000 U.S. casualties?

S. 1529 is a simple piece of legislation that applies only in the most limited but most important intergovernmental communications—the warmaking power. It prohibits the President, Vice President, and other executive branch officials from deliberately misleading Congress in an effort to persuade the Congress to authorize the use of force by the Armed Forces of the United States.

Officials are not prohibited from being wrong or having incomplete facts, but they may not knowingly and willfully falsify, conceal, or cover up by any trick, scheme, or device a material fact, or make any materially false, fictitious, or fraudulent statement or representation. They may not make or use any false writing or document that they know to contain any materially false, fictitious, or fraudulent statement. If the Congress finds that it has been deceived or lied to, the official can be referred to the Attorney General by either House of Congress for investigation and judicial action, if warranted.

The Executive Accountability Act is limited to executive branch officials only, and only with regard to lying to Congress and only about decisions on the use of force. Therefore, its penalties are unlikely to inhibit the normal flow of intergovernmental communications by creating a fear that any statement made before Congress might result in the threat of prosecution.

To those who say that there are already laws that prohibit individuals from making false statements to Congress, rendering the Executive Accountability Act unnecessary, I urge them to read the history of the False Statements Act, section 1001 of Title 18, U.S. Code.

In 1995, the Supreme Court ruled in *Hubbard v. United States* that section 1001 covered only false statements made to the executive branch, not to the judiciary or to Congress. Congress then moved to reverse the ruling by legislating changes to section 1001 in 1996. However, that bill, as enacted, applies only to administrative matters within Congress and any investigation or review conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress.

The Executive Accountability Act clarifies the requirement for honest

testimony and discussion with the Congress about the most important question debated by Congress and provided by the most authoritative officials of the government.

The Framers were absolutely clear about the warmaking power: they gave the President the authority to lead troops after war was declared and to repel invasions of the United States, but only the Congress could authorize the use of force—the ability to send troops into battle. The Framers were well aware of the dangers inherent in vesting the warmaking decision with a single executive, having the history of the world's kings and emperors as their foundation.

Our recent history has shown us that a powerful and persuasive executive can, and too often has, used his command of the intelligence and information gathering and dispensing functions of government to paint a distorted picture designed to frighten and sway Congress into ceding even more power to him. Presidents of all political parties have shown themselves to be equally susceptible to the lure of absolute power, making the Executive Accountability Act a non-partisan solution to a deep-seated problem.

S. 1529 restores balance to the system of checks and balances by reinforcing the role of Congress in decisions to use force. Congress does not have millions of civil servants working for it. It does not have its own intelligence community or its own diplomatic corps. Congress must rely upon the executive branch for those missions and for the product of those missions. So Congress must be confident that the information it receives is complete and factual—particularly when that information is used to inform a decision to commit U.S. troops and U.S. treasure to any foreign battlefield. Testimony and communications from the White House and the executive branch must be reliable—not fictional, not distorted, not embellished, not cherry-picked for the purpose of supporting only the decisional outcomes desired by the President.

I urge my colleagues to support S. 1529. It is not retroactive. It will not reach back to affect any statements made by previous administrations. We can learn from the past, make this necessary correction, and move into the future with greater assurance that the most difficult and consequential decisions made by Congress—those involving the use of military force—will be made on the basis of open and frank discussion based on all of the facts.●

CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies S. 1406 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 248, passage of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010. Had I been present, I would have voted "yea."

STENNIS CENTER PROGRAM

Mr. KOHL. Mr. President, for 7 years now, the John C. Stennis Center for Public Service Leadership has conducted a program for summer interns working in congressional offices. This 6-week program is designed to enhance their internship experience by giving them an inside view of how Congress really works. It also provides an opportunity for them to meet with senior congressional staff and other experts to discuss issues ranging from the legislative process to the influence of the media and lobbyists on Congress.

The program is a joint effort of the Stennis Center and a number of current and former senior congressional staff who have completed the Stennis Congressional Staff Fellows leadership program. These Stennis Senior Fellows use their experience and expertise to design the program and to participate in each of the interactive sessions and panel discussions.

Interns are selected for this program based on their college record, community service background, and interest in a career in public service. This year, 21 outstanding interns, most of them juniors and seniors in college, who are working for Democrats and Republicans in both the House and Senate, participated.

I congratulate the interns for their participation in this valuable program, and I thank the Stennis Center and the Senior Stennis Fellows for providing such a unique experience for these interns and for encouraging them to consider a future career in public service.

I ask unanimous consent to have a list of 2009 Stennis congressional interns and the offices in which they work be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Matthew Blake, attending the University of South Dakota, interning in the office of

Rep. Stephanie Herseth Sandlin, Jennifer Brody, attending the University of Wisconsin-Madison, interning in the office of Sen. Herb Kohl, Benjamin Eachus, attending Pitzer College of the Claremont Colleges, interning in the House Committee on Science and Technology, Tyler Ernst, attending Michigan State University, interning in the office of Sen. John Barrasso, Susan Gleiser, attending Vanderbilt University, interning in the House Committee on Science and Technology, Zack Hester, attending North Carolina State University, interning in the House Committee on Science and Technology, Ashley McCabe, attending Florida State University, interning in the office of Sen. Robert Menendez, Chase Neely, attending George Mason University, interning in the office of Rep. Sam Farr, Christopher Neuman, attending the University of Pennsylvania, interning in the office of Rep. Robert A. Brady, Dwayne Petersen, attending the University of the Virgin Islands, interning in the office of Rep. Donna Christensen, Beersheba, Philippe, attending Boston University, interning in the office of Rep. Donald Payne, Jeleesa Randolph, attending Morgan State University, interning in the office of Rep. Donna Christensen, Ted Ratchford, attending Tulane University, interning in the office of Rep. Michael N. Castle, George Read, attending Amherst College, interning in the office of Sen. John Barrasso, Tyler Roth, attending the University of Wisconsin-Madison, interning in the office of Sen. Herb Kohl, Twaun Samuel, attending the University of Mississippi, interning in the office of Rep. Maxine Waters, Mary Lynn Seery, attending the Catholic University of America, interning in the office of Rep. Donald Payne, Niki Shah, attending Rutgers University, interning in the office of Rep. Donald Payne, Ken Story, attending Minot State University, interning in the office of Sen. Kent Conrad, Zachary Wittchow, attending Northwestern University, interning in the office of Rep. Thomas E. Petri, Alina Zarr, attending the University of Texas, interning in the office of Rep. Lynn Woolsey.

ADDITIONAL STATEMENTS

REMEMBERING ROBERT ROSAS

● Mrs. BOXER. Mr. President, I am honored to remember U.S. Border Patrol agent Robert Rosas, who was killed in the line of duty at the age of 30.

On July 23, 2009, Agent Rosas was shot and killed after responding to a call in Campo, CA. Every day he placed duty ahead of his personal safety while protecting our Nation's Southwest border. In spite of the known dangers, Agent Rosas and thousands like him answer the call to service.

Agent Robert Rosas was born and raised in El Centro, a border city in Imperial County. He joined the U.S. Border Patrol in May 2006, and was assigned to the Campo Station in the San Diego sector. Agent Rosas was also a reserve officer for the El Centro Police Department, known as an outstanding officer and a positive role model in the community.

Agent Rosas is survived by his wife Rosalie, a son, Robert, age 2, and a daughter, Kayla Alisa, 11 months.

My thoughts and prayers are with Rosalie, Robert, and Kayla Alisa Rosas at this tragic time. They have lost a husband and father. I also send my deepest condolences to Agent Rosas' colleagues in the Border Patrol service. Theirs is a difficult and too often dangerous job. I commend their service, protecting our Nation, and our people.●

COMMENDING DR. GARY V. WHETSTONE

● Mr. KAUFMAN. Mr. President, I wish to honor Dr. Gary V. Whetstone, the senior pastor and founder of Victory Christian Fellowship and of Gary Whetstone Worldwide Ministries. He is a Delawarean who, over the past quarter century, has touched the lives of thousands through his proactive and inspirational ministry.

This week marks the 25th anniversary of Pastor Whetstone's ministry, and it will be celebrated in Wilmington this Thursday through Sunday at the Riverfront Center. The festivities will include renowned gospel preachers, including T.D. Jakes, Donnie McClurkin, Martha Munizzi, and Rod Parsley.

A man of great charity, Pastor Whetstone established over 85 outreach ministries throughout Delaware and the surrounding area. This includes the very successful "Blessings, Dressings, and More" program, begun more than a decade ago, which serves over 2,500 Delawareans in need with food and clothing each week.

His work with victims of HIV/AIDS, substance and alcohol abuse, and the incarcerated are testament to his mission to improve lives.

His hands-on approach to ministry has not stopped at the State line. Internationally, Pastor Whetstone has founded over 400 Bible schools in countries as far and varied as Ireland, Nigeria, and India. His vision to spread the teachings of his faith across the globe has undoubtedly been furthered by his comprehensive Bible learning programs.

Pastor Whetstone recently presented "Murder What's Next," an original dramatic production that teaches about effects on children of being raised in a fatherless home. This show, with its large cast and professional quality, delivers a powerful message about the benefits of involved fathers and of a strong spiritual foundation. Over the past 2 years, the production has been seen by over 35,000 people and has received local and national acclaim, including from the premiere Christian periodical, Charisma Magazine.

I am proud to offer Dr. Gary V. Whetstone my congratulations on the 25th anniversary of his ministry. I also wish him and his wife, Pastor Faye Whetstone, all the best as they continue in their noble work.●

RECOGNIZING COUNTY SUPER SPUDS

● Ms. SNOWE. Mr. President, 2 weeks ago, residents in Aroostook County took part in the 62nd Annual Maine Potato Blossom Festival, a weeklong celebration of the indispensable role agriculture has played in Northern Maine's economy. Indeed, early in the 20th century, Northern Maine was known as the Potato Capital of America. While the times have changed and varieties of crops have expanded, potato farming remains a prevalent way of life in rural Aroostook County. With this in mind, I wish to recognize a fifth-generation family-owned small potato company from Mars Hill, County Super Spuds, whose owners, the McCrum family, have been harvesting potatoes in Northern Maine since the mid-1880s.

It was Lemuel McCrum who, in 1886, moved across the border from New Brunswick, Canada, to the small town of Mars Hill in order to establish a future for his family in potato farming. Lemuel and his wife Ada had 14 children, teaching them the value of good stewardship of the land and work ethic, thus ensuring that future McCrums would harvest bountiful crops on the same land. In the 1960s, Dana McCrum, a member of the family's third generation, moved to a new location in Mars Hill, where County Super Spuds has been situated ever since. The fourth generation of McCrums Jay and David began their farming in the early 1970s, and they were joined by their sister's husband, Bobby Lunney, in 1981. By 2004, the family's fifth generation, Jay's sons, Darrell and Wade, and David's sons, Nicholas and Jonathan, began cultivating their own futures at County Super Spuds.

Since its founding, County Super Spuds has grown into a thriving business that now encompasses three subsidiaries: JDR Transport, a family trucking firm launched in 1992; Penobscot McCrum, LLC, a potato processing plant in Belfast that supplies spuds to customers and restaurants around the world; and Sunday River Farms, a 500-acre farming operation in Rumford Point. McCrum family members all operate and manage these firms, which stretch across the State of Maine. Additionally, the McCrum principle of seeking and finding resolutions to issues of quality assurance with their crops was epitomized by their decision in 2006 to begin utilizing a new GPS system. This technique assists the McCrums in accurate equipment placement within its fields in order to maintain the highest quality product for the Nation's dinner tables.

A proud family with a rich tradition of potato farming, the McCrums have been lauded with prestigious awards on numerous occasions. Jay McCrum was named Young Farmer of the Year in 1986 by the Maine Potato Board, the

State's foremost advocate for the potato industry, and a decade later was also named as the Farmer of the Year. And in 2001, County Super Spuds received the Maine Potato Board's highest honor, as they were recognized as the Farm Family of the Year. These awards exemplify that this family has been and continues to be an example of the dedication and determination of the McCrum spirit to succeed within this prestigious profession through every season and every economic and environmental trial and tribulation.

However, many across Maine, and indeed the Nation, may know County Super Spuds best for its most recent work. The company was one of five potato growers selected from farms across the Nation by FritoLay to star in a nationwide advertising campaign for Lay's Potato Chips, including television and print media, as well as on-pack and in-store displays. In fact, County Super Spuds has been working with Lay's for 23 years, and in that time, the firm has sold approximately 2,300 trailer loads of its delicious potatoes to FritoLay. In the television advertisement, Darrell McCrum, manager for the company's Northern Maine Farm Operations, states that, "We grow potatoes in New England, and Lay's makes potato chips in New England, so that's a pretty good fit." As part of the ad campaign's rollout, Darrell was invited to New York City in mid-May to join the four other farmers and ring the opening bell at the New York Stock Exchange. This was a well-placed honor for a truly distinguished family-owned business with such deep roots in the local community. He simultaneously discusses a photograph showing nearly two dozen family members, once again showcasing that Lemuel and Ada McCrum planted their feet firmly in Aroostook County in 1886 with high hopes for their future and their family and over 12 decades later a legacy of 5 generations stand firmly on the foundation they built.

With annual growth of between 11 and 18 percent in recent years, County Super Spuds and the McCrum family have certainly made a positive impact not only within the Maine economy but across this Nation. Their high business acumen and work ethic have distinguished them as a profitable and trusted company. As the McCrum family continues in the footsteps of their forefathers, they remain an invaluable asset in one of Maine's most prestigious and vital industries. I congratulate the McCrums and everyone at County Super Spuds for their work to promote Maine potatoes across the country, and I wish them continued success in the decades to come.●

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2009.

In the past 6 months, the United States has used dialogue with the Syrian government to address concerns and identify areas of mutual interest, including support for Lebanese sovereignty. Despite some positive developments in the past year, including the establishment of diplomatic relations and an exchange of ambassadors between Lebanon and Syria, the actions of certain persons continue to contribute to political and economic instability in Lebanon and the region and constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.
THE WHITE HOUSE, July 30, 2009.

MESSAGES FROM THE HOUSE

At 9:58 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3357. An act to restore sums to the Highway Trust Fund and for other purposes.

ENROLLED BILL SIGNED

At 10:14 a.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD)

At 11:51 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1665. An act to structure Coast Guard acquisition processes and policies, and for other purposes.

H.R. 2034. An act to permit refinancing of certain loans under the Rural Housing Service program for guaranteed loans for rural housing, and for other purposes.

H.R. 2093. An act to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

H.R. 2529. An act to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years, and for other purposes.

H.R. 2623. An act to amend the Federal securities laws to clarify and expand the definition of certain persons under those laws.

H.R. 3072. An act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building".

H.R. 3139. An act to extend the authorization of the National Flood Insurance Program, and for other purposes.

H.R. 3330. An act to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 159. Concurrent resolution recognizing the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan.

At 1:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1107. An act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 29. Concurrent resolution expressing the sense of Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

S. Con. Res. 35. Concurrent resolution authorizing printing of the pocket version of the United States Constitution.

At 5:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 172. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1665. An act to structure Coast Guard acquisition processes and policies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2034. An act to permit refinancing of certain loans under the Rural Housing Service program for guaranteed loans for rural housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2529. An act to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2623. An act to amend the Federal securities laws to clarify and expand the definition of certain persons under those laws; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3072. An act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3139. An act to extend the authorization of the National Flood Insurance Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3330. An act to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 159. Concurrent resolution recognizing the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1552. A bill to reauthorize the DC opportunity scholarship program, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 30, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Investment Act of 1958, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 121 Pilot Age Limit" ((RIN2120-AJ01)(7-16/7-15)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2528. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes Equipped with a Cockpit Door Electronic Strike System Installed in Accordance with Supplemental Type Certificate (STC) ST02014NY" ((RIN2120-AA64)(7-20/7-20/0313/NM-144)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2529. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64)(7-20/7-21/1201/NM-007)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2530. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment 3331" ((RIN2120-AA65)(7-20/7-21/30677/3331)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2531. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment 3330" ((RIN2120-AA65)(7-20/7-21/30676/3330)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2532. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Ankeny, Iowa" ((RIN2120-AA66)(7-23/7-28/0187/ACE-3)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2533. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Minneapolis, Minnesota" ((RIN2120-AA66)(7-23/7-28/0062/AGL-2)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2534. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospaciale Model SN-601 (Corvette) Airplanes" ((RIN2120-AA64)(7-23/7-21/0646/NM-055)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2535. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes" ((RIN2120-AA64)(7-23/7-21/0644/NM-059)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2536. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Series Airplanes, and Airbus Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes" ((RIN2120-AA64)(7-23/7-21/0645/NM-034)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2537. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(7-23/7-21/0398/NM-193)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2538. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes" ((RIN2120-AA64)(7-23/7-21/0645/NM-358)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2539. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120-AA64)(7-23/7-21/1365/NM-076)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2540. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes" ((RIN2120-AA64)(7-23/7-21/28988/NM-047)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2541. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc., T5313 and T5317 Series Turboshift Engines" ((RIN2120-AA64)(7-23/7-21/1311/NE-48)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2542. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 Airplanes" ((RIN2120-AA64)(6-25/6-24/0570-CE-033)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2543. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Models A330-200 and -300, and A340-200 and -300 Series Airplanes" ((RIN2120-AA64)(7-13/7-15/0137/NM-201)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2544. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney JT9D-7 Series Turbofan Engines; Correction" ((RIN2120-AA64)(6-25/6-25/0758/NE-02)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2545. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kona, Hawaii" ((RIN2120-AA66)(7-9/7-10/0002-AWP-1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2546. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace, Modification of Class E Airspace; Ocala, Florida" ((RIN2120-AA66)(6-25/6-24/0326/ASO-15)) received in the Office of the President of the Senate on July 22, 2009; to the

the Committee on Commerce, Science, and Transportation.

EC-2547. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Floydada, Texas" ((RIN2120-AA66)(6-25/6-30/1367/ASW-1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2548. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Fort Worth, Texas" ((RIN2120-AA66)(6-25/6-30/0283/ASW-8)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2549. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Route Q-42; East-Central United States" ((RIN2120-AA66)(6-25/6-30/1026/AEA-17)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2550. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Montrose, Colorado" ((RIN2120-AA66)(7-2/7-7/0042/ANM-1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2551. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Twin Falls, Idaho" ((RIN2120-AA66)(7-2/7-7/0253/ANM-2)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2552. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Port Clinton, Ohio" ((RIN2120-AA66)(7-2/7-6/0188/AGL-5)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2553. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Devine, Texas" ((RIN2120-AA66)(7-2/6/0089/ASW-4)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2554. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Coleman, Texas" ((RIN2120-AA66)(7-13/5-15/1139/ASW-23)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2555. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Natchitoches, Louisiana" ((RIN2120-AA66)(6-25/6/24/1229/ASW-26)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2556. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Ord, Nebraska" ((RIN2120-AA66)(6-25/6-30/0066/ACE-1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2557. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Ada, Oklahoma" ((RIN2120-AA66)(6-25/6-30/0051/ASW-3)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2558. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mansfield, Ohio" ((RIN2120-AA66)(6-25/6-30/1271/AGL-18)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2559. A communication from the General Counsel of the Department of Commerce, transmitting the report of proposed legislation relative to the Fiscal Year 2010 Budget; to the Committee on Commerce, Science, and Transportation.

EC-2560. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2008 of the Department of Commerce's Bureau of Industry and Security; to the Committee on Commerce, Science, and Transportation.

EC-2561. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2009 Commercial Fishery for Golden Tilefish in the South Atlantic" (RIN0648-XO54) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2562. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Act Provisions; Fisheries of the Northeastern United States; Final Rule" (RIN0648-AW70) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2563. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XQ25) received in the Office of the President of the Senate

on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2564. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fishery; Amendment 12 to the Coastal Pelagic Species Fishery Management Plan" (RIN0648-AU26) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2565. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XQ18) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2566. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action" (RIN0648-AW87) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2567. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-68. A joint resolution adopted by the Senate of the State of Tennessee relative to enacting the "Honor the Written Intent of our Soldier Heroes Act"; to the Committee on Armed Services.

SENATE JOINT RESOLUTION No. 352

Whereas, federal law under 10 U.S.C. 1482(c) prohibits a service member from designating a person other than a surviving spouse, blood relative, or adoptive relative to direct the disposal of a service member's remains; and

Whereas, before deploying on a combat operation, a service member is asked to designate a person who will be responsible for arranging the service member's memorial services and overseeing the service member's burial arrangements; and

Whereas, service members fill out DD Form 93, on which they express their last wishes with the expectation that their last wishes regarding memorial services and burial arrangements will be honored; and

Whereas, since 2003, more than 4,000 service members who have served their country honorably have given their lives in combat; and

Whereas, a service member deploying on a combat operation in defense of our country should be allowed to designate any person the service member wishes to direct the disposition of the service member's remains; and

Whereas, H.R. 1633 of the 111th U.S. Congress, the "Honor the Written Intent of our

Soldier Heroes Act", also referred to as the Honor the WISH Act, amends 10 U.S.C. 1482(c) to allow a service member to designate any person the service member wishes to direct the disposition of the service member's remains, regardless of the designated person's relationship to the service member; now, therefore, be it

Resolved by the Senate of the one hundred sixth General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby urges the United States Congress to enact H.R. 1633 of the 111th U.S. Congress, the "Honor the Written Intent of our Soldier Heroes Act"; and BE IT FURTHER

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of Tennessee's Congressional Delegation.

POM-69. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to maintain the private, dual charter banking system as well as to preserve the thrift charter and mutuality; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 114

Whereas, the United States currently uses a dual banking system that allows FDIC insured financial institutions to choose between state and federal bank charters and multiple regulators when organizing their business; and

Whereas, the architecture of this dual banking system has been developed over a long period of time, adapted to changing markets, needs and innovations at the national and state level, and has proven remarkably efficient and effective; and

Whereas, FDIC insured banks and thrifts in Louisiana are safe and strong, highly regulated, and have not experienced many of the issues being encountered in the financial services industry at the national level; and

Whereas, Louisiana banks and thrifts have remained true to their core business and have greatly outperformed their United States counterparts as a whole, especially in the areas of loan growth, deposit growth, and asset growth; and

Whereas, many of the problems experienced in the financial services industry at the national level were the result of unsound lending practices by loosely regulated, non-FDIC insured institutions; and

Whereas, as a result of the problems experienced by the financial services industry at the national level and in the economy as a whole, Congress has and will continue to explore ways to restructure the financial services industry; and

Whereas, in 2008 the United States Department of the Treasury proposed, under its "Blueprint for a Modernized Financial Regulatory Structure," ending the dual banking system by requiring all state chartered banks and state and federally chartered thrifts to convert to federally chartered banks, thereby eliminating the state bank and thrift charters entirely; and

Whereas, eliminating the dual charter banking system would require a large percentage of Louisiana banks and thrifts to change charters, thereby reducing regulator options and forcing many financial institutions to accept a federal regulator that may not have the same familiarity, as a state regulator, with the specific needs of a particular financial institution or with the local banking environment; and

Whereas, abolishing remarkably efficient state banking regulatory regimes in favor of one, consolidated federal regulator just does not make sense when federal oversight of Government Sponsored Entities (GSEs), such as Fannie Mae and Freddie Mac, and Wall Street investment firms have proven to be an utter failure; and

Whereas, the Office of Thrift Supervision (OTS) regulates federally chartered thrift institutions; and

Whereas, the idea of eliminating the OTS has also been discussed as part of regulatory restructuring of the financial services industry; and

Whereas, eliminating OTS would serve to eliminate charter and regulator choice for thrifts operating in Louisiana; and

Whereas, some thrifts operating in Louisiana organize as mutual institutions, whereby the depositors are also the owners of the institution; and

Whereas, a financial institution's ability to organize as a mutual institution should be preserved by Congress. THEREFORE, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to take such actions as are necessary to maintain the private, dual charter banking system as well as to preserve the thrift charter and mutuality; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-70. A resolution adopted by the Senate of the State of Louisiana memorializing Congress to protect Louisiana consumers and competition by opposing efforts to interfere with free markets in order to artificially regulate payment system interchange fees; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 145

Whereas, credit and debit cards are held and used by tens of millions of Americans; and

Whereas, the development of the electronic payment card system in the competitive environment has benefitted consumers, merchants, and the United States economy; and

Whereas, the current payment card system has greatly enhanced consumer convenience, merchant sales, and overall commerce in Louisiana and in this country; and

Whereas, interchange fees paid by merchants for use of the payment card system help defray the extensive infrastructure costs, increasing fraud losses, and non-payment possibility that are assumed by Louisiana financial institutions involved in the payment card system; and

Whereas, for merchants, interchange fees are a legitimate cost of doing business that entitle them to all of the benefits they receive from the payment card system, including fast and guaranteed payment while bearing little, if any, risk; and

Whereas, consumers and merchants are free to choose from a selection of payment options to complete their transactions, including cash, checks, ACH, prepaid cards, debit cards, credit cards, and alternative online payment options; and

Whereas, merchants are free to choose not to accept credit cards, debit cards, cash or checks or other payment methods; and

Whereas, merchants are free to offer discounts or incentives for the use of cash and checks; and

Whereas, merchant groups have had various interchange fee proposals introduced in

Congress in an attempt to shift their legitimate costs of doing business and to pass such costs on to consumers and financial institutions; and

Whereas, such proposals would seriously disrupt the proper functioning of our nation's electronic payment system to the detriment of consumers, businesses, and the broader economy; and

Whereas, one such merchant proposal that recently failed in Congress would have created a new federal bureaucracy that had the ability to price fix interchange fees paid by merchants to financial institutions for access to the payment card system; and

Whereas, consumers could be harmed if the protection of antitrust laws were removed to allow for anti-competitive behavior in connection with negotiation of payment card acceptance and interchange fees; and

Whereas, government imposed price controls on the payment system would make many Louisiana financial institutions less competitive and potentially make them unable to afford issuing payment cards to Louisiana customers, thereby likely decreasing competition and increasing the cost of obtaining credit for consumers; and

Whereas, the United States Department of Justice has strongly warned that antitrust exemptions should be strongly disfavored by Congress, and cautioned that strong antitrust laws are critical to promoting and protecting consumer welfare; therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to protect Louisiana consumers and competition by opposing efforts to interfere with free markets in order to artificially regulate payment system interchange fees; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-71. A resolution adopted by the House of Representatives of the Legislature of the State of Texas urging Congress to enact legislation facilitating the ability of cities to access appropriate financing for critically needed municipal projects; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 1085

Whereas, Deteriorating conditions in the credit markets have severely diminished the ability of cities to access traditional sources of funding for projects that meet critical local needs; consequently, many municipal projects today are in jeopardy or are being delayed, with prospects for their future realization highly uncertain; and

Whereas, Municipal projects provide important, effective economic stimulus and are worthy of partnership with the federal government; civic projects instantly create and cause the retention of multiple thousands of jobs in many different industries; city projects often include partnerships with the private sector that create a leveraging of mutual interests and maximum economic benefit for the greater community; many city projects are transit oriented, which spurs additional economic benefit; moreover, when projects involve the enhancement or development of public mass transit, they result in reduced highway congestion, reduced air pollution, and reduced dependence on foreign oil; and

Whereas, Projects supported by municipal bonds are vetted locally, approved in elections by local voters, and administered locally, conditions that promote the highest

level of transparency and accountability; and

Whereas, Recently passed amendments to the Troubled Assets Relief Program (TARP) legislation that are contained in H.R. 384, Section 402, clarify the authority of the U.S. Treasury regarding municipal securities; exercising the authority to directly purchase such bonds, and/or provide credit enhancements for them, would provide an opportunity to realize immediate, significant contributions to our economic recovery; and

Whereas, Directly purchasing municipal securities at appropriate interest rates, or providing credit enhancements that allow cities access to traditional market interest rates for bonds, would give the federal government the opportunity to be repaid, with interest, the entire sum it furnishes through the partnership; in addition, providing this relief in the municipal credit markets would result in a significant tax reduction for local taxpayers in the form of dramatically reduced publicly funded interest costs; and

Whereas, Working together to construct an efficient application of the authorization provided in H.R. 384, Section 402, would greatly enhance our country's progress toward economic recovery; now, therefore, be it

Resolved, That the House of Representatives of the 81st Texas Legislature hereby respectfully urge the United States Congress to enact legislation facilitating the ability of cities to access appropriate financing for critically needed municipal projects; and, be it further

Resolved, That the chief clerk of the house forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-72. A resolution adopted by the House of Representatives of the Legislature of the State of Texas expressing opposition to any federal legislation that would create an optional federal charter for insurers; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 798

Whereas, For more than 150 years, state insurance regulators have provided effective consumer protection and industry oversight; some members of the United States Congress, however, have proposed to undermine this time-tested regulatory system by allowing insurance companies to opt out of state oversight and into a new federal system of chartering, licensing, regulation, and supervision; and

Whereas, State lawmakers have a unique understanding of the needs of their constituents and of the specific conditions and characteristics that apply in their insurance marketplace; they are able to assess and respond to changing circumstances specific to their states with appropriate modifications to regulations; and

Whereas, A federal charter system would permit companies to circumvent carefully crafted consumer protection laws and strong solvency requirements that have been put in place by individual states; proponents of such a federal system have cited the recent collapse of the American International Group as justification for a federal charter, but in fact, the insurance subsidiaries of AIG

that are regulated at the state level have generally retained their value while federal oversight failed to prevent the meltdown of the parent company; and

Whereas, Given the faltering economy, it is more important than ever for state officials to exercise strong oversight of the insurance industry for the benefit of consumers and to maintain the stability of insurance companies; moreover, premium taxes on insurance are a significant source of revenue for the general funds of all states, providing more than two percent of state tax revenues according to the United States Census; experts estimate that an optional federal charter could eventually draw away from the states more than \$14 billion in premium taxes and fees; and

Whereas, The bifurcation of the insurance regulation system is unnecessary and likely to promote confusion, ambiguity, and fragmentation; it would create an expensive new federal bureaucracy that would inevitably be less nimble and responsive than state regulatory systems, while weakening the ability of the states to protect the interests of their residents; the McCarran-Ferguson Act of 1945 affirmed the role of states as principal regulators of insurance, and there is no compelling reason to make a change in the regulatory rights and responsibilities of the states; Now, therefore, be it

Resolved, That the House of Representatives of the 81st Texas Legislature hereby express its opposition to any federal legislation that would create an optional federal charter for insurers; and, be it further

Resolved, That the chief clerk of the Texas House of Representatives forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the members of the U.S. House Financial Services Committee, to the members of the U.S. House Banking Committee, to the U.S. secretary of the treasury, and to all members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-73. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to consider appropriate legislation that would require the Federal Communications Commission to prescribe auditory volume standards for commercial advertisements broadcast on television; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 106

Whereas, network television plays a prevalent part in society and, to retain that competitive edge amongst the plethora of digital media and other telecommunication advancements, must be sensitive to consumer preference and choice; and

Whereas, commercial advertisers spend millions of dollars annually to purchase brief intervals of broadcast time in which to promote the purchase of their products and to influence consumer behavior in a positive manner; and

Whereas, to capitalize on these fleeting and costly time periods, many advertisers resort to an excessive increase in the decibel level of commercials during a telecast in comparison to the programming in which each advertisement is embedded, all in an effort to grab the attention of the viewer and to market the product; and

Whereas, these erratic, excessive volume levels sometimes have an adverse effect on

the well-being of consumers and often have a negative effect on consumer behavior, purchasing decisions, and viewing preferences; and

Whereas, proposed legislation introduced in the 111th Congress for 2009-2010, H.R. 1084: Commercial Advertisement Loudness Mitigation Act (CALM), referred to the House Committee on Energy and Commerce, addresses this controversial issue; and

Whereas, implementation of CALM would order the Federal Communications Commission (FCC), to create and to enforce governmental regulations that require that the volume level of commercials on television is broadcast at an equal auditory level as the programming in which it is embedded; and

Whereas, commercial advertisement makes the entertainment and information of over-the-air free television possible, offers a myriad of products and services to public view, and sustains mass communication as an integral part of market-driven economics; and

Whereas, control of decibel levels for advertisements broadcast over commercial airwaves falls within the purview of federal regulation, and that control is essential to the comfort and sensibilities of the viewing public; Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to consider appropriate legislation that would require the Federal Communications Commission to regulate auditory volume standards for commercial advertisements broadcast on television; and, be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-74. A concurrent resolution adopted by the Senate of the State of Louisiana urging and requesting support and assistance in providing funding for the Wood to Electricity Program; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 49

Whereas, the major focus of the Wood Products Development Foundation is the expansion or development of new uses of wood and wood waste products that result in a positive impact on the economic conditions of the state; and

Whereas, the timber industry has experienced a serious decline in recent years, and this downturn will continue unless new use sources are developed in the immediate future; and

Whereas, after studying numerous potential industries, the foundation determined a project that used wood and wood waste products to create electricity would be the most economically viable expansion of raw wood products for the long term; and

Whereas, the use and need for electricity will continue to increase, and these projects will provide a renewable, green source of electric power that does not affect the nation's food supply or demand for food-based agricultural products and materials for an indefinite period; and

Whereas, these wood to electricity projects provide an additional market for raw wood products even in a distressed market, provide an additional source of electricity at a market rate that is carbon neutral, and provide a dedicated electrical source available locally to supply viable defense structures and critical facilities in times of natural disasters; and

Whereas, the foundation has completed plans for two centrally located plants within the state that will use wood waste products from wood producers in the vicinity; and

Whereas, the electrical production will be made equally available to wood-related industries and a grid for the benefit of low-income households within reasonable vicinity of the plant sites; and

Whereas, the two proposed projects will inject sixty million dollars into the economy in terms of construction and start-up costs and will create a minimum of thirty permanent full-time jobs at the plant sites and approximately one hundred jobs for suppliers of the wood fuel feedstock; and

Whereas, in the last several months, significant regional job losses in the wood industry make this effort even more vital to securing new alternatives for value-added market activity related to the wood resources of the state; and

Whereas, there is a current need for additional funding to complete the necessary regulatory, environmental, engineering, and administrative functions to fulfill the requirements for construction loan approvals: Now, therefore, be it

Resolved, that the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation, the governor, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission to assist in providing funding for any necessary additional requirements, documentation, or studies that may be needed to secure long-term funding, and to assist in developing state and federal policies for wood to electricity projects that put them on a commensurate funding and taxation level with wind and solar generated electricity; and be it further

Resolved, that a copy of this Resolution be transmitted to the Louisiana congressional delegation, the governor, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission.

POM-75. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to support the American Clean Energy and Security Act of 2009; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 158

Whereas, a federally mandated energy efficiency and renewable energy standard for utilities is currently being debated in Congress; and

Whereas, federal standards for the regulation of climate change gases, primarily carbon dioxide, are also being actively debated in Congress; and

Whereas, Louisiana's coast is comprised of forty percent of the nation's coastal wetlands and it recognizes the importance of coordinated and effective actions to reduce the emissions of climate change gases; and

Whereas, in areas of the country with limited wind and hydroelectric resources, renewable energy standards, if improperly implemented, can have significant adverse impacts on non-participating ratepayers; and

Whereas, renewable energy resources that are non-dispatchable and non-reliable do not reduce capacity requirements of utilities and thus present an undue adverse impact on non-participating ratepayers; and

Whereas, energy efficiency can produce energy and demand savings for a fraction of the cost of most forms of renewable energy; and

Whereas, renewable portfolio standards are traditionally based solely on electrical energy production; and

Whereas, in air conditioning-dominated climates, electrical energy usage is a much larger component of total energy use compared to heating dominated climates; and

Whereas, heating energy sources such as heating oil pose both environmental and national security risks as they contribute to air pollution emissions and increased oil imports: Now, therefore be it

Resolved, that the Senate of the Legislature of Louisiana memorializes the Congress of the United States to support the American Clean Energy and Security Act of 2009; and, be it further

Resolved, that the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation to take appropriate action to insure the following:

(1) Any federally mandated renewable portfolio standard contain provisions whereby states with limited, currently available, affordable renewable energy resources, such as Louisiana, be allowed to utilize verifiable energy efficiency improvements to existing loads to meet a minimum of sixty percent of any such standard.

(2) That the state be allowed to set up a mechanism whereby Louisiana utility companies taking action in advance of the imposition of the standard be allowed to bank any energy efficiency savings and renewable energy production achieved in order to help meet the requirements under any such standard.

(3) That tax credits and rebates offered by the state of Louisiana or any local jurisdiction within the state be declared by the United States Internal Revenue Service to be nontaxable income and will not reduce the tax credit basis of any federal energy efficiency or renewable energy tax credit.

(4) That mandates for renewable energy production that is not dispatchable and reliable be limited to no more than ten percent of the required production standard.

(5) That any energy efficiency and renewable energy standard be based on a percentage of total energy consumption, not just electrical energy consumption, regardless of how it is implemented and collected; and, be it further

Resolved, that a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM-76. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 32

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a federal, state, or local retirement or pension benefit; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, or local government employment might receive a public pension in addition to the same Social Security benefit as a person who had worked only in employment covered by Social Security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security; and

Whereas, because of these calculation characteristics, the GPO and the WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, because the Social Security benefit statements do not calculate the GPO and the WEP, many public employees in Louisiana are unaware that their expected Social Security benefits shown on such statements will be significantly lower or nonexistent due to the service in public employment through which they are required to be members of a Louisiana public retirement or pension system, plan, or fund; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation and the longer life expectancy of women; and

Whereas, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here lifelong: Now, therefore, be it

Resolved, that the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and the WEP Social Security benefit reductions and to consider eliminating or reducing them by enacting the Social Security Fairness Act of 2009 (H.R. 235 or R.S. 484) or a similar instrument; and be it further

Resolved, that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 774. A bill to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building".

H.R. 987. A bill to designate the facility of the United States Postal Service located at

601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office".

H.R. 1271. A bill to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building".

H.R. 1397. A bill to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building".

H.R. 2090. A bill to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the "Frederic Remington Post Office Building".

H.R. 2162. A bill to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Postal Station".

H.R. 2325. A bill to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office".

H.R. 2422. To designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the "Kile G. West Post Office Building".

H.R. 2470. A bill to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building".

S. 748. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office".

S. 1211. A bill to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building".

S. 1314. A bill to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORKER (for himself and Mr. WARNER):

S. 1540. A bill to provide for enhanced authority of the Federal Deposit Insurance Corporation to act as receiver for certain affiliates of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:

S. 1541. A bill to amend title IV of the Higher Education Act of 1965 to authorize private education loan refinancing under the Federal student loan program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. SANDERS, Ms. KLOBUCHAR, Mr. FEINGOLD, Mrs. MURRAY, and Mrs. SHAHEEN):

S. 1542. A bill to impose tariff-rate quotas on certain casein and milk protein concentrates; to the Committee on Finance.

By Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, and Mr. LIEBERMAN):

S. 1543. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components

of the Armed Forces, and leave to care for covered veterans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. BENNET, Mrs. MCCASKILL, and Mr. FEINGOLD):

S. 1544. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the composition of the board of directors of the Pension Benefit Guaranty Corporation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1545. A bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1546. A bill to provide for the conveyance of certain parcels of land to the town of Mantua, Utah; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. BOND, Mrs. MURRAY, Mr. JOHNSON, Mr. KERRY, and Mr. DURBIN):

S. 1547. A bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARDIN (for himself and Mr. BURR):

S. 1548. A bill to improve research, diagnosis, and treatment of musculoskeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. KENNEDY, and Mrs. GILLIBRAND):

S. 1549. A bill to protect United States citizens from unlawful arrest and detention; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Mrs. GILLIBRAND):

S. 1550. A bill to ensure that individuals detained by the Department of Homeland Security are treated humanely, provided adequate medical care, and granted certain specified rights; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. REED, and Mr. KAUFMAN):

S. 1551. A bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. BYRD, and Mr. ENSIGN):

S. 1552. A bill to reauthorize the DC opportunity scholarship program, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENNETT (for himself, Mr. WYDEN, Mr. WICKER, Mr. JOHANNES, Mr. COBURN, and Mr. CRAPO):

S. Res. 231. A resolution expressing the sense of the Senate that any health care reform proposal should slow the long-term growth of health costs and reduce the growth rate of Federal health care spending; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 232. A resolution celebrating the 100th anniversary of the Tillamook County Creamery Association; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. Res. 233. A resolution commending Russ Meyer on his induction into the National Aviation Hall of Fame; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 252

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 446

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 446, a bill to permit the televising of Supreme Court proceedings.

S. 493

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 581

At the request of Mr. BENNET, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and

the special supplemental nutrition program for women, infants, and children.

S. 601

At the request of Mrs. HUTCHISON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 601, a bill to establish the Weather Mitigation Research Office, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 694

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was withdrawn as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 694, *supra*.

S. 714

At the request of Mr. WEBB, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 941

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1071

At the request of Mr. CHAMBLISS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1071, a bill to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1222, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to

provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1379

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1401

At the request of Mr. MARTINEZ, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. WICKER), the Senator from North Carolina (Mr. BURR), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1401, a bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. CON. RES. 36

At the request of Mrs. LINCOLN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 1907

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 1907 proposed to H.R. 3357, a bill to restore sums to the Highway Trust Fund, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORKER (for himself and Mr. WARNER):

S. 1540. A bill to provide for enhanced authority of the Federal Deposit Insurance Corporation to act as receiver for certain affiliates of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORKER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Reform Act of 2009".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to allow the Federal Deposit Insurance Corporation (in this Act referred to as the "Corporation") to resolve the holding companies, affiliates, and subsidiaries of failed or failing insured depository institutions, consistent with the statutory mission of the Corporation, recognizing that depository institution holding companies serve as a source of strength for their subsidiary institutions, and that their affiliates and subsidiaries may provide critical services for such institutions; and

(2) to provide a clear and cohesive set of rules to address the increasingly complex and interrelated business structures in which insured depository institutions operate in order to promote efficient and economical resolution.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) **AFFILIATE.**—The term "affiliate" has the same meaning as in section 2(k) of the Bank Holding Company Act of 1956.

(2) **BRIDGE DEPOSITORY INSTITUTION HOLDING COMPANY.**—The term "bridge depository institution holding company" means a new depository institution holding company organized by the Corporation pursuant to section 53(b) of the Federal Deposit Insurance Act.

(3) **CORPORATION.**—The terms "Corporation" and "Board" mean the Federal Deposit Insurance Corporation and the Board of Directors thereof, respectively.

(4) **COVERED AFFILIATE OR SUBSIDIARY.**—The term "covered affiliate or subsidiary" means any affiliate or subsidiary of a depository institution holding company, or any subsidiary of an insured depository institution that is a subsidiary of that depository institution holding company, as to which the Corporation is appointed receiver.

(5) **COVERED DEPOSITORY INSTITUTION HOLDING COMPANY.**—The term "covered depository institution holding company" means a depository institution holding company with one or more affiliated or subsidiary insured depository institutions for which grounds exist to appoint a receiver pursuant to section 11(c) of the Federal Deposit Insurance Act.

(6) **FOREIGN.**—The term "foreign" means any country other than the United States and includes any territory, dependency, or possession of any country other than the United States.

(7) **INSURED DEPOSITORY INSTITUTION.**—The term "insured depository institution" has the same meaning as section 3(c)(2) of the Federal Deposit Insurance Act.

SEC. 4. HOLDING COMPANY RESOLUTION AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

"SEC. 51. RESOLUTION OF COVERED DEPOSITORY INSTITUTION HOLDING COMPANIES, AFFILIATES, AND SUBSIDIARIES.

"(a) **IN GENERAL.**—Notwithstanding any other provision of Federal or State law, except section 52(c), it shall be the responsibility of the Corporation to resolve depository institution holding companies of failed or failing insured depository institutions and the affiliates and subsidiaries of a depository institution holding company, including any subsidiary of an insured depository institution that is a subsidiary of the depository institution holding company, using the powers and authorities conferred upon it by this Act.

"(b) **DEFINITIONS.**—For purposes of this section and sections 52 and 53, the following definitions shall apply:

"(1) **BRIDGE DEPOSITORY INSTITUTION HOLDING COMPANY.**—The term 'bridge depository institution holding company' means a new depository institution holding company organized by the Corporation pursuant to section 53(b).

"(2) **COVERED AFFILIATE OR SUBSIDIARY.**—The term 'covered affiliate or subsidiary' means any affiliate or subsidiary of a depository institution holding company, or any subsidiary of an insured depository institution that is a subsidiary of that depository institution holding company, as to which the Corporation is appointed receiver under section 52.

"(3) **COVERED DEPOSITORY INSTITUTION HOLDING COMPANY.**—The term 'covered depository institution holding company' means a depository institution holding company with one or more affiliated or subsidiary insured depository institutions for which grounds exist to appoint a receiver pursuant to section 11(c).

"(4) **FUNCTIONALLY REGULATED AFFILIATE OR SUBSIDIARY.**—The term 'functionally regulated affiliate or subsidiary' means any company—

"(A) that is not a depository institution holding company or a depository institution; and

"(B) that is—

"(i) a broker or dealer that is registered under the Securities Exchange Act of 1934;

"(ii) a registered investment adviser, properly registered by or on behalf of either the Securities and Exchange Commission in accordance with the Investment Advisers Act of 1940, or any State, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

"(iii) an investment company that is registered under the Investment Company Act of 1940;

"(iv) an insurance company that is subject to supervision by a State insurance regulator, with respect to the insurance activities of the insurance company and activities incidental to such insurance activities; or

"(v) an entity that is subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.

"(5) **FUNCTIONAL REGULATOR.**—The term 'functional regulator' means the Federal or

State regulator responsible for regulating the types of activities engaged in by the depository institution holding company, its subsidiary institutions, or other affiliates and subsidiaries. The 'functional regulators' are—

"(A) the Securities and Exchange Commission, if the depository institution holding company, any subsidiary institution, or other affiliate thereof, is a broker or dealer registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) in conjunction with the authorities granted to the Securities Investor Protection Corporation, as created by the Securities Investor Protection Act in resolution of brokers or dealers;

"(B) the Commodity Futures Trading Commission, if the depository institution holding company, its subsidiary institution, or other affiliate thereof, is a futures commission merchant or a commodity pool operator registered with the Commodity Futures Trading Commission under the Commodity Exchange Act; and

"(C) a State insurance commission or other board or authority, if the depository institution holding company, or an affiliate or subsidiary thereof, is an insurance company.

"SEC. 52. APPOINTMENT OF THE CORPORATION AS RECEIVER.

"(a) **DEPOSITORY INSTITUTION HOLDING COMPANIES.**—

"(1) **IN GENERAL.**—Notwithstanding any other provision of Federal law, the law of any State, or the constitution of any State, and subject to subsection (c), the Corporation shall accept appointment, and shall act as the receiver of a covered depository institution holding company upon such appointment, in the manner provided in paragraph (2) or (3), if the Corporation determines, in its sole discretion, that such appointment will reduce the cost to the Deposit Insurance Fund, and that grounds specified in subsection (f) exist. If the Corporation determines that such appointment will not reduce the cost to the Deposit Insurance Fund, the Corporation may decline the appointment, as provided in subsection (c).

"(2) **APPOINTMENT BY THE APPROPRIATE FEDERAL BANKING AGENCY.**—Whenever the appropriate Federal banking agency appoints a receiver for a depository institution holding company, the Federal banking agency shall tender the appointment to the Corporation, and the Corporation shall accept such appointment, unless the Corporation declines the appointment, as provided in subsection (c).

"(3) **APPOINTMENT OF THE CORPORATION BY THE CORPORATION.**—The Board of Directors may appoint the Corporation as receiver of a depository institution holding company, after consultation with the appropriate Federal banking agency, if the Board of Directors determines that, notwithstanding the existence of grounds specified in subsection (f), the appropriate Federal banking agency having supervision of a covered depository institution holding company has declined to appoint the Corporation as receiver.

"(4) **FUNCTIONALLY REGULATED DEPOSITORY INSTITUTION HOLDING COMPANIES.**—When the appropriate Federal banking agency appoints the Corporation as receiver of a covered depository institution holding company, or the Board of Directors appoints the Corporation as receiver of a covered depository institution holding company, the appropriate Federal banking agency or the Corporation shall consult with the covered depository institution holding company's functional regulator, if any.

“(b) AFFILIATES AND SUBSIDIARIES.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal law, the law of any State, or the constitution of any State, and subject to paragraph (2) and subsection (c), in any case in which the Corporation is appointed under this section as receiver for a depository institution holding company, the Corporation may appoint itself as the receiver of any affiliate or subsidiary of the insured depository institution or depository institution holding company that is incorporated or organized under the laws of any State, if the Corporation determines that such action would facilitate the orderly resolution of the insured depository institution or depository institution holding company, and is consistent with the purposes of this Act.

“(2) FUNCTIONALLY REGULATED SUBSIDIARIES.—The Corporation shall consult with the appropriate Federal or State functional regulator when the Corporation appoints itself as the receiver of any functionally regulated affiliate or subsidiary.

“(c) BANKRUPTCY OR STATE INSURANCE RESOLUTION OPTION.—

“(1) BANKRUPTCY GROUNDS FOR DECLINING APPOINTMENT.—The Corporation may decline to accept appointment for a covered depository institution holding company, when, in its sole discretion, the Corporation determines that the resolution of that holding company would be better accomplished under title 11, of the United States Code, or under applicable State insurance law.

“(2) RULEMAKING REQUIRED.—The Corporation shall, not later than 180 days after the date of enactment of this section, adopt regulations that establish criteria pursuant to which the Corporation will make the determination described in paragraph (1).

“(d) SEPARATE ENTITIES.—

“(1) IN GENERAL.—Subject to paragraph (2), each separate legal entity for which the Corporation is appointed receiver shall constitute a separate receivership.

“(2) APPLICABILITY.—Paragraph (1) shall not apply to any insured depository institution subsidiary for which the Corporation has appointed itself as receiver.

“(e) CORPORATION NOT SUBJECT TO ANY OTHER AGENCY.—When acting as the receiver pursuant to an appointment described in subsection (a) or (b), the Corporation shall not be subject to the direction or supervision of any other agency or department of the United States or any State in the exercise of its rights, powers, and privileges.

“(f) GROUNDS FOR APPOINTMENT.—The grounds for appointing the Corporation as receiver of a depository institution holding company, affiliate, or subsidiary are that one or more grounds exist under section 11(c) to appoint a receiver for one or more affiliated insured depository institutions.

“(g) TERMINATION AND EXCLUSION OF OTHER ACTIONS.—The appointment of the Corporation as receiver for a depository institution holding company or an insured depository institution that is an affiliate or subsidiary of a depository institution holding company shall immediately, and by operation of law, terminate any case commenced with respect to the depository institution holding company or any affiliate or subsidiary under title 11, United States Code, or any proceeding under any State insolvency law with respect to the depository institution holding company or affiliate or subsidiary. No such case or proceeding may be commenced with respect to the depository institution holding company or any affiliate or subsidiary of the insured depository institution at any time

while the Corporation acts as receiver of the depository institution holding company or any affiliate or subsidiary, without the written agreement of the Corporation.

“(h) JUDICIAL REVIEW.—

“(1) IN GENERAL.—If the Corporation is appointed (including the appointment of the Corporation by itself) as receiver of a depository institution holding company under subsection (a), the depository institution holding company may, not later than 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution holding company is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the receiver (regardless of how such appointment was made), and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the receiver.

“(2) OTHER APPOINTMENT.—If the Corporation appoints itself as receiver of any affiliate or subsidiary of the insured depository institution or depository institution holding company under subsection (b), the affiliate or subsidiary of the insured depository institution or depository institution holding company may, not later than 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such any affiliate or subsidiary of the insured depository institution or depository institution holding company is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the receiver, and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the receiver.

“SEC. 53. POWERS AND DUTIES OF CORPORATION AS RECEIVER.

“(a) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such regulations as the Corporation determines appropriate regarding the orderly resolution and conduct of receiverships of covered depository institution holding companies or any affiliate or subsidiary, in accordance with section 52.

“(b) RECEIVERSHIP, BACK-UP EXAMINATION, AND ENFORCEMENT POWERS.—Except as provided in subsections (c) and (e), the Corporation shall have the same powers and rights to carry out its duties with respect to depository institution holding companies, or affiliates and subsidiaries, as the Corporation has under sections 8(t), 10(b), 11, 12, 13(d), 13(e), 15, and 38, with adaptations made, in the sole discretion of the Corporation, that are appropriate to the differences in form and function among depository institution holding companies, insured depository institutions, and their affiliates and subsidiaries.

“(c) AUTHORITY TO OBTAIN CREDIT.—

“(1) IN GENERAL.—A bridge depository institution holding company with respect to which the Corporation is the receiver may obtain unsecured credit and issue unsecured debt.

“(2) INABILITY TO OBTAIN CREDIT.—If a bridge depository institution holding company is unable to obtain unsecured credit or issue unsecured debt, the Corporation may authorize the obtaining of credit or the issuance of debt by the bridge depository institution holding company—

“(A) with priority over any or all of the obligations of the bridge depository institution holding company;

“(B) secured by a lien on property of the bridge depository institution holding company that is not otherwise subject to a lien; or

“(C) secured by a junior lien on property of the bridge depository institution holding company that is subject to a lien.

“(3) LIMITATION.—The Corporation may authorize the obtaining of credit or the issuance of debt by a bridge depository institution holding company that is secured by a senior or equal lien on property of the bridge depository institution holding company that is subject to a lien, only if—

“(A) the bridge depository institution holding company is unable to otherwise obtain such credit or issue such debt; and

“(B) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

“(d) DISPOSITION OF CERTAIN DEPOSITORY INSTITUTION HOLDING COMPANIES, AFFILIATES, AND SUBSIDIARIES.—Notwithstanding any other provision of law (other than a conflicting provision of this Act), the Corporation, in connection with the resolution of any insured depository institution with respect to which the Corporation has been appointed as receiver, shall—

“(1) in the case of any depository institution holding company, or a covered affiliate or subsidiary for which the Corporation is appointed receiver, that is a member of the Securities Investor Protection Corporation (in this section referred to as ‘SIPC’), coordinate with SIPC in the liquidation, if any, of the company, to facilitate the orderly and timely payment of claims under the Securities Investor Protection Act; and

“(2) in the case of any other depository institution holding company, or covered affiliate or subsidiary, that is functionally regulated, coordinate with the appropriate Federal or State functional regulator in the disposition of the company, to facilitate the orderly and timely payment of claims under applicable guaranty plans, including State insurance guaranty plans.

“(e) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

“(1) IN GENERAL.—Allowed claims (other than secured claims to the extent of any such security) against a covered depository institution holding company or any covered affiliate or subsidiary that are proven to the satisfaction of the receiver for such covered depository institution holding company, affiliate, or subsidiary shall have priority in the following order:

“(A) Administrative expenses of the receiver.

“(B) Any obligation of the covered depository institution holding company, or covered affiliate or subsidiary, to the Corporation.

“(C) Any general or senior liability of the covered depository institution holding company, or covered affiliate or subsidiary (which is not a liability described in subparagraph (D) or (E)).

“(D) Any obligation subordinated to general creditors which is not an obligation described in subparagraph (E).

“(E) Any obligation to shareholders, members, general partners, limited partners, or other persons with interests in the equity of the covered depository institution holding company, or covered affiliate or subsidiary, arising as a result of their status as shareholders, members, general partners, limited partners, or other persons with interests in the equity of the covered depository institution holding company, or covered affiliate or subsidiary.

“(2) CREDITORS SIMILARLY SITUATED.—All claimants of a covered depository institution holding company, or covered affiliate or subsidiary, that are similarly situated under

paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

“(A) the Corporation determines that such action is necessary to maximize the value of the assets of the covered depository institution holding company, or covered affiliate or subsidiary, to maximize the present value return from the sale or other disposition of the assets of the covered depository institution holding company, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered depository holding company, or covered affiliate or subsidiary; and

“(B) all claimants that are similarly situated under paragraph (1) receive not less than the amount provided in section 11(i)(2).

“(f) **RULE OF CONSTRUCTION.**—Nothing in the Resolution Reform Act is intended to supersede the administration of claims under applicable State laws governing insurance guaranty funds or the Securities Investor Protection Act of 1970.

“(g) **RULEMAKING.**—The Federal Deposit Insurance Corporation shall conduct a rulemaking to be completed within 180 days of enactment that will lay out specific guidelines and priority of all secured and unsecured claims as well as where the resources to satisfy those that will be satisfied will be derived.”.

SEC. 5. OTHER SPECIFIC MODIFICATIONS TO FEDERAL DEPOSIT INSURANCE CORPORATION AUTHORITY.

(a) **RECORDKEEPING.**—Section 11(e)(8)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(H)) is amended to read as follows:

“(H) **RECORDKEEPING.**—The Corporation, after consultation with the appropriate Federal banking agencies, may prescribe regulations requiring that any insured depository institution or depository institution holding company maintain such records with respect to qualified financial contracts (including market valuations) as the Corporation determines to be necessary or appropriate to enable it to exercise its rights and fulfill its obligations under this Act.”.

(b) **GOLDEN PARACHUTE PAYMENTS.**—Section 18(k)(4)(A)(ii)(III) of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)(4)(A)(ii)(III)) is amended—

- (1) by striking “institution’s”;
- (2) by inserting “or covered company” after “insured depository institution”; and
- (3) by inserting before the semicolon: “, except that the Corporation may define and make a determination of troubled condition for any covered company that does not have an appropriate Federal banking agency”.

SEC. 6. CROSS-BORDER CLAIMS.

(a) **PURPOSE AND SCOPE.**—

(1) **PURPOSE.**—The purpose of this section is to provide effective mechanisms for dealing with cases of cross-border insolvency, with the objectives of—

(A) facilitating cooperation between the Corporation, acting in its capacity as receiver of a covered depository institution holding company or covered affiliate or subsidiary of an insured depository institution and the courts and other authorities of foreign countries involved in cross-border insolvency cases; and

(B) facilitating the orderly resolution of insured depository institutions, covered depository institution holding companies, or covered affiliates or subsidiaries, in receivership.

(2) **SCOPE.**—This section applies in any case in which—

(A) the Corporation seeks assistance from a foreign court, foreign representative, or foreign regulatory or supervisory authority in connection with the resolution of a depository institution holding company, or covered affiliate or subsidiary thereof;

(B) the assistance of the Corporation is sought by a foreign court, foreign representative, or foreign regulatory or supervisory authority in connection with a foreign proceeding or with a resolution under this Act; or

(C) a foreign proceeding and a case under this Act with respect to the same covered depository institution holding company, or covered affiliate or subsidiary, are pending concurrently.

(b) **COORDINATION AND COOPERATION.**—In regard to matters of insolvency and insolvency proceedings, the Corporation may—

(1) cooperate and coordinate with foreign courts, foreign representatives, and foreign regulatory or supervisory authorities, either directly or through a designated representative, as the Corporation deems appropriate; and

(2) communicate directly with, or to request information or assistance directly from, foreign courts, foreign representatives, and foreign regulatory or supervisory authorities.

(c) **CLAIMS BY FOREIGN REPRESENTATIVES.**—The Corporation, in its capacity as receiver of a covered depository institution holding company, or covered affiliate or subsidiary, may allow a foreign administrator or representative to file claims.

(d) **COORDINATION OF PAYMENTS.**—

(1) **LIMITATION.**—Notwithstanding any other provision of Federal law, a creditor who has received payment with respect to a claim in a foreign insolvency proceeding may not receive a payment for the same claim brought in a United States insolvency proceeding under this Act against the same depository institution, depository institution holding company, or covered affiliate or subsidiary.

(2) **SUBROGATION.**—A claimant in an insolvency proceeding under this Act that has received payment on its claim shall agree to the subrogation of the Corporation, to the extent of such payment, to any claim or right of claim, arising from the same loss.

(e) **PUBLIC POLICY EXEMPTION.**—Nothing in this section prevents the Corporation from refusing to take an action governed by this section if the action would be contrary to the public policy of the United States or if it would increase losses to the Deposit Insurance Fund.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) **BANKRUPTCY CODE AMENDMENTS.**—Section 109(b)(2) of title 11, United States Code, is amended by inserting before “homestead association” the following: “covered depository institution holding company and covered affiliate or subsidiary, as those terms are defined in section 51(b) of the Federal Deposit Insurance Act (except if the Federal Deposit Insurance Corporation exercises its authority under section 52(c) of that Act),”.

(b) **AUTHORITY TO APPOINT RECEIVER.**—

(1) **FEDERAL RESERVE ACT.**—Section 11(o) of the Federal Reserve Act (12 U.S.C. 248(o)) is amended—

(A) by striking “The Board” and inserting the following:

“(1) **STATE MEMBER BANKS.**—The Board”; and

(B) by adding at the end the following:

“(2) **COVERED DEPOSITORY INSTITUTION HOLDING COMPANIES.**—The Board may appoint the Federal Deposit Insurance Corporation

as receiver for a covered depository institution holding company (as those terms are defined in section 51(b) of the Federal Deposit Insurance Act) under section 52 of the Federal Deposit Insurance Act.”.

(2) **HOME OWNERS’ LOAN ACT.**—Section 10 of the Home Owners’ Loan Act (12 U.S.C. 1467a) is amended—

(A) by redesignating subsection (t) as subsection (u); and

(B) by inserting after subsection (s) the following:

“(t) **APPOINTMENT OF FDIC AS RECEIVER.**—The Director may appoint the Federal Deposit Insurance Corporation as receiver for a covered depository institution holding company (as those terms are defined in section 51(b) of the Federal Deposit Insurance Act) under section 52 of the Federal Deposit Insurance Act.”.

By Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, and Mr. LIEBERMAN):

S. 1543. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce The Supporting Military Families Act of 2009.

The sacrifices made by our soldiers, sailors, airmen, Marines, and Coast Guard are matched only by those made by their families. When a loved one is serving abroad, and in cases where he or she returns wounded, it can take an immense emotional toll on a family.

But it does not have to take an equally staggering economic toll.

The bill I introduce today clarifies and improves upon provisions included in the National Defense Authorization Act of 2008, which provided important benefits for family members of our brave service men and women.

More than 20 years ago, I began the effort to bring job protection to hard-working Americans so they wouldn’t have to choose between the family they love and the job they need. This effort, after more than seven years, three presidents, and two vetoes, eventually led to the enactment of the Family Medical Leave Act, FMLA, which provides 12 weeks of unpaid leave for eligible employees so they may care for a newborn or adopted child, their own serious illness, or that of a loved one. Since its passage, I have worked to expand this Act to cover more workers and to provide for paid leave, so that more employees can afford to take leave when necessary.

We must also ensure that we care for the health and well-being of our war heroes, many of whom return from deployment with serious injuries and illnesses. Two years ago, I introduced legislation to provide up to 6 months of FMLA leave for primary caregivers of servicemembers who suffer from a combat-related injury or illness. The

FMLA currently provides three months of unpaid leave to a spouse, parent, or child acting as a caregiver for a person with a serious illness. However, some of those injured in service to our country rely on other family members or friends to care for them as they recover, and many of these injuries take longer than 3 months to heal from. That is why, following a recommendation of the President's Commission on Care for America's Returning Wounded Warriors, headed by former Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala, I offered this legislation. It was included in the 2008 National Defense Authorization Act, along with another provision providing exigency leave for servicemembers' families, which allows the families of deployed servicemembers to take leave to manage their family or personal affairs.

These two provisions were important steps toward giving our servicemembers and their families the support they need during extremely challenging times. The legislation I introduce today builds on those efforts and will accomplish three things. First, a number of service-related illnesses and injuries may not manifest themselves until after a servicemember has left the military, including traumatic brain injury and post traumatic stress disorder. This bill extends the annual 26 weeks of unpaid leave to family members of veterans for up to five years after a veteran leaves service, if the veteran develops a service-related serious injury or illness that he or she needs time to recover from. Second, this legislation extends eligibility for exigency leave to those deployed to a foreign country, and not only in support of a contingency operation, in order to provide the benefit to all of those families who struggle with the challenges of a deployment. Finally, the DOL regulations limited access to exigency leave to Reserve and National Guard members only. This was not the intent of the initial legislation, and this bill extends exigency leave to cover all active duty members who are deployed to a foreign country.

I am pleased that my colleagues Senators KENNEDY, LIEBERMAN, and MURRAY are joining me in introducing the Supporting Military Families Act of 2009.

By Mr. REED (for himself, Mr. BOND, Mrs. MURRAY, Mr. JOHNSON, Mr. KERRY, and Mr. DURBIN):

S. 1547. A bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes; to the

Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Zero Tolerance for Veteran Homelessness Act. This comprehensive bill enhances and expands the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of becoming homeless.

It is one of our Nation's great tragedies that on any given night, 131,000 veterans are homeless. The Department of Veterans Affairs estimates that more than 200,000 veterans experience homelessness each year and that nearly 1/5 of all homeless people in the United States are veterans. These numbers are expected to climb as our servicemembers fighting in Iraq and Afghanistan return home to face tough economic conditions.

We know that veterans are often at greater risk of becoming homeless. Some return from deployments to discover that the skills they have honed in their military service can be difficult to transfer to jobs in the private sector. Others struggle with physical or mental wounds of war. Still others return to communities that lack safe, affordable housing.

Our veterans have made great sacrifices to serve our country, and it is especially important to honor our commitment to them. The Department of Veterans Affairs is certainly a part of that commitment, providing benefits, medical care, support, and a sense of community to homeless veterans. However, a number of other federal agencies provide service to veterans, including the Department of Housing and Urban Development, and this legislation builds on that existing infrastructure.

Many programs through HUD and the VA are already helping homeless veterans with transitional housing, health care and rehabilitation services, and employment assistance. However, a more comprehensive and coordinated approach would strengthen these programs and prevent more at-risk veterans from becoming homeless.

That is why I have joined with my colleagues Senators BOND, MURRAY, and JOHNSON to introduce this much-needed legislation. The Zero Tolerance for Veterans Homelessness Act seeks to merge housing programs and support services for veterans from the start so that there is an integrated approach to address their risk of homelessness.

First, this bill would create a new Homelessness Prevention program that would enable the VA to keep at-risk veterans in stable housing and offer increased assistance to veterans who have fallen into homelessness. Specifically, the VA could provide short-term rental assistance, housing relocation and stabilization services, services to resolve personal credit issues, pay-

ments for security deposits or utility costs, and assistance for moving costs. These up-front expenses can be the major obstacle that puts low-income or unemployed veterans at risk of becoming homeless. These homelessness prevention and rapid re-housing techniques have been successfully used in numerous communities to significantly reduce family homelessness, and this bill would give the VA resources to put these strategies into practice.

Second, this bill would authorize additional housing vouchers through the HUD-Veterans Affairs Supportive Housing, VASH, program. This collaborative program provides homeless veterans with vouchers to rent apartments in the private rental market, as well as case management and clinical services at local VA medical centers. In this way, veterans receive the supportive housing they need to recover and thrive.

The HUD-VASH program has grown in recent years. Twenty thousand vouchers were funded in the last two appropriations cycles, and 10,000 more will likely be funded in Fiscal Year 2010. However, more homeless veterans could benefit from this important resource. As such, the Zero Tolerance for Veterans Homelessness bill authorizes up to 10,000 additional vouchers each year to reach a maximum of 60,000 vouchers by 2013.

Third, this legislation would make it easier for non-profits to apply for capital grants through the VA's grants and per diem program to build transitional housing and other facilities for veterans. This would streamline the process for non-profit organizations to be able to use financing from other sources to break ground on new housing construction. This is particularly important in the current economy, when non-profits are stretched and have to be more creative than ever to fund new capital projects.

The Zero Tolerance for Veterans Homelessness Act would also create a Special Assistant for Veterans Affairs within HUD. The Special Assistant would ensure that veterans have access to HUD's existing programs and work to remove any barriers. The Special Assistant would also serve as a liaison between HUD and the VA, helping to connect and coordinate the services the two departments provide.

Additionally, this legislation recognizes the need to measure progress of efforts to combat homelessness. It establishes a new Homeless Veterans Management Information System, to be developed by the VA, in consultation with HUD and the United States Interagency Council on Homelessness. This data collection system will be used to provide annual reports to Congress on the number of homeless veterans and the types of assistance they receive. This information will help illustrate how programs are performing and inform future policy.

Finally, the bill would require the Secretary of Veterans Affairs, in consultation with other agencies, to analyze existing programs and develop a comprehensive plan with recommendations on how to end homelessness among veterans. Establishing a plan with appropriate benchmarks will enable the VA to more easily track progress towards this important goal.

This bipartisan bill also complements a bill that I am cosponsoring with Senator MURRAY to enable programs at the VA and the Department of Labor to better serve homeless women veterans and homeless veterans with children.

Only by working together, across the federal government and in partnership with non-profits and local housing authorities, will we be able to comprehensively help homeless veterans and reach those in danger of becoming homeless. We owe it to our veterans to ensure that they and their families have safe, affordable places to live and to provide the services and benefits they have earned. The nation's brave veterans deserve nothing less.

I hope my colleagues will join in supporting this important, bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Zero Tolerance for Veterans Homelessness Act of 2009".

SEC. 2. FINDINGS.

Congress finds that—

(1) veterans are at a greater risk of becoming homeless than other people in the United States, because of characteristics that include—

(A) having employment-related skills that are unique to military service and that can be difficult to transfer to the civilian sector;

(B) combat-related health issues;

(C) earning minimal income or being unemployed; and

(D) a shortage of safe, affordable housing;

(2) the Department of Veterans Affairs estimates that—

(A) 131,000 veterans are homeless on any given night;

(B) more than 200,000 veterans experience homelessness each year; and

(C) veterans account for nearly 1/3 of all homeless people in the United States;

(3) approximately 1,500,000 veterans, nearly 6.3 percent of the veterans in the United States, have an income that falls below the Federal poverty level, and approximately 634,000 veterans have an income below 50 percent of the Federal poverty level;

(4) the Department of Veterans Affairs is only adequately funded to respond to the health, housing, and supportive services needs of approximately 1/3 of the veterans in the United States; and

(5) it is expected that significant increases in services will be needed to serve the aging

veterans of the Vietnam war and members of the Armed Forces returning from Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 3. PROGRAM ON PREVENTION OF VETERAN HOMELESSNESS.

(a) PROGRAM ON PREVENTION OF VETERAN HOMELESSNESS.—

(1) IN GENERAL.—Subchapter VII of chapter 20 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2067. Prevention of veteran homelessness

"(a) PREVENTION OF VETERAN HOMELESSNESS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a program within the Veterans Benefits Administration to prevent veteran homelessness by—

"(1) identifying in a timely fashion any veteran who is homeless or at imminent risk of becoming homeless; and

"(2) providing assistance sufficient to ensure that each veteran identified under paragraph (1) does not become or remain homeless.

"(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a)(2) may include the following:

"(1) The provision of short-term or medium-term rental assistance.

"(2) Housing relocation and stabilization services, including housing search, mediation, and outreach to property owners.

"(3) Services to resolve personal credit issues that have led to negative credit reports.

"(4) Assistance with paying security or utility deposits and utility payments.

"(5) Assistance with covering costs associated with moving.

"(6) A referral to a program of another department or agency of the Federal Government.

"(7) Such other activities as the Secretary considers appropriate to prevent veterans homelessness.

"(c) NO DUPLICATION OF SERVICES.—The Secretary may provide assistance under subsection (a)(2) to a veteran receiving supportive services from an eligible entity receiving financial assistance under section 2044 of this title only to the extent that the assistance provided under subsection (a)(2) does not duplicate the supportive services provided to such veteran by such entity.

"(d) STAFFING.—The Secretary shall assign such employees at such locations as the Secretary considers necessary to carry out this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2010 through 2014."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

"2067. Prevention of veteran homelessness."

(b) RESPONSIBILITIES OF HOMELESS VETERANS PROGRAM COORDINATORS.—Section 2003(a) of such title is amended—

(1) in paragraph (3), by striking "The housing" and inserting "Any housing";

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph (7):

"(7) The program under section 2067 of this title."

(c) REPORT.—Not later than 180 days after the date of the establishment of the program required by section 2067 of title 38, United

States Code, as added by paragraph (1), the Secretary of Veterans Affairs shall submit to Congress a report on the operation of such program.

SEC. 4. ENHANCEMENT OF COMPREHENSIVE SERVICE PROGRAMS.

(a) ENHANCEMENT OF GRANTS.—Section 2011 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "Subject to the availability of appropriations provided for such purpose, the" and inserting "The";

(2) in subsection (b)(1)(A), by inserting "new construction," before "expansion"; and

(3) in subsection (c)—

(A) in the first sentence, by striking "A grant" and inserting "(1) A grant";

(B) in the second sentence of paragraph (1), as designated by subparagraph (A), by striking "The amount" and inserting the following:

"(2) The amount"; and

(C) by adding at the end the following new paragraph:

"(3)(A) The Secretary may not deny an application from an entity that seeks a grant under this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

"(B) In this paragraph, the term 'private nonprofit organization' means the following:

"(i) An incorporated private institution, organization, or foundation—

"(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraphs (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

"(II) for which no part of the net earnings of the institution or foundation inures to the benefit of any member, founder, or contributor of the institution or foundation; and

"(III) that the Secretary determines is financially responsible.

"(ii) A for-profit limited partnership or limited liability company, the sole general partner of which is an organization that is described by subclauses (I) through (III) of clause (i).

"(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i)."

(b) STUDY AND REPORT ON PER DIEM PAYMENTS.—

(1) STUDY AND DEVELOPMENT OF PAYMENT METHOD.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code; and

(B) develop an improved method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

(2) CONSIDERATION.—In developing the method required by paragraph (1)(B), the Secretary may consider payments and grants received by recipients of grants described in such paragraph from other departments and agencies of Federal and local governments and from private entities.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on—

(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

(B) the method developed under subparagraph (B) of such paragraph; and

(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2013 of such title is amended by striking “subchapter \$150,000,000” and all that follow through the period and inserting the following: “subchapter—

“(1) \$200,000,000 for fiscal year 2010; and

“(2) such sums as may be necessary for each of fiscal years 2011 through 2014.”.

SEC. 5. HUD VETERANS AFFAIRS SUPPORTIVE HOUSING VOUCHERS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended to read as follows:

“(19) RENTAL VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.—

“(A) RENTAL VOUCHERS.—The Secretary shall make available to public housing agencies described in subparagraph (C) the amounts described in subparagraph (B), to provide rental assistance through a supported housing program administered in conjunction with the Department of Veterans Affairs.

“(B) AMOUNT.—The amounts specified in this subparagraph are the amounts necessary to ensure that—

“(i) not more than 30,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2010;

“(ii) not more than 40,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2011;

“(iii) not more than 50,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2012; and

“(iv) not more than 60,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2013 and each fiscal year thereafter.

“(C) PUBLIC HOUSING AGENCIES.—A public housing agency described in this subparagraph is a public housing agency that—

“(i) has a partnership with a Department of Veterans Affairs medical center or an entity determined to be appropriate by the Secretary of Veterans Affairs;

“(ii) is located in an area that the Secretary of Veterans Affairs determines has a high concentration of veterans in need of assistance;

“(iii) has demonstrated expertise in providing housing for homeless individuals; and

“(iv) meets any other criteria that the Secretary, in consultation with the Secretary of Veterans Affairs may prescribe.

“(D) CASE MANAGEMENT.—The Secretary of Veterans Affairs shall ensure that the case managers described in section 2003(b) of title 38, United States Code, provide appropriate case management for each veteran who receives rental assistance under this paragraph that—

“(i) assists the veteran in—

“(I) locating available housing;

“(II) working with the appropriate public housing agency;

“(III) accessing benefits and health services provided by the Department of Veterans Affairs and other departments and agencies of the Federal Government;

“(IV) negotiating with landlords; and

“(V) other areas, as the Secretary determines is necessary to help the veteran maintain housing or avoid homelessness; and

“(ii) ensures that a veteran with a severe disability, including a veteran that has been

homeless for a substantial period of time, is referred to sufficient supportive services to provide the veteran with stable housing, including—

“(I) mental health services, including treatment and recovery support services;

“(II) substance abuse treatment and recovery support services, including counseling, treatment planning, recovery coaching, and relapse prevention;

“(III) integrated, coordinated treatment and recovery support services for co-occurring disorders;

“(IV) health education, including referrals for medical and dental care;

“(V) services designed to help individuals make progress toward self-sufficiency and recovery, including job training, assistance in seeking employment, benefits advocacy, money management, life-skills training, self-help programs, and engagement and motivational interventions;

“(VI) parental skills and family support; and

“(VII) other supportive services that promote an end to chronic homelessness.”.

SEC. 6. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN OFFICE OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

“(g) SPECIAL ASSISTANT FOR VETERANS AFFAIRS.—

“(1) ESTABLISHMENT.—There shall be in the Department a Special Assistant for Veterans Affairs, who shall be in the Office of the Secretary.

“(2) APPOINTMENT.—The Special Assistant for Veterans Affairs shall be appointed by the Secretary, based solely on merit and shall be covered under the provisions of title 5, United States Code, governing appointments in the competitive service.

“(3) RESPONSIBILITIES.—The Special Assistant for Veterans Affairs shall be responsible for—

“(A) ensuring that veterans have access to housing and homeless assistance under each program of the Department providing such assistance;

“(B) coordinating all programs and activities of the Department relating to veterans; and

“(C) carrying out such other duties as may be assigned to the Special Assistant by the Secretary or by law.”.

SEC. 7. HOMELESS VETERANS MANAGEMENT INFORMATION SYSTEM.

(a) IN GENERAL.—Subchapter VII of chapter 20 of title 38, United States Code, as amended by section 3(b), is further amended by adding at the end the following new section:

“§ 2068. Homeless Veterans Management Information System

“(a) METHOD FOR DATA COLLECTION AND AGGREGATION.—(1) Not later than one year after the date of the enactment of this section, the Secretary shall, in consultation with the Special Assistant for Veterans Affairs of the Department of Housing and Urban Development and the United States Interagency Council on Homelessness established under section 201 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311), establish a method for the collection and aggregation of data on homeless veterans participating in programs of the Department of Veterans Affairs and the Department of Housing and Urban Development, including the following:

“(A) The age, race, sex, disability status, marital status of the veteran, income, em-

ployment history, and whether the veteran is a parent.

“(B) If the veteran received housing assistance, the number of days that the veteran resided in such housing, and the type of housing in which the veteran resided.

“(C) If the veteran is no longer participating in a program, the reason the veteran left the program.

“(2) The method required by paragraph (1) shall be established in a manner that ensures that each veteran is counted only once.

“(b) ANNUAL DATA COLLECTION AND AGGREGATION.—Not later than one year after the method is established under subsection (a), and annually thereafter, the Secretary shall collect and aggregate data using the method established under subsection (a).

“(c) ANNUAL REPORTS.—Not later than two years after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report on the data collected and aggregated under subsection (b).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$10,000,000 for fiscal year 2010; and

“(2) such sums as may be necessary for fiscal years 2011 through 2014.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

“2068. Homeless Veterans Management Information System.”.

SEC. 8. PLAN TO END VETERAN HOMELESSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a comprehensive plan to end homelessness among veterans that includes—

(1) an analysis of programs of the Department of Veterans Affairs and other departments and agencies of the Federal Government that are designed to prevent homelessness among veterans and assist veterans who are homeless;

(2) an evaluation of whether and how partnerships between the programs described in paragraph (1) would contribute to ending homelessness among veterans;

(3) recommendations for improving the programs described in paragraph (1), creating partnerships between such programs, or eliminating programs that are no longer effective;

(4) recommendations for new programs to prevent and end homelessness among veterans, including an estimation of the cost of such programs;

(5) a timeline for implementing the plan; and

(6) such other information as the Secretary determines necessary.

(b) CONSIDERATION OF VETERANS LOCATED IN RURAL AREAS.—The analysis, evaluation, and recommendations included in the report required by subsection (a) shall include consideration of the circumstances and requirements that are unique to veterans located in rural areas.

By Mr. SPECTER (for himself,
Mr. REED, and Mr. KAUFMAN):

S. 1551. A bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President. I have sought recognition to urge support for

the legislation I just introduced, the Liability for Aiding and Abetting Securities Violations Act of 2009. My legislation would overturn two errant decisions of the Supreme Court—*Central Bank of Denver v. First Interstate Bank of Denver*, 511 U.S. 164, 1994, and *Stoneridge Investment Partners, LLC v. Scientific-Atlanta, Inc.*, 522 U.S. 148, 2008, by amending the Securities Exchange Act of 1934 to authorize a private right of action for aiding-and-abetting liability.

The Act's main anti-fraud provision, §10(b), makes it "unlawful for any person, directly or indirectly," to commit acts of fraud "in connection with the purchase or sale of any security." Nearly fifty years ago the Court implied a private right of action under §10(b). The result was that investors could recover financial losses caused by violations of 10(b) and the companion regulation issued by the SEC commonly known as "Rule 10b-5."

Until *Central Bank*, every circuit of the Federal Court of Appeals had concluded that §10(b)'s private right of action allowed recovery not only against the person who directly undertook a fraudulent act—the so-called primary violator—but also anyone who aided and abetted him. A five-Justice majority in *Central Bank*, intent on narrowing §10(b)'s scope, held that its private right of action extended only to primary violators.

When Congress debated the legislation that became the Private Securities Litigation Reform Act of 1995, PSLRA, then-SEC chairman Arthur Levitt and others urged Congress to overturn *Central Bank*. Congress declined to do so. The PSLRA authorized only the Securities and Exchange Commission, SEC, to bring aiding-and-abetting enforcement litigation.

It is time for us to revisit that judgment. The massive frauds involving Enron, Refco, Tyco, Worldcom, and countless other lesser-known companies during the last decade have taught us that a stock issuer's auditors, bankers, business affiliates, and lawyers—sometimes called "secondary actors"—all too often actively participate in and enable the issuer's fraud. Federal Judge Gerald Lynch recently observed in a decision calling on Congress to re-examine *Central Bank* that secondary actors are sometimes "deeply and indispensably implicated in wrongful conduct." In re *Refco, Inc. Sec. Litig.*, 609 F. Supp. 2d 304, 318 n.15, S.D.N.Y. 2009. Professor John Coffee of Columbia Law School, a renowned expert on the regulation of the securities markets, has even laid much of the blame for the major corporate frauds of this decade on the "acquiescence" of the "outside professionals"—especially accountants, securities analysts, and corporate lawyers—responsible for "preparing, verifying, or certifying corporate disclosures to the securities markets."

Coffee, "Gatekeeper Failure and Reform: The Challenge of Fashioning Relevant Reforms," 84 *Boston University Law Review* 301, 304, 2004.

The immunity from suit that *Central Bank* confers on secondary actors has removed much-needed incentives for them to avoid complicity in and even help prevent securities fraud, and all too often left the victims of fraud uncompensated for their losses. Enforcement actions by the SEC have proved to be no substitute for suits by private plaintiffs. The SEC's litigating resources are too limited for the SEC to bring suit except in a small number of cases, and even when the SEC does bring suit, it cannot recover damages for the victims of fraud.

Last year's decision in *Stoneridge* made matters still worse for defrauded investors. *Central Bank* had at least held open the possibility that secondary actors who themselves undertake fraudulent activities prescribed by §10(b) could be "held liable as . . . primary violator[s]." *Stoneridge* has largely foreclosed that possibility. A divided Court held that §10(b)'s private right of action did not "reach" two vendors of a cable company that entered into sham transactions with the company knowing that it would publicly report the transactions in order to inflate its stock price. The Court conceded that the suppliers engaged in fraudulent conduct prescribed by §10(b), but held that they were not liable in a private action because only the issuer, not they, communicated the transaction to the public. That remarkable conclusion put the Court at odds with even the Republican Chairman of the SEC.

My legislative response would take the limited, but important, step amending of the Exchange Act to authorize a private right of action under §10(b) (and other, less commonly invoked, provisions of the Act) against a secondary actor who provides "substantial assistance" to a person who violates §10(b). Any suit brought under my proposed amendment would, of course, be subject to the heightened pleading standards, discovery-stay procedures, and other defendant-protective features of the PSLRA.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. BYRD, and Mr. ENSIGN):

S. 1552. A bill to reauthorize the DC opportunity scholarship program, and for other purposes; read the first time.

Mr. LIEBERMAN. Mr. President, I rise along with my colleagues, Senators COLLINS, FEINSTEIN, VOINOVICH, BYRD and ENSIGN to introduce the Scholarships for Opportunity and Results Act, SOAR, which seeks to reauthorize the DC Opportunity Scholarship Program, OSP, also known as the DC voucher program. This important

initiative offers scholarships to low-income students, especially those from failing schools, to attend better private schools. In doing so, the program gives parents of economically disadvantaged children a choice that's available to the more affluent, including many of us in Congress and in the White House. This program offers DC students a choice that has improved the quality of their education and lives; it is a program that works. I urge my colleagues in the Senate to support the reauthorization of this important program.

Since 2003, Congress has supported a tri-sector approach to improving education in the District of Columbia. This has included funding the DC Opportunity Scholarship Program, which provides low income students in the District with scholarships of up to \$7,500 to attend private schools, as well as new funding for ongoing efforts to reform and improve public schools and public charter schools in the District.

Critics of this program argue that it takes away funds from public schools. This is simply not the case. I remind my colleagues that we intentionally designed the scholarship program to ensure that any funding for opportunity scholarships would not reduce funding for public schools. We provided additional new money for the DC Public Schools and for DC Public Charter Schools. We have not changed the three part-funding design of the initiative. The tri-partite funding is central to the compromise approach that originally brought Democrats and Republicans together in support of the Opportunity Scholarship Program. This bill preserves that important requirement. It is our intent that any funding for DC Opportunity Scholarships will result in continued additional new money in support of public charter and public schools.

This funding mechanism is an important point as it reflects the goal of the Opportunity Scholarship Program: to be supportive of the reforms that are helping to improve education in the District of Columbia. There is absolutely no intention to undermine the public schools—quite to the contrary. But as Ronald Holassie, one of the students receiving a scholarship, told us at a recent hearing on the program before the Homeland Security and Governmental Affairs Committee: "public schools in the District did not go bad over night and they won't get better over night." That's the point: despite having amongst the highest per pupil expenditure for public school districts in the country, the public school students in the District score at the bottom on national tests. Ronald and others cannot wait for reforms to take effect in the worst of DC's public schools. They deserve a good education today and the Opportunity Scholarships respond to that need.

Much progress has been made in improving DC schools over the years but

even school Chancellor Michelle Rhee admits that much remains to be done. According to the Washington Post, Chancellor Rhee was asked recently to give herself a grade for her efforts. She said she would give herself a failing grade as long as any children were in schools that were not providing a quality education. That's a modest answer that obscures the progress she has made. DC test scores are up in the most recent study of academic performance. Undoubtedly, we will see additional improvements in the years to come. Chancellor Rhee will continue to have my full support and I am confident that Ms. Rhee will soon be able to claim the "A" grade that I believe she already deserves. In the new bill, we have made the connection between the scholarship program and the ongoing reform effort more explicit. Our bill acknowledges an intent to reexamine the program when DC public school students are testing at the national average in reading and math.

The bill also responds to early criticisms of the Opportunity Scholarships with some important changes. It requires all participating schools to have a valid certificate of occupancy and to ensure that teachers in core subjects have an appropriate college degree. It continues to target students from lower income families who are attending those DC schools most in need of improvement but it increases the tuition amounts slightly to levels consistent with the tuition charged at a typical participating school, and adds an inflation adjustment. The new amounts are still well below the per pupil cost of educating a child in the DC public schools. While we have kept the income ceiling for entry into the program unchanged, we have increased slightly the income ceiling for those already participating in the program to ensure that parents are not forced to choose between a modest raise in their income and the scholarship, or marriage and the scholarship.

It is very important to recognize that the Opportunity Scholarship schools are producing impressive results. Opportunity Scholarship students attending private schools showed a five month advantage in reading levels compared to students attending public schools who applied but did not receive the scholarship, in the most recent study of the program conducted by the Department of Education's Institute of Education Sciences. The study showed significantly higher levels of parental satisfaction with regards to safety and the quality of the school for those in the program. The study has not yet even looked at the effect of the program on graduation rates and attrition though studies of other voucher programs indicate this impact could very well be significant. We will see those results in next year's study.

It is also imperative to put the results of the program in context. Rarely

are there statistically significant results with any educational innovations, particularly those targeted at low income students. Of the eleven recent educational innovations studied under the auspices of the Department of Education using the same rigorous testing designs, only three showed any statistically significant achievement results. The Opportunity Scholarship was one of the three. Dr. Patrick Wolf, an education specialist and the lead researcher in the IES study, testified at a recent hearing on the scholarship program that in his professional opinion the results were exceptional and warranted continued study of the program. According to Dr. Wolf, "by demonstrating statistically significant impacts overall in reading based on an experimental evaluation, the DC OSP has met a tough standard for efficacy in serving low-income inner-city students."

Academic programs should be evaluated in terms of their impact on students' progress and achievement. In his speech before the Hispanic Chamber of Commerce earlier this year, President Obama laid down that marker as a guideline for considering which education programs should be funded. On that basis, it is clear that we should continue to fund the DC Opportunity Scholarship Program—a program that has been good for students, good for parents and even good for public and charter schools in the District. Let us do the right thing for kids in DC and reauthorize the DC Opportunity Scholarship Program.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator LIEBERMAN and my Senate colleagues in introducing legislation to reauthorize the District of Columbia's pilot scholarship program for 5 more years.

This important program currently provides scholarships to 1,700 low-income children who attend 49 private schools in the District. The scholarships of up to \$7,500 help these students pay for tuition and transportation expenses to school.

However, if the program is not extended soon, children will not be able to continue their education at the schools of their choice.

This legislation would:

Extend the life of the District of Columbia's pilot scholarship program for five more years.

Increase the program's funding to \$20 million for fiscal year 2010 and as may be necessary the following four years to allow new students to participate in the program and provide a higher scholarship.

Increase the scholarship amount to \$9,000 for children in kindergarten through 8th grade, and \$11,000 for youngsters in high school—this amount is still lower than the \$15,500 cost of educating a public school student in the District and will help low-

income families afford the high cost of private school tuition.

Protect low-income families whose children are already in the program from "earning out" of it by setting the maximum income level for them at 300 percent of the Federal poverty level, about \$63,000 for a family of four.

However, it maintains the current income eligibility requirement for students to enter the program of 185 percent of poverty, \$41,000 for a family of four.

It would improve evaluation by assessing students' college admission rates, school safety, and the reasons why parents choose to participate in program to better learn about its impact on children's lives and their families.

It would give priority for awarding scholarships also to students whose household includes a sibling or other child already participating in the program.

When students entered the program 5 years ago, they were performing in the bottom third on reading and math tests.

Students are now improving academically—despite the many challenges that these children face outside the classroom living in some of the District's toughest neighborhoods.

The most recent evaluation from this past April by the Education Department's Institute of Education Sciences found that although math test scores have not increased so far, there are significant gains being made in reading test scores.

Specifically, pilot program students scored 4.5 points higher in reading on the SAT-9 national standardized test with a total score of 635.4 when compared to the District's public school students' score of 630.9.

This means students are making gains in reading test scores by the equivalent of 3 months of additional schooling, and moved to the 35th percentile on the SAT-9 from the 33rd percentile where they were before entering the program.

These youngsters still have much more catching up to do, but they are improving and this is important.

I believe the results of the more comprehensive evaluation of student performance that will be released next spring are critical.

Next year's evaluation will also include important data on the program's impact on students' college enrollment and how the District's public schools are changing in response to the pilot program.

I would like to share two examples of how the program has helped to change the lives of the District's most disadvantaged youngsters and give them a chance to succeed.

Shirley-Ann Tomdio is the 8th grade Valedictorian at Sacred Heart Middle School, located in the District's neighborhood of Columbia Heights.

The scholarship allowed Shirley-Ann to attend Sacred Heart School for the past four years since 5th grade.

She will be attending Georgetown Visitation in September for high school.

She wants to go to college and become a surgeon.

Shirley-Ann said at her 8th grade graduation speech this past June:

The D.C. OSP [Opportunity Scholarship Program] is important to me because without it I wouldn't be able to receive the best education possible. It should continue so that my brother, sister, and other students get the same chance. Every child should get the chance to go to a good school.

Oscar Machado is a graduate of Archbishop Carroll High School where he was on Honor Roll.

Oscar is attending Mount Saint Mary's University in Maryland in the fall and plans to major in biology. He received three college scholarships that will cover nearly all of this tuition.

He was in the pilot program for 4 years.

At Archbishop Carroll High, he was President of the Robotics Team where he used pre-engineering skills to build robots, and also played the saxophone in the school band.

When speaking of his experience as a D.C. Opportunity Scholarship recipient Oscar said:

The scholarship was great. It gave me the opportunity to attend a school I otherwise couldn't have attended.

Oscar hopes that the same opportunity should be available to other students.

We should listen to students like Oscar and Shirley-Ann, and continue to provide this important program to the District's neediest children.

I look forward to working with my Senate colleagues to pass this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 231—EXPRESSING THE SENSE OF THE SENATE THAT ANY HEALTH CARE REFORM PROPOSAL SHOULD SLOW THE LONG-TERM GROWTH OF HEALTH COSTS AND REDUCE THE GROWTH RATE OF FEDERAL HEALTH CARE SPENDING

Mr. BENNETT (for himself, Mr. WYDEN, Mr. WICKER, Mr. JOHANNES, Mr. COBURN, and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 231

Whereas health care spending has risen close to 2.4 percentage points faster than gross domestic product (GDP) since 1970; and

Whereas the Centers for Medicare & Medicaid Services projects health care spending to be 17.6 percent of GDP in 2009 and 20.4 percent of GDP by 2018: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) any health care reform proposal should reduce total spending on health care in the United States during the next decade to below current projections by the Centers for Medicare & Medicaid Services; and

(2) any health care reform proposal should reduce the growth rate of Federal health care spending.

Mr. President, today I am submitting a resolution on the future of health care spending. It is both simple and straightforward. It states that health care reform shouldn't cost the Federal Government more money. As health care proposals have received their scores from the Congressional Budget Office, we have seen figures ranging from \$597 billion to over \$1 trillion. In fact, when asked point blank in a Senate Budget Committee hearing if the current reform proposals would help bend the cost-curve of health care spending in this country, CBO Director Elmendorf replied that it would worsen an already bleak budget outlook, increase deficit projections and drive the nation further into debt. It would raise, instead of lower, the cost-curve of health care spending and, simply iterated, this nation cannot afford it.

Already this year Congress has spent \$787 billion on a stimulus package with diminutive effects, passed an omnibus appropriations package and an emergency supplemental appropriations with a price tag of \$105.9 billion. We cannot continue to spend as if there is an endless supply of resources and as if this spending doesn't affect American families.

I am an advocate for health reform. I have cosponsored the Healthy Americans Act with Senator WYDEN because we need to reform our country's health care system. However, I believe we need to do it in a way that does not significantly increase the federal responsibility for health care costs.

This resolution expresses the Sense of the Senate that health care reform proposals should reduce total spending on health care in the United States during the next decade to levels below current projections by the Centers for Medicare & Medicaid Services and reduce the growth rate of Federal health care spending. Not only is this feasible, but it should be our goal. Health care reform at the expense of our economy is not reform we should support.

SENATE RESOLUTION 232—CELEBRATING THE 100TH ANNIVERSARY OF THE TILLAMOOK COUNTY CREAMERY ASSOCIATION

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 232

Whereas the Tillamook County Creamery Association is celebrating its 100th anniversary as a world-famous, farmer-owned coop-

erative dedicated to producing the highest quality cheeses and other products from local dairies;

Whereas the members of the Tillamook County Creamery Association are great supporters of the local and State dairy industries and are committed stewards of the environment;

Whereas the Tillamook County Creamery Association has won hundreds of awards, including 6 awards at the 2009 Oregon Dairy Industries products contest and 6 awards at the 2008 National Milk Producers Federation annual cheese contest;

Whereas for the third year in a row, the Tillamook County Creamery Association was recognized by the Portland Business Journal as one of Oregon's "Most Admired Companies";

Whereas the Tillamook County Creamery Association has earned a reputation as one of the Nation's premier makers of cheese; and

Whereas for these reasons, the Tillamook County Creamery Association, known throughout the world for its Tillamook cheddar cheese, is an Oregon icon: Now, therefore, be it

Resolved, That the Senate supports the 100th anniversary celebration of the Tillamook County Creamery Association.

SENATE RESOLUTION 233—COMMENDING RUSS MEYER ON HIS INDUCTION INTO THE NATIONAL AVIATION HALL OF FAME

Mr. BROWNBACK submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 233

Whereas the leadership of Russ Meyer, former chairman and chief executive officer of Cessna Aircraft Company and a leading proponent of general aviation, has had a dramatic impact on the continued growth of the aviation industry in Kansas and throughout the United States;

Whereas Russ Meyer was one of the principal architects of the General Aviation Revitalization Act of 1994 (Public Law 103-298; 108 Stat. 1552);

Whereas Russ Meyer was instrumental in the development of the "Be A Pilot Program", which has resulted in tens of thousands of new pilots and contributed more than \$200,000,000 to the United States economy through general aviation operations;

Whereas Russ Meyer was the originator of the Citation Special Olympics Airlift, in which hundreds of owners of Citation aircrafts transport athletes from around the country to the Special Olympics National Games; and

Whereas Russ Meyer will join fellow residents of Kansas Olive Beech and Walter Beech, Lloyd Stearman, Clyde Cessna, Amelia Earhart, and Joe Engle in the National Aviation Hall of Fame: Now, therefore, be it

Resolved, That the Senate—

(1) commends Russ Meyer for being inducted into the National Aviation Hall of Fame;

(2) recognizes the achievements of Russ Meyer during his lifetime of service to the aviation industry; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Russ Meyer.

SA 1999. Mr. McCain submitted an amendment intended to be proposed to amendment

SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2204. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2205. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2206. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2207. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2208. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2209. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2210. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2211. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2212. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2213. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2214. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2215. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2216. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2217. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2218. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2219. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2220. Mr. MCCAIN submitted an amendment intended to be proposed to amendment

SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2221. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2222. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.; which was ordered to lie on the table.

SA 2223. Mr. SESSIONS proposed an amendment to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes.

SA 2224. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2225. Mrs. MURRAY (for herself and Mr. BAUCUS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2226. Mr. NELSON, of Florida (for himself, Mr. REID, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2227. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2228. Mr. NELSON, of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.; which was ordered to lie on the table.

SA 2229. Mr. BROWNBAC submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2230. Mr. KOHL (for Mr. TESTER (for himself, Mr. ENZI, and Mrs. McCASKILL)) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2231. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2232. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1908. Mr. KOHL (for himself and Mr. BROWNBAC) submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$5,285,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, \$1,000,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$13,032,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$15,219,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$9,436,000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, \$1,859,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$63,579,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$6,566,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$895,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$23,422,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$806,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$274,482,000, to remain available until expended, of which \$168,901,000 shall be available for payments to the General Services Administration for rent; of which \$13,500,000 for payment to the Department of Homeland Security for building security activities; and of which \$92,081,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$5,125,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$41,319,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: *Provided further*, That of the amount appropriated, \$13,000,000 is for stabilization and developmental activities to be carried out under the authority provided by title XIV of the Food and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and other applicable laws.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,968,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by

this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, \$9,722,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, \$88,025,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$43,551,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, \$895,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$82,078,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$161,830,000, of which up to \$37,908,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,181,632,000, of which \$35,512,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for greenhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: *Provided further*, That the limitations on alterations con-

tained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$47,027,000, of which \$47,027,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act, to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$757,821,000, of which \$61,406,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-i), \$215,000,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), \$30,000,000; for payments to eligible institutions (7 U.S.C. 3222), \$49,000,000, provided that each institution receives no less than \$1,000,000; for special grants (7 U.S.C. 450i(c)), \$50,456,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), \$16,423,000; for competitive grants (7 U.S.C. 450i(b)), \$295,181,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), \$1,000,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$850,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103-382 (7 U.S.C. 301 note), \$2,000,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), \$5,000,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$981,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$7,737,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the

States of Alaska and Hawaii, \$3,200,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), \$983,000; for aquaculture grants (7 U.S.C. 3322), \$3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$14,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$16,500,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$800,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), \$750,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), \$2,000,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), \$1,500,000; and for necessary expenses of Research and Education Activities, \$25,111,000, of which \$2,704,000 for the Research, Education, and Economics Information System and \$2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$491,292,000, of which \$7,898,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act, as follows: payments for cooperative extension work under the Smith-Lever Act to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$300,000,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$4,000,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$68,139,000; payments for the pest management program under section 3(d) of the Act, \$10,085,000; payments for the farm safety program under section 3(d) of the Act, \$4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, \$2,000,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$18,540,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$8,427,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$493,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,128,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, \$3,090,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,705,000; payments for rural health and safety education as authorized by section

502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), \$41,354,000, provided that each institution receives no less than \$1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, \$1,767,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, \$1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, \$500,000; and for necessary expenses of Extension Activities, \$16,463,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$56,864,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$41,990,000, including \$12,649,000 for the water quality program, \$14,596,000 for the food safety program, \$4,096,000 for the regional pest management centers program, \$4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, \$1,365,000 for the crops affected by Food Quality Protection Act implementation, \$3,054,000 for the methyl bromide transition program, and \$1,842,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89-106, as amended, \$732,000, to remain available until September 30, 2011, for the critical issues program; \$1,312,000 for the regional rural development centers program; and \$9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2011.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$895,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$911,394,000, of which \$18,059,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act, of which \$2,058,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$23,390,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$14,607,000 shall be for a National Animal Identification program; of which \$60,243,000 shall be used to prevent and control avian influenza and shall remain available until expended: *Provided*, That funds provided for the contingency fund to meet emergency conditions, information

technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the plum pox program, the National Veterinary Stockpile, the National Animal Identification System, up to \$1,500,000 in the scrapie program for indemnities, up to \$1,000,000 for wildlife services methods development, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2010, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$90,848,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$64,583,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than \$20,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, \$41,564,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$813,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,018,520,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than

150 full-time equivalent positions shall be employed during fiscal year 2010 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That of the amount available under this heading, \$3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, \$895,000.

FARM SERVICE AGENCY
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,253,777,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$4,369,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out well-head or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb-2), \$5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), direct and guaranteed conservation loans (7 U.S.C. 1924 et seq.) and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,892,990,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans and \$392,990,000 shall be for direct loans; operating loans, \$1,994,467,000, of

which \$1,150,000,000 shall be for unsubsidized guaranteed loans, \$144,467,000 shall be for subsidized guaranteed loans and \$700,000,000 shall be for direct loans; Indian tribe land acquisition loans, \$2,000,000; conservation loans, \$150,000,000, of which \$75,000,000 shall be for guaranteed loans and \$75,000,000 shall be for direct loans; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$21,584,000, of which \$5,550,000 shall be for unsubsidized guaranteed loans, and \$16,034,000 shall be for direct loans; operating loans, \$80,402,000, of which \$26,910,000 shall be for unsubsidized guaranteed loans, \$20,312,000 shall be for subsidized guaranteed loans, and \$33,180,000 shall be for direct loans; conservation loans, \$1,343,000, of which \$278,000 shall be for guaranteed loans, and \$1,065,000 shall be for direct loans; and Indian highly fractionated land loans, \$793,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$321,093,000, of which \$313,173,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating, and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, \$79,425,000: *Provided*, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND
REIMBURSEMENT FOR NET REALIZED LOSSES
(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11

of the Commodity Credit Corporation Charter Act (15 U.S.C. 7141) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT (LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$895,000.

NATURAL RESOURCES CONSERVATION SERVICE CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$949,577,000, to remain available until September 30, 2011, of which up to \$50,730,000 may be used in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-590f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), and of which \$21,511,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That the Secretary is authorized to transfer ownership of all land, buildings, and related improvements of the Natural Resources Conservation Service facilities located in Medicine Bow, Wyoming, to the Medicine Bow Conservation District: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$24,394,000, to remain available until expended, of which \$16,750,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act: *Provided*, That not to exceed \$15,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$40,161,000, to remain available until expended.

TITLE III RURAL DEVELOPMENT PROGRAMS OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$895,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$207,237,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$13,226,501,000 for loans to section 502 borrowers, of which \$1,226,501,000 shall be for direct loans, and of which \$12,000,000,000 shall be for unsubsidized guaranteed loans; \$34,412,000 for section 504 housing repair loans; \$69,512,000 for section 515 rental housing; \$129,090,000 for section 538 guaranteed multi-family housing loans; \$5,045,000 for section 524 site loans; \$11,448,000 for credit sales of acquired property, of which up to \$1,448,000 may be for multi-family credit sales; and

\$4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$217,322,000, of which \$44,522,000 shall be for direct loans, and of which \$172,800,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$4,422,000; repair, rehabilitation, and new construction of section 515 rental housing, \$18,935,000; section 538 multi-family housing guaranteed loans, \$1,485,000; and credit sales of acquired property, \$556,000: *Provided*, That section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109-97 and Public Law 110-5 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$468,593,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$980,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to \$5,958,000 may be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than \$2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than \$3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2010 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That

such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$39,651,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$18,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, \$1,791,000 shall be available for the cost of loans to private nonprofit organizations, or such nonprofit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, \$19,860,000 shall be available for a demonstration program for the preservation and revitalization of the section 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or re-amortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*,

That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That the Secretary may use any unobligated funds appropriated for the rural housing voucher program in a prior fiscal year to support information technology activities of the Rural Housing Service to the extent the Secretary determines that additional funds are not needed for this fiscal year to provide vouchers described in this paragraph: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior notification of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$38,727,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$41,500,000, to remain available until expended: *Provided*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108-447 and Public Law 109-97 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$16,968,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$54,993,000, to remain available until expended: *Provided*, That \$6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to

carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That \$13,902,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That \$3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE RURAL BUSINESS PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, \$97,116,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$33,536,000.

For the cost of direct loans, \$8,464,000, as authorized by the Rural Development Loan

Fund (42 U.S.C. 9812(a)), of which \$1,035,000 shall be available through June 30, 2010, for Federally Recognized Native American Tribes and of which \$2,070,000 shall be available through June 30, 2010, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, \$4,941,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$43,000,000 shall not be obligated and \$43,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)), \$38,854,000, of which \$300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which \$2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$3,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which \$21,867,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL MICROENTERPRISE INVESTMENT PROGRAM ACCOUNT

For the cost of loans and grants, \$22,000,000 as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.): *Provided*, That such costs of loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$68,130,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

BIOREFINERY ASSISTANCE PROGRAM ACCOUNT

For the cost of guaranteed loans, \$17,339,000, as authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$568,730,000, to remain available until expended, of which not to exceed \$497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That \$70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally-recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): *Provided further*, That such loans and grants shall not be subject to any matching requirements: *Provided further*, That not to exceed \$19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$5,600,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed \$14,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That \$17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$6,500,000,000; guaranteed underwriting loans pursuant to section 313A, \$500,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$295,000,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$39,959,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$531,699,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$37,755,000, to remain available until expended: *Provided*, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That \$4,965,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$38,495,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$13,406,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, \$813,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$16,799,584,000, to remain available through September 30, 2011, of which \$10,051,707,000 is hereby appropriated and \$6,747,877,000 shall be derived by transfer

from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That of the total amount available, \$5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), and may be awarded notwithstanding the limitations imposed by sections 4405(b)(1)(A) and 4405(c)(1)(A).

**SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
FOR WOMEN, INFANTS, AND CHILDREN (WIC)**

For necessary expenses to carry out the WIC Program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$7,552,000,000, to remain available through September 30, 2011: *Provided*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act; *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

**SUPPLEMENTAL NUTRITION ASSISTANCE
PROGRAM**

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$61,351,846,000, of which \$3,000,000,000, to remain available through September 30, 2011, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$233,388,000, to remain available through September 30, 2011: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2010 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2011: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use

up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$147,801,000.

TITLE V

**FOREIGN ASSISTANCE AND RELATED
PROGRAMS**

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$180,367,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

**FOOD FOR PEACE TITLE I DIRECT CREDIT AND
FOOD FOR PROGRESS PROGRAM ACCOUNT**

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83-480 and the Food for Progress Act of 1985, \$2,812,000, shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses": *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83-480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,690,000,000, to remain available until expended.

**COMMODITY CREDIT CORPORATION EXPORT
LOANS PROGRAM ACCOUNT**

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,465,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$355,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses".

**MCGOVERN-DOLE INTERNATIONAL FOOD FOR
EDUCATION AND CHILD NUTRITION PROGRAM
GRANTS**

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$199,500,000, to remain available until expended: *Provided*, That of this amount, the Secretary shall use up to \$10,000,000 to conduct pilot projects to field test new and improved micronutrient fortified food products designed to meet energy and nutrient needs of program participants: *Provided further*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

**RELATED AGENCY AND FOOD AND DRUG
ADMINISTRATION**

**DEPARTMENT OF HEALTH AND HUMAN
SERVICES**

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$2,995,218,000: *Provided*, That of the amount provided under this heading, \$578,162,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2011 but collected in fiscal year 2010; \$57,014,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$17,280,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and \$5,106,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, and animal generic drug assessments for fiscal year 2010 received during fiscal year 2010, including any such fees assessed prior to fiscal year 2010 but credited for fiscal year 2010, shall be subject to the fiscal year 2010 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$782,915,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$873,104,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$51,545,000 shall be available for the Office of Generic Drugs; (3) \$305,249,000 shall be for the Center for Biologics Evaluation and Research and for related field activities

in the Office of Regulatory Affairs; (4) \$155,540,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$349,262,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$58,745,000 shall be for the National Center for Toxicological Research; (7) not to exceed \$115,882,000 shall be for Rent and Related activities, of which \$41,496,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) not to exceed \$168,728,000 shall be for payments to the General Services Administration for rent; and (9) \$185,793,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior notification of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$12,433,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$54,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSION)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Section 10101 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, (Public Law 110-329) is amended in subsection (b) by inserting at the end the following: "In carrying out this section, the Secretary may transfer funds into existing or new accounts as determined by the Secretary."

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary

benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior notification of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior notification of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties: *Provided*, That this does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings

and panels used to evaluate competitively awarded grants.

SEC. 708. Hereafter, none of the funds appropriated by this Act or any other Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer unless prior notification has been transmitted to the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities; or
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for

activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2011 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided*, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. There is hereby appropriated \$499,000 for any authorized Rural Development program purpose, in communities suffering from extreme outmigration and situated in areas that were designated as part of an Empowerment Zone pursuant to section 111 of the Community Renewal Tax Relief Act of 2000 (as contained in appendix G of Public Law 106-554).

SEC. 717. None of the funds made available in fiscal year 2010 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reim-

burse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 718. There is hereby appropriated \$3,497,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 719. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 720. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) An Environmental Quality Incentives Program as authorized by sections 1241-240H of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa-3839aa(8)), in excess of \$1,180,000,000.

(2) a program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

(3) a program under subsection (b)(2)(A)(ii) of section 14222 of Public Law 110-246 in excess of \$1,123,000,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(C) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 in excess of \$25,000,000 until October 1, 2010: *Provided further*, That the unobligated balances under section 32 of the Act of August 24, 1935, \$52,000,000 are hereby rescinded.

SEC. 721. Hereafter, notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 722. There is hereby appropriated \$2,600,000, to remain available until expended, for the planning and design of construction of an agricultural pest facility in the State of Hawaii.

SEC. 723. There is hereby appropriated \$4,000,000 to the Secretary of Agriculture to award grant(s) to develop and field test new food products designed to improve the nutritional delivery of humanitarian food assistance provided through the McGovern-Dole (section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1)) and the Food for Peace title II (7 U.S.C. 1691 et seq.) programs: *Provided*, That the Secretary shall use the authorities provided under the Research, Education, and Economics mission area of the Department in awarding such grant(s), with priority given to proposals that demonstrate partnering with and in-kind support from the private sector.

SEC. 724. The Rural Utilities Service, Rural Housing Service, and Rural Business and Cooperative Service shall permit an applicant to solicit and procure professional services and have prepared all environmental reviews, assessments, and impact statements: *Provided*, That such professional services will be funded by the applicants and selected by

the agencies from procurement schedules of contractors determined qualified to perform said services: *Provided further*, That the Agencies shall establish the scope of work and procedures for such services as well as procedures to assure contractors have no financial or other conflicts of interest in the outcome of the action and the documentation meets the needs of the Agencies: *Provided further*, That nothing herein shall affect the responsibility of the Agencies to comply with the National Environmental Policy Act.

SEC. 725. Notwithstanding any other provision of law, and until receipt of the decennial Census for the year 2010, the Secretary of Agriculture shall consider—

(1) The unincorporated community of Los Osos, in the County of San Luis Obispo, California, to be a rural area for the purposes of eligibility for Rural Utilities Service water and waste disposal loans and grants; and

(2) The unincorporated community of Thermalito in Butte County, California, (including individuals and entities with projects within the community) eligible for loans and grants funded under the housing programs of the Rural Housing Service.

SEC. 726. There is hereby appropriated \$3,000,000 for section 4404 of Public Law 107-171.

SEC. 727. Notwithstanding any other provision of law, there is hereby appropriated:

(1) \$3,000,000 of which \$2,000,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and \$1,000,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note); and

(2) \$350,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection.

SEC. 728. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) through the Watershed and Flood Prevention Operations program for the Pocasset River Floodplain Management Project in the State of Rhode Island;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(3) through the Watershed and Flood Prevention Operations program to carry out the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

(4) through the Watershed and Flood Prevention Operations program to carry out the DuPage County Watershed project in the State of Illinois;

(5) through the Watershed and Flood Prevention Operations program to carry out the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;

(6) through the Watershed and Flood Prevention Operations program to carry out the Dry Creek Watershed project in the State of California; and

(7) through the Watershed and Flood Prevention Operations program to carry out the Upper Clark Fork Watershed project in the State of Montana.

SEC. 729. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking “ten” and inserting “eleven”;

(2) by striking “eight” and inserting “nine”; and
 (3) by inserting “Wisconsin,” after the first instance of “States shall be”.

SEC. 730. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 731. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2011, for information technology expenses.

SEC. 732. (a) CHILD NUTRITION PROGRAMS.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

“(14) COMBAT PAY.—

“(A) DEFINITION OF COMBAT PAY.—In this paragraph, the term ‘combat pay’ means any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

“(i) is the result of deployment to or service in a combat zone; and

“(ii) was not received immediately prior to serving in a combat zone.

“(B) EXCLUSION.—Combat pay shall not be considered to be income for the purpose of determining the eligibility for free or reduced price meals of a child who is a member of the household of a member of the United States Armed Forces.”.

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) COMBAT PAY.—For the purpose of determining income eligibility under this section, a State agency shall exclude from income any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this subparagraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

“(i) is the result of deployment to or service in a combat zone; and

“(ii) was not received immediately prior to serving in a combat zone.”.

SEC. 733. (a) Section 531(g)(7)(F) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting “(including multiyear assistance)” after “assistance”; and

(2) in clause (i), by inserting “or multiyear production losses” after “a production loss”.

(b) Section 901(g)(7)(F) of the Trade Act of 1974 (19 U.S.C. 2497(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting “(including multiyear assistance)” after “assistance”; and

(2) in clause (i), by inserting “or multiyear production losses” after “a production loss”.

SEC. 734. Notwithstanding section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)), not more than \$15,000,000 of funds provided in this Act may be used for the purpose of evaluating program performance in the Special Supplemental Nutrition Program for Women, Infants and Children.

SEC. 735. Notwithstanding section 17(h)(10)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)(A)), \$154,000,000 of funds provided in this Act shall be used for infrastructure, management information systems and breastfeeding peer counseling support: *Provided*, That of the \$154,000,000, not less than \$14,000,000 shall be used for infrastructure, not less than \$60,000,000 shall be used for management information systems, and not less than \$80,000,000 shall be used for breastfeeding peer counselors and other related activities.

SEC. 736. Agencies with jurisdiction for carrying out international food assistance programs under the jurisdiction of this Act, including title II of the Food for Peace Act and the McGovern-Dole International Food for Education Program, shall—

(1) provide to the Committees on Appropriations of the House and the Senate no later than March 1, 2010, the following:

(A) estimates on cost-savings and programmatic efficiencies that would result from increased use of pre-positioning of food aid commodities and processes to ensure such cargoes are appropriately maintained to prevent spoilage;

(B) estimates on cost-savings and programmatic efficiencies that would result from the use of longer-term commodity procurement contracts, the proportional distribution of commodity purchases throughout the fiscal year, longer-term shipping contracts, contracts which include shared-risk principles, and adoptions of other commercially acceptable contracting practices;

(C) estimates on costs of domestic procurement of commodities, domestic inland transportation of food aid commodities, domestic storage (including loading and unloading), foreign storage (including loading and unloading), foreign inland transportation, and ocean freight (including ocean freight as adjusted by the ocean freight differential reimbursement provided by the Secretary of Transportation), and costs relating to allocation and distribution of commodities in recipient countries;

(D) information on the frequency of delays in transporting food aid commodities, the cause or purpose of any delays (including how those delays are tracked, monitored and resolved), missed schedules by carriers and non-carriers (and resulting program costs due to such delays, including impacts to program beneficiaries);

(E) information on the methodologies to improve interagency coordination between host governments, the World Food Program, and non-governmental organization to develop more consistent estimates of food aid needs and the number of intended recipients to appropriately inform the purchases of commodities and in order to appropriately plan for commodity procurement for food aid programs;

(2) provide the matter described under subsection (1) of this section in the form of a consensus report under the signatures of the Secretaries of Agriculture, State, and Transportation; and

(3) estimates and cost savings analysis for this section shall be derived from periods representative of normal program operations.

SEC. 737. There is hereby appropriated \$7,000,000 to carry out section 4202 of Public Law 110-246.

SEC. 738. There is hereby appropriated \$2,600,000 to carry out section 1621 of Public Law 110-246.

SEC. 739. There is hereby appropriated \$4,000,000 to carry out section 1613 of Public Law 110-246.

SEC. 740. There is hereby appropriated \$250,000, to remain available until expended, for a grant to the Kansas Farm Bureau Foundation for work-force development initiatives to address out-migration in rural areas.

SEC. 741. There is hereby appropriated \$800,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 742. Applicants with very low, low, and moderate incomes shall be eligible for the program established in section 791 of Public Law 109-97.

SEC. 743. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of reconstituted infant formula specified in 7 C.F.R. 246.10 when issuing infant formula to participants. Such authorizations shall not otherwise impact the eligibility of manufacturers to remain eligible under the Special Supplemental Nutrition Program for Women, Infants and Children authorized by section 17 of the Child Nutrition Act of 1966.

SEC. 744. None of the funds made available by this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China unless the Secretary of Agriculture formally commits in advance to conduct audits of inspection systems, on-site reviews of slaughter and processing facilities, laboratories and other control operations before any Chinese facilities are certified as eligible to ship fully cooked poultry products to the United States, and at least once annually in subsequent years: *Provided*, That the Secretary commits in advance to implement a significantly increased level of port of entry re-inspection: *Provided further*, That the Secretary commits in advance to conduct information sharing with other countries importing poultry products from China that have conducted audits and plant inspections.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010”.

SA 1909. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 9 through 18.

SA 1910. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK)

and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike line 7 and all that follows through "U.S.C. 918a):" on line 12.

SA 1911. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, beginning on line 20, strike "of which" and all that follows through "and" on page 31, line 2.

SA 1912. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike line 20 and all that follows through page 32, line 10.

SA 1913. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, lines 8 through 11, strike "of which \$18,059,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act".

SA 1914. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, lines 2 through 5, strike "and of which \$21,511,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act".

SA 1915. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, lines 5 through 8, strike "of which \$16,750,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act".

SA 1916. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, lines 21 through 24, strike "of which \$7,898,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act".

SA 1917. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, on lines 3 through 6, strike "of which \$35,512,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act".

SA 1918. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 10, line 23, strike "of which" and all that follows through "this Act" on page 11, line 1.

SA 1919. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food

and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, lines 20 through 23, strike "Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland:".

SA 1920. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 14 through 25.

SA 1921. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, lines 12 through 17, strike "That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further,*:".

SA 1922. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, strike lines 1 through 6.

SA 1923. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 18 through 21.

SA 1924. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 1 through 13.

SA 1925. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike line 4 and all that follows through page 77, line 11.

SA 1926. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Agriculture Compliance Laboratory Equipment, Delaware Department of Agriculture.

SA 1927. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for animal management and control, APHIS Mississippi.

SA 1928. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Berryman Institute, Jack Berryman Institute Utah, and Mississippi Agriculture and Forestry Experiment Station.

SA 1929. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for bio-safety and antibiotic resistance, University of Vermont.

SA 1930. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for black-bird management, APIIS Louisiana.

SA 1931. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for black-bird management, APIIS North and South Dakota.

SA 1932. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for bovine

tuberculosis eradication Michigan, Michigan Department of Agriculture.

SA 1933. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the California county pest detection augmentation program, California Department of Food and Agriculture.

SA 1934. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the California county pest detection import inspection program, California Department of Food and Agriculture.

SA 1935. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Cogongrass control, Mississippi Department of Agriculture.

SA 1936. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the cooperative livestock protection program, APHIS

Pennsylvania and Pennsylvania Department of Agriculture.

SA 1937. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for corn-morant control, APHIS Michigan.

SA 1938. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for corn-morant control, APHIS Mississippi.

SA 1939. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for corn-morant control, APHIS Vermont and Vermont Fish and Wildlife Department.

SA 1940. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for disease prevention, Louisiana Department of Wildlife and Fisheries.

SA 1941. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for disease surveillance in North Dakota, North Dakota State University and Dickinson State University.

SA 1942. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for genetically modified products, Iowa State University.

SA 1943. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Greater Yellowstone Interagency Brucellosis Committee, Idaho Department of Agriculture, Montana Department of Livestock, Wyoming Livestock Board.

SA 1944. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the gypsy moth, New Jersey, New Jersey Department of Agriculture.

SA 1945. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Hawaii interline, APHIS Hawaii.

SA 1946. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Hawaii wildlife services activities, APHIS Hawaii.

SA 1947. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Hemlock Woolly Adelgid, Tennessee, University of Tennessee.

SA 1948. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for integrated predation management activities, APHIS West Virginia.

SA 1949. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill

H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for invasive aquatic species, Lake Champlain Fish and Wildlife Management Cooperative, Vermont.

SA 1950. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Mormon crickets, APHIS Nevada.

SA 1951. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the National Agriculture Biosecurity Center, Kansas State University.

SA 1952. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, beginning on line 10, strike “: Provided further, That” and all that follows through “technologies” on line 20.

SA 1953. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for

other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for national farm animal identification and records, Holstein Association.

SA 1954. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the National Wildlife Research Station, Texas A&M Hutchison.

SA 1955. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the New Mexico rapid syndrome validation program, New Mexico State University.

SA 1956. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Nez Perce Bio-control Center, Nez Perce Tribe.

SA 1957. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for noxious

weed management, Nevada Department of Agriculture.

SA 1958. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Tri-State predator control, APHIS Idaho, Montana, and Wyoming.

SA 1959. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Varroa mite suppression, APHIS Hawaii.

SA 1960. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Wildlife Services South Dakota, South Dakota Department of Game, Fish, and Parks.

SA 1961. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Agricultural Research Center, Beltsville, Maryland.

SA 1962. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC)

to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Agricultural Research Center, Logan, Utah.

SA 1963. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Agricultural Research Center, Pullman, Washington.

SA 1964. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Animal Bioscience Facility, Bozeman, Montana.

SA 1965. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Appalachian Fruit Laboratory, Kearneysville, West Virginia.

SA 1966. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the ARS Biotechnology Lab, Locom, Mississippi.

SA 1967. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the ARS Forage-Animal Production Research Facility, Lexington, Kentucky.

SA 1968. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the ARS Research and Development Center, Auburn, Alabama.

SA 1969. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the ARS Waste Management Research Facility, Bowling Green, KY.

SA 1970. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Dairy Forage Agricultural Research Center, Prairie du Sac, WI.

SA 1971. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Jamie Whitten Delta States Research Center, Stoneville, MS.

SA 1972. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the National Plant and Genetics Security Center, Columbia, MO.

SA 1973. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Pacific Basin Agricultural Research Center, Hilo, HI.

SA 1974. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Sugarcane Research Facility, Houma, LA.

SA 1975. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Systems Biology Research Facility, Lincoln, NE.

SA 1976. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Anthropod-Borne Animal Diseases Research Laboratory, ARS, Manhattan, KS.

SA 1977. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Aquaculture Fisheries Center, ARS, Harry K. Dupree National Aquaculture Center, AR.

SA 1978. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Aquaculture Initiatives, Harbor Branch Oceanographic Institute, ARS, Stuttgart, AR.

SA 1979. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Biomass Crop Production, ARS, Brookings, SD.

SA 1980. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Biomedical Materials in Plants, ARS, Beltsville, MD.

SA 1981. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Bioremediation Research, ARS, Beltsville, MD.

SA 1982. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Biotechnology Research and Development Corporation, ARS, Washington, D.C.

SA 1983. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Center for Agroforestry, ARS, Booneville, AR.

SA 1984. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Computer Vision Engineer, ARS, Kearneysville, WV.

SA 1985. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Dairy Forage Research Center, ARS, Marshfield, WI.

SA 1986. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Dale Bumpers Small Farms Research Center, ARS, Booneville, AR.

SA 1987. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Diet Nutrition and Obesity Research, ARS, New Orleans, LA.

SA 1988. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Endophyte Research, ARS, Booneville, AR.

SA 1989. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Forage Crop Stress Tolerance and Virus Disease Management, ARS, Prosser, WA.

SA 1990. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Formosan Subterranean Termites Research, ARS, New Orleans, LA.

SA 1991. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Foundry Sand By-Products Utilization, ARS, Beltsville, MD.

SA 1992. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for genomics, ARS, University of Minnesota.

SA 1993. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr.

Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Human Nutrition Research, ARS, Boston, MA.

SA 1994. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Human Nutrition Research, ARS, Houston, TX.

SA 1995. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Improved Crop Production Practices, ARS, Auburn, AL.

SA 1996. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Medicinal and Bioactive Crops, ARS, Washington, D.C.

SA 1997. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the National Bio and Agro Defense Facility, ARS, Manhattan, KS.

SA 1998. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the National Center for Agricultural Law, Agricultural Research Service, Beltsville, Maryland.

SA 1999. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the New England Plant, Soil, and Water Research Laboratory, Agricultural Research Service, Orono, Maine.

SA 2000. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the North Carolina Human Nutrition Center, Agricultural Research Service, Kannapolis, North Carolina.

SA 2001. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the

Northern Great Plains Research Laboratory, Agricultural Research Service, Mandan, North Dakota.

SA 2002. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Northwest Center for Small Fruits Research, Agricultural Research Service, Corvallis, Oregon.

SA 2003. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Pacific Basin Agricultural Research Center Staffing, Agricultural Research Service, Hilo, Hawaii.

SA 2004. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Phytoestrogen Research, Agricultural Research Service, New Orleans, Louisiana.

SA 2005. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Potato Diseases, Agricultural Research Service, Beltsville, Maryland.

SA 2006. Mr. McCain submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Poultry Diseases, Agricultural Research Service, Beltsville, Maryland.

SA 2007. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Seismic and Acoustic Technologies in Soils Sedimentation Laboratory, Agricultural Research Service, Oxford, Mississippi.

SA 2008. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Sorghum Research, Agricultural Research Service, Little Rock, Arkansas.

SA 2009. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Termite Species in Hawaii, Agricultural Research Service, New Orleans, Louisiana.

SA 2010. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Tropical Aquaculture Feeds, Agricultural Research Service, Hilo, Hawaii.

SA 2011. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Water Management Research Laboratory, Agricultural Research Service, Brawley, California.

SA 2012. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Water Use Reduction, ARS, Dawson, GA.

SA 2013. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for wild rice, ARS, St. Paul, MN.

SA 2014. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for an agricultural pest facility, APHIS Hawaii.

SA 2015. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for market development, Vermont Agency of Agriculture, Foods, and Markets.

SA 2016. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for market development, Wisconsin Department of Agriculture, Trade, and Consumer Protection.

SA 2017. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Phase II construction, National Center for Natural Products Research, Oxford, Mississippi.

SA 2018. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for specialty markets, Wisconsin Department of Agriculture, Trade, and Consumer Protection.

SA 2019. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropri-

tions for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for workforce development and out-migration, Kansas Farm Bureau Foundation.

SA 2020. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Childhood Farm Safety, Farm Safety 4 Just Kids, Urbandale, IA.

SA 2021. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Conservation Technology Transfer, University of Wisconsin Extension.

SA 2022. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for dairy education, Iowa State University.

SA 2023. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for E-commerce, Mississippi State University.

SA 2024. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for efficient irrigation, New Mexico State University, Texas AgriLife Research, College Station, TX.

SA 2025. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for an extension specialist, Mississippi State University.

SA 2026. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Food Production Education, Vermont Community Foundation, Middlebury, VT.

SA 2027. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for health education leadership, University of Kentucky Research Foundation.

SA 2028. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Institute for Sustainable Agriculture, University of Wisconsin-Madison.

SA 2029. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Invasive Phragmites Control and Outreach, Ducks Unlimited.

SA 2030. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Iowa Vitality Center, Iowa State University.

SA 2031. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Maine Cattle Health Assurance Program, Maine Department of Agriculture.

SA 2032. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the National Center for Farm Safety, Northeast Iowa Community College.

SA 2033. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for nutrition enhancement, University of Wisconsin Extension and Wisconsin Department of Public Institutions.

SA 2034. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Ohio-Israel Agriculture Initiative, The Negev Foundation, OH.

SA 2035. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for pilot technology transfer, Mississippi State University, Oklahoma State University.

SA 2036. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Potato

Integrated Pest Management—Late Blight, University of Maine.

SA 2037. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for range improvement, New Mexico State University.

SA 2038. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for urban horticulture and marketing, Chicago Botanic Garden, Glencoe, IL.

SA 2039. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for urban horticulture, University of Wisconsin Extension and Growing Power.

SA 2040. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Veterinary Technology Satellite Program, Colby Community College.

SA 2041. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC)

to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for agriculture-based industrial lubricants, University of Northern Iowa.

SA 2042. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for agriculture development in the American Pacific, University of Hawaii.

SA 2043. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for agriculture waste utilization, West Virginia State University.

SA 2044. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Animal Health Research and Diagnostics, Murray State University.

SA 2045. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for applied agriculture and environment research, California State University.

SA 2046. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for aquaculture, Cheyney University, PA.

SA 2047. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for biotechnology research, Alcorn State University, MS.

SA 2048. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Centers for Dairy and Beef Excellence, Pennsylvania Department of Agriculture.

SA 2049. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Clemon University Veterinary Institute, SC.

SA 2050. Mr. McCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cotton research, Texas Tech University.

SA 2051. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Council for Agriculture Science and Technology, Ames, IA.

SA 2052. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for ethnobotanics, Frostburg State University, MD.

SA 2053. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for farmland preservation, The Ohio State University.

SA 2054. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Florida Biomass to Biofuels Conversion Program, University of Central Florida.

SA 2055. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the International Center for Food Technology Development to Expand Markets, Purdue University.

SA 2056. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Kansas Biobased Polymer Initiative, Kansas Bioscience Authority.

SA 2057. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for medicinal and bioactive crops, Stephen S. Austin State University.

SA 2058. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Mid-

west Agribusiness Trade and Information Center (MATRIC), Iowa State University.

SA 2059. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Mississippi Valley State University.

SA 2060. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the New England Center for Invasive Plants, the University of Connecticut, the University of Vermont, and the University of Maine.

SA 2061. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for a PM-10 air quality study, Washington State University.

SA 2062. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for polymer research, Pittsburg State University, Kansas.

SA 2063. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr.

KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for rural systems, Jackson State University, Mississippi.

SA 2064. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for shrimp aquaculture, University of Southern Mississippi.

SA 2065. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for viral hemorrhagic septicemia, Michigan Department of Natural Resources.

SA 2066. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for viral hemorrhagic septicemia, University of Toledo, Ohio.

SA 2067. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for water pollutants, Marshall University, West Virginia.

SA 2068. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for advanced genetic technologies, University of Kentucky Research Foundation.

SA 2069. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for advancing biofuel production, Baylor University, Texas.

SA 2070. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for *Aegilops cylindrica*/biomass (jointed goatgrass), Washington State University.

SA 2071. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for agricultural diversification, University of Hawaii.

SA 2072. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for agricultural entrepreneurial alternatives, Pennsylvania State University.

SA 2073. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for agricultural science, The Ohio State University.

SA 2074. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for air quality, Kansas State University; Texas AgriLife Research, College Station, Texas.

SA 2075. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Animal Science Food Safety Consortium, University of Arkansas Division of Agriculture, Iowa State University, Kansas State University.

SA 2076. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropria-

tions for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for aquaculture product and marketing development, West Virginia University.

SA 2077. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for aquaculture, Louisiana State University Agricultural Center.

SA 2078. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for aquaculture, Mississippi Agricultural and Forestry Experiment Station.

SA 2079. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for avian bioscience, University of Delaware.

SA 2080. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Barley for Rural Development, Montana State University, University of Idaho.

SA 2081. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for bio energy production and carbon sequestration, University of Tennessee.

SA 2082. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for bio design and processing, Virginia Tech University.

SA 2083. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for biomass-based energy research, Oklahoma State University, Mississippi State University.

SA 2084. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Brucellosis Vaccine, Montana State University.

SA 2085. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cataloging genes associated with drought and disease resistance, New Mexico State University.

SA 2086. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Center for One Medicine.

SA 2087. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Center for Rural Studies, University of Vermont College of Agriculture and Life Sciences.

SA 2088. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for childhood obesity and nutrition, University of Vermont College of Agriculture and Life Sciences.

SA 2089. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for citrus canker/greening, University of Florida.

SA 2090. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the competitiveness of agricultural products, Washington State University and the University of Washington.

SA 2091. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cool season legume research, North Dakota State University, University of Idaho, Washington State University.

SA 2092. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cotton insect management and fiber quality, University of Georgia.

SA 2093. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for cranberry/blueberry disease and breeding, Rutgers, The State University of New Jersey.

SA 2094. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for cranberry/blueberry, University of Massachusetts crop integration and production, South Dakota State University.

SA 2095. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for dairy and meat goat research, Prairie View A&M University.

SA 2096. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for dairy farm profitability, Pennsylvania State University.

SA 2097. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Delta revitalization project, Mississippi State University.

SA 2098. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for drought mitigation, University of Nebraska.

SA 2099. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for efficient irrigation, New Mexico State University, Texas AgriLife Extension Service and Texas AgriLife Research, College Station, TX.

SA 2100. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for emerald ash borer, the Ohio State University.

SA 2101. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for environmentally safe products, University of Vermont College of Agriculture and Life Sciences.

SA 2102. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for floriculture, University of Hawaii.

SA 2103. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Food and Fuel Initiative, Iowa State University.

SA 2104. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Food and Agriculture Policy Institute.

SA 2105. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for forages for advancing livestock production, University of Kentucky.

SA 2106. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for fresh produce food safety, University of California.

SA 2107. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Genetically Enhanced Plants for Micro-nutrients and Genomics for Southern Crop Stress and Disease, Mississippi State University.

SA 2108. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for grain sorghum, Kansas State University.

SA 2109. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for grass seed cropping systems for sustainable agriculture, Oregon State University, Washington State University.

SA 2110. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for high performance computing, Utah State University.

SA 2111. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for human nutrition, Pennington Biomedical Research Center, Baton Rouge, LA.

SA 2112. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for infectious disease research, Colorado State University.

SA 2113. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for inland marine aquaculture, Virginia Tech University.

SA 2114. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Institute for Food Science and Engineering, University of Arkansas.

SA 2115. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the inte-

grated economic, environmental, and technical analysis of sustainable biomass energy systems, Purdue University.

SA 2116. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for invasive plant management, Montana State University.

SA 2117. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Joint U.S. China Biotechnology Research and Extension, Utah State University.

SA 2118. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Leopold Center hypoxia project, Iowa State University.

SA 2119. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for livestock and dairy policy, Cornell University, NY.

SA 2120. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr.

KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for maple research at the University of Vermont College of Agriculture and Life Sciences.

SA 2121. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Midwest Center for Bioenergy Grasses at Purdue University.

SA 2122. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Midwest poultry consortium at Iowa State University.

SA 2123. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for milk safety at Pennsylvania State University.

SA 2124. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the national beef cattle genetic evaluation consortium at Colorado State University, Cornell University, or University of Georgia.

SA 2125. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the National Center for Soybean Technology at University of Missouri-Columbia.

SA 2126. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for nematode resistance genetic engineering at New Mexico State University.

SA 2127. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Nevada arid rangelands initiative at the University of Nevada Reno.

SA 2128. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the New Century Farm at Iowa State University.

SA 2129. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for new crop opportunities in Lexington, Kentucky.

SA 2130. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for new satellite and computer-based technology for agriculture at Mississippi State University.

SA 2131. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for obtaining oil resources from desert plants at New Mexico State University.

SA 2132. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for organic cropping at Oregon State University.

SA 2133. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for organic cropping at Washington State University.

SA 2134. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for organic waste utilization at New Mexico State University.

SA 2135. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Pierce's disease at the University of California.

SA 2136. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for policy analyses for a National Secure and Sustainable Food, Fiber, Forestry and Energy Program at Texas AgriLife Research in College Station, Texas.

SA 2137. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for potato research at the Oregon State University, University of Idaho, Washington State University, or University of Maine.

SA 2138. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for precision agriculture at the University of Kentucky Research Foundation.

SA 2139. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for preharvest food safety at Kansas State University.

SA 2140. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for protein utilization at Iowa State University.

SA 2141. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for rangeland ecosystems dynamics at the University of Idaho.

SA 2142. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for renewable energy and products at North Dakota State University.

SA 2143. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the ruminant nutrition consortium at South Dakota State University.

SA 2144. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Rural Policies Research Institute.

SA 2145. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Russian wheat aphid at Colorado State University.

SA 2146. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for seed technology at South Dakota State University.

SA 2147. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for small fruit research at Oregon State University, University of Idaho, or Washington State University.

SA 2148. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for soil-borne disease prevention in irrigated agriculture at New Mexico State University.

SA 2149. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Southern Great Plains Dairy Consortium at New Mexico State University.

SA 2150. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the soy-

bean cyst nematode at the University of Missouri.

SA 2151. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for soybean research at the National Soybean Research Laboratory at the University of Illinois.

SA 2152. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for specialty crops at the University of Arkansas Division of Agriculture.

SA 2153. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for sustainable agriculture and natural resources at Pennsylvania State University.

SA 2154. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for sustainable beef supply at Montana State University.

SA 2155. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr.

KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for obtaining sustainable engineered materials from renewable resources at Virginia Tech.

SA 2156. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for sustainable production and processing research for lowbush specialty crops at the University of Maine.

SA 2157. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for tillage, silviculture, or waste management at Louisiana State University.

SA 2158. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for tropical and subtropical research or T STAR at the University of Hawaii.

SA 2159. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the virtual plant database enhancement project at the Missouri Botanical Garden.

SA 2160. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for virus-free wine grape cultivars at the Wine Grape Foundation Block at Washington State University.

SA 2161. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for viticulture consortium, University of California.

SA 2162. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for water conservation, Kansas State University.

SA 2163. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for wetland plants, Louisiana State University.

SA 2164. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for wheat genetic research, Kansas State University.

SA 2165. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Wildlife/Livestock Disease Research Partnership, WY.

SA 2166. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for wood utilization (ID, LA, ME, MI, MN, MS, NC, OR, WV).

SA 2167. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the World Food and Health Initiative (IL).

SA 2168. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Accelerated Soil Mapping Survey, NRCS Wyoming.

SA 2169. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Agricultural Development and Resource Conservation, Hawaii RC&D Councils.

SA 2170. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Agricultural Wildlife Conservation Center, MS.

SA 2171. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Appropriate Wetland and Wet-Mesic Species, Tallgrass Prairie Center, University of Northern Iowa.

SA 2172. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Center for Invasive Species Eradication, Texas AgriLife Research, College Station, TX.

SA 2173. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Certified Environmental Management Systems for Agriculture, Iowa Soybean Association.

SA 2174. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Chenier Plain Sustainability Initiative, McNeese State University.

SA 2175. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Conservation Fuels Management and Restoration, Wildfire Support Group, Nevada.

SA 2176. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Conservation Internships, Wisconsin Land and Water Conservation Association.

SA 2177. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Conservation Technical Assistance, Natural Resources Conservation Service, New Jersey.

SA 2178. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Conservation Technical Assistance, Natural Resources Conservation Service, Tennessee.

SA 2179. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Conservation Technology Transfer, University of Wisconsin.

SA 2180. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Delta Conservation Demonstration, Washington County, Mississippi.

SA 2181. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Delta Water Study, Natural Resources Conservation Service, Mississippi.

SA 2182. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Farm Viability Program, Vermont Housing and Conservation Board.

SA 2183. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Georgia Soil and Water Conservation Commission Cooperative Agreement.

SA 2184. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Gilbert M. Grosvenor Center for Geographic Education Watershed Project, Texas State University.

SA 2185. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Grazing Land Conservation Initiative, Natural Resources Conservation Service, Wisconsin.

SA 2186. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Great Lakes Basin Soil and Erosion Control, Great Lakes Commission.

SA 2187. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Great Plain Riparian Initiative, National Wild Turkey Federation.

SA 2188. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Green River Water Quality and Biological Diversity Project, Western Kentucky Research Foundation.

SA 2189. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Hungry Canyons Alliance, IA.

SA 2190. Mr. McCain submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Illinois Conservation Initiative, Illinois Department of Natural Resources.

SA 2191. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Kentucky Soil Erosion Control, NRCS Kentucky.

SA 2192. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Mississippi Conservation Initiative, NRCS Mississippi.

SA 2193. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Municipal Water District of Orange County for Efficient Irrigation, CA.

SA 2194. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for nitrate pollution reduction, NRCS Rhode Island.

SA 2195. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Operation Oak Program, National Wild Turkey Federation.

SA 2196. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Phosphorous Loading in Lake Champlain, Poultney Conservation District.

SA 2197. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Phosphorous Reduction Cooperative Agreement, Kansas Livestock Foundation.

SA 2198. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. Kohl (for himself and Mr. Brownback) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Potomac River Tributary Strategy, NRCS West Virginia.

SA 2199. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for riparian restoration along the Rio Grande, Pecos, and Canadian Rivers, New Mexico Association of Soil and Water Conservation Districts.

SA 2200. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Risk Management Initiative, NRCS West Virginia.

SA 2201. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Soil Phosphorus Studies, NRCS West Virginia.

SA 2202. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Soil Surveys, NRCS Rhode Island.

SA 2203. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for technical assistance grants to Kentucky Soil Conservation Districts, Kentucky Division of Conservation.

SA 2204. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the UMass-Amherst Ecological Conservation Initiative, MA.

SA 2205. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Utah Conservation Initiative, NRCS Utah.

SA 2206. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Watershed Demonstration Project, Iowa Soybean Association.

SA 2207. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Watershed Planning Staff, NRCS Pacific Island Area.

SA 2208. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Yankee Tank Dam, NRCS Kansas.

SA 2209. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Ashley Valley Flood Control, Uintah County, UT.

SA 2210. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Dry Creek Watershed, City of Rocklin, CA.

SA 2211. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Dunloup Creek Watershed Project, NRCS West Virginia.

SA 2212. Mr. McCain submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK)

to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the DuPage County Watershed, IL.

SA 2213. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Lahaina Watershed, NRCS Hawaii.

SA 2214. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Lost River, NRCS West Virginia.

SA 2215. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Lower Hamakua Ditch Watershed, NRCS Hawaii.

SA 2216. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Missouri Watershed Projects, NRCS Missouri.

SA 2217. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Pocasset River Watershed, NRCS Rhode Island.

SA 2218. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Upcountry Maui Watershed, NRCS Hawaii.

SA 2219. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for the Upper Clark Fork Watershed, Watershed Restoration Coalition, MT.

SA 2220. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Wailuku-Alenaio, NRCS Hawaii.

SA 2221. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC)

to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used for Appropriate Technology Transfer for Rural Areas, National Center for Appropriate Technology.

SA 2222. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 26, after line 20, add the following:

SEC. 9. SENSE OF THE SENATE ON MEDICARE AND MEDICAID SAVINGS AND MEDICAID EXPANSION.

(a) FINDINGS.—The Senate finds that—

(1) the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) is projected to be insolvent by 2017; and

(2) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is currently the largest source of general revenue spending on health care for both the Federal government and the States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) any savings under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) should be invested back into the Medicare program, rather than creating new entitlement programs; and

(2) the Federal Government should not expand the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in a manner that imposes an unfunded mandate on States when State budgets are already heavily burdened by federally imposed requirements that force those budgets into the red.

SA 2223. Mr. SESSIONS proposed an amendment to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; as follows:

Strike all after the enacting clause and replace:

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

(2) by adding at the end of the following new paragraph:

“(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund \$7,000,000,000.”.

SEC. 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to “Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds” in title I of division F of the Omnibus Appropriations Act,

2009 (Public Law 111-8; 123 Stat. 754) is amended by striking “to remain available through September 30, 2010” and all that follows (before the heading for the following item) and inserting “such sums as may be necessary”.

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to “Federal Housing Administration—Mutual Mortgage Insurance Program Account” in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 966) is amended by striking “\$315,000,000,000” and inserting “\$400,000,000,000”.

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY

The item relating to “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account” in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 967) is amended by striking “\$300,000,000,000” and inserting “\$400,000,000,000”.

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is rescinded pro rata such that the aggregate amount of such rescissions equals the aggregate amount appropriated under the amendments made by this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 2224. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 13 and 14, insert the following:

(3) The unincorporated community of Bolton Lakes Regional Water Pollution Control Authority Area in Vernon and Bolton, Connecticut, to be a rural area for the purposes of eligibility for water or waste disposal grants and direct or guaranteed loans described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(2)).

SA 2225. Mrs. MURRAY (for herself and Mr. BAUCUS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is

amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

SA 2226. Mr. NELSON of Florida (for himself, Mr. REID, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 745. No agency or department of the United States may use funds made available under this Act to enforce a travel or conference policy that prohibits an event from being held in a certain location based on a perception that the location is a resort or vacation destination.

SA 2227. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. (a) Section 384E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-4) is amended by adding at the end the following:

“(e) INVESTMENT LIMITATIONS.—A rural business investment company participating in the program established under this subtitle may not issue debentures guaranteed by the Secretary for any 1 company in an aggregate amount that is more than 10 percent of the sum of—

“(1) the regulatory capital of the rural business investment company; and

“(2) the total amount of financial assistance provided to the rural business investment company by the Secretary through purchase or guarantee of the debentures of the rural business investment company as of the date on which the Secretary granted final approval to the rural business investment company to participate in the program under this subtitle.”.

(b) Section 384E(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-4(d)) is amended by striking “Under” and inserting “Subject to subsection (e), under”.

SA 2228. Mr. NELSON of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . LIMITATION ON CERTAIN TRAVEL AND CONFERENCES POLICIES.

No agency or department of the United States may establish a travel or conference policy that takes into account the perception of a location as a resort or vacation destination in determining the location for an event.

SA 2229. Mr. BROWNBAC submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. (a) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials.

(b) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of neglected diseases of the developing world: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: *Provided further*, That for the purposes of this section the term “neglected disease of the developing world” means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m(a)(3)).

(c) The Commissioner of Food and Drugs shall—

(1) submit, not later than 1 year after the date of the enactment of this Act, a report to Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles

for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

SA 2230. Mr. KOHL (for Mr. TESTER) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 17, beginning on line 17, strike “\$14,607,000” and all that follows through “program” on line 18 and insert the following: “\$7,300,000 shall be for a National Animal Identification program and may only be used for ongoing activities and purposes (as of the date of enactment of this Act) relating to proposed rulemaking for that program under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’)”.

SA 2231. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used to relocate the Arthropod-Borne Animal Diseases Research Laboratory from the location of the laboratory as of the date of enactment of this Act.

SA 2232. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available under this Act may be used to relocate the Arthropod-Borne Animal Diseases Research Laboratory from the location of the laboratory as of the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the

Senate on Thursday, July 30, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 30, 2009 at 10 a.m., to conduct a hearing entitled “Minimizing Potential Threats from Iran: Assessing Economic Sanctions and Other U.S. Policy Options.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, July 30, 2009, at 2 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 30, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 30, 2009, at 10 a.m., to hold a hearing entitled “Toward a Comprehensive Strategy in Sudan.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 30, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, July 30, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on July 30, 2009, at 2 p.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, August 6, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of John R. Norris, to be a Member of the Federal Energy Regulatory Commission, Jose Antonio Garcia, to be Director of the Office of Minority Economic Impact, Department of Energy, and Joseph G. Pizarchik, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Sam Fowler or Amanda Kelly.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, August 4, 2009, at 2:45 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations and legislation.

For further information, please contact Sam Fowler or Amanda Kelly.

PRIVILEGES OF THE FLOOR

Mr. BROWN. Mr. President, on behalf of Senator BINGAMAN I ask unanimous consent that Paul Stauder, Lindsey Frick, Lauren Harding, Conor Sanchez, Jose Campos, and Laura Stayman be granted the privilege of the floor during the pendency of H.R. 3357 and all amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Landon Fulmer, Andrew Lustig, Rachana

Chhin, Sara Foley, Carrie Pennewell, Luis Chimbo, May Davis, and Hannah Robinow be granted the privilege of the floor for the duration of the debate on the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Greg Deschler of my Finance Committee staff be given the privilege of the floor during the remainder of July 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that Andrea Harris and Andrew Garrett, staff in Senator KENNEDY's office, be granted floor privileges for today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Wednesday, July 29, 2009, the Senate passed H.R. 3183, as amended, as follows:

H.R. 3183

Resolved, That the bill from the House of Representatives (H.R. 3183) entitled "An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$170,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and

specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,924,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: Provided, That the Chief of Engineers is directed to use \$18,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use \$1,500,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008: Provided further, That the Federal and non-Federal shares shall be determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986, as amended: Provided further, That the Chief of Engineers is directed to use \$2,750,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use \$4,000,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That none of the funds made available by this Act may be used to carry out any portion of the Delaware River Main Channel Deepening Project identified in the committee report accompanying this Act that is located in the State of Delaware until the date on which the government of the State of Delaware issues an applicable project permit for the Delaware River Main Channel Deepening Project.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$340,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That the Secretary of the

Army, acting through the Chief of Engineers is directed to use \$10,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,450,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104-303), shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$190,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers, and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$186,000,000, to remain available until expended, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to

fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY
(CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—
CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: Provided, That for a base level less than \$100,000, the reprogramming limit is \$25,000: Provided further, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: Provided, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: Provided further, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount a limit of \$5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than \$1,000,000, the reprogramming limit is

\$150,000: Provided further, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 103. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

WATER REALLOCATION, LAKE CUMBERLAND,
KENTUCKY

SEC. 104. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 105. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development shall be used to award any continuing contract that commits additional funding from the Inland Waterway Trust Fund unless or until such time that a permanent solution long-term mechanism to enhance revenues in the fund is enacted.

SEC. 106. Section 592(g) of Public Law 106-53 (113 Stat. 380), as amended by section 120 of Public Law 108-137 (117 Stat. 1837) and section 5097 of Public Law 110-114 (121 Stat. 1233), is further amended by striking “\$110,000,000” and inserting “\$200,000,000” in lieu thereof.

SEC. 107. The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3666), is modified to authorize the Secretary to construct the project at an estimated total cost of \$53,500,000, with an estimated Federal cost of \$37,700,000

and an estimated non-Federal cost of \$15,800,000.

SEC. 108. Section 595(h) of Public Law 106-53 (113 Stat. 384), as amended by section 5067 of Public Law 110-114 (121 Stat. 1219), is further amended by—

(1) striking the phrase “\$25,000,000 for each of Montana and New Mexico” and inserting the following language in lieu thereof: “\$75,000,000 for Montana, \$25,000,000 for New Mexico”; and

(2) striking “\$50,000,000” and inserting “\$100,000,000” in lieu thereof.

SEC. 109. The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines Iowa, authorized by section 1001(21) of the Water Resources Development Act of 2007 (121 Stat. 1053), is modified to authorize the Secretary to construct the project at a total cost of \$16,500,000 with an estimated Federal cost of \$10,725,000 and an estimated non-Federal cost of \$5,775,000.

SEC. 110. The project for flood damage reduction, Breckenridge, Minnesota, authorized by section 320 of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2605), is modified to authorize the Secretary to construct the project at a total cost of \$39,360,000 with an estimated Federal cost of \$25,000,000 and an estimated non-Federal cost of \$14,360,000.

SEC. 111. Section 122 of title I of division D of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; 117 Stat. 141) is amended by striking “\$10,000,000” and inserting “\$27,000,000” in lieu thereof.

SEC. 112. The Secretary of the Army is authorized to carry out structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities: Provided, That the non-Federal share of any project carried out pursuant to this section shall be no more than 35 percent of the total cost of the project and shall be subject to the ability of the non-Federal interest to pay, as determined in accordance with 33 U.S.C. 2213(m).

SEC. 113. Section 3111(1) of the Water Resources Development Act, 2007 (Public Law 110-114; 121 Stat. 1041) is amended by inserting after the word “before”, the following: “, on and after”.

SEC. 114. The flood control project for West Sacramento, California, authorized by section 101(4), Water Resources Development Act, 1992, Public Law 102-580; Energy and Water Development Appropriations Act, 1999, Public Law 105-245, is modified to authorize the Secretary of Army, acting through the Chief of Engineers, to construct the project at a total cost of \$53,040,000 with an estimated first Federal cost of \$38,355,000 and an estimated non-Federal first cost of \$14,685,000.

(RESCISSION)

SEC. 115. The amount of \$2,100,000 made available in division C, of Public Law 111-8, under the heading “Mississippi River and Tributaries” for site restoration of the St. Johns Bayou-New Madrid Floodway, Missouri, project less any funds needed for contract termination, are hereby rescinded and \$2,100,000 is appropriated under the heading “Mississippi River and Tributaries” for the Mississippi Channel Improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee construction project.

(RESCISSION)

SEC. 116. The amount of \$1,800,000 made available in division C, of Public Law 111-8, under the heading “Construction, General” for site restoration of the St. Johns Bayou-New Madrid Floodway, Missouri, project less any funds

needed for contract termination, and are hereby rescinded and \$1,800,000 is appropriated under the heading "Construction, General" for section 206 (Public Law 104-303), Aquatic Ecosystem Restoration, as amended.

PROJECT FOR PERMANENT PUMPS AND CLOSURE STRUCTURES, LAKE PONTCHARTRAIN, LOUISIANA

SEC. 117. (a) DEFINITIONS.—In this section:

(1) **PROJECT.**—The term "project" means the project for permanent pumps and closure structures at or near the lakefront at Lake Pontchartrain and modifications to the 17th Street, Orleans Avenue, and London Avenue canals in and near the city of New Orleans that is—

(A) authorized by the matter under the heading "GENERAL PROJECTS" in section 204 of the Flood Control Act of 1965 (Public Law 89-298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1279); and

(iii) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(2) **PUMPING STATION REPORT.**—The term "pumping station report" means the report—

(A) prepared by the Secretary that contains the results of the investigation required under section 4303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 154); and

(B) dated August 30, 2007.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) **STUDY.**—

(1) **IN GENERAL.**—In implementing the project, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a study of the residual risks associated with the options identified as "Option 1", "Option 2", and "Option 2a", as described in the pumping station report.

(2) **REQUIREMENTS.**—In carrying out the study under paragraph (1), the Secretary shall identify which option described in that paragraph—

(A) is most technically advantageous;

(B) is most effective from an operational perspective in providing the greatest long-term reliability in reducing the risk of flooding to the New Orleans area;

(C) is most advantageous considering the engineering challenges and construction complexities of each option; and

(D) is most cost-effective.

(3) **INDEPENDENT EXTERNAL PEER REVIEW.**—

(A) **DUTY OF SECRETARY.**—In accordance with Section 2034 of the Water Resource Development Act of 2007, the Chief shall carry out an independent external peer review of—

(i) the results of the study under paragraph (1); and

(ii) each cost estimate completed for each option described in paragraph (1).

(B) **REPORT.**—

(i) **IN GENERAL.**—Not later than 90 days after the date of completion of the independent exter-

nal peer review under subparagraph (A), in accordance with clause (ii), the Secretary shall submit a report to—

(I) the Committee on Environment and Public Works of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(ii) **CONTENTS.**—The report described in clause (i) shall contain—

(I) the results of the study described in paragraph (1);

(II) a description of the findings of the independent external peer review carried out under subparagraph (A); and

(III) a written response for any recommendations adopted or not adopted from the peer review.

(4) **SUSPENSION OF CERTAIN ACTIVITIES.**—The Secretary shall suspend each activity of the Secretary that would result in the design and construction of any pumping station covered by the pumping station report unless the activity is consistent with each option described in paragraph (1).

(5) **FEASIBILITY REPORT.**—Within 18 months of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains a feasibility level of analysis (including a cost estimate) for the project, as modified under this subsection.

(6) **FUNDING.**—In carrying out this subsection, the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454).

TEN MILE CREEK WATER PRESERVE AREA

SEC. 118. Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking "subclause (II)" and inserting "subclauses (II) and (III)"; and

(2) by adding at the end the following:

"(III) **TEN MILE CREEK WATER PRESERVE AREA.**—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed \$25,000,000 by an amount equal to not more than \$3,500,000, which shall be used to pay the Federal share of the cost of—

"(aa) the completion of a post authorization change report; and

"(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013."

SEC. 119. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army may reimburse the non-Federal sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$40,300,000, to remain available until expended, of which \$1,500,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,704,000, to remain available until expended. For fiscal year 2010, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$993,125,000, to remain available until expended, of which \$53,240,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$17,936,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$35,358,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION
(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$41,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE
INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) initiates or creates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 205. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106-382; 114 Stat. 1457) is amended by striking “over a period of 10 fiscal years” each place it appears in subsections (a)(1) and (b) and inserting “through fiscal year 2015”.

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking “(a)(1) Using” and inserting the following:

“(a) ACTION BY SECRETARY.—

“(1) PROVISION OF FUNDS.—

“(A) IN GENERAL.—Using”;

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting “or the National Fish and Wildlife Foundation” after “University of Nevada”;

(ii) in clause (i) (as so redesignated), by striking “, Nevada; and” and inserting a semicolon;

(iii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—

“(I) under clause (i); and

“(II) in conjunction with willing landowners.”;

(E) by adding at the end the following:

“(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

“(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

“(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

“(II) as soon as practicable after that date of enactment.

“(ii) REQUIREMENTS.—

“(I) IN GENERAL.—Except as provided in subparagraph (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

“(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “paragraph (1)(A)” and all that follows through “beneficial to—” and inserting “paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—”;

(B) in subparagraph (A), by striking “paragraph (1)(B)” and inserting “paragraph (1)(A)(ii)”.

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.”.

SEC. 208. (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, in accordance with section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), and subject to subsection (b), \$66,200,000 to establish the Walker

Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, \$2,000,000, to remain available until expended, for—

(i) the acquisition of land surrounding Independence Lake; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

(B) \$5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101-618; 104 Stat. 3289);

(C) \$1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities; and

(D) \$1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) \$25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) \$25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268).

(iii) \$1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) \$10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) \$5,000,000 to the University of Nevada, Reno, and the Desert Research Institute—

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) \$200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon County, Nevada, that promote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

SEC. 209. Notwithstanding the provisions of section 11(c) of Public Law 89-108, as amended by section 9 of Public Law 99-294, the Commissioner is directed to modify the April 9, 2002, Grant Agreement Between Bureau of Reclamation and North Dakota Natural Resources Trust to provide funding for the Trust to continue its investment program/Agreement No. 02FG601633 to authorize the North Dakota Natural Resources Trust Board of Directors to expend all or any portion of the funding allocation received pursuant to section 11(a)(2)(B) of the Dakota Water Resources Act of 2000 for the purpose of operations of the Natural Resource Trust whether such amounts are principal or received as investment income: Provided, That operational expenses that may be funded from the principal allocation shall not exceed 105 percent of the previous fiscal year's operating costs: Provided further, That the Commissioner of Reclamation is authorized to include in such modified agreement with the Trust authorized under this section appropriate provisions regarding the repayment of any funds that constitute principal from the Trust Funds.

SEC. 210. Title I of Public Law 108-361 is amended by striking “2010” wherever it appears and inserting “2015” in lieu thereof.

SEC. 211. (a) Section 3405(a)(1)(M) of Public Law 102-575 (106 Stat. 4709) is amended by striking “countries” and inserting “counties”.

(b) A transfer of water between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor, approved during a two-year period beginning on the date of enactment of this Act shall, be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102-575 (106 Stat. 4709) if the transfer under this clause—

(I) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111-11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act); and

(2) is completed by September 30, 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Inte-

rior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (*Thamnophis gigas*).

SEC. 212. Section 805(a)(2) of Public Law 106-541 (114 Stat. 2704) is amended by striking “2010” each place it appears and inserting “2013”.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,233,967,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, \$148,075,000 shall be used for projects specified in the table that appears under the heading “Congressionally Directed Energy Efficiency and Renewable Energy Projects” in the report of the Committee on Appropriations of the United States Senate to accompany this Act: Provided further, That within existing funds for industrial technologies \$15,000,000 shall be used to make technical assistance grants under subsection (b) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1(b)). Of the \$85,000,000 provided under the wind energy subaccount under the Energy Efficiency & Renewable Energy, up to \$8,000,000 shall be competitively awarded to universities for turbine and equipment purchases for the purposes of studying turbine to turbine wake interaction, wind farm interaction, and wind energy efficiencies, provided that such equipment shall not be used for merchant power production.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$179,483,000, to remain available until expended: Provided, That, within the funding available funding the Secretary shall establish an independent national energy sector cyber security organization to institute research, development and deployment priorities, including policies and protocol to ensure the effective deployment of tested and validated technology and software controls to protect the bulk power electric grid and integration of smart grid technology to enhance the security of the electricity grid: Provided further, That within 60 days of enactment, the Secretary shall invite applications from qualified entities for the purpose of forming and governing a national energy sector cyber organization that have the knowledge and capacity to focus cyber security research and development and to identify and disseminate best practices; organize the collection, analysis and dissemination of infrastructure vulnerabilities and threats; work cooperatively with the Department of Energy and other Federal agencies to identify areas where Federal agencies with jurisdiction may best support efforts to enhance security of the bulk power electric grid: Provided further, That, of

the amount appropriated in this paragraph, \$6,475,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Electricity Delivery and Energy Reliability Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

NUCLEAR ENERGY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 36 passenger motor vehicles, including one ambulance, all for replacement only, \$761,274,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, \$2,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Nuclear Energy Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defensible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$699,200,000, to remain available until expended: Provided, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: Provided further, That, of the amount appropriated in this paragraph, \$27,300,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Fossil Energy Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$23,627,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$259,073,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$11,300,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administra-

tion, \$110,595,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental clean-up activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$259,829,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$588,322,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, \$4,898,832,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, \$41,150,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Science Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the "NWPAA"), \$98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 2.54 percent shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPAA: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPAA, 0.51 percent shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of the NWPAA: Provided further, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 4.57 percent shall be provided to affected units of local government, as defined in the NWPAA, to conduct appropriate activities and participate in licensing activities under Section 116(c) of the NWPAA: Provided further, That of the amounts provided to affected units of local government, 7.5 percent of the funds provided for the affected units of local government shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada affected units of local government: Pro-

vided further, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 0.25 percent shall be provided to the affected Federally-recognized Indian tribes, as defined in the NWPAA, solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPAA: Provided further, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: Provided further, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: Provided further, That 4.57 percent of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities shall be provided to Nye County, Nevada, as payment equal to taxes under section 116(c)(3) of the NWPAA: Provided further, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada, each affected Federally-recognized Indian tribe, and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPAA and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPAA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: Provided further, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That for necessary administrative expenses to carry out this Loan Guarantee program, \$43,000,000 is appropriated, to remain available until expended: Provided further, That \$43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than \$0: Provided further, That, in administering amounts made available by prior Acts for projects covered by title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), the Secretary of Energy is required by that title to consider low-risk finance programs

that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies as eligible for loan guarantees authorized under sections 1703 and 1705 of that Act (42 U.S.C. 16513, 16516).

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$20,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for Departmental Administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$293,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total \$119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$173,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance; \$6,468,267,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,136,709,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$973,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$420,754,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP (INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, \$5,763,856,000, to remain available until expended, of which \$463,000,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund": Provided, That, of the amount appropriated in this paragraph, \$4,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Defense Environmental Cleanup Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, \$854,468,000, to remain available until expended: Provided, That of the amount appropriated in this paragraph, \$2,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, \$98,400,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2010, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,638,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$44,944,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$13,076,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That notwithstanding 31

U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500,000; \$256,711,000 to remain available until expended, of which \$245,216,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$109,181,000, of which \$97,686,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, \$7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to \$349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That of the amount herein appropriated, up to \$18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: Provided further, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Fal-

con and Amistad Dams, \$2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$220,000: Provided further, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended, and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$298,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed \$298,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 307. Of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. Not to exceed 5 per centum, or \$100,000,000, of any appropriation, whichever is less, made available for Department of Energy activities funded in this Act or subsequent Energy and Water Development Appropriations Acts may hereafter be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and request of such transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 309. (a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River

Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 140) under a funding account, subaccount, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may be used to ensure, for purposes of meeting any applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 310. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of the Department of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued.

SEC. 311. (a) In any fiscal year in which the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than 1 percent from each appropriation made available in this and subsequent Energy and Water Development Appropriation Acts to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) Where the Secretary recovers the costs of defined benefit pension plans for contractor employees through charges for the indirect costs of research and activities at facilities of the Department of Energy, if the indirect costs attributable to defined benefit pension plan costs in a fiscal year are more than charges in fiscal year 2008, the Secretary shall carry out a transfer of funds under this section.

(c) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer, and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for the Power Marketing Administrations, the title XVII loan guarantee program, and the Federal Energy Regulatory Commission, shall not be subject to this requirement.

(d) Each January, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the state of defined benefit pension plan liabilities in the Department for the preceding year.

(e) This transfer authority does not apply to supplemental appropriations, and is in addition to any other transfer authority provided in this or any other Act. The authority provided under this section shall expire on September 30, 2015.

AUTHORITY OF NUCLEAR REGULATORY COMMISSION

SEC. 312. The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commission for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading "SALARIES AND EXPENSES" under the heading "NUCLEAR REGULATORY COMMISSION" under the heading "INDEPENDENT AGENCIES" of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 629).

SEC. 313. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 314. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act—

(1) is selling refined petroleum products valued at \$1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at \$1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any goods, services, or technology valued at \$1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3), that person shall no longer be ineligible under this section.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$76,000,000, to remain available until expended: Provided, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as

amended by Public Law 100-456, section 1441, \$26,086,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,061,000,000, to remain available until expended: Provided, That of the amount appropriated herein, \$29,000,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$902,402,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$158,598,000: Provided further, That of the amounts appropriated, \$10,000,000 is provided to support university research and development in areas relevant to their respective organization's mission, and \$5,000,000 is to support a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$10,860,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,774,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$4,466,000 until expended: Provided, That any fees, charges, or commissions received pursuant to

section 802 of Public Law 110-140 in fiscal year 2010 in excess of \$4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISION

SEC. 401. Section 382B of the Delta Regional Authority Act of 2000 is amended by deleting (c)(1) and inserting in lieu thereof the following: “(1) IN GENERAL—VOTING.—A decision by the Authority shall require the affirmative vote of the Federal cochairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.”.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 503. Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end of the title, the following new section 411:

“SEC. 411. Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: Provided, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: Provided further, That funds set aside under this section shall remain available for obligation until September 30, 2012.”.

AGENCY ADMINISTRATIVE EXPENSES

SEC. 504. (a) DEFINITIONS.—In this section: (1) ADMINISTRATIVE EXPENSES.—The term “administrative expenses” has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term “agency”—

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

SEC. 505. (a) Notwithstanding any other provision of this Act and except as provided in sub-

section (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in an appropriations Act shall be posted on the public Website of that Agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2010”.

RECOGNIZING BISHOP MUSEUM

Mr. BROWN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 195 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 195) recognizing Bishop Museum, the Nation’s premier showcase for Hawaiian culture and history, on the occasions of its 120th anniversary and the restoration and renovation of its Historic Hall.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 195

Whereas Bishop Museum was founded in 1889 in Honolulu, Hawai’i by Charles Reed Bishop in memory of his beloved wife, Princess Bernice Pauahi Bishop, the great granddaughter of Kamehameha I, to house the personal legacies and bequests of the royal Kamehameha and Kalākaua families;

Whereas the mission of Bishop Museum since its inception has been to study, preserve, and tell the stories of the cultures and natural history of Hawai’i and the Pacific;

Whereas the collections of Bishop Museum include more than 24,000,000 objects, collectively the largest Hawai’i and Pacific area collection in the world, which includes more than 1,200,000 cultural objects representing Native Hawaiian, Pacific Island, and Hawai’i immigrant life, more than 125,000 historical publications (including many in the Hawaiian language), more than 1,000,000 historical photographs, films, works of art, audio recordings, and manuscripts, and more than 22,000,000 plant and animal specimens;

Whereas a primary goal of Bishop Museum is to serve and represent the interests of Native Hawaiians by advancing Native Hawaiian culture and education, protecting the collections and increasing access to them, and strengthening the museum’s connections with the schools of Hawai’i;

Whereas the national significance of Bishop Museum’s cultural collection lies in the Native Hawaiian collection, which collectively represents the largest public resource in the world documenting a way of life, and has been a source of knowledge and inspiration for numerous visitors, researchers, students, native craftsmen, teachers, and community and spiritual leaders over the years, especially since the cultural revival, which has been steadily growing and gaining in popularity;

Whereas more than 300,000 people visit Bishop Museum each year to learn about Hawaiian culture and experience Hawaiian Hall;

Whereas the desire to see Hawaiian Hall and to learn about Hawaiian culture is the primary reason 400,000 visitors each year give for visiting Bishop Museum;

Whereas Hawaiian Hall is the Nation’s only showcase of its size, proportion, design, and historic context that is devoted to the magnificent legacy of Hawai’i’s kings and queens, and the legacies of its Native Hawaiian people of all walks of life and ages;

Whereas Hawaiian Hall, constructed between 1889 and 1903 and 1 of 3 interconnected structures known as the Hawaiian Hall Complex, is considered a masterpiece of late Victorian museum design with its Kamehameha blue stone exterior quarried on site and extensive use of native koa wood, and is one of the few examples of Romanesque Richardsonian style museum buildings to have survived essentially unchanged;

Whereas Hawaiian Hall, designed by noted Hawai’i architects C.B. Ripley and C.W. Dickey in 1898, was placed on the National Register of Historic Places in 1982, based on its unique combination of architectural, cultural, scientific, educational, and historical significance;

Whereas the restoration and renovation of Hawaiian Hall and its exhibits by noted Hawai’i architect Glenn Mason and noted national and international museum exhibit designer Ralph Appelbaum are integral to the museum’s ability to fulfill its mission and achieve its primary goal of serving and representing the interests of Native Hawaiians;

Whereas the restoration and renovation of Hawaiian Hall, begun in 2005, included the building of a new gathering place in an enclosed, glass walled atrium, improved access to the hall through the installation of an elevator in the new atrium to all 3 floors of the hall and other buildings in the Hawaiian Hall Complex, improved collection preservation through the installation of new, state-of-the-art environmental controls, lighting, security, and fire suppression systems, and restored original woodwork and metalwork;

Whereas the restoration and renovation of the hall’s exhibits bring multiple voices and a Native Hawaiian perspective to bear on Bishop Museum’s treasures, by conveying the essential values, beliefs, complexity, and achievements of Hawaiian culture through exquisite and fragile artifacts in a setting that emphasizes their “mana” (power and essence) and the place in which they were created;

Whereas the new exhibit incorporates contemporary Native Hawaiian artwork illustrating traditional stories, legends, and practices, and contemporary Native Hawaiian voices interpreting the practices and traditions through multiple video presentations;

Whereas the new exhibit features more than 2,000 objects and images from the museum’s collections on the open floor, mezzanines, and the center space, conceptually organized to represent 3 traditional realms

or “wao” of the Hawaiian world—Kai Ākea, the expansive sea from which gods and people came, Wao Kānaka, the realm of people, and Wao Lani, the realm of gods and the “ali‘i” (chiefs) who descended from them;

Whereas the new exhibit’s ending display celebrates the strength, glory, and achievements of Native Hawaiians with a large 40-panel mural titled “Ho‘ohuli, To Cause An Overturning, A Change”, made by students of Native Hawaiian charter schools in collaboration with Native Hawaiian artists and other students, and interpreted by Native Hawaiian artists and teachers in a video presentation; and

Whereas the people of the United States wish to convey their sincerest appreciation to Bishop Museum for its service and devotion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the reopening of historic Hawaiian Hall on the 120th anniversary of the founding of Bishop Museum in Honolulu, Hawai‘i; and

(2) on the occasions of the reopening and anniversary of the museum, honors and praises Bishop Museum for its work to ensure the preservation, study, education, and appreciation of Native Hawaiian culture and history.

ORDER FOR STAR PRINT—S. RES. 222

Mr. BROWN. Mr. President, I ask unanimous consent that S. Res. 222 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1552

Mr. BROWN. Mr. President, I understand S. 1552, introduced earlier today by Senator LIEBERMAN, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1552) to reauthorize the DC opportunity scholarship program and for other purposes.

Mr. BROWN. I ask now for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, JULY 31, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, July 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 105, H.R. 2997, the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, as previously announced, there will be no rollcall votes during tomorrow’s session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:12 p.m., adjourned until Friday, July 31, 2009, at 9:30 a.m.

SENATE—Friday, July 31, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father God, author of liberty, who has made and preserved us as a nation, bless today our lawmakers who are called to serve the Republic by bringing order out of chaos and peace out of strife. May they lift the shield of their integrity against the enemies of justice and truth at this time when the world's hopes depend on character. Lord, guide them with Your providence until this Nation shall gleam undimmed by tears of want and woe. Make our lawmakers worthy of the sacrifices of those who, day by day, give their all to keep us free. Help them to forgive and forget any memories of strained relationships or debilitating differences.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will resume consideration of the Agriculture appropriations bill. There will be no rollcall votes during today's session. However, the two managers, Senator KOHL and Senator BROWNBAC, will inform all Members that they will accept amendments, and people who have amendments should be ready to offer them today or on Monday.

MEASURE PLACED ON THE CALENDAR—S. 1552

Mr. REID. Mr. President, S. 1552 is at the desk and it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1552) to reauthorize the DC opportunity scholarship program, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Mr. President, I have a cloture motion at the desk, but before it is read, we need to have the bill reported.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2997, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Kohl/Brownback amendment No. 1908, in the nature of a substitute.

Kohl (for Tester) amendment No. 2230 (to amendment No. 1908), to clarify a provision

relating to funding for a National Animal Identification Program.

CLOTURE MOTION

Mr. REID. Mr. President, I would now ask that the cloture motion which is at the desk on the substitute amendment be stated.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 1908 to H.R. 2997, the Agriculture Appropriations Act for Fiscal Year 2010.

John D. Rockefeller, IV, Tom Udall, Mark L. Pryor, Edward E. Kaufman, Blanche L. Lincoln, Kent Conrad, Kay R. Hagan, Mark Begich, Byron L. Dorgan, Max Baucus, Ben Nelson, Herb Kohl, Daniel K. Inouye, Michael F. Bennet, Mary L. Landrieu, Charles E. Schumer.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk on the bill itself.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2997, the Agriculture Appropriations Act for Fiscal Year 2010.

John D. Rockefeller, IV, Tom Udall, Mark L. Pryor, Edward E. Kaufman, Blanche L. Lincoln, Kent Conrad, Kay R. Hagan, Mark Begich, Byron L. Dorgan, Max Baucus, Ben Nelson, Herb Kohl, Daniel K. Inouye, Michael F. Bennet, Mary L. Landrieu, Jon Tester, Charles E. Schumer.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the substitute amendment occur at 5:30 p.m. on Monday, August 3; that if cloture is invoked, postcloture time be considered to have begun as if cloture had been invoked at 11 a.m.; further, that the mandatory quorums required be waived, and that first-degree amendments be filed at the desk by 3:30 p.m. on Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. KOHL. Mr. President, as we wait for Members to come forward with

amendments, I wish to talk about something that is happening down at the USDA right now. This morning, Secretary Vilsack is announcing changes to the Dairy Product Price Support Program. I wish to commend him for his diligence and his willingness to keep pushing on this.

Wisconsin is home to more dairy farms than any other State in the Union. We produce 2.1 billion pounds of milk each month. About half the State's \$51 billion agriculture economy is directly tied to dairy. So when the dairy sector hurts, Wisconsin hurts. And I will say in no uncertain terms that the pain in dairy across America is very acute right now.

From January through April, the price of milk paid to dairy farmers has been about \$4.80 per hundredweight below the cost of production. Dairy producers have lost \$3.9 billion in equity in 5 months. At risk is the long-term stability of the industry, the Nation's milk production infrastructure, and thousands of rural communities.

With Senator LEAHY and a number of our colleagues, we have pushed to confront these challenges. In the last farm bill, we extended the basic safety net for dairy producers, and we strengthened it with something called a "feed cost adjuster." In the economic recovery bill we added credit to help producers survive.

At the same time, the Secretary has worked to boost exports and provide more dairy products for nutrition programs. All of these are critical steps. Together they reflect, literally, a billion-dollar effort to address a crisis that has hurt dairy producers in every corner of the country.

But over the past several weeks, in hearings and letters—and personal consultations I have been a part of—there is a growing appreciation that more needs to be done. Today the Secretary is taking the next step. For August through October, he is adjusting the Dairy Product Price Support Program in a way that will yield an estimated \$243 million in revenue increases for dairy producers.

I commend our Secretary of Agriculture for working with intensity and persistence. I commend our President for appointing a Secretary of Agriculture who works with intensity and persistence. And I want to reassure dairy farmers all across America that, although we do not have all the answers, we are committed to pressing forward on their behalf.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I urge my colleagues, particularly on my side of the aisle, to get their amendments and bring them forward, bring them forward this morning. It would be my hope we could get this bill done on Monday, early evening, so we can move

to the Sotomayor discussion and debate on the floor. I think most Members want to speak about Sotomayor, so it is going to take a lot of time next week, being the last week before we go on break. I hope we could start that as fast as possible and we could move through this bill expeditiously.

We worked very closely with the majority. I think we have a good bill. It certainly is not perfect; no bill is. But it is one for which we have done a lot of work, and I do not see the issues outstanding here to the degree that I think it would merit us putting off the discussion and debate on Sotomayor. So I am hopeful we can get those amendments coming forward.

AMENDMENT NO. 2229 TO AMENDMENT NO. 1908

Mr. President, I have discussed with the majority about bringing up an amendment to deal with the issue of neglected and rare diseases. The FDA funding is in this bill, and we have negotiated an amendment with the proper authorizing committee. So with that, I ask unanimous consent to set aside the pending amendment, to call up amendment No. 2229, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 2229 to amendment No. 1908.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish within the Food and Drug Administration 2 review groups to recommend solutions for the prevention, diagnosis, and treatment of rare diseases and neglected diseases of the developing world)

On page 85, between lines 16 and 17, insert the following:

SEC. 7. (a) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials.

(b) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and

treatment of neglected diseases of the developing world: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: *Provided further*, That for the purposes of this section the term "neglected disease of the developing world" means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)).

(c) The Commissioner of Food and Drugs shall—

(1) submit, not later than 1 year after the date of the enactment of this Act, a report to Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

Mr. BROWNBACK. Mr. President and colleagues, this amendment goes at a critical problem in the world and one we hold the key to answering. There is a lot of work that needs to be done on disease treatment and drug development. Unfortunately, what we have seen taking place is that the cost of developing a pharmaceutical product to treat particular diseases continues to go up and up and up into, in some cases, billions of dollars to develop a particular drug for a treatment for individuals.

When you are looking at disease categories, now that we are getting into finer and finer groups, you may have a group of, say, 50,000 people who have a particular disease, or for a neglected disease that is in a Third World country, you can have millions, even more than that, who are affected by a disease, but there is not a large marketplace to support the research that is necessary to develop a cure.

What we have put forward in this amendment is a review process to try to establish a new system for neglected and rare diseases so that drug delivery can proceed, and it can proceed on an expedited basis and reduce the cost of doing it, so we can start to develop drug treatments for rare diseases and neglected diseases that happen in poorer parts of the world where the economy does not support that level of research.

The amendment establishes two review groups within the Food and Drug Administration that would recommend

solutions for the prevention, diagnosis, and treatment of both rare diseases and neglected diseases of the developing world.

According to the World Health Organization, more than 1 billion people—nearly one of every six people worldwide—are affected by at least one neglected disease. We have a billion people who are in this category of having a disease for which there is little to no research being done.

Examples of well-known neglected diseases include malaria, tuberculosis, and cholera. Africa certainly bears the brunt of this, as nearly 90 percent of the world's neglected diseases afflict people in this continent.

While this is the target category, it is my hope that what this will lead to is us developing systems and ways where we can reduce the cost and the time for drug delivery and development so we can use that in this country. We can use that on rare diseases where you do not have the population pool to support as much of the research.

Neglected diseases claim roughly 500,000 lives each year. They disproportionately affect very low-income populations in developing countries. Unfortunately, less than 1 percent of the roughly 1,400 drugs registered between 1975 and 1999 treated such diseases—1 percent of them.

Streamlining the FDA review process to treat these diseases is not only in our country's national interest, but it is consistent with our longstanding tradition of caring for those who are less fortunate around the world.

I might point out that as to the public opinion standing of the United States, the continent where we have the highest public opinion standing of the population is not even North America, it is Africa, where we are helping people with the PEPFAR program, with malaria, with food, and people like you if you are helping them stay alive. This continues in that, so it is good foreign policy as well and also helps us in drug delivery and development for our rare diseases.

This amendment also addresses rare diseases or those diseases for which little market exists since so few patients are affected. If this happens to be a person in your family, you do not care how many people are affected, you are affected, and you want somebody to be developing cures for it. Rare diseases can be especially lethal since few treatments may exist for individual patients and time is not on their side.

For these reasons, I strongly urge my colleagues to support this amendment No. 2229, which would allow experts to identify ways we can improve the Food and Drug Administration's ability to review treatments for rare and neglected diseases.

We worked carefully on this proposal with a number of individuals, including Dr. Francis Collins, who is nominated

to be the head of NIH and who had the Human Genome Project, one of the great scientific breakthroughs of the last 25 years; as well as with former FDA officials and a number of people interested and concerned about what is taking place here; about the expanded cost of developing drugs and the smaller economic category that they have to hit in. I think this is in the best traditions of the United States and is very helpful to us as a country to address.

I and my colleagues have traveled to some of the Third World areas. We know malaria hits 60 percent of the children in Sub-Saharan Africa—60 percent. Tuberculosis as well is rampant. We have other diseases that we haven't thought of here for a long time—sleeping sickness, river blindness—that affect a large cross-section of individuals with little to no effort going into it. To the degree we can help will be a massive good that we do. It is my fundamental belief that we are blessed to be a blessing, and this country has been blessed. We certainly have our difficulties; no question about that, but here is an area where we can help and it helps us too.

I hope my colleagues will see fit to support this amendment. I will ask at the proper time that it be supported and that we vote on it.

I yield the floor.

Mr. KOHL. Mr. President, as we said before this morning, we intend to complete action on this bill Monday. We are here today to work with Senators if they have amendments. We need to move this bill along so we can complete all our work as we know we wish to do before the August recess. So if any Senators have amendments to the bill, they should come to the floor so they can be offered, debated, and considered.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, while we are waiting on Members to come and present their amendments, I want to talk about something associated with agriculture in my State. It is an issue that will probably come up after the August break, and that is energy legislation. Energy, in our State, is inextricably linked to agriculture, where it is a big energy-using industry but also one that derives a lot of income for agriculture.

The industry itself moved from a food and fiber industry to a food, fiber, and fuels industry, with ethanol and biodiesel and increasingly—this is a bit of a sidebar but a connection—wind en-

ergy. Wind energy, in many of the rural areas of our State, is providing income to those regions.

I want to talk about the energy policy of this country, particularly as it is associated with agriculture. We need to look at the agricultural industry and what it can produce for a domestic fuel need. I am hopeful we can, over time, up the ethanol standard from 10 percent to a higher mixed blend. I would like to see us get to 15, 20 percent in the current vehicle fleet. I think this is doable and the technology is there and it is not harmful to anybody or any of the automobiles in the automobile industry.

A number of us signed a letter asking that fuel blend be upped and also that the refineries be held harmless in any up mixture of blending that might be considered. A number of refineries are sensitive about the MTBE problem, when they were pushed by Congress to put in MTBE, and later were held responsible for difficulties associated with that. I think we ought to hold the refinery industry harmless but allow the mixture to go up from 10 percent.

In my State, a number of ethanol plants have been built. They are cost effective and they continue to operate well. It is a dual-commodity business, where we are looking at the commodity price of oil and the commodity price of corn. We can do very well financially, but if they move against us, we can do poorly. We have the capacity to move the blend up to the 15 or 20 percent level.

It is my hope that down the road that will be something of consideration. That has been a big piece of the agricultural policy in this country—something that has been supported in the Agriculture appropriations bill, to increase research on ethanol and make the next generation out of cellulose or make everything a cellulosic stream, along with a grain stream of ethanol in the same ethanol plant, so we can mix those methods of making ethanol. That is an important endeavor that we can do.

On the Energy bill, there is a renewable energy standard put in it and not the cap-and-trade bill. I urge my colleagues, let's work on renewable energy where we can get good, strong bipartisan support and not a cap-and-trade system where it is going to hurt a number of States that are high energy using and producing States—particularly like my own State or others in the Midwest that are very dependent upon energy. This is a major tax on us. It taxes our electrical production that is coal based. Our State is in the 60 to 70 percent electric production. If we are taxing that, we are taxing people's utility bills. If we go with a renewable energy standard, we can seed and develop the growth of the wind energy business throughout a lot of the country, or biomass, which is helpful to agriculture, and not raise utility rates

and not do it by taxing and regulating but, rather, by innovation and investment.

Earlier this week, I met with a number of people from the wind energy business, and they were saying we have had a good run, but it is not going very well now with this economy and without a renewable energy standard. The one we put forward in the Energy Committee has a 15-percent renewable energy standard; 4 percent of that can be met by conservation and 11 percent by renewable production, biomass, wind, and even things such as algae biofuel production, which is very much in the experimental stage, but it is a developing technology.

If we can consider that and do the renewable energy standard portfolio, separate and distinct, and not blend it with cap and trade, I think we can come forward with a good, bipartisan bill that moves us forward off of our energy reliance on foreign fuels and into a cleaner environment. The tax and regulatory structure of a cap-and-trade system would be very harmful on a State such as mine.

Senator BINGAMAN chairs the Energy Committee. He did a markup over a period of 4 weeks that was one of the most impressive markups I have seen, where he worked with everybody to get this bill together on a renewable energy standard. We came out with a bipartisan energy bill on a renewable energy standard. Not everybody got what they wanted; nobody ever does, but it was bipartisan, and it wasn't a cap-and-trade bill, which really sends the bells off for a lot of high energy using States. That is doable, and it is what we ought to do rather than what the House did on cap-and-trade legislation, which passed by the thinnest of margins.

It was basically done completely on Democratic votes, without Republican votes; whereas, the renewable energy standard we passed had a mixture of Republican and Democratic votes and even some Democrats voted against the bill in committee. It is a bipartisan process and one that we can move forward with—not to mention other things.

I just met with a refinery group doing petroleum products—pavement and other things—in the United States. They look to get hit with cap-and-trade legislation—to the point they will be driven out of business. But we are still going to need asphalt in this country.

They are saying: Do you know where it is going to come from? It will come from China and India; they will make the asphalt. Big plants are being planned and built there in anticipation that we will do cap-and-trade legislation and they won't. Their CO₂ emissions are not counted and ours will be and they will sell us the product. That completely defeats the purpose of any

type of CO₂ mitigation—just driving the industry overseas. It is going to be more polluting there than here, and the CO₂ emissions that go into the atmosphere affect everybody. It is a bad idea for us to cause that to happen in our own legislation.

Industries are planning on doing that now, just building and moving the industries to China and importing the products back to the United States. That hurts us. That hurts our people, our job formation, and it doesn't help the environment. We have another way. We have a way, through this renewable energy standard, that can actually work.

I ask, as we consider the Agriculture bill and others, that we keep an eye on energy because it is one of the key cost drivers within the industry. It is also one of the key possibilities for us to grow it in the future and grow it for our country. That is why we put some provisions in this Agriculture appropriations bill that are supporting the energy industry in agriculture. But personally—and I know others have different opinions on this—I ask that we don't then hurt it with legislation later on that is not complementary toward it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DR. ROBERT KELEHER

Mr. BROWNBACK. Mr. President, while we have time waiting to clear some amendments, I am also ranking member on the Joint Economic Committee. Today is the last day serving on that committee staff of Dr. Robert Keleher. I rise to recognize him briefly.

He is retiring after many years of valuable service in the Congress. Congressman Jim Saxton, when he was chairman, persuaded Bob to join the committee staff back in 1996, as chief macroeconomist after an already distinguished career. Bob's insightful mind, high standard, and extensive knowledge of economics made him a critical component of the staff for many years.

Before joining the committee staff, Bob's career, including serving as the senior macroeconomist of President Reagan's Council of Economic Advisers in 1985 and 1986, The head of Macro and International Economics at the Federal Reserve Bank of Atlanta, and as a special monetary and economic adviser to the Federal Reserve Board of Governors Vice Chairman Manuel Johnson. I think under anybody's standard, that is a very successful career as an economist.

Bob's contribution to the committee was broad based and valuable. In particular, his early and prolific work on the issue of inflation targeting represents almost the entire body of congressional analysis in this area from 1997 to 2006.

During his career, Bob also conducted research applying the classical principles of economics to tax policy. His research emphasized the important effects that marginal tax rates have on economic behavior, in particular the positive effects that reducing personal marginal rates have on creating incentives for healthy economic growth. We would be wise to take Bob's research findings to heart.

Yet a person's work career is not the only thing that defines him. Bob's work was first rate, relevant, and valuable to members of the committee. But Bob's character as a man, his judgment, and integrity only add to the reasons he will be missed.

Mr. President, I know my colleagues on the committee, from both the Senate and the House, join me in extending a heartfelt thanks to Bob for his years of service and in congratulating him upon his retirement.

Thank you, Bob. We wish you and your family the best. You have earned it. Godspeed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS NOS. 2234, 2225, AND 2226 TO
AMENDMENT NO. 1908

Mr. KOHL. Mr. President, I ask unanimous consent to set aside the pending amendment to call up the following amendments which are at the desk: Leahy No. 2234, Murray No. 2225, and Bill Nelson of Florida No. 2226.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes amendments en bloc numbered 2234, 2225, and 2226 to amendment No. 1908.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2234

(Purpose: To provide funding for the Office of Inspector General to conduct inspections of the national organic program)

On page 8, line 2, before the period, insert the following: “: *Provided*, That of the amount made available for the Office of Inspector General to conduct investigations

such sums as are necessary shall be made available for the inspection of the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)."

AMENDMENT NO. 2225

(Purpose: To allow State and local governments to participate in the conservation reserve program)

On page 85, between lines 16 and 17, insert the following:

SEC. 7. Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting "(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)" before the period at the end.

AMENDMENT NO. 2226

(Purpose: To prohibit funds made available under this Act from being used to enforce a travel or conference policy that prohibits an event from being held in a location based on a perception that the location is a resort or vacation destination)

On page 85, between lines 16 and 17, insert the following:

SEC. 745. No agency or department of the United States may use funds made available under this Act to enforce a travel or conference policy that prohibits an event from being held in a certain location based on a perception that the location is a resort or vacation destination.

Mr. KOHL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2234

Mr. KOHL. Mr. President, the Leahy amendment No. 2234 has been approved on both sides, and I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2234) was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BOVINE TUBERCULOSIS

Ms. KLOBUCHAR. Mr. President, I seek to clarify with the chairman an effort across two States to address the growing issue of bovine tuberculosis.

I have asked the subcommittee to provide funds for a joint effort between the University of Minnesota and Michigan State University in support of research to prevent the spread of bovine tuberculosis and ultimately eradicate the disease from cattle, deer, and other wildlife. My colleagues from Michigan and I understand the negative economic

impacts bovine tuberculosis impose on our States' agricultural industries. In fact, agriculture is the second largest industry in both States, and this research is key to protecting our economies.

However, it is my understanding that this research effort may have been mistakenly associated with Michigan's ongoing eradication efforts.

Mr. KOHL. I thank the Senator from Minnesota for bringing to my attention this issue. I understand the importance of the joint research effort on bovine tuberculosis taking place at the University of Minnesota and Michigan State University.

I will work with Senator KLOBUCHAR to ensure that the bovine tuberculosis joint university research program is addressed as the fiscal year 2010 Agriculture appropriations bill moves through the legislative process.

Ms. KLOBUCHAR. Mr. President, I congratulate the chairman for crafting a strong fiscal year 2010 Agriculture appropriations bill and thank him for his efforts to assist me on this important initiative.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD, the Budget Committee's official scoring of S. 1406, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$23.1 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$17.7 billion. When outlays from prior-year budget authority are taken into account, non-emergency discretionary outlays for the bill will total \$24.9 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and for outlays.

The bill is not subject to any budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1406, Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

General purpose

Senate-Reported Bill:	
Budget Authority	23,050
Outlays	24,886
Senate 302(b) Allocation:	
Budget Authority	23,050
Outlays	24,886
House-Passed Bill:	
Budget Authority	22,900
Outlays	24,686
President's Request:	
Budget Authority	22,819
Outlays	24,743

Senate-Reported Bill Compared

To:	
Senate 302(b) allocation:	
Budget Authority	—
Outlays	—
House-Passed Bill:	
Budget Authority	150
Outlays	200
President's Request:	
Budget Authority	231
Outlays	143

Note: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P. 1102).

Mr. KOHL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KOHL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. CASEY. Mr. President, I rise today to address a topic we have been debating for many weeks and months but especially the last couple of weeks, and that is health care. We have spent a good deal of time in Washington talking about the details of various provisions, the different ideas that have been introduced in bills and through the work of the committee.

I happen to be a member of the Health, Education, Labor, and Pensions Committee, known by the acronym "HELP." In our committee, we spent about 60 hours in hearings and 25 hours or so in discussions with our Democratic and Republican colleagues, working through some ideas. We accepted about 160 Republican amendments before our bill came out of committee. As you might know, the vote in committee was 13 Democrats voted for it, 10 Republicans voted against it. But despite that divide in the vote, there

was a good exchange on important issues.

Mr. President, you know as well as I do some of the issues with which we are wrestling. We want to try to provide the President a bill that, first of all, in a general sense, provides stability—stability with regard to cost, lowering the cost and also controlling cost, and stability with regard to choices. I believe what we are going to send to the President this fall will allow people to keep the health care they want to keep if they like what they have and are happy with it. But if you don't have any health care or you have a plan that costs too much or is of poor quality, you can choose another option. I hope the options will be both private plans and a public option, but that is a point of contention we will be talking a lot about as well.

Finally, we want to make sure there is quality, at long last that we reach a point where we are introducing quality measures into our health care system. Theories and proposals and strategies have been talked about too much and not enacted or put into the law. There are a lot of good examples by private companies across the country that have wellness policies, that invest in keeping people healthy so they do not have to spend money from our health care system treating a disease—getting out ahead of a problem, so to speak. And there is prevention, with all kinds of ways to save lives, to improve quality, and to save money as well.

I wanted to walk through some provisions in some detail, not to take too much time because I know we are at the end of our week.

First is the fundamental urgency of where we are now. I believe we cannot wait. We have talked this issue to death for the last 15 years especially, since the early 1990s. But even if you look at it beyond that, for about 60 years or so since President Truman introduced this idea of doing something substantial on health care, we have talked about it. The time for action is now. In my judgment, this is no longer just a nice thing to do. It is a necessity for our economy. We cannot even begin to imagine a strong economy over the next decade or longer without health care reform. More American families are unable to get the coverage they need. So where we are now, the status quo, is not just unacceptable, it is economically unsustainable as we debate this issue today.

Let me go to the second chart with that same concept about it being unsustainable, the status quo, staying on the road we are on. Premiums have doubled over the last 9 years, three times faster than wages. If we do nothing in the next 30 years, a third of our economy will be spent on health care. That is unsustainable. Health care spending will increase from \$2.5 trillion to \$7 trillion in the period between now and 2025.

This might be the most stunning set of numbers of all. Every week, 44,230 people lose their health insurance. We cannot say that enough. We cannot repeat that number enough. How can we build an economy, how can we be a successful, vibrant, growing economy when every single week 44,230 people lose their health insurance? We could chart this just from the time our committee voted the bill out of committee a couple weeks ago in the HELP Committee. Every week since then, more than 44,000 are losing their health insurance.

This is a Pennsylvania number, roughly a 3-year number. From January 2008 to December 2010, the projection is that 178,520 people will lose their coverage. For our State, the Commonwealth of Pennsylvania, that is unsustainable. We cannot grow an economy with those numbers.

Without reform—this is a State of Pennsylvania number—family coverage would cost \$26,679 in 2016, consuming 51.7 percent of projected Pennsylvania family median income. I don't know of any family in America, even a very wealthy family, who can pay half their income to health care, certainly not a middle-income family. But that is the road we are on. That is going to happen if we stay where we are and stay with the status quo. And that is 7 years away, that is not 25 or 30 or 50 years. In 7 years, staying on the road we are on means the average family in Pennsylvania is going to have to pay more than half their income to health care. To say that is unsustainable is something that is an assertion of an understatement by a mile.

Here are some of the themes I talked about before—stable costs, secure choices, and quality care. These are some of the themes we have to keep mentioning.

On the lower cost issue, preventing illness and disease, as I said before, does have a cost implication. It is not all the savings, but we know from research and experience that we will have savings.

Uncompensated care. This is a factor we can consider today. People think: I have health care. There are uninsured people out there, maybe 50 million people uninsured. Someone who has health care might think: I wish they could get coverage, but I am afraid if they get coverage, I am going to be paying more. That is a lot of the debate. But what we fail to realize sometimes in the debate is people are paying right now for the uninsured. Having uninsured Americans is not free. We all pay for that, and by one estimate, \$1,000 per year for every American who has health insurance.

One of the things we are trying to do in this legislation is to cover 97 percent, or one bill might have it at 95 percent, but above 90 percent of Americans is the goal for coverage.

I go to the next chart on reducing waste, fraud, and abuse. One estimate is we could save \$60 billion per year. Some say that is an estimate and that is just what one group said. Let's say it is wrong. Let's say it is not quite \$60 billion. What if it is off by a little? What if it is \$40 billion? That is still a lot of savings. What if it is \$30 billion? What if they are way off? That is a lot of savings every year. But we are not doing that today, preventing that kind of fraud, waste, and abuse.

Capping out-of-pocket limits. Even when they have the benefit of health care delivery, the out-of-pocket costs keep going up and up. So many small businesses worry about this when they are forced, if they want to employ people, to pay more and more, and forcing people to pay more out of their own pockets.

Small businesses and individuals join purchasing pools for lower rates. The reason that is important is because all the desks in this Chamber—every one of us has health care, really good health care, if you are a Federal employee. Thank goodness. I am blessed by that health care. My wife and my four daughters and I all benefit from that, just like every Member of the Senate and every Member of the House and everyone who works in the Federal Government. That is good. Guess what. The reason we have health care and choice of lots of options and plans is because we pool all those people, millions of Americans who happen to be connected in some way to the Federal Government pool. They are in one pool, and that keeps costs down. Why is that good enough for Senators and Congressmen, why is that available to them but small businesses don't have the same plan or the same option available to them? I think every small business in America should have the benefit—the cost-reduction benefit, at a minimum—that comes from pooling their resources and their individuals. That is part of the reform we are talking about. It is not a concept, it is in the bill. And that is important to emphasize.

Finally, if you like what you have, you can keep it. I said that earlier. We should keep saying that because it is important.

Ensuring coverage even when families move, lose a job, or have an illness—why in America, if we can figure out so many complicated things, can't we guarantee when someone loses their job they will not lose their health care? It does not make sense that we have accepted that, tolerated that inequity for so long.

“Gateway” is a word about which we have been hearing a lot. What does that mean? It is really a marketplace. It allows people to go to a Web site and find out what they want in their health care plan, not having to read hundreds

of pages of fine print that the best lawyers in America sometimes do not understand.

A marketplace is a gateway that allows families and businesses to compare rates, benefits, plans, both private and, we hope—we hope—a public option. Why can you go online and learn about a car or some other major purchase in your life and you can't do the same thing for health care? It is ridiculous, in a word. That is what this would allow—giving people the ability to do just that, just as they do for every other major purchase in their life.

Secure choices is important. Individuals will have their choice of doctors and individualized care. Government and insurance will not interfere in the doctor-patient treatment decisions. I know there is a lot of talk about government getting in the middle. It is just not true, and people know it is not true. We have to make sure people understand that is a fundamental building block of what we are talking about. We want people to be empowered, we want them to have more choices, and we want them to have the choice of both the public option and private plans as well.

I am almost done, Mr. President. My colleague from Arizona is here, and I want to make sure he has his time on Friday to speak.

This is bill language. Sometimes we talk about concepts, and the American people never get to the point of seeing in front of them language from a bill that is actually understandable and is focused on the real problem.

One of the biggest problems people in our State and a lot of States run up against is a preexisting condition prevents them from getting treatment. It is unbelievable that we have tolerated that for so long as well. Why can't we say we are going to pass a law that at long last says a preexisting condition will not prevent you, your son, daughter, spouse, or loved one from getting the care they deserve? We should not have to do it. Insurance companies have forced us to legislate, to make this the law.

Here is the language. It is not complicated. It is not mysterious. It is not lawyer language:

A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any preexisting condition exclusion . . .

Let me read that again:

. . . may not impose any preexisting condition exclusion with respect to such plan or coverage.

That is in the bill. It is not a fuzzy concept, it is very specific.

One of the reasons I and so many others are saying we cannot stay on the path we are on, we cannot accept again and again the status quo, is because of that—because the status quo means “may not impose any preexisting condition exclusion” does not become part

of the law and we have to continue to deal with the horrific and inexcusable nightmare of a preexisting condition preventing someone in America, someone who might be very sick in America, from getting treatment, from getting the benefit of health care they ought to have a right to expect.

So when we pass this bill, we have to make sure people understand that is in the bill, and that is very specific and it is very pointed and focused on a real problem for families.

Finally, children. One of the goals here, obviously, is to make sure that no child, especially poor children and those with special needs, is worse off as a result of this bill. Children are different from adults. They can't be treated the same way. They need strategies and treatments that adults don't have. They have different health care needs. It is critical that children, especially those who are disadvantaged, who happen to be poor, who have special needs, get the highest quality care, which they deserve. That is why I have a resolution as part of that which I have introduced.

Finally, with regard to children—no child worse off. Because we want them to grow into healthy and productive adults, they need to get the highest quality care throughout their childhood. We want them to get from this picture in a crib to that picture getting a diploma. So we want them to have the kind of quality health care that will allow us to prevent disease and illness in a child early enough which will allow them to lead a productive life and get ready to contribute to our great economy and to our great country.

There is a lot to do. There is still more work to do, but we need to continue to talk about what is in these bills and to have a vigorous debate. We are a long way from getting this done, but I believe we are on the right track. I believe it is not only important, but unless we do this, I think we are heading down a path that is unsustainable for our economy, for our country, and especially for our families.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE DEFENSE BILL AND EARMARKS

Mr. McCAIN. Mr. President, I rise to talk for a few minutes about the actions taken by the House of Representatives yesterday when they passed the Defense appropriations bill. It is not a

small piece of legislation. It provides \$636 billion for defense, and it avoided one veto fight by stripping out funding for advanced procurement of the F-22 fighter jet, but it chose to ignore veto threats over funding for an alternative engine for the F-35 Joint Strike Fighter and the VH-71—incredibly, the VH-71 Presidential helicopter. The House bill provides \$560 million to continue pursuing an alternative engine and \$485 million for continuation of the VH-71 helicopter. The VH-71 helicopter is the Presidential helicopter, which Secretary Gates has, I think very accurately, derided as one of the most outrageous examples of overspending for any system the Defense Department has ever acquired. The bill also provides \$674 million for three C-17 cargo aircraft, not requested in the administration's budget. It has been determined time after time that there is no need for additional C-17 aircraft.

So what did they do in return for continuation of things like a Presidential helicopter that costs more than a 747 and all of these other porkbarrel projects? Well, the House bill reduces funding by \$1.9 billion for our request for MRAPs—for MRAPs, the vehicles that are protecting young men and women who are fighting in Iraq and Afghanistan. They reduce the number from what the administration thinks we need—5,244—to 2,000. It is remarkable.

But what I really wanted to talk about for a minute is the 1,100 earmarks totaling \$2.8 billion. Of those, 540, totaling \$1.3 billion, are slated to go to specific private companies without competition. Remarkable—\$1.3 billion. You know, the bill may have language saying funding should be competed, but in reality it is not the case when a specific company is identified in report language.

Also incredibly, there are 70 earmarks in the bill for former clients of the PMA Group—the people whose offices have been raided and shut down. It is currently under investigation by both the Justice Department and the House ethics committee.

Concerning earmark reform, President Obama said:

Earmarks must have a legitimate and worthy public purpose. Earmarks that Members do seek must be aired on those Members' web sites in advance, so the public and press can examine them and judge their merits for themselves. Each earmark must be open to scrutiny at public hearings, where Members will have to justify their expense to the taxpayer.

None of that has happened. The earmarks in the House fail woefully in meeting scrutiny at public hearings. As Representative JEFF FLAKE—a man of great courage and of incredible integrity—so rightfully pointed out when he addressed the earmarks in the bill:

These earmarks receive scant scrutiny by the House Appropriations Committee. The committee's markup of the bill lasted all of

18 minutes. Given the way this bill has been earmarked, you'd never know that serious ethical questions have been raised about this process. Simply put, Members of Congress should not have the ability to award no-bid contracts. Even worse, many times the recipients of these earmarks are campaign contributors. The practice has created an ethical cloud over Congress, and it needs to end.

Congressman FLAKE talked about the ethical cloud over Congress. We know about PMA. Every day, there is a new story about one of these earmarks. I would like to cite two quick examples.

Mr. President, I ask unanimous consent to have printed in the RECORD an article headlined "nextgov," entitled "Software company won earmarked funds for work on military health records," and the other article from Politico entitled "Exclusive: Earmark critic steered cash to blimp research."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From NextGov, July 29, 2009]

SOFTWARE COMPANY WON EARMARKED FUNDS
FOR WORK ON MILITARY HEALTH RECORDS
(By Bob Brewin)

Adara Networks, the company that is the subject of a Defense Department employee's allegations that it received important software code in advance of winning a sole-source contract to provide hardware and software for a new military electronic health record system, has only between 20 and 50 employees and revenues of \$8 million a year, according to online records. But the company has powerful friends in Washington.

Sen. Thad Cochran, R-Miss., inserted earmarks in the fiscal 2008 and 2009 Defense appropriations measures funding work by Adara on Defense health record systems. He also has a pending earmark for Adara in the 2010 Defense appropriations bill.

According to the Center for Responsive Politics, Adara has paid \$240,000 in lobbying fees to Gage LLC, a consulting and government affairs firm whose partners include former Sen. Conrad Burns, R-Mont. The firm is headed by Burns' former chief of staff, Leo A. Giacometto.

The bulk of the fees, \$160,000, went to Gage last year, making Adara one of the company's biggest sources of revenue in 2008. The Adara lobbying tab from Gage last year matched the fee paid to the lobbying firm by VeriSign, an Internet security company that had revenues of \$255 million in the first quarter of this year.

According to a database of federal contract awards, Adara won Defense contracts valued at \$7.2 million in 2007 and \$13.7 million in 2008.

Cochran's earmarks steered \$4 million to Adara last year for work on what was described as a "next-generation networking electronic medical records project" and \$1.1 million in 2009 for the Strategic/Tactical Resource Interoperability Kinetic Environment (STRIKE) project. Cochran has sought \$10 million in Adara funding for the STRIKE project in the 2010 Defense appropriations bill, which is pending in the Senate.

The STRIKE project, according to Cochran's office, is designed to help the Defense Department solve problems of interoperability, scalability, performance and security in its medical information technology systems.

Internal Military Health System briefings show that Adara's NPX routers, which the company says are capable of moving data around faster than rival products, sit at the heart of the new Military Health System electronic record architecture. The routers serve as a bridge between Defense's AHLTA electronic health record system, the Clinical Data Repository that stores more than 9 million military health records, and VA's electronic health record system.

An internal e-mail NextGov obtained shows that the Military Health System tapped Adara to provide software as well as hardware for a new enterprise architecture, including a means of exchanging data and a graphical user interface to view medical records.

In that e-mail, Maj. Frank Tucker, chief of product development for the Defense Health Information Management System at MHS, charged he was directed to provide Adara with software source code and documentation, which he viewed as unethical, because this would give the company a leg-up in any competition.

Tucker alleged Adara was awarded a sole-source contract by the Military Health System, but did not specify the contract's value.

Adara has not returned calls seeking comment from NextGov for the past three days. Cochran's office did not respond to a request for comment placed Wednesday.

[From Politico, July 30, 2009]

EXCLUSIVE: EARMARK CRITIC STEERED CASH
TO BLIMP RESEARCH
(By John Bresnahan)

Rep. Pete Sessions—the chief of the Republicans' campaign arm in the House—says on his website that earmarks have become "a symbol of a broken Washington to the American people."

Yet in 2008, Sessions himself steered a \$1.6 million earmark for dirigible research to an Illinois company whose president acknowledges having no experience in government contracting, let alone in building blimps.

What the company did have: the help of Adrian Plesha, a former Sessions aide with a criminal record who has made more than \$446,000 lobbying on its behalf.

Sessions spokeswoman Emily Davis defends the airship project as a worthwhile use of federal funds and says it could eventually lead to thousands of new jobs in Sessions's Dallas-area district.

But the company that received the earmarked funds, Jim G. Ferguson & Associates, is based in the suburbs of Chicago, with another office in San Antonio—nearly 300 miles from Dallas. And while Sessions used a Dallas address for the company when he submitted his earmark request to the House Appropriations Committee last year, one of the two men who control the company says that address is merely the home of one of his close friends.

Jim G. Ferguson IV—the younger half of the father-son team behind Jim G. Ferguson & Associates—told POLITICO that he and his father are trying to build an airship with a "high fineness ratio" that can be used in both military and civilian applications.

Fineness ratio is the technical term for the relationship between an airship's length and its diameter; the higher the fineness ratio, the longer and more slender the airship is. A blimp with a very high fineness ratio could fly faster and be able to stay aloft longer—the holy grail for airship designers during the past century.

Yet Ferguson acknowledged that neither he nor his father has a background in the de-

fense or aviation industries, nor any engineering or research expertise.

A search of publicly available records shows no history of the Fergusons ever being involved with the airship industry other than their attendance at a February 2005 Pentagon conference on the subject.

Jim G. Ferguson IV said in an interview that he and his father "were business people" and had acquired the patents for building an advanced airship prototype. He said that the two men are playing a supervisory role in the project and "have obtained world-class experts to work for us."

According to a statement that Sessions included in the Congressional Record last September, slightly more than half of the \$1.6 million earmark was to go toward research and engineering costs. The remainder was for overhead and administrative costs.

"This particular project is focused on study and analysis of the high fineness ratio multimission airship for implementation and deployment in support of the persistent [Defense Department] wide shortfall in intelligence, surveillance and reconnaissance capability," Ferguson said in a statement.

The elder Ferguson declined to talk with POLITICO. His son would not provide details on his professional career but did say that he first came to Washington in 1991 to work in the Transportation Department under Secretary Samuel Skinner. He then did advance work for the White House when Skinner became White House chief of staff under President George H. W. Bush.

On Federal Election Commission forms, Ferguson's occupation has been listed at various times as lobbyist, rancher or self-employed investor. When asked about his activities since the first Bush administration, Ferguson said he was "just working, doing a bunch of different stuff."

He has also donated money to Sessions and other Republicans. FEC records show that Ferguson contributed \$5,000 to Sessions's leadership PAC in October 2007. Overall, Ferguson and his father have given \$18,500 to GOP lawmakers over the past six years.

Ferguson declined to describe his relationship with Plesha.

"I've known him for a long time," Ferguson said. "As you know, [Washington] is a small town."

Likewise, Plesha would not comment about his work with the Fergusons or about any interactions he may have had with Sessions or his office concerning the earmark.

"As a policy, I never discuss anything regarding my clients other than what is already publicly available or required to be disclosed by law—especially for a client such as this where their technology is very much sought after by the larger defense and corporate shipping firms," Plesha said in a statement provided to POLITICO.

In 1997—before going to work for Sessions—Plesha was arrested for illegal possession of a handgun in Washington, after he shot a man who was burglarizing his apartment, according to court documents. Plesha claimed he had acted in self-defense, but the burglar said Plesha shot him three times in the back as he was running away. Plesha pled guilty to the handgun charge, was sentenced to 18 months' probation and ordered to do 120 hours of community service.

Within a year, he was working as a campaign manager for Republican House candidate Charles Ball, who was running against then-Rep. Ellen Tauscher (D-Calif.).

In that campaign, the FEC has said that Plesha created a fake Democratic committee to attack Tauscher. The FEC said the committee sent out 40,000 letters and made 10,000

phone calls to Democratic voters in Tauscher's district just prior to the 1998 midterm elections suggesting that Democratic Rep. George Miller was opposing Tauscher's reelection.

But Miller was, in fact, backing Tauscher. The FEC launched an investigation. And in a 2004 news release, the FEC said that Plesha had not only "authorized and distributed the fabricated letters and calls" but also "knowingly made false statements to the FEC" about them, "denying involvement in or knowledge of this scheme."

According to the FEC and court documents, Plesha pled guilty to lying to investigators in the case. He was fined \$5,000, placed on three years' probation and ordered to do an additional 160 hours of community service, according to federal court documents. He also entered into a "conciliation agreement," under which he was to pay a \$60,000 civil penalty, the FEC said.

Lobbying disclosure records show that, beginning in November 2005, Ferguson and Plesha lobbied on behalf of Sphere Communications, a division of NEC Corp., the Japanese telecommunications giant. Plesha also worked for a time for a San Francisco-based defense contractor whose employees, FEC records show, had contributed heavily to Sessions and his PAC.

By 2006, lobbying disclosure forms show that Plesha was working for the Fergusons. The records show that he collected \$51,400 in fees from the Fergusons during the last six months of 2006; nearly \$292,000 more in 2007; and \$64,500 in 2008.

The records show that the Fergusons are, by far, Plesha's most lucrative lobbying clients.

Sessions's office said Plesha wasn't given any special access to his former boss.

"His role is clear: He and his client presented a position (i.e., briefing) to the congressman and his staff," said a Sessions aide. "As with any project request, Congressman Sessions evaluates the merits of the project and accordingly makes a decision to either support or decline the request. Based on the project's represented merits, . . . Sessions decided to submit the request to the Appropriations Committee for its review and determination."

And the Texas Republican still believes in the project, his staff said.

"Based on briefings that Congressman Sessions and his staff have received, projected applications of the technology include military surveillance, fuel-efficient military cargo transportation (especially into areas without adequate infrastructure) and missile defense," Davis, the congressman's spokeswoman, said in a statement.

Davis also noted that Sessions has supported a moratorium on all earmarks since the start of the 111th Congress, after the earmark for the Fergusons was approved.

MR. MCCAIN. Quoting from the first article:

Adara Networks, the company that is the subject of a Defense Department employee's allegations that it received important software code in advance of winning the sole-source contract to provide hardware and software for a new military electronic health record system, has only between 20 and 50 employees and revenues of \$8 million a year. But the company has powerful friends in Washington. Senator Thad Cochran . . . inserted earmarks in the fiscal 2008 and 2009 Defense appropriations measures funding work by Adara on Defense health record systems. He also has a pending earmark for Adara in the 2010 Defense appropriations bill.

According to the Center for Responsive Politics, Adara has paid \$240,000 in lobbying fees to Gage LLC, a consulting and government affairs firm whose partners include former Senator Conrad Burns, R-Montana. The firm is headed by Burns' former Chief of Staff, Leo A. Giacometto. The bulk of the fees, \$160,000, went to Gage last year, making Adara one of the company's biggest sources of revenue in 2008. The Adara lobbying tab from Gage last year matched the fee paid to the lobbying firm by VeriSign, an Internet security company that had revenues of \$255 million in the first quarter of this year.

According to a database of Federal contract awards, Adara won defense contracts valued at \$7.2 million in 2007 and \$13.7 million in 2008. Cochran's earmarks steered \$4 million to Adara last year for work on what was described as a "next-generation networked electronic medical records project" and \$1.1 million in 2009 for the Strategic/Tactical Resource Interoperability Kinetic Environment Project. Cochran has sought \$10 million in Adara funding for the STRIKE project in 2010.

An internal e-mail NextGov obtained shows that the military health system tapped Adara to provide software as well as hardware for a new enterprise architecture, including a means of exchanging data and a graphical user interface to view medical records. In that e-mail, Major Frank Tucker, chief of product development for the Defense Health Information Management System at MHS, charged he was directed to provide Adara with software source code and documentation, which he viewed as unethical because this would give the company a leg up in any competition. Tucker alleged Adara was awarded a sole-source contract by the Military Health System, but did not specify the contract's value.

There should be a full investigation of that.

Quoting from the Politico story:

Representative Pete Sessions, the chief of the Republicans' campaign arm in the House, says on his Web site that earmarks have become "a symbol of a broken Washington to the American people." Yet in 2008, Sessions himself steered a \$1.6 million earmark for dirigible research to an Illinois company whose president acknowledges having no experience in government contracting, let alone in building blimps. What the company did have: the help of Adrian Plesha, a former Sessions aide with a criminal record who has made more than \$446,000 lobbying on its behalf.

But the company that received the earmarked funds, Jim G. Ferguson & Associates, is based in the suburbs of Chicago, with another office in San Antonio—nearly 300 miles from Dallas. And while Sessions used a Dallas address for the company when he submitted his earmark request to the House Appropriations Committee last year, one of the two men who control the company says that address is merely the home of one of his close friends.

. . . Ferguson acknowledged that neither he nor his father has a background in the defense or aviation industries, nor any engineering or research expertise.

Finally, it goes on:

. . . more than half of the \$1.6 million earmark was to go toward research and engineering costs. The remainder was for overhead and administrative costs.

This is the result—and there are myriad examples—of this earmarking

which goes on and on in this year's Defense appropriations bill from the House, and there will be more from the Senate. There are 1,102 earmarks. We can't do that. We have to stop. The American people are very tired of it.

Let me remind my colleagues again about PMA, of which there are some 70 earmarks. The PMA Group was a DC lobbying firm with deep ties to Capitol Hill and a reputation for securing lucrative earmarks for its clients, especially defense earmarks. It boasted more than \$15 million in revenue last year. PMA Group clients reportedly received \$300 million in defense earmarks for fiscal year 2008 and \$317 million for fiscal year 2009. PMA Group and its clients spread around a lot of campaign contributions in an attempt to curry favor with lawmakers. According to one report, the firm had been credited with \$1.8 million in contributions since 2001, and that is just the members of the Defense Appropriations Committee.

Last November, the Federal Bureau of Investigation raided PMA's offices and the home of its founder, Paul Magliocchetti. According to news reports, prosecutors were initially focused on whether Mr. Magliocchetti used a Florida wine steward and a golf club executive as a front to funnel illegal donations to lawmakers. The Washington Post examined campaign contributions reportedly given by employees of the PMA Group and found listed in donor records "several people who were not registered lobbyists and did not work for the lobbying firm," including a 75-year-old California man who had never even heard of the firm.

Since then the Department of Justice has raided the offices of a number of PMA clients and their business partners. One former PMA client is accused of giving kickbacks to an ex-Air Force contracting official. A Federal grand jury reportedly subpoenaed records from one U.S. Representative's congressional and campaign offices, and the FBI is interviewing his staffers.

It upsets my colleagues when I talk about corruption in earmarking. I know it is very painful. I do not question the integrity of any of my colleagues. But when something like this PMA situation goes on, the stories are myriad of this influence of special interests at a time where we have nearly 10 percent unemployment in the United States of America, people not able to stay in their homes, people not being able to keep their jobs. If it was ever unacceptable, which it always was, it certainly is unacceptable now.

At some point, the Defense appropriations bill will come to the floor of the Senate. If it is anything like the Defense appropriations bill the House of Representatives passed yesterday, we are going to have a long process because we have to bring this practice to an end.

During the campaign, the President of the United States said we would review every appropriation line by line and do away with those that were unnecessary and unwanted and a waste of the taxpayers' dollars. There is no greater opportunity than there is now.

I appreciate the President's involvement in ending production of the F-22, his involvement in saying the alternate engine is unsustainable for the F-35—continued billions of dollars of funding. But the earmarks are also billions of dollars of waste of the taxpayers' dollars. The earmarks are what bred corruption and the reason we have former Members of Congress residing in Federal prison. It has to be stopped. No contract should be allowed on a non-competitive basis to be appropriated by the Congress of the United States.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding we are in a period of morning business.

The PRESIDING OFFICER. That is correct.

SMALL BUSINESS/SBIR

Mr. DORGAN. Mr. President, I applaud the Small Business and Entrepreneurship Committee for their efforts in putting together a thoughtful, balanced reauthorization of the Small Business Innovations Research—SBIR—and Small Business Technology Transfer—STTR—programs.

I know the committee is in negotiations with the House trying to reach a good reconciliation with the right parameters. I hope they do, so that we have these programs in place for years to come instead of another short-term extension.

SBIR was set up in 1982 and requires 11 Federal departments and agencies like the Department of Defense, the National Institutes of Health and the National Science Foundation to set aside 2.5 percent of their research and development budgets for small businesses, which is over \$2 billion per year. STTR sets aside another 0.3 percent of R&D for small businesses to work in partnership with university and institutional researchers. Both programs have been highly successful, helping propel small business growth, and develop and commercialize the innovations that are the backbone of our economy.

I wanted to share a few facts about small business for the record.

According to the Small Business Administration, small businesses annu-

ally create between 60 and 80 percent of the net new jobs in America.

Small businesses produce on average 13 to 14 times more patents per employee than large patenting firms.

Small business employs about 38 percent of the scientists and engineers in America, up from only 6 percent in 1978.

Despite all this growth and stellar track record, small business receives only about 4 percent of Federal extramural research dollars. That needs to change. Small business has proven they can do Federal R&D as well as or better than large business, and they deserve more space at the table.

Small business is going to be the engine that pulls the country out of this recession, like it has so many times in the past. Looking beyond the recession, small business will again develop the innovative technologies in which America consistently leads the world. The Senate bill wisely supports and extends our support for small business's role in growing a vibrant national economy.

In my own State of North Dakota, SBIR has helped fund a number of innovations, and I wanted to mention a few of them.

The Technology Applications Group of Grand Forks, located in the Red River Valley Research Corridor, invented the Tagnite coating system through Army and Navy SBIR funds. The technology allows the military to coat magnesium alloys for parts, ships, helicopters and airplanes in a way that is much less toxic than old processes, cuts down on corrosion, and saves on maintenance.

Agsco of Grand Forks received an SBIR grant that led to development of the SCOIL and SUN-IT II products that enhance crop herbicide effectiveness. Agsco turned their SBIR grants into two products with a great deal of commercial impact.

Dakota Technologies of Fargo has received multiple SBIR grants, including two that led to development of BEAM, or ballast exchange assurance meter, which measures ballast water in ships to make sure they don't contain harmful species or contaminants. BEAM is currently in a pilot program with the Coast Guard.

Back in 2002, I secured funding to develop telepharmacy technology to connect pharmacists directly with patients and pharmacy technicians regardless of their location. Technologies like this have been a boon to rural communities because they allow them to compete on a level playing field with urban areas.

The USDA just awarded Telepharmacy Concepts of Dickinson, ND, with an \$80,000 Phase I SBIR award that will allow them to research whether telepharmacy technology could be used for medication therapy management, which is a way to provide patient edu-

cation, increase medication compliance and improve health care outcomes.

Praxis Strategy Group of Grand Forks has received SBIR awards nine times, including grants from the USDA to develop strategic processes like the High Performance Community Initiative and the Enterprise Homesteading Program that help communities, especially small communities, attract entrepreneurs, develop dynamic economies, and market themselves.

While I am happy with the Senate reauthorization, I am concerned about some of the provisions in the House version we are trying to reconcile it with.

First, the House bill opens participation in SBIR to companies that are majority-owned by venture capital firms. I have nothing against venture capital companies, but the small businesses that they own have already shown they can successfully attract capital in the private market.

SBIR was intended to help small businesses without the connections available to do that. I think the House bill is trying to fix something that isn't broken.

Second, given the long-term success of SBIR and STTR, I think it only makes sense to increase the share of agency funds set aside for small business as the Senate's bill gradually does.

American business has changed dramatically since SBIR was created. Since 1978, the share of scientists and engineers working for small businesses has, as I said, increased from 6 to 38 percent. Funding for SBIR and STTR needs to increase to reflect that reality. I am concerned that the House bill keeps their allocations where they have been for 27 years, despite the successful track record of the programs. Given the figures I have quoted previously, increasing the set-aside from 2.5 to 3.5 percent is the very least we should do.

Small business is the core of our country's economy, and we have here a program that has a strong track record of encouraging growth and innovation in that area. I urge the program's reauthorization with the principles of Senate bill S. 1233.

ZERO TOLERANCE FOR VETERANS HOMELESSNESS ACT

Mr. BOND. Mr. President, I wish to speak on the introduction of S. 1547—the Zero Tolerance for Veterans Homelessness Act. I am very proud to be an original cosponsor of this legislation and to join my good friend, Senator JACK REED, along with Senators TIM JOHNSON and PATTY MURRAY, on addressing the tragedy of homelessness among our Nation's veterans. My three colleagues have been steadfast in their resolve to address the needs of veterans, including the tragedy of homelessness, and I commend them.

Senator REED has been a strong and committed leader on affordable housing and homeless issues and his leadership played a strong role in the recent enactment of the historic Homeless Emergency Assistance and Rapid Transition to Housing Act or HEARTH Act. I am honored to join him again.

Like the HEARTH Act, the Zero Tolerance for Veterans Homelessness Act builds on our work over the past several years by focusing on the importance of permanent supportive housing. Further, it takes important steps to break down the barriers between the Departments of Veterans Affairs, VA, and Housing and Urban Development, HUD, to ensure that veterans receive the quality services and housing they deserve and need.

The most notable element of the legislation is the authorization of HUD-VA Supportive Housing or HUD-VASH rental-assistance vouchers. Working with Senator PATTY MURRAY, new HUD-VASH vouchers have been funded over the past 2 years. While other HUD homeless-assistance programs serve veterans, HUD-VASH is the only permanent housing program that is specifically targeted to veterans and tied to veteran-specific supportive services from the VA.

We have been fortunate to fund 10,000 new vouchers each year but with over 130,000 homeless veterans on any given night and thousands more who are at risk of becoming homeless, we must do more and this bill does exactly that.

As I noted, there are over 130,000 homeless veterans in America. Sadly, veterans make up a significant and disproportionate amount—over 20 percent—of the country's homeless population. Many of these veterans are from the Vietnam war. Even more sad and stunning is the fact that the number of homeless Vietnam-era veterans is greater than the number of service persons who died during that war.

But the face of homeless veterans is changing and is not limited to those who fought in Vietnam. We also are seeing homelessness increase among Desert Storm veterans and veterans returning from the ongoing conflicts in Iraq and Afghanistan.

In addition, recent reports are finding a troubling trend of homelessness among female veterans. The VA estimates that the number of homeless veterans who are female has doubled over the past decade. And many homeless female veterans carry the burden of being single parents.

This bill that I cosponsor sends a loud and clear message that homelessness among our veterans is unacceptable and intolerable.

As I have stated in previous speeches, homelessness is thankfully no longer a hopeless situation. We have learned that permanent housing tied to supportive services, such as mental health care and job training, was the antidote

to homelessness. Nevertheless, we must continually adjust our programs to meet the changing composition of homelessness.

Before closing, I comment on a couple of other items that will help to prevent and end homelessness among our Nation's veterans.

First, we must improve the coordination between the Department of Defense, DOD, and the VA. Specifically, DOD, and VA can prevent homelessness among veterans by improving discharge planning and coordination of the medical programs between the two Departments.

Second, we must find ways to improve the integration of HUD-VASH programs with services that deliver job training, employment, education, and health care. Specifically, we need to integrate fully the Department of Labor's Homeless Veterans' Reintegration Program and programs run by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

The U.S. Interagency Council on Homelessness was reactivated to address the coordination between Federal agencies. It is my hope that the ICH will work within existing authorities to address the DOD and other service integration issues that I have raised, and come forward with specific recommendations for the Congress to consider. I also look forward to working with Senator REED and others to address these issues as we move this bill through the legislative process.

Again, I thank Senator JACK REED for his leadership and commitment on issues related to housing, veterans, and national security. I strongly urge my colleagues to support this bipartisan legislation.

TRIBUTE TO COMMAND SERGEANT MAJOR MICHAEL W. GLAZE

Mr. GRAHAM. Mr. President, I rise today to recognize and pay tribute to Command Sergeant Major Michael W. Glaze, the Regimental Command Sergeant Major of the Judge Advocate General's Corps, United States Army, for his many years of exceptionally meritorious service to our country. Command Sergeant Major Glaze will retire from the United States Army on September 1, 2009, having completed a distinguished 32-year military career. We owe him a debt of gratitude for his many contributions to our Nation and the legal profession, particularly during operations in support of the Global War on Terror.

He was born in Frankfurt, Germany in 1960, where his father was stationed at the time, his father retired from the U.S. Army with the rank of Sergeant Major. He enlisted in November 1977, completed Basic Training at Fort Knox, Kentucky, Advanced Individual Training at Fort Benjamin Harrison,

Indiana and Airborne School at Fort Benning, Georgia. His initial assignments as a Legal Specialist were at Fort Bragg, North Carolina, and Schofield Barracks, Hawaii. He then returned to Fort Bragg as a Legal Noncommissioned Officer. Recognized for his superior performance, he then served in the Office of the Chief of Staff of the Army, where he deployed to Kuwait. Following redeployment, he served as the Chief Paralegal at the Fort Belvoir legal office and at the United States Army Special Operations Command at Fort Bragg. In July 1998, Command Sergeant Major Glaze was selected as the Chief Paralegal for XVIII Airborne Corps at Fort Bragg, North Carolina, where he deployed on several occasions to Iraq and Afghanistan to check on the welfare of his Soldiers.

Command Sergeant Major Glaze was selected to be the 10th Regimental Sergeant Major for the Judge Advocate General's Corps in 2004. On the 2nd day of October 2006, he was appointed to Command Sergeant Major, the first Command Sergeant Major in the 234-year history of the United States Army Judge Advocate General's Corps. As the Command Sergeant Major of the Judge Advocate General's Corps from March 2004 to September 2009, he was the principal advisor to the Judge Advocate General of the Army and the Deputy Judge Advocate General regarding all enlisted matters for a multi-component force. Additionally, he expertly managed the final stages of the Noncommissioned Officers Academy at the Judge Advocate General's Legal Center and School, and directed the final process for professional accreditation.

Command Sergeant Major Glaze's military awards and decorations include: Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Good Conduct Medal, National Defense Service Medal, Southwest Asia Service Medal, Armed Forces Service Medal, Humanitarian Service Medal, Military Outstanding Volunteer Service Medal, Noncommissioned Officer Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon, the Kuwait Liberation Medal and he is also authorized to wear the Parachutist Badge.

A Soldier who embodies the very best of Army Values and the Noncommissioned Officer's Creed, Command Sergeant Major Glaze trained and mentored a Noncommissioned Officer Corps that truly is the backbone of the Judge Advocate General's Corps. His integrity is impeccable, his counsel is widely sought, and he remains deeply committed to his Soldiers and their families. He is a leader whose honor and candor were the hallmark of a career spent in selfless service to the Judge Advocate General's Corps, and

the United States Army. I know all my colleagues join me in saluting Command Sergeant Major Michael W. Glaze and his wife, Debbie, for their many years of truly outstanding service to the Judge Advocate General's Corps, the United States Army, and our great Nation.

CAP AND TRADE

Mr. BARRASSO. Mr. President, I rise today to highlight the impact of cap and trade legislation on American agriculture.

Mr. President, the House and Senate Western Caucuses yesterday hosted a hearing entitled, Cap and Trade: Impact on Jobs in the West and the Nation. Jim Magagna, the Executive Vice President of the Wyoming Stock Growers Association testified at the Hearing.

I want to thank Jim for all he has done for agriculture in Wyoming. I also ask unanimous consent that his statement from yesterday's hearing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF JAMES H. MAGAGNA, EXECUTIVE VICE PRESIDENT, WYOMING STOCK GROWERS ASSOCIATION

Co-Chairmen and Members of the Senate Western Caucus and House Western Caucus:

I am Jim Magagna, Executive Vice President of the Wyoming Stock Growers Association (WSGA), the 137 year old voice of the Wyoming cattle industry. I am also a life-long sheep producer and former president of the American Sheep Industry Association and the National Public Lands Council. I appreciate the opportunity to appear before you today to share my perspective on the impacts of cap and trade legislation on jobs in the agricultural sector, particularly in the West.

My comments today will focus on four primary areas of cap and trade impacts on agriculture: 1) Input costs; 2) Prices received; 3) International trade and competition; and 4) unintended environmental consequences. I will also briefly discuss the role of proposed agricultural offsets. In addition to providing an analytical overview, I will attempt to put a personal face on these issues by introducing comments provided to me by Wyoming agricultural producers.

JOBS

It is difficult to ascertain actual numbers of potential lost jobs and lost new employment opportunities due to the impact that cap and trade legislation would have on agriculture. As smaller agricultural production enterprises succumb to the cost-price squeeze exacerbated by the impacts of cap and trade, farmers and ranchers will be forced to enter the non-agricultural job market in increasing numbers. This will particularly impact our young producers—those who represent a bright future for American agriculture. In the United States agricultural jobs are "green jobs" contributing to the sustainable management of our natural resources.

A decline in the number and size of agricultural enterprises has a direct impact on jobs in supporting industries. These include

animal pharmaceuticals, fertilizers, feeds, farm equipment, fencing and tack. While many of these jobs are located in manufacturing centers, a significant number are sales and support positions in the field.

As agriculture declines so do our small western communities. In many small towns in Wyoming the survival of local businesses—the tire shop, repair service, bank, grocery store—is dependent on the economic strength of the agricultural sector. I am confident that this is true in many of your states as well. These losses in turn affect the public sector—schools, senior centers, hospitals and clinics. The result is both a loss of jobs and a loss of a culture and way of life.

INPUT COSTS

Agriculture is heavily energy dependent. While the energy needs of cultivated crop production are generally acknowledged and serve as the basis for most studies, the energy costs of those engaged in livestock production, in particular range sheep and cattle operations, are seldom analyzed. Livestock production and native hay production are the primary agricultural enterprise in many of our western states. In Wyoming livestock production accounts for over 82% of total cash receipts from agriculture.

The overwhelming prices of diesel, gasoline and propane in 2008 provide us with a preview of the impacts of high energy costs. Many of my members who had already taken all feasible steps to drastically reduce their input costs began to plan their exit from production agriculture. Fortunately, the relief in energy prices in 2009 has given them some renewed optimism. The primary energy focused input costs for agriculture include: direct purchases of fuels and electricity (13%); fertilizer & pesticide costs (7%); feed costs (25%); and transportation/storage costs (1%). According to the latest available USDA NASS data these components constituted over 45% of total purchased inputs excluding seed and livestock. As one WSGA member recently noted, "These costs are already stifling growth and regular, necessary maintenance items. Any additional costs imposed by government are obviously another blow to any size business."

The EPA analysis of HR 2454 conservatively projects the impact of cap and trade legislation on energy prices for the period from 2015 to 2050. Price increases for electricity range from 10.7% in 2015 to 35.2% in 2050. For natural gas the corresponding increases are 7.4% and 30.9% while impacts on petroleum prices are projected at 3.2% and 14.6%. Agriculture simply cannot absorb these incremental increases to already rising production costs in the light of current flat to declining prices for many commodities.

Western open-range livestock operations are typically overlooked by analysts studying overall agricultural impacts. This is true for both EPA and USDA analysis of the impacts of cap and trade legislation. While per acre energy costs may be almost negligible, several factors contribute to high overall costs. Ranchers must often travel long distances with 4-wheel drive vehicles pulling trailers to check their livestock, pastures and waters. Winter feeding requires heavy duty tractors and equipment. Federal land grazing permittees face increasing energy related costs as they implement intense rotational grazing systems requiring frequent movement of livestock and increased sources of water. In addition, livestock must often be moved from one allotment to another using either rancher owned or contract trucks. Similarly, hay and supplemental feeds are often trucked very long distances.

PRICES RECEIVED

The cliché that agricultural producers are price takers has a solid foundation in market analysis. While some inroads have been made in recent years in vertical integration through retained ownership, the use of cooperatives and marketing affiliations, livestock in particular are most often sold to the highest bidder. Thus, while some of the added energy costs of processing and transporting agricultural products will flow to the consumer, much of this cost increase will be reflected in prices received by producers. The recently released analysis of the agricultural impacts of cap and trade by USDA fails to even address the prices received side of the equation. ("A Preliminary Analysis of the Effects of HR 2454 on U.S. Agriculture", USDA, Economic Research Service, July 22, 2009).

Western cow/calf producers typically sell either calves or yearlings which eventually move to a feedlot. While we have seen growing demand for "grass fed beef", grain fed products remains the preference of most consumers. Thus, corn prices drive fed cattle prices. The dramatic increase in corn prices fueled by the ill-advised government mandates and subsidies for ethanol production have resulted in losses to cattle feeders ranging from \$100 to \$140 per head. Feeders are facing increased costs from EPA regulatory mandates under the Clean Water Act and Clean Air Act. As feeders seek to recover from this blow, feeder cattle prices may reach five-year lows this fall. Proposed cap and trade legislation will only fuel this trend.

A analysis of crop production costs under 2008 Senate energy legislation (S. 2191) using scenarios from an EPA study demonstrates that the cost of producing an acre of corn could be expected to rise from \$40 per acre to \$80 per acre. ("An Analysis of the Relationship Between Energy Prices and Crop Production Costs", Doane Advisory Services, May 2008) The cost of transporting this corn to feedlots will increase proportionately.

Transportation of livestock, crops and food products is an inherent component of U.S. agriculture. A typical calf leaving a Wyoming ranch may travel to a calf lot in another state for the winter, return to a summer pasture in the West the following summer, then move to a feedlot before finally being shipped to a processing facility. The added costs of transportation projected to accrue from cap and trade will affect the value of this calf at every level.

INTERNATIONAL TRADE AND COMPETITION

Today most major agricultural products, both crops and livestock, produced in the United States are dependent on global markets. Market growth is expected to occur primarily in the export arena. U.S. food products are in great demand due to our high quality food safety standards and environmentally friendly production methods. However, U. S. agriculture struggles to remain price competitive. The cumulative added input costs at all levels that are inevitable under cap and trade will further erode our competitiveness.

If the U.S. is to remain committed to providing global market access for its agricultural production, we cannot make unilateral commitments to GHG reduction. To date China and India, key export markets, have explicitly declined to commit to a reduction in carbon emissions. Cap and trade legislation, if adopted by Congress, should be made contingent on Senate ratification of an international commitment that imposes comparable standards on all countries.

UNINTENDED ENVIRONMENTAL CONSEQUENCES

Cap and Trade is being offered as a response to climate change. Though the relationship remains tenuous and unproven, it is important to assess the broader environmental impacts of this legislation. As specifically related to agriculture, the economic costs of cap and trade will make it more difficult for some to continue and to enhance agricultural practices that have no proven environmental benefits. Two examples in the ranching field immediately come to mind. First, rotational grazing has been shown to improve forage production with benefits to the environment and wildlife, including endangered species. These management systems require more intense management, fencing, water development and regular movement of livestock. All of these activities will become significantly more costly under cap and trade. Second, ranchers currently spend \$5,000 to \$10,000 per well to convert from generators or undependable windmills to solar pumping. Environmental benefits accrue both from less use of gas engines and less need to visit the pumping sites. However, the cost of solar pumping conversions can be expected to rise significantly in response to cap and trade.

AGRICULTURAL OFFSETS

The agricultural and forestry related offsets incorporated in Title V of HR 2454 have the potential to benefit forestry and, to a lesser extent, crop production. The level of benefit and the practicality of administration of the program remain in question. However, there is little evidence to support the USDA analysis that, according to Secretary Vilsack, "opportunities for farmers and ranchers can potentially outpace—perhaps significantly—the costs from climate change legislation." Significantly, USDA's own analysis of carbon sequestration potential by region, based on a carbon price of \$34/metric ton demonstrates virtually no potential for offsets in the Mountain Region. While the greatest potential is shown for the Pacific Region, (over 150 million metric tons), nearly all of this is achieved through "afforestation from pasture". (Figure 4—Carbon Sequestration Potential by Region, "A Preliminary Analysis of the Effects of H.R. 2454 on U.S. Agriculture", USDA, Economic Research Service, July 22, 2009). This translates to thousands of acres removed from valuable pastureland for our livestock. It is clear to me that, in touting the benefits of agricultural offsets, our western states have been ignored.

A RETURN TO JOBS

In closing I would like to return to the issue that is the primary focus of today's hearing—jobs. Agricultural jobs range from basic manual labor to highly skilled crop and livestock production positions. For many individuals agricultural work is both a profession and a passion. According to the 2007 Ag Census there are nearly 10,000 hired agricultural workers in my state of Wyoming. Over one-half of these work less than 150 days per year days at their agricultural job. These part time jobs are essential to both Wyoming agriculture and to the families that they help to support. They are at the highest risk in the cost/price squeeze that will be exacerbated by cap and trade.

Wyoming's experience shows that there is a well-established progression in job losses related to diminishing agricultural profitability among small and medium sized operations. First the "hired help" is dismissed. This has already been occurring at a rapid rate in our ranching industry due to drought,

input costs and livestock prices. As the squeeze continues and the operation can no longer support two or more generations, the younger family leaves the farm or ranch to seek employment elsewhere. As a financial crisis approaches, the older generation "retires" and the land is sold to developers. I am sure that this scenario repeats itself in many of your states. Agriculture holds multigenerational families together. When the agricultural operation ceases, these generational ties are lost, communities disintegrate and a critical skill-set disappears. Our ability to feed ourselves as a nation is diminished. This is a price that our nation cannot afford to pay for a cap and trade system that is at best an uncertain response to unsubstantiated climate change concerns. In the words of one successful young south-eastern Wyoming crop and livestock producer, "Even though there may be some benefits, dad and I both agree that we don't have confidence in our government to successfully implement such a system."

I look forward to your questions.

COMMENDING DAVID LUSK

Mr. LEAHY. Mr. President, I am pleased to inform the Senate about a Vermonter whose work has been a unique and meaningful contribution to the Burlington International Waterfront Festival, a celebration of the 400th anniversary of French explorer Samuel de Champlain's arrival at Lake Champlain. Vermont poet David Lusk is using his craft to recreate experiences that are inspired by the surrounding Vermont communities, the lake's natural history, the more than 300 documented shipwrecks, and the rare prehistoric artifacts that lie on the lake's floor. Mr. Lusk's poems also draw from maritime literature and his visits to the shipwrecks that he has taken with guides from the Lake Champlain Maritime Museum. He intends to create a collection of poems called "Lake Studies: Meditations on Lake Champlain." Mr. Lusk says the poems strive to "reflect our mutual associations with these mysteries and to suggest something of our own psychological complexity in the process."

Below is a poem that Mr. Lusk shared with those attending the opening ceremony at the Burlington Waterfront on July 2, 2009, for the celebration of the 400th anniversary of Samuel de Champlain's explorations. I ask that the text of his poem be printed in the RECORD.

SUNSET ON MALLETT'S BAY

(By David Lusk)

For just an instant
as the sun reclines
between woolly clouds
and profound, lavender
pillows of the mountains
a flock of sheep
will appear to cross
the glimmering road
of iridescent silver
creasing the broad back
of the lake.

See—here they come,
the little sheep,

huddled together, afraid.

—for L.J. and Beth

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1552. A bill to reauthorize the DC opportunity scholarship program, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. JOHANNES, Mr. BROWNBACK, Mr. LUGAR, and Mr. HARKIN):

S. 1553. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. FRANKEN, Mr. KERRY, and Mr. SCHUMER):

S. 1554. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. BAYH, Ms. COLLINS, Mr. BENNETT, Mr. FEINGOLD, and Mr. TESTER):

S. 1555. A bill to establish the Office of the National Alzheimer's Project; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 229

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 229, a bill to empower

women in Afghanistan, and for other purposes.

S. 423

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 585

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 585, a bill to provide additional protections for recipients of the earned income tax credit.

S. 644

At the request of Mr. CHAMBLISS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 644, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1038

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1038, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 1065

At the request of Mr. BROWNBAC, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000, 000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1130

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1130, a bill to provide for a demonstration project regarding Medicaid reimbursements for stabilization of emergency medical conditions by non-pub-

licly owned or operated institutions for mental diseases.

S. 1155

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1155, a bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

AMENDMENT NO. 2226

At the request of Mr. NELSON of Nebraska, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 2226 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2233. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2234. Mr. LEAHY proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2235. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2236. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2237. Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. LIEBERMAN, Mr. WHITEHOUSE, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2238. Mrs. SHAHEEN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2239. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2240. Mr. BARRASSO (for himself, Mr. VITTER, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. THUNE, and Mr. JOHANNIS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2233. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 22, strike “2,995,218,000” and insert “3,230,218,000”.

On page 60, line 9, strike “and”.

On page 60, line 12, after “expended”, insert “; and \$235,000,000 shall be derived from tobacco product user fees authorized by the Family Smoking Prevention and Tobacco Control Act (Public Law 111-31) and shall be credited to this account and remain available until expended”.

On page 60, line 14, strike “and”, and insert “, and tobacco product” after “generic drug”.

On page 61, line 12, strike (7) and insert “(8)”; after “Research;” insert “(7) \$216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs;” and strike “\$115,882,000” and insert “\$117,225,000”.

On page 61, line 15, strike “(8)” and insert “(9)”.

On page 61, line 16, strike “\$168,728,000” and insert “\$171,526,000”.

On page 61, line 17, strike “(9)” and insert “(10)”.

On page 61, line 18, strike “\$185,793,000” and insert “\$200,129,000”.

SA 2234. Mr. LEAHY proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 8, line 2, before the period, insert the following: “: *Provided*, That of the amount made available for the Office of Inspector General to conduct investigations such sums as are necessary shall be made available for the inspection of the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)”.

SA 2235. Mr. ENSIGN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) In this section, the term "discretionary spending" means all amounts provided under this Act other than amounts provided for programs funded through direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c))).

(b) Notwithstanding any other provision of this Act, each discretionary spending amount provided by this Act is reduced by the pro rata percentage required to reduce the total discretionary spending amount provided by this Act to \$20,721,900,000.

SA 2236. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, line 19, strike "2250a." and insert the following:

2250a: *Provided further*, That, of the funds made available by this Act for the conduct of activities by the Natural Resources Conservation Service in the State of Maine, not less than \$1,500,000 shall be used to carry out irrigation activities.

SA 2237. Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. LIEBERMAN, Mr. WHITEHOUSE, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the following communities and municipal districts to be rural areas for purposes of eligibility for water or waste disposal grants and direct or guaranteed loans described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(2)):

(1) The unincorporated community of Bourne, in Barnstable County, Massachusetts.

(2) The unincorporated community of Charlton, in Worcester County, Massachusetts.

(3) The unincorporated community of Dudley, in Worcester County, Massachusetts.

(4) The North Raynham Water District, in Bristol County, Massachusetts.

(5) The Bolton Lakes Regional Water Pollution Control Area, in Tolland County, Connecticut.

(6) The Cherry Valley/Rochdale District, in Worcester County, Connecticut.

(7) The North Tiverton Fire District, in Newport County, Rhode Island.

(8) The Harrisville Fire District, in Providence County, Rhode Island.

(b) Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the following communities and municipal districts to be rural areas for purposes of eligibility for community facility direct and guaranteed loans and grants under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)):

(1) The town of North Kingstown, Rhode Island.

(2) The town of Newtown, in Fairfield County, Connecticut.

(3) The town of Windham, in Windham County, Connecticut.

SA 2238. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. Section 1506(e)(2) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773(e)(2)) is amended by adding at the end the following:

"(C) MULTIGENERATIONAL DAIRY PRODUCERS.—In addition to the payment quantity limitation for all producers on a single dairy operation established under subparagraph (A), the Secretary shall establish a separate payment quantity limitation for each producer on a single dairy operation who, as determined by the Secretary—

"(i) is a lineal descendant of another producer who—

"(I) owns or operates the single dairy operation; and

"(II) is eligible to receive a payment subject to all or part of the payment quantity limitation for the single dairy operation established under subparagraph (A);

"(ii) is a producer with respect to the dairy operation, as determined by the Secretary in accordance with the standards described in subparagraph (B); and

"(iii) uses the income from the dairy operation to support the family of the producer."

SA 2239. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds appropriated by this Act for the Food and Drug Administration may be used to prevent an individual

not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2240. Mr. BARRASSO (for himself, Mr. VITTER, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. THUNE, and Mr. JOHANNES) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a State-by-State analysis of the impacts on agricultural producers of the American Clean Energy and Security Act of 2009 (H.R. 2452, as passed by the House of Representatives on June 26, 2009) (referred to in this section as "H.R. 2452").

(b) In conducting the analysis under subsection (a), the Secretary shall—

(1) use a range of peer-reviewed analyses of H.R. 2454 conducted by public and private entities, including land grant universities;

(2) consider a scenario in which the fertilizer industry does not receive any free allowances under H.R. 2454;

(3) consider the impacts of H.R. 2454 on a range of fishing, aquaculture, livestock, poultry, and swine production and a variety of crop production, including specialty crops; and

(4) analyze projected land use changes, afforestation patterns, and other market incentives created by H.R. 2454 that may impact food or agriculture commodity prices, including specific acreage estimates of parcels of land planted with trees in the United States.

PRIVILEGES OF THE FLOOR

Mr. BROWNBACk. Mr. President, I ask unanimous consent that Melanie Benning from my office be granted floor privileges during consideration of H.R. 2997.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. I ask unanimous consent the Senate proceed to H. Con. Res. 172.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 172) providing a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 172) was agreed to, as follows:

H. CON. RES. 172

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 31, 2009, Saturday, August 1, 2009, or Sunday, August 2, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 8, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, August 6, 2009, through Tuesday, August 11, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 8, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 265, 267, 319, 329, 330, 332, 334 to and including 367, 369, and all nominations on the Secretary's desk in the Air Force, Army, and Navy en bloc; that the nominations be confirmed en bloc and the motions to reconsider be laid on the table en bloc; that no further motions be in order and any statements relating thereto be printed in the RECORD; and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Capricia Penavic Marshall, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Earl Michael Irving, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Donald Henry Gips, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

DEPARTMENT OF THE INTERIOR

Samuel D. Hamilton, of Mississippi, to be Director of the United States Fish and Wildlife Service.

OFFICE OF PERSONNEL MANAGEMENT

Christine M. Griffin, of Massachusetts, to be Deputy Director of the Office of Personnel Management.

IN THE AIR FORCE

The following named office for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Gary L. North

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank Gorenc

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Ronnie D. Hawkins, Jr.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Philip M. Breedlove

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Raymond E. Johns, Jr.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Howard B. Baker

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Noel T. Jones

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Bart O. Iddins

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624, 3037, and 3064:

To be brigadier general, Judge Advocate General's Corps

Col. Thomas E. Ayres

Col. Mark S. Martins

Col. John W. Miller, II

The following named officer for appointment as The Judge Advocate General, United States Army and for appointment in the United States Army to the grade indicated while serving as The Judge Advocate General, in accordance with title 10, U.S.C., sections 3047, 3064 and 624:

To be lieutenant general

Brig. Gen. Dana K. Chipman

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Daniel L. York

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12211:

To be brigadier general

Col. Charlotte L. Miller

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John E. Sterling, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Purl K. Keen

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lloyd J. Austin, III

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kenneth W. Hunzeker

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert P. Lennox

The following named officer for appointment as Deputy Judge Advocate General, United States Army and for appointment in the United States Army to the grade indicated while serving as Deputy Judge Advocate General, United States Army to the grade indicated in accordance with title 10, U.S.C., sections 3037, 3064, and 624:

To be major general

Brig. Gen. Clyde J. Tate, II

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ricky Lynch

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael D. Barbero

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Willie J. Williams

The following named Marine Corps officer for reappointment as the Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154:

To be general

Gen. James E. Cartwright

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Randolph L. Mahr

Capt. Timothy S. Matthews

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Gretchen S. Herbert

Capt. Diane E. H. Webber

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Paul B. Becker

Capt. Elizabeth L. Train

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Dennis J. Moynihan

Capt. Harold E. Pittman

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Richard D. Berkey

Capt. David H. Lewis

The following named officer for appointment as Deputy Judge Advocate General of the Navy and for appointment to the grade indicated under title 10, U.S.C., section 5149:

To be rear admiral

Capt. Nanette M. Derenzi

The following named officer for appointment as The Judge Advocate General of the United States Navy and for appointment to the grade indicated in accordance with title 10, U.S.C., section 5148:

To be vice admiral

Rear Adm. James W. Houck

The following named officer for appointment in the United States Navy to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Robert F. Willard

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Clinton F. Faison, III

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Eleanor V. Valentin

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Mark A. Handley

Rear Adm. (lh) Christopher J. Mossey

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Richard P. Breckenridge

Captain Thomas L. Brown, II

Captain Thomas F. Carney, Jr.

Captain Walter E. Carter, Jr.

Captain Scott T. Craig

Captain Craig S. Faller

Captain James G. Foggo, III

Captain Anthony E. Gaiani

Captain Peter A. Gumataotao

Captain John R. Haley

Captain Jeffrey Harbeson

Captain Randall M. Hendrickson

Captain Robert Hennegan

Captain Michael W. Hewitt

Captain Gerard P. Hueber

Captain Jeffery S. Jones

Captain Matthew L. Klunder

Captain William K. Lescher

Captain Michael C. Manazir

Captain Frank A. Morneau

Captain James A. Murdoch

Captain Gregory M. Nosal

Captain Ann C. Phillips

Captain Joseph W. Rixey

Captain John E. Roberti

Captain Kevin D. Scott

Captain Thomas K. Shannon

Captain Herman A. Shelanski

Captain William G. Sizemore, II

Captain Thomas G. Wears

Captain David B. Woods

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN593 AIR FORCE nominations (4) beginning JOHN M. WIGHTMAN, and ending SHANNON L. MCCAMEY, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN594 AIR FORCE nominations (3) beginning MICHELLE BONGIOVI, and ending JENNIFER A. KORKOSZ, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN595 AIR FORCE nominations (3) beginning SCOTT M. BAKER, and ending DEE A. WEED, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN606 AIR FORCE nomination of Ira S. Eadie, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN607 AIR FORCE nomination of James C. Ewald, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN653 AIR FORCE nomination of Jacqueline A. Nave, which was received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN654 AIR FORCE nominations (2) beginning JESUS CLEMENTE, and ending LYNN G. NORTON, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN742 AIR FORCE nomination of Brandon T. Grover, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN743 AIR FORCE nomination of Stephen H. Montaldi, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN769 AIR FORCE nominations (131) beginning ANTONIO J. ALFONSO, and ending SINA M. ZIEMAK, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN770 AIR FORCE nominations (140) beginning EBON S. ALLEY, and ending RICHARD Y. K. YOO, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN772 AIR FORCE nominations (52) beginning ELISE A. AHLWEDE, and ending DEEDRA L. ZABOKRTSKY, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN773 AIR FORCE nominations (466) beginning RAAN R. AALGAARD, and ending GREGORY S. ZEHNER, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN775 AIR FORCE nomination of David A. MacGregor, which was received by the Senate and appeared in the Congressional Record of July 15, 2009.

IN THE ARMY

PN596 ARMY nomination of Michael L. Steinberg, which was received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN597 ARMY nomination of Paul W. Maetzold, which was received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN598 ARMY nominations (2) beginning SHERYL L. DACY, and ending JAMES M. LEITH, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN599 ARMY nominations (4) beginning JAMES R. FINLEY, and ending CRAIG M. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN600 ARMY nominations (39) beginning OSCAR T. ARAUCO, and ending D070807, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN601 ARMY nominations (27) beginning DENNIS K. BENNETT, and ending JOSE M. VARGAS, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN602 ARMY nominations (166) beginning ERNEST T. FORREST, and ending WALTON D. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN608 ARMY nomination of Philip M. Chandler, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN609 ARMY nomination of Alan K. Ueoka, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN610 ARMY nomination of Martin W. Kinnison, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN614 ARMY nomination of Brian G. Donahue, which was received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN615 ARMY nominations (24) beginning ROBERT L. DORAN, and ending SHEBA L. WATERFORD, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN616 ARMY nominations (965) beginning JOHN A. AARDAPPEL, and ending D071039, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN617 ARMY nominations (500) beginning CLARA H. ABRAHAM, and ending X1381, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN618 ARMY nominations (585) beginning ALLEN D. ACOSTA, and ending D060270, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN655 ARMY nomination of Scott A. Neusre, which was received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN656 ARMY nomination of Jennifer M. Cradier, which was received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN657 ARMY nomination of Carol Haertleinsells, which was received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN658 ARMY nominations (2) beginning MICHAEL L. BOOTHE, and ending MURRAY M. REEFER, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN659 ARMY nominations (2) beginning PAUL E. HABENER, and ending MARC A. SILVERSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN660 ARMY nominations (3) beginning DENISE K. ASKEW, and ending MARTHA M. ONER, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN661 ARMY nominations (2) beginning LAURA NIHAN, and ending JAMES M. ROGERS, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN662 ARMY nominations (2) beginning SAMUEL A. FRAZER, and ending VINCENT D. ZAHNLE, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN663 ARMY nominations (6) beginning ALAINE C. ENCABO, and ending SCOTT C. SHARP, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN664 ARMY nominations (2) beginning KRIS R. POPPE, and ending CASEY P. NIX, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN665 ARMY nominations (4) beginning ANNE B. WARWICK, and ending ROD W. CALLICOTT, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN666 ARMY nominations (6) beginning MICHAEL F. BOYEK, and ending GERALD S. MAXWELL, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN667 ARMY nominations (8) beginning WESLEY L. GIRVIN, and ending ANTHONY W. PARKER, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN668 ARMY nominations (8) beginning LUIS DIAZ, and ending MARK J. SAUER, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN744 ARMY nomination of Charles R. Whitsett, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN745 ARMY nomination of Dallas A. Wingate, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN746 ARMY nominations (18) beginning HOLMES C. AITA, and ending RYAN J. WANG, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN747 ARMY nominations (138) beginning JAYSON D. AYDELOTTE, and ending D070684, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN776 ARMY nomination of Nathaniel Johnson Jr., which was received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN777 ARMY nominations (3) beginning JASON E. JOHNSON, and ending CARY A. SHILLCUTT, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN778 ARMY nominations (6) beginning RICHARD P. ADAMS, and ending MICHAEL J. STEWART, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN779 ARMY nominations (70) beginning KIRSTEN M. ANKE, and ending REBECCA A. YUREK, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN780 ARMY nominations (11) beginning MARY C. ADAMSCHALLENGER, and ending DAVID A. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN781 ARMY nominations (15) beginning CHARLES C. DODD, and ending DANIEL C. WAKEFIELD, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN782 ARMY nominations (106) beginning SHEILA R. ADAMS, and ending D060502, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN783 ARMY nominations (38) beginning JEFFREY M. ADCOCK, and ending DENTONIO WORRELL, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN784 ARMY nominations (290) beginning JOEL T. ABBOTT, and ending THOMAS L. ZICKGRAF, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN805 ARMY nomination of Jane B. Prather, which was received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN806 ARMY nomination of Hunt W. Kerrigan, which was received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN807 ARMY nominations (2) beginning MICHELE L. HILL, and ending WILLIAM S. LIKE, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN808 ARMY nominations (2) beginning WARREN G. THOMPSON, and ending FREDERICK M. KARRER, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN809 ARMY nominations (13) beginning YVONNE S. BREECE, and ending MICHAEL J. UFFORD, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN810 ARMY nominations (299) beginning DANA C. ALLMOND, and ending D070985, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN811 ARMY nominations (323) beginning TYRONE C. ABERO, and ending X001255, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN812 ARMY nominations (681) beginning DAVID S. ABRAHAMS, and ending D060861, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

IN THE NAVY

PN611 NAVY nominations (18) beginning MATTHEW J. BELLAIR, and ending JUSTIN W. WESTFALL, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN619 NAVY nominations (6) beginning STEPHEN W. PAULETTE, and ending ALAN E. SIEGEL, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN748 NAVY nomination of Johnson Ming-Yu Liu, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN749 NAVY nominations (24) beginning ROBERTO M. ABUBO, and ending VINCENT E. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN750 NAVY nominations (10) beginning TIMOTHY A. ANDERSON, and ending SEAN D. ROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN751 NAVY nominations (7) beginning JACOB A. BAILEYDAYSTAR, and ending TONY S. W. PARK, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN752 NAVY nominations (8) beginning BROOK DEWALT, and ending WENDY L. SNYDER, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN753 NAVY nominations (32) beginning SOWON S. AHN, and ending SCOTT D. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN754 NAVY nominations (25) beginning JASON B. BABCOCK, and ending ALLISA M. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN755 NAVY nominations (22) beginning BYRON V. T. ALEXANDER, and ending MARCIA L. ZIEMBA, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN756 NAVY nominations (15) beginning JOHN A. BLOCKER, and ending JEFFREY M. VICARIO, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN757 NAVY nominations (13) beginning ANGEL BELLIDO, and ending BRET A. WASHBURN, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN758 NAVY nominations (33) beginning LEE G. BAIRD, and ending DANIEL F. YOUCH, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN759 NAVY nominations (18) beginning JERRY L. ALEXANDER JR., and ending MARIA T. WILKE, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN760 NAVY nominations (516) beginning RYAN D. AARON, and ending DAVID G. ZOOK, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN800 NAVY nominations (16) beginning JOSEPH P. BURNS, and ending BRIAN STRANAHAN, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2009.

PN801 NAVY nominations (14) beginning EDDIE L. NIXON, and ending DENNIS M. WEPPNER, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2009.

NOMINATION DISCHARGED

Mr. REID. I ask unanimous consent that the Agriculture Committee be discharged from further consideration of PN386, and that the Senate then proceed to the consideration of the nomination; that the nomination be confirmed and the motion to reconsider be laid on the table en bloc; that no further motions be in order, and any statements relating to this matter be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Kevin W. Concannon, of Maine, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR MONDAY, AUGUST 3, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, August 3; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 1 hour with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their des-

ignees, with Senator BEGICH controlling the first 30 minutes and the Republicans controlling the final 30 minutes. Finally, I ask that following morning business, the Senate resume consideration of H.R. 2997, the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under a previous order, at 5:30 p.m. on Monday, the Senate will vote on cloture on the substitute amendment to the appropriations bill dealing with Agriculture.

VITIATION OF EXECUTIVE CALENDAR ACTION

Mr. REID. I ask unanimous consent that the action on executive Calendar No. 370 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, AUGUST 3, 2009, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate today, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 12:54 p.m., adjourned until Monday, August 3, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

EDWARD M. AVALOS, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE BRUCE I. KNIGHT.

KEVIN W. CONCANNON, OF MAINE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE NANCY MONTANEZ-JOHNER.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE CHARLES F. CONNER.

JAMES W. MILLER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE MARK EVERETT KEENUM.

EVAN J. SEGAL, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE CHARLES R. CHRISTOPHERSON, JR.

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE THOMAS C. DORR.

MERIT SYSTEMS PROTECTION BOARD

SUSAN TSUI GRUNDMANN, OF VIRGINIA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE NEIL MCPHIE.

SUSAN TSUI GRUNDMANN, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2016, VICE NEIL MCPHIE, TERM EXPIRED.

ANNE MARIE WAGNER, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2014, VICE BARBARA J. SAPIN, RESIGNED.

THE JUDICIARY

ABDUL K. KALLON, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE U. W. CLEMON, RETIRED.

JACQUELINE H. NGUYEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE NORA M. MANELLA, RESIGNED.

DEPARTMENT OF JUSTICE

DANIEL G. BOGDEN, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE GREGORY A. BROWER.

DEBORAH K. R. GILG, OF NEBRASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS, VICE JOE W. STECHER.

TIMOTHY J. HEAPHY, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN L. BROWNLEE.

PETER F. NERONHA, OF RHODE ISLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS, VICE ROBERT CLARK CORRENTE.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant

DENISE J. GRUCCIO

To be ensign

CARMEN M. ALEX
BRYAN M. BEGUN
JOSEPH K. CARRIER III
JASMINE L. COUSINS
DAVID B. COWAN
ZACHARY P. CRESS
ALBERT E. DAVISON
ALICE E. DRURY
MATTHEW R. FORREST
JOHANNES A. GEBAUER
LAURA L. GIBSON
LEIGH C. HEDGEPEETH
VAN T. HELKER
KYLE R. JELLISON
ALEXANDER G. JOHNSTON
LYNDSY E. KEEN
STEVEN T. LOY
MICHAEL J. MARINO
MATTHEW H. O'LEARY
RENI L. RYDLEWICZ
SARA A. SLAUGHTER

DEPARTMENT OF JUSTICE

DAVID EDWARD DEMAG, OF VERMONT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS, VICE JOHN R. EDWARDS.

GENEVIEVE LYNN MAY, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE MICHAEL DAVID CREDO.

DAVID LYLE CARGILL, JR., OF NEW HAMPSHIRE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS, VICE STEPHEN ROBERT MONIER.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

KEVIN W. CONCANNON, OF MAINE, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, July 31, 2009:

DEPARTMENT OF STATE

CAPRICIA PENAVIC MARSHALL, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE.

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

EARL MICHAEL IRVING, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

DONALD HENRY GIPS, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

DEPARTMENT OF THE INTERIOR

SAMUEL D. HAMILTON, OF MISSISSIPPI, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

OFFICE OF PERSONNEL MANAGEMENT

CHRISTINE M. GRIFFIN, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

DEPARTMENT OF ENERGY

RICHARD G. NEWELL, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

KEVIN W. CONCANNON, OF MAINE, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

L.T. GEN. GARY L. NORTH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK GORENC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. RONNIE D. HAWKINS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

L.T. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

L.T. GEN. RAYMOND E. JOHNS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL HOWARD B. BAKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL NOEL T. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BART O. IDDINS

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 3037, AND 3064:

To be brigadier general, judge advocate general's corps

COL. THOMAS E. AYRES
COL. MARK S. MARTINS
COL. JOHN W. MILLER II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE JUDGE ADVOCATE GENERAL, IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 3047, 3064 AND 624:

To be lieutenant general

BRIG. GEN. DANA K. CHIPMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL L. YORK

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12211:

To be brigadier general

COL. CHARLOTTE L. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. STERLING, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PURL K. KEEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

L.T. GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

L.T. GEN. KENNETH W. HUNZEKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT P. LENNOX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS DEPUTY JUDGE ADVOCATE GENERAL, UNITED STATES ARMY TO THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 3037, 3064, AND 624:

To be major general

BRIG. GEN. CLYDE J. TATE II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

L.T. GEN. RICKY LYNCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. BARBERO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIE J. WILLIAMS

THE FOLLOWING NAMED MARINE CORPS OFFICER FOR REAPPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be general

GEN. JAMES E. CARTWRIGHT

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RANDOLPH L. MAHR
CAPT. TIMOTHY S. MATTHEWS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. GRETCHEN S. HERBERT
CAPT. DIANE E. H. WEBBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. PAUL B. BECKER
CAPT. ELIZABETH L. TRAIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DENNIS J. MOYNIHAN
CAPT. HAROLD E. PITTMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD D. BERKEY
CAPT. DAVID H. LEWIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. NANETTE M. DERENZI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTION 5149:

To be vice admiral

REAR ADM. JAMES W. HOUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT F. WILLARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CLINTON F. FAISON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELEANOR V. VALENTIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MARK A. HANDLEY
REAR ADM. (LH) CHRISTOPHER J. MOSSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN RICHARD P. BRECKENRIDGE
CAPTAIN THOMAS L. BROWN II
CAPTAIN THOMAS F. CARNEY, JR.
CAPTAIN WALTER E. CARTER, JR.
CAPTAIN SCOTT T. CRAIG
CAPTAIN CRAIG S. FALLER
CAPTAIN JAMES G. FOGGO III
CAPTAIN ANTHONY E. GAIANI
CAPTAIN PETER A. GUMATAOTAO
CAPTAIN JOHN R. HALEY
CAPTAIN JEFFREY HARBESON
CAPTAIN RANDALL M. HENDRICKSON
CAPTAIN ROBERT HENNENEGAN
CAPTAIN MICHAEL W. HEWITT
CAPTAIN GERARD P. HUEBER
CAPTAIN JEFFERY S. JONES
CAPTAIN MATTHEW L. KLUNDER
CAPTAIN WILLIAM K. LESCHER
CAPTAIN MICHAEL C. MANAZIR
CAPTAIN FRANK A. MORNEAU
CAPTAIN JAMES A. MURDOCH
CAPTAIN GREGORY M. NOSAL
CAPTAIN ANN C. PHILLIPS
CAPTAIN JOSEPH W. RIXEY
CAPTAIN JOHN E. ROBERTI
CAPTAIN KEVIN D. SCOTT
CAPTAIN THOMAS K. SHANNON
CAPTAIN HERMAN A. SHELANSKI
CAPTAIN WILLIAM G. SIZEMORE II
CAPTAIN THOMAS G. WEARS
CAPTAIN DAVID B. WOODS

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JOHN M. WIGHTMAN AND ENDING WITH SHANNON L. MCCAMEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH MICHELLE BONGIOVI AND ENDING WITH JENNIFER A. KORKOSZ,

WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH SCOTT M. BAKER AND ENDING WITH DEE A. WEED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

AIR FORCE NOMINATION OF IRA S. EADIE, TO BE MAJOR.

AIR FORCE NOMINATION OF JAMES C. EWALD, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF JACQUELINE A. NAVE, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JESUS CLEMENTE AND ENDING WITH LYNN G. NORTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

AIR FORCE NOMINATION OF BRANDON T. GROVER, TO BE MAJOR.

AIR FORCE NOMINATION OF STEPHEN H. MONTALDI, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH ANTONIO J. ALPONSO AND ENDING WITH SINA M. ZIEMAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH EBON S. ALLEY AND ENDING WITH RICHARD Y. K. YOO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ELISE A. AHLSSWEDE AND ENDING WITH DEEDRA L. ZABOKRTSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH RAAN R. AALGAARD AND ENDING WITH GREGORY S. ZEHNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATION OF DAVID A. MACGREGOR, TO BE MAJOR.

IN THE ARMY

ARMY NOMINATION OF MICHAEL L. STEINBERG, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF PAUL W. MAETZOLD, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH SHERYL L. DACY AND ENDING WITH JAMES M. LEITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATIONS BEGINNING WITH JAMES R. FINLEY AND ENDING WITH CRAIG M. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATIONS BEGINNING WITH OSCAR T. ARAUCO AND ENDING WITH D070807, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATIONS BEGINNING WITH DENNIS K. BENNETT AND ENDING WITH JOSE M. VARGAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATIONS BEGINNING WITH ERNEST T. FORREST AND ENDING WITH WALTON D. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATION OF PHILIP M. CHANDLER, TO BE COLONEL.

ARMY NOMINATION OF ALAN K. UBOKA, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MARTIN W. KINNISON, TO BE MAJOR.

ARMY NOMINATION OF BRIAN G. DONAHUE, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ROBERT L. DORAN AND ENDING WITH SHEBA L. WATERFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

ARMY NOMINATIONS BEGINNING WITH JOHN A. AARDAPPEL AND ENDING WITH D071039, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

ARMY NOMINATIONS BEGINNING WITH CLARA H. ABRAHAM AND ENDING WITH X1381, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

ARMY NOMINATIONS BEGINNING WITH ALLEN D. ACOSTA AND ENDING WITH D060270, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

ARMY NOMINATION OF SCOTT A. NEUSRE, TO BE MAJOR.

ARMY NOMINATION OF JENNIFER M. CRADIER, TO BE MAJOR.

ARMY NOMINATION OF CAROL HAERTLEINSELLS, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MICHAEL L. BOOTHE AND ENDING WITH MURRAY M. REEFER, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH PAUL E. HABENER AND ENDING WITH MARC A. SILVERSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH DENISE K. ASKEW AND ENDING WITH MARTHA M. ONER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH LAURA NIHAN AND ENDING WITH JAMES M. ROGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH SAMUEL A. FRAZER AND ENDING WITH VINCENT D. ZAHNLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH ALAINE C. ENCABO AND ENDING WITH SCOTT C. SHARP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH KRIS R. POPPE AND ENDING WITH CASEY P. NIX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH ANNE B. WARWICK AND ENDING WITH ROD W. CALLICOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL F. BOYEK AND ENDING WITH GERALD S. MAXWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH WESLEY L. GIRVIN AND ENDING WITH ANTHONY W. PARKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH LUIS DIAZ AND ENDING WITH MARK J. SAUER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATION OF CHARLES R. WHITSETT, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF DALLAS A. WINGATE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH HOLMES C. AITA AND ENDING WITH RYAN J. WANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

ARMY NOMINATIONS BEGINNING WITH JAYSON D. AYDELOTTE AND ENDING WITH D070684, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

ARMY NOMINATION OF NATHANIEL JOHNSON, JR., TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JASON E. JOHNSON AND ENDING WITH CARY A. SHILLCUTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH RICHARD P. ADAMS AND ENDING WITH MICHAEL J. STEWART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH KIRSTEN M. ANKE AND ENDING WITH REBECCA A. YUREK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH MARY C. ADAMSCALLENGER AND ENDING WITH DAVID A. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH CHARLES C. DODD AND ENDING WITH DANIEL C. WAKEFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH SHEILA R. ADAMS AND ENDING WITH D060502, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH JEFFREY M. ADCOCK AND ENDING WITH DENTONIO WORRELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH JOEL T. ABBOTT AND ENDING WITH THOMAS L. ZICKGRAF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATION OF JANE B. PRATHER, TO BE COLONEL.

ARMY NOMINATION OF HUNT W. KERRIGAN, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MICHELE L. HILL AND ENDING WITH WILLIAM S. LIKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH WARREN G. THOMPSON AND ENDING WITH FREDERICK M. KARRER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH YVONNE S. BREECE AND ENDING WITH MICHAEL J. UFFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH DANA C. ALLMOND AND ENDING WITH D070985, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH TYRONE C. ABERO AND ENDING WITH X001255, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH DAVID S. ABRAHAMS AND ENDING WITH D060861, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH MATTHEW J. BELLAIR AND ENDING WITH JUSTIN W. WESTFALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2009.

NAVY NOMINATIONS BEGINNING WITH STEPHEN W. PAULETTE AND ENDING WITH ALAN E. SIEGEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

NAVY NOMINATION OF JOHNSON MING-YU LIU, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH ROBERTO M. ABUBO AND ENDING WITH VINCENT E. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY A. ANDERSON AND ENDING WITH SEAN D. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JACOB A. BAILEYDAYSTAR AND ENDING WITH TONY S. W. PARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH BROOK DEWALT AND ENDING WITH WENDY L. SNYDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH SOWON S. AHN AND ENDING WITH SCOTT D. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JASON B. BABCOCK AND ENDING WITH ALLISA M. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH BYRON V. T. ALEXANDER AND ENDING WITH MARCIA L. ZIEMBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JOHN A. BLOCKER AND ENDING WITH JEFFREY M. VICARIO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH ANGEL BELLIDO AND ENDING WITH BRET A. WASHBURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH LEE G. BAIRD AND ENDING WITH DANIEL F. YOUCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JERRY L. ALEXANDER, JR. AND ENDING WITH MARIA T. WILKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH RYAN D. AARON AND ENDING WITH DAVID G. ZOOK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JOSEPH P. BURNS AND ENDING WITH BRIAN STRANAHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2009.

NAVY NOMINATIONS BEGINNING WITH EDDIE L. NIXON AND ENDING WITH DENNIS M. WEPNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2009.

HOUSE OF REPRESENTATIVES—Friday, July 31, 2009

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

Rev. Dr. Ivan Raley, First Baptist Church, Byrdstown, Tennessee, offered the following prayer:

Almighty and eternal Father, we humbly come before You in this hallowed place that we might seek Your wisdom for the work of these whom You have chosen to serve our Nation.

Father, there are many people in our land today who are hurting. There are people this morning who are afraid. They are confused, and they are fearful of the future and what it holds. Father, they need the help of this Congress.

God, accept this prayer as our confession of faith in You and total dependence on You. Forgive us where we have failed and fallen short. Father, You know the solution our Nation needs. Teach it to these who have been chosen to lead our Nation so that they can know Your will as well.

Father, may future generations call these who are now assembled the greatest generation. Let them be like those who came before them, who rose to their country's need and were thus called. May they say of these, they did their best. They are a great generation.

Father, God, we pray this in Your Son's name. God bless America.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3357. An act to restore sums to the Highway Trust Fund and for other purposes.

WELCOMING REV. DR. IVAN RALEY

The SPEAKER. Without objection, the gentleman from Tennessee (Mr. DAVIS) is recognized for 1 minute.

There was no objection.

Mr. DAVIS of Tennessee. Madam Speaker, it's an honor to thank my friend and pastor, Dr. Ivan Raley of First Baptist Church in Byrdstown, for joining us here today. Pastor Raley has served our church at home since 2002, and is retired after 10 years of service as regional vice president of the Tennessee Baptist Children's Homes in Brentwood, Tennessee.

While serving as pastor, Dr. Raley has traveled on mission trips to Venezuela, Belize, Guatemala and Mexico, and in September of 2001, he went to New York to serve as a chaplain with the police and firemen involved in the 9/11 World Trade Center attack. He also served with the International Mission Board of the Southern Baptist Convention in Rwanda during the wars there in 1994.

I want to thank Ivan for being here today and for serving our church family for the past 7 years. I have looked to him for ministry as we continue our work in Congress to build a stronger America for our children and our grandchildren. Through the war in Iraq and Afghanistan, and now in the midst of a difficult economy, I appreciate Pastor Raley being there to join me in search of guidance and wisdom.

On behalf of my colleagues, I welcome Dr. Raley, and again, I thank him for delivering our invocation here this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PAS-
TOR of Arizona). The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

MEDICAL DEBT IN AMERICA

(Ms. KILROY asked and was given permission to address the House for 1 minute.)

Ms. KILROY. Mr. Speaker, in my district, as in many districts around the country, medical debt has been a contributing factor in bankruptcies and in foreclosures. In fact, 72 million Americans today are affected by the issue of medical debt.

Another more insidious but also serious issue that arises from medical debt, and one that costs our constituents a great deal of money, is the issue of medical debt that is paid late or is settled eventually, but paid nevertheless, but has gone to collections and is reported negatively on a credit report or a score.

Twenty-eight million Americans pay their medical debt off over a period of time. Some of those accrue debt only because of a dispute with an insurance company, some of them because of the high cost of medical care and high deductibles or caps that have been exceeded in the course of the year, some because of job loss. But that negative credit score stays with them for years to come.

□ 0915

RECOGNIZING THE 150TH ANNIVERSARY OF ST. COLUMBAN ROMAN CATHOLIC CHURCH

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise this morning to recognize the 150th anniversary of my childhood parish, St. Columban Roman Catholic Church of Loveland, Ohio.

In 1859, Father John Baptist O'Donoghue, of St. Andrew's Parish in Milford, and 10 families worked together to raise enough money to purchase an old, one-room schoolhouse from the Village of Loveland on Broadway Avenue.

Like many budding parishes, the original rectory did not meet the needs of the local Catholic community for very long. In 1893, St. Columban built their second house of worship on that site. A few years later, the first school was built. This church will always hold a special place in my heart because my home was built from its bricks.

As the parish was celebrating its 100th anniversary, St. Columban was, once again, forced to expand to a new church at a different site. I was in attendance that day 50 years ago when Archbishop Karl J. Alter dedicated the new school building which housed the church in the cafeteria. Rapid growth twice required separate additions to be built to house the church. In 2002, the church finally moved out of the school and into its own building.

Each year, I have the privilege to host the St. Columban eighth-grade students to the Capitol. I am honored

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to be their Congresswoman and tour guide.

Mr. Speaker, I ask you to join me in celebrating St. Columban's 150th anniversary and in wishing them continued success.

God bless them. God bless the United States of America.

COMMONSENSE LEGISLATION TO PROMOTE WELLNESS

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, during the upcoming August work period, my colleagues and I will travel back to our districts to talk about meaningful health care reform that fixes what is broken and that protects what works.

One of the things that does not work is the skyrocketing costs of medical treatment in the United States. If Congress is serious about tackling the issue, we must address the growing concern of chronic disease—preventable conditions that account for 85 percent of total health spending. Obesity alone cost \$147 billion last year.

Today, I am introducing legislation that will offer up to 20 percent discounted premiums to those who make the effort to live healthier lifestyles, such as not smoking, such as achieving and maintaining normal body mass index and working at lowering blood pressure and cholesterol levels. As a result, there will be an economic incentive to encourage personal responsibility for one's health, which will dramatically reduce overall costs.

As we look at health insurance reform, we need to make sure that we look at encouraging wellness. I urge my colleagues to join me in support of this commonsense legislation to promote wellness.

IN APPRECIATION OF ALLEN AIMAR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to wish a fond farewell to a member of the Second Congressional District staff, Allen Aimar.

Allen first served as a field representative in our Beaufort Lowcountry office before coming to Washington as military legislative assistant. Allen is leaving Washington behind for his law school career at Capital University in Columbus, Ohio. He will be joined by his wife, Amber, who previously served on the staff of the Second District and as staff to Dr. Phil Roe.

Allen has been vital in helping constituents, particularly on military

issues. He has brought his own experience and knowledge as a veteran of the Army National Guard in Iraq. He appreciates our servicemembers, their families and veterans.

Allen is the son of Allen and Deborah Aimar of Johnson City, Tennessee, and of Greg and Marian Erickson of Beaufort, South Carolina, and is brother to Adam Aimar.

We are all tremendously proud of Allen and Amber, and we wish them and their young son, Alexander Jacob Aimar, all the best in the years to come. Godspeed to the Aimar family.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HEALTH CARE REFORM

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, as we debate health care reform legislation, my Republican friends say things are fine just the way they are. "Take two tax breaks and call me in the morning," is their prescription. This in spite of the fact that premiums have doubled in 9 years, growing three times faster than wages; this in spite of the fact that the average American family already pays an extra \$1,100 a year in premiums to support a broken system; this in spite of the fact that 46 million Americans are uninsured.

When my Republican friends say that the American people don't deserve health reform, my response is: Are you kidding?

KATRINA ANNIVERSARY

(Mr. CAO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAO. Mr. Speaker, August 29, 2009 will mark the fourth anniversary of Hurricane Katrina. As I prepare to return to the Second District, I am reflective not so much of the unprecedented damage that wreaked havoc on the innocent but of the power of the human spirit that was so evident in every citizen as they've returned to New Orleans to rebuild their homes and to jump-start their communities.

I, too, lost everything in this storm. My wife and I, like so many others, were forced to start over after losing our home and business.

As Katrina became the byword for our Nation's social ills and failures, many even questioned the logic of rebuilding, but one only has to look around New Orleans and Jefferson Parish today to completely dispute that line of reasoning. New Orleans and Jefferson Parish are reemerging as the productive areas they once were. Tourism is back on the rise, and entre-

preneurs are returning to reintroduce commerce and to boost the job market. But there is still much work to do.

The Stafford Act must be redesigned to bring a systemic means of Federal natural disaster assistance for State and local governments to aid citizens, and there must be a fundamental change in FEMA's approach to catastrophic disasters.

A UNIQUELY AMERICAN HEALTH CARE PLAN

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, today, it is time for health care reform.

Now, there are some out there who like to claim that we don't need reform now because the private marketplace will take care of everything. Well, the private marketplace hasn't taken care of anything except to increase deductibles, to increase premiums, and to increase copays that cost the American people. Let me tell you what that means in my home State of Maryland.

In 2001, if you were paying on the average of \$600 a month for your health care, today, you're paying an average of \$1,000 a month for your health care. Well, I don't know about anybody else, but in my household, an extra \$400 a month is real money. It's groceries. It's an electric bill. It's daycare. I mean, this is an important cost to the American people.

It is time for us to enact a uniquely American plan that doesn't embrace the insurance industry, that doesn't close down the insurance industry, but that says to the insurers: you have to compete in the marketplace with a public plan that relies on Medicare rates, that ensures that we will have real competition, and that is real change for the American people.

It is time for us to educate the American people and to get this done for the public so that we can be competitive.

THE BRITISH HEALTH CARE SYSTEM IS UNHEALTHY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, government-run health care has been around in England for over 60 years. In those years, the government still hasn't gotten it right.

In March, Britain's Health Care Commission, which has ironically been renamed the Care Quality Commission, reported that 1,200 people have died needlessly at two British hospitals over the past 3 years.

The government report said that Stafford Hospital and Cannock Chase Hospital have filthy conditions and

unhygienic practices. The government report says government-run hospitals don't have enough doctors and nurses and the doctors and nurses are poorly trained. They don't know how to use the cardiac monitors, and the hospitals don't even have enough of the cardiac monitors that they don't know how to operate. The British Government report also says that these two government-run hospitals have left patients with no food, no water and no medicine for up to 4 days.

Mr. Speaker, this is just another example that government-run health care has not worked. Doctors and nurses are rationed; care is rationed; medicine, food and water are rationed. The British health care plan is: "Just don't get sick" because the government-run system can't help you.

And that's just the way it is.

AMERICANS WILL FINALLY BE GUARANTEED HEALTH CARE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, today is a great day.

My committee, the Energy and Commerce Committee, will report out the health care reform bill today. It is very exciting because what it means is that people will finally be guaranteed health care, and they'll know that they'll have health care regardless of what job they have. They won't lose it if they go from job to job.

Right now, we have a lot of people in this country who are uninsured. They will be provided with health insurance. We have a lot of other people who are afraid they're going to lose their jobs or who are afraid they're not going to be able to afford their health insurance.

Again, we'll address the affordability issue by bringing down costs for people who actually have insurance, and we'll guarantee that, whether or not you have a health condition and regardless of your gender, you'll be able to get the same health care; you'll be able to get the same insurance policy, and you won't be discriminated against.

This is a real opportunity for America to see that this Congress can actually do the job, that we can get the job done—that we can cover everyone and reduce costs—so that you'll finally have the peace of mind that you're guaranteed health insurance.

THE TRUTH ABOUT HOUSE DEMOCRATS' TAX INCREASES

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the American people know we need health care reform in this country, but thanks to

House Republicans and a handful of Democrats in Congress, the American people have been given a reprieve on the Democrat plan to enact a government takeover of health care, paid for with more than \$800 billion in new taxes. Now, that tax increase number has been disputed in the past 24 hours, so I thought I'd pull the stats.

According to the Congressional Budget Office and the Joint Committee on Taxation, the House Democrat reform bill includes \$543 billion in a surtax on high-income filers, \$208 billion in increased taxes on businesses, an additional set of tax increases—international tax increases which they refer to—of \$37 billion, and more taxes on benefits of \$2 billion. Taxes on individuals who do not purchase bureaucrat-approved health insurance—\$29 billion. So the total amount of tax increases included in the Democrat bill, according to official estimates, is \$820.1 billion over 10 years.

The chance for the American people to know what's in this plan and to come back and to pass health care reform without more government and more taxes? Priceless.

Let the debate begin.

PROVIDING FOR CONSIDERATION OF H.R. 3269, CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS ACT OF 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 697 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 697

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Financial Services; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Frank of Massachusetts or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the

amendment in the nature of a substitute printed in the report of the Committee on Rules, if offered by Representative Garrett of New Jersey or his designee, which shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. During consideration of an amendment printed in the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

SEC. 4. In the engrossment of H.R. 3269, the Clerk is authorized to make technical and conforming changes to amendatory instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 697.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 697 provides for the consideration of H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009, under a structured rule.

The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule makes in order an amendment by Chairman FRANK, which is debatable for 10 minutes. It also makes in order an amendment in the nature of a substitute by Representative GARRETT, which is debatable for 30 minutes. The rule provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act. I would like to congratulate my good friend and my colleague from Massachusetts, Chairman BARNEY FRANK, for all of his hard work on this bill.

□ 0930

Mr. Speaker, if the last year has taught us anything, it's that the compensation practices of some of our largest corporations have gotten completely out of control. Middle class Americans on Main Street are struggling to hold on to their jobs, struggling to pay for health care and education and food and energy. They have

seen their wages stagnate while their costs have skyrocketed.

Meanwhile, over on Easy Street, things are great. Corporate executives are continuing to give themselves multi-million dollar pay packages; the golden parachutes are still flying. One of the most egregious cases of this came when American taxpayers watched as AIG, the American International Group, doled out lavish bonuses after being bailed out of the financial mess that they helped create.

Chairman FRANK is thoroughly committed to ensuring our financial system remains sound, and I am pleased to see this bill as the first piece of larger reforms by the House Financial Services Committee.

Mr. Speaker, I would also like to voice my support for the proposed Consumer Financial Protection Agency. I know there has been strong pushback from the industry, but I would like to commend my colleagues for their perseverance in putting these protections in place. The bill will help to give the owners of these corporations, the shareholders, a meaningful voice in how companies are run. Specifically, this bill grants shareholders a say on pay for top executives by guaranteeing them a non-binding advisory vote on their company's pay practices. Again this vote is nonbinding.

The board of directors and the compensation committees are free to ignore their shareholders' wishes, but those shareholders will at least have the opportunity to express their views.

The bill would also strengthen the ability of Federal regulators, namely, the Federal Reserve and Federal Deposit Insurance Corporation, to restrict pay structures that encourage inappropriate risk at financial companies. If regulators see a large company driving itself off a cliff by employing unstable pay practices for top executives, they should have the ability to act.

I'm pleased that the Financial Services Committee adopted a number of amendments. To note one in particular, Mr. HENSARLING, my Republican colleague from Texas, recognized the need to take the size of the institution into account. His amendment to exempt financial institutions with assets of less than \$1 billion from the bill's incentive base compensation disclosure requirements and related compensation structure oversight was adopted in committee.

I look forward to the debate on this bill and on the Republican substitute which is made in order under this rule.

I urge my colleagues to send a strong message that the misbehavior in corporate America must come to an end by supporting this bill.

I reserve my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Massachusetts, my friend Mr. MCGOVERN, for yielding me the time this morning.

And I would yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this rule and to the underlying legislation. The structured rule does not call for the open and honest debate that we really had been promised years ago by our Democrat colleagues to have an open, honest debate on the issues that are before this country. But once again, time in and time out, here we are without an open rule.

Mr. Speaker, it's my intention today to discuss the dangerous precedent that this legislation sets forth on the future of business in America and the stranglehold that government will have over the free enterprise system.

Additionally, I offered two amendments in the Rules Committee last night, and I will discuss those here today. One would ensure this legislation would not create a bonanza for trial lawyers, and the other would provide for the necessary transparency and disclosure for shareholders. Both were rejected by the Democrats of the Rules Committee and eliminated from debate on the House floor today.

Mr. Speaker, government takeover of the free enterprise system seems to be a common theme with this Democrat Congress and with the Obama administration, a theme that has led to record deficits and record unemployment. This underlying legislation has masked itself as a bill to restrict CEO pay by giving shareholders a nonbinding vote on executive compensation. Yet in reality, it gives the government broad authority to review and determine appropriate compensation for every employee of a financial firm.

This legislation empowers the Federal Government to set unprecedented standards for annual shareholder votes while providing broad government authority for regulators who will have guidance to implement this and give authority to them over the free enterprise system.

We all agree that we need to curb abuses of the past and to promote responsible approaches to executive compensation. But this bill provides unprecedented government intervention in the free enterprise system. It is the wrong solution. The goal of regulatory reform should be to help, not hinder, our economy's ability to sustain economic growth and job creation.

This legislation does the opposite by legislating a one-size-fits-all rule for public companies that discourage private firms from going public. This will limit U.S. companies' access to the capital markets and undermine U.S. economic competitiveness. This legislation allows financial regulators the authority to determine wages for all employees, not just CEOs, officers, and bankers, but everyone.

The rank and file of community banks, minority banks, and credit unions could all have their compensa-

tion determined by unelected Washington bureaucrats. This perception undermines the confidence in corporate America and unfairly taints the vast majority of U.S. companies.

In an effort to provide the clarification necessary to ensure the intent of this legislation is not to create a bonanza for trial lawyers, I offered an amendment in the Rules Committee. The amendment would have clarified that this legislation simply creates no new private right of action in our courts, nor would its passage make a compensation committee's decisions to uphold its fiduciary responsibilities to shareholders subject to any existing private right of action.

Without this amendment, trial lawyers will be able to exploit a new opportunity to shake down companies for huge payments by challenging any action deemed non-compliant from this non-binding vote. This is a common-sense amendment that should have been considered on the House floor today, and it should be in the bill as law.

My second amendment would have provided sunshine and transparency for shareholders by requiring a full SEC disclosure about who is financing efforts to influence votes on this new congressionally mandated non-binding shareholder resolution. Put simply, this amendment would provide shareholders with access to information about who is spending money to influence that vote.

As Federal candidates, we're obligated to disclose to the Federal Election Commission the name, occupation, and amount given from each of our donors. We require this because the public interest is advanced by letting voters know who funds each candidate's campaign. My amendment asks the same disclosure so the shareholders know what people, what organization—whether they be labor unions, environmental groups, consumer advocates or simply a normal citizen of this country. We need to know who is spending money on influencing this new mandatory, non-binding vote.

Americans pride themselves on free enterprise choice and a marketplace that works for all of us; yet today Congress will pass legislation that increases government intervention in the financial markets, rations resources, limits consumer choices, and dictates wages and prices. In a time of economic recession with record unemployment and record deficits, Congress should be enacting legislation to assist our economy.

Mr. Speaker, the motives are clear. This administration and this Congress are using policy and regulation to force a government takeover of the free enterprise system.

Mr. Speaker, this Congress should be doing things to encourage employment, to encourage people to go back to

work, to encourage competitiveness, to encourage our country to be prepared tomorrow; not to have record unemployment, not to spend more money for record debts, but to give America and the free enterprise system the chance and opportunity it deserves to flourish in America.

Mr. Speaker, I encourage my colleagues to vote against this rule and the underlying legislation.

I reserve the balance of my time.

Mr. MCGOVERN. We have no further speakers at this time, and I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, in closing, I would like to stress that while my friends on the other side of the aisle claim to be protecting consumers with this legislation, they refuse to protect all Americans in this legislation from trial lawyers benefiting from their tax dollars, and they also voted in the committee against transparency and accountability.

Mr. Speaker, as a Nation, we have many, many, many real problems to deal with that require leadership and dedication to ensure the future of this Nation. We need to provide for jobs, encourage economic growth and spur innovation and prosperity of this Nation, not to hamper the free enterprise system. This is, without question, further government control and muzzling of the free enterprise system. Some argue that this legislation is about executive compensation; but in reality, it continues to be the government takeover of the free enterprise system.

I encourage a "no" vote on this structured rule and a "no" vote on the underlying legislation.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, as we're about to adjourn for the August recess, I think it's important to note that this is a Congress that accomplished a great deal.

We have passed 12 of our appropriations bills. We passed the historic Recovery and Reinvestment Act, which is keeping teachers and police officers employed, and stimulating economic growth throughout this country. We have passed an energy bill that, if signed into law, will create thousands and thousands of new green jobs as well as free us of our dependence on foreign oil. We have extended SCHIP, which means that more and more children have access to health care. We passed the Lilly Ledbetter Pay Equity Act bill to address the issue of discrimination of women in the workplace. Yesterday we passed a food safety bill.

So we did all of this in spite of resistance and in spite of obstructionism by many of my colleagues on the other side of the aisle. But I think it is an indication that this is a Congress that has accomplished a great deal.

Let me just say finally, Mr. Speaker, with regard to the underlying legisla-

tion, that if you like the status quo, if you want to embrace the same old, same old when it comes to corporate misbehavior, then vote against the rule and vote against the bill. If you want things to change, if you want to ensure corporate responsibility, then please support the underlying bill championed by Chairman FRANK.

With that Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 0945

CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to H. Res. 697, I call up the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 697, the amendment in the nature of a substitute recommended by the Committee on Financial Services, now printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corporate and Financial Institution Compensation Fairness Act of 2009".

SEC. 2. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION DISCLOSURES.

(a) AMENDMENT.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

"(i) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—

"(1) ANNUAL VOTE.—Any proxy or consent or authorization (the solicitation of which is subject to the rules of the Commission pursuant to subsection (a)) for an annual meeting of the shareholders to elect directors (or a special meeting in lieu of such meeting) where proxies are solicited in respect of any security registered under section 12 occurring on or after the date that is 6 months after the date on which final rules are issued under paragraph (4), shall provide for a separate shareholder vote to approve the compensation of executives as disclosed pursuant to the Commission's compensation disclosure rules for named executive officers (which disclosure shall include the compensation committee report, the compensation discussion and

analysis, the compensation tables, and any related materials, to the extent required by such rules). The shareholder vote shall not be binding on the issuer or the board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in such proxy materials related to executive compensation.

"(2) SHAREHOLDER APPROVAL OF GOLDEN PARACHUTE COMPENSATION.—

"(A) DISCLOSURE.—In any proxy or consent solicitation material (the solicitation of which is subject to the rules of the Commission pursuant to subsection (a)) for a meeting of the shareholders occurring on or after the date that is 6 months after the date on which final rules are issued under paragraph (4), at which shareholders are asked to approve an acquisition, merger, consolidation, or proposed sale or other disposition of all or substantially all the assets of an issuer, the person making such solicitation shall disclose in the proxy or consent solicitation material, in a clear and simple form in accordance with regulations to be promulgated by the Commission, any agreements or understandings that such person has with any named executive officers of such issuer (or of the acquiring issuer, if such issuer is not the acquiring issuer) concerning any type of compensation (whether present, deferred, or contingent) that is based on or otherwise relates to the acquisition, merger, consolidation, sale, or other disposition of all or substantially all of the assets of the issuer and the aggregate total of all such compensation that may (and the conditions upon which it may) be paid or become payable to or on behalf of such executive officer.

"(B) SHAREHOLDER APPROVAL.—Any proxy or consent or authorization relating to the proxy or consent solicitation material containing the disclosure required by subparagraph (A) shall provide for a separate shareholder vote to approve such agreements or understandings and compensation as disclosed, unless such agreements or understandings have been subject to a shareholder vote under paragraph (1). A vote by the shareholders shall not be binding on the issuer or the board of directors of the issuer or the person making the solicitation and shall not be construed as overruling a decision by any such person or issuer, nor to create or imply any additional fiduciary duty by any such person or issuer.

"(3) DISCLOSURE OF VOTES.—Every institutional investment manager subject to section 13(f) shall report at least annually how it voted on any shareholder vote pursuant to paragraphs (1) or (2) of this section, unless such vote is otherwise required to be reported publicly by rule or regulation of the Commission.

"(4) RULEMAKING.—Not later than 6 months after the date of the enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, the Commission shall issue final rules to implement this subsection.

"(5) EXEMPTION AUTHORITY.—The Commission may exempt certain categories of issuers from the requirements of this subsection, where appropriate in view of the purpose of this subsection. In determining appropriate exemptions, the Commission shall take into account, among other considerations, the potential impact on smaller reporting issuers."

(b) PROHIBITION ON CLAWBACKS.—

(1) PROHIBITION.—No compensation of any executive of an issuer, having been approved by a majority of shareholders pursuant to section 14(i) of the Securities Exchange Act of 1934 (as added by subsection (a)), may be subject to any clawback except—

(A) in accordance with any contract of such executive providing for such a clawback; or

(B) in the case of fraud on the part of such executive, to the extent provided by Federal or State law.

(2) **REGULATIONS.**—The Securities and Exchange Commission shall promulgate rules necessary to implement and enforce paragraph (1).

SEC. 3. COMPENSATION COMMITTEE INDEPENDENCE.

(a) **STANDARDS RELATING TO COMPENSATION COMMITTEES.**—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 10A the following new section:

“SEC. 10B. STANDARDS RELATING TO COMPENSATION COMMITTEES.

“(a) **COMMISSION RULES.**—

“(1) **IN GENERAL.**—Effective not later than 9 months after the date of enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, the Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any class of equity security of an issuer that is not in compliance with the requirements of any portion of subsections (b) through (f).

“(2) **OPPORTUNITY TO CURE DEFECTS.**—The rules of the Commission under paragraph (1) shall provide for appropriate procedures for an issuer to have an opportunity to cure any defects that would be the basis for a prohibition under paragraph (1) before the imposition of such prohibition.

“(3) **EXEMPTION AUTHORITY.**—The Commission may exempt certain categories of issuers from the requirements of subsections (b) through (f), where appropriate in view of the purpose of this section. In determining appropriate exemptions, the Commission shall take into account, among other considerations, the potential impact on smaller reporting issuers.

“(b) **INDEPENDENCE OF COMPENSATION COMMITTEES.**—

“(1) **IN GENERAL.**—Each member of the compensation committee of the board of directors of the issuer shall be independent.

“(2) **CRITERIA.**—In order to be considered to be independent for purposes of this subsection, a member of a compensation committee of an issuer may not, other than in his or her capacity as a member of the compensation committee, the board of directors, or any other board committee accept any consulting, advisory, or other compensatory fee from the issuer.

“(3) **EXEMPTION AUTHORITY.**—The Commission may exempt from the requirements of paragraph (2) a particular relationship with respect to compensation committee members, where appropriate in view of the purpose of this section.

“(4) **DEFINITION.**—As used in this section, the term ‘compensation committee’ means—

“(A) a committee (or equivalent body) established by and amongst the board of directors of an issuer for the purpose of determining and approving the compensation arrangements for the executive officers of the issuer; and

“(B) if no such committee exists with respect to an issuer, the independent members of the entire board of directors.

“(c) **INDEPENDENCE STANDARDS FOR COMPENSATION CONSULTANTS AND OTHER COMMITTEE ADVISORS.**—Any compensation consultant or other similar adviser to the compensation committee of any issuer shall meet standards for independence established by the Commission by regulation.

“(d) **COMPENSATION COMMITTEE AUTHORITY RELATING TO COMPENSATION CONSULTANTS.**—

“(1) **IN GENERAL.**—The compensation committee of each issuer, in its capacity as a committee of the board of directors, shall have the authority, in its sole discretion, to retain and obtain the advice of a compensation consultant meeting the standards for independence promulgated pursuant to subsection (c), and the com-

pensation committee shall be directly responsible for the appointment, compensation, and oversight of the work of such independent compensation consultant. This provision shall not be construed to require the compensation committee to implement or act consistently with the advice or recommendations of the compensation consultant, and shall not otherwise affect the compensation committee's ability or obligation to exercise its own judgment in fulfillment of its duties.

“(2) **DISCLOSURE.**—In any proxy or consent solicitation material for an annual meeting of the shareholders (or a special meeting in lieu of the annual meeting) occurring on or after the date that is 1 year after the date of enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, each issuer shall disclose in the proxy or consent material, in accordance with regulations to be promulgated by the Commission whether the compensation committee of the issuer retained and obtained the advice of a compensation consultant meeting the standards for independence promulgated pursuant to subsection (c).

“(3) **REGULATIONS.**—In promulgating regulations under this subsection or any other provision of law with respect to compensation consultants, the Commission shall ensure that such regulations are competitively neutral among categories of consultants and preserve the ability of compensation committees to retain the services of members of any such category.

“(e) **AUTHORITY TO ENGAGE INDEPENDENT COUNSEL AND OTHER ADVISORS.**—The compensation committee of each issuer, in its capacity as a committee of the board of directors, shall have the authority, in its sole discretion, to retain and obtain the advice of independent counsel and other advisers meeting the standards for independence promulgated pursuant to subsection (c), and the compensation committee shall be directly responsible for the appointment, compensation, and oversight of the work of such independent counsel and other advisers. This provision shall not be construed to require the compensation committee to implement or act consistently with the advice or recommendations of such independent counsel and other advisers, and shall not otherwise affect the compensation committee's ability or obligation to exercise its own judgment in fulfillment of its duties.

“(f) **FUNDING.**—Each issuer shall provide for appropriate funding, as determined by the compensation committee, in its capacity as a committee of the board of directors, for payment of compensation—

“(1) to any compensation consultant to the compensation committee that meets the standards for independence promulgated pursuant to subsection (c), and

“(2) to any independent counsel or other adviser to the compensation committee.”.

(b) **STUDY AND REVIEW REQUIRED.**—

(1) **IN GENERAL.**—The Securities and Exchange Commission shall conduct a study and review of the use of compensation consultants meeting the standards for independence promulgated pursuant to section 10B(c) of the Securities Exchange Act of 1934 (as added by subsection (a)), and the effects of such use.

(2) **REPORT TO CONGRESS.**—Not later than 2 years after the rules required by the amendment made by this section take effect, the Commission shall submit a report to the Congress on the results of the study and review required by this paragraph.

SEC. 4. ENHANCED COMPENSATION STRUCTURE REPORTING TO REDUCE PERVERSE INCENTIVES.

(a) **ENHANCED DISCLOSURE AND REPORTING OF COMPENSATION ARRANGEMENTS.**—

(1) **IN GENERAL.**—Not later than 9 months after the date of enactment of this Act, the ap-

propriate Federal regulators jointly shall prescribe regulations to require each covered financial institution to disclose to the appropriate Federal regulator the structures of all incentive-based compensation arrangements offered by such covered financial institutions sufficient to determine whether the compensation structure—

(A) is aligned with sound risk management;

(B) is structured to account for the time horizon of risks; and

(C) meets such other criteria as the appropriate Federal regulators jointly may determine to be appropriate to reduce unreasonable incentives offered by such institutions for employees to take undue risks that—

(i) could threaten the safety and soundness of covered financial institutions; or

(ii) could have serious adverse effects on economic conditions or financial stability.

(2) **RULES OF CONSTRUCTION.**—Nothing in this subsection shall be construed as requiring the reporting of the actual compensation of particular individuals. Nothing in this subsection shall be construed to require a covered financial institution that does not have an incentive-based payment arrangement to make the disclosures required under this subsection.

(b) **PROHIBITION ON CERTAIN COMPENSATION ARRANGEMENTS.**—Not later than 9 months after the date of enactment of this Act, and taking into account the factors described in subparagraphs (A), (B), and (C) of subsection (a)(1), the appropriate Federal regulators shall jointly prescribe regulations that prohibit any incentive-based payment arrangement, or any feature of any such arrangement, that the regulators determine encourages inappropriate risks by covered financial institutions that—

(1) could threaten the safety and soundness of covered financial institutions; or

(2) could have serious adverse effects on economic conditions or financial stability.

(c) **ENFORCEMENT.**—The provisions of this section shall be enforced under section 505 of the Gramm-Leach-Bliley Act and, for purposes of such section, a violation of this section shall be treated as a violation of subtitle A of title V of such Act.

(d) **DEFINITIONS.**—As used in this section—

(1) the term “appropriate Federal regulator” means—

(A) the Board of Governors of the Federal Reserve System;

(B) the Office of the Comptroller of the Currency;

(C) the Board of Directors of the Federal Deposit Insurance Corporation;

(D) the Director of the Office of Thrift Supervision;

(E) the National Credit Union Administration Board;

(F) the Securities and Exchange Commission; and

(G) the Federal Housing Finance Agency; and

(2) the term “covered financial institution” means—

(A) a depository institution or depository institution holding company, as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(B) a broker-dealer registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o);

(C) a credit union, as described in section 19(b)(1)(A)(iv) of the Federal Reserve Act;

(D) an investment advisor, as such term is defined in section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11));

(E) the Federal National Mortgage Association;

(F) the Federal Home Loan Mortgage Corporation; and

(G) any other financial institution that the appropriate Federal regulators, jointly, by rule,

determine should be treated as a covered financial institution for purposes of this section.

(e) **EXEMPTION FOR CERTAIN FINANCIAL INSTITUTIONS.**—The requirements of this section shall not apply to covered financial institutions with assets of less than \$1,000,000,000.

(f) **GAO STUDY.**—

(1) **STUDY REQUIRED.**—

(A) **IN GENERAL.**—The Comptroller General of the United States shall carry out a study to determine whether there is a correlation between compensation structures and excessive risk taking.

(B) **FACTORS TO CONSIDER.**—In carrying out the study required under subparagraph (A), the Comptroller General shall—

(i) consider compensation structures used by companies from 2000 to 2008; and

(ii) compare companies that failed, or nearly failed but for government assistance, to companies that remained viable throughout the housing and credit market crisis of 2007 and 2008, including the compensation practices of all such companies.

(C) **DETERMINING COMPANIES THAT FAILED OR NEARLY FAILED.**—In determining whether a company failed, or nearly failed but for government assistance, for purposes of subparagraph (B)(ii), the Comptroller General shall focus on—

(i) companies that received exceptional assistance under the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2009 (12 U.S.C. 5211 et seq.) or other forms of significant government assistance, including under the Automotive Industry Financing Program, the Targeted Investment Program, the Asset Guarantee Program, and the Systemically Significant Failing Institutions Program;

(ii) the Federal National Mortgage Association;

(iii) the Federal Home Loan Mortgage Corporation; and

(iv) companies that participated in the Security and Exchange Commission's Consolidated Supervised Entities Program as of January 2008.

(2) **REPORT.**—Not later than the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall issue a report to the Congress containing the results of the study required under paragraph (1).

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, the amendment printed in House Report 111-237, if offered by the gentleman from Massachusetts (Mr. FRANK) or his designee, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. Thereafter, the amendment in the nature of a substitute printed in the report, if offered by the gentleman from New Jersey (Mr. GARRETT) or his designee, shall be considered read and shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair will recognize the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days on this bill to revise and extend their remarks and include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I recognize myself for such time as I may consume.

Mr. Speaker, I have encountered gaps between rhetoric and reality in this Chamber, never one as great as the wildly distorted description of this bill that we've got before us.

Let's be very clear. There are differences between the parties here on the whole, at least as reflected in the committee vote. I think it will probably be different on the floor. There is much less difference than there used to be about one piece of it, the say-on-pay.

When the say-on-pay bill came up previously in 2007—by the way, when the Republicans were in the majority prior to 2007, on this, as on many other issues, we Democrats tried to do some reforms, predatory lending being one—we got nowhere—credit cards being another. We did try, in our Committee on Financial Services, to bring this up. The Republicans used their majority not to allow it.

In 2007, when we were in the majority, we did bring it to the floor, and it passed over the objection of most Republicans, and I will introduce into the RECORD their comments denouncing say-on-pay. But 2 years later, they have moved some. So they are now for reform on say-on-pay, many of them, although a somewhat watered-down form.

I should say there is a stark difference between us remaining on whether or not any action should be taken whatsoever by the Federal Government to restrain compensation practices that inflict excessive risk on the economy. We should be very clear; this assertion that this amounts to control of all wages and prices is nonsense. There is, of course, nothing about prices at all in the bill. As to wages, what it says is that the SEC shall impose rules that prevent excessive risk-taking, and the reference to wages is only in that context.

The amount of wages is irrelevant to the SEC. What this bill explicitly aims at is the practice whereby people are given bonuses that pay off if the gamble or the risk pays off but don't lose you anything if it doesn't. That is, there is a wide consensus that this incentivizes excessive risk for you a shorter time. If you're the head of a financial institution or you're one of the decisionmakers or you take actions that are risky and 1 month later it looks like they paid off and you get your money and then 6 months later it turns out it blew up, you don't lose any of the money you got. And if at the outset you take a risk and it costs the company a lot of money, that doesn't cost you anything.

All we are saying is that there has to be some balance to the risk-taking. And people ask, What is excessive risk? Excessive risk is when the people who take the risk pay no penalty when it goes wrong; when they have a heads they win, tails they break even situation; when the company loses money and the economy may suffer, but the decision-makers do not.

Now, one of the sillier remarks we heard was this will cause us a problem with international competition. In fact, say-on-pay, when the Republican Party overwhelmingly opposed it 2 years ago, was already borrowed from Great Britain, the United Kingdom. And we were told during 2006 that we were losing a lot of business to Great Britain, that we should cut back on Sarbanes-Oxley, for instance, because people would go to England. But England had the very proposal that they were saying was going to drive people away.

In fact, today—I will read from an article from a couple weeks ago. The Prime Minister of England says they are going to adopt plans forcing banks to hold back half of all bonuses for up to 5 years to discourage excessive risk-taking. That's our major financial competitor. And the conservative opposition is critical because it's not mandatory.

We have been in conversations with the European Union, the United Kingdom, with Canada, and others. This will be done on a coordinated basis. In fact, American salaries, American compensation has been much higher.

So, no, there is no price control; no, there is no wage control; no, it is not a problem for international competition. And by the way, as to every institution, every credit union—you heard that rhetoric—the bill exempts any institution with less than \$1 billion in assets, and it gives the SEC the authority to even raise that so there's even less. But here's the nub of it: The Republican Party has reluctantly been dragged—reality sometimes has an impact—to supporting a watered-down version of say-on-pay.

Say-on-pay, by the way, says that the shareholders of the company can vote and express their opinion. The gentleman from Texas was upset that we don't have a Federal Election Commission mechanism for these votes. But why only these votes? Shareholders vote on everything. Apparently it's only when the shareholders tend to vote on pay that Republican sensibilities are trampled.

We do not, in this bill, talk about the amounts. We do say the shareholders should. We say, in consultation with all the advocacy groups who represent shareholders and pension funds and elsewhere, that the people who own the company, the shareholders, should be able to express their opinion on the compensation.

We go beyond that to say that we believe the Federal Government has interest—not in the level of compensation, that's up to the shareholders—in the structure. When you have, as we have seen, structures whereby companies lose lots of money, and they lose lots of money on particular deals, but the people who made those deals make money on them, that has a systemic negative impact on this society because it incentivizes much too much risk.

Now, what is the Republican approach to that? Nothing. They admit that these are problems. They regret that these things are happening, but their regrets won't stop the damage. In the Republican substitute there is a watering down of say on pay, but they at least acknowledge that reluctantly. But when it comes to the practice of large corporations in the financial area structuring bonuses that incentivize excessive risk, my Republican friends admit that that's the case and lament it and are adamant that we should do nothing about it. That's the big difference.

We believe that the SEC—and by the way, as to the form, it was a Republican former Member of this body, Christopher Cox, who was Chair of the SEC, proposed disclosure. He broached it first. He said we have an important public interest in knowing it.

So we are going to take the form of disclosure of compensation prescribed by a Republican Member of this House as Chairman of the SEC, with his colleagues, and let the shareholders say yes or no. We are going to go beyond that and say that the SEC should look at this and say, you know, you have a situation here where people making the decisions will have an incentive to take too much risk. If you tell people that if they take a risk and it pays off they are enriched, and if it fails miserably, they don't lose anything, they will take more risk than rationally should be taken.

You should not incentivize people to take risks where they can only benefit and never suffer a penalty. That's all this bill says. We will prevent that kind of thing from happening. We won't set amounts. We won't deal with wage controls. We won't do anything else, and we exempt institutions under \$1 billion.

So I await the Republican counter. Yes, they want to water down say-on-pay, but they reluctantly accept it, but they have zero to offer with regard to the situation of excessive bonuses. And yes, we did get some reluctant agreement that we put some limits on the people who are recipients of TARP funds, but one of those who received TARP funds prospered with those funds, paid back the funds, and are now engaging in the same risky bonus practices they had before.

The Republican position, at least in committee, was to do nothing about it,

zero. Ours is, have rules, not that set the limits, not that set wage controls, but simply say that you cannot structure it so that whatever level of compensation you have, you profit if the bonus pays off and you lose nothing if the bonus causes great damage to your company and the economy.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I rise in opposition to this legislation and yield myself 5 minutes.

Mr. Speaker, the American people are rightly disturbed by almost daily reports of so-called "too big to fail" corporations that have received billions of dollars in government assistance and have, at the same time, paid their employees billions of dollars in bonuses.

In response to those events, Republicans have introduced legislation which gets the American people out of the bailout business—that, Mr. Speaker, is our response—and prohibits the government from picking winners and losers. We believe that's the solution.

The legislation we have introduced clearly establishes a structure where failure is not rewarded and market discipline is reestablished by placing responsibility for those who engage in risky behavior squarely where it belongs, on the risk-taker, not the taxpayer. That is the Republican response.

The Obama administration takes a different approach. It continues to embrace the "too big to fail" doctrine. That's why we're here today. That's why we have to address executive compensation. It appoints a pay czar to oversee compensation at the growing list of companies receiving taxpayer-funded bailouts and guarantees.

Despite growing public outrage over these companies dishing out billions of dollars in government-enabled bonuses, the Obama administration and the Democratic congressional leadership steadfastly refuses to embrace Republican legislation or offer its own proposals prohibiting further taxpayer bailouts. Instead, it says that these same corporations are simply too significant to allow them to fail, which not only enables but encourages these same corporations to continue what the Obama administration concedes is more risky behavior.

One of the behaviors that the administration and Chairman FRANK identify as risky in these systematically significant corporations is executive compensation. Today we are presented with a fix, a legislative response to these bailout bonuses and the resulting public outrage. The cure-all solution bears the lofty and noble title Corporate and Financial Institution Compensation Fairness Act. It is in every way up to the challenge laid down by our former colleague, Mr. Emanuel, most recently of 1600 Pennsylvania Avenue, who said, "Never let a crisis go to waste."

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It is also in many ways closely akin to the recently departed cap-and-tax legislation and the ever-looming government, or should I say public option, health plan. All three are sweeping power grabs into the private sector under the guise of the government's riding to the rescue. All three rely on the government to fix the problem. All three promise to fix the problem, which to a great extent was caused by guess who? That's right, the government and lack of regulation by the government. All three will create, or more accurately duplicate, large government bureaucracies. All three represent ill-advised and in many cases incompetent government intrusions.

Just 3 weeks or 4 weeks ago, Gene Sperling, legal counsel for our Secretary of Treasury, warned, Go slow. He said this is a very difficult subject. It needs testing. It has potential for unintended consequences. Just yesterday before the Senate, the White House press spokesman Robert Gibbs stated that the Obama administration is concerned that the chairman's legislation may give the government regulators too much say on incentive-based compensation. But as the chairman said to the Rules Committee, My legislation goes beyond what the Obama administration has proposed.

Now, if that doesn't take your breath away, nothing will.

In some ways this legislation borders on the classic "bait and switch." It's being sold as giving the owners of the corporation the right to set pay and compensation standards. That's the shareholders. Chairman FRANK just this week on CNBC said, Dollar amounts are for the shareholders to decide. It's up to the shareholders.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BACHUS. I yield myself an additional 2 minutes.

At the markup of this bill, he said say-on-pay empowers the shareholders, and that's where questions about amounts would come in. True, the first 6 pages of the bill give the owners, the shareholders, a non-binding vote on the pay of top executives. But then come the next 8 pages, the switch, which gives the regulators the power to decide appropriate compensation for not only just top executives but for all employees of all financial institutions above \$1 billion in assets and all without regard for the shareholders' prior approval. So under the guise of empowering shareholders, it is, in fact, the government that is empowered.

One lesson we have learned from the government's arbitrary interventions over the past 18 months, and that is the converse of "too big to fail" is too small to save, which, of course, is the designation which applies to 99.9 percent of businesses, which have been deemed by this administration and the

regulators as “systemically unimportant or insignificant.” But not so unimportant, not so insignificant to be totally ignored. While not significant enough to receive a bailout, they are apparently worthy of increased regulation in the form of government-mandated pay regulations and new disclosure requirements in the chairman’s bill.

And, finally, on page 15, the bill designates those same government entities which are empowered to control compensation plans that would threaten the safety of financial institutions or adversely impact economic conditions or financial stability to oversee this riskiness. Look over the list and see if it inspires confidence.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. BACHUS. I yield myself 1 additional minute.

These are the same government agencies that regulated AIG, Countrywide, and collectively failed to prevent the worst financial calamity since the Great Depression. If it took them 30 years to catch Bernie Madoff, do you really think the SEC can do a better job of identifying inappropriate risk than the vast majority of financial institution executives whose businesses have remained solvent during these challenging times? Really, now, is there any question who is better qualified or, for that matter, who ought to be responsible for setting compensation within an American corporation?

In closing, Mr. Speaker, this bill continues the Democrat majority’s tendency to go to the default solution for every problem: create a government bureaucracy to make decisions better left to private citizens and private corporations. That’s what we did in cap-and-trade. That’s what we did in the health care proposals. And it’s this bill on executive compensation. Government bureaucrats do not know what’s best for America.

For those reasons, Mr. Speaker, I urge opposition to this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 3 minutes to deal with some of these comments.

First of all, I am struck by the fact that the gentleman, as he indicated in our markup, is sufficiently nervous about the political implications of opposing this bill and having the House take no action whatsoever to deal with the problem of risk-incentivizing bonuses but he wants to debate cap-and-trade and health care. They’re not before us. What’s before us is this bill. And when Members debate the bills that aren’t there, it’s an indication that they’re a little shaky on the bills that are there.

Secondly, yes, it does say that they can deal with all wages but not in gen-

eral. The gentleman reads very selectively. The language about taking action is in this context: to determine whether the compensation structure is aligned with sound risk management, is structured to account for the time horizon of risks, and will reduce unreasonable incentives by such institutions for employees to take undue risks.

It is limited in its grant of authority only to structures that incentivize excessive risk. There is no mandate here to set wages for anybody. There is no mandate to say this percentage is bonuses and that percentage is pay. It is a mandate only to act where the structure incentivizes risk, as has been recognized as part of the problem, very broadly.

I will plead guilty to one issue, yes. We are not in this case taking orders from the Obama administration. And maybe having represented a party that took orders from the Bush administration, they now wish they didn’t, but that’s not an example I want to follow. I am not here as a Member of Congress or as chairman of a committee to do whatever the administration says. I am here for us to put our independent judgment on it.

The gentleman closed with the key difference between us: the Republican position, as he articulates it—and I don’t think it will be the unanimous position—is have the Federal Government take no action whatsoever to restrain the granting of bonuses that incentivize excessive risk. If they pay back that TARP money having benefited from it—and, by the way, on the bailout, every single bailout now underway happened under the Bush administration. But their position is, do nothing to deal with this. We take the opposite position.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today in opposition of H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009.

Restoring confidence in our financial markets is crucial, Mr. Speaker, a component in bringing about economic recovery. And I support efforts to responsibly address the issues that led to the financial crisis that we’re facing today.

However, H.R. 3269 does not do either. Instead of addressing the need for smarter regulation, this bill represents further government intrusion into the private sector that could ultimately hinder economic recovery. If this legislation is passed, it will put in place far-reaching and permanent government regulations on the compensation practices of financial institutions, crippling their ability to recruit top talent and remain competitive abroad and here at home.

Mr. Speaker, this bill goes too far by giving the Federal Government the authority to make compensation decisions for a wide range of employees in thousands of financial firms across the United States, which we can all agree is a far cry from just capping executive pay.

In tough economic times like these, we need to focus on ways to restore confidence in America’s financial markets and increase the ability of American businesses through responsible policies that restore market discipline and discourage excessive risk. I firmly believe that we cannot have a successful economic recovery with the permanent overreaching regulations that this puts in place by this legislation.

I therefore urge my colleagues to join me in voting “no” on this legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to a member of the committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, let me just start out by saying this. We’re hearing complaints from the other side that we are taking over the private enterprise system; we are taking over the free enterprise system.

Let me remind them that it wasn’t us that went to the private enterprise system. It wasn’t the government that went to Wall Street. Wall Street came to the government to bail them out from their behaviors.

Now, Mr. Speaker, the American landscape is absolutely littered with company after company that has been driven into the ground by executives who were greedy, who were selfish, cared only about themselves, with these huge salaries, and these companies are left to wither on the vine after they have gotten their golden parachutes and have landed elsewhere.

Somebody needs to say something about the American people. This is a free enterprise system, but it’s not just free for top executives. It’s free for shareholders. It’s free for those men and women who have given their lives, their blood, their sweat, and their tears. And to see their companies in shambles because of excessive pay by executives who have abandoned those companies, what about their pensions? What about their retirements that have gone?

No, Mr. Speaker, this is not about taking over the private enterprise system. Mr. Speaker, this is about saving and protecting the free enterprise system so that we all can be free to participate in this system.

Mr. Speaker, what we have before us here is something because of the fact that financial firms put together compensation packages and bonuses that were based on incentives, that were laden with excessive risk, that caused our financial crisis and brought this economy to the edge of collapse and caused us here in Congress to go and

get over \$2 trillion of the American taxpayers' money to bail them out.

Now, the first order of business—and this is why this bill that Chairman FRANK has pushed, and I'm proud to say that we worked on this together over 3 years ago. Had we had that bill in place 3 years ago, we might not have had this financial crisis, because we would have been able to rein in the risky corporate behavior that brought about the collapse. So that's what we are doing. We're putting forward some reasonable means here.

What is more reasonable than giving the shareholders a simple say, a vote? It's nonbinding. We are not setting the salaries. Even the shareholders are not. But don't they have a right? Isn't it their company? They are the ones that are pumping the money into it.

The other feature about the bill, Mr. Speaker, that is very simple, very reasonable, is that we require these compensation committees that are on these boards to be independent. Right now it's a cozy relationship. The CEO refers to them as his board. They're handpicked. They are paid \$50,000, \$100,000, \$200,000 to come and sit.

They need to be independent. And we have rules and regulations in the bill that allow for the regulators to determine what these conditions will be to make sure they're independent. We make sure that the consultants who come in and help set up these compensation packages are there.

The other point that we do, Mr. Speaker, is this, which is very important: we also want to make sure that as we move forward in this, that risky behavior is disclosed so that we can prevent it.

It's a very good bill, Mr. Speaker, and I urge its passage.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE).

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Mr. LANCE. Mr. Speaker, I rise out of concern for section 4 of this bill. We had an amendment in the Rules Committee that I offered with the distinguished gentleman from Georgia, and it was ruled out of order by the Rules Committee. We believe that the amendment was germane, drafted properly and submitted on time. The amendment dealt with section 4.

Regarding section 4, I believe that it is overly broad, and in particular I am concerned with the section that says, regarding incentive-based compensation, that Federal regulators can review that based upon other criteria as the appropriate Federal regulators jointly may determine to be appropriate to reduce unreasonable incentives for officers and employees to take undue risks.

In my judgment, that gives too much discretion to Federal regulators, and we should be specific as Members of

Congress in the statutory basis for compensation issues.

I am also concerned that if this becomes law, that there will be a tendency for capital to move away from the United States, particularly New York, and to places like London and Asia. This is a matter I have discussed previously in the committee, and I certainly believe that we should continue to be the place in the world where this type of activity occurs.

Our amendment in no way takes away the other provisions of this bill regarding say-on-pay and the independence of compensation boards. But I am sorry that our amendment was not considered favorably in the Rules Committee and therefore will not be considered favorable here on the floor.

This morning, a report from Bloomberg indicates that the White House press secretary, Mr. Gibbs, said yesterday the administration is concerned that the measure may give regulators too much say on incentive pay. I agree with that sentiment.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 30 seconds to say on behalf of the Obama administration, I welcome this very temporary expression of deference to their views. It will not last very long. As soon as it is politically convenient, it will disappear. So I urge them to enjoy that brief moment of graciousness.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, although they are not my words, we have heard that it takes an act of Congress to get many things done. I would only add to this what I have heard, it also takes a Congress willing to act. This is our opportunity to act. This is our opportunity to do what Dr. King called "bending the arc of the moral universe toward justice." This piece of legislation is just, given the circumstances that we have been coping with.

There is no dispute that many CEOs have had their pay structured such that no matter what the consequences of their actions, they were going to receive enormous bonuses. I think there are two good reasons to support this legislation: one, it deals with the safety and soundness of the banking institutions. It performs perfectly if it does just this, as far as I am concerned.

If it allows a banking regulator who sees that the structure of pay is impacting the safety and soundness of the institution, if it allows this regulator to take some affirmative action to protect the safety and soundness of the institution, this piece of legislation is working. That is what it is designed to do, not to structure the pay, but to prevent the pay from causing ordinary people to have to bail out big banks.

People are expecting us to do something to prevent this from happening again. If we are going to act, this is a

means by which we can act. Talking about that which we cannot do and will not do that is not on the agenda will not help us to do what we can do today. I never let what I cannot do prevent me from doing what I can do.

The second reason why I support this legislation: this legislation allows shareholders—by the way, I trust shareholders. I think people who have a vested interest in something ought to have some say. I think they ought to be able to know what the salary structure is and say something about it. And in this case it is nonbinding. There are many people who are of the opinion that nonbinding is not enough. But I trust the shareholders to have an opinion. They have but an opinion. They don't do anything to bind the corporation.

These two reasons, when combined, will help us with the safety and soundness of these institutions and give the shareholders an opportunity to know how the salaries are structured and have some say.

Finally, if we want to be a Congress that acts, we have got to have courage. These are trying times. These are difficult times. It is easy to stay with the status quo. Those who want change have got to be willing to take the risk of doing the right thing.

The arc of the moral universe bends towards justice, but it doesn't do so by itself. It does so because of people who are willing to do the right thing under unusual and extraordinary circumstances.

I am going to stand with the chairman. I believe the chairman is eminently correct. He has structured a great piece of legislation. Those who really want change will vote for this legislation. Those who want to see a better system so we don't end up with more headlines that read "bailed out banks gave millions in executive bonuses," notwithstanding the fact that these banks have not been managed properly and could have been managed a lot better, these kinds of headlines are going to cause problems for a lot of people.

I am going to vote with the chairman. I am voting for the bill. It is a good bill. It is a just bill.

Mr. BACHUS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding.

There are aspects of this legislation that I certainly appreciate. All Americans have been outraged—it is a word we use frequently, and we use justifiably—about some of the compensation packages we have seen from failed companies that come with tin cup in hand to the United States taxpayer looking for more.

This bill has some provisions that add increased transparency, some increased accountability; and that is

good. But, unfortunately, the bad in the bill way outshadows the good.

I have always said, Mr. Speaker, what you do with your money is your business. What you do with the taxpayer money is our business.

Mr. Speaker, unfortunately, you can't just read the bumper sticker slogan. You actually have to read the legislation. So we hear speech after speech about these failed institutions taking in all of this government money.

Well, I wonder then why in committee on a party-line vote did we vote down an amendment that I brought that would have ensured that the bailout recipients, that this legislation applied to them and them only. They are the poster children in this debate, yet the legislation extends potentially to every public company in America that somehow is defined as a "covered financial institution."

By the way, I would say to my friends on the other side of the aisle, the best way to deal with risky pay schemes is to quit bailing them out in the first place. My friends on the other side of the aisle are enshrining us as a bailout Nation. So you complain about the taxpayers picking up the tab. I have complained about the taxpayers picking up the tab. Quit bailing them out in the first place.

Again, we have to read the bill and not just read the slogan, because if you read the bill, what you find out is, number one, this isn't just pay restrictions that go to those in the troubled Wall Street firms. Again, it is almost every covered financial institution. And guess what? If you read further into the bill, it doesn't just cover the top officers, the top executives. Every single employee, every single employee who has an "incentive-based compensation plan" could be covered by this.

We have already learned that somehow, with a very interpretive approach to the English language, General Motors and Chrysler have been found to be financial institutions. This means that any employee, any employee who receives a tip, a sales commission, a Christmas bonus, could have a Federal bureaucrat take it away from them. Ho ho ho.

That is what this legislation is all about. Again, don't get sucked in by the bumper sticker slogan. Read the legislation. That was the problem here on the original bailout. Nobody read the legislation. The government stimulus, nobody read the legislation. Well, fortunately, this isn't a 1,000-page bill. I think it is about 15 or 20 pages. I actually took the time to read it.

And if this is just about class warfare, Mr. Speaker, why doesn't this do anything about Hollywood stars who make \$25 million for a movie, and yet the movie loses money? Why isn't it about a third baseman for the New York Yankees who gets \$21 million and ties his worst record for striking out in

the season? Why doesn't this have anything to do with the personal injury trial lawyers who make millions and millions, and their clients are doing good to make thousands?

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BACHUS. I yield the gentleman 1 additional minute.

Mr. HENSARLING. So I hear the rhetoric from the other side of the aisle, which once again seems like a lot of recycled class warfare to me.

Another point I would make, Mr. Speaker, is we hear that we need this in order to somehow deal with safety and soundness. We need this legislation to somehow deal with systemic risk.

Well, number one, I listened very carefully to the testimony that was presented in our committee, and I am sure it is theoretically possible that there are pay structures that somehow may lend themselves to this. But, again, show me the evidence. Where is the evidence? When I look at pay structures among financial firms that failed versus those that didn't fail, I don't see the correlation.

Second of all, as we know, Mr. Speaker, the regulators have the power to regulate the liquidity and capital standards of these financial firms to make it commensurate with the risk. That is the remedy. That is the remedy, not to take Christmas bonuses away from employees.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

There is, of course, a contradiction here. When we are talking about a power, namely, to reduce excessive risk incentivizing bonuses that the Republicans want to defend, they talk about the unelected bureaucrats. The unelected bureaucrats can't be trusted. Except the gentleman from Texas, of course, just closed by saying don't worry, the unelected bureaucrats are out there to protect us.

The unelected bureaucrats in the Republican cosmology are like the Obama administration: they are either convenient whipping boys or great sources of wisdom, depending on where Republican ideology turns to them. But the gentleman from Texas just said we don't have to worry. We have those, as his colleagues called them, unelected bureaucrats to do it.

But I am interested, I have noticed a number of Members have said they don't like the bonuses. Is there a Republican proposal to deal with the bonuses that are being given?

Our proposal does not empower anybody to limit the amounts. The question is, is there a Republican proposal that would deal with what Paul Volcker and Ben Bernanke and the financial regulators in England and Warren Buffett and many others believe is a destabilizing tendency to give out bo-

nuses that give you an incentive to take excessive risks, excessive in the sense that you benefit if the risk pays off and you don't lose.

We want people to take risks, but we want them to take risks which balance the upside and the downside, not which just look only at the upside. And I continue to point out not in that committee, not in that 12 years they controlled this place, not during this debate today, not in the Rules Committee, we have not seen a single Republican proposal to deal with bonuses.

Their position apparently is however the financial industry wants to structure bonuses, no matter what they say, that you get a bonus if it pays off in the short term and it turns sour in the long term. You get a bonus if it pays off, but you don't lose a thing if it doesn't pay off. They would leave that entirely unchanged. I think that is very dangerous to the economy, and, yes, there is a consensus among financial regulators and others that this has contributed to risk-taking.

We all believe in the free-market system and the incentives. How can it be that you acknowledge that there is a system which says to people, take a risk, because it is risk-free for you?

□ 1030

It's risk-free for the individual. It's risky for the company; and when you accumulate all those risks for the company, it's risky for the economy. We're saying, if it's risky for the company and risky for the economy, it ought to be risky for the individual. We want an alignment of risks. We don't want risk-free individuals taking big risks on behalf of those who are going to have to suffer. We have a proposal to restrain that. The Republican position on that is, do nothing. Let them keep going exactly as they have been going.

Let us return, as I said the other day, to the thrilling days of yesteryear when the lone rangers will ride again, untrammelled by any set of rules. They will be able to continue to give themselves bonuses that allow them to be free of risk. That's the deal. The company will face risk. The economy will accumulate and face risk. But the decision-makers will be free of the risks' negative side; they will gain from the risks' positive side; and like rational people, they will take more risks.

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the gentleman for yielding, and I hear the chairman's comments and remarks. There is no argument with anyone, I think, on this floor that executive pay has been an issue, that there have been excesses and that there have been problems that have been created in companies and the economy with executive compensation. I think I would argue

that rather than excessive risk taking, that it's more about short-term thinking instead of long-term thinking, which, by the way, is way bigger than just executive pay and is way bigger than the scope of this bill, and which this bill will not solve. But that's another issue.

The question for me is whether this is the right way to deal with it. I would argue no, because is the only problem out there in corporate governance? Is the only thing that has created problems for companies related to executive pay? No. Let's look at General Motors and Chrysler and their recent problems. Were their problems created because of executive pay? I'm not sure I've heard anybody argue that. But were their problems caused, in part at least, because of excessive union contracts? Yes. How about with retirement programs that were unfundable over time? Yes. What about other companies where perhaps there have been legal settlements that have created problems that have been fatal or resulted in companies going bankrupt? Those have occurred. How about mergers and acquisitions?

So what are we going to do? Are we going to have shareholders vote on pay, on mergers, on acquisitions, on union contracts, on retirement pay, on legal settlements, on fees to attorneys? Any of those arguably can bring a company down. Should the shareholders have a say on that? You know, obviously the shareholders are the ultimate owners of the company. If you want to give them a say on pay, fine. Then you'd better give them a say on the rest of that. But I'm not sure anybody on this floor thinks that that's the right thing to do. The best way for shareholders to express their displeasure with the management or operation of a company is through the board of directors. That's the way it has been done, and that's the way it should be done.

Mr. SCOTT of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. I look forward to working with Mr. CAMPBELL on giving shareholders much more power over their own corporations. There is much more we need to do to reform corporate governance in this country. It has been one of many failings of our economy in the last year or so.

Mr. Speaker, I don't want to run corporations, but someone needs to set some rules. We need the law to set some rules. We need someone to provide some oversight. We need someone to be a watchdog of what they are doing because we have found out what happens when there are no rules, when there is no oversight, when there is no watchdog. We are now in the worst economic downturn since the Great Depression, and we have been perilously close to a financial collapse that would

have left the Great Depression in the shade. And we know what caused it. It's essentially the same things that went wrong in the 1920s. Corporate executives were looting the country with predatory lending practices to make as much money as they possibly could without any regard for the consequences; and then corporate executives, in turn, were looting their companies to make as much money for themselves as they could. They weren't doing right by the American consumers. They weren't doing right by their own shareholders. They were only looking after themselves. The idea that the corporate executives were acting in the best interests of their own shareholders is simply a farce. We saw compensation for executives and other top officials who were doing very little of any value to society. In fact, their predatory lending practices were doing much more harm than good, and it wasn't even to the benefit of their shareholders because of the risks that they were creating for the corporation, that the short-term profits would lead to great risk in a very short while.

This bill is part of what we need to do. It is only part of what we need to do. This just scratches the surface. We need to make sure the financial collapse that we have seen in the last year never happens again. This bill is only part of it.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act. This overreaching bill, which is being sold as a response to the financial crisis, would, in effect, take away the rights of individual companies to conduct business as they see fit. It places government bureaucrats in charge of making key decisions about how businesses should be run. We can agree that some executives in this country are grossly overpaid; but allowing government to make such determinations is counter to everything that has made our country great. America has always been an economic powerhouse in the world, but this bill restricts competition through government intervention in a way that infringes on the entrepreneurial spirit of this Nation.

Section 4 of H.R. 3269 would actually allow the government to involve itself in the running of private businesses by empowering Federal regulators to prohibit compensation arrangements for all employees of all financial institutions, including banks, bank holding companies, broker dealers, credit unions and investment advisers. Even regulators under the current administration have testified that they do not intend to cap pay or set forth "precise

prescriptions for how companies should set compensation, which can often be counterproductive." However, the majority has ignored the administration's wishes by adding section 4 to H.R. 3269.

This bill is a vast overreach and an overreaction to the current financial crisis. Like many, I am concerned that executives at a handful of large companies, like AIG, have been awarded extravagant pay packages and bonuses even after the companies have faced failure and received assistance from the Federal Government to the tune of billions of taxpayer dollars. In these cases, when Federal assistance has been granted, I believe the Federal Government does have a right to mandate the pay structure of these firms, which is why I voted for an amendment during committee consideration of H.R. 3269 to only apply the provisions in the underlying bill to TARP recipients for the amount of time that the TARP money is outstanding. Unfortunately this amendment was rejected, leaving many financial institutions who did not contribute to the current crisis to pay for the mistakes of others.

Finally, this bill undermines the primacy of State corporate governance laws. Corporate law has typically been left up to the States, allowing this diversity to foster competition. Passing this bill would eliminate these traditions, which run against the American free market ideals we have always stood for. For this reason I support Mr. GARRETT's amendment to allow State law to preempt the underlying bill.

H.R. 3269 was introduced without a single legislative hearing to examine its far-reaching implications, despite numerous requests from myself and other Members of the Financial Services Committee. I believe this legislation may have unintended consequences on our Nation's businesses, and I urge my colleagues to vote "no" on the underlying bill.

Mr. FRANK of Massachusetts. Mr. Speaker, there is a little bit of an imbalance. I would ask if I could reserve for one more speaker while I work something out.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank my friend from Alabama for yielding me time and for leading on this issue. What we hear from the other side of the aisle is this famous old phrase "trust us," right? Now we know that folks on the other side don't have any real reluctance to have the government run things. We've seen it over and over and over again. In fact, we've just heard it from one of the speakers who said, We don't want to run private companies, and then he followed that up and said, But this is only part of what we need to do.

Mr. Speaker, the bill has language in it that would, in effect, allow the Federal Government to determine pay,

compensation for employees; and that might be all right if it was just companies that were receiving tax money. That might be okay. But in fact, it's not. It is so many other companies. Covered financial institutions, the definition in the bill would expose companies like CVS Caremark—that's right, drugstores—WellCare Health Plans, Value Line, Textron, McGraw-Hill Companies, Medco Health Solutions, Lowe's Corporation.

Mr. Speaker, this is another far reach by the Democrats in charge who believe that the government knows best, not just about automobile companies, not just about energy companies, not just about how to spend your money, not just about your health care—they're working on that government-run health care plan—but also private companies across this land. They believe that they ought to be able to come in and say, Okay, this is what you can make, and this is what you can't make.

If you don't believe it, just read the bill. Nobody is concerned about having shareholders give their opinions, have a say about what executives make when shareholders own part of that company. That makes a whole lot of sense. But what we do have concerns about, grave concerns, is the intervention of the Federal Government into one business after another after another. This is just another example of that. It's a terrible idea. It strikes at the very core of the free market principles that have made us the greatest Nation in the history of the world. Bad idea, Mr. Speaker. Vote "no".

Mr. FRANK of Massachusetts. Well, Mr. Speaker, I yield myself 15 seconds to say I welcome the gentleman from Georgia to the cause of say-on-pay. When we debated this on March 22, 2007, he was quite critical of it. So maybe 2 years from now, he will think we should do something about excessive, incentivizing bonuses.

I now yield for a question to the gentleman from California.

Ms. SPEIER. I thank the gentleman from Massachusetts.

In section 4 of the bill, it defines the term "covered financial institutions" to include depository institutions, broker dealers, credit unions and investment advisers but also authorizes the appropriate Federal regulators to designate jointly, by rule, other financial institutions that are covered. Because this authority is granted to appropriate Federal regulators, can we assume that entities not regulated by a Federal financial regulator are not intended to be "covered financial institutions"?

Mr. FRANK of Massachusetts. Yes. As to section 4, if they are public companies, they are covered by say-on-pay. And there may be companies not now federally regulated that may become so by decision. But as of now, if they're

not federally regulated, they're not covered. Of course AIG was federally regulated by the OTS, so they would have been covered. The gentlewoman is correct.

Mr. Speaker, I have no further requests for time, and I have only one more speaker. So I am going to reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, let me tie up a few—what I consider loose ends about this legislation. One is the motivation. Of course we've heard that one of the motivations is that these pay schemes and arrangements could heighten risk; and then if one endorses the Obama administration approach, that would precipitate a bailout because the government would continually have to assure against some outsized risk. As I have said, the Republican approach is, simply don't bail these companies out, and then you don't have to be micromanaging every compensation decision by a company. I think there's another motivation, and I think it is a slippery slope. Chairman FRANK was on CNBC this past Tuesday, and he asked this question: is there some character defect with some people where they get hired, they give them a prestige job, but they really won't do it right unless you give them an extra bonus? Most of us don't need that.

So I'm wondering if one motivation for this legislation is so that the government can decide whether people need a bonus or don't need a bonus, whether they're deserving of a bonus. In fact, several pages of the bill does just that. Some people may not need that bonus. Other people may. That decision will be made by the list of government entities on page 15, not by the shareholders even though this bill is trotted out as a shareholder bill, not by the board of directors, not by the management who an important tool of management is to offer incentives and to incentivize performance and achievement. But apparently now it's the government who will decide whether you need a bonus or not. That, Mr. Speaker, is scary in my mind.

I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague from North Carolina for his leadership on this issue.

Mr. Speaker, in this country, we believe that hard work should be rewarded, and I think most people in this country believe in the concept of pay for performance. But what we've seen on Wall Street over the last many years is turning that concept of pay for performance on its head. We saw CEOs and the folks in the Wall Street boardrooms getting huge bonuses based on short-term gains for their companies, even while that excessive risk-taking put those institutions at risk.

□ 1045

Now, if it was just those institutions, I think we'd say, okay, let them take that risk. If they want to overpay their CEOs in the sense that the company's going to be put in jeopardy, and it was just that company at risk, okay. But what happened is this kind of excessive risk-taking went on at the biggest financial institutions of this country and put the entire economy at risk, put the financial system at risk, and at the end of the day, put all of the taxpayers in this country on the line.

So we all have a stake in changing the system. We all have a stake in making sure people get paid for performance, and not paid by putting taxpayers in the financial system at risk because, at the end of the day, we're all holding the line, not just the CEO and not just the shareholders.

So, Mr. Speaker, it's time to say, enough is enough. Let's pass this legislation to protect consumers, shareholders and the taxpayer.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, I was minding my own business in my office, and I've been listening to this debate and felt like I needed to come and just point a couple of things out, some real weaknesses of this bill.

First of all, I'm hearing from manufacturers, Mr. Speaker, in my district who are particularly concerned about section 4 of the bill. They're making their concerns known through the National Association of Manufacturers, and they've said that they are concerned that this bill would give authority to government regulatory agencies to review and prohibit pay arrangements for a wide range of employees and, as a result, they strongly oppose the government intervention in the internal dynamics of companies.

Look, I'm the first to say that if you took bailout money, if you took TARP money, fine, be in this category, and those are entities that the taxpayers have a right and an expectation to regulate. But when we start to use ambiguous terms, terms that are not well-defined, with all due respect to the majority, ultimately, we're creating an environment where there's going to be more government intervention.

Why is it that the National Association of Manufacturers says, Don't do this to us? They're working hard to create jobs in this country and they haven't been able to do it, in part, because of bad policies that they've seen come out of Washington, D.C., Mr. Speaker. And we can do much, much more.

Look, in a nutshell, this bill is an invitation for political meddling at its worst in the private confines of companies that are trying to work hard to create jobs and to create opportunities. You can imagine a politician getting

on the phone with the regulator and saying, You know what, I'm interested in you checking into that company because I don't like them and I don't like the way that they're doing business.

We can do better. Let's send this bill back to committee. Let's vote "no."

Mr. WATT. Mr. Speaker, we have only one final speaker, so we'll reserve the balance of our time.

Mr. BACHUS. Mr. Speaker, at this time I would like to recognize the gentleman from New Jersey (Mr. GARRETT) for 1½ minutes.

Mr. GARRETT of New Jersey. In a few moments I'll be submitting an amendment to this bill, but before I do that, I just want to talk about someone else's comment on this bill. This is Nell Minow of the Corporate Library, someone who has been influential and involved in this issue for some period of time, as you may know, someone who no one would consider a conservative on this issue. And she just did a blog on this recently where she says, The House Financial Services Committee has recently approved this legislation. She recognizes why this is coming up, and she says, The impulse is understandable, but the standard is unworkable. What does inappropriate mean? What, while we're at it, does risk-taking mean? And the most terrifying question is, who gets to decide what they mean?

Chairman BARNEY FRANK warned earlier this month, she reminds us, and he did so again just recently, that recent news of compensation of Wall Street shows that some financial leaders yearn for the stirring years of yesteryear, and demonstrates a need to adopt legislation on executive pay. But it's a question of empowering the shareholder to decide the question of appropriate level of pay and not by the regulators.

She concludes by saying, Who is in the best position to evaluate and respond to badly designed pay packages? As someone who is very proud of 8 years of serving in government, she says she has the most utmost respect for politicians and bureaucrats, but she also recognizes their limits. The government, therefore, should not be micromanaging pay. Instead, and this is what Republicans suggest, remove the obstacles that currently prevent oversight from those who are best qualified and motivated to manage the risk, the shareholders.

Mr. WATT. Mr. Speaker, we reserve the balance of our time.

Mr. BACHUS. Mr. Speaker, it appears as if this bill is so much more than a shareholders' right to say-on-pay bill. We already have a czar, a pay czar. Are we going to have a consultant czar? You know, we're going to enable these compensation consultants, they have to go to the agencies, they meet certain criteria. Are we going to have a consultant czar? Are we going to need

management czars? Are we going to need risk czars? Because these 20 pages—and 15 of it deals with risks. It deals with inappropriate behavior.

Are we going to, on the bonuses, are we going to have every bonus submitted to some government agency to review? How are you going to report those bonuses? How are you going to approve those bonuses? How long is it going to take to approve those bonuses? The administration, itself, has warned that this bill goes too far. Independent witnesses have warned that this bill goes too far.

Mr. WATT. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the fact that we are here today debating this bill with such vociferous opposition, to me, is a commentary on how out of whack our whole system has become.

First of all, this bill is a modest bill which gives shareholders the right to make advisory votes, take advisory votes on compensation. Who are these shareholders? They're the owners of the company. They're the owners of the company, and somehow, the opponents of this bill are trying to convince the public that the owners of a company shouldn't have the right to express their opinion to the board about compensation of the officers of that company.

And the bill specifically says, and I'm reading from the bill, The shareholder vote shall not be binding on the board of directors and shall not be construed as overruling a decision of the board. We're just giving them the explicit right to advise the board about compensation.

One gentleman has said that this applies to manufacturers. It doesn't apply to manufacturers. Section 4 doesn't apply to manufacturers. And even if it did, it would apply only to the extent that they could threaten the safety and soundness of a financial institution—manufacturers are not financial institutions—and only to the extent that they could cause serious adverse effects on economic conditions or financial stability. And that, I would submit, is an appropriate Federal Government role to play, to make sure that we don't get back into the kind of meltdown that we are experiencing and have been experiencing as a result of greed and irresponsibility in the private sector.

This is not the government taking over the corporate sector, either in the financial sector or any other sector of our economy. It is a statement by the American people that it's time for us to straighten up the ship. We should pass this bill today and move on.

Mr. GRAYSON. Mr. Speaker, I would like to clarify a point regarding H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009. On page 17, the bill states "No regulation promulgated pursuant to this section shall require the recovery of incen-

tive based compensation under compensation arrangements in effect on the date of enactment of this Act provided such compensation agreements are for a period of no more than 24 months."

The words "this section" are intended to mean the fourth section of H.R. 3269, not the section of the U.S. Code in which this provision may be found.

In addition, I would like to add into the RECORD this important statement by Leo Hindery published in the Washington Note, because it pertains to this bill.

President Obama was absolutely right a couple of weeks ago when he demanded that the compensation of the executives, managers and traders at the failed financial institutions that received bail-out cash be scrutinized by a new "oversight council". He was right because these are the people who saddled the rest of us with a staggering \$2.8 billion or more of trading and credit losses, and yet wanted to be paid as if everything was just swell.

But he and especially his advisers were wrong not to impose specific limits on executive compensation, rather than (mostly) just guidelines. They were especially wrong not to enact permanent limits that apply to all regulated financial institutions and all public companies.

The evidence is clear that excessive executive and management compensation lies at the root of all corporate crimes and misbehavior, of most of corporate America's inattention to creating and preserving high-quality domestic jobs and fair overall employee compensation, and of almost all of the recent massive trading and credit losses.

In his speech, Obama also said that government's "role is not to disparage wealth, but to expand its reach". He absolutely should have added that its role is also to "ensure wealth's fair and equitable distribution".

For the 35 years following the end of the second world war, CEOs generally viewed responsible and fair business behavior as a critical component of the American dream. And during all those years, and in fact during most of the past century, corporate leaders in the US earned 20 to 30 times as much as their average employees. Even today, the ratio of chief executive pay to average employee earnings in all other main developed countries has remained near this level. The ratio is still only about 22 times in Britain, 20 times in Canada and 11 times in Japan.

Beginning in the 1990s, however, many US executives, with the complicity of their boards, began to treat management as a separate constituency, often the primary one. Suddenly, fair executive compensation was abandoned in hundreds of corporations and financial institutions.

In America now, the average public company chief executive earns an almost unbelievable 400 times what his average employee makes, and his officers and senior managers aren't far behind in their own compensation. And now we know that executives and senior managers in the financial services industry drink just as heartily from the same frothy trough.

Obama and Congress need to enact three changes in executive and management compensation practices, not just hope, as one of his senior advisors recently said, that some (not even all) corporations will voluntarily "assess risk induced by [their] compensation practices".

First, Congress needs immediately to grant public shareholders the right to call shareholders' meetings, to vote out the current

board and to pass binding (not simply advisory) votes on executive compensation.

Second, Congress should establish, for all public companies, a ceiling on individual executive compensation as a reasonable multiple of average employee compensation—say, 35 times—and then penalize through tax policies those companies that elect to pay anyone in excess of this multiple.

Third, Congress should empower the Treasury to oversee the compensation practices of any entity that is regulated, whether or not it currently relies on government guarantees. This should apply to employees at the individual trader level, too.

Mr. POSEY. Mr. Speaker, I rise to express my concerns about H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009, as drafted.

It should not come as a surprise that the American public is outraged at those executives who would benefit from lavish compensation packages while failing to produce results. Worse still are those executives who would deliberately place their own interests above those for whom they are accountable. As the land of opportunity, America is a very forgiving place for risk and failure, but Americans also believe that those who fail should take responsibility for their failures.

Executives of public companies should have the fiduciary responsibility to put the long-term best interests of shareholders foremost in all their dealings, and executive compensation committees should have the same responsibility.

The bill before the House, however, goes too far. Section 4 of the bill is most troubling. As written and amended, this bill is a significant expansion of the power of the federal government to micromanage the compensation practices for executives and employees in all financial institutions over \$1 billion. The bill also has a loosely defined definition of financial institutions, potentially opening the door to controlling even more companies.

Despite two requests from me and many of my colleagues on the House Financial Services Committee, the Chairman did not even hold a hearing on this legislation to address some of these questions. We were unable to inquire with federal regulators on how they would interpret their newfound duties to judge if compensation is commensurate with the vague criteria of "sound risk management." It is thus left to the imagination how the federal government would approve or disapprove the compensation packages and what other "unreasonable incentives" would be banned by unelected bureaucrats. It is bewildering, but the United States Congress is punting enormous, arbitrary power to the unelected bureaucrats to decide how much money people can earn and whether any risk they take is "unreasonable."

As we debate financial regulatory reform, it is important that we refrain from condemning the free enterprise system which has given us the greatest prosperity in the history of the world. The rise of the corporation is integral to free markets and the prosperity we enjoy. Congress should not pass legislation so sweeping as to micromanage the thousands of enterprises which create jobs in our communities and produce goods and services we want.

Unfortunately, the House has rushed a bill to the House floor that has not been fully vet-

ted and is filled with vague language that no one fully understands. It is no wonder that so much that has passed the House has been found unacceptable by the Senate.

Mr. FRANK of Massachusetts. Mr. Speaker, Aflac was the first publicly traded company to give shareholders an opportunity to vote on executive compensation, commonly referred to as say-on-pay. Aflac CEO Daniel P. Amos explained the company's decision to voluntarily adopt the measure by saying, "Our shareholders, as owners of the company, have the right to know how executive compensation works. An advisory vote on our compensation report is a helpful avenue for our shareholders to provide feedback on our pay-for-performance compensation philosophy and pay package."

The first year of the vote, 2008, 93% of the shareholders voting approved the company's pay-for-performance compensation policies and procedures. In May of this year, 97% of the shareholders voting cast ballots in favor of the compensation policies, even though the stock price of virtually all financial companies had declined—including Aflac's. The results of both shareholder votes clearly demonstrate that shareholders appreciate Aflac's philosophy of paying for performance and the company's long history of transparency.

I submit the following for the RECORD.

[From USA TODAY, July 15, 2009]

CEOs OPENLY OPPOSE PUSH FOR SAY-ON-PAY BY SHAREHOLDERS

(By Del Jones)

Top executives have taken a relentless public thrashing as they lay off workers and fight to keep stock prices above the floor. In a suffering economy, no one seems happy with leadership, and the image of CEOs has sunk so low that their approval scores are now south of those serving in Congress. But no matter how low their image sinks, nor how shrill the outrage, executives have remained steadfast in their opposition to one thing: They are roundly against legislation that would force companies to let shareholders vote on CEO compensation packages.

"I wonder if the congressmen backing this legislation would propose similar laws governing their own compensation," says Steve Hafner, CEO of travel search engine Kayak. "I'd love to vote on congressional pay and perks."

EXEC PAY: PROPOSAL GIVES SHAREHOLDERS NON-BINDING SAY

That executives oppose congressional noodling with their pay is unsurprising. What is surprising is that they are willing to go so public in their opposition, even though passage of a so-called "say-on-pay" law is likely, says Dawn Wolfe, associate director of social research for Boston Common Asset Management.

President Obama, who co-sponsored say-on-pay legislation while in the Senate, remains in support, as is the Democrat-controlled Congress. Likewise the public at large. Focus groups have been describing CEO pay with words such as "obscene" and "immoral" rather than words like "excessive" or "overly generous" as in the past, says Leslie Gaines-Ross, chief reputation strategist at Weber Shandwick.

"Everyone I talk to understands say-on-pay legislation to be a question of when, not if," Wolfe says. "There is a sense in the investment community that it is inevitable."

CEOs have opinions like everyone else, but the public rarely sees that side because posi-

tions on anything controversial risk upsetting customers. When they feel compelled to take a stand at odds with the public, it is usually articulated by trade associations and lobbyists, so as to put CEOs and the companies they run at arm's length from controversy. Not this time. Even though say-on-pay legislation is almost a sure thing, CEOs and former CEOs contacted by USA TODAY spoke out against it, both forcefully and individually.

"Say-on-pay is just another government regulation and intrusion into free enterprise," says Howard Putnam, former CEO of Southwest and Braniff airlines.

No one likes downward pressure applied to their pay, and in this respect CEOs are no different than professional athletes, rock stars, union members, Social Security recipients—and elected officials. Howard Behar, former president of Starbucks, asks: Why not let people vote on the salaries of government workers? He says government employee unions influence politicians, who commit huge resources to pensions and raises to get re-elected.

HOW SAY-ON-PAY WOULD WORK

Say-on-pay legislation would require companies to give shareholders an up-or-down vote each year on the compensation of the top five executives of publicly traded companies. The vote would not be binding, leaving the final decision in the hands of boards of directors. However, directors are elected by shareholders and a shareholder vote against a pay package would likely pressure directors to rethink the package and make changes.

The Netherlands requires binding shareholder votes on executive pay. The U.S. law would model those in Britain, Australia, Norway, Spain and France, where the vote is non-binding. Boston Common Asset Management has been pushing shareholder say-on-pay resolutions for three years, and Wolfe says she doesn't understand the CEO opposition, as there are only two examples in Britain when shareholders voted a majority against a CEO's pay: at GlaxoSmithKline in 2003 and at home builder Bellway in 2009. It may be true that most CEOs are fairly paid, she said, which means they have nothing to fear.

Only 24 U.S. companies have implemented say-on-pay without legislation, Wolfe says. Of those, only Aflac and RiskMetrics did so without it first coming to a shareholder vote. The Securities and Exchange Commission continues to get feedback regarding say-on-pay at companies that have accepted government money under the Troubled Asset Relief Program (TARP).

At Aflac, shareholders approved the pay of CEO Dan Amos by 93% in 2008, and that approval rose to 97% this year when Amos did not accept a \$2.8 million bonus even though he had met the conditions of the bonus as set by the Aflac board.

"That tells me that (shareholders) had the ability to look beyond the price of stocks and understand," says Amos, who supports say-on-pay at Aflac but declines to weigh in on what is best at other companies. Giving shareholders a voice "takes away the frustration that is out there," he says. "People just want to be heard."

Sarah Anderson, director of the global economy program for the liberal think tank Institute for Policy Studies, says say-on-pay is a first step but does not go far enough to rein in abuses. She cites oil executives who had big paydays that had nothing to do with personal performance and everything to do with spikes in oil prices. But shareholders

didn't "bat an eye" because they were happy with rising stock prices.

"Everyone, not just shareholders, has a stake in fixing the executive compensation system," Anderson says.

Ralph Ward, publisher of Boardroom Insider, an online newsletter about boards of directors, agrees that say-on-pay does not go far enough, because it offers shareholders "so little substance."

Substance or not, CEOs complain that say-on-pay is government intrusion into the private sector. Such consensus among CEOs is rare because they run very different companies that can be made winners and losers on a range of sensitive issues, from energy to health care. They lean Republican, but there are signs that they are increasingly blue, and 40% supported Democrats during the last presidential primary season, according to an unscientific USA TODAY survey. But when USA TODAY last month contacted 31 CEOs and former CEOs of large companies, 77% were against say-on-pay.

Are CEOs fairly compensated? Two of the 31 CEOs declined to answer, but 24 of the other 29 (83%) said yes. Five (17%) said that, in general, CEOs are overcompensated. When asked if say-on-pay would influence CEO compensation, 76% said yes.

CEO median compensation at S&P 500 companies rose 23% from 2003-2008 despite going down 7.5% to \$8 million from 2007 to 2008, according to Equilar, which tracks executive compensation. John Castellani, president of the Business Roundtable, an association representing CEOs of companies with more than \$5 trillion in annual revenue, says shareholders have always had the ability to enforce say-on-pay by using the shareholder resolution process. That makes legislation unnecessary, he says.

The pro-business U.S. Chamber of Commerce is also against legislation. "The decision to allow say-on-pay votes should come, as it has, through a dialogue between shareholders, directors and management, not via a Washington mandate," says Tom Quaadman, the chamber's executive director for capital markets.

CEOS' ARGUMENTS AGAINST IT

CEOs say the legislation would open the door to micromanagement by largely uninformed shareholders, who understand neither the competitive market forces that drive executive pay nor the complex incentives designed by experts to get the best results. The law could drive top talent to private companies and injure the ability of U.S. companies to compete in a global market, they say.

"You cannot run companies effectively through the democratic process of voting on all things," says Judy Odom, former CEO of Software Spectrum. "Independent boards should be elected, and they should do their jobs."

While most shareholders are uninformed, some are so informed that they could use a say-on-pay law to an unfair advantage, says Andrew Puzder, CEO of CKE Restaurants, which operates Carl's Jr. and Hardee's. For example, certain investors could threaten to vote "no" on the CEO's pay to coerce the CEO into making decisions for short-term gain, such as delaying capital investment or taking on unnecessary debt. Such tactics could temporarily boost the stock price to the detriment of the company's long-term health, he says.

An argument could be made that CEO pay is excessive and does not drive performance, says Anders Gustafsson, CEO of publicly traded Zebra Technologies, which sells printing services to 90% of Fortune 500 companies.

But he says CEOs have a significant impact on company performance and are being unfairly targeted in a bad economy because their pay is publicly disclosed.

CEOs are not unanimous in their opinions, even where it comes to pay. Patrick Byrne, CEO of Internet retailer Overstock, says he is more concerned about CEOs influencing boards than shareholders influencing CEOs.

"The CEO is hired by shareholders. He works for them, just like a farmhand works for the folks who own the ranch," says Byrne, among the CEOs who support say-on-pay legislation. He says CEOs "capture" their boards, leaving shareholders unrepresented.

Real estate developer Don Peebles, recently named by Forbes as one of the 20 wealthiest African-Americans, also supports say-on-pay. He says CEOs who have no significant ownership often have compensation packages designed to reward them on the upside, but they suffer few consequences on the downside.

"There is no real alignment of interests," Peebles says.

But Behar says he has served on eight boards and says directors are not stupid, and they are in control of CEOs.

"How will our country be better off if CEOs earn less than \$2 million a year?" says Behar. "Are we trying to create a country without the opportunity to get rich? We had better be careful about the buttons we push down. We may not like the ones that pop up."

Mrs. BACHMANN. Mr. Speaker, I rise in opposition to H.R. 3269.

This misguided legislation will do nothing to restore confidence in our financial markets and could, in fact, undermine our nation's economic recovery.

The bill directs federal financial regulators to literally prohibit compensation arrangements it deems "inappropriate." But when did it become appropriate for the federal government to take on this role?

How can we not expect this to stifle the global competitiveness so vital to American companies? When American companies are subjected to rigid pay structures as set by government bureaucrats and companies in other nations are free to follow the market, common sense tells us that America's top talent will go elsewhere.

Furthermore, the bill requires an annual shareholder vote—a non-binding vote—on executive compensation, which seems terribly impractical and complex and may only exacerbate problems, not fix them. We're heading down the same road the trial lawyers have led us in the courts, and experience tells us that that road leads to a distorted market.

We've heard from groups across the nation on this—from the U.S. Chamber of Commerce, which represents more than three million American businesses and organizations, to the United Brotherhood of Carpenters union. They all say that requiring them to hold an annual shareholder vote on compensation is overly burdensome and could actually diminish proper due diligence by investors.

On average, most companies already approve these packages once every three years. The Republican alternative, which I support, would honor this real-world practice. Our substitute would also allow shareholders to opt out of the shareholder triennial advisory vote if two-thirds vote to do so. This gives the share-

holders more flexibility to decide whether they actually want this "say on pay." This is real empowerment of the shareholders—not just lip service.

Finally, our substitute strikes the section of the bill which directs government bureaucrats to determine the compensation arrangements of private companies rather than its board and shareholders.

No one on our side of the aisle is for free-wheeling pay practices or lack of oversight. But, we are calling for balance. We support an alternative that would preserve American competitiveness while ensuring real transparency and disclosure over compensation packages. The majority's legislation is sound-bite governance at best, extending onerous regulatory burdens that have little more than the appearance of actual empowerment of American shareholders.

Mr. PAUL. Mr. Speaker, many Americans are justly outraged that Wall Street firms that came hat in hand to receive bailouts from the federal government rewarded their executives with lavish bonuses. But while holding those financial firms accountable to the taxpayers is a laudable aim, the legislation before us, H.R. 3269, goes far beyond this.

This is not the first time that Congress has meddled in matters of executive compensation, and unfortunately it will not be the last. Just like Congress' meddling with the economy, each intervention creates unseen problems which, when they crop up, are again addressed by legislation that creates further unseen problems, thus continuing the cycle ad infinitum. Problems with executive compensation cannot be addressed by further burdensome legislation.

The Wall Street bailouts have already given the federal government too much power in corporate boardrooms, and H.R. 3269 is yet another step in the wrong direction. While shareholder votes on compensation may be non-binding now, once the precedent of government intervention on behalf of shareholders is set, there is no reason to believe that these votes will not become binding in the future.

Perhaps even more frustrating is that enforcement of the provisions of this bill will be undertaken by overpaid bureaucrats who lack the skills to earn comparable salaries in the marketplace by providing useful products or services desired by consumers. People who shuttle between federal regulator and federally regulated firms, trading on their political connections and epitomizing the corruption endemic to the government-managed financial system, will be making decisions that affect every single public company in this country.

In order to understand the reasons behind excessive executive compensation, we need to take a look at the root causes. The salaries and bonuses raising the most ire are those from the financial sector, the sector which directly benefits from the Federal Reserve's loose monetary policy. Loose monetary policy leads to speculative bubbles which drive up stock prices and enrich executives who cash in their stock options. It makes debt cheaper, which encourages reckless business expansion. And it shuttles money from industries that produce valuable products and services to industries that are favored by the federal government. H.R. 3269 is a well-intended but misguided piece of legislation. Until we strike at

the root of the problem, we will never get our financial system back on a firm footing.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3269, the "Corporate and Financial Institution Compensation Fairness Act of 2009". I would like to thank my colleague Representative BARNEY FRANK for introducing this resolution, as well as the cosponsors.

I stand in support of this important resolution, because it is designed to address the perverse incentives in compensation plans that encourage executives in large financial firms to take excessive risk at the expense of their companies, shareholders, employees, and ultimately the American taxpayer—risks that contributed to the recent financial collapse.

One of the solutions it offers is practically the manifestation of common sense itself—let the stockholders of the company, the people the corporate executives are supposed to be working for, have a say in how those executives should be compensated. For example, the bill requires shareholder non-binding votes on so-called "golden parachutes." It requires publicly-traded corporations to allow shareholders to take non-binding votes during annual meetings on the top five executive compensation packages. And it allows SEC to exempt small companies from the nonbinding vote requirement if it finds such an exemption necessary.

The bill also seeks to change the incentives for the sort of financial firms that brought our economy to the brink of collapse, so that those who manage the money of our countrymen are not even tempted to take us back to that precipice. The bill authorizes the SEC, along with the federal financial regulatory agencies, to develop regulations for financial firms with at least \$1 billion in assets that proscribe the use of employee compensation structures that pose a risk to financial institutions and the broader economy. It also specifically, authorizes the regulations to restrict or prohibit "inappropriate or imprudently risky compensation practices" at these large financial firms, and further requires financial firms with at least \$1 billion in assets to disclose to the federal regulators any compensation structures that include incentive-based elements.

The bill does not require disclosure of any individuals' compensation information; nor does it allow government pre-approval of anyone's compensation. Rather, the bill is the first step towards enacting comprehensive financial regulatory reform to make sure we never face another historic financial crisis that depletes the retirement savings of millions, locks businesses out of much-needed credit, and threatens the entire economy.

Finally, the bill requires the compensation committees of the Boards of Directors of public companies to be made up of independent directors. It further requires that these compensation consultants satisfy independence criteria established by the SEC. I would also point out that this bill will, in practice, only apply to companies already sufficiently large enough—it specifically allows the SEC to exempt small companies from the non binding vote requirement if it finds such an exemption necessary.

Not only is this bill common sense personified, it is also long overdue. Corporate culture

has, in the past three decades, undergone a transformation for the worse, where the most economically powerful have come to see, not just stockholder profit, but short term profit, as the greatest good. Today, the people with most economic influence see little or no incentive in seeking anything but the next bonus.

It was not always so—from the end of World War II until the mid 1990s, prominent public and private company CEOs almost universally viewed their responsibilities as being equally split among shareholders, employees, customers, and the Nation. This broad sense of corporate responsibility was actually so widely and comfortably held that in 1981, the Business Roundtable, which is the key public policy arm of the Nation's largest public companies and their CEOs, officially endorsed a policy that said that shareholder returns had to be balanced against other considerations.

However, just as the Business Roundtable was making its policy statement, the deregulation and laissez-faire era that was born in the Reagan administration was starting to chip away at the statement's core contention. And by 2004—even after many of the myriad scandals and outright thefts that have hallmarked the last decade of American business had already come to light—the Roundtable amended its position. It said that the job of business is only to maximize the wealth of shareholders.

But even that statement did not, in any meaningful way, restrict or amend their pursuit of personal wealth, as board members effectively wrote their own paycheck. So not only were our corporate leaders explicitly no longer concerned with stakeholders other than those with the bottom line, they saw little concern for the long term well being of their company. A well-connected man could just as easily make sure the short term profits were inflated as much as possible, so it would look like he was doing a good job, and jump off when the bonuses get handed out.

We see this behavior, for example, among the companies Americans entrust their health care with. In 2001, Aetna's CEO made \$3.5 million; 7 years later, it increased nearly seven-fold, to \$24.3 million, making over \$100 million in the past 9 years. In 2000, Coventry paid its Chief Executive \$2.2 million; apparently that wasn't enough; because in 2007 they gave him nearly \$15 million. In the past 9 years, ten individuals—people who are in charge of companies, whose source of profit is the denial of care to the people who take large cuts in their paychecks to give them money—made over \$690 million.

In 2007, several high profile corporate executives resigned and received multimillion dollar financial packages. That year, Home Depot CEO Robert Nardelli resigned and received a severance package worth \$210 million, which followed several other "golden parachutes," including the \$122 million retirement package for Pfizer's former CEO, the \$175 million package for KB Homes' former CEO, who retired after he was found to have manipulated the company's stock, and the \$85 million severance package for Viacom's CEO who was on the job for less than a year.

That was the year our noble body tried to act. The House passed a bill that would have required publicly traded corporations, beginning this year, to allow shareholders to take a

non binding vote on executive compensation and golden parachutes. Our colleagues in the Senate, however, never acted on the measure.

And, as everybody sitting in this noble body knows, the outrage has only grown. In 2008, one man—the head of a financial firm—made over \$700 million. Another CEO, of the Oracle Company, made over half a billion dollars that same year. Six energy companies paid their CEOs nearly \$800 billion. All told, in 2008, less than 10 individuals made over \$2 billion, over 1 percent of the Gross Domestic Product of my home city of Houston.

During the worst days of the financial crisis, a raw nerve was struck when workers generally became aware, many for the first time, of the huge salaries being earned on Wall Street and on other streets far removed from Main Street. Wherever earned, excessive executive and CEO compensation, simply by being "excessive," belies the principles of a meritocracy, which is what corporations should be. Managers rise to something akin to royalty when their compensation is at unjustified levels and when the rewards of employment are not more commonly and fairly shared with the general employee base.

To conclude: This regulatory overhaul is urgently needed to avoid the possibility of a repeat of the recent financial disaster which nearly crippled our economy. It does so through common sense measures to curb executive power to write their own checks, and dis-incentivizes them from taking the mad risks that nearly brought us to ruin. It is long overdue, and becomes only more necessary as time passes. And so I support the bill.

Ms. CLARKE. Mr. Speaker, I rise in support of H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009.

This legislation is important because it encourages the corporate community to address the issue of excessive compensation to high level executives by creating greater transparency and giving investors a "say on pay." Some studies have found that as recently as 2003, CEO compensation was 500 times that of an average worker. Even in 2008, a year of significant economic decline, the median CEO salary actually increased by almost 5% with the average worker's wages went up only 2.8%.

This legislation protects the interests of investors, including pension and mutual fund participants, giving them an advisory vote on executive compensation. Today's legislation comes in response to growing concerns in the economic community that excessive executive compensation is helping to fuel systemic risk in corporate America. These luminaries, including former Fed Chairman Paul Volcker and the Group of 30 believe that compensation structures were a factor in the current financial crisis. The legislation will not affect smaller institutions such as credit unions and companies that hold less than \$1 billion in assets.

I believe this legislation strikes the right balance in addressing executive compensation while protecting the rights of the companies that provide so many jobs and are so critical to New York's economy.

I urge the rest of my colleagues to support this important legislation.

Mr. BACHUS. Mr. Speaker, the following trade association letters are offered for the RECORD in opposition to H.R. 3269 in order to supplement my remarks during debate:

JULY 30, 2009.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

Re Opposition to H.R. 3269, Corporate and Financial Institutional Compensation Fairness Act of 2009.

The undersigned organizations strongly oppose H.R. 3269, the "Corporate and Financial Institution Compensation Fairness Act of 2009." We believe that the bill would result in substantial unintended consequences, especially the mandatory annual vote on pay requirement in section 2 and the precedent-setting authority granted to the federal government over executive and employee compensation in section 4. In sum, we believe the bill would result in a "one-size-fits-all" approach to compensation that would have substantial negative implications for proper functioning of the corporate governance process, responsible growth, and effective risk mitigation that, when coupled with other proposed legislation, would extend well beyond the financial services industry.

Each of our organizations fully supports effective measures to increase awareness and mitigation of excessive risk in compensation. We believe that the board of directors, acting through an independent compensation committee, should be responsible for setting compensation because it is so closely linked to business strategy and succession planning. While many have developed and circulated principles to improve compensation and corporate governance, companies across all industries are taking steps to reinforce their understanding of these issues and are taking action to revise practices that may encourage excessive risk taking. Many of these changes, such as majority voting for directors, independent compensation committees, advisory Say on Pay votes, eliminating staggered boards, have been occurring on a company by company basis for a long period of time, without government mandates.

GOVERNMENT CONTROL OVER COMPENSATION

We oppose Section 4 of the bill because it would give the bank regulatory agencies authority to set the structure and thus the amount of executive and employee compensation provided in the form of incentives. While recognizing the federal government's role in ensuring the safety and soundness of our financial institutions, these provisions would effectively transfer authority for determining how a substantial part of compensation at these firms should be structured from the Board (for executives) and the company (for other employees) to a consortium of regulatory agencies. Our concerns include:

The adoption of a one-size-fit all approach, which does not accommodate a company-specific approach to pay. The financial industry is expansive, and an incentive structure that may be deemed risky at one organization may be perfectly acceptable at another, depending on the company's business strategy, the risk profile of the organization, and mitigating elements of the total pay program. The legislation instructs the agencies to take a one-size fits all approach by prohibiting pay structures that "could threaten the safety and soundness of covered financial institutions."

Even if a company-specific approach were taken, the federal government has neither

the experience nor expertise to set executive compensation arrangements for a wide variety of financial institutions. The legislation will replace the informed judgment of the board of directors and compensation committee with the cursory knowledge of a federal regulator, eroding the authority of the board and its ability to closely tailor compensation to the company.

The Obama Administration did not ask for such expansive authority, no doubt a result of the interpretive and enforcement problems created by the poorly crafted executive compensation restrictions in the American Recovery and Reinvestment Act, which caused several companies to shift more pay to guaranteed salary, rather than reasonable performance-based incentives, in order to comply.

In addition, because our associations represent companies across a variety of industries, we are also extremely concerned that this model of pay regulation would expand to other industries or situations, further putting the federal government in control of pay decisions for private companies. This legislation would establish a form of compensation regulation for employees who interact with consumers. Rather than creating a new bureaucracy, we believe a more effective approach to regulating risk in incentives would be to establish a clear set of principles for mitigating risk against which the regulatory agencies could review pay arrangements.

A MANDATORY ANNUAL VOTE ON PAY

Beyond section 4 of the bill, we also oppose an annual mandatory shareholder vote on executive compensation because it does not achieve the ends sought by proponents, is not sought by a majority of shareholders, and would not improve clear communication between shareholders and the board. While we oppose the requirement embodied in H.R. 3269, there may be viable alternatives that were unable to be explored with the limited time frame taken by the House Financial Services Committee in considering this legislation.

The Board of Directors has a fiduciary duty for managing the company on behalf of all shareholders. The board's compensation committee is responsible for linking compensation incentives to confidential business strategy, aligning pay with the assessment of individual executive performance, and using long-term incentives to support the company's succession planning process. Annual say on pay votes would push compensation structures away from a company-specific approach to "cookie-cutter" arrangements designed to ensure a high vote total.

Despite the economic environment, shareholder resolutions seeking a say on pay have only received a majority support at roughly 30 percent of the companies at which they were offered in 2009. A 2008 independent study by a leading academic found that among large institutional investors, only 25 percent supported a shareholder vote.

An annual mandatory vote requirement in the United Kingdom has not reduced the overall level of compensation and has resulted in less of a link between pay and performance.

Congressional attempts to regulate amounts or structures of compensation have typically backfired—increasing compensation or changing practices in unforeseen ways contrary to the intent of the restrictions. One need look no further than the history of stock options as a case study of this premise. While we oppose H.R. 3269 in its current form, because the legislation has been available for only a short time, we believe

that more time is warranted to give Congress and interested parties an opportunity to fully analyze and discuss the potential for harmful unintended consequences.

Thank you for your consideration of our views. We look forward to working with you on this and other legislation.

Sincerely,

Center for Executive Compensation, National Association of Manufacturers, Retail Industry Leaders Association, U.S. Chamber of Commerce.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, July 27, 2009.

Hon. BARNEY FRANK,

Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

Hon. SPENCER BACHUS,

Ranking Member, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, believes that strong corporate governance is an important part of the foundation for a vibrant and growing economy. In February, the Chamber issued a Statement of Principles providing, among other things, that executive compensation should balance individual accomplishment, corporate performance, adherence to risk management, compliance with laws and regulations, and the creation of shareholder value. The complete Statement of Principles is attached. The Chamber opposes H.R. 3269, the "Corporate and Financial Institution Compensation Fairness Act of 2009," because it is inconsistent with these Principles.

Section 4 of H.R. 3269, particularly when read in conjunction with the compensation provisions proposed in H.R. 3126, the "Consumer Fairness Protection Agency Act of 2009," would establish direct government control and regulation of compensation for executives and workers alike. Employee compensation should be a decision by appropriate levels of management or the board of directors on a variety of factors such as merit, promotions, or cost of living increases. Furthermore, changes in corporate governance should occur through a dialogue between management, directors, and shareholders, as allowed by controlling state corporate law. The Chamber does not believe that the command and control regulatory scheme set forth in this legislation would lead to the economic growth and job creation that America desperately needs.

The Chamber is particularly concerned with a number of provisions in H.R. 3269 and offers the following recommendations:

1. This legislation would have federal agencies regulate the compensation of a vast number of employees of covered firms. Pursuant to H.R. 3269, financial services firms would be required to submit practices and plans for incentive compensation for employees to their appropriate regulator. The regulator would then have the authority to approve or disapprove such plan, as well as take action for violations. In many firms, because incentive compensation plans range from the CEO to the receptionist, these provisions would place the federal government in the position of regulating compensation for all, or a vast majority of, employees in a company. This would be particularly intrusive when coupled with the provisions of H.R. 3126 which would allow the proposed

Consumer Financial Protection Agency to regulate the compensation of employees who interact with consumers, regardless of industry, such as real estate agents, or even cashiers who accept credit cards. Taken together, these two proposed bills constitute an unprecedented governmental intrusion into matters that have historically been addressed by private actors.

2. The "Say on Pay" provisions can be improved by making the votes triennial and providing for a 5-year opt-out if approved by a super-majority of shareholders. The Chamber believes that the "Say on Pay" provisions of H.R. 3269 can be improved. Currently, the bill requires an annual advisory vote at every company in the United States, regardless of size, industry, history, and governance. Rather, Congress should require such an advisory vote every three years, thereby tracking the typical life-span of an average executive compensation package. This change would give shareholders a more informed voice in the executive compensation policies of a company. The Chamber also believes that adding an opt-out provision is warranted. For example, if two-thirds of shareholders vote for a 5-year opt-out of "Say on Pay" votes, small and mid-size companies would be able to mitigate the undue costs and distractions associated with an annual vote.

3. Federal Law should not create a preemption if state corporate law contains mechanisms for independent compensation committees. State corporate law has fostered a diverse set of corporate governance structures that have allowed the American economy to be the richest and most productive in world history. While the governance structures of some financial services firms have been questioned, 97 percent of the more than 15,000 public companies in the United States have had nothing to do with the financial crisis. Accordingly, the Chamber believes that the legislation should not preempt state law.

The Chamber believes these recommendations would represent significant improvements to the bill and assist in providing strong corporate governance policies needed for a growing economy.

The Chamber also supports the Garrett substitute amendment to the bill, which would allow for improved Say on Pay and Independent Compensation Committee provisions, while stripping Section 4 of the bill. Finally, the Chamber supports the Garrett amendment to strike Section 4 of the bill, removing those provisions that would regulate incentive compensation practices.

The Chamber strongly supports corporate governance reforms in line with our Statement of Principles, but urges you to oppose H.R. 3269 because it is inconsistent with these Principles on corporate governance.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF
FEDERAL CREDIT UNIONS,
Arlington, VA, July 28, 2009.

Re Comments on H.R. 3269 as pending in mark-up.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: Mr. Chairman, I am writing on behalf of the National Association of Federal

Credit Unions (NAFCU), the only trade association that exclusively represents the interests of our nation's federal credit unions, in conjunction with H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009 as amended so far in mark-up.

NAFCU continues to oppose the bill, as amended, in its current form. While the adoption of the Hensarling amendment, exempting institutions under \$1 billion in assets from the scope of Section 4 of the legislation was a step in the right direction, we continue to urge the Committee to amend this legislation so that it does not apply to credit unions.

As not-for-profit, member-owned cooperatives, credit unions were not the cause of the current financial crisis. The success of the credit union industry in this regard can be attributed not only to its structure and nature, but to the fact that credit unions, unlike for-profit entities, are singularly focused on service to their members and do not chase stock returns. In fact, credit unions do not issue stock at all. Furthermore, they are governed by a volunteer board of credit union member directors that serve generally without remuneration and ultimately decide the compensation for key employees of the credit union. It is therefore critical that non-profits be treated differently than for-profit entities.

Quite frankly, those running for-profit entities, including community banks, have a profit motive that can open the door for abuse. In stark contrast, not-for-profit cooperatives quite simply have different motives, which substantially lessen the incentive for abuse.

NAFCU continues to believe that the inclusion of credit unions as covered institutions under Section 4 of the legislation and provisions requiring NCUA to prescribe joint regulations in conjunction with other regulators who supervise for-profit, stock-issuing entities, does not make sense. Simply stated, credit unions are not guided by the profit motive or stock price manipulation to which this legislation is aimed.

It is with that in mind that we continue to oppose the legislation in its current form and urge the Committee to amend Section 4 of H.R. 3269 to exempt credit unions from this legislation. Without a current amendment pending before the Committee to do this, we would support adoption of either the Neugebauer or Castle amendments to strike Section 4 of the bill. Conversely, if Section 4 is maintained by the Committee, we would urge further amending H.R. 3269 to exempt credit unions from Section 4 prior to consideration on the House floor. If one of these changes were to be made, NAFCU could support the legislation going forward.

NAFCU appreciates the opportunity to share our thoughts on this important topic and we look forward to working with you and your staff to address our concerns.

Should you have any questions or require any additional information please do not hesitate to contact me or Brad Thaler, NAFCU's Director of Legislative Affairs.

Sincerely,

FRED R. BECKER, Jr.,
President/CEO.

CUNA,

Washington, DC, July 24, 2009.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the Credit Union National Association (CUNA), I am writing regarding H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009. CUNA represents nearly 90 percent of America's 8,000 credit unions and their 92 million members.

We understand the concern some have regarding the effect compensation structures that encourage excessive risk-taking have on the safety of financial institutions and the economy. We applaud efforts to address these egregious practices. However, as the Committee prepares to consider H.R. 3269 next week, we encourage you to exclude credit unions from the scope of the bill. The credit union structure combined with strong compensation regulations already in place have resulted in credit unions being largely immune from both excessive and unsafe risk-taking and from the criticism assigned to for-profit financial services providers; thus, the inclusion of credit unions under H.R. 3269 is unwarranted.

As you know, credit unions are unique, member-owned, not-for-profit, financial cooperatives, and they simply do not have the same operational motives as for-profit depository institutions. As a result, credit unions are risk-averse institutions operating in the best interest of their members. Further, the compensation structure of credit unions is not only less aggressive than the for-profit financial institutions, it is also more modest. According to our most recent survey of our members, the median salary for a credit union CEO is approximately \$71,000; the average salary is approximately \$93,000.

The National Credit Union Administration Board (NCUA) already has compensation regulations in place that are designed to prevent the types of dangerous compensation structures that exist in other sectors. These include Section 701.21(c) of NCUA's Rules and Regulations, restricting compensation related to loans to members and lines of credit to members; Section 701.33, restricting compensation to credit union employees or board members from credit union service organizations in which the credit union has an outstanding loan or investment.

We believe that H.R. 3269, if applied to credit unions, would at best be duplicative of current regulations and at worse could increase the cost and regulatory burden on a sector of the financial services industry that neither caused the economic crisis nor engaged in the type of compensation arrangements that this legislation seeks to address. Therefore, we cannot support this legislation in its current form and we would welcome the opportunity to work with you and others on the Financial Services Committee to amend the legislation to exclude credit unions.

On behalf of America's credit unions and their 92 million members, thank you very much for your consideration.

Sincerely,

DANIEL A. MICA,
President & CEO.

THE FINANCIAL
SERVICES ROUNDTABLE,
Washington, DC, July 23, 2009.

Hon. BARNEY FRANK,
*Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.*
Hon. SPENCER BACHUS,
*Ranking Member, Committee on Financial Serv-
ices, House of Representatives, Washington,
DC.*

DEAR CHAIRMAN FRANK AND RANKING MEM-
BER BACHUS: The House Financial Services
Committee is scheduled to mark up H.R.
3269, the Corporate and Financial Institution
Compensation Fairness Act of 2009, on Tues-
day morning. The Financial Services Round-
table supports the spirit of this legislation,
and the mutual goals of promoting corporate
accountability and good governance prac-
tices; however, we must oppose H.R. 3269.
Compensation programs are an important
tool in the financial services industry used
to recruit and retain skilled employees.
These programs should be aligned with the
overall safety and soundness of the organiza-
tion as well as shareholder interest. The
Roundtable supports and promotes such
goals as outlined in our Principles on Execu-
tive Compensation (see attached).

We have serious concerns about H.R. 3269
as drafted, including the requirement for
Federal regulators to determine the types of
compensation structures that are appro-
priate for financial institutions. Decisions
regarding incentive compensation programs
should be designed uniquely by corporations
and their compensation committees to ac-
count for respective shareholder interest;
long term sustainable, firm-wide success;
and the time horizon of risks. Federal regu-
lators currently require disclosure on the de-
tails and types of executive compensation ar-
rangements, and specific to financial institu-
tions, require that such arrangements be
consistent with safety and soundness guide-
lines. The Roundtable believes the existing
authority currently being exercised by Fed-
eral regulators is appropriate and in line
with protecting consumer and shareholder
interests alike.

We appreciate your review and consider-
ation of these concerns as the committee
prepares to consider H.R. 3269. Please feel
free to call on me if I can be of assistance or
answer any questions.

Best Regards,

STEVE BARTLETT,
President and CEO.

CENTER ON EXECUTIVE
COMPENSATION,
Washington, DC, July 27, 2009.

Re H.R. 3269, Corporate and Financial Insti-
tutional Compensation Fairness Act of
2009.

Hon. BARNEY FRANK,
*Chairman, House Financial Services Committee,
Rayburn House Office Building, Wash-
ington, DC.*

Hon. SPENCER BACHUS,
*Ranking Member, House Financial Services
Committee, Rayburn House Office Building,
Washington, DC.*

DEAR CHAIRMAN FRANK AND RANKING MEM-
BER BACHUS: On behalf of the Center on Execu-
tive Compensation, I am writing to express
the Center's opposition to H.R. 3269 because
of the far-ranging effects it will have on the
U.S. system of corporate governance and ef-
fective compensation policies. We are par-
ticularly concerned about the provisions of
the bill that impose an annual mandatory
vote on pay and direct the Federal govern-
ment to prohibit compensation arrange-
ments in the financial services industry.

As you know, the Center is a research and
advocacy organization that seeks to provide
a reasoned perspective on executive com-
pensation policy and practice issues from the
viewpoint of the senior human resource offi-
cers of large companies. The Center's public
policy positions are developed with the help
of its Subscribers to ensure a practical view
that is also informed by its principles. The
Center believes that a Board-centric ap-
proach to developing and disclosing a clear
link between pay and performance and for
mitigating excessive risk in executive com-
pensation plans is far preferable to having
pay set by the Federal government.

Mandated Annual Vote On Pay Will Weak-
en Corporate Governance. The Center op-
poses mandated annual shareholder vote on
executive compensation in Section 2 of the
bill because it would encourage the adoption
of "cookie cutter" pay arrangements rather
than arrangements carefully tailored to the
company and is not sought by a majority of
shareholders. Specifically, a mandatory vote
on pay:

Would Move the U.S. Toward a System of
Governance by Referendum. Boards of Direc-
tors, acting through an independent com-
pensation committee, discharge their fidu-
ciary duty to manage executive compensa-
tion on behalf of *all shareholders* by tying the
amount and form of compensation to con-
fidential business strategy, evaluating indi-
vidual executive performance and using pay
levers to manage the company's succession
planning process. A mandatory vote on pay
seeks to substitute the judgment of the
shareholders for the informed judgment of
the Board and is likely to open the door to
more shareholder votes on other issues, such
as where to expand or research and develop-
ment decisions.

Would Result in a Cookie-Cutter Approach
to Pay. In order to have an informed view on
pay, institutional investors and others faced
with an annual nonbinding vote on pay
would be required to analyze 30-50 pages of
disclosure for thousands of companies. Many
will rely instead on the recommendation of
proxy advisory services, which have their
own views of how pay should be structured.
In order to ensure substantial support, com-
pensation committees will adopt pay ar-
rangements designed to get a high vote rather
than be tailored to the company.

Fails to Recognize That a Majority of
Shareholders Have Not Supported Share-
holder Resolutions in 2009. Despite the cur-
rent economic environment, shareholder res-
olutions asking companies to adopt an an-
nual vote on pay have not received majority
support on average, with only 30 percent of
the votes receiving majority support.

Ignores Research Results That Show the
Largest Institutional Investors Do Not
Favor Say on Pay. A 2008 research study by
Cornell University Professor Kevin Hallock
of large institutional investors showed that
50 percent opposed say on pay while just 25
percent supported it. Responses such as the
following were typical "It is not clear A,
what we are voting on and B, what others are
voting on. We can have a much more indi-
vidual discussion and nuanced discussion"
[with the Board].

Has Not Reduced Pay Levels in the UK An
annual mandatory vote requirement in the
United Kingdom has not reduced the overall
level of compensation (the FTSE 100 experi-
enced a 7% pay increase in 2008, while in the
U.S., the S&P 500 experienced a 6.8 percent
decline) and has resulted in less of a link be-
tween pay and performance.

*Government Control Over Compensation Sets
A Dangerous Precedent.* The Center also op-

poses Section 4 of the legislation and be-
lieves it should be removed in favor of a prin-
ciples-based approach to mitigating exces-
sive risk in incentives. Section 4 would give
the Federal banking regulatory agencies the
extraordinary authority to prohibit pay
structures and arrangements for executives
and individuals as well as pass judgment on
specific compensation arrangements. Be-
cause the impact of different pay structures
will have different effects based on the risk
profile of the organization, the time horizon
of the products or services sold and other
considerations, banning all pay structures
across the entire industry is likely to have
significant unintended consequences and sets
a dangerous precedent for federal regulation
of compensation in other contexts.

We are also concerned that the proposed
disclosure will result in a one-size-fits-all
approach to compensation. There are six regu-
lators responsible for developing and imple-
menting the prohibitions and acceptable
practices required in the bill. So far, they
have not been able to agree on their respec-
tive responsibilities under the forthcoming
regulatory restructuring. With this in mind,
it is likely that in order to come to agree-
ment on the pay practices that should be
banned, the regulators will need to adopt a
standardized approach to acceptable execu-
tive compensation arrangements and there-
fore mute the ability of companies to set
forth a reasoned and reasonable approach to
pay for performance.

The Center fully supports the mitigation of
risk in incentives, as articulated in the at-
tached checklist for compensation commit-
tees. The Center believes that mitigating
risk is a matter of balance on a number of
fronts, including balance among the type of
metrics measuring performance, balance be-
tween short- and long-term compensation
and balance in ensuring incentives focus on
the time horizon of risk. There are decisions
best made by the Board Compensation Com-
mittee and disclosed in the annual proxy
statement. As you know, the SEC is in the
process of enhancing its disclosures of exces-
sive risk in incentives for employees and ex-
ecutives that covers all employers.

Finally, it is worth noting that previous
well-intended Congressional attempts to reg-
ulate amounts or structures of compensation
have typically backfired—increasing com-
pensation or changing practices in unfore-
seen ways contrary to the intent of the res-
trictions. A good example is the executive
compensation restrictions included in the
American Recovery and Reinvestment Act,
which encourage greater salaries, rather
than a careful pay for performance orienta-
tion. Because H.R. 3269 has been available for
only one week, we believe that more time is
warranted to give the Committee and inter-
ested parties an opportunity to fully analyze
and discuss the potential for harmful unin-
tended consequences.

Thank you for your consideration of our
views. We look forward to working with you
on this and other legislation.

Sincerely yours,

TIMOTHY J. BARTL,
Senior Vice President and General Counsel.

The SPEAKER pro tempore. All time
for debate has expired.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF
MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr.
Speaker, I offer an amendment.

The SPEAKER pro tempore (Mr.
HOLDEN). The Clerk will designate the
amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 111-237 offered by Mr. FRANK of Massachusetts:

Page 3, line 8, strike “(a) AMENDMENT.—”.

Page 7, strike lines 1 through 14.

Page 17, after line 4, insert the following:

(f) LIMITATION.—No regulation promulgated pursuant to this section shall require the recovery of incentive-based compensation under compensation arrangements in effect on the date of enactment of this Act, provided such compensation agreements are for a period of no more than 24 months. Nothing in this Act shall prevent or limit the recovery of incentive-based compensation under any other applicable law.

Page 17, line 5, strike “(f)” and insert “(g)”.

The SPEAKER pro tempore. Pursuant to House Resolution 697, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I yield myself 1 minute.

At the markup, the gentleman from Georgia (Mr. PRICE) offered an amendment, which I said we would be willing to accept subject to some further change. We've talked. We have not yet reached agreement, and this is going to be an entirely legitimate debate.

What the gentleman was concerned about, and I think legitimately, was the possibility of a callback; that is, a requirement that people give back bonuses they'd already received. That would be arbitrary. Now, we hope that there will be rules adopted that will set those rules in place, and I agree that there should not be people's pay subjected unreasonably to arbitrary retroactive decisions.

But there was—and I was not aware of it at the time—an SEC decision that said that where someone had received the compensation and it subsequently turned out that the transaction was not profitable, although it appeared to be, that a return of the money that was given because of the profitability might be appropriate. So our language reflects that. It does not overturn that SEC decision. It does give some protection against arbitrary return.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, the debate on this amendment is very appropriate and germane to the actions of this entire Congress. The amendment that was offered in committee in good faith, to try to make certain that there weren't any changes that could be made retroactively to compensation packages and incentive pay, was very specific.

It said that no compensation of any executive having been approved by a

majority of the shareholders may be subject to any callback, which is the retroactivity, unless it was part of the contract or unless there had been fraud committed. And that's what was accepted by committee, Mr. Speaker, accepted by committee.

The amendment was put into the bill with the caveat that the chairman wanted, potentially, a few changes. And I would quote from the chairman, who said, The impulse to retroactivity is not one of our finest and ought to be constrained. And he said, We could work together to make sure this does not derogate from the SEC prospectively to say that you can't do this kind of thing.

Well, Mr. Speaker, I'm here to tell you that there weren't any discussions before the Rules Committee met. There weren't any discussions before the amendment that we now have before us was offered as the apparently good-faith effort to the amendment that was offered and adopted in a bipartisan manner majority in the committee. And what does the new amendment say? It says, No regulation promulgated pursuant to this section shall require the recovery of incentive-based compensation under compensation arrangements in effect as of the date of the enactment of this act.

Now, what does that mean? Well, it means that the SEC, that is the Federal Government, Mr. Speaker, will be able to dictate pay, dictate pay because of the language of this amendment, to publicly held companies. Now, that may be okay if they take tax money, Federal tax money, but this would be publicly traded companies that don't take a dime of tax money.

Mr. Speaker, this is a huge step in the wrong direction. Section 4 is the area of this bill that we have great concerns about. It puts the Federal Government, it puts the SEC into the agreements for compensation for executives in publicly traded companies. It cuts at the very core of our free market system.

I would urge a “no” vote on the amendment.

I reserve the balance of my time.

□ 1100

Mr. FRANK of Massachusetts. How much time remains?

The SPEAKER pro tempore. The gentleman from Massachusetts has 4 minutes remaining, and the gentleman from Georgia has 2½ minutes remaining.

Mr. FRANK of Massachusetts. Who has the right to close, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Georgia has the right to close.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 30 seconds to acknowledge one thing that should have been drafted better. The word “require” is ambiguous here. The word

should have been “permit” rather than “require.” That is, we did mean to say that you could not require the individual to give it back. We do want to restrain the SEC or anybody else from an inappropriate one. We will try to change that one word, and it will make a difference to the gentleman of Georgia, but I believe that “permit” would have been more appropriate. When we say “require,” we mean that you could not require the individual to give it back. That was it.

I now yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, it may be that the amendment was offered in good faith, but the explanation for the amendment had very little to do with what the amendment actually says. This amendment, Mr. FRANK's amendment, does accomplish the reason or the argument in favor of the amendment.

We don't think that a regulator or regulation should require the recovery of incentive-based pay where the existing contract doesn't require it. We shouldn't change contracts retroactively, existing contracts retroactively, but we also don't need to undermine the existing law that may provide for that.

Mr. FRANK mentioned the SEC. The SEC is now trying to recover money that was paid supposedly because transactions were profitable when, in fact, they weren't because of the accounting. So we don't want to reward accounting irregularities. Going forward, the regulators may well decide that an effective constraint on imprudent risk-taking is to require longer horizons for incentive-based pay.

That is the purpose of this amendment. It is what this amendment actually accomplishes. It is consistent with the reasons given in committee for the original amendment.

Mr. PRICE of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman is going to close with his remaining time, I will just take, I think, 15 seconds to say that I've talked to the gentleman from Georgia. Again, we will still have a disagreement, but instead of “require,” it should say—and he and I have agreed within the limited version here—“allow” them to require it. In other words, we don't want the SEC to be able to make an inappropriate requirement. So that will be clarified.

I will take our remaining time to say, yes, we did tentatively agree to it. There had been an SEC decision that day, which I wasn't aware of, and I did believe that the amendment as we originally agreed—and I did say to the gentleman that I thought we would want to make some further changes.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. PRICE of Georgia. Given the agreement that you and I have reached on language, what is the posture about changing the language on this amendment? Is that a unanimous consent?

Mr. FRANK of Massachusetts. Yes.

I would ask unanimous consent, if that is permissible—we are in the whole House—to change line 2. Instead of “require,” it will read “shall allow to require,” “shall allow the SEC to require.” No. I take it back. Here is how I will say it: “Shall be allowed to require.”

The SPEAKER pro tempore. Will the gentleman submit that language to the desk?

Mr. FRANK of Massachusetts. Yes.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. FRANK of Massachusetts. That's easy for you to say, Mr. Speaker.

Mr. PRICE of Georgia. Mr. Speaker, until that language has been introduced, I will reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Has the language that has been offered at the desk been introduced as business allows?

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield to me, I would ask unanimous consent to amend the bill according to that language which the gentleman has seen.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. FRANK of Massachusetts:

On line 2 of the matter proposed to be inserted, after “shall” insert “be allowed to”.

The SPEAKER pro tempore. Without objection, the amendment is modified. There was no objection.

The text of the amendment, as modified, is as follows:

Page 3, line 8, strike “(a) AMENDMENT.—”.

Page 7, strike lines 1 through 14.

Page 17, after line 4, insert the following:

(f) LIMITATION.—No regulation promulgated pursuant to this section shall be allowed to require the recovery of incentive-based compensation under compensation arrangements in effect on the date of enactment of this Act, provided such compensation agreements are for a period of no more than 24 months. Nothing in this Act shall prevent or limit the recovery of incentive-based compensation under any other applicable law.

Page 17, line 5, strike “(f)” and insert “(g)”.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman, the chairman, for his desire and willingness to work together on this.

That being said, the challenges with section 4 are huge. The far reach of the SEC and the ability of the Federal Gov-

ernment now to get into the executive compensation packages for businesses for which there is no Federal money involved is remarkable in its extent. As we know, the Democrat majority has a great desire to have the government everywhere in our lives, whether it's in financial institutions, whether it's in energy companies or whether it's that the American people have to pay to turn on and off their light switches.

I just picked up the paper this morning, Mr. Speaker, and saw that there is an op-ed in The Wall Street Journal which talks about health reform and cancer and about how, if the Federal Government is allowed to control health care, it may result in decreasing innovation in the area of cancer.

I would suggest, Mr. Speaker, that if the Federal Government is allowed in this arena that what we will see is a huge, depressing effect on the ability of businesses all across this land to be able to create the most vibrant, entrepreneurial and active businesses that inure to the benefit of the American people, that create jobs and that allow us to remain the greatest Nation in the history of the world. It's just little bits that chip away at the fabric of our Nation that make it so that it is impossible to continue to compete on an international basis.

So, Mr. Speaker, I am pleased that the chairman was willing to clarify the amendment. However, it still gets to the heart of whether or not we are going to allow the Federal Government into decisions that ought to be left in a free market and in a private-sector arrangement, so I urge the defeat of the amendment.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK), as modified.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to House Resolution 697, further proceedings on this question will be postponed.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute No. 2 printed in House Report 111-237 offered by Mr. GARRETT of New Jersey:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Corporate and Financial Institution Compensation Fairness Act of 2009”.

SEC. 2. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION.

(a) AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

“(i) TRIENNIAL ADVISORY SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION.—

“(1) IN GENERAL.—A proxy or consent or authorization for an annual meeting of the shareholders to elect directors (or a special meeting in lieu of such meeting) occurring on or after the date that is 6 months after the date on which final rules are issued under paragraph (4), shall provide for a separate shareholder advisory vote, at least once every 3 years, to approve the issuer's executive compensation policies and practices as set forth pursuant to the Commission's disclosure rules. The shareholder vote shall be advisory in nature and shall not be binding on the issuer or its board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation for meetings of shareholders at which such an advisory vote on executive compensation is not to be conducted.

“(2) OPT OUT.—If not less than ⅔ of votes cast at a meeting of shareholders on a proposal to opt out of the triennial shareholder advisory vote on executive compensation required under paragraph (1) are cast in favor of such a proposal, then such shareholder advisory vote required under such paragraph shall not be required to take place for a period of 5 years following the vote approving such proposal.

“(3) SHAREHOLDER APPROVAL OF GOLDEN PARACHUTE COMPENSATION.—

“(A) DISCLOSURE.—In any proxy or consent solicitation material for a meeting of the shareholders occurring on or after the date that is 6 months after the date on which final rules are issued under paragraph (4), at which shareholders are asked to approve an acquisition, merger, consolidation, or proposed sale or other disposition of all or substantially all the assets of an issuer, the person making such solicitation shall disclose in the proxy or consent solicitation material, in a clear and simple tabular form in accordance with regulations to be promulgated by the Commission, any agreements or understandings that such person has with the named executive officers (as such term is defined in the rules promulgated by the Commission) of such issuer (or of the acquiring issuer, if such issuer is not the acquiring issuer) concerning any type of compensation (whether present, deferred, or contingent) that is based on or otherwise relates to the acquisition, merger, consolidation, sale, or other dispositions of all or substantially all of the assets of the issuer, and the aggregate total of all such compensation that may (and the conditions upon which it may) be paid or become payable to or on behalf of such named executive officer.

“(B) SHAREHOLDER APPROVAL.—Any proxy or consent or authorization relating to the proxy or consent solicitation material containing the disclosure required by subparagraph (A) shall provide for a separate shareholder vote to approve such agreements or understandings and compensation as disclosed. A vote by the shareholders shall not be binding on the corporation or the board of directors of the issuer or the person making the solicitation and shall not be construed as

overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board.”

“(4) RULEMAKING.—Not later than 1 year after the date of the enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, the Commission shall issue rules and regulations to implement this subsection.”

(b) STUDY AND REPORT.—The Securities and Exchange Commission shall conduct a study and review of the results of shareholder advisory votes on executive compensation held pursuant to this section and the effects of such votes. Not later than 5 years after the date of enactment of this Act, the Securities and Exchange Commission shall submit a report to the Congress on the results of the study and review required by this subsection.

SEC. 3. COMPENSATION COMMITTEE INDEPENDENCE.

(a) STANDARDS RELATING TO COMPENSATION COMMITTEES.—The Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after section 10A the following new section:

“SEC. 10B. STANDARDS RELATING TO COMPENSATION COMMITTEES.

“(a) COMMISSION RULES.—

“(1) IN GENERAL.—Effective not later than 270 days after the date of enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, the Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that is not in compliance with the requirements of any portion of subsections (b) through (f).

“(2) OPPORTUNITY TO CURE DEFECTS.—The rules of the Commission under paragraph (1) shall provide for appropriate procedures for an issuer to have an opportunity to cure any defects that would be the basis for a prohibition under paragraph (1) before the imposition of such prohibition.

“(3) EXEMPTION AUTHORITY.—The Commission may exempt certain categories of issuers from the requirements of subsections (b) through (f), where appropriate in view of the purpose of this section. In determining appropriate exemptions, the Commission shall take into account, among other considerations, the potential impact on smaller reporting issuers.

“(4) NO FEDERAL PREEMPTION.—If the law of the State under which an issuer is incorporated provides for a procedure for the board of directors to establish an independent compensation committee, then such State law shall be controlling and nothing in this section shall preempt such State law.

“(b) INDEPENDENCE OF COMPENSATION COMMITTEES.—

“(1) IN GENERAL.—Each member of the compensation committee of the board of directors of the issuer shall be a member of the board of directors of the issuer, and shall otherwise be independent.

“(2) CRITERIA.—The Commission shall, by rule, establish the criteria for determining whether a director is independent for purposes of this subsection. Such rules shall require that a member of a compensation committee of an issuer may not, other than in his or her capacity as a member of the compensation committee, the board of directors, or any other board committee—

“(A) accept any consulting, advisory, or other compensatory fee from the issuer; or

“(B) be an affiliated person of the issuer or any subsidiary thereof.

“(3) EXEMPTION AUTHORITY.—The Commission may exempt from the requirements of

paragraph (2) a particular relationship with respect to compensation committee members, where appropriate in view of the purpose of this section.

“(4) DEFINITION.—As used in this section, the term ‘compensation committee’ means—

“(A) a committee (or equivalent body) established by and amongst the board of directors of an issuer for the purpose of determining and approving the compensation arrangements for the executive officers of the issuer; and

“(B) if no such committee exists with respect to an issuer, the independent members of the entire board of directors.

“(c) INDEPENDENCE STANDARDS FOR COMPENSATION CONSULTANTS AND OTHER COMMITTEE ADVISORS.—The charter of the compensation committee of the board of directors of an issuer shall set forth that any outside compensation consultant formally engaged or retained by the compensation committee shall meet standards for independence to be promulgated by the Commission.

“(d) COMPENSATION COMMITTEE AUTHORITY RELATING TO COMPENSATION CONSULTANTS.—

“(1) IN GENERAL.—The compensation committee of each issuer, in its capacity as a committee of the board of directors, shall have the authority, in its sole discretion, to retain and obtain the advice of a compensation consultant meeting the standards for independence promulgated pursuant to subsection (c), and the compensation committee shall be directly responsible for the appointment, compensation, and oversight of the work of such independent compensation consultant. This provision shall not be construed to require the compensation committee to implement or act consistently with the advice or recommendations of the compensation consultant, and shall not otherwise affect the compensation committee’s ability or obligation to exercise its own judgment in fulfillment of its duties.

“(2) DISCLOSURE.—In any proxy or consent solicitation material for an annual meeting of the shareholders (or a special meeting in lieu of the annual meeting) occurring on or after the date that is 1 year after the date of enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, each issuer shall disclose in the proxy or consent material, in accordance with regulations to be promulgated by the Commission whether the compensation committee of the issuer retained and obtained the advice of a compensation consultant meeting the standards for independence promulgated pursuant to subsection (c).

“(e) AUTHORITY TO ENGAGE INDEPENDENT COUNSEL AND OTHER ADVISORS.—The compensation committee of each issuer, in its capacity as a committee of the board of directors, shall have the authority, in its sole discretion, to retain and obtain the advice of independent counsel and other advisers meeting the standards for independence promulgated pursuant to subsection (c), and the compensation committee shall be directly responsible for the appointment, compensation, and oversight of the work of such independent counsel and other advisers. This provision shall not be construed to require the compensation committee to implement or act consistently with the advice or recommendations of such independent counsel and other advisers, and shall not otherwise affect the compensation committee’s ability or obligation to exercise its own judgment in fulfillment of its duties.

“(f) FUNDING.—Each issuer shall provide for appropriate funding, as determined by the compensation committee, in its capacity

as a committee of the board of directors, for payment of compensation—

“(1) to any compensation consultant to the compensation committee that meets the standards for independence promulgated pursuant to subsection (c); and

“(2) to any independent counsel or other adviser to the compensation committee.”

(b) STUDY AND REVIEW REQUIRED.—

(1) IN GENERAL.—The Securities Exchange Commission shall conduct a study and review of the use of compensation consultants meeting the standards for independence promulgated pursuant to section 10B(c) of the Security Exchange Act of 1934 (as added by subsection (a)), and the effects of such use.

(2) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study and review required by this paragraph.

The SPEAKER pro tempore. Pursuant to House Resolution 697, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I yield myself 4 minutes at this time.

Mr. Speaker, the American public truly should be outraged when they read the front page headlines nowadays with regard to bonuses and pay.

In The Wall Street Journal today, it’s a bank bonus tab of \$33 billion. You have to read the second headline, though, to realize that the \$33 billion is going to the banks that received, basically, the taxpayer bailouts. The bottom line on all of this is that there is nothing in this legislation that would have prohibited this from going forward.

Now, the other side of the aisle on the floor today repeatedly says, Well, the Republican side simply has no alternative; it is just the party of “no.” Well, we know that that’s not true. On the legislation before us today, with regard to executive compensation, both in committees and through Rules, the Republicans have proposed a number of substantive proposals, which I’ll go through right now, which would address the underlying problems that we’re trying to address here.

So, if you will permit me, I will now address the three or four main points in this substitute which would get at these points that, I think, outrage America with regard to compensation but which do so in a fair and just manner.

Firstly, in the underlying bill, it allows for a non-binding shareholder vote on executive compensation every year.

We propose instead that such vote should occur every 3 years. Why is that? All the expert testimony we’ve heard so far says that Wall Street focuses too much on the short term—on the year, on the 6 months, on the three-quarters or on the end of the quarter. Why then when compensation packages usually go longer than 1 year, usually go for 3 years, would we be requiring a vote that would once again

refocus the attention on 1 year, a short period of time, as opposed to being in line with the 3-year longer time frame? So we suggest that a 3-year vote would be much more appropriate than a 1-year.

Secondly, as to the shareholders and whom we trust with these decisions, we suggest, if we are going to trust the shareholders to be making these decisions, should we not also trust them to make the decision as to whether or not to have such votes on executive compensation in the future?

So our amendment would suggest that a substitute would allow for a two-thirds vote of shareholders to opt out of the shareholder triennial advisory vote if they are so inclined. We know that this has been a position taken by a number of institutions and companies in the past because they've said that we do not want to have such power, that we do not want to involve ourselves in such decision-making.

We know that it is right now as well because we have a letter from the United Brotherhood of Carpenters which points out the very real reason of why this is. You know, they hold something like 3,603 different companies in their portfolio. They said if they were going to have to make this decision either every 1 year or every 3 years—and considering the due diligence that they would have to engage in—this commitment would be a severe challenge to their fiduciary responsibilities. So, if they want to opt out of this, shouldn't we give them that ability if two-thirds of the voters decide to do so?

Thirdly, State law. The other side of the aisle speaks about State law and about hypocrisy on this issue. Should we be preempting State law in this situation or, as to those States that have already engaged in this area, should they not be able to speak up and have their voices heard and not be preempted by the Federal Government?

Fourthly, and most importantly, is section 4. This section goes well beyond what the administration has already talked about. The administration says they do not really like what this section is in the bill and that they did not propose this section.

So our substitute says that we should be deleting section 4 of the bill, which would allow government bureaucrats rather than shareholders. The bottom line on this one is: Who is it that the other side really trusts to make these decisions? Is it the shareholders, as we saw in the first three sections of this bill, who would make the decisions, and that we would suggest they should be in the position to make the decisions, or is it the bureaucrats whom they think should be able to make these decisions? Is it the same bureaucrats, in the past, over at the SEC, who totally missed the whole Madoff situation, who should be making decisions

as opposed to the stockholders? Is it the same bureaucrats who were the regulators for AIG and who totally missed that situation? Is that who they trust instead?

So we would suggest all four points are substantive amendments to this, and we would appreciate their consideration.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I support the bill. I wish it went a bit further, and I, of course, oppose Mr. GARRETT's amendment.

First, his amendment significantly weakens the say-on-pay provisions. That's right. It weakens a provision, which, itself, simply provides for non-binding resolutions; but the core of the Garrett amendment is that it eliminates the provision in the bill which is designed to provide very modest restrictions on some very peculiar and pernicious compensation formulas that have been used on Wall Street. Now let us look at how narrow this provision is.

It applies only to financial institutions and then only to those with over \$1 billion. It does not prohibit \$1 million-dollar-a-month salaries. It does not prohibit \$10 million-dollar-a-month salaries. It allows an executive to get a kajillion stock options and another kajillion shares of restricted stock. This bill is not an overall limit on compensation on Wall Street.

What it does is it prohibits those compensation formulas that provide an incentive for taking extreme risks, risks that are bad for our economy, risks that are bad for the company.

Now, the Group of 30, led by Paul Volcker, found and reported that there are numerous examples of misaligned incentives, of incentives that contribute to instability and to cyclicity in financial markets. The crisis has driven home the importance of aligning compensation practices with the incentives and controls in a firm's risk-management program, aligning pay with long-term shareholder interests rather than with short-term returns that cannot be sustained and which entail greater risk.

□ 1115

So this is a provision not designed, not intended to limit the overall financial compensation in financial institutions, not designed to prevent enormous bonuses. But the bonuses must not, by themselves, be designed to undermine the economy or the company.

Now, this is a small step that we can take to make sure we don't have another financial meltdown.

Let me respond to Mr. HENSARLING and others who came to this floor and basically said all we have to do is make sure there are no further bailouts. Well, I opposed the Wall Street bailout,

but I'm not going to join with those who say the only problem we had in September of 2008 is that we voted for the bill.

We've got to act to prevent the next financial meltdown, and it is not enough to come to this floor and say, Well, it's okay to have another September 2008 as long as we vote against some future bailout bill twice instead of once.

The goal is not to defeat the TARP bill. The goal is to prevent the conditions which caused so many to think that it was necessary and for all of us to recognize that we faced a great financial crisis.

The way to do that is to vote down this amendment and make sure that some very peculiar, very pernicious incentive formulas are not used to cause those on Wall Street to feel that if they could only take the most enormous risk, they can maximize their compensation.

Mr. GARRETT of New Jersey. I yield 3 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise in support of the Garrett substitute. This is a reasonable and thoughtful substitute. Republicans on the Financial Services Committee are here to bring good ideas to the table to try to work with the majority to ensure that our markets operate with transparency and integrity.

Our substitute includes a non-binding shareholder vote on executive legislation. Rather than vote every year, though, our substitute aligns the vote with standard time frames of compensation packages and ensures that institutional investors who represent the shareholders in casting their votes will be able to have proper time to do the due diligence necessary to make meaningful votes.

The substitute allows shareholders who don't want to be involved in these votes to opt out. Makes sense to me. If I don't want to particularly be involved in that, give me the opportunity.

Finally, the substitute ensures that the Federal Government cannot decide to pay for employees or financial institutions. Determining pay practices is not the role of government. As we work together to reform the financial regulatory structure, debating compensation practices may make some feel better, but it doesn't fix the cause of our financial crises. While we and the public may not like to hear about some of the large salaries and bonuses others have earned, we have to ask ourselves how much did these compensation practices really contribute to the problem.

The most important tool available to regulators is the ability to set capital standards for financial institutions, not the ability to tell financial institutions how they can pay or how much they should pay their employees. We

need regulators to ensure capital and leverage ratios at financial institutions match the risk that those entities are taking on. That's what regulators should focus on, not deciding whether or not a certain incentive practice is appropriate or not.

Ohio State University finance professor Rene Stulz recently released a finished study comparing bank performance last year and CEO incentives leading up to the crisis. Professor Stulz is quoted in today's New York Times: "It's hard to believe that regulators will be better at devising compensation plans with proper incentives," he says. "Properly designed capital requirements are a much more efficient approach to regulate the risk of financial institutions than fiddling with compensation."

When we allow Federal regulators to decide how much employees of financial institutions get paid, the government is overreaching. Congress should be working to encourage well-managed, well-run, and well-capitalized financial institutions. This bill does the opposite.

Support the commonsense Garrett substitute.

Mr. FRANK of Massachusetts. I yield myself 3 minutes.

First, I had been taking as given that the President's press secretary said he had some problems with the bill. I know Mr. Sperling did, and as I said, we have the Republicans in a temporary mode of obedience to the President. A little bit of a culture gap there. They thought it was still George Bush. They are used to snapping to attention for President Bush. Apparently, a little of that left over for President Obama. I think we should have been independent in both cases.

I read the transcript of the press conference. Mr. Gibbs said nothing negative about this. He was asked if he would sign this bill. He said, Well, there are some pieces of it we are moving and it will go through the Senate. And when he didn't fully answer it, he got a tough follow-up question about whether or not they were trying to avoid spilling beer on the President's children's table.

I do also want to talk about say-on-pay, which the Republicans are now embracing.

Here's what the gentleman from Alabama, the ranking member of the committee, had to say as a prediction when we debated this in March of 2007:

Evidence that free-market forces are already at work to correct any excesses in the system should give this committee real pause before it seeks to impose a legislative fix that could, like past efforts in this area, have unintended and negative consequences.

In March, well over 2 years ago, the gentleman from Alabama confidently predicted that free-market forces are already at work to correct pay ex-

cesses. So apparently the gentleman from Alabama was correct, there have been no pay excesses in 2½ years. We've all been hallucinating. He was wrong then, and he's wrong now. Now they're wrong on different levels. They've now had to acknowledge the importance of say-on-pay.

I also would repeat when I say the Republicans have no version. They want to weaken say-on-pay, but with regard to the bonus structure that gives people an incentive to take risks because the decision-maker is risk free, even though the company is at risk, the Republican position is zero. There has not been in any of our deliberations any Republican approach to how you deal with the incentive to take excessive risk. No way, no how.

They have reluctantly agreed to say-on-pay, although they want to water it down, and that's to the argument that an annual vote focuses you short term. Of course not. There is an annual proxy vote. It goes on the proxy. It doesn't require you—if you've got a 3-year contract, then every year it would still be approved.

So this notion that it focuses on the shorter term is, of course, wholly inaccurate because it simply says you put it on the proxy every year. Some companies will have annual contracts, some biennial, and they are voted on. And if they are triennial, there is nothing at issue.

But again, the central point is this. The purpose of this amendment—there are two. We can say on paper but more importantly have the Federal Government say nothing whatsoever about the bonus structure. Those financial institutions that received TARP money and paid it back and now want to do these bonuses in ways that will recreate the risk will be entirely free to do so under this amendment.

Mr. GARRETT of New Jersey. I am pleased to yield 3 minutes to a leader in advocating for those free-market principles that made this country as great as it is, the gentleman from Texas (Mr. HENSARLING.)

Mr. HENSARLING. Mr. Speaker, to quote the distinguished chairman of the Financial Services Committee, he was wrong then, he is wrong now to say that Republicans have no program to deal with excessive risk and compensation packages. Yes, we do have a program: end the bailouts. End the TARP program. If you quit bailing out risky behavior, Mr. Speaker, you receive less risky behavior.

Second of all, the gentleman is also wrong as far as the Republicans having no program otherwise we wouldn't have this substitute that we are debating at the moment. I also heard the gentleman from North Carolina earlier say, Well, we need to have the underlying legislation because shareholders have no right to have a say-on-pay. Wrong again, Mr. Speaker. Share-

holders have the right. They can have a say-on-pay by electing directors who will fire the management. They have a say to invest elsewhere.

Their bill says we have to have mandatory say-on-pay. Now, we can debate the merits of it, but the gentleman from North Carolina was simply, clearly wrong.

I also want to say to my friends on the other side of the aisle, when I listen to, again, the logic that we have to have a new Federal regulation that somehow will regulate risky incentive pay structures, again, all of the rhetoric has to do with Wall Street. But guess what? Read the bill. Look at the interpretation.

Financial institutions. Chrysler and GM have been found to be financial institutions. We have had testimony when they came looking for the taxpayer bailout that the UAW, the United Auto Workers, had a pay structure that was 40 percent higher than their competitors.

So now we have a law here that will allow Federal regulators, I assume, to come in and say, Folks at the UAW, your incentive structure is contributing to the demise of Chrysler and GM. So we're going to have to come down and take down your wage rates.

Read the bill, Mr. Speaker. This isn't restricted to the top executives. And if anybody believes this is restricted to Wall Street, then why did Chrysler and why did GM get coverage under a statute that described institutions?

So, Mr. Speaker, what we have is a Federal Government that is now taking over our auto companies, telling us what kind of automobiles we can drive. They're taking over our mortgage companies, telling us whether or not we can even enjoy a mortgage. They now want to control access to our family doctor, and now they want to decide for millions and millions of Americans whether or not they can ever receive a sales commission or a Christmas bonus that they may view as too risky.

What is risky is too much politicization of our economy. What is risky is too much government control of our economy. We have had enough.

Mr. FRANK of Massachusetts. Mr. Speaker, just briefly, the gentleman talked about the bailout of General Motors and Chrysler which, of course, was under the Bush administration. The fact that the Bush administration decided to initiate a bailout of General Motors and Chrysler is not binding on this legislation. They are not under financial regulators and wouldn't be covered under this bill.

I now yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Let me say this: Mr. GARRETT's amendment is sort of like not having a say-on-pay but maybe just a little whisper. Mr. GARRETT's amendment goes at the heart and the soul of this bill and that is

this: that we must have a very strong, definitive say-so from the shareholders.

Now, Mr. HENSARLING, the gentleman from Texas, pointed out about the bailouts and how we're to prevent this. This measure that we have is designed to prevent this same situation from happening again. In section 4, as he pointed out, the reason we need section 4—and let us remember what section 4 is: section 4, again, is the heart and soul of this because it spells out how we're going to go about preventing bonuses tied to incentives that have dragged down this economy and brought us into the financial situation we have.

He questions the regulators. Maybe the American people might need to know who we're talking about. We're not talking about somebody over here inexperienced we're just going to set up. Who are these regulators? These regulators are the Federal Reserve Bank whose duty it is to regulate our economy. It is the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation that has to go in afterwards and fix banks and declare bankruptcy of banks. The Office of Thrift Supervision, the National Credit Union Administration Board and the Security and Exchange Commission and the Federal housing agencies.

What is this awesome power we're giving to them? It's spelled out very simply. What we want them to do is simply we will require these regulators to prohibit certain compensation structures at large financial institutions if they could have a serious adverse effect on financial instability. That's what we are trying to do. We're trying to prevent the same thing from happening again.

And then, secondly, we will require Federal regulations to write rules requiring Federal institutions to simply disclose their incentive-based pay plans, incentives that are tied to risk behavior.

□ 1130

Mr. Speaker, what has happened that brought this on here is a simple case, AIG. They went and they set up a little department with 430 employees out of Connecticut and over into Europe and assigned them risky behavior and signed their rewards to that risky behavior for their bonuses. The company came down. We had to bail them out. And you know who had to pay for those bonuses? The taxpayers. This bill is designed to prevent that. This amendment is designed to gut it.

Vote down the amendment.

Mr. GARRETT of New Jersey. I yield 2½ minutes to the ranking member, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, we continue to hear this mantra that this is all about shareholders and empowering

them with rights, but then you sort of give them a crumb, you give them a non-binding right to have a vote on pay and then you follow that up with 12 or 14 pages where you give the government all sorts of powers, powers to regulate pay bonuses. And you do that, you give the shareholders the right to have a non-binding say on the top executives, but then you give the government, in the back door, the last 15 pages of the bill, 14 pages, you give them the right to set the pay for every rank-and-file employee. And you also do it under the guise that these companies are so big and so systemically important that they may fail. And that's right, they may. But then you do all the other 99 percent of the companies that aren't going to fail.

Now, Chairman FRANK, last month, invited, I think, one of his favorite witnesses, Nell Minow, who is a leading shareholder rights advocate, to testify on his say-for-pay bill. And she came and she testified favorably. And then he added this government say-on-pay, where the government will make the decisions. Well, just yesterday, we had what we call a "man bites dog" moment. She came out and she posted this on her Web site. She now opposes, vehemently opposes, section 4 of the bill, the government say-on-pay.

She states, The standard is unworkable. What does inappropriate mean? Boy, I agree. Deciding whatever bonus or whatever incentive pay or whatever commission is inappropriate. She asked the same question that we asked, Who is in the best position to evaluate and respond to badly designed pay packages? Here's her answer, the entire answer: "I have the utmost respect for politicians and bureaucrats, but I also recognize their limits. The government should not micromanage pay."

And that is what this debate is about: Are you going to let the government do it, the board of directors do it, or are you going to let the shareholders do it? Obviously, you go to the default position that you went to on health care, cap-and-trade, and now financial services: Let the government decide.

Mr. FRANK of Massachusetts. Mr. Speaker, I will take 30 seconds to say, apparently the gentleman from Alabama only has witnesses if he's sure he will agree with everything they've ever said. He says it's "man bites dog" because we had an honest witness with whom we agreed in some parts and disagreed on others. Apparently, the notion of having a witness that you haven't totally vetted for everything she's ever said is new to the gentleman from Alabama.

I will continue to invite witnesses that I think are useful, even if I don't always agree with them. And I would repeat that the gentleman from Alabama's say on this—he was against say-on-pay. He says it's just not much, but it was enough for him to say it was

going to cause real problems 2½ years ago. And I repeat his view on pay, in March of 2007, Evidence that free market forces are already at work to create any excesses should give this committee pause, but seeks to oppose a legislative fix that could have unintended and negative consequences. He was talking about that insignificant say-on-pay.

I yield 1 minute to the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Mr. Speaker, today I've heard a number of interesting accusations about what this legislation would do if passed. I have heard that the government will sit in board rooms and set caps on pay. But of course my constituents are accustomed to hearing these kinds of false arguments from those who wish to maintain the status quo.

My constituents sent me to Congress to move beyond the status quo of a broken financial regulatory structure. They sent me to enact commonsense reforms like those included in the legislation we're discussing today, Mr. Speaker. They know that average families have cut back, work longer hours, and have saved their money during this crisis. Meanwhile, Wall Street execs have acted irresponsibly and enjoy the lavish compensation packages that have allowed their companies to fail.

So I am proud to be an original cosponsor of this bill that will bring about a new era of responsibility on Wall Street. I encourage my colleagues to do the same.

Mr. GARRETT of New Jersey. Mr. Speaker, may I inquire as to how much time is remaining and who will be closing?

The SPEAKER pro tempore. The gentleman from Massachusetts has the right to close.

The gentleman from New Jersey has 3 minutes remaining, and the gentleman from Massachusetts has 3¼ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. GARRETT of New Jersey. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. GARRETT of New Jersey. As far as the procedure for determining who closes, is it not the author of the amendment?

The SPEAKER pro tempore. A manager controlling time in opposition has the right to close the debate.

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Did the gentleman not notice that Mr. PRICE had the right to close because he was defending the committee on the amendment that I offered?

Mr. GARRETT of New Jersey. I yield myself the remaining 3 minutes.

Mr. Speaker, the final question, I guess, is who do we trust. Who do we trust to deal with the situation of pay?

The gentleman just spoke on the floor with regard to protecting the interests of his constituents. You know, it doesn't really matter who your constituents are, whether they are the CEO at the top of the ladder, someone in between, the receptionist, anywhere along the line as far as pay scale, this bill will affect them and will affect their ability as far as what their compensation is. It will affect the ability of the Federal Government to dictate what their compensation will be. Government bureaucrats will be making those decisions in the future as opposed to the people involved with the company. Large income or small, bureaucrats will be the ones at hand to make those final decisions.

The odd thing about this legislation, as we read through it and as you look at our amendment to try to address this problem, is that the underlying bill gives with one hand and takes with the other. As has been previously indicated, it gives with one hand in a tacit approach to say that the shareholders should be able to make these decisions, but then it takes that right back again when it says, then, When the government decides that those shareholders made an incorrect decision, some bureaucrat at the SEC or the Federal Reserve or someplace else will overrule that decision and take that power away from them.

It says in the committee, on the one hand, that States should have some say in some aspects of financial service regulation matters, such as with the VFPA, where they do not want to preempt State rights, but here they want to step in and preempt those States, States that may have had a long history of dealing with such situations as executive pay compensation, or States that may want to address it in the future, but the underlying bill says that they will preempt that.

That is why we have come up with an alternative. We have come up with a solution. We are not the "party of no," we are the party of reform, a party that says we should address this on a longer period of time, a party that says that we should allow the shareholders to be able to decide these issues, a party that says that when it comes to compensation, the Federal Government should not be intermeddling.

Now, there was an article in The New York Times recently. It quoted from Alan Blinder, a Princeton economist and former Vice Chairman of the Fed who wrote recently for the Wall Street Journal with regard to this. He said, The executives, lawyers, and accountants who design compensation systems are imaginative, skilled, and definitely not disinterested. Congress and government bureaucrats won't beat them at their own game. Congress has tried to

do this in the past when they set the issue with regard to deductibility for executive compensation at \$1 million. It had the unintended consequence of setting \$1 million as the floor, and Wall Street then went from compensation packages greatly exceeding this. We may well see the same thing with this underlying legislation as well.

In the headlines that I started the hour out with, Bank Bonuses \$33 Billion, money that is actually coming from the very taxpayers who are watching us here right now, this underlying legislation will not change that. Despite the fact that the gentleman from Texas tried to limit this legislation to try to address this legislation to situations as TARP companies, this legislation will not solve this. Our substitute will.

Our substitute will return the power to the individual. It will return the power to the corporation and, most importantly, return the power to the shareholder and take it from the government bureaucrat.

Mr. FRANK of Massachusetts. I yield our remaining time to a leading member of the committee, the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, I appreciate the comments of my friend from New Jersey, but I would say the word that comes to mind is "amnesia." My friends on the Republican side of the aisle have amnesia. They have amnesia over how the Bush administration tried to deregulate everything, tried to make government smaller and more ineffective so that we could have Ponzi schemes as existed under Madoff. That occurred under the George Bush administration. We had the failure with Katrina, and we had the biggest collapse in the banking sector ever because of deregulation and a belief that the free market could do anything it wanted to do.

Now, this bill is very mild. What it allows, Mr. Speaker, is it allows shareholders to have a say on what the officers of the company make in terms of salary, the owners having a say on pay. What could be more American and more free enterprise than that?

What it does allow is the board of directors to overrule the shareholders if they think that's appropriate. But we need to have the ownership of the company have a say on what their executives make so that it doesn't get out of line and that there is no back-scratching going on.

The second piece that my friends complain about and that the substitute is designed to gut is that the Federal banking regulators have a say on the commissions and the bonuses and the stock options that exist. And where we saw this most specifically was in mortgages. Lots of mortgages sold, lots of commissions made, lots of stock options went straight through the roof, but there was a time bomb in those

mortgages 4 or 5 years down the road that caused all those mortgages to fail and companies and banks to collapse.

We're not going to allow that anymore. We're not going to allow the taxpayer to be holding the bag the way we've had to hold the bag this last fall. It is a time for reasonable regulation to restore confidence in our financial system. That's what this bill does. The substitute amendment guts that.

I urge a "no" vote on the substitute and a "yes" vote on say-on-pay.

PARLIAMENTARY INQUIRY

Mr. GARRETT of New Jersey. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. GARRETT of New Jersey. Can the Chair indicate how much time is remaining?

The SPEAKER pro tempore. All time for debate on the amendment has expired.

Does a Member seek unanimous consent to extend the debate?

Mr. GARRETT of New Jersey. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. FRANK of Massachusetts. Let me reserve the right to object.

Members want to get out of here. I cannot be responsible for keeping Members here.

Apparently there is an effort—I don't think we ought to keep everybody in the dark about all this. There is apparently an effort to negotiate a unanimous consent agreement involving another bill, so they are asking us to delay this. I am perfectly willing to do this as long as people know it's not our fault. We were ready to get finished. There is a bipartisan leadership request that we wait another 10 minutes. I am perfectly prepared once people understand that, but I do think this kind of whisper-whisper, nobody will know is not a good way to go, so let's be honest about it.

The SPEAKER pro tempore. Without objection, debate will be extended by 5 minutes on each side of the aisle.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve my time. I have, at most, one further speaker.

Mr. GARRETT of New Jersey. I yield myself such time as I may consume.

I appreciate the gentleman from Massachusetts for working with the respective parties in order to ameliorate any situation that is going on outside of this area. And just as the gentleman says, it's nothing on your side of the aisle in the Chambers today at fault, and I guess we would say the same thing for those who are sitting here right now as well.

I left my last comments with the question of who do you trust and what do we need to do in order to address this situation. I will step back from that for a moment to look to the larger issue here that we are trying to uncover.

I commend the gentleman for the number of hearings that we have had over the last several weeks to try to delve into the various matters that dealt with the fiscal crisis we are currently facing in this country.

□ 1145

One of the takeaways, though, that I have had from those myriad of hearings that we have had is that the underlying concern of the Members of the House on both sides of the aisle is to try to get at the root cause of what was it that actually brought us to the current financial situation that we find in this country today.

We have heard a number of experts from think tanks, from Wall Street, from across the country expound upon where they believe what the underlying cause was. We have heard some who said it was with regard to GSEs, Fannie Mae and Freddie Mac, the fact that there was excessive leverage there allowed this to occur. There was someone who just spoke on the other side of the aisle who is in the chair right now who said that it was all due to deregulation, although I always raise the question whether or not they could cite those specific actions by Congress of deregulation other than the issue of Gramm-Leach-Bliley with regard to deregulation. And we have heard other areas as far as excesses both by government and Wall Street.

But through all those debates, I have yet to recall anyone who could provide any factual evidence, any factual proof, other than just their opinion, that the underlying cause was because of excessive pay by various corporations in this country. No one, certainly, brought up the idea that the problems that brought us here were due to excessive pay outside of the financial sector. So then we have to look at the underlying legislation and answer the question, what is it we are trying to get to here?

In the major portion of the legislation, which goes to allowing shareholders' rights to vote with regard to executive compensation outside of the financial sector, no evidence whatsoever that that brought us to the situation. So we ask why is that even in the underlying bill?

Now, we do try to attempt to reform it, inasmuch as that is all we can do at this point, by putting on a 3-year extension as opposed to a 1-year period of time. We also tried to reform their idea to say that States that have already looked into these issues should have the prerogative to continue with their legislation, that they are more knowledgeable, they have been more engaged, they follow the trends more in their States in their corporations in this area.

So we tried to reform and improve the legislation in that area as well. We also tried to reform it in a last way to say that, for those corporations that

say that we have looked at this situation, our shareholders have digested the information and realize it would not be to the benefit of the corporation or the shareholders themselves, and over two-thirds of those shareholders say that they do not want to engage in setting pay but rather would allow it to return to where it has always historically been in this country, and that is by management and by the directors, we put that in the legislation as well.

But, still, the underlying bill takes all those powers away from the shareholders, from the management, from the directors, and it does so without any evidence that they were at all a cause of the problem.

Now, section 4 does, arguably, go to financial institutions, and it goes to those institutions that, arguably, could be, some would say, a cause of our current situation. But we already had regulation in place for most of those financial institutions. We already had regulators who were supposed to be doing their job. We had regulators over at SEC with regard to the Madoff situation. And, unfortunately, we know all too well they failed in that job. Despite the fact that there was testimony that evidence was presented to them, handed to them, documenting why that Madoff situation was out there and why the SEC should be involved, the regulators missed it.

We saw it as well with regard to regulators missing it over at AIG as well. Those regulators had authority to regulate those institutions as well, but did they do so? No. They missed it completely with regard to the whole AIG situation.

Now, the other side of the aisle seems to say that that was then and this is now, that the same regulators who missed Madoff, the same regulators who missed AIG, the same regulators who missed executive compensation and other problems in the past, now, all of a sudden, we are going to expand it even further and say we are going to give those regulators even broader authority for financial institutions, however they may be defined in the future, because this bill realizes that it may be expanded further. They now entrust those regulators.

We would conclude that we should trust the shareholders, the American people, more than we should trust the bureaucrats.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 5 minutes.

First of all, let me emphasize when the gentleman from New Jersey says "trust the shareholders," that's a conversion. We are born-again shareholder advocates, because in 2006 when the Republicans controlled this institution, they would not even on the Financial Services Committee allow it to come up. We had a petition under the rules

for a hearing. Then we asked for a markup and they refused it.

Then in 2007 the gentleman from Alabama, the gentleman from New Jersey, and the others, they all opposed say-on-pay. The gentleman from Alabama told us in 2007 that the free enterprise system was taking care of pay excess. He said that in March of 2007. All of the problems that we've had with pay in the interim apparently were figments of our imagination. The gentleman from Alabama had such confidence in the free enterprise system 2½ years ago, he told us they weren't going to happen. And say-on-pay now, oh, it's not a big deal. It was a big enough deal for them to oppose it.

By the way, let me say to the gentleman from New Jersey, here's the problem: No, it's not so much conscious acts of deregulation as nonregulation. What happened was new things grew up in the economy, particularly in the area of subprime mortgage and the way of packaging them and sending them around. And some of us in the minority wanted to change it. There were party differences.

In 2004 my friend from North Carolina (Mr. MILLER) who was here earlier, he spoke with people at the Center For Responsible Lending in North Carolina who told us in 2004 trouble was coming. By the way, trouble was coming because of an excessive encouragement of low-income people to buy homes, not from the CRA and not from liberal Democrats, but from the Bush administration. The gentleman from Texas (Mr. HENSARLING) inserted an amendment which we adopted. In 2002 the Bush administration sped this up. In 2004, over my objection among others, the Bush Administration directed Fannie Mae and Freddie Mac to substantially increase the number of subprime mortgages they were buying and for people below income. That's in the amendment that Mr. HENSARLING offered that we adopted.

And some of us saw the problem at that point. I hadn't seen a problem with Fannie Mae and Freddie Mac before, but I did in 2004 become worried. I joined the gentleman Mr. Oxley in trying to pass a bill, although I had a housing problem on the floor. The gentleman from Alabama voted with Mr. Oxley and many others did. Other Republicans thought Mr. Oxley was too soft, and we then got into an intra-Republican dispute on Fannie Mae and Freddie Mac where the House passed the bill, the House under the Republicans, supported by the overwhelming majority of Republicans, every amendment offering to toughen it up rejected by an overwhelming majority of Republicans.

And the Republican Senate had a difference. Ironically, the Democrats in the Senate agreed with Mr. Oxley. The Republicans in the Senate agreed with Mr. Bush. No bill.

We also tried, as I said, to do something about subprime lending. The gentleman from North Carolina pushed for legislation. The gentleman from Alabama, to his credit, was somewhat interested in working with us on it. But the Republicans were overruled by the then-majority leader, Mr. DeLay, who used the rhetoric we're hearing today: keep the bureaucrats out of it and let the free enterprise system do it. That was the prevailing philosophy of the Republicans who ruled this House in 2004 and 2005.

So when some of us, including the gentleman from Alabama (Mr. BACHUS), tried to work on legislation to restrict subprime lending, Mr. BACHUS was even chairman of the subcommittee, and he was overruled. The chairman of the committee, Mr. Oxley, was told, No, we don't do that. We're Republicans. We believe in free enterprise.

So it was a conscious decision not to do anything about—

Mr. LEWIS of California. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. I wish the gentleman would start over. I'm finding it difficult to understand your very rapid speech. Will you slow down a little bit?

Mr. FRANK of Massachusetts. No, I tell you, to the gentleman from California, he's going to have to speed up. I'm not going to slow down. But if he waits a couple of days, there's a very competent transcriber here. He'll be able to read it, and maybe we can even get it put into large type for the gentleman from California.

And now, the gentleman's having tried to interrupt me because that's what people do when they don't like what you're saying, I will return to the tale of how the Republicans told us not to do subprime lending. And we had legislation working. If we had been able in 2005 to get that legislation done, we could have retarded the depths of the crisis. So, yes, there were regulators who didn't do their job, but there were conscious decisions not to regulate.

There was a bill passed, by the way, in 1994 by a Democratic Congress, replaced in 1995 by a Republican Congress, which gave the Federal Reserve the authority to regulate mortgages of the kind that caused trouble. Alan Greenspan, supported by the Republicans in Congress, refused to use that authority. It was when he continued to refuse that some of us tried to do something. So, yes, that's where we got this, because a Republican commitment to never doing anything of the sort that they are talking about now that let subprime mortgages flourish.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 697, the previous question is ordered on the

bill, as amended, and on the amendment in the nature of a substitute printed in House Report 111-237 offered by the gentleman from New Jersey (Mr. GARRETT).

The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GARRETT of New Jersey. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to House Resolution 697, further proceedings on this question will be postponed.

Pursuant to clause 1(c) of rule XIX, further proceedings on the bill will be postponed.

□ 1200

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Is there some way that I can convey to the membership that this incredible intrusion on their time is in no way the responsibility of the Financial Services Committee, that we are ready to go to a vote and we are as much the victim as anybody else of this—whatever it is?

The SPEAKER pro tempore. The gentleman may seek time to address the body.

Mr. FRANK of Massachusetts. Well, I don't want to inflict further excess on the body.

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 2009

Mr. PERLMUTTER. Mr. Speaker, I ask unanimous consent that the Speaker be authorized on this legislative day to entertain a motion to suspend the rules relating to H.R. 3435.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. OBEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3435) making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

DEPARTMENT OF TRANSPORTATION NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

(TRANSFER OF FUNDS)

For an additional amount for "Consumer Assistance to Recycle and Save Program" to carry out the Consumer Assistance to Recycle and Save Program established by the Consumer Assistance to Recycle and Save Act of 2009 (title XIII of Public Law 111-32), not to exceed \$2,000,000,000, to remain available until September 30, 2010: *Provided*, That such amount shall be available for such purpose only to the extent directed by the President, and shall be derived by transfer from the amount made available for "Department of Energy—Energy Programs—Title 17—Innovative Technology Loan Guarantee Program" in title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5): *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 2. Section 1302(g) of Public Law 111-32 is amended by inserting the following new paragraph:

(3) REVIEW OF ADMINISTRATION OF THE PROGRAM BY GOVERNMENT ACCOUNTABILITY OFFICE AND INSPECTOR GENERAL. Not later than 180 days after the termination date described in subsection (c)(1)(A), the Government Accountability Office and the Inspector General of the Department of Transportation shall submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate reviewing the administration of the program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 3435.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, late yesterday, it came to our attention that the cash for clunkers program, which went active just a few days ago, has proven even more wildly popular than its strongest supporters had predicted.

Just last month, Congress passed the program, which provided up to \$4,500 if you trade in your old gas guzzler for a new car that gets better mileage. That was done in the hopes of spurring some new car sales and encouraging people to be a little more environmentally friendly. We provided \$1 billion in the supplemental to get it going, enough for about 250,000 sales.

The program kicked off Monday, and it has already officially received 40,000 requests for reimbursement, worth about \$160 million in rebates. A survey done by the National Automobile Dealers Association this week suggested that at least 200,000 deals have been completed but not yet officially submitted. If that is true, and we are being told it probably is, then the entire \$1 billion is just about exhausted. So we have before us a bill to provide stopgap funding for cash for clunkers by allowing the administration to transfer up to \$2 billion from the Department of Energy's Innovative Technology Loan Guarantee program, which doesn't expect to award funding until late next year.

Some would call this letting the markets work. Consumers have spoken with their wallets, and they are saying they like this program; and clearly it is doing what it was intended to do, to spur car sales in this sluggish economy.

□ 1215

This action will keep it going, hopefully; and I would urge support for the bill.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I rise to point out the absurdity of the situation we find ourselves in today. In the majority's haste to slam legislation through the floor with almost no consideration at the committee level, with no time for consideration by the House membership in general, and with absolutely no ability for the Members of this body to amend bills on the floor, we are now seeing the effects of such shortsighted martial law tactics.

Mr. Speaker, the Cash for Clunkers program was passed on the suspension calendar so no Members were able to offer amendments. The Senate had a comparable bill with some significant differences. The House and Senate bills should have gone to full and open conference so those differences could have been negotiated and a conference report then brought for a vote. Instead, the leadership of this body, without consultation or negotiation, stuck the House version of Cash for Clunkers on what was supposed to be a, quote, clean war supplemental, a bill only for the purpose of funding and supporting our troops and our efforts overseas in the war on terror. They had to do that because of the mess the majority created of the conferenced bill, and I use that term loosely, as most of the funding levels and programs were determined not in a conference but by the House leadership and by my chairman. But when it came to counting votes, the leadership and the chairman had to do some dancing and started loading up the war supplemental with extraneous and unrelated items, all of which needed to get more votes. Cash for Clunkers was one of those items.

My colleagues in the Senate, Senator FEINSTEIN, in particular, and Senator COLLINS, had some serious concerns with the House bill. Senator FEINSTEIN tried to negotiate some changes to improve the program but was rebuffed, as I understand it, by my chairman. Basically they were told that it was his way or the highway. Here we are today—not one hearing on the Cash for Clunkers program in the Appropriations Committee, not one hearing on the needs of the program prior to receiving funds, not one hearing on how the first billion dollars has been spent, not one hearing on how much money the program will need to get through the fiscal year. Instead, we find ourselves on the suspension calendar for the second time in 3 days, bailing out another program, shoveling another \$2 billion out the door this fiscal year after we've shoveled \$14 billion out the door to bail out the highway programs and other related items.

My colleagues are going to pat themselves on the back for finding an offset for this transfer; and for that I say two things: first, you should have been finding ways to offset spending all year; second, if there was an extra \$2 billion in the stimulus program that was suitable for a different purpose, why did we spend the \$2 billion in the first place? How many other billions of dollars are in the stimulus not being spent that we can return to our taxpayers?

Now many of my colleagues will say, This is a great program, and it is necessary for the revitalization of the economy and the car industry. I'm not really going to argue with those goals. Those are good goals, and we are looking for solutions. However, are we sure this program is working like it's supposed to? I don't think so. How is it that we didn't hear of this funding problem until last night? And even then we were told there was roughly 24 hours before they were going to shut down the program. This program has only been up and running 1 week. If that is how the government is going to handle billion-dollar programs affecting all Americans, I ask, Whatever will we do if the administration takes control of our health care system? I quote one car dealer from New York: "If they can't administer a program like this, I'd be a little concerned about my health insurance." I say, amen.

I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I'm not going to give any political speeches. We are simply trying to react to one program that the public has latched onto. The demand for this was so great that within 3 days of its inception, the funds were, apparently, totally used up. That indicates that we need to do something if we don't want the program to shut down 3 days after it begins. That's what we're trying to do today.

With that, I yield 2 minutes to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the distinguished chairman for the time.

Mr. Speaker, I was one of the original sponsors of the Cash for Clunkers bill. Many of us knew that it would work well. Few of us realized how well it would work. This program has been truly stimulative. Lots of people are questioning whether the Congress has passed anything that is stimulating the economy. This program has stimulated the economy. We have doubled car sales over the past 5 days. This is truly stimulative. It is creating jobs. It is creating a surge for car dealers. The American consumer is satisfied with it, and we need to continue it. The American consumer has taken Cash for Clunkers on a test drive, and they want to continue driving Cash for Clunkers. They want to continue this program. In fact, not only should we continue it over the next 6 weeks by providing emergency funding, but we ought to improve it when we return in September. We should improve it by increasing the efficiency standards. We should improve it by making used cars eligible for the program. We should improve it through a long-term program because we have learned that the short-term program was so successful that we have exhausted the funds in only 5 days. This is an example of a bipartisan program that makes sense. We need to create a bridge of funding for the next 6 weeks, come back and extend it and improve it into the future.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I was very proud to be the Republican lead sponsor of the original legislation that we passed a number of months ago. Cash for Clunkers—what a fantastic success. This program has exceeded everybody's expectations; and now most of the naysayers are even admitting that it's the best \$1 billion in economic stimulus funds that the Federal Government has ever spent.

Here are a couple of today's quotes from those who are directly impacted. First of all, the CEO of one of our Nation's largest auto groups said, "The most brilliantly conceived and most effective economic stimulus program ever put forward by the Federal Government."

Ford Motor Company says, "Huge success."

This Congress appropriated \$1 billion or November 1, whatever came first, and only several days into the program, we need more cash for the Cash for Clunkers. We can just think about the tremendous economic multiplier effect this is having. It is good for the auto dealers; it is good for the auto

manufacturers; it is good for the suppliers; it is good for workers; it is good for the States, Mr. Speaker. Think about all of the revenue that is being generated by sales tax and licensing fees as well for this program. It is good for the environment. It's getting all of these old vehicles off the road, and it's absolutely great for consumers.

Let me just read quickly. Here's one letter I got from a lady in Dearborn Heights, Michigan:

Thank you for pushing through and helping to develop the Cash for Clunkers legislation. I am now the happy owner of an American-made 2010 Ford Fusion that I will be picking up on July 30. It has been 12 years since I have been able to purchase a new vehicle. I was able to save over \$7,000, before tax, on my Ford Fusion. My old vehicle was a 1995 Ford Windstar with 150,000 miles."

She says, "I'm so excited for me."

Well, we're excited too.

Mr. Speaker, throughout our Nation's history—since we've had the automobile, actually—it has been automobile sales that have literally pulled our Nation out of recession; and this time it's going to be the same. I think we are seeing ourselves being placed on the road to economic recovery here, and this road is paved by the Cash for Clunkers program.

I actually wrote a letter at the beginning of this week to the Speaker and to the House leadership, saying that we were going to run out of money, that we were going to need some more money for this program. Here we are on Friday of the first week. We absolutely need to do this, Mr. Speaker. We cannot leave for our August recess until we vote for this reprogramming of unspent economic stimulus funds for this program. We need to do it.

One other thing, for those who keep saying that we need to get the government out of the automobile business, if you really want to get the government out of the pocket of General Motors or whatever, this is the way to do it, Mr. Speaker. I would urge my colleagues to support this bill. It is very, very important not just for the State of Michigan, this is a national economic program, the best thing we've ever done. More cash for Cash for Clunkers.

Mr. OBEY. Mr. Speaker, I yield 1¾ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. The public has spoken. Consumers have been going to dealerships. The White House is now active, and the issue is whether this House will respond. As I see it, and I think the public will see it, this is a test of whether Congress can shed its disagreements on other issues and respond to what the public, indeed, wants. The rush to use this program shows its need.

I say to the gentleman from California and anybody else, what else do

we need to see? This program is working. The White House has made clear that the dealers can go forward. This program is open until further notice, and dealers are urged not to rush too much but to do it right in the first place and get in line. So it's open until further notice. The question is whether this institution will shut it down or whether it will continue to open up the valves. It will be good for everybody. It will be good for the national economy. This isn't just an issue for Michigan, Ohio, Wisconsin, Indiana and Illinois but for the whole Nation. This is an issue of our national economic recovery, and anyone who votes "no" on this is saying "no" to an important boost to our economy at a critical time.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Michigan (Mr. UPTON), the cochairman of the bipartisan Auto Caucus.

Mr. UPTON. I thank my friend from California.

I'm from the great State of Michigan where our unemployment is, sadly, at 15.2 percent, almost twice the national average. Last night we learned from the National Association of Auto Dealers that, in fact, in just 3 days this program has brought about almost a quarter of a million new car sales, yet the cash is going to run out literally in the next couple of days without an infusion. It's important that we're not taking new money. This is existing money. This bill moves existing money from other accounts, so it will not add to this year's deficit, but it is going to run out without this legislation.

Here is today's USA Today, a full page ad by Chrysler-Dodge-Jeep, \$4,500 back if you purchase a new vehicle, turn in your old one, and get something that's at least 10 miles per gallon better. A lot of our auto dealers can do it, whether it's the Big Three or the transplants too. Nationwide, one in 10 jobs are auto-related. In Michigan it's about one in four, one in five jobs. For the last 3 years, auto sales have declined by nearly 50 percent. There are 16 other countries that have done this. Whether it be Germany, South Korea, even Slovakia has done this. In all of those 16 countries, car sales have come back. This country lost one in five manufacturing jobs in the last 16 months. If we want to keep jobs here in this country, bring back some of those that we have lost, obviously it's got to be in the auto sector where 1 in 10 jobs are auto-related. This bill sends those dominos the other way. It brings people back in the showroom. We've demonstrated that just this week. It brings back the call orders. We've heard from a number of dealers across Michigan that they're, frankly, running out of cars. Guess what they're going to do—they're going to order them back, and that's going to bring people back to work.

Let me just end on this, wouldn't you rather have people working and paying taxes than being unemployed and receiving benefits which, in Michigan, are becoming exhausted? I ask my colleagues to vote for this bill.

□ 1230

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise to commend the leadership and to commend my dear friend, the chairman of the Appropriations Committee, for his extraordinary leadership on this matter.

The success of the CARS program in just a few short days has been extraordinary. The program has been doing so well, in fact, that the initial \$1 billion allocated for the program is already running low. This is a great problem to have in the midst of all the difficulties that we confront. It's a sign that the program is not only working well and the consumers are very interested, but it's also proving that CARS is providing a jolt, a meaningful upward jolt to our economic recovery efforts.

This is a simple extension. It's an infusion of money in an area where it's needed and where it's working, and the legislation should not get bogged down by calls for changing the program. That would only serve to stall the extension and confuse consumers.

We cannot and should not make changes in an extraordinarily successful program that has only been operating for a week. That would be irresponsible. I would add that the additional \$2 billion for the program has already been appropriated under ARRA and will not cost the taxpayers an additional dime.

I urge passage of the bill. I commend the leadership, and I thank my dear friend, the chairman of the committee, and the other members of the committee who have made it possible for us to consider this legislation so fast.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Cash for Clunkers, Mr. Speaker, obviously it's a popular program. It's a clever title. It pays people several thousand dollars to trade in their old cars if they will buy new cars. And yes, Mr. Speaker, people are hurting in the auto industry. There's no doubt about it. But I would also note that the taxpayers are hurting. \$80 billion to Chrysler and GM. And the auto industry does not have a monopoly on hard times in this economy.

Recently, one of the largest poultry producers in America, Pilgrims Pride, just a few miles outside of my congressional district, they had to declare Chapter 11. Maybe we should have a Cash for Clunkers program and pay people to eat chicken. Then after that,

we can have a program to pay people to buy TVs, and then a program to pay people to buy lumber. It would pass the test. It has a clever title. It would help a large industry. It would put free money in the hands of consumers.

But this is not a humorous affair, Mr. Speaker, and it's not humorous because this is an extension of a program that has the government picking winners and losers. Why is the auto industry the winner? Why is the poultry industry the loser? This is one more step in enshrining us as a bailout Nation.

Now, people say, Well, it's \$2 billion that's coming out of the stimulus program. Well, I would tell my distinguished colleagues that that is still \$2 billion that has to be borrowed from the Chinese, with the bill sent to our children and grandchildren, at a time when the deficit has hit \$1 trillion for the first time in history. You cannot bail out, borrow and spend your way into economic prosperity. Instead, let's unleash the spirit of entrepreneurial capitalism. Let's help small businesses with tax relief. Let's grow our way out of this economic recession.

Mr. OBEY. I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, when we passed the Cash for Clunkers legislation last month, I said it would provide a much needed boost to our auto industry and our manufacturing communities. After just 1 week, we see the great success of this program. I've been working closely with the White House, the auto task force and my Congressional colleagues to add additional funds to the program to keep it up and running. This program has been an unprecedented success, and there are no plans to suspend it. This program is a successful example of economic stimulus at work.

To continue this positive program, I join my colleagues today to introduce legislation to redirect \$2 billion from the economic stimulus bill to the Cash for Clunkers program. We are poised to pass this legislation through the House of Representatives today, and I urge my Senate colleagues to do the same as quickly as possible.

Mr. LEWIS of California. I yield, Mr. Speaker, 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I would like to begin by thanking the chairman of the committee and the ranking member of the Appropriations Committee for moving so expeditiously and getting this bill to the floor of the House this afternoon. The response from consumers to this program has been, as one of my dealers described it this week, he had chaos in his showroom. It accomplished what we wanted it to accomplish.

I was skeptical when this program passed a while back, but it has delivered customers into the showroom and

they are buying cars. And being from Michigan and experiencing a 15.2 percent unemployment rate, this is not going to only provide opportunities for employment in the people that assemble cars, but also for the suppliers and those types of things. And hopefully this can be a catalyst for a stronger economic recovery. It appears to be one of the programs in the stimulus packages that have passed this House that actually appears to be working.

At the same time, while we are maybe euphoric about the parts of the program that are working, I think we also have to recognize that the back end of this program, the parts that are being handled by the Federal Government, have been a disaster for our dealers. I have yet to have one dealer who has sold a car that has gotten it approved by the Department of Transportation. The Federal Government can't process a simple rebate.

I've got dealers that have submitted the paperwork three times and have gotten three rejections. The last one came back and it said, No reason for rejection. What is a dealer supposed to do? They've already destroyed the cars that have been traded in. They have sold the car. They're now on the hook and expecting a check for \$3,500 to \$4,500 from the Federal Government and they're not getting it.

We need to get these backroom problems fixed to be able to call this program truly successful. It can't just be the front end. It has to be the entire process, from selling it to the customer to the dealer getting the money from the Federal Government. That all has to work seamlessly for this program to be an unqualified success.

Mr. OBEY. Mr. Speaker, I yield 1 minute and 45 seconds to the gentleman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I rise today in support of this legislation that's going to provide an additional \$2 billion for the CARS Act, a bill that I sponsored, sometimes referred to as Cash for Clunkers. But by any name, this bill has been, thus far, a tremendous success.

It has helped consumers purchase cars that they couldn't have purchased in this economic downturn perhaps but which they needed. It's going to give them cars and fuel savings for a long time to come. It's helping our auto companies, our auto dealers, all of the jobs associated with that very vital and important industry in this country, to maintain itself, to continue and give it the chance to grow and restore.

The program also, of course, is good for our environment because it's taking out those less fuel-efficient cars and getting them off the road and replacing them with more fuel-efficient cars.

This is an unprecedented success, and my colleague is right. We must make sure that it works throughout the en-

tire process. But we are well on our way, and I appreciate the leadership of the chairman of the Appropriations Committee, Secretary LaHood, the administration, who I've been working very closely with to make sure that we build on this success which is stimulating our economy, keeping people working, helping our environment, and helping our consumers when they really, really need it.

Mr. LEWIS of California. Mr. Speaker, I would like to say to the gentleman who authored this bill, she has more influence with the Appropriations chairman than most people around here. He just picked that up for her and moved it along, expedited the process.

I am proud to yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, the Cash for Clunkers program was inartfully drafted. It is more complex and cumbersome than it needs to be. The administration of it is not going very well at all, but it has worked. And, Mr. Speaker, we have passed a number of things in this Congress this year intended to stimulate the economy. The vast majority of them have not had that effect, but this one has, and it has clearly worked.

For the initial \$1 billion to be exhausted, that means that roughly 250,000 new vehicles must have been sold in just the last week or two in order to exhaust all of that money. That is clearing inventories in car dealerships, which means car dealers will be ordering more cars.

When they order more cars, plants will begin to run again. Plants will open up. They will be producing more cars, and people will go back to work. There will be suppliers that will produce supplies, various parts for those cars, steel mills producing for those cars, and those people will go back to work. There will be trucks and trains that deliver those cars, and those people will go back to work.

And Mr. Speaker, the \$2 billion for this is coming out of the existing funding, so it is not increasing the debt or the deficit any more than what has already been there.

Mr. Speaker, I support this bill. I support this effort. It is the one thing that we have done here in this Congress that is absolutely working. It is stimulating the economy. It is creating jobs, and we want it to create more.

Mr. OBEY. I yield 1½ minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I thank the chairman very much, and I very much appreciate your very hard work on extending this program.

This program is a win for consumers who are trading in old gas guzzlers for new hybrids, a win for the recovering economy, and a win for energy independence and the environment as the

new vehicles are averaging 60 percent more fuel efficiency than the junkers being taken off the road.

However, I am concerned that we are taking funding from the Renewable Energy Loan Guarantee Program and would express my strong belief that we must find a way of replenishing those funds as soon as possible.

Mr. Chairman, could you work with me and other Members to ensure that the funds for this program will be replenished?

Mr. OBEY. If the gentleman would yield, I share the gentleman's view that the Renewable Energy Loan Guarantee Program is of vital importance to creating a new, green economy. We have talked with the White House. We have talked with the Speaker, and I want to assure you that all of us certainly have every intention of restoring these funds.

Mr. MARKEY of Massachusetts. I thank the chairman very much. I know that this has always been the highest priority for yourself, for Speaker PELOSI, and for the Obama administration, and I look forward to working with you in the future in order to make sure that we have a win-win here for renewable energy and for our fuel-efficient vehicles.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding, and I won't take 2 minutes.

I just want to say, I thought I'd heard it all until I came to the floor today. Somebody said earlier, this bill's a success. Ford Motor Company loves it. I think that that's self-evident. But I think that there are taxpayers around the country who are wondering why we're taking \$2 billion more from them to decide which industry here is going to get a break.

We decided to give out free money, and now we're surprised when people take advantage of it and love the program. I mean, that's the nature of human nature. If you're given free money, you like it and you want more. And that's what this program is. Why are we deciding to aid this sector and not another?

If you're Mr. or Mrs. Businessman across the country, you've got to be wondering if we have lost our minds here by saying that we're going to continue to give out more money just for this industry but not help the others. I don't understand this process and how we can bring this up this quickly. But an Appropriation Committee that can bring a Defense bill to the floor in 18 minutes for a markup that has more than 1,100 earmarks, I guess, has no problem doing this.

Mr. OBEY. Mr. Speaker, I yield myself 20 seconds.

I just want to say, Mr. Speaker, that what we have heard several times here

today about this action are complaints from the people who helped wreck America's economy and are now complaining because of the way this President and this Congress are trying to pull the country out of the ditch and restore economic growth. We've come to expect that, but that doesn't make it any more pleasant.

I yield 1 minute to the distinguished Speaker of the House.

□ 1245

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his very important and swift action to address the opportunity that was given to us this week.

As you know, my colleagues, as part of the supplemental earlier this year, the Cash for Clunkers provision was provided in it. Many people had worked very, very hard on that for a long time, and we were able to have it pass on a bill that was going to be signed by the President.

I want to acknowledge Congresswoman SUTTON for her enthusiastic support and leadership; Congressman INSLEE and Congressman ISRAEL of New York, who all worked very hard on this; certainly the chairman emeritus of the Energy and Commerce Committee, Mr. DINGELL; the current chairman, Mr. WAXMAN; and Mr. MARKEY as Chair of the Select Committee on Global Warming for his leadership on this issue for a long period of time.

I mention all of them because this brings together so many elements of what we want to do to grow our economy, to help our workers, to protect our environment, and to do so in a very focused way that works, and that's what is interesting about this week.

In about 6 days, it is estimated that 250,000 cars were sold. On both sides of the aisle, people acknowledge the effectiveness of this initiative, and that is why yesterday—and as we were seeing what was happening this week—the Obama administration asked us to help consumers who have yet to have the opportunity to take advantage of trading in their old cars for new energy-efficient models. When they do that, again, they strengthen the auto industry, strengthen our economy at large and help preserve our environment.

What's interesting about it, and the point that has been made by many speakers already, is just that everything has performed beyond the requirements of the bill. The cars that have been purchased are much more fuel-efficient and the emissions standard much better than the bill even required, and that's good news.

I do share the concern that has been put forth by Mr. MARKEY—and I don't know if Mr. INSLEE has yet, but he will—about the source of the revenue, and that is the Innovative Technologies Loan Guarantee Program.

In the recovery package in January, we voted for a \$6 billion initiative. It

was very important to have it at that level, and it's very important in terms of our renewables program—\$6 billion—but the administration has just released a solicitation for about half of that money, for \$3 billion in loans for renewable energy. The rest of the money would not be released until next year, until after January. So that gave us an opportunity, for the time being, to use \$2 billion of that for this Cash for Clunkers expansion.

Again, I am concerned about the fact that that money is taken from that account, but it has not cost any opportunities for the program, because the timing is such that that money would be spent next year.

I do hope, whether it's in the continuing resolution or some other step along the way, that those funds will be restored, because it's not appropriate for us to take money to do one thing for fuel efficiency out of an account that is designed to do just that in looking into the future with further innovation. So I share the concerns expressed by Mr. MARKEY, and I appreciate the comments made by Mr. OBEY in the colloquy that they had about restoring those funds.

But, again, I think this is a pretty exciting day. As I said, we got the word just as this news was unfolding this week. Yesterday, it was determined that we could go forward. The Rules Committee under Congresswoman SLAUGHTER responded very positively. The chairman of the Appropriations Committee, Mr. OBEY, has been trying to find solutions for us, and the leadership of the Republican Party has been very cooperative in how we could bring the bill to the floor.

So this is a very positive, bipartisan initiative to help our auto industry, to help consumers grow our economy and to do it in an environmentally sound way. I think it is the perfect message for us to take home for August.

Thank you all for your leadership in making this possible.

Mr. LEWIS of California. Mr. Speaker, may I inquire of the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from California has 4 minutes remaining, and the gentleman from Wisconsin has 7¼ minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank my friend from California for yielding.

Mr. Speaker, Cash for Clunkers has serious problems that are administrative problems. I have dealers in my district in northeast Georgia who probably are going to go bankrupt because of these problems. I hope, as we go forward, that we'll fix these administrative snafus that are in this problem.

We're throwing money into another government program that has very serious problems where dealers can't get

their money. I have one dealer who has paid out of his pocket for 50 cars but has only gotten money back for one. Now, that dealer, if he doesn't get paid back, is going to have very severe financial problems, and his employees are going to be put out of work if we don't fix this.

Certainly, we've sold a lot of cars because of this program, but just throwing money into a program that has tremendous administrative, red tape problems and other problems is not going to be the long-term answer. I hope that the administration will straighten out these administration snafus and will get the money to our dealers, money that they desperately need.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. Mr. Speaker, today, we are faced with a rare problem. We have a program that has proven to be working, and all we need to do is to keep it working. Getting gas-guzzling vehicles off the road and replaced with new fuel-efficient vehicles is helping our environment. It is putting money directly into the pockets of middle-income families. It is a ray of hope for auto dealers in this country, a ray of hope for the U.S. auto industry and a ray of hope for our economy.

Finally we have a bailout, not for the big businesses, not for Wall Street, but a bailout for Main Street.

As the lead sponsor of a bill to help protect the legal rights of auto dealers, I can tell you this is a godsend for the auto dealers in my district. Don't stall what's working. Give it a fill-up, and let's get Cash for Clunkers back on the road.

Mr. LEWIS of California. Mr. Speaker, I will be the last speaker on our side, so I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. Thank you, Mr. Chairman. Thank you for your quick leadership on such an important issue.

When I ran for Congress—and I'm from Michigan—I pledged that I would fight every day for people in businesses in my community who are being hurt by a brutal economy. The Cash for Clunkers program has breathed life into a very difficult economy in communities all around my district. Here is why this is important:

I've talked to car dealers in my district. They can't keep cars on the lots. They will be ordering new cars from manufacturers in my State and from around the country. Suppliers who supply parts for those cars will be manufacturing more of them. This is very, very critical, and it has been very effective in turning around our economy in just a matter of days.

Mr. Chairman, thank you for giving us the opportunity to continue this

program and to continue to turn our economy around.

Mr. LEWIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I want to just make a point that this program has been spectacularly successful from an environmental perspective. It was originally criticized that we did not call for high enough efficiency improvement in these cars. The people have fixed this problem for us. We are seeing average increases of efficiency of 60 percent—well, well above what was required by Congress.

For one car company, 78 percent of the cars that they're buying are over 30 miles a gallon and 39 percent above 30 miles per gallon. The American people have seen spectacular improvements in efficiency and in environmental performance.

I want to thank the Speaker and Mr. OBEY for essentially assuring us—I'll take it as that, almost—that we, in fact, are going to replace this money. I hope it is in the CR. It is necessary to achieve our efficiency goals.

Mr. LEWIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. Mr. Speaker, I want to thank the chairman for bringing this bill to the floor. This program has been an enormous success. It's good for our environment to have cars with better mileage. It's good for our families, who get to save some money when they make these big purchases. It's also very, very good for the workers of Indiana, who are back to work, building these cars.

This is a win-win-win for our country. It's one of the great programs to create jobs, to help our environment and to help our families. We're very supportive, and we want to thank the chairman for bringing this program forward.

Mr. LEWIS of California. Mr. Speaker, it should be noted that the Speaker, when she was presenting her views to the membership, indicated that, one way or another, she'd find a way to get this money back into the bill somewhere down the line. Between now and then, it's pretty obvious that this bill could not have been on the floor today if it had not been for an emergency designation that would allow us to exercise ourselves in this fashion.

I would remind ourselves one more time of the quote received from a car dealer in New York. Speaking of us, about how this bill was handled, he said, If they can't administer a program like this, I'd be a little concerned about my health insurance.

With that, I join the gentleman one more time in saying, "Amen."

I yield back the balance of my time.

Mr. OBEY. I yield myself the remainder of the time.

Mr. Speaker, today, the Commerce Department just issued figures which have indicated that the depth of the recession in the last quarter of last year was much more severe than anyone had estimated. This is the good news part of the day: They also tell us that, in the first quarter of this year, the shrinkage of the economy has now slowed considerably, which is a very hopeful sign, because the economy, evidently, performed significantly better than most of the economic experts had thought it would perform. We all welcome that news, but as you know, that is not good enough. We need to see more progress. Our dilemma is this:

Ordinarily in a recession, when the country is losing jobs, the Federal Reserve lowers interest rates, and that helps the housing industry to move ahead. It helps the auto industry to sell cars. Our economy is normally led out of the recession by the housing industry and by the auto industry. This time around, the situation is very different, because those two sectors have been basket cases for the past year and a half.

The first glimmer of hope we've seen in the auto industry is the news that we received yesterday from the Secretary of Transportation, Mr. LAHOOD, who informed us that, in just 3 days' time, when the program was started, as far as they can tell, it's already oversubscribed. That means the consumers like this program; it means they are reacting to it, and it means that it would be irresponsible of us not to try to prevent the shutdown of this program just 3 days after it began.

So we're here, trying to take advantage of one of the few bright spots in the economy to help move the economy forward. We still have a long way to go before good news shows up on the unemployment side of the ledger, but we'll take every bit of good news we can. Today, I think this is one piece of good news, and I think we need to respond to it.

Mr. LEWIS of California. Would the gentleman yield?

Mr. OBEY. I would be happy to yield very briefly to my friend.

Mr. LEWIS of California. I just want to say, Mr. Chairman, that, for some reason or another, the gentleman who is our Speaker pro tempore has drawn the short end of the stick this week. He has been doing wonderful work in moving the process along, and I think the body should recognize his work.

Mr. OBEY. I thank the gentleman.

Mr. Speaker, I would ask for an "aye" vote.

Mr. BLUMENAUER. Mr. Speaker, while I strongly support the "cash for clunkers" concept, I voted against this legislation to provide

the program with infusion of cash. The bill that was rushed to the Floor today tripled the program without any discussion of how it's working administratively or why the money ran out so quickly. I'm concerned that rushing ahead without better understanding these issues will create additional problems in the future. In addition, by bringing this legislation to the Floor so quickly, we have missed an opportunity to make improvements to the program.

Cash for clunkers is a much better approach to help both consumers and the auto industry than simply bailing out the automakers by throwing money at them. With this program we are not only helping them to modernize their fleet, but we are taking some of the dirtiest, most polluting cars off the road.

The fact that the program ran out of money within the course of a few days shows its popularity and its potential to help rescue and transform our nation's automakers. Consumers have clearly demonstrated that they want to purchase more fuel efficient vehicles. Action to extend the program would have been a good opportunity to strengthen and better target the provisions so they do more to improve fuel efficiency, reduce vehicle emissions and reduce our dependence on foreign oil.

I am also concerned that in order to triple cash for clunkers, the bill takes money away from another important economic recovery program that supports renewable energy projects. We don't know the consequences of this action and how it will impact other Oregon priorities and job prospects in the renewables sector.

Cash for clunkers is a program I support and I think it has an important role to play in our economic recovery. However, I don't want this rushed action to weaken both its effectiveness and long-term viability.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 3435.

The CARS program has proven widely successful. Within five days of the program's official start for electronic submission of applications, there is concern that the original \$1 billion in funding will soon be depleted.

This means an estimated 250,000 new vehicles were sold since the start of the program. This is a great boost to our auto industry, with reports of dealerships being unable to keep current vehicles in stock due to the strong demand from consumers—a problem my local dealers welcome.

Preliminary statistics on the program point to consumers gaining a 69 percent improvement in fuel efficiency from their trade-in vehicles, with an average annual gasoline savings of \$750.

The goals of increasing fuel efficiency, reducing pollution, and providing a needed economic stimulus for our nation's auto industry have all been met by the program. An additional \$2 billion, transferred from the economic stimulus bill, should provide enough funding for the program to sell an additional 500,000 vehicles.

Even ineligible consumers are benefiting as more foot traffic from the program will boost automotive sales for dealerships across the country.

A bipartisan group of Members and the White House are in agreement that this suc-

cessful program must continue. Congress should pass H.R. 3435 to provide \$2 billion from economic stimulus funding to support this widely successful program. Consumers should continue to benefit from the program, and we must ensure the financial security of existing deals between consumers and car dealerships.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am concerned over the news reports that the Consumer Assistance to Recycle and Save Program, or the Car Allowance Rebate System has run out of money.

This program took effect approximately one week ago, and American auto dealers have already sold 8,000 cars thanks to subsidies contained in the legislation. Equally impressive is the fact that appropriated funds have already been dispersed. This swift action by Congress and the Department of Transportation is extremely encouraging. This legislation has been having a stabilizing effect moving forward and delivers badly needed relief to the American auto industry.

The Cars for Clunkers program is a part of the federal government's efforts to help local dealers who are suffering financially and shutting down because of the economy, and I am thrilled by the program's early success.

We need to fully fund the House-passed authorized level of \$4 billion before we leave for our August district work period.

The government's new Cash for Clunkers program took effect approximately one week ago, and American auto dealers have already sold 8,000 cars thanks to subsidies contained in the legislation. I am confident that this legislation will have a stabilizing effect moving forward and deliver badly needed relief to the American auto industry. Creation of the Cash for Clunkers program was not the first action Congress has taken this year to help struggling auto dealers. As we move forward with implementation of this new program, it is important that Congress make sure previously appropriated funds are used to help auto dealers on Main Street and not just manufacturers.

As a senior member of the Transportation Committee, I work every day to help Americans who depend on the transportation industry for jobs and services. I firmly believe that every mode of transportation contributes to America in meaningful ways. However, no mode of transportation has shaped American life as profoundly as the automobile—and that is why Congress needs to do everything in its power to help struggling auto dealers across America.

In good economic times, manufacturers established as many dealerships as possible in order to maximize profit. However, in today's recession, these same dealerships are being asked to sacrifice. And those responsible for the industry's collapse—namely the management of GM and Chrysler who insisted on building bigger, gas-guzzling automobiles—are the ones being propped up by federal bailout dollars. This is hardly fair, and Congress has a responsibility to exercise oversight and ensure dealers are not punished for management's mistakes.

Most dealerships across America are seeing layoffs and some have been closed altogether. These dealers are the bedrock of our communities; they sponsor our children's sports

teams and are known for participating in community organizations. Supporting upstanding auto dealers across America is not "political pandering" as your editorial suggested. Congress is simply taking action to protect hard-working Americans whose dealerships are being taken from them for no mistake of their own.

When we committed taxpayer dollars to these companies, we accepted the responsibility to make sure those monies would help Americans on Main Street—that means dealerships and not just manufacturers. Dealers deserve to be protected by these funds, and Members of Congress should be committed to effective oversight.

In a rare exhibit of bipartisanship, Democrats and Republicans are working together to save American auto dealers. Members of both parties agree that the closing of dealerships may violate state franchise laws designed to protect dealers from unfair and oppressive trade practices.

The actions of Chrysler and GM simply ignore these protected rights. Dealers have lost their dealerships without due process or adequate compensation. Action by Congress could not only reinstate dealers but will also revitalize the communities that depend crucially on dealerships for jobs and services. Simply, auto dealers are part of the solution to manufacturers' problems, not a part of the problem.

Most dealers would prefer to remain in the automobile business as GM or Chrysler franchisees, but today manufacturers are allowed to eliminate entire dealerships regardless of clear precedent that protects dealers' rights. Chrysler and GM are being allowed to operate as the "exception to the rule." This is unfair to our communities that depend on auto dealers and represents a clear federal level assault on state franchise laws.

Congress must take action to save our dealerships, communities, and American jobs.

Mr. TONKO. Mr. Speaker, I rise in support of H.R. 3435, the Consumer Assistance to Recycle and Save (CARS) Program, or the "Cash for Clunkers" initiative.

This additional \$2 billion in funding will help promote automotive sales and protect our environment. In the past week, it is estimated that 250,000 cars were sold. On both sides of the aisle, people acknowledged the effectiveness of this initiative. I am proud to support its extension.

I also ask for special consideration and clarification on an important part of this bill. As it currently stands, if one spouse owns the title to a "clunker" and the other spouse holds the registration, that couple is not eligible to participate in the program. I believe that consideration to married couples should be afforded more flexibility and that regardless of the registration/title configuration, those married couples should be able to participate.

Finally, this is a very positive, bipartisan initiative to help our auto industry, to help consumers, to grow our economy, and to do it in an environmentally sound way.

Mr. OBEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr.

OBEY) that the House suspend the rules and pass the bill, H.R. 3435.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to House Resolution 697, this 15-minute vote on the motion to suspend the rules will be followed by 5-minute votes on adoption of the Frank amendment, as modified, to H.R. 3269; adoption of the Garrett amendment to H.R. 3269.

The vote was taken by electronic device, and there were—yeas 316, nays 109, answered “present” 2, not voting 6, as follows:

[Roll No. 682]

YEAS—316

Abercrombie	Costello	Holden
Ackerman	Courtney	Holt
Aderholt	Crowley	Honda
Adler (NJ)	Cuellar	Hoyer
Altmire	Cummings	Inslee
Andrews	Dahlkemper	Israel
Arcuri	Davis (AL)	Issa
Austria	Davis (CA)	Jackson (IL)
Baca	Davis (IL)	Jackson-Lee
Bachus	Davis (KY)	(TX)
Baldwin	Davis (TN)	Johnson (GA)
Barrow	DeFazio	Johnson, E. B.
Barton (TX)	DeGette	Jones
Bean	Delahunt	Kagen
Becerra	DeLauro	Kanjorski
Berkley	Diaz-Balart, L.	Kaptur
Berman	Diaz-Balart, M.	Kennedy
Berry	Dicks	Kildee
Biggert	Dingell	Kilpatrick (MI)
Billbray	Donnelly (IN)	Kilroy
Bishop (GA)	Doyle	Kind
Bishop (NY)	Dreier	King (NY)
Blunt	Driehaus	Kingston
Bocieri	Duncan	Kirk
Bono Mack	Edwards (MD)	Kissell
Boren	Edwards (TX)	Klein (FL)
Boswell	Ehlers	Kline (MN)
Boucher	Ellison	Kosmas
Boustany	Ellsworth	Kratovil
Brady (PA)	Emerson	Kucinich
Braley (IA)	Engel	Lance
Bright	Eshoo	Langevin
Brown, Corrine	Etheridge	Larsen (WA)
Brown-Waite,	Farr	Larson (CT)
Ginny	Fattah	Latham
Burton (IN)	Filner	LaTourette
Butterfield	Foster	Lee (CA)
Buyer	Frank (MA)	Lee (NY)
Calvert	Fudge	Levin
Camp	Gerlach	Lewis (GA)
Campbell	Gingrey (GA)	Lipinski
Cao	Gonzalez	LoBiondo
Capito	Gordon (TN)	Loebsack
Capps	Grayson	Lofgren, Zoe
Capuano	Green, Al	Lowey
Cardoza	Green, Gene	Lujan
Carnahan	Griffith	Lynch
Carney	Grijalva	Maffei
Carson (IN)	Guthrie	Maloney
Cassidy	Gutierrez	Manzullo
Castle	Hall (NY)	Marchant
Castor (FL)	Hall (TX)	Markey (CO)
Chandler	Halvorson	Markey (MA)
Childers	Hare	Massa
Chu	Harman	Matheson
Clarke	Hastings (FL)	Matsui
Clay	Heinrich	McCollum
Cleaver	Higgins	McCotter
Clyburn	Hill	McDermott
Coble	Himes	McGovern
Cohen	Hinchey	McHugh
Connolly (VA)	Hinojosa	McIntyre
Conyers	Hirono	McKeon
Cooper	Hodes	McMahon
Costa	Hoekstra	McNerney

Meek (FL)	Rangel	Speier
Meeks (NY)	Rehberg	Spratt
Melancon	Reichert	Stark
Michaud	Reyes	Stearns
Miller (MI)	Richardson	Stupak
Miller (NC)	Rodriguez	Sutton
Miller, Gary	Roe (TN)	Tanner
Miller, George	Rogers (AL)	Taylor
Minnick	Rogers (MI)	Teague
Mollohan	Ros-Lehtinen	Terry
Moore (KS)	Ross	Thompson (CA)
Moore (WI)	Rothman (NJ)	Thompson (MS)
Moran (VA)	Roybal-Allard	Thompson (PA)
Murphy (CT)	Ruppersberger	Tiahrt
Murphy, Patrick	Rush	Tiberi
Murphy, Tim	Ryan (OH)	Titus
Murtha	Sanchez, Linda	Tonko
Nadler (NY)	T.	Towns
Napolitano	Sanchez, Loretta	Tsongas
Neal (MA)	Sarbanes	Turner
Nye	Schakowsky	Upton
Oberstar	Schauer	Van Hollen
Obey	Schiff	Velázquez
Oliver	Schwartz	Visclosky
Ortiz	Scott (GA)	Walden
Pallone	Scott (VA)	Walz
Pascarell	Serrano	Wamp
Pastor (AZ)	Sestak	Wasserman
Payne	Shea-Porter	Schultz
Perlmutter	Sherman	Waters
Perriello	Shinkus	Watson
Peters	Shuler	Watt
Petri	Shuster	Waxman
Pingree (ME)	Simpson	Weiner
Pitts	Sires	Welch
Platts	Skelton	Wexler
Poe (TX)	Slaughter	Wilson (OH)
Pomeroy	Smith (NJ)	Woolsey
Price (NC)	Smith (WA)	Wu
Putnam	Snyder	Yarmuth
Quigley	Souder	Young (FL)
Rahall	Space	

NAYS—109

Akin	Garrett (NJ)	Murphy (NY)
Alexander	Giffords	Myrick
Bachmann	Goodlatte	Neugebauer
Baird	Granger	Nunes
Barrett (SC)	Graves	Olson
Bartlett	Hastings (WA)	Paul
Bilirakis	Heller	Paulsen
Bishop (UT)	Hensarling	Pence
Blackburn	Herger	Peterson
Blumenauer	Hereth Sandlin	Polis (CO)
Boehner	Hunter	Posey
Bonner	Inglis	Price (GA)
Boozman	Jenkins	Radanovich
Boyd	Johnson (IL)	Rogers (KY)
Brady (TX)	Johnson, Sam	Rohrabacher
Brown (GA)	Jordan (OH)	Rooney
Brown (SC)	King (IA)	Roskam
Burgess	Kirkpatrick (AZ)	Royce
Cantor	Lamborn	Ryan (WI)
Carter	Latta	Scalise
Chaffetz	Lewis (CA)	Schmidt
Coffman (CO)	Lucas	Schock
Cole	Luetkemeyer	Schrader
Conaway	Lummis	Sensenbrenner
Crenshaw	Lungren, Daniel	Sessions
Culberson	E.	Shadegg
Dent	Mack	Smith (NE)
Doggett	Marshall	Smith (TX)
Fallin	McCarthy (CA)	Sullivan
Flake	McClintock	Thornberry
Fleming	McHenry	Tierney
Forbes	McMorris	Westmoreland
Fortenberry	Rodgers	Whitfield
Fox	Mica	Wilson (SC)
Franks (AZ)	Miller (FL)	Wittman
Frelinghuysen	Mitchell	Wolf
Gallegly	Moran (KS)	Young (AK)

ANSWERED “PRESENT”—2

Buchanan Deal (GA)

NOT VOTING—6

Gohmert Linder McCaul
Harper McCarthy (NY) Salazar

□ 1324

Messrs. COFFMAN of Colorado, BLUMENAUER and BAIRD and Ms. JENKINS changed their vote from “yea” to “nay.”

Mr. BACHUS changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 697, proceedings will now resume on the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions.

The Clerk read the title of the bill.

AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. FRANK OF MASSACHUSETTS

The SPEAKER pro tempore. The unfinished business is the question on the amendment by the gentleman from Massachusetts (Mr. FRANK), as modified, on which a recorded vote was ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment, as modified.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayeas 242, noes 178, not voting 13, as follows:

[Roll No. 683]

AYES—242

Abercrombie	Clay	Filner
Ackerman	Cleaver	Foster
Adler (NJ)	Clyburn	Frank (MA)
Altmire	Cohen	Fudge
Andrews	Connolly (VA)	Giffords
Arcuri	Conyers	Gonzalez
Baca	Cooper	Gordon (TN)
Baird	Costa	Grayson
Baldwin	Costello	Green, Al
Barrow	Courtney	Green, Gene
Bean	Crowley	Grijalva
Becerra	Cuellar	Gutierrez
Berkley	Cummings	Hall (NY)
Berman	Dahlkemper	Halvorson
Berry	Davis (AL)	Hare
Bishop (GA)	Davis (CA)	Harman
Bishop (NY)	Davis (IL)	Hastings (FL)
Blumenauer	Davis (TN)	Heinrich
Bocieri	DeFazio	Hereth Sandlin
Boswell	DeGette	Higgins
Boucher	Delahunt	Hill
Boyd	DeLauro	Himes
Brady (PA)	Dicks	Hinchey
Braley (IA)	Dingell	Hinojosa
Brown, Corrine	Doggett	Hirono
Butterfield	Donnelly (IN)	Hodes
Capps	Doyle	Holden
Capuano	Driehaus	Holt
Cardoza	Edwards (MD)	Honda
Carnahan	Edwards (TX)	Hoyer
Carney	Ellison	Inslee
Carson (IN)	Ellsworth	Israel
Castor (FL)	Engel	Jackson (IL)
Chandler	Eshoo	Jackson-Lee
Childers	Etheridge	(TX)
Chu	Farr	Johnson (GA)
Clarke	Fattah	Johnson, E. B.

Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)

NOES—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)

Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz

Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg

Gohmert
Harper
Linder
McCarthy (NY)
McCaul

Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)

NOT VOTING—13

McCollum
McMorris
Rodgers
Olver
Paulsen

Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Salazar
Schock
Wamp
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1330

Mr. CLEAVER changed his vote from “no” to “aye.”

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PAULSEN. Mr. Speaker, on rollcall No. 683 I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GARRETT OF NEW JERSEY

The SPEAKER pro tempore. The unfinished business is the question on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which a recorded vote was ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 244, not voting 10, as follows:

[Roll No. 684]

AYES—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan

Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers

Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Ingilis

Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McClintock
McCotter
McHenry
McHugh

McKeon
McMahon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen

NOES—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocchieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette

Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy

Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)

Payne	Schauer	Thompson (MS)
Perlmutter	Schiff	Tierney
Perriello	Schrader	Titus
Peters	Schwartz	Tonko
Peterson	Scott (GA)	Towns
Polis (CO)	Scott (VA)	Tsongas
Pomeroy	Serrano	Van Hollen
Price (NC)	Sestak	Velázquez
Quigley	Shea-Porter	Visclosky
Rahall	Sherman	Walz
Rangel	Shuler	Wasserman
Reyes	Sires	Schultz
Richardson	Skelton	Waters
Rodriguez	Slaughter	Watson
Ross	Smith (WA)	Watt
Rothman (NJ)	Snyder	Waxman
Roybal-Allard	Space	Weiner
Ruppersberger	Speier	Welch
Rush	Spratt	Wexler
Ryan (OH)	Stark	Wilson (OH)
Sánchez, Linda	Stupak	Woolsey
T.	Sutton	Wu
Sanchez, Loretta	Tanner	Yarmuth
Sarbanes	Taylor	
Schakowsky	Thompson (CA)	

NOT VOTING—10

Bilbray	Linder	Salazar
Gohmert	McCarthy (NY)	Wamp
Gutierrez	McCaul	
Harper	Pingree (ME)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1338

Messrs. CONYERS and OBEY changed their vote from “aye” to “no.” So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SESSIONS. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SESSIONS. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sessions moves to recommit the bill, H.R. 3269, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 14(i) of the Securities Exchange Act of 1934 (as added by section 2 of the bill), insert the following:

“(6) DISCLOSURE OF ACTIVITIES TO INFLUENCE VOTE.—Notwithstanding paragraphs (1) or (2)(B), a shareholder's vote shall not be counted under such paragraphs if the shareholder has spent, directly or indirectly, more than a de minimis amount of money (as determined by the Commission) on activities to influence the vote under such paragraphs of other shareholders, unless such shareholder discloses to the Commission, in accordance with rules prescribed by the Commission—

“(A) the identity of all persons or entities engaged in activities to influence such a vote;

“(B) the activities engaged in to influence such a vote; and

“(C) the amount of money expended on activities to influence such a vote.”.

Mr. SESSIONS (during the reading). Mr. Speaker, I ask unanimous consent to have the motion considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SESSIONS. Mr. Speaker, I would like to preempt a common protest by the gentleman, my friend from Massachusetts, and let my colleagues know that this motion will not “kill the bill.” In fact, it will not even send it back to committee. We have the authority right here, right now to provide for the appropriate transparency and accountability just by passing this motion.

The legislation that the Democrat majority has brought before the House today forces every publicly held company to bear the cost of administering a toothless, non-binding shareholder vote on pay packages during every proxy vote.

This motion to recommit would improve this interventionist legislation by providing sunshine and transparency for shareholders so that there is full disclosure about who is financing efforts to influence a vote on this new, congressionally mandated, non-binding shareholder resolution.

Let me give an example of a substantially similar disclosure requirement that every Member of this body understands because it's already a current practice: As Federal candidates, we are obligated to disclose to the FEC the name, occupation, and amount given from each of our donors. We require this because public interest is advanced by letting voters know who funds each candidate's campaign.

My motion asks for the same disclosure so that shareholders know what persons or organizations are spending money to influence the new mandatory, non-binding vote.

The purpose of this motion is not to impede the ability of organizations to influence the vote. If they hold shares in stock, they will be able to express their opinion. The point of the motion is to simply provide voters, in this case shareholders, with access to information about who is spending money and what are they attempting to influence with their vote.

My motion tasks the SEC with setting a de minimis level of spending and with collecting important information about anyone or any organization that spends over that amount to influence a vote, including who is spending the money, what they are spending the money on, and how much they are spending to influence the votes of other shareholders.

This motion provides an appropriate level of transparency for shareholder elections. If we believe that voters deserve this information, we should also give to shareholders this same level of transparency.

Once again, I would like to make it clear that this legislation will not “kill the bill,” as its opponents might claim. It will not send the bill back to committee to fix its current lack of transparency because it allows it to be done right here, right now.

I encourage all my colleagues to support this commonsense motion to improve transparency for shareholders about who is trying to influence their votes.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise to claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, that speech would have been impressive—I might have disagreed with it—if it applied to all shareholder votes. The recommittal motion singles out the say-on-pay. And if you want to influence pay, you have to report everything. If you want to vote on a merger or an acquisition or if you want to vote on anything else, you don't have to do it. It's not a uniform requirement of a disclosure. It burdens the say-on-pay vote and leaves every other vote in the dark. If that's so important, why did we not have a broader version of it?

It also is quite burdensome.

□ 1345

If you want to spend money to oppose large bonuses, to oppose large salaries, to oppose a company paying 72 percent of its revenue, as recently happened, in compensation, if you are a pension fund, if you are a union, if you want to write to your own members and say this is a bad idea, if you hold shares, vote “no.” You have to give the identity of all persons or entities engaged in the activity and the activities engaged.

It is not simply a reporting of the amount of money. It is a very detailed one, and it burdens only those voting on say-on-pay. It clearly comes from a hostility of the notion of say-on-pay. Members who opposed it 2 years ago can't oppose it today, so they now have a new tactic. They are trying to aggravate it.

And while we are on the subject of aggravation, I hope to reduce the level here by asking people to vote “no.”

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 178, noes 244, not voting 11, as follows:

[Roll No. 685]

AYES—178

Aderholt	Foxx	Myrick
Akin	Franks (AZ)	Neugebauer
Alexander	Frelinghuysen	Nunes
Austria	Galleghy	Nye
Bachmann	Garrett (NJ)	Olson
Bachus	Gerlach	Paul
Barrett (SC)	Gingrey (GA)	Paulsen
Bartlett	Goodlatte	Pence
Barton (TX)	Granger	Petri
Biggert	Graves	Pitts
Bilbray	Griffith	Platts
Bilirakis	Guthrie	Poe (TX)
Bishop (UT)	Hall (TX)	Posey
Blackburn	Hastings (WA)	Price (GA)
Blunt	Heller	Putnam
Boehner	Hensarling	Radanovich
Bonner	Herger	Rehberg
Bono Mack	Hoekstra	Reichert
Boozman	Hunter	Roe (TN)
Boustany	Inglis	Rogers (AL)
Brady (TX)	Issa	Rogers (KY)
Bright	Jenkins	Rogers (MI)
Broun (GA)	Johnson (IL)	Rohrabacher
Brown (SC)	Johnson, Sam	Rooney
Brown-Waite,	Jones	Ros-Lehtinen
Ginny	Jordan (OH)	Roskam
Buchanan	King (IA)	Royce
Burgess	King (NY)	Ryan (WI)
Burton (IN)	Kingston	Scalise
Buyer	Kirk	Schmidt
Calvert	Kline (MN)	Schock
Camp	Kratovil	Sensenbrenner
Campbell	Lamborn	Sessions
Cantor	Lance	Shadegg
Cao	Latham	Shimkus
Capito	LaTourette	Shuster
Carter	Latta	Simpson
Cassidy	Lee (NY)	Smith (CA)
Castle	Lewis (CA)	Smith (NE)
Chaffetz	LoBiondo	Smith (NJ)
Coble	Lucas	Smith (TX)
Coffman (CO)	Luetkemeyer	Souder
Cole	Lummis	Stearns
Conaway	Lungren, Daniel	Sullivan
Crenshaw	E.	Teague
Culberson	Mack	Terry
Davis (KY)	Manzullo	Thompson (PA)
Deal (GA)	Marchant	Thornberry
Dent	McCarthy (CA)	Tiahrt
Diaz-Balart, L.	McClintock	Tiberi
Diaz-Balart, M.	McCotter	Turner
Dreier	McHenry	Upton
Duncan	McKeon	Walden
Ehlers	McMorris	Westmoreland
Ellsworth	Rodgers	Whitfield
Emerson	Mica	Wilson (SC)
Fallin	Miller (FL)	Wittman
Flake	Miller (MI)	Wolf
Fleming	Miller, Gary	Young (AK)
Forbes	Moran (KS)	Young (FL)
Fortenberry	Murphy, Tim	

NOES—244

Abercrombie	Baird	Berry
Ackerman	Baldwin	Bishop (GA)
Adler (NJ)	Barrow	Bishop (NY)
Altmire	Bean	Blumenauer
Andrews	Becerra	Boren
Arcuri	Berkley	Boswell
Baca	Berman	

Boucher	Hinojosa	Pallone
Boyd	Hirono	Pascarell
Brady (PA)	Hodes	Pastor (AZ)
Braley (IA)	Holden	Payne
Brown, Corrine	Holt	Perlmutter
Butterfield	Honda	Perriello
Capps	Hoyer	Peters
Capuano	Inslee	Peterson
Cardoza	Israel	Pingree (ME)
Carnahan	Jackson (IL)	Polis (CO)
Carney	Jackson-Lee	Pomeroy
Carson (IN)	(TX)	Price (NC)
Castor (FL)	Johnson (GA)	Quigley
Chandler	Johnson, E. B.	Rahall
Childers	Kagen	Reyes
Chu	Kanjorski	Richardson
Clarke	Kaptur	Rodriguez
Clay	Kennedy	Ross
Cleaver	Kildee	Rothman (NJ)
Clyburn	Kilpatrick (MI)	Roybal-Allard
Cohen	Kilroy	Ruppersberger
Connolly (VA)	Kind	Rush
Conyers	Kirkpatrick (AZ)	Ryan (OH)
Cooper	Kissell	Sanchez, Linda
Costa	Klein (FL)	T.
Costello	Kosmas	Sanchez, Loretta
Courtney	Kucinich	Ackerman
Crowley	Langevin	Adler (NJ)
Cuellar	Larsen (WA)	Altmire
Cummings	Larson (CT)	Schauer
Dahlkemper	Lee (CA)	Schiff
Davis (AL)	Levin	Schrader
Davis (CA)	Lewis (GA)	Schwartz
Davis (IL)	Lipinski	Scott (GA)
Davis (TN)	Loeb sack	Scott (VA)
DeFazio	Lofgren, Zoe	Serrano
DeGette	Lowey	Sestak
Delahunt	Lujan	Shea-Porter
DeLauro	Lynch	Sherman
Dicks	Maffei	Shuler
Dingell	Maloney	Sires
Doggett	Markey (CO)	Slaughter
Donnelly (IN)	Markey (MA)	Smith (WA)
Doyle	Marshall	Snyder
Driehaus	Massa	Space
Edwards (MD)	Matheson	Speier
Edwards (TX)	Matsui	Spratt
Ellison	McCollum	Stark
Engel	McDermott	Stupak
Eshoo	McGovern	Sutton
Etheridge	McIntyre	Tanner
Farr	McMahon	Taylor
Fattah	McNerney	Thompson (CA)
Filner	Meek (FL)	Thompson (MS)
Foster	Meeks (NY)	Tierney
Frank (MA)	Melancon	Titus
Fudge	Michaud	Tonko
Giffords	Miller (NC)	Towns
Gonzalez	Miller, George	Tsongas
Gordon (TN)	Minnick	Van Hollen
Grayson	Mitchell	Velázquez
Green, Al	Mollohan	Visclosky
Green, Gene	Moore (KS)	Walz
Grijalva	Moore (WI)	Wasserman
Gutierrez	Moran (VA)	Schultz
Hall (NY)	Murphy (CT)	Waters
Halvorson	Murphy (NY)	Watson
Hare	Murphy, Patrick	Watt
Harman	Murtha	Waxman
Hastings (FL)	Nadler (NY)	Weiner
Heinrich	Napolitano	Welch
Hereth Sandlin	Neal (MA)	Wexler
Higgins	Oberstar	Wilson (OH)
Hill	Obey	Wu
Himes	Oliver	Yarmuth
Hinchey	Ortiz	

NOT VOTING—11

Gohmert	McCaul	Skelton
Harper	McHugh	Wamp
Linder	Rangel	Woolsey
McCarthy (NY)	Salazar	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1402

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 185, not voting 11, as follows:

[Roll No. 686]

AYES—237

Abercrombie	Fattah	Meek (FL)
Ackerman	Filner	Meeks (NY)
Adler (NJ)	Foster	Melancon
Altmire	Frank (MA)	Michaud
Andrews	Fudge	Miller (NC)
Arcuri	Giffords	Miller, George
Baca	Gonzalez	Minnick
Baird	Gordon (TN)	Mollohan
Baldwin	Grayson	Moore (KS)
Barrow	Green, Al	Moore (WI)
Bean	Green, Gene	Moran (VA)
Becerra	Gutierrez	Murphy (CT)
Berkley	Hall (NY)	Murphy (NY)
Berman	Hare	Murphy, Patrick
Bishop (GA)	Harman	Murphy, Tim
Bishop (NY)	Hastings (FL)	Murtha
Blumenauer	Heinrich	Nadler (NY)
Boccieri	Hereth Sandlin	Napolitano
Boswell	Higgins	Neal (MA)
Boucher	Hill	Oberstar
Brady (PA)	Himes	Obey
Braley (IA)	Hinchey	Oliver
Brown, Corrine	Hinojosa	Ortiz
Butterfield	Hirono	Pallone
Capps	Hodes	Pascarell
Capuano	Holden	Pastor (AZ)
Cardoza	Holt	Payne
Carnahan	Honda	Perlmutter
Carney	Hoyer	Perriello
Carson (IN)	Inslee	Peters
Castor (FL)	Israel	Peterson
Chandler	Jackson (IL)	Pingree (ME)
Childers	Jackson-Lee	Polis (CO)
Chu	(TX)	Pomeroy
Clarke	Johnson (GA)	Price (NC)
Clay	Johnson, E. B.	Quigley
Cleaver	Kagen	Rahall
Clyburn	Kanjorski	Rangel
Cohen	Kaptur	Reyes
Connolly (VA)	Kennedy	Richardson
Conyers	Kildee	Rodriguez
Cooper	Kilpatrick (MI)	Rothman (NJ)
Costa	Kilroy	Roybal-Allard
Costello	Kind	Ruppersberger
Courtney	Kissell	Rush
Crowley	Klein (FL)	Ryan (OH)
Cummings	Kosmas	Sanchez, Linda
Dahlkemper	Kucinich	T.
Davis (AL)	Langevin	Sanchez, Loretta
Davis (CA)	Larsen (WA)	Sarbanes
Davis (IL)	Larson (CT)	Schakowsky
Davis (TN)	Lee (CA)	Schauer
DeFazio	Levin	Schiff
DeGette	Lewis (GA)	Schrader
Delahunt	Lipinski	Schwartz
DeLauro	Loeb sack	Scott (GA)
Dicks	Lofgren, Zoe	Scott (VA)
Dingell	Lowey	Serrano
Doggett	Lujan	Sestak
Donnelly (IN)	Lynch	Shea-Porter
Doyle	Maffei	Sherman
Driehaus	Maloney	Shuler
Duncan	Marshall	Sires
Edwards (MD)	Massa	Skelton
Edwards (TX)	Matheson	Slaughter
Ellison	Matsui	Smith (WA)
Ellsworth	McCollum	Space
Engel	McDermott	Speier
Eshoo	McGovern	Spratt
Etheridge	McIntyre	Stark
Farr	McNerney	Stupak

Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns

Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson

Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—185

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry

Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell

Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schone
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Gohmert
Grijalva
Harper
Lee (NY)

Linder
Markey (MA)
McCarthy (NY)
McCauley

McHugh
Salazar
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1409

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MARKEY of Massachusetts. Mr. Speaker, on rollcall No. 686, I inadvertently did not vote, but intended to vote "aye".

Stated against:

Mr. LEE of New York. Mr. Speaker, on rollcall No. 686, had I been present, I would have voted "no."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 172. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL WEEK-END OF REMEMBRANCE EVENT

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the concurrent resolution (H. Con. Res. 171) authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MAFFEI). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 171

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL WEEKEND OF REMEMBRANCE EVENT.

(a) IN GENERAL.—The White House Commission on Remembrance (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event (in this resolution referred to as the "event") on the Capitol Grounds to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance.

(b) DATE OF EVENT.—The event shall be held on September 26, 2009, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Concurrent Resolution 171, authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance.

This concurrent resolution will permit the use of the Capitol Grounds for a Time of Remembrance tribute for military families who have lost loved ones in Iraq and Afghanistan, including 72 Minnesota families (with 12 families from my Congressional District). This event will be held on September 26, 2009, on the West Front of the Capitol and will be sponsored by the White House Commission on Remembrance and Families United for Our Troops and Their Mission, a non-profit organization.

The White House Commission on Remembrance was established by Congress in 2000, under the National Moment of Remembrance Act (P.L. 106-579). This law directed the Commission to unite the nation in a National Moment of Remembrance, to be held at 3:00 p.m. each Memorial Day. Since 2006, the Commission has also sponsored an annual Time of Remembrance ceremony to "honor all those who have died in service to our country, with a special tribute to America's fallen in Afghanistan and Iraq and the families they left behind."

Passing this resolution will ensure that this year's ceremony, and a picnic to follow, will be allowed to go forward on the Capitol Grounds on September 26, 2009. Activities on the Capitol Grounds conducted under H. Con. Res. 171 will be coordinated with the Architect of the Capitol and the Capitol Police Board, and will be free of charge.

This ceremony is an opportunity to demonstrate to military families that their fellow Americans join them in mourning their loss, and to express our sincere and immeasurable gratitude for the service of their sons, daughters, mothers, fathers, sisters, and brothers to our nation. While we can never adequately thank those who have died for the sacrifice they have made, taking time to remember these brave men and women and celebrating their lives with their families is an appropriate tribute.

I urge my colleagues to join me in supporting H. Con. Res. 171.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SIDNEY M. ARONOVITZ UNITED STATES COURTHOUSE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 2913) to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse".

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the bill is as follows:

H.R. 2913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 301 Simonton Street in Key West, Florida, shall be known and designated as the "Sidney M. Aronovitz United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Sidney M. Aronovitz United States Courthouse".

Mr. OBERSTAR. Mr. Speaker, I rise in support of the bill, H.R. 2913, introduced by the gentlelady from Florida (Ms. ROS-LEHTINEN), to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse".

Judge Sidney M. Aronovitz served as a U.S. District Court Judge for the Southern District of Florida for 21 years. Aronovitz was born in Key West, Florida, on June 20, 1920. After graduating from Key West High School in 1937, he went on to attend the University of Florida where he was awarded a bachelor of arts degree in 1942, and a law degree, with honors, in 1943. Aronovitz went on to serve as a U.S. Army captain from 1943 to 1946, earning multiple distinctions, including a Bronze Star.

Between 1943 and 1976, Aronovitz served as a lawyer in private practice in Miami, Florida. He also served as a City Commissioner from 1962 to 1966, holding the position of Vice-Mayor in 1965. In 1976, President Gerald Ford nominated Sidney M. Aronovitz to serve as a U.S. District Court Judge for the Southern District of Florida. Judge Aronovitz was commissioned on September 21, 1976, and served as a U.S. District Court Judge until his death in 1997. In addition, he periodically sat on the U.S. Court of Appeals, 11th Circuit, and served on the U.S. Foreign Intelligence Surveillance Court from 1988 to 1992.

Judge Aronovitz served with distinction and it is fitting that we honor him today with this designation.

I urge my colleagues to support H.R. 2913.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. COHEN, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 111-242) on the resolution (H. Res. 636) directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the transfer or release of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States, which was referred to the House Calendar and ordered to be printed.

SUPPORTING NATIONAL SAVE FOR RETIREMENT WEEK

Ms. SCHWARTZ. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the resolution (H. Res. 662) supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

The text of the resolution is as follows:

H. RES. 662

Whereas people in the United States are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than 2% of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas saving for one's retirement is a key component to overall financial health and security during retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to de-

finer benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law;

Whereas many workers who are saving for retirement in tax-preferred vehicles have experienced declines in their account values as a result of the recent economic downturn and market decline, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans including retirement savings strategies, and to take advantage of the availability of tax-preferred savings vehicles to assist them in saving for retirement; and

Whereas October 18 through October 24, 2009, has been designated as "National Save for Retirement Week": Now, therefore, be it Resolved, That the House of Representatives—

(1) supports the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues estimated to be in excess of \$120,400,000,000 for the 2008 fiscal year budget;

(3) supports the need to raise public awareness of the importance of saving adequately for retirement, and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS

Mr. COHEN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (S.J. Res. 19) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The text of the joint resolution is as follows:

S.J. RES. 19

Whereas Congress in title VI of the Passenger Rail Investment and Improvement

Act of 2008 (section 601, Public Law 110-432) authorized the Secretary of Transportation to make grants to the Washington Metropolitan Area Transit Authority subject to certain conditions, including that no amounts may be provided until specified amendments to the Washington Metropolitan Area Transit Regulation Compact have taken effect;

Whereas legislation enacted by the State of Maryland (Chapter 111, 2009 Laws of the Maryland General Assembly), the Commonwealth of Virginia (Chapter 771, 2009 Acts of Assembly of Virginia), and the District of Columbia (D.C. Act 18-0095) contain the amendments to the Washington Metropolitan Area Transit Regulation Compact specified by the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110-432); and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) **CONSENT.**—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) **AMENDMENTS.**—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

“(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

“(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the con-

stitution or laws of the Government he represents shall provide: ‘I, , hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.’”

(2) Subsection (a) of section 9 is amended to read as follows:

“(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.”

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

“(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.”

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

“(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110-432 regarding funding of capital and preventive maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

“(2) For the purposes of this paragraph (d), a ‘dedicated funding source’ means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110-432 for payments to the Authority.”

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved. The consent granted by this Act shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally

construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF GOSPEL MUSIC HERITAGE MONTH

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the joint resolution (H.J. Res. 12) expressing support for designation of September 2009 as “Gospel Music Heritage Month” and honoring gospel music for its valuable and longstanding contributions to the culture of the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the joint resolution is as follows:

H.J. RES. 12

Whereas gospel music is a beloved art form unique to the United States, spanning decades, generations, and races;

Whereas gospel music is one of the cornerstones of the musical tradition of the United States and has grown beyond its roots to achieve pop-culture and historical relevance;

Whereas gospel music has spread beyond its geographic origins to touch audiences around the world;

Whereas the history of gospel music can be traced to multiple and diverse influences and foundations, including African-American spirituals that blended diverse elements from African music and melodic influences from Irish folk songs and hymns, and gospel music ultimately borrowed from uniquely American musical styles including ragtime, jazz, and blues;

Whereas that tradition of diversity remains today, as the influence of gospel music can be found infused in all forms of secular music, including rock and roll, country, soul, rhythm and blues, and countless other styles;

Whereas the legacy of gospel music includes some of the most memorable voices and musical pioneers in the history of the United States, such as Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, Virgil Stamps, Diana Washington, Stamps Quartet, The Highway QCs, The Statesmen, The Soul Stirrers, Point of Grace, Smokie Norful, Terry Woods, James Cleveland, Billy Ray Hearn, Rex Humbard,

Joe Ligon and The Mighty Clouds of Joy, Kirk Franklin, V. Michael McKay, Theola Booker, Yolanda Adams, Edwin and Walter Hawkins, Sandi Patty, The Winans, Kathy Taylor, and Brenda Waters, Carl Preacher, Shirley Joiner of B, C & S;

Whereas many of the biggest names in music emerged from the gospel music tradition or have recorded gospel music, including Sam Cooke, Al Green, Elvis Presley, Marvin Gaye, Aretha Franklin, Whitney Houston, Little Richard, Ray Charles, Buddy Holly, Alan Jackson, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis;

Whereas, regardless of their musical styles, those artists and so many more have turned to gospel music as the source and inspiration for their music, which has blurred the boundaries between secular and gospel music;

Whereas, beyond its contribution to the musical tradition of the United States, gospel music has provided a cultural and musical backdrop across all of mainstream media, from hit television series to major Hollywood motion pictures, including "American Idol", "Heroes", "Dancing with the Stars", "O Brother, Where Art Thou?", "Sister Act", "The Preacher's Wife", "Evan Almighty", and more;

Whereas gospel music has a huge audience around the country and around the world, a testament to the universal appeal of a historical American art form that both inspires and entertains across racial, ethnic, religious, and geographic boundaries; and

Whereas September 2009 would be an appropriate month to designate as "Gospel Music Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress supports the designation of "Gospel Music Heritage Month" which would recognize the contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support my bill, H.J. Res. 12, that will designate September 2009 as Gospel Music Heritage Month and honor gospel music for its valuable and longstanding contributions to the culture of the United States. Gospel music is an American art form that has spanned hundreds of generations and its musical roots can be heard throughout many musical genres that we love today. It is important that we recognize and celebrate the vital role gospel music has had on music history. For this reason, I ask that you join me in supporting my resolution expressing support for designating September 2009 as "Gospel Music Heritage Month," honoring gospel music for its valuable long-standing contributions to American culture. I would also like to thank the 6 co-sponsors who have seen fit to honor our gospel music heritage.

The history of gospel music can be traced back to African American spirituals that blended diverse elements from African music, melodic influences from Irish folk songs and hymns, and ultimately borrowed from other uniquely American musical styles including ragtime, jazz, and blues.

The influence of gospel music can be found infused in all forms of secular music, from rock & roll, country, soul, R&B, and countless other styles. The legacy of gospel music includes some of the most memorable voices and pioneers in American history, such as Thomas Dorsey, Mahalia Jackson, James Vaughan,

Roberta Martin, and many more. Gospel music has laid down the musical foundation for legendary recording artists such as Elvis Presley, Marvin Gaye, Aretha Franklin, Buddy Holly, Whitney Houston, Ray Charles, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis.

Gospel music has had an overwhelming influence on American culture and this bill recognizes gospel music's contributions by celebrating the rich heritage of gospel music and its artists in the month of September, 2009.

I urge my colleagues to support this bill as we move it to the floor for a vote.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1415

SUPPORTING GOLD STAR MOTHERS DAY

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 513) supporting the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 513

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing a son or daughter who served in the Armed Forces, and thus perpetuate the memory of all whose lives are sacrificed in war;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Department of Veterans Affairs and aid members of the Armed Forces who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired Americans throughout the history of the United States;

Whereas Americans honor themselves and the mothers of America when they revere and emphasize the role of the home and the family as the true foundations of the United States;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas the last Sunday in September, which in 2009 is September 27, is observed as Gold Star Mothers Day: Now, therefore, be it *Resolved*, That the House of Representatives—

(1) supports the goals and purpose of Gold Star Mothers Day, which is observed in remembrance of the supreme sacrifice made by

mothers who lose a son or daughter serving in the Armed Forces; and

(2) urges the President to issue a proclamation calling upon the people of the United States to observe Gold Star Mothers Day with appropriate ceremonies and activities.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measures just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ATTEMPTS TO DERAIL HEALTH CARE REFORM

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, when our friends on the other side of the aisle decide in advance to oppose any health care reform bill, they're putting politics ahead of the needs of the American people.

Guaranteeing coverage for pre-existing conditions, which affect 45 percent of insured Americans, they're against it. Closing the prescription drug doughnut hole for seniors, they're against it. Protecting families from the cost of catastrophic illness, they're against it. Half a trillion in Medicare and Medicaid savings, they're against it. A plan of their own, they're even against that, too.

Why, Mr. Speaker? Uniform opposition to all reform, all savings, all extended coverage? Why? The answer is simple, chilling, and deeply troubling. Senator DEMINT, Republican of South Carolina, put it bluntly: If we're able to stop Obama on health care, it will be his Waterloo. It will break him.

At least the distinguished Senator from South Carolina is honest about the Republican agenda. It's not about a substantive critique. It's about politics, a calculated cynical strategy to derail reform of a broken health care system, a reform that can benefit every American family and small business.

NATIONAL THERAPEUTIC RECREATION WEEK

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, in July we celebrate National Therapeutic Recreation Week. And therapeutic recreation or recreational therapy embraces a definition of health, which includes not only

the absence of illness, but extends to enhancement of the physical, cognitive, emotional, social, and leisure development.

This caring profession touches the lives of individuals facing life-changing disease and disability all across the Nation. These services are provided by professionals nationally certified by the National Council for Therapeutic Recreation Certification as certified therapeutic recreation specialists.

Every day, countless individuals face rebuilding lives as a result of disease and disability. These individuals benefit from compassionate and cost-effective care of a certified therapeutic recreation specialist. Recreational therapy ultimately aims to improve an individual's functioning and keep them as active, healthy, and independent as possible.

Mr. Speaker, I congratulate the caring professionals of the therapeutic recreation profession for the services and care that they provide every day.

HONORING THE LIFE OF THOMAS MAROVICH, JR.

(Mr. McCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. McCLINTOCK. Mr. Speaker, I rise to pay tribute to a young man who gave his life last week while fighting the Backbone Fire in the Trinity Alps wilderness.

Thomas Marovich, Jr. was just 20 years old. He was in his second year with the U.S. Forest Service assigned to the Modoc National Forest. He was training with the Chester Helitack crew assigned to the Backbone Fire when a training accident claimed his life.

He was born and raised in Hayward, but he had come to Northeastern California to protect our forests, our communities, and our citizens from the ravages of fire. Thomas Marovich had wanted to be a firefighter since he was a little boy and, by all accounts, had an exemplary life ahead of him. He was only able to live 20 years of that life, sacrificing the rest of it for the safety of our community. And for that, we owe him and his grieving family our eternal gratitude.

THE COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS ACT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, there's a health care bill that the Democrats have proposed here in the House that would have a major impact on the way that health care is provided in this Nation.

One of the areas that hasn't been talked about a lot is long-term care.

Specifically, the CLASS Act, Community Living Assisted Services and Supports Act, is included, which would mandate government-sponsored, long-term care insurance on all Americans. Now, unfortunately, the \$50-a-day allocation for long-term care insurance is only a portion of the actual cost for the long-term care. Consequently, this is a huge unfunded mandate on who, Mr. Speaker? On you, the American people.

Instead, Congress should consider positive solutions which would make long-term care insurance more accessible by allowing it to be covered under FSAs and cafeteria plans and other patient-centered plans. Without a doubt, Americans need a plan in advance for long-term care. They should be allowed to work with family and trusted advisers to ensure their long-term needs are covered. The government should not limit the type of long-term care Americans may select.

This is just another example of the government telling people what kind of care they should need and may receive.

GOSPEL MUSIC HERITAGE MONTH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we've had a long session of hard work, and I believe this is an appropriate ending to be able to honor some of America's culture. And so I rise today to acknowledge the passing of H.J. Res. 12, to designate September 2009 as Gospel Music Heritage Month and honor the gospel music for its valuable and longstanding contributions to the culture of the United States.

I thank the majority leader and the Republican leadership. I thank the chairman of the committee, Chairman TOWNS, and Ranking Member ISSA of Government Oversight, all of those who have worked, along with my 16 co-sponsors who recognize the value of the songs sung by the likes of Mahalia Jackson singing Precious Lord; Yolanda Adams, The Battle is the Lord's; Sandi Patty; and the work that Elvis Presley did when he sang his gospel songs; Israel, out of Lakewood Church; Kurt Carr with This Little Light of Mine; Donnie McClurkin, Just Stand; and Rev. Gregg Patrick, who is both a producer and a singer.

We have a wide vastness of musical talent in this Nation. I'm glad we're celebrating gospel music.

THE AMERICAN PEOPLE ARE HURTING

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the American people are hurting and losing jobs at an alarming rate. The President and

the Democrats in Congress promised that their trillion dollar stimulus bill would create jobs immediately and keep unemployment below 8 percent. But since the President signed his so-called stimulus into law, the national unemployment rate has reached 9.5 percent, a 26-year high, and over 2 million more jobs have been lost.

It's clear the Democrats \$1.1 trillion stimulus scheme isn't working. It's clear Democrats are on the side of more government, more taxes, and more debt. House Republicans are on the side of the American people, fighting for working families and small businesses to put America back to work.

The American people deserve real solutions for real recovery, and House Republicans will continue to fight for these solutions on behalf of the American people.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, July 30, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Today, on July 30, 2009, the Committee on Transportation and Infrastructure met in open session to consider three resolutions for the U.S. Army Corps of Engineers, in accordance with 33 U.S.C. 542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee.

Sincerely,

JAMES L. OBERSTAR.

Enclosures.

RESOLUTION—DOCKET 2819—BLACK RASCAL CREEK, MERCED, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the reports on the Sacramento-San Joaquin Basin Streams, California, published as House Document No. 367, 81st Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, and other related purposes in the vicinity of the Black Rascal Creek Watershed, Merced, California.

RESOLUTION—DOCKET 2820—DEADMAN'S RUN, LINCOLN, NEBRASKA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the reports of the Chief of Engineers on the Missouri River

and Tributaries, published as House Document Numbered 475, 78th Congress, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, and other related purposes in the Deadman's Run Watershed, located in the vicinity of Lincoln, Nebraska.

RESOLUTION—DOCKET 2821—HYDROELECTRIC POWER, UPPER MISSISSIPPI RIVER SYSTEM, ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Corps of Engineers, entitled Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers, dated December 15, 2004, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in determining the feasibility of incorporating hydroelectric power into the improvements of the navigable portions of the Upper Mississippi and Illinois River system, Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LET'S TAKE CARE OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, a year ago today, when we recessed for the August break, there were some of us who stayed here on the House floor and continued to talk about energy and American independence in energy. Eventually, the powers that be turned out most of the lights, turned off the microphone, turned off the cameras, but we talked on that Friday, and then we continued to talk through most of the month of August, even though a formal session did not occur. And we talked about the need to be energy independent.

Now we've gone a year from that, and what has happened in that 1 year? Well, things have only gotten worse as far as energy independence has gone. Let me give you one example.

In 2008 at this time, in the United States proper we had 1,808 rigs drilling for crude oil and natural gas. A year later, we only have 1,128, so that means 680 rigs fewer now than we did a year ago producing oil and natural gas. What has happened? Well, things have only gotten worse.

We have, or this body passed, barely, legislation to punish energy consumption by the cap-and-tax bill, which means that if you use energy in this country, natural gas, electricity, you

use gasoline, you're going to have to pay more down the road. Hopefully, the Senate will not pass this legislation.

And we have fewer rigs and we are not more independent. We're more dependent. And who are we dependent on? We're dependent on the countries who hate us, some countries in the Middle East, some countries that we know and we have heard that actually the money that we spend on crude oil that we send them finds its way to people who don't like America and funds their organizations.

Why do we continue to do that? Because we don't take care of ourselves. We hear about clean energy, and we all want to go to alternative energy, but we're not there yet, Mr. Speaker. We need to do the simple things. We need to use and drill for our own natural gas and our own crude oil, and we can do that in the United States, in ANWR. We can do that offshore, and that keeps the money in the United States. It produces jobs for Americans, and doesn't send those jobs overseas. It keeps our oil companies and our natural gas companies in the United States. It's a good thing for America.

But because of the fear lobby, we're afraid to drill for natural gas and crude oil. And that is a mistake, because it can be done safely, and it should be done safely. The places that we drill offshore, it's been proven that it can be done safely. And we should continue to do that. So, a year from now, hopefully we won't be in a worse situation, depending on foreign countries for our energy.

We should do the obvious. Take care of America. Drill safely, drill anywhere that we have natural gas or crude oil and help bring energy back home to America, furnish jobs, keep that money in the United States and quit sending it overseas to people who don't even like the United States.

And that's just the way it is.

□ 1430

AMERICA'S FINANCIAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the financial crisis has resulted in the largest transfer of wealth in U.S. history, from Main Street citizens to Wall Street titans, and Wall Street insiders made huge profits off the Ponzi scheme they set up that led to the real estate bust and to our economic demise.

As the rest of America tries to dig itself out from the rubble left in their wake, the New York Times reports today that the nine biggest banks paid \$32 billion in bonuses to their employees of the \$165 billion they got from us, the taxpayers; 4,793 bankers and traders got a minimum of an additional \$1

million each. The average dealer at Goldman Sachs will earn \$750,000 extra. Meanwhile, Wall Street is dumping their bad loans on us, through the government, while dragging their feet on the mortgage workouts.

Bear in mind, some people in this Congress and in the Obama administration decided to pay servicers to do mortgage workouts because they weren't doing them themselves. So, rather than holding them accountable and rather than this Congress' holding them accountable, the administration is paying them, and they're still not doing it.

Look at the rogues gallery. Bank of America got \$45 billion in TARP funds while pulling in \$2.7 billion in profits last quarter. They're going to pay \$3.3 billion in bonuses. Wells Fargo got \$25 billion in TARP funds and turned a \$2.6 billion profit, and they will pay \$980 million in bonuses. JP Morgan is one of the worst. They got \$25 billion in TARP funds, and wracked up \$2.7 billion in profits last quarter, and they will pay \$8.9 billion in bonuses.

I am introducing legislation today to place a full excise tax on all of those Wall Street bonuses, to recoup the taxpayers' money and to direct it be used to do real mortgage workouts across this country on behalf of the American people to get our local real estate markets working again from coast to coast.

You know, Wall Street gorges itself on profits while unemployment is rising across our country, while foreclosures are rising and while pink slips are rising.

Look at JPMorgan. Within one week—and this happened in Ohio—on a Friday, they invited borrowers to attend a workshop for workouts. One little problem: Nobody from JPMorgan showed up until our office had to do their work and call their staff and get them there hours late. Only five of the original 20 borrowers who showed up to the meeting were left because they'd all taken off work, and they'd been able to get sick time to go to the meeting. Then we invited JPMorgan to a workout, and they said they'd send three staff. They didn't. The event went on with one staff member, and people left frustrated.

This is what is going on across our country, so the Obama administration called the 25 servicers up to Washington this week, and tried to talk sweet talk to them. The New York Times said it right yesterday. Here is what they said:

Why aren't these companies cooperating? We're enriching them, but beyond that, "Even when borrowers stop paying, mortgage companies that service the loans collect fees out of the proceeds when homes are ultimately sold in foreclosure. So the longer borrowers

remain delinquent, the greater the opportunities for these mortgage companies to extract revenue—fees for insurance, appraisals, title searches, and legal services.”

A Florida lawyer who defends homeowners against foreclosure, Margery Golant, says, “It frustrates me when I see the government looking to the servicer for the solution, because it will never ever happen.”

The tax laws favor them. So, despite the Federal Government’s chicken-hearted efforts, the servicers will have none of it because they can make more money with all of these bonuses and in letting people lose their homes.

Look in your neighborhood. How many more foreclosure signs do you see there? When America went to war in the early 20th century, each citizen sacrificed for the Nation. Now it’s all about the big shots. It’s all about their bonuses and their power.

Has greed really become the top American value? Foreclosures are rising. Unemployment is rising. Ninety percent of the people in our country say the economy is not working for them, and Wall Street banks just can’t seem to help themselves. They’re squeezing more profits off of our people’s misery.

What is wrong with this Congress? What is wrong with the Obama administration? What was wrong with the Bush administration that preceded it? Somebody had better stand up for the interests of the Republic.

CAN GOVERNMENT PROGRAMS STAY WITHIN BUDGET?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, today, the House rushed through a bill that provides an additional \$2 billion for the so-called Cash for Clunkers program. Apparently, the lure of free money from Uncle Sam provoked such a tsunami of clunkers that the program is already broke.

Mr. Speaker, everyone loves “free money.” The bailed-out banks loved their \$700 billion last fall. The bailed-out automakers loved their \$86 billion. So it’s not a surprise that the initial funding for Cash for Clunkers dried up in a matter of days.

So the question is: If the government so underestimated the cost of this program, and if the backlog of requests from dealers is already so huge, what does this tell us about these types of government programs—that maybe they don’t always function as they were predicted to, and that sometimes they cost taxpayers much more than was estimated?

One large dealership group in Utah had this to say about the hoops they had to jump through to avoid the fines

for noncompliance: The auto dealer said, “Dealers are being asked to be compliant with several rules that are often confusing and unrealistic . . . it is apparent that those writing the rules don’t understand how a car deal actually happens.”

This dealer went on to say that the government agency in charge of the Cash for Clunkers program has “threatened large fines for noncompliance. We are a top-10 dealer group in the country, and have gone to great lengths to be compliant, but it is even confusing to us. It will be a nightmare for the many smaller dealerships around the country.”

So far, we’ve learned several things from this Cash for Clunkers program. Lesson 1: Businesses and consumers really love free money—except when they’re the ones paying for someone else’s free money. Lesson 2: The government is abysmal at predicting how much programs will cost. Lesson 3: Complying with Federal mandates is a nightmare.

Of course, we should not overlook the fact that there may very well be some unintended consequences of this program. For instance, the New York Times reported in April that France had a similar program from 1994 to 1996. Guess what? It worked. Well, kind of. There were lots of auto sales initially, but the program was followed by a severe drop in auto sales in 1997 and in 1998. Isn’t that interesting? It turns out the program was simply shifting demand forward. What is keeping the U.S. Cash for Clunkers program from doing the same thing? Nothing.

Let’s return to Lesson 2: Congress’ inability to accurately estimate the cost or the effect of new government programs.

Based on research from Congress’ Joint Economic Committee over the years, congressional estimates of the cost of health care programs have been extremely unreliable. For example, when Congress was considering Medicare part A, the hospital insurance component, Congress estimated it would cost \$9 billion by 1990. The actual cost in 1990 was \$67 billion, 7 times more than Congress estimated. The 1967 estimate for the entire Medicare program in 1990 was \$12 billion. The actual cost? \$111 billion. It was almost 10 times the original estimate.

Later, in 1987, Congress estimated that Medicaid’s disproportionate share of hospital payments to States would cost less than \$1 billion in 1992. Five years later, the results were in. It was \$17 billion, which is an incomprehensible 17-fold increase over the estimate from just 5 years earlier. You get the idea.

Today’s Cash for Clunkers example is just the latest in a long line of programs that turned out to be dramatically more expensive than anyone predicted, not to mention notoriously dif-

ficult to comply with or to figure out. Perhaps the most amazing part of this example is that it reminds me of the ongoing discussion over health care reform.

Here we’ve got a health system that is in need of reform, and some people are pushing a bill that amounts to a government takeover of health care. They like to call it a “public option.” The Congressional Budget Office already has said it would add \$239 billion to the deficit over 10 years, but as we’ve just seen, government programs have a tendency to take on a life of their own and cost taxpayers way more than was originally estimated or envisioned.

While I’m willing to allow for some margin of error in estimated costs—they are estimates after all—what concerns me is that, today, we’re starting out with estimates for huge deficits with this health care plan. At the same time, we’re paying for it out of the pockets of America’s job creators—small businesses.

If the current proposal becomes law, are we going to be coming back to these small businesses with another tax increase in 5 or 10 years? With our track record on programs like Cash for Clunkers, that wouldn’t surprise me one bit.

REFILE THE VOTER INTIMIDATION CASE AGAINST THE NEW BLACK PANTHER PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, earlier today, I sent a letter to Attorney General Eric Holder, which I submit for the RECORD, imploring him to refile the voter intimidation case against the New Black Panther Party that was inexplicably dismissed in May.

This case was brought in January by career attorneys in the department’s Civil Rights Division against the party and several of its members for deploying uniformed men to a polling station in Philadelphia on election day last November to harass and intimidate voters—one of whom brandished a nightstick to the voters.

The public can view video of the incident as well as other examples of their intimidation in a January 2009 National Geographic Channel documentary that is posted on the Web at www.electionjournal.org.

One of the witnesses of the election day incident, Bartle Bull—a veteran civil rights activist who served as Bobby Kennedy’s New York campaign manager in 1968—has publicly called this “the most blatant form of voter intimidation” he has ever seen. He also reminded us that Martin Luther King did not die to have people in jackboots with billy clubs block doors of polling

places. Neither did Robert Kennedy. It's an absolute disgrace.

In 1981, I was the only member of the Virginia delegation in the House to vote for the Voting Rights Act, and I was harshly criticized by the editorial page of the *Richmond Times Dispatch*. When I supported the act's reauthorization in 2006, I was again criticized by editorial pages. My commitment to voting rights is unquestioned.

Given my consistent support for voting rights, I was deeply troubled by a report in yesterday's *Washington Times*, which I also submit for the *RECORD*, indicating that improper political influence by Associate Attorney General Thomas Perrelli led to the dismissal of this case—over the objections of justice career attorneys on the trial team.

I am troubled, but unfortunately not surprised, to learn of the existence of this guidance from the chief of the department's Appellate Division, which recommended that the department proceed with the case and obtain default judgment. Despite a congressionally directed request, the guidance was not previously shared with Members of Congress.

According to a summary of the Appellate Division guidance reported in the *Washington Times*, "Appellate Chief Diana K. Flynn said in a May 13 memo obtained by *The Times* that the appropriate action was to pursue the default judgment unless the department had evidence the court ruling was based on unethical conduct by the government."

She goes on to say many other things, which I'll submit for the *RECORD*, but she ends by saying that the complaint appeared to be sufficient to support the injunctions sought by the career employee, stating, "The government's predominant interest is preventing intimidation, threats and coercion against voters."

Just last week, Eric Holder declared that the department's Civil Rights Division is "back and open for business." I question Eric Holder's commitment to voting rights, and I question Eric Holder's judgment. Yet where are the other Members of this Congress—Republican or Democrat—who want to even look at this issue?

Given that both the department's trial team and the Appellate Division argued strongly in favor of proceeding with the case, I can only conclude that the decision to overrule the career attorneys, Associate Attorney General Thomas Perrelli or other administration officials was politically motivated.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 2009.

Hon. ERIC H. HOLDER, JR.,
Attorney General, Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: In light of the troubling reports of political influence in the enclosed article from yesterday's

Washington Times, as well as the many unanswered questions to members of Congress, I implore you to re-file the voter intimidation case against the New Black Panther Party and other defendants so that impartial judges—not political benefactors—may rule on the merits of this case. Given your declaration on July 22 that the department's Civil Rights Division is "back and open for business," I would urge you to demonstrate your commitment to enforcing the law above political interests by re-filing.

My commitment to voting rights is unquestioned. In 1981, I was the only member—Republican or Democrat—of the Virginia delegation in the House to vote for the Voting Rights Act and was harshly criticized by the editorial page of the *Richmond Times Dispatch*, and when I supported the act's reauthorization in 2006, I was again criticized by editorial pages.

Given my consistent support for voting rights throughout my public service, I hope you can understand why I am particularly troubled by the dismissal of this case. The video evidence of the defendants' behavior on Election Day, as well as a January National Geographic Channel documentary, "Inside: The New Black Panther Party," should leave no question of the defendants' desire to intimidate or incite violence.

The ramifications of the dismissal of this case were serious and immediate. Defendant Jerry Jackson received a new poll watcher certificate, a copy of which I have enclosed, on May 19, 2009, immediately after the case was dismissed. Mr. Jackson faced no consequences for his blatant intimidation and promptly involved himself in the next election. Is that justice served?

As you will read in the enclosed memorandum of opinion from the Congressional Research Service's American Law Division, there is no legal impediment that would prevent you from re-filing this case. Unlike a criminal case, a civil case seeking an injunction against the other defendants could be brought again at any time. According to the memo provided to me, "It appears likely that the Double Jeopardy Clause would not bar a subsequent civil action against the [New Black Panther] Party or most of its members," and "second, because the United States voluntarily dismissed its suit against the Party and two of the three individual members before those defendants had filed an answer or motion to dismiss the suit, the previous action had not moved sufficiently beyond preliminary steps so as to implicate the Double Jeopardy Clause."

I was surprised to learn from *The Washington Times* report of the existence of the enclosed correspondence from the chief of the department's Appellate Division recommending that the department proceed with the case and the default judgment. These opinions were never disclosed to me or other members of Congress by the department in its previous responses to questions regarding the dismissal of the case. According to the report:

"Appellate Chief Diana K. Flynn said in a May 13 memo obtained by *The Times* that the appropriate action was to pursue the default judgment unless the department had evidence the court ruling was based on unethical conduct by the government.

"She said the complaint was aimed at preventing the 'paramilitary style intimidation of voters at polling places elsewhere' and Justice could make a 'reasonable argument in favor of default relief against all defendants and probably should.' She noted that the complaint's purpose was to 'prevent the

paramilitary style intimidation of voters while leaving open 'ample opportunity for political expression.'

"An accompanying memo by Appellate Section lawyer Marie K. McElderry said the charges not only included bringing the weapon to the polling place, but creating an intimidating atmosphere by the uniforms, the military-type stance and the threatening language used. She said the complaint appeared to be 'sufficient to support the injunctions' sought by the career lawyers.

"The government's predominant interest is preventing intimidation, threats and coercion against voters or persons urging or aiding persons to vote or attempt to vote, she said."

Given that both the department's trial team and the Appellate Division argued strongly in favor of proceeding with the case, I can only conclude that the decision to overrule the career attorneys Associate Attorney General Thomas Perrelli, or other administration officials, was politically motivated. This report further confirms my suspicions that the Department of Justice under your watch is becoming increasingly political.

It is imperative that we protect all Americans right to vote. This is a sacrosanct and inalienable right of any democracy. The career attorneys and Appellate Division within the department sought to demonstrate the federal government's commitment to protecting this right by vigorously prosecuting any individual or group that seeks to undermine this right. The only legitimate course of action is to allow the trial team to bring the case again and allow the our nation's justice system to work as it was intended—impartially and without bias.

Sincerely,

FRANK R. WOLF,
Member of Congress.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 30, 2009.
Memorandum

To: Hon. Frank Wolf, Attention: Thomas Culligan.

From: Anna Henning, Legislative Attorney.
Subject: Application of the U.S. Constitution's Double Jeopardy Clause to Civil Suits.

This memorandum responds to your request for an analysis of the application of the Double Jeopardy Clause to successive civil suits in federal courts. In particular, it examines the clause's potential application in the context of a civil suit brought against the New Black Panther Party for Self-Defense or its members, against whom the United States had previously brought an action for injunctive relief. In sum, it appears likely that the Double Jeopardy Clause would not bar a subsequent civil action against the Party or most of its members.

DOUBLE JEOPARDY CLAUSE: APPLICATION TO CIVIL PENALTIES

The Double Jeopardy Clause provides that no "person [shall] be subject for the same offence to be twice put in jeopardy of life or limb." It has been interpreted as prohibiting only successive punishments or prosecutions that are criminal in nature. However, some penalties designated as "civil" by statute have been found to be sufficiently "criminal" to implicate double jeopardy concerns. In other words, whether a particular punishment is criminal or civil may require an interpretation of congressional intent and the extent to which the penalty can be characterized as penal in nature.

Factors that courts consider when determining whether a penalty is criminal in nature include: (1) “whether the sanction involves an affirmative disability or restraint”; (2) “whether it has historically been regarded as a punishment”; (3) “whether it comes into play only on a finding of scienter”; (4) “whether its operation will promote the traditional aims of punishment—retribution and deterrence”; (5) “whether the behavior to which it applies is already a crime”; (6) “whether an alternative purpose to which it may rationally be connected is assignable for it”; and (7) “whether it appears excessive in relation to the alternative purpose assigned.” However, Congress’ designation of a penalty as “civil” creates a presumption which must be overcome by clear evidence to the contrary. Thus, civil penalties are not typically found to be criminal in nature. For example, in *Hudson v. United States*, the U.S. Supreme Court held that monetary assessments and an occupational debarment order did not implicate the Double Jeopardy Clause, because neither type of penalty constituted a “criminal punishment.”

Regardless of the nature of the penalty sought, the Double Jeopardy Clause does not bar a subsequent action if no more than preliminary proceedings commenced in the prior action. Typically, an action must have reached at least the stage where jury members have been sworn (in a jury trial) or where the first evidence has been presented to the judge (in a bench trial).

APPLICATION TO A SUBSEQUENT SUIT AGAINST THE NEW BLACK PANTHER PARTY FOR SELF-DEFENSE OR ITS MEMBERS

In January 2009, the U.S. Department of Justice filed a civil suit in a U.S. district court against the New Black Panther Party for Self-Defense and three of its members. The suit was brought by the Department’s Civil Rights Division pursuant to the Voting Rights Act of 1965, 42 U.S.C. §1973 et seq., which prohibits intimidation of “any person for voting or attempting to vote” and authorizes the Attorney General to bring civil actions to obtain declaratory judgment or injunctive relief to prohibit such actions. The Department alleged that members of the Party had intimidated voters and those aiding them during the November 2008 general election and sought an injunction banning the Party from deploying or displaying weapons near entrances to polling places in future elections. However, after the Department obtained an injunction barring one member’s future use of weapons near polling places, it voluntarily dismissed its suit against the Party and the other members.

For two reasons, it appears likely that the Double Jeopardy Clause would not prohibit the Justice Department from bringing a similar suit on the same or similar grounds against at least the Party and the individual members for whom the previous suit was dismissed. First, it is likely that a court would find that the injunctive relief sought in the previous action constitutes a civil, rather than criminal, punishment.

Although Congress’ designation of the injunctive relief actions as a civil penalty is not ultimately dispositive, it is unlikely, based on the seven factors noted previously, that injunctive relief sought by the Justice Department would be viewed as sufficiently criminal in nature so as to overcome the presumption in favor of accepting Congress’ characterization. Most importantly, the injunctions seem to have been primarily designed to prohibit the use of guns at polling places for the purpose of implementing the

purposes of the Voting Rights Act, rather than to impose punishment on the defendants.

Second, because the United States voluntarily dismissed its suits against the Party and two of the three individual members before those defendants had filed an answer or motion to dismiss the suit, the previous action had not moved sufficiently beyond preliminary steps so as to implicate the Double Jeopardy Clause. With respect to the one member against whom an injunction was obtained, this second factor would not apply. However, due to the likely characterization of the injunction as a civil penalty, it remains unlikely that a subsequent action would be barred.

□ 1445

It is imperative that we protect all Americans’ right to vote. This is sacrosanct on an inalienable right of any democracy. The career attorneys and the appellate division within the Department sought to demonstrate the Federal Government’s commitment to protecting this right by vigorously prosecuting any individual or group who seeks to undermine this right. The only legitimate course of action for the trial team is to bring the case again and allow our Nation’s justice system to work as it was intended.

And to see it again, look for it in your own eyes. Look at www.electionjournal.org.

IMAC, NOT THE SILVER BULLET IT WAS PROMISED TO BE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, before I came to Congress I spent 20-plus years as a physician taking care of folks in the north Atlanta area, so this whole debate about the health care bill, there are many aspects of it that give me great concern. And the fact of the matter is, Mr. Speaker, there are many aspects of it that give the Nation great concern.

So whether it’s the government-run program or the takeover of health care or whether it’s the potential for huge mandates from the Federal Government, many aspects point to areas of different concern for the American people. And one of them is the issue of rationing, the issue of whether or not the Federal Government should be deciding to what extent which Americans receive medical care.

So earlier this year when there was a proposal that was passed in this House and in the Senate signed by the President for something called the Comparative Effectiveness Research Council, fancy name for a potential rationing board, many people voiced concerns about that, as did I.

And what we heard from the other side of the aisle, the majority party, the Democrats, they said, Don’t worry about that. There will be congressional

oversight. Congress will be able to hold their feet to the fire. Well, Mr. Speaker, what’s now come out is that may not be the case.

The IMAC program, or the Independent Medicare Advisory Council, is a proposal that is being added to the current health care bill that would create a new Presidentially appointed board empowered to make recommendations on cost savings proposals. These are very, very personal medical decisions that we’re talking about here, and cost savings proposals oftentimes means rationing.

This proposal in the health care bill right now would eliminate all congressional oversight of the Medicare program and put it in the hands of, you guessed it, the White House and the President. It creates a new executive branch agency with unelected board members appointed by the President to make recommendations on the reductions in Medicare payment levels, reimbursement for providers, potentially refusing to pay for services or care prescribed by doctors as they are deemed not to be “cost efficient.” That’s the language, Mr. Speaker.

The bill says that the reforms must “either improve the quality of medical care received by the beneficiaries of the Medicare program or,” not and, “improve the efficiency of the Medicare program’s operation.”

Mr. Speaker, this is extremely concerning. This Congress has created the Comparative Effectiveness Resources Board that will have the power to ration care based on cost or quality. It would make the board’s recommendations binding in the absence of action by Congress within 30 days if the President approved the recommendation.

Now, many Members of Congress are concerned about payment rates in rural parts of the country, yet this board eliminates State and community input into the Medicare program by rendering irrelevant the influence of local Medicare Carrier Advisory Communities, or MCACs, to develop and implement policies expressly applicable to their patient population.

Further, it would reduce the availability of patient advocacy groups to implement new policies that would improve the health care of our Nation’s seniors.

The real concern as a physician is that nonmedical people will be making medical decisions. It’s a terrible idea. It’s not what the American people want, and they are actually waking up to the proposal that’s before Congress right now. And that’s why you see the numbers of support across this land decreasing.

Let’s move in a positive direction. There is a positive direction, and that is to allow quality decisions, medical decisions to be made between patients and their families and caring and compassionate physicians. It’s a simple

way to do it, not put it in the hands of a bureaucrat, not put it in the hands of the White House, not put it in the hands of the President. Let patients and doctors decide.

Mr. Speaker, that's the right way. Mr. Speaker, that's the American way.

SINGLE-PAYER, NOT-FOR-PROFIT HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, I've listened to the health care debate, as all Members have, for the last few months. And what's very interesting about it is that in this debate, we've essentially talked past the single most effective way to reduce costs and to provide health care for all Americans, and that is to create a single-payer, universal not-for-profit health care system.

Such a system is envisioned in and provided for in H.R. 676, Medicare for All, a bill that I had the privilege of writing with JOHN CONYERS of Michigan, a bill that is supported by 85 Members of Congress, by hundreds of community organizations and labor unions, by over 14,000 physicians, and a bill which represents an idea whose time has come.

Some basic facts require discussion when we're speaking about our health care system. And that is that we spend about \$2.4 trillion on health care in America, all spending. That amounts to about 16 to 17 percent of our gross domestic product. Clearly health care is a huge item in the American economy.

If all of that money, all of that \$2.4 trillion went to care for people, every American would be covered. But today, not every American is covered. As a matter of fact, there are 50 million Americans without health insurance and another 50 million underinsured. Why is it in this country which has so much wealth in this country, which has given so much of its wealth to people at the top, we can have 50 million Americans without insurance? By and large, it's because people cannot afford private insurance.

Why not? Well, it's very simple. When you look at the fact that an individual can pay \$300 to \$600 a month or more for a premium, when you look at the fact that a family can pay \$1,000, \$2,000 a month or more for a health care premium, when you consider that a family budget cannot in any way countenance the kind of health care expenses that most families can run into, when you understand that any family can lose its middle class status with a single illness in that family, you come to understand the dilemma that we have in America.

Why isn't health care a basic right in a democratic society? Why do we have

a for-profit health care system? I will tell you why. Because out of that \$2.4 trillion that is spent every year in health spending, \$1 out of \$3, or \$800 billion a year, goes to the activities of the for-profit system for corporate profits, stock options, executive salaries, advertising, marketing, the cost of paperwork; 15 to 30 percent in the private sector as compared to Medicare's 3 percent.

This is what this fight is about in Washington. This is why the insurance industry is hovering around Washington like a flock of vultures. \$800 billion a year is at stake. And so they will do anything that they can to be part of this game so that the government can continue to subsidize insurance companies one way or another.

One out of every \$3 goes for the activities of the for-profit system. If we took that \$800 billion a year and put it into care for everyone, we'd have enough money to cover every American. Not just basic health care, with doctor of choice, but dental care, mental health care, vision care, prescription drugs, long-term care, all would be covered. Everything.

People say how is that possible? It's because we're already paying for the universal standard of care. We're just not getting it.

GET 'ER DONE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATOURETTE. I thank the Speaker for the recognition and thank the minority leader for this hour.

I'm going to be joined by my good friend, Mr. NUNES, from California and Mr. MCCOTTER, who is on his way.

I want to talk tonight, Mr. Speaker—most folks in America recognize the picture to my left. It's Larry the Cable Guy. And if you watch Larry the Cable Guy, his line is get 'er done. And get 'er done is a good way to entertain somebody in a movie. I would suggest it's not such a good way to run the United States of America.

Sadly, since the beginning of this year, we have had a majority in this House and in the other body and at the other end of Pennsylvania Avenue that has taken the attitude of just get 'er done. And that can lead sadly to some unfortunate consequences.

The first get 'er done was we were told we had to have an economic stimulus package spending \$789 billion of taxpayer money by President's Day. It was very important that the President of the United States have the opportunity to sign this bill by President's Day. So the White House's message to the Congress was get 'er done. And the leadership of this House got it done.

Sadly, they were embarrassed because included—and we're going to talk a little bit later in the hour—in the bowels of that stimulus package, which, by the way, was 1,100 pages long and Members of the House got 90 minutes to read it so I doubt many people read it—so people were embarrassed because they didn't read the bill to find out that in the bill was an authorization to give the insurance company AIG, which has received more, billions and billions of dollars, from the taxpayer, bonuses totaling \$173 million.

Well, then the next get 'er done came along—and everybody knows we have a problem with the automobile industry in this country. And rather than wrapping up their affairs and going through a bankruptcy the old fashioned American way, the message from the White House was we gotta get 'er done in 40 days. Can you imagine a 40-day bankruptcy for Chrysler, the third largest automobile manufacturer in this country and for General Motors, the largest.

And the get 'er done there has been a lot of collateral damage. We have seen plants all across the country closed; we have seen about 50,000 auto workers about to be thrown out of their jobs. We have seen parts suppliers not get paid for manufacturing and making the parts that go into the cars. And we will talk a little bit later about the car dealers. Some brainiac decided that car dealers were a problem in this country and so therefore we have had to get 'er done; we had to close about 3,000 auto dealerships in this country, and we're going to talk about that, too.

□ 1500

But, again, just like the economic stimulus bill, get 'er done is not really a good way to run the country because the other collateral damage that has occurred here recently is there are about 50,000 people that didn't work for General Motors, worked for companies like Delphi, that had their health insurance through General Motors, and guess what? Nobody cared at all about what happens to their health care. So while some of the UAW members that work for General Motors and Chrysler are now secured by stock ownership in the new companies, these 50,000 workers don't have any health care.

Then we came along to what at least in my State is a pretty controversial issue, the cap-and-trade legislation. Some folks on my side called it the "cap-and-tax" legislation. And basically, when fully implemented, I believe it will drive any job that's left in the State of Ohio out of the State of Ohio.

But, again, there's a way to do things here. I've been here for 15 years, and the way legislation usually works is somebody has an idea. We talk about it. We have hearings. They bring it to the floor. Members who have other

good ideas have the opportunity to amend that legislation, and then we vote on it. Well, cap-and-trade, sadly, came to the floor, and at 3 o'clock in the morning—I think we voted on the bill on a Friday, and at 3 o'clock Friday morning, in a 1,200-page bill—which, again, nobody had read. They put in 309 new pages at 3 o'clock in the morning, and then we voted on the bill later in the day. And, again, get 'er done.

But we were told we had to get it done by July 4. So the White House called up the House, said get 'er done. Leadership said to their troops, get 'er done, and they got it done. But just like in the stimulus bill, people are embarrassed, because in those 309 pages, which nobody read, they have found out that this cap-and-trade legislation, aside from dealing with carbon emissions and setting up a whole new speculative system, derivative system to trade carbon credits, it regulates water coolers.

If you have one of those water coolers in your house or at the office with the big jugs you've got to tip over, that's going to be subject to regulation. If you have a hot tub or spa outside your house, that's regulated under the cap-and-trade legislation. And people were really surprised that Christmas lights are regulated under the cap-and-trade legislation.

Now, listen, all of us want to deal with climate change, but you're going to have to go a long way to convince me that Christmas lights are somehow leading to global warming. So that's in the cap-and-trade bill. So get 'er done isn't really a good way to run the country.

And now this week, thankfully, they were not able to get 'er done on health care. The proposal going through the committees of this House—again, the White House said we've got to get 'er done by August 1, which is tomorrow. Everybody began moving around. But a funny thing happened on the way to get 'er done. Some conservative Democrats, Blue Dog Democrats, said, We don't think the government should be in the business of running the health care system and we should have a United States health care policy in this country.

And the previous speaker, Mr. PRICE, was talking. This bill, again, get 'er done won't take care of it because there are some scary things in this legislation. One piece of it is, for the first time in our Nation's history under the national policy, end-of-life counseling will be available. Well, that's good. I happen to be a big supporter of hospice and all the wonderful work they do at the end of a person's life.

But the problem with end-of-life counseling in this bill is that to get the cost savings that they want to achieve, you have to control cost. And so many of the models are taken from Great

Britain and Canada, and in those systems there is a board, as the President wants to set up, that determines what procedures are covered, what drugs are covered, and what are not. And just by way of example, the same board over in the United Kingdom, it's called NICE. So who could be against something nice?

But NICE doesn't cover drugs for people with Alzheimer's, doesn't cover drugs for people with breast cancer, doesn't cover some drugs for people with prostate cancer. And the best one was macular degeneration, which is a degeneration of the eye and can lead to blindness. They won't approve the most effective drug. They approve the second-most effective drug, but this NICE board has determined that you can only get treatment in one eye. And so if you go to Great Britain in about 5 years, you're going to see a bunch of folks running around that look like pirates with eye patches because the NICE board is only going to let them take care of one eye.

I will yield to my friend from California.

Mr. NUNES. I thank the gentleman for yielding.

I know my friend has spent a lot of time on these issues. We were involved in the first bailout back in the day, and I remember when you and I were very concerned about the country, where we were heading with the debt piling up. And then we got into the new administration with the stimulus bill, and keeping with get 'er done, they actually got that done, borrowed almost \$1 trillion, and now they have very little of that money spent, out the door.

Unemployment was only supposed to go to 8 percent. Now unemployment is at 10 percent. In my home State of California, it is well over 10 percent. In my district, it's almost 20 percent. So they got it done, but really nothing got done.

And when you look at the cap-and-trade bill or the cap-and-tax bill, that was another example of getting it done and really getting nothing done, because ultimately, in their bill, if it becomes law, it won't take any CO₂ out of the air because you're going to have China and India continuing to build coal-fired power plants. In fact, your home State of Ohio I know pays 3 cents a kilowatt for its electricity because you use one of the greatest resources in America, which is coal.

And if you look at California today, in California we've passed, basically, cap-and-trade legislation through the State legislature. And I don't know if the gentleman knows this already, but in California we're paying 17 cents a kilowatt for electricity. So it's no wonder that California's unemployment rate continues to go up, costs to Americans continue to go up.

And so the Democrat Congress definitely is trying to get something done,

but in the process of getting legislation passed out of this House, it's legislation that, at the end of the day, is going to hurt America.

And just to finish up on this health care debate, we were told numerous times by the Speaker that she had the votes. The majority leader said they had the votes. And now, here we are today. They don't even have the votes in the Energy and Commerce Committee, which is still meeting today in committee, and it seems like they're not getting it done—and thankfully. We don't want them to get this done because we don't want the government to take over our health care system, which the gentleman, I think, was pointing out.

Mr. LATOURETTE. I thank my friend very much. You make a great point, and I think I want to reinforce that point.

There have been some speakers that have come to the floor during the last few days saying that somehow Republicans are the Party of No and we don't want to reform health care and we're blocking this great health care proposal that they have. Well, that's not true. There are 178 Republican Members of the House of Representatives, 247 Democratic Members of the House of Representatives, and they can do whatever they want, whenever they want.

Mr. NUNES. Just to correct the gentleman, 256 Democrats, I believe.

Mr. LATOURETTE. Well, they got more.

Mr. NUNES. And how many votes does it take to pass a bill out of the House?

Mr. LATOURETTE. That would be 218. So 47 people can leave the reservation and you still have a piece of legislation.

So we're not preventing them from doing anything. As a matter of fact, we have four or five good pieces of legislation on health care that solve the problems of the doughnut hole and Medicare part D, take care of the uninsured in this country that don't have insurance.

And not only that, it's a sad situation that leads to a lot of cost shifting for people who do have insurance, deals with making sure that you can't be excluded from health care if you have a preexisting condition. But nobody will talk to our side of the aisle. And the attitude since the beginning of this year has been, we've got 258 votes, and we're going to do what we want when we want, and when we want your ideas, we'll ask you. And it's unfortunate that we haven't been asked.

But we are certainly not blocking what it is they're attempting to do. They are, at the moment, having a fight amongst themselves. You have conservative Democrats versus liberal Democrats, and they can't figure it out. And once they're all on the same

page, they can pass it, and pass it in the Senate, and the President clearly wants to sign it.

Mr. NUNES. And if the gentleman would yield again, we've heard several times from the White House and from the Democrat leadership and this Congress blaming the Republicans for not having a plan. And as the gentleman pointed out, first of all, they've never wanted to work with us. Second of all, they've never asked us for our plans. And third, the Republicans have very good plans, some plans that myself and PAUL RYAN from Wisconsin have worked on and we're going to continue to work on over the break.

The good thing, the best thing about the plan that we've put together, that the Republicans have put together, is that we deal with the Medicaid problems in this country. And one thing we have to look at over the long run is that debt continues to pile up. And we have three major problems in this country that no one wants to talk about, and that's the unfunded liabilities that this country has. We have the unfunded liabilities of Medicaid, unfunded liabilities of Medicare, unfunded liabilities of Social Security.

The sad part about the Democrat plan is that they want to put more and more people on Medicaid. And now in my district, only 22 percent of the doctors will see Medicaid patients. And so the Republican plan that we've put forward actually deals with the Medicaid problem that we have in this country and actually gives people better health care. And that is, I think, something that needs to be done.

Mr. LATOURETTE. I thank the gentleman.

And the gentleman is hiding his light under a bushel basket because the other thing that his piece of legislation does that this piece of legislation that's being debated now does not do is that you bend the cost curve.

Two of the reasons that we're having a health care debate in this Congress are, one, to get better quality health care and take better care of people in this country, but two is to rein in the cost.

Now, one of the reasons that we don't have a bill this week and that they couldn't get 'er done was that the Congressional Budget Office came back and scored it, at one point, that this didn't save money. It was actually going to add \$1.6 trillion to the debt. And to be completely bipartisan, because my friend brought up the Wall Street bailout, that was George W. Bush. That was Hank Paulson, his Treasury Secretary, that came to Capitol Hill with a three-page bill—can you imagine, a three-page bill—and said, you've got to give us \$700 billion to go to Wall Street or the world is going to come to an end. So you take that \$700 billion, you take the \$700 bil-

lion. Mr. NUNES. But I will add, if the gentleman will yield for a second, I will add that this was a bipartisan bailout that was passed.

Mr. LATOURETTE. Right.

Mr. NUNES. So it was the White House working in conjunction with the Democrat-controlled House that passed the first bailout. And I think one of the things we're going to talk about later, as we transition into, I think, some of the things we want to talk about is AIG.

Mr. LATOURETTE. I do.

Mr. NUNES. I think you really have to look at where that money that went first to AIG and then somehow got to, guess where? Goldman Sachs.

Mr. LATOURETTE. Right. The gentleman is absolutely right. But if you take the \$700 billion from the Bush administration, \$789 billion from the stimulus package, you take the auto bailout—which is tipping \$60 billion, \$70 billion—you take the budget that the President sent up here that the majority passed of \$3.5 trillion, you really are talking real money.

And a lot of folks come to the floor and talk about, well, this is a debt that's going to be passed on to our children and our grandchildren. That's true. But even those of us in our middle age are going to have a problem with this because we have to borrow it, and you have to borrow it from places like China, and you borrow it at higher and higher interest rates. And so it's not only a debt that needs to be repaid some day, the interest on the debt is eventually going to strangle this budget.

Mr. NUNES. And if the gentleman would yield again, I want to make one important point back to the point that you're making, and that is that the Congress, for many years, has spent too much money. There is no question about that, Republicans and Democrats have spent too much money. But if you look at the budgets that have been put forward with the stimulus bill and the bailouts and the government takeover of companies, you look at the unfunded liabilities, the Obama administration potentially could triple or quadruple the debt by the time President Obama is out of the Presidency. That doesn't include that the Obama administration could pile up more debt than all previous Presidents combined.

Mr. HOEKSTRA. Would the gentleman yield?

Mr. LATOURETTE. I would be happy to yield to my friend from Michigan.

Mr. HOEKSTRA. We're from Michigan. We think in smaller numbers. And I know that my colleague has been very interested in what's been happening with dealers, automobile dealers. But as we talk about a \$787 billion stimulus plan, as we talk about the bailout, as we talk about the cap-and-trade bill—I'm not sure exactly how big that is going to get in new taxes—

and then you talk about there are folks here who want this government to take over health care, \$1.6 trillion.

Can I just share with you two examples of what happens when we try to do a \$1 billion program? Will the gentleman continue to yield?

Mr. LATOURETTE. I'm happy to yield to the gentleman.

Mr. HOEKSTRA. This Cash for Clunkers program, I've talked with four of my dealers in the last couple of hours, they've sold a total of about 150 cars over the last 5 days. And all we're doing is processing a rebate, right? It's either a \$3,500 check or a \$4,500 check. Out of those 150 sales, zero, exactly zero rebates have been approved, although the paperwork has been filed. Some of the paperwork has been filed three times.

The paperwork is 21 pages—this is from one of my dealers. They sent in 21 pages, and here's what the sales guys wrote: Each of these pages have to be scanned in and must be saved with the attached file names, and each page must be uploaded separately. You cannot save anything until the end. So if the Web site crashes, you get to start over.

□ 1515

If the Web site works, it takes approximately 1 hour per deal?

Mr. LATOURETTE. Wow.

Mr. HOEKSTRA. That's the paperwork.

Mr. LATOURETTE. Reclaiming my time, it's my understanding that the Web site has crashed at least twice.

Mr. HOEKSTRA. Yes. And it crashed again this morning.

Then they get the rejection notice. And to one of my dealers, I said, Well, you know, you file it the first time, you get a rejection, and it comes back, and you fill it out appropriately the second time like it's filling out taxes, these 21 pages.

And he said, PETE, I've had a number of these things come back for a third time. He said, I've just had one come back.

This is what happens from the people who want to run our health care system. The voucher you have submitted with invoice number da da da has been rejected for the following reason: No reason provided.

The next line says, The voucher can be resubmitted if the reason for rejection can be corrected.

Now, what is this dealer supposed to do? Go back and submit exactly the same 21 pages that he did before? Because the reply came back and said, The reason you've been rejected is "no reason provided." Under this program before you file, you've already destroyed the car. You've had to ruin the engine, and the guys are now riding around in their new car. The dealer can't get their rebate check. So we can't even handle a billion-dollar program.

The consumers love this program.

Mr. LATOURETTE. It's a great program.

Mr. HOEKSTRA. Consumers love it. It's a program that has been well intentioned. It's driving car volume. But it's driving our dealers absolutely nuts, and they are already under a tremendous amount of stress and strain. And, remember, these folks can't implement a \$1 billion program that all it does is provide a rebate. That's all it does, is it provide a rebate. And they want to run our health care system.

And I asked him how hard is it to do a rebate through Ford or GM or Chrysler? He said, That's not a problem at all. They handle it just like that. They send it in, and we get it done just like that.

These guys can't process a voucher, and then we're asking them to plan wages, plan salaries, and all these other kinds of things.

Mr. LATOURETTE. I thank the gentleman. Reclaiming my time, the gentleman has just indicated why they can't "get 'er done." They want to get all these things done, but the fact of the matter is they're not getting them done. And the figures that I saw, there are 16,000 dealers across the country that have entered into this program; so you're not talking about millions of applications that need to be processed. You're talking about 16,000 dealers, and even if the entire billion was exhausted, that's 200,000 cars, and they can't get it done.

So if this health care thing gets out of here where the government runs health care, I really don't want to have any heart problems, because you might wind up with a '57 Chevy engine in your chest.

Mr. HOEKSTRA. The reason for your denial of care is "no reason provided," but you're not getting it.

Mr. LATOURETTE. That will be comforting.

I want to get back to AIG for just a second because that was the first "get 'er done," the stimulus package. Folks were embarrassed that they actually found out that they had authorized, by voting for the stimulus bill, these exorbitant bonuses going to AIG executives. And just a week ago Saturday, it's been like 3 weeks now, this was the headline in the Washington Post: "AIG Plans Millions More in Bonuses. Troubled Insurer is in Talks With U.S. Over Another \$250 Million in Bonuses to Their Executives."

And why it's important that we follow things like regular order, and people say nobody pays attention to process here, but why you can't have an 1,100-page bill filed at midnight and expect people to know what's going on and why goofy things happen is because that's not the way we are supposed to govern. "Get 'er done" is not a way to govern.

So in the stimulus bill, this chart shows the paragraph that was included

in the stimulus bill that specifically, these 40 or so words, specifically said that any bonus that was agreed to before February 11 of this year, which was the day the stimulus bill passed, was protected. And then the \$173 million in bonuses were paid to AIG, and I saw the President on television. He said, I'm shocked. We had people on the floor on this side of the aisle, I'm shocked.

Well, you shouldn't be shocked. If you had done the bill in the way that the Founding Fathers intended it to be done and if you gave people more than 90 minutes to read 1,100 pages, they wouldn't have been shocked. They would have known and they would have had a choice: Do you want to authorize \$173 million for bonuses? If you do, vote "yes." If you don't, why don't you fix the thing?

Mr. NUNES. Will the gentleman yield for just a point of clarification?

Mr. LATOURETTE. Sure.

Mr. NUNES. For the folks who don't quite understand this, this clause that you have in front of you was in the stimulus bill, and this basically approved the bonuses to AIG.

Mr. LATOURETTE. Yes.

Mr. NUNES. I just have a question for the gentleman. Do you know how many Republicans voted for the stimulus bill?

Mr. LATOURETTE. No Republicans voted for the stimulus bill, and 11 Democrats also did not vote for the stimulus package.

But it's worse than that because when the bill left the House, it didn't have this paragraph in it. When it left the Senate, it didn't have this paragraph in it. As a matter of fact, the Senate bill on the stimulus package had an amendment that was adopted the old-fashioned way, in a bipartisan fashion, with a Democratic Senator from Oregon, Mr. WYDEN, and a Republican Senator from Maine, Ms. SNOWE. And they drafted legislation because nobody liked this, handing out billions of dollars to AIG and Wall Street and seeing these executives who have failed. I never understood a bonus. A bonus is supposed to be because you did a good job. I have yet to meet anybody in any of the jobs that I had that said, Steve, you did a really crappy job; here's a bonus.

I yield to the gentleman.

Mr. NUNES. Another clarification. During the bailout and before the bailout, how much money had AIG already received from the Federal Government?

Mr. LATOURETTE. I stopped counting it at about \$125 billion. It may be more.

Mr. NUNES. A hundred and—

Mr. LATOURETTE. A hundred and twenty-five billion dollars.

Mr. NUNES. So then we went on to award bonuses.

Mr. LATOURETTE. We went on to award bonuses, and here's how it hap-

pened: The Snowe-Wyden language was in the Senate bill that said no bonuses. You know this and the Speaker knows this, that we pass the bill, they pass the bill; when it doesn't match up, we have to have a conference to try to work things out. So they appointed conferees. The Senate sent some guys and gals over; we sent some people over. No Republicans were included, by the way. And they said, Let's resolve these two bills. Well, by resolving the two bills, the Snowe-Wyden language was taken out, I mean physically taken out, and this new paragraph protecting the bonuses was put in by somebody.

We are talking a little bit about Larry the Cable Guy and "get 'er done." This was one of my favorite games when I was growing up, the game of Clue, and with apologies to Hasbro, the problem is we have asked, since that news came out, who put that paragraph in? It shouldn't be that hard. Who put that paragraph in? Nobody will own up to it. But it didn't, you know, come from the heavens. Obviously somebody took a pencil or an eraser and took out the Senate language and put in that offending paragraph, but nobody will tell us who did it. And we've asked and asked and asked.

So here's Clue, and basically we think that we have it narrowed down to these folks. If you played Clue, you know you have to figure out what room it takes place in, what the weapon is, and who's the perpetrator. We know that the weapon was a pen. It might have been a computer, but I'm going to say it was a pen. And these are the rooms here in the United States Capitol, the Banking Committee, the Speaker's office, the Senate Leader's office, the conference room where these folks met, the lobby—I don't think it happened in the lobby—the Ways and Means Committee, the lounge, library, and the Appropriations Committee.

Now, we've been asking this since March of this year, and since March of this year, we have excluded the gentleman down here in the lower corner. That's CHARLES RANGEL, Democrat of New York, who's the distinguished chairman of the Ways and Means Committee. He actually emerged from this conference and sort of threw up his hands, according to press reports, and said, The government's being run by three people, and I'm frustrated. And he left. So we don't think Charlie Rangel did it.

Mr. NUNES. But that could be an important clue. I'm on the Ways and Means Committee, and we did not put that language in there. So Mr. RANGEL claimed that there were three people that were writing the bill.

Mr. LATOURETTE. Basically. That was his quoted statement in the press.

So the other folks, and we know this individual was in the room. This is Rahm Emanuel, our former colleague

from Illinois who now serves as the President's Chief of Staff. This is Mr. Orszag, who is the OMB Director. Mr. DODD, Senator from Connecticut who is the chairman of the Banking Committee. At the top the honorable Speaker of the House, Ms. PELOSI of California; and Senator HARRY REID of Nevada, who is the leader over on the other side.

And I put the question mark down there, and this really angers me, because somebody had to authorize it, but some of the statements have been that staff did it. Listen, there's something seriously wrong if a nonelected official or appointed official in the case of the OMB Director can change legislation. So they clearly had to have authorization. A lot of eyes were on Senator DODD and the Department of the Treasury.

But here's what's frustrating. We're asking that question, and it's a pretty simple question: Who did it? And maybe you had a great reason for it. Just tell us why you did it. But they won't. So we have had to go to not only come talk about it on the floor, but we have had to take other action here since March to try to figure it out. So I filed something known as a resolution of inquiry, which asked the Department of the Treasury, Hey, who said take out the one and put in the other? Just tell us who it is. That's a pretty simple question.

And I'm going to say something about the chairman of Financial Services, BARNEY FRANK of Massachusetts. He took the resolution of inquiry. They got more votes than we do. He could have killed it. He did not. He voted it out of his committee 63 or 64-0, and it's been sitting at the Speaker's desk since the end of April, the beginning of May.

Now, again, the Speaker knows this, but the way the legislation gets to the floor is that the majority has to schedule it. And for whatever reason, the distinguished majority leader, Mr. HOYER of Maryland, has chosen not to schedule this piece of legislation for floor activity. So even all of the Democrats on Financial Services that want to know the answer to the question will not get the answer to the question because we can't get the bill to the floor. So we've gone a step further.

There is a provision in the House rules that if they won't act, you can file something called a discharge petition. We filed the discharge petition. It's right over there by the attractive lady in the tan suit. And we have asked Members to sign it so we can bring it to the floor and talk about it. To date, every Republican has signed it, and we don't have yet a Democratic Member who has signed it, but that's the only way we're going to get to it.

But Chairman FRANK did something else commendable. He called up the Treasury and he said, Quit horsing

around. Just tell us who did it. And he set up a number of meetings with the Treasury Department. My staff went to the meetings. I went to the meetings. The last contact that we have had from the Department of Treasury, and I just want to get it because it really is remarkable, we got a call, the banking staff got a call from a fellow who's in Government Relations at the Treasury Department and said that, Well, you know, we really didn't like that meeting because it was too political and we think our lawyer has said we can't answer your question.

Now, what the heck? It's not like we are dealing with somebody from the mob and the lawyer says take the fifth. We are talking about the United States Department of the Treasury, which is responsible for administering these billions and billions of dollars, and they're telling the United States Congress that a lawyer has said they can't tell us who authorized \$173 million in bonuses for people who work at AIG?

And then they tried to compound the crime because, as I said, a lot of people were embarrassed. They went home to their districts. Even Senator DODD, there was a news article about people screaming at him at a town meeting. How could you do that? How could you do that?

Mr. NUNES. If you would yield just for clarification, because I know that there are folks just now coming in. They are here on their vacations and they may have missed the beginning of this. But what we are talking about here is that well over \$100 billion has been given to AIG. We had the House bill that every Member of Congress admitted that they didn't read. As a matter of fact, Mr. BOEHNER sat right there where you are, Mr. LATOURETTE, and asked if anyone had read it, and no one said they had read it. He dropped the bill right there on the floor. And the language that you talked about that awarded the bonuses was not in the bill at that time.

Mr. LATOURETTE. Right.

Mr. NUNES. So the Senate bill and the House bill come together, and suddenly that's put in its place, and now we are sitting here with legislation. After giving well over \$100 billion to AIG, now we are going to give these folks bonuses, millions of dollars in bonuses, and no one knows who's done it.

Mr. LATOURETTE. Right. That's a fair summation of where we are. And that's troubling to me.

Mr. NUNES. Just for clarification again, Larry the Cable Guy didn't do it, right?

Mr. LATOURETTE. Larry the Cable Guy didn't do it. He's not on the chart.

But, again, this goes back to Larry the Cable Guy, however. That's why "get 'er done" cannot be the way to run the United States of America, because people get embarrassed. People will not have the opportunity to read

things. You and I each represent about 700,000 people, you in California and I in Ohio. I had no input in this bill, not because I didn't want to. I'll bet you had no input in this bill. It's just not the way to run the thing.

□ 1530

And when you run it this way, you get embarrassed, and when you get embarrassed, you should own up to it.

That is where I was going next. Rather than owning up to it and saying take the language out, let's not permit this to happen, it was a mistake, the majority, rather than bringing the resolution of inquiry to the floor, brought a bill to the floor to tax these bonuses which they authorized at 90 percent.

I have to tell you, I don't think these people should have gotten these bonuses. But when you begin to use the Tax Code to punish people that you don't like and say, you know, today it is the AIG guys, we are going to tax you at 90 percent; tomorrow it could be truck drivers, we are going to tax you at 90 percent; we don't like the guys that do talk radio, we are going to tax you at 90 percent, it is a very dangerous precedent; and it is not only dangerous, it is stupid. And it is stupid because the head guy, the biggest bonus-getter, the biggest bonus-getter at AIG got \$6.4 million.

Now, if you don't think you should get a bonus, why do you let him keep 10 percent? And 10 percent is \$640,000. It takes 16 years for somebody in Ohio making \$40,000 a year to make \$640,000. So, again, it is not only a misuse of the Tax Code; it is stupid. It was a fig leaf, because people were embarrassed, and, sadly, sometimes when people get embarrassed around here, rather than doing the right thing, they do the politically expedient thing.

So they all went home. And, thank god, the Senate didn't pass that bill, and thank goodness President Obama said—he didn't say it was stupid, but he pretty much said it was stupid.

Mr. NUNES. If the gentleman will yield, he has done that recently.

Mr. LATOURETTE. Yes, well, he has done that.

Mr. NUNES. If the gentleman will yield again, you have a long history before you came to Congress. You worked for the people of Ohio. You were involved as a district attorney, and I know that you had prosecuted many people and upheld the law. And so as we are beginning to go through this and beginning to look at who is out there, who possibly did it, we still, here we are, what, almost 6 months after we passed the stimulus bill, and no one knows where this language has come from.

Mr. LATOURETTE. We can't get an answer, which is really shocking, that the United States Congress can't get an answer to a pretty simple question, Who did it?

I want to move on, with my friend's permission, to the get 'er done and the car companies. We were told we had to have an expedited bankruptcy proceeding, first with Chrysler and then with General Motors because that was going to save the car industry in this country and we have to move forward.

As a matter of fact, on April 30, the President gave a press conference when Chrysler went into bankruptcy, and this is his exact quote, that nobody should be confused about what a bankruptcy process means. It will not disrupt the lives of the people who work at Chrysler or live in the communities that depend on it.

Now, I was pretty heartened by that, and I was heartened because in Twinsburg, Ohio, we have for the moment, won't have soon, a stamping plant for Chrysler. About 1,200 people work there.

In the days leading up to the bankruptcy announcement, the company went to the Chrysler employees, the UAW employees, and said, In order to make this work, you have to enter into a new contract and you have to give up some stuff. You have to give up wages, benefits, some health care, some vacation.

The day before the bankruptcy announcement, the auto workers in Twinsburg, Ohio, went to their union hall and cast their ballots on giving up stuff, and 80 percent of them, over 80 percent of them, said, We are going to do it so we can keep our jobs, and we are going to do it so we can make sure that the company we work for continues to survive.

That took place all across the country. And the contract, not surprisingly, was approved.

Well, then a funny thing happened, and the funny thing that happened was that afternoon, when all the documents were filed in the bankruptcy case, there is an affidavit from a guy, his name escapes me, Robert, I will think of it in a minute, but that basically indicates that no, no, no, there are going to be disruptions. We are closing plants. We are throwing people out of work.

Specifically, eight plants, eight plants in cities all across America were told, Hey, auto worker, even though you voted to give up some stuff to stay employed, we are shutting you down. Nationwide, it was close to 10,000 people were told they weren't going to have jobs anymore.

The interesting thing is before the President went to the microphones, he went to talk and give this press conference at noon on April 30. At 11 o'clock that morning the White House was very helpful in setting up a conference call with Members of Congress, Governors, other people that were interested in this issue, and with his task force, his unelected auto task force.

The task force members got on and said, This is a great day. This is a great

day. We have saved Chrysler, or will through this bankruptcy. Jobs won't be lost. As a matter of fact, because Chrysler is going to enter into a deal with Fiat, the Italian car manufacturer, we have great news: we think Fiat is going to bring 5,000 more jobs to the United States.

So, silly me, I got off the call and watched the President of the United States. And then there is another call. When the President was done, we had another conference call with the guy that was the head of Chrysler then, Robert Nardelli.

Mr. Nardelli was basically reiterating the things that occurred during the course of the President's announcement, and then he took questions, which was nice. And the very first telephone call that he took was from Governor Granholm of Michigan, the Democratic Governor of Michigan. Obviously in Michigan they have got a lot of concern about auto manufacturing.

And she said, you know, Great job. Way to go. But I just have to ask you a question. The President in his announcement said this deal will save 30,000 jobs. I just want to make sure that that wasn't code for something else, because there are 39,000 people in the country that work for Chrysler.

Mr. Nardelli said no, no, no, no, he was just rounding down and there aren't going to be any difficulties, which, of course, wasn't true.

Later in the call, one of our colleagues from Wisconsin, GWEN MOORE, Democrat from Milwaukee, she had, used to have, an engine plant in a town called Kenosha, Wisconsin. And she specifically asked, she said, 800 people work there. Where in your restructuring do you envision the Kenosha plant being?

She was told, We love Kenosha. Kenosha is safe. Kenosha is going to be fine. Those 800 people don't have to worry.

So, silly me and silly Representative MOORE and silly Governor Granholm, we all sent out press releases praising the President, praising the task force and the work that they were doing, only to find out that my plant was closed and Ms. MOORE's plant in Kenosha, Wisconsin, was closed.

Now, obviously that caused some concern with the folks in Wisconsin and the folks in Ohio, so the Governor of Wisconsin, Ms. MOORE also and the mayor of Kenosha, sent a letter to Mr. Nardelli and said, Why did you do that?

Madam Speaker, I include the letter for the RECORD.

CHRYSLER LLC,

Auburn Hills, MI, May 7, 2009.

Hon. Governor JIM DOYLE,

East State Capitol,

Madison, WI.

DEAR GOVERNOR DOYLE: I want to start by expressing my sincere apologies about the confusion surrounding comments I made on a conference call with you and other elected officials about the Kenosha Engine Plant on April 30, 2009.

In response to a question from Congresswoman Moore regarding the future of the Kenosha Plant, I mistakenly conveyed the status of the Phoenix investment in Trenton, MI. The facts I described were accurate for Trenton and not Kenosha, WI. I recognize this has added further confusion to an already difficult situation.

I would like to take this opportunity to clarify the Phoenix Engine Program production status.

In 2006, DaimlerChrysler started a program for a new V6 engine family. Based on industry volumes and forecasted demand, the initial planning volumes were 1.76 million units. In order to achieve this level of production, a site selection process was initiated that included four new locations in Michigan, Ohio, Wisconsin and Mexico.

Before site selection was finalized, the engine volume planned for the combined company was reduced when the common engine program with Daimler was redefined as a Chrysler only engine. This reduced the number of production sites to three.

These three sites would have the capability of producing 1.3 million V6 engines. Early in 2007, for a variety of reasons, the Corporation was required to reduce its capital investments in all programs which required a new production strategy for the Phoenix engine. Therefore, Chrysler decided to reduce the number of greenfield plant locations to two. In May and June of 2007 the Company chose those two sites and announced the greenfield investments of \$730 million in Trenton and \$570 million in Saltillo and broke ground on the construction of the facilities. The greenfield decisions were based on the adjacency of the proposed plants to the point-of-use assembly locations.

In February of 2007, Chrysler notified the State of Wisconsin and Kenosha officials that a greenfield site was no longer viable, but rather that a retool of the existing Kenosha Engine Plant was under consideration. The Kenosha retooling plan resulted in necessary capital savings; however, it required the Kenosha site to continue to produce its current engines through 2013.

In late 2007 and 2008, deterioration in industry volume resulted in a drop of the 1.3 million unit demand to 880,000. This reduction in volume and the need for Kenosha to produce its current engines resulted in the company deciding to defer the retooling strategy.

Chrysler kept Kenosha Area Business Alliance updated on the status of the retool through 2008. As the market began to collapse through late 2008 and 2009, a decision was made to idle the Kenosha Engine Plant in December of 2010. This and other restructuring actions were included in the Chrysler LLC February 17, 2009 Viability Plan submission to the United States Treasury and the President's Auto Task Force. The specific plant actions, including Kenosha Engine Plant, were not made public because it would have been presumptuous to assume that the plan was going to be approved and inappropriate to communicate prior to thorough discussion with the United Auto Workers union.

On April 3, 2009, Chrysler officials met with the Kenosha Task Force and reiterated the need to defer the Phoenix Program. Upon emergence from Chapter 11, plans are to continue to produce the current engine families through December of 2010 at the Kenosha Engine Plant in order to support our current products. The Trenton Engine site has been completely facilitated and will launch when we exit from Chapter 11. The Saltillo Engine site has also been facilitated and is scheduled to launch mid-to-late 2010.

We would have hoped to have been able to convey this information to you and the community in a more timely fashion, but circumstances simply did not afford us an opportunity to do so. It is expected that virtually all employees associated with Kenosha and the other closures announced in our Chapter 11 filings will be offered employment with the new company.

While the company continues to address difficult market conditions, we expect that the Chrysler Fiat alliance will ultimately provide customers and dealers a broader competitive line of fuel-efficient vehicles and technology, and will result in the preservation of more than 30,000 jobs in the United States along with thousands of employees at dealers and suppliers.

Again, please accept my sincere apologies for the confusion. We will continue to work with the people of Kenosha to ensure an orderly transition.

Sincerely,

BOB NARDELLI,
Chairman and CEO.

The response they got back, Madam Speaker, on May 7 he wrote to Governor Jim Doyle and he said, I know I said Kenosha was safe, but I just need to tell you I was confused. I thought Kenosha, Wisconsin, was Trenton, Michigan.

Now, if I had a nickel for every time I got in the car and tried to go to Kenosha, Wisconsin, and ended up in Trenton, Michigan, that would be something.

Mr. NUNES. If I remember my geography correctly, there is a lake that separates Wisconsin and Michigan, correct?

Mr. LATOURETTE. Now the gentleman is nitpicking.

Mr. NUNES. Maybe they were going to take a boat.

Mr. LATOURETTE. Even the day before, and now I remember the guy's name, His name is Robert Manzo, Robert Manzo is the consultant that Chrysler hired to help sort of take them through this thing. The day before the filing, he sent this email exchange, which has been in all the newspapers, to the President's task force saying, Maybe we don't have to go this way. Maybe there is another way. Basically he said, I hope you think it is worth giving this one more shot, that is, to not have all these horrible things happen through the bankruptcy.

And here is the response from Mr. Feldman, the attorney on the unelected task force, who basically said, We are done, and indicated that he wasn't going to be treated to another terrorist like Lauria.

Now, I should explain. Lauria is the lawyer who represented the bondholders. These are people that invested in Chrysler, and they were told that they had secure creditor status, and it was \$27 billion.

Mr. Lauria represented some of them, and the some of them that he represented was the Teachers Retirement System of Indiana. So people who had taught the children of Indiana for years and had retired, in order to maxi-

mize their retirement fund they had invested in Chrysler, which was once a pretty safe investment, and they were told that they were secure, which means they get paid before anybody else gets paid.

Mr. Lauria was advocating on behalf of the teachers of Indiana and saying, You cannot just get rid of us. You have to compensate these people who have invested \$27 billion in Chrysler. But the response from the task force is that these people were acting like terrorists.

Mr. NUNES. If the gentleman will yield for another point of clarification, you referred several times to this unelected task force, auto dealer or auto company task force. And we have seen these czars that have been appointed by the President. We have 30-some or 40-some czars, I don't know. Every day we add a new czar.

Is there a difference between the czars and the automotive task force? Was there a czar of the auto task force?

Mr. LATOURETTE. There was a czar. The President of the United States appointed the auto czar, the head of the task force. He has recently gone back into private business. It is now headed by a fellow by the name of Ron Bloom, whom we will get to in just a second.

But, you know, a funny thing happened on the way to the task force too, because when they began making these decisions, people began to say, Well, who are these folks and what is their background? Were they in the manufacturing business? Did they make cars? Did they sell cars? Did they manufacture parts for cars? And The Wall Street Journal actually did a study of the members of the task force and found that most of them don't even own cars, and those that do own cars own foreign cars, the majority of them.

Mr. NUNES. How many people were on the task force?

Mr. LATOURETTE. I think it was 12 or 16. And then we also had one of our colleagues from Ohio, Mr. JORDAN, who serves on the Judiciary Committee, and the Judiciary Committee had a hearing with a panel that asked that question, How many people on the task force have any experience at all in the car industry? And the answer was none. Nobody. But despite that fact, they have made decisions.

Now, the second decision I want to talk about is the decision that they made that somehow we needed to close car dealerships all across America, and in Chrysler's case it was 789 and General Motors it is about 2,600.

According to the National Association of Automobile Dealers, about 60 people work at each dealership. So if you multiply that by the number of dealerships that were instructed to close, you are north of 200,000 people; 200,000 people. And let's get this straight about car dealers. Most of them own their own buildings, they do

their own finance plan, floor plan, they do their own advertising.

The cost to the automobile company is pretty minimal. But, again, this non-elected task force that doesn't know anything about the car industry said, You know what? Toyota sells an awful lot of cars in this country and they don't have as many car dealers as Chrysler or General Motors, so therefore the car dealers must be the problem. They are the ones that are creating this problem.

So they basically gave—we had a car dealer from Michigan, I think it was, just at Chrysler's direction, was told to put \$7 million into his building to make it attractive and all this other stuff. He didn't get paid for that. He got a letter saying, You are no longer a Chrysler dealer.

The car dealers basically came to town, and there were pretty amazing stories about some of these car dealers and the way they were treated.

□ 1545

But, you know, it's not just the 3,000 men and women that own these auto dealerships, it's the 200,000 people, the mechanics, the salespeople, the clerks, they're out of a job. So I don't know how you recover the economy by having less stores.

Mr. NUNES. If the gentleman would yield, one of the important points here that you've made is that this task force, this unelected task force that has no experience in running anything to do with cars—in fact, some of them don't even own cars—have now made this unilateral decision to close these dealerships, and the way that they were able to do that is because the government has now taken over ownership of the car companies.

Mr. LATOURETTE. The gentleman is absolutely right.

I will tell you that initially the auto task force ran from this dealer issue like a scalded cat, and they were really quick to put out a press release saying, We're not micromanaging the car companies. We don't know enough to run Chrysler and General Motors. This was the car companies. This was General Motors, and this was Chrysler. They made the decision. They are the bad ones who decided they were going to throw all of these people out of work.

A couple of things run counter to that. The first was, just like I think it's an interesting business model that you are going to sell more cars with less dealers, the auto task force in the Chrysler bankruptcy, according to an article in the Automotive News, didn't want Chrysler to advertise their cars during the pendency of the bankruptcy. When somebody, apparently, told them how stupid that was, they said, Okay, you can spend half of it. It was \$134 million. So, again, this unelected task force apparently thinks that you can sell more cars if you don't advertise

and if you have 3,000 less stores across the country.

The other thing that sort of gets in their way is Fritz Henderson, who is the president and the CEO of General Motors, old and new, gave an affidavit to the bankruptcy court in New York.

I would like to insert that into the RECORD as well.

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK, IN RE GENERAL MOTORS CORP., ET AL., DEBTORS

AFFIDAVIT OF FREDERICK A. HENDERSON, PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2 State of New York, County of New York

Frederick A. Henderson, being duly sworn, hereby deposes and says:

1. I am the President, Chief Executive Officer, and a Director of General Motors Corporation, a Delaware corporation ("GM"), which together with its wholly-owned direct subsidiaries, Chevrolet-Saturn of Harlem, Inc. ("Chevrolet-Saturn") and Saturn, LLC ("Saturn"), and GM's wholly-owned indirect subsidiary Saturn Distribution Corporation ("Saturn Distribution"), are the debtors in the above-captioned chapter 11 cases (collectively, the "Debtors"). I submit this affidavit (the "Affidavit") pursuant to Rule 1007-2 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Rules") to assist the Court and other parties in interest in understanding the circumstances that compelled the commencement of these chapter 11 cases and in support of (i) the Debtors' petitions for relief under chapter 11 of title 11, United States Code (the "Bankruptcy Code"); filed on the date hereof (the "Commencement Date"), (ii) the relief requested in the motions and applications that the Debtors have filed with the Court, including, but not limited to, the "first day motions," and

* * * * *

93. The Company, however, is not assuming and assigning to New GM all of its existing dealer franchise agreements. The Company's vast dealer network, consisting of approximately 6,000 dealerships, developed over an extended time period in which the Company's market share was growing and was far greater than it is now, and when there was far less, or even no meaningful foreign competition. Consequently, and precisely because there are now far more dealerships than the Company's market share can support, including, in some cases, multiple dealers in a single contracting community and dealerships that have become poorly situated as a result of changing demographics, the Purchaser is not willing to continue all dealerships. Among the dealerships the Purchaser is not willing to continue, for example, are those approximately 400 dealers who sell fewer than fifty cars per year, and those approximately 250 dealers who sell fewer than 100 cars per year. Approximately 630 other dealerships are not being continued because they are dealers who, in whole or substantial part, sell brands that are being discontinued.

94. Notwithstanding the foregoing, the 363 Transaction does not contemplate an abrupt cutoff of nonretained dealerships. In pursuit of the maximization of New GM's ability to, among other things, maintain consumer confidence and goodwill, provide ongoing warranty and other services, and preserve resale and trade-in values, the Company not only is giving approximately 17 months notice, but also will offer to enter into, and New GM will assume "deferred termination agreements" with most of the dealers whose franchise

agreements are not being assumed, which should have the additional benefit of easing the hardships attendant to the dealership closings.

Mr. LATOURETTE. Madam Speaker, could you tell us how much time we have left?

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The gentleman from Ohio has 11 minutes remaining.

Mr. LATOURETTE. I thank the Chair very much.

In this affidavit, Mr. Henderson indicates that the idea of shutting all these dealerships—in their case, 2,600—wasn't his idea. The purchaser rejected their plan. Does the gentleman know who the purchaser of General Motors is? It's the United States Government.

Mr. NUNES. It's us. It's the people.

Mr. LATOURETTE. It's the task force. So they rejected Chrysler's plan. They rejected General Motors' plan. They said, Go back to the drawing board. Mr. Rattner, who was the head of the task force, said, You have got to come up with a new plan; and Mr. Bloom testified in front of the Senate that they rejected the plans because they didn't find the car companies' plans to be aggressive enough when it came to shutting down plants, throwing people out of work, and closing car dealerships. So again, just like when people were shocked about the AIG bonuses, people running around town here saying, I'm shocked. Well, you shouldn't be shocked. You told them what to do. You didn't say that you have to close 10. You didn't say that you have to close one in Cleveland and one in California; but you did say you have to close a bunch; and you can't walk away from that responsibility.

And now there's legislation. I thought that the gentleman from New York was still in the Chair. The gentleman from New York (Mr. MAFFEI) is the lead Democratic sponsor of a piece of legislation that says, You've got to deal with these people fairly, these 200,000 people that you've tossed out of work. So he has proposed legislation. I have proposed legislation. But Mr. Rattner, before he left, in response to the legislation, the administration opposes the legislation to force the re-opening of Chrysler dealers and prevent General Motors from closing dealers. So I don't know how much more they could be involved.

That brings us to Clue, the Travel Edition. The task force has said that they're not responsible for 20 auto plants closing and about 50,000 auto workers being thrown out of work. They're not responsible for the 50,000 Delphi workers who don't have health insurance today. They're not responsible for the 200,000 people that work at the dealerships across the country that are now going to be out of business. So who is? Around this chart we have Mr. Bloom. This is the Secretary of the Treasury, Mr. Geithner; former Presi-

dent George W. Bush; the President of the United States; Larry Summers, the President's economic adviser; and down there is Robert Nardelli, the former head of Chrysler I was talking about.

Again, the same scenario. This is a pretty simple question: who decided to take the ax to those 20 plants, those almost 300,000 people and shut 'er down? I mean it's no longer get 'er done. It's shut 'er down. I think we should find out, but nobody will fess up. Nobody will say who did it.

Mr. NUNES. So nobody knows who did the AIG bonuses; no one knows who put that legislation in; and now no one knows who shut down the automotive plants, the auto dealers. We're sitting here with 300,000 people out of work in the largest democracy in the world, which is supposed to be a deliberative body where the Congress is supposed to make the decisions, and we have no answers.

Mr. LATOURETTE. The gentleman is correct. I just want to conclude, unless the gentleman has another thought.

Mr. NUNES. I just want to thank the gentleman for bringing this to the people's attention. This is really the only avenue that you now have is to come before the people, to come before the whole world, and you have laid out a very compelling case that, quite frankly, we're not getting anything done. In fact, we don't know who's doing what around here. I am troubled by this, what you've brought to the floor of the House; and I hope that you will continue your effort to figure out and get to the bottom of who did this.

Mr. LATOURETTE. Well, I will. And I thank the gentleman for participating in this. I want to thank Larry the Cable Guy for making a cameo appearance during the course of this. We want to be bipartisan. We want to get things here. But get 'er done by a date certain, no matter what the details are, when you drop 300 pages at 3 o'clock in the morning, when you drop 1,100 pages at midnight, when you work in private and in secret to draft legislation to do things like cap-and-trade and health care legislation, it really is not the way that the government is supposed to work.

We know, on our side of the aisle, as Republicans, that we did such a lousy job that the voters replaced us in 2006. We understand that. But by the same token, there are a lot of bright people on our side, a lot of bright people on that side; and I would believe that we could come together on all of these important issues and give the American people some legislation that they can have confidence in because Members of both parties participated. People are very suspicious of Washington. They say, It's so partisan. They're always fighting with each other. A giant step toward solving that would be to work these things out in a bipartisan way.

I thank the gentleman, I thank the Chair, and I yield back the balance of my time.

ISSUES FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUMENAUER. Thank you, Madam Speaker.

I always enjoy listening to my good friend, the gentleman from Ohio, with whom I have worked on a number of projects. I have the greatest respect for him. But I don't always agree with his analysis. It's interesting to listen to people who are claiming that they're concerned that they've been shut out of the process or that they are irrelevant. I do think there is some real question about the relevance of some of my friends on the other side of the aisle, but that is a decision that they and their leadership have made consciously.

Now I don't think that my good friend from Ohio falls into the description of what his fellow Ohioan has declared that Republican legislators should be. Minority Leader BOEHNER has said, They shouldn't be legislators, they should just be communicators, because their job is more of a political one, not being involved with the process. That is why their budget plan was not a budget plan, but it was a press release. In fact, I was kind of embarrassed for them when they announced it with great fanfare and the press asked, Well, where are the details? You're giving us a press release. Sadly, sitting on the Budget Committee, we found that our Republican friends were not involved with a serious alternative that would deal with our Nation's problems.

We have enacted, for the first time in history, a significant, comprehensive piece of legislation that's passed the House to deal with carbon pollution, climate change, global warming, and the fact that the United States simply can no longer continue to waste more energy than any other country in the world. The Republican response, the tone has sort of in part been set by the Senator from Oklahoma who has declared that global warming is a hoax. We have not seen a Republican response that puts forth a comprehensive effort. In fact, the previous 8 years of the Bush administration, Republican control, were characterized by global warming denial, interference with States that were trying to do something. Remember the State of California and nine other States who wanted to put in place more effective energy protections for automobiles, higher standards? California has this right under the law. It requires a waiver for

the Federal Government, waivers that Republican and Democratic administrations alike have always granted, except for the Bush administration and the Republicans in the latest round over the last 8 years. They denied that right for the people in California to move forward and deal with it. Denied the opportunity to save energy, to create new jobs. It's I think, frankly, embarrassing.

Most recently we've had a chance to watch up close and personal the debates that are taking place dealing with health care. Frankly, I have got some personal experience with this because I tried to do exactly what my previous two friends were talking about, and that was to have serious efforts for bipartisan legislation to improve America's health care. You know, you wouldn't know it, listening to some of the rhetoric that comes from leadership; but there are actually areas of broad bipartisan agreement. One deals with the notion that our senior citizens and people and their families who are facing extraordinarily difficult circumstances, dealing with end-of-life situations, that these citizens and their families ought to be able to have their doctor help them understand what they're facing, what their choices are; and most importantly, have them be able to tell their family and their doctor what they want done. Sadly today, Medicare, although it will pay for all sorts of tests and procedures, 7,000 different categories, I think is the count, it won't pay for a senior's doctor or nurse or some other trusted health professional to sit down and have that conversation with them. Madam Speaker, when we worked on the Ways and Means Committee, we found that Republicans and Democrats alike agreed that that was wrong, agreed that this was an area, when we were talking about health care reform, that we should change. We should have Medicare and any reform effort that we brought forward help seniors and their families prepare for the most difficult decision any of us will face.

We had bipartisan legislation. I am proud to say that we discussed it extensively in committee. In fact, some of the most heartrending stories for the need for this legislation did not come from our witnesses. They came from members of the committee, including Republican members, who talked about why this legislation was important. Well, that is why I was proud that this legislation we've been working on, that I cosponsored, that I have had Republicans join me in cosponsoring, was incorporated into the House reform legislation, House bill 3200.

□ 1600

But, you know, people who've watched C-SPAN and the news over the course of the last week, people who've

read news accounts, would see that this bipartisan, humane, important legislation giving more choice to seniors and their families for being able to make sure that their needs are met the way they wanted, that was hijacked.

We saw, sadly, on the Web page of the Republican minority leader that they're claiming that this is somehow leading us down the path of euthanasia. We heard a Republican on the floor this week claim that their approach is better because it would protect senior citizens from the government taking their life. Absolutely outrageous and shameful, inaccurate statements designed to inflame, confuse and, frankly, gum up the works.

I find no small amount of irony, because what my Republican friends were claiming they wanted to be involved, they were involved. They agreed with it. And yet we're finding people, for political purposes, trying to mislead and scare families across America.

It's ironic, because the only provision that I know that would have been mandatory was actually offered up by a Republican Senator, who's a friend of mine, from Georgia, who had offered the proposal. It wasn't accepted. It was later withdrawn, but the proposal was that before somebody enroll in Medicare, that they have to fill out a form telling people what they want rather than having people guess about it. Not a bad idea to consider.

But in this climate where people are trying to poison the discussion, stifle the debate, and prevent us moving towards health care reform, it would have, sadly, been toxic. It's ironic that I had one of my Republican doctor colleagues tell me that he has conversations like this often, but he said that he wishes that it wasn't in the last hours before a major operation or before it was too late; that people ought to think about it, and we ought to do it in reasonable fashion, like we proposed under our bipartisan legislation.

Madam Speaker, this is an example of where I think our Republican friends really need to take a deep breath and decide whether they are going to be communicators or they're going to legislate, whether they're going to join us in trying to solve these problems. There are amazing opportunities.

One of the things that has been interesting, even the most hardened C-SPAN junkies of late have probably been a little embarrassed when they hear Republicans coming to the floor braying like donkeys asking, "where are the jobs?" interrupting otherwise semicoherent speeches with a refrain over and over again, "where are the jobs?" like somehow the Democrats and President Obama have taken them and hidden them. But I give them credit for finally asking an important question; although, without any context and without any answer, looking as though they had no clue.

Next, to national security and the health of our communities, the record of job creation, how many, what kind, and for whom is one of the most fundamental issues that government will face in tough times of high unemployment and job insecurity. It can, in fact, sometimes feel like it crowds everything else out, and no wonder. Americans want economic security for themselves, their family, and ultimately for the country. If we're not economically secure, we can't deal with cleaning up the environment, with education and health care.

Unfortunately, my Republican colleagues are losing an opportunity, not just to ask themselves a question, but to deal with these critical, long-term economic questions because, in a dynamic, free market economy like the United States, the job creation process is a continuous one.

Every day in America jobs are being created and jobs are being lost. The real question is what is the balance between job growth and job loss. What's the nature of the jobs, and how do we improve it for the future. I understand my Republican friends starting to pay more attention to this because, candidly, the Republican record, since 1940, is not exactly stellar in this regard.

Since 1940, Republicans have been in charge of the United States more years than Democrats, 36-33. But, despite that fact, in terms of actual job creation, you can go back and look at the Department of Labor's statistics, for those 33 years, Democrats created 64.2 percent of the jobs in this country. Republicans were responsible for 35.8 percent of the jobs.

Now, I'm not saying this was all President Kennedy or President Johnson or President Truman, and I'm not saying that there weren't things that President Eisenhower and President Reagan did that were important and useful. It isn't always the partisan makeup that is determinative. But there is a very interesting pattern that should count for something.

When my Republican friends come to the floor braying, "where are the jobs?" they ought to look at the record, and the record is that Democrats have a better history of job creation. And you don't have to go back to Truman and Eisenhower to look at that. It has, in fact, been a rather dramatic difference just in the period of time that I've been in Congress. We've had 16 years, 8 years of the Clinton administration, 8 years of Bush, where there's a pretty stark difference.

The Clinton administration produced 22 million jobs in the period of time. They averaged 237,000 jobs per month, despite the predictions of some of my Republican friends, many of whom actually are still in Congress, that the policies, the economic policies, the tax policies of the Clinton administration

were going to destroy the economy. 237,000 jobs per month created. And that's more than the 150,000 jobs that a dynamic American economy needs to sort of keep in balance.

What was the record under the Bush administration where the Republicans were actually in control, almost absolute control of Congress, and they were in control of the White House? The Bush, the second Bush administration, created only 58,000 jobs per month. It's the lowest average monthly job creation rate since the Eisenhower administration when the country was almost half as small. It was the lowest average yearly job creation since Herbert Hoover. And it got worse as it went along. The economy lost half a million net jobs in 2008. Now, remember, this is an administration, 5 million jobs in the Bush administration, 22 million jobs in the Clinton administration, and those are just private sector jobs.

In the Bush administration, 2½ million people were added to unemployment, and there were a smaller proportion of Americans who were working when Bush left office than when Clinton left office. But that trend was actually quite disturbing because, for 10 consecutive months as the Bush administration was wrapping up, we were seeing job loss. And they continued early in the new year.

Now, I think even my most partisan Republican friends would agree that you don't take a massive economy like the United States and turn it on a dime. The fact that Barack Obama became President January 20 didn't turn around. The jobs that were being shed and lost were a result of the previous 8 years of activity. And so, much of the last 10 months of job loss, plus what has happened earlier in this year is certainly not the fault of the Obama administration.

The Obama administration has inherited the worst financial collapse in American history since the Great Depression, with the effects that are still being felt on the State and local level and will continue to ripple throughout the economy even after it's turned around. It would be premature, at best, to render a verdict on the Obama administration, although I am actually pleased that my Republican friends who remained silent in the midst of the anemic job performance of the Republican administration under George Bush and actually went into negative areas, I'm glad that they've found their voice and are starting to speak out. Now it's time to engage their brains in these important long-term questions.

The fundamental nature of the job market is, in fact, changing in this country. Employers are slower to replace jobs. Assumptions about guaranteed employment and benefits are being challenged as economic models have been turned upside down. We ought to be working on two different levels.

One is to stop an economy in free fall, to strengthen opportunities to avoid future job reductions and strengthen underlying economic activity. The second is to deal with the nature of future jobs. It's even more important than the short-term strategy, because in a large and growing country, we need to be able to provide for the needs of workers, young and old, with a variety of interests and skills all across the country. This suggests that it is time for my friends on the other side of the aisle to reconsider their opposition to infrastructure investment and unyielding support for more and more tax cuts, especially for those who need them the least. That's the same formula that the Republicans were offering which, essentially, helped create the problem.

For 8 years, they had unprecedented control, not just of the executive but the legislative branch. They resisted robust infrastructure investment. Even when it appeared a year ago that the economy was teetering, when we were starting to see actual job loss, President Bush and his Republican allies would only agree to a tax cut-only solution.

We implored, we begged, put unemployment insurance into the equation, put food stamps into the equation. This is money that all the economists agree will have more stimulative effect. This is something that will help people most in need, and they'll spend it right away. These are people who are living on the edge. And for heaven's sake, work with us to spend a little money rebuilding and renewing America, because these not only create construction jobs, engineering jobs across America, but it also improves our long-term productivity by protecting the environment, by stopping congestion and pollution. They refused. The only thing they would agree to was a package of tax cuts, including tax cuts for many people who, frankly, didn't need them.

Well, that changed with the election of President Obama and strengthened Democratic leadership in Congress. We produced an economic recovery package, and it was passed in a few days in the new Congress, that met broad needs across the country. As a gesture to Republicans, as an effort to get Republican support, the largest single portion of that recovery package was tax cuts. Now, we're not hearing, as the Republicans come to the floor asking in a confused way, "where are the jobs?" they ignore the fact that an important part of this recovery package is their favorite solution, tax cuts, \$288 billion.

□ 1615

Now, we limited the tax cuts to the bottom 95 percent. We're not giving it to the wealthiest Americans but to the Americans who need it the most. By

the way, it fulfills a campaign pledge of President Obama's. Every working family in America who is in the bottom 95 percent has enjoyed a reduction in their tax rates and a reduction in their withholdings, which is having some effect on the economy. It was a gesture to the Republicans. Ironically, as for the Republicans who come to the floor who say they want to be involved, we put this in to address their concerns and to engage them.

How many Republicans in the House voted for the package? Zero. Even though almost half of the package was their favorite prescription and it was going to 95 percent of the American public, there was not a single Republican vote, and there were only three in the United States Senate.

We went beyond that. We added \$144 billion to State and local fiscal relief. I don't know what it's like in your community, but I'll tell you that, if our State legislature hadn't received several billion dollars for Health and Human Services, a half billion dollars for education, over a third of a billion dollars for transportation infrastructure, the unemployment rate in my State would be even higher, and our legislature would tie itself in knots trying to figure out what to do.

You know, it's interesting. Some of the Republican Governors made a big show that they weren't going to accept this money for unemployment insurance. Hello. They had to be forced in States like Texas and in South Carolina by Republican legislators to stop grandstanding and accept money to help the poor and unemployed in their States.

Mr. Speaker, it's interesting all of those people who voted against the economic recovery and who voted against the infrastructure. It's interesting looking at a list of them who are showing up to be on the platform when the ribbon is cut when the projects are announced. I find it ironic that the Republican leaders who voted against it are claiming credit in their press releases for important projects that are being funded in their States. They're communicating, but it's a curious communication—claiming credit, blaming Democrats because it doesn't happen instantaneously, not being part of formulating the solution.

It is, I think, frankly, embarrassing watching the spectacle. The most embarrassing thing about what's going on in South Carolina is not whether some politician was hiking the Appalachian Trail or not but the fact that it took their legislature to take a State that has one of the highest unemployment rates in the Nation and accept money to help impoverished people. That's what's embarrassing.

Well, I am pleased that we actually did enact this. I'm sorry that Republicans decided not to support it. I'm sorry that they are attacking and dis-

torting. I'm sorry that they, in the past, haven't been concerned about job creation. It has not been an issue until recently when they've thought they could make political mileage out of it.

Mr. Speaker, this is serious business, and the American public deserves a Congress that will treat it seriously, not one that comes to the floor, braying "Where are the jobs?" or one that ignores legislation that they have before them that talks about what investments have been made in health care, in education and in infrastructure.

In fact, just this week, we had over 60 Republican legislators vote against filling a hole in the Highway Trust Fund. If they'd had their way, it would have meant that we would have stopped issuing important transportation projects this summer, which make a difference all over America.

Mr. Speaker, I will conclude by just making some reference to job intensity. We've had a program that speaks to job creation and to trying to keep the jobs that we've got. It speaks to trying to help State and local governments and the private sector move forward. Our energy legislation that passed the House, if it were to pass in the Senate and be enacted into law, would make a huge difference for jobs in the future within the energy business—everything from wind and solar to more energy-efficient construction. It is time for us to use the tools to develop more and better jobs and to think about how we spend dollars that will create the most jobs: job intensity.

Many of the smaller-scale projects in transportation, in community livability and in rehabilitation carry multiple benefits. Last Sunday's New York Times was filled with stories of decayed roads in the metropolitan New York area, in Connecticut, in New York, and in New Jersey. Yet these articles could have been written about places all across the country—from Detroit, to Decatur, to Davenport, to Denver—where investment, if it happens at all, really hasn't been invested in the ways that will create the most jobs.

Going out to some suburban area and building a new road in a newly developed area rather than fixing decayed existing infrastructure does not create as many jobs as fixing it first. Fixing it first is a winner because it will help to restore damaged communities. It will not add an inventory of more and more roads that will have to be maintained when we can't even maintain our roads, bridges and transit systems right now. Fixing it first is much more labor-intensive. There are more jobs to be created in fixing existing infrastructure that is falling apart than in making new infrastructure that will have to be maintained in the future.

It also strengthens mature cities. Many in America are concerned about

the vitality of their inner cities. It's not just older industrial cities that one thinks of, like Detroit or Buffalo, but cities around the country, from Cincinnati to my hometown of Portland, Oregon. People are concerned about what's happening in the inner cities. You know, it's not just the inner city. It's that first and second tier of suburbs around them. We need to be thinking about these metropolitan areas, about making strategic investments that are going to strengthen local economies and are going to create more jobs, which will enable us to revitalize the neighborhoods that Americans live in.

There is also a question about what we're going to do with jobs for the future. Even if we're able to get the auto industry back on its feet—and some of my friends have heard our colleagues recently talking about their concerns about whether or not the auto bailout was effectively targeted. Well, I think we don't want a collapse of the American automobile industry in the United States. It would not just affect the upper Midwest. It would send a ripple effect across the country, affecting all of those dealerships and the many auto suppliers. Even if it works, it's very unlikely that we're going to have the high level of automotive activity that we've had in the past. We've got a lot of inventory. Things are being scaled down.

What will be the source of new job growth in the future if we're able to hold onto the auto industry that we have?

Another area that we've had has been the homebuilding and development industry that, since World War II, has been a source of dramatic growth and activity, especially in the last 20 years. Its construction, finance and home sales have employed all sorts of people all along the food chain, which has propped up the economies in southern California, Florida, Las Vegas, and Phoenix. Now these same boom areas are in a collective swoon, and look to have significant development over supply for years to come.

We're going to see a rebalance in the future in the type of housing. Smaller families are going to be the norm. By 2040, there will be more single-person households than families with children. With another 100 million Americans, who will be here by the mid-century, we are going to be changing dramatically—where we live, how we live, how we move. We're going to move forward in restructuring communities.

We also need to think differently about job creation. We need, as I say, to be looking at the job density for the rehabilitation and for the location of infrastructure. There's going to be an explosion of needs to upgrade our infrastructure for sewer, for water, for the smart grid.

Future jobs will focus on enhanced efficiency, on new energy supplies, on

being able to clean up after ourselves. Tens of millions of acres that the United States owns have been polluted by unexploded ordnance and by military toxins because of years—actually, centuries—of military training and activity in the United States. Maybe we should start cleaning that up and putting people to work repairing the environmental damage and then recycling that land for park and open space, for housing and industrial development.

We've got lots of opportunities, Mr. Speaker, to be able to redirect the economy—to deal from health to energy. That is what the administration and the leadership in Congress are attempting to do.

The bottom line is that we are going through a major restructuring. It's hard. The administration has inherited the most damaged economy since the Depression. It's not going to turn on a dime. It's going to be a struggle for the next year or two, but it's going to be redirected faster. We're going to recover faster, and it's going to be sustainable if we are able to move in the right direction for the future.

I've talked about energy, about renewable resources, about using Federal resources more wisely, about being able to invest in critical infrastructure. I'm hoping that this is one area in which our Republican friends will join us to reverse the policies of the Bush administration, which have, frankly, prevented us from passing the transportation reauthorization for 2 years. We had 12 short-term extensions, and we were forced to accept a funding level that even the Bush Transportation Department said was almost \$100 billion lower than what we needed.

We have got an opportunity to rebuild and to renew America. We have got an opportunity to work together. I am hopeful that the American public will weigh in on these issues. Nothing is more critical, and nothing will bring about, I think, a little more grown-up behavior here on the floor of the House than if the American public indicates that they're watching and if they ask the hard questions.

As Members of Congress return to their districts this next month for meetings and for townhalls with business, with media, with students, with churches, and with civic organizations, having Americans asking these pointed and direct questions will help us get on track.

I am convinced that, ultimately, with the help of the American public, a new administration and a Congress that is focusing on what is most important, we will be able to deliver on this promise: That we will have a better Federal partnership, that we will strengthen the livability of our neighborhoods and that we will make our families safer, healthier and more economically secure.

Thank you, Mr. Speaker. I yield back the balance of my time.

□ 1630

THE PEOPLE'S WORK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) is recognized for 22 minutes as the designee of the majority leader.

Ms. JACKSON-LEE of Texas. Thank you very much, Mr. Speaker, and I thank my good friend from Oregon for giving such a detailed presentation of the enormity of the work that we have generated in collaboration with this administration and what "change" actually means.

Sometimes the television news bites and other activities that, by the very nature of our Nation, which is so diverse, may draw upon our thinking, we don't get to the bottom line of the kinds of opportunities that we've seen over the past 8 months, 7 months, of hard work from the time that President Barack Obama was sworn in as President of the United States and Congress was sworn in for the 111th Congress. Our work is not yet finished. And we want to continue that work in dialogue with our constituents.

So I wanted to speak today some with a little lightheartedness and some with enormous sincerity and seriousness.

I want to acknowledge the passing of the mother of the mayor of Acres Home, Willie Baker in my congressional district. I offer them my deepest sympathy. I rose to the floor yesterday to acknowledge the passing of Vermel Cook. A pioneering surgical nurse who worked with Dr. Michael E. Debakey and Dr. Michael Cooley. These are issues that members address as Federal Representatives in the people's House.

So to those families, the Cook and Baker families, I offer my deepest sympathy.

It seems then relevant to suggest that in addition to the many issues that we confront, I had the privilege of joining the Senate in having passed today by unanimous consent H.J. Res. 12, which, for many of my colleagues, 61 of them who cosponsored, many of them recognized the cultural richness of America, particularly in music which I happen to be a fan of and I believe it's so much a part of the American character whether it's country western or whether it's jazz, whether it's pop or whether it is gospel.

So H.J. Res. 12 acknowledged today along with the United States Senate that we would designate September 2009 as Gospel Music Heritage Month and it would honor the gospel music for its valuable and longstanding contributions to the culture of the United States. I hope that those who are members of various faiths throughout this Nation will take the time during their religious services to celebrate gospel musicians, gospel singers, gospel pro-

ducers, gospel writers, and their own church choir or their place of faith's church choir, wherever they are practicing their faith. If there is a choir and it draws the kind of celebratory respect for their faith, I hope they will celebrate it.

So I am very pleased to have done this for a second time and to recognize the importance of the many artists and the many different influences, including country western music on gospel music. To recognize Thomas Dorsey, and Mahalia Jackson, the Stamps Quartet, the Statesmen, The Soul Stirrers, James Cleveland, Ray Hearn, Rex Humbard, the Mighty Clouds of Joy, Kirk Franklin, the late Brenda Waters and Carl Preacher and Shirley Joiner, The Winans, and Kathy Taylor, and so many others.

And then those who went on from gospel like Al Green and Elvis Presley and Aretha Franklin, Alan Jackson, Dolly Parton that had a gospel influence.

So in this place that is the people's House, we likewise attempt to be sensitive to items of joy, and I'm very proud that we will have an event in September, on September 12, at the Kennedy Center honoring gospel music heritage, and I hope my friends will do so.

But as we do that, we recognize that there are painful experiences so many of our constituents are having. So I rise today to thank my colleagues for joining me in sponsoring H.R. 3450. That is the Automobile Dealers Fair Competition Act of 2009.

We expect that because of the bankruptcies of GM and Chrysler that we are in direct line of losing some 200,000 jobs—I believe some 40,000, some 10,000 in the State of Texas—from the closing of automobile dealerships. Not only that, we realize that automobile dealerships, many of them, were the anchors of our community, the supporters of little leagues. Some of them, of course, gave us the best deals of our life. Maybe some of them didn't give you the best deal or the deal you wanted, but they are your neighbors.

Dealerships in the 18th Congressional District hire people. They're like family. They provide cars for our law enforcement, our city government. They make a difference. And by the closing, we know that they're closing small businesses. According to estimates, all termination actions combined could lead, as I said, to the loss of 200,000 direct jobs and many, many productive small businesses will be destroyed.

We also know that this termination has been in contrast to the contractual relationship called a franchise that the different dealerships had with GM and Chrysler.

So what does H.R. 3450 do? The bill deals with automobile dealers by giving them, if you will, the ability to have antitrust protection. They can

now have the right to protect themselves by asking the question, Is the closing of automobile dealerships anti-competitive?

So in this bill, the bill will provide enforcement teeth to this right by giving dealers in an expedited court process to enforce the restraint of trade rights.

The bill is, in essence, giving them the right to protect themselves by going to court. This would deem decisions by auto manufacturers, specifically the Automobile Dealers Fair Competition Act of 2009, would deem decisions by auto manufacturers not to grant franchise extensions to old GM and Chrysler dealers provided they can demonstrate that they are still operating as a viable operation, that they can provide or they can show that that is an illegal restraint of trade.

In addition, the bill will provide enforcement teeth to this ride by giving dealers an expedited court process to enforce the restraint of trade rights. If new GM or Chrysler doesn't grant a replacement franchise to a growing concern within 90 days, the dealer can petition to Federal court, district court and ask the court to refer the case to a special master who will be required to hear the case and make a ruling within 90 days.

We don't want these dealerships to be closed, particularly those that are viable and are working in our community, as many have been, who have provided an economic engine to the community. It is our belief that there is empirical evidence and quantitative analysis that can be done to determine the impact of GM's mass dealer terminations to GM's market share.

If you close dealerships and you leave open Honda and Toyota and Lexus and other foreign-made car dealerships, are you impacting the competitive nature of our manufacturers and car dealers by giving them a noncompetitive edge because you have shut down competitive dealerships trying to sell American cars and you're leaving the other guys—which we welcome here in the United States; we're open to opportunity—but you let the foreign-made cars have the higher number of dealerships and therefore you deny jobs, you deny the manufacturers a forum for selling their cars. It's just not right.

So I ask my colleagues to join me in supporting H.R. 3450 to provide for the Automobile Dealers Fair Competition Act of 2009. It is H.R. 3450. We're delighted to already have a number of sponsors. It is bipartisan. We believe it can be another legislative initiative, and I am on many, to protect and provide for automobile dealers and say to the car manufacturers, our good friends in GM and Chrysler, we care about the suppliers, the car dealerships, and all of the workers that may now look to unemployment because those dealerships are closing. Those are

good, good-paying jobs, and we want them back.

So, Mr. Speaker, I'm hoping that my colleagues, as they return from the August break working in their districts, will look at H.R. 3450 so we can likewise move that forward as quickly as possible.

Now, Mr. Speaker, I would like to emphasize the importance of good health care: health care for all America, health care with a public option. And for some reason, we think that this is something strange, but every single policy that has asked the question, Would you favor or oppose creating a public health insurance option to compete with private health insurance, not closing down private health insurance, you can see the increasing strong numbers: 65 percent, 83 percent, 76 percent and 72 percent.

One of the highest, I believe, indicated that this would not close anyone's private health insurance. In fact, it said: public plan option creating a new public health insurance plan that anyone can purchase. Some of the other polls say: ensuring that you can continue in your own choice.

And so I'm very proud that I support the public health insurance option that allows people to have insurance to stay where they are, but it allows all the small businesses to be able to provide themselves with insurance so they can do their business right.

What about leaving a job, getting fired and wanting to be a sole proprietor? You won't have to worry about being covered with good quality health insurance. Preexisting disease, you won't have to be worried about being covered by good health insurance. The idea that you're not old enough for Medicare, you won't have to worry about good public insurance.

Let me give you an example—and this is happening in districts around America. In the 18th Congressional District, for example, up to 14,600 small businesses could receive tax credits to provide coverage to their employees; 5,300 seniors would avoid the doughnut hole in Medicare part D, 480 families would escape bankruptcy each year due to unaffordable health care costs; health care providers would receive payment for \$49 million in uncompensated care each year. Ask your hospitals. They do not get reimbursed when they are the Good Samaritans and take people into their emergency rooms or take people who are sick. Once they're in the emergency room, they admit them.

Uncompensated care in my district alone will get \$49 million and 184,000 uninsured individuals would gain access to high-quality health care.

How can we beat this? Help the small business, individuals who have ideas, want to get out and show their entrepreneurship, want to be a sole proprietor. Maybe they have two employees

or 10 employees. You will get a public option. Don't let those scare tactics of you lose your insurance or it will accelerate beyond belief, because we have cost control in this bill.

In addition, don't let anyone misdirect their anguish at physician-owned hospitals. They are valuable. Do you realize that doctors come together and save hospitals from closing? They do that in Texas with Saint Joseph's Hospital. They want to do that in my district with ATH Heights Hospital. Some of my colleagues have told me about rural hospitals that are closing but doctors who care about the Hippocratic oath believe that they're there to be caregivers, and they run and they provide the saving grace by putting money into investing in those hospitals and saving them and keeping them from closing.

□ 1645

They, too, should be allowed to take in patients under this health care reform. And I'm fighting to make sure that that happens because they're not double-dipping. We want the quality to be high. We want to regulate it. But anyone that knows a doctor that has interest in a hospital by way of ownership, small amount kept regulated, you know that that hospital, if it's a general acute hospital, can give good care, if it's a specialty hospital, can give good care. And so I am looking forward to the opportunity to again begin this debate because I believe it is important.

Mr. Speaker, I also want to acknowledge the critics that say that the stimulus package has not worked. Well, I will tell you that Houston Metro in Houston, Texas, as a new start transportation system, is going to be eligible for stimulus dollars as we move forward. I only use the 18th Congressional District because it is right at my fingertips.

But there are jobs being created. Just alone in my district, housing and urban development, we've had \$13.6 million in stimulus dollars; education, \$42.5 million in stimulus dollars. And we want to continue to raise a question for our Governor to take out the \$3.2 billion that is in the Rainy Day Fund in the State of Texas and utilize those stimulus dollars to put teachers back to work.

We were able to ensure that every teacher in Texas will get an \$800 salary increase the day they start work when the new school year starts. Those are stimulus dollars that came through the working of the Democratic Congressional delegation of the State of Texas, \$800 increase in their salary. \$22 million in Social Security, and Small Business Administration, \$8.5 million. That means in loans to our small businesses that are receiving monies from this important generating of jobs.

And so we have been able to fix our courthouse with \$807,000. We have been

able to fix our Federal building with \$109 billion. We have been able to work, if you will, with the Catholic Charities emergency food and shelter, \$24,000. We have been able to reach the Community of the Streets Outreach with \$25,000. We have been working with new Kid Care emergency food and shelter. They have received dollars. Northwest Assistance Ministries has received dollars.

This is one district, but multiply it for the needs across your community. We have been able to keep nonprofit workers to help those people who have been unemployed. I think that is a far cry. Cleme Manor Apartments, new construction, substantial rehabilitation. Garden City Apartments, new construction, substantial rehabilitation.

Mr. Speaker, we are putting people to work. They are working on the construction and rehab of those apartments where individuals live. They are giving individuals a cleaner, safer, better quality of life by improving their apartments.

What I would ask my colleagues to do and those who may be listening, go to your local city halls. It's public knowledge. Ask them to print out for you a list of the stimulus dollars that have already come. More are going to come. Those will be grant dollars. It means that any of the nonprofits in your States or cities or counties can apply for dollars that will put people to work.

Right now, we have the ability to utilize some \$700 million in what we call "green" jobs. Of course, you can't see it overnight. You couldn't see it in March. You couldn't see it possibly in February. Maybe you didn't see it in April or May because, yes, processing is important, documenting your dollars, where are your tax dollars going, making sure we have the right report is correct.

In Houston, I am very proud to have worked on the stimulus dollar legislation providing language to ensure that minority- and women-owned and small businesses would be recipients of those dollars in the appropriate manner so that we don't leave out small businesses who would have the ability to legitimately be receiving stimulus dollars through a government process and work that they would be doing.

And construction dollars for all of the construction workers out there. Rehabilitation is a right way to work. I'm glad that the Houston Heights Tower received some \$95,000—those are where a lot of my senior citizens live—for new construction and rehabilitation. I remember going to the Heights Tower during Hurricane Ike.

And so it is important to refute some of the negative commentary that the stimulus dollars don't work. They do. Settegast Heights, again, \$877,000 have gone to my city of Houston in the 18th

Congressional District alone; new construction, substantial rehabilitation. People will have a better quality of life.

Wesley Square Apartments, \$508,000, new construction, substantial rehabilitation. Some of the homeless persons who have come upon hard times, many of them homeless veterans, will be able to have a better quality of life because stimulus dollars were utilized.

So, Mr. Speaker, I believe that we have come to the end of a portion of the 111th Congress, and I am very proud that we passed an SCHIP bill that enrolled more children in health care, that we increased the minimum wage, that we provided for parity for women in working, that their income or their salary is competitive with men, that, as well, we have begun to stand down in Iraq. And our Defense Appropriation bill speaks to helping move the defense of Iraq to the Iraqi National Forces.

I offer my deepest sadness and reflection on those lives that have been lost, our soldiers on the front line, those that are now being lost in Afghanistan, and we will work hard to stand down there to ensure that the country of Afghanistan can stand up. But we've been working hard to ensure that that happens.

I've been working hard to help the people of Pakistan. We passed a Pakistan relief bill, in essence, out of Foreign Affairs so that they can stand up, so they can help with social programs, they can help economically, that we can help those who are in the camps because of the violence that was perpetrated, that we can show the respect for the soldiers in Afghanistan, their own soldiers in Afghanistan, Afghans and the Pakistanis, who have lost soldiers themselves fighting terrorism.

We passed H.R. 2200, the bill I authored, helping to secure transportation—airports, trains, busses—to emphasize more training for flight attendants, to provide more resources for the Transportation Security Administration, to ensure that America is safe.

And so this House has been busy. And as we go home to our districts, we will not run away from the idea of good health plans. Because, my friends, I don't know what my friends on the other side of the aisle have, a bunch of question marks about the health plan that my friends on the other side of the aisle have offered.

I want them to join us. I can articulate what we have done. I realize that we've made great strides. I know that the people want, if you will, good health care.

And so as I close, I want to thank the Speaker. And I just want to leave you with this forceful message: We're going to get the job done. We're going to get health care for all Americans, and the stimulus is going to work for you. And celebrate Gospel Music Heritage Month

in September as we help our automobile dealers return to their jobs and to retain their jobs. You know we've been working.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized here on the floor of the United States House of Representatives. And having had an opportunity to listen to some of the dialogue that went on previously, I'm glad that I have a chance to raise these issues.

On the front of everybody's mind in this country is the situation of our health care and our health insurance for 306 million people in the United States. And I would point out that if we look at the size of this economy and the size of this population, it is a huge endeavor to think that we would take 17.5 percent of the American economy, 17.5 percent of our gross domestic product and switch it over to a government-run plan, and do so in almost the blink of a legislative eye, and do so without the full deliberation of the floor of the House of Representatives or without the American people having an opportunity to weigh in.

I am glad that this process has been slowed down—however great the price has been—so that there is an opportunity now for some of the legislation that has been more closely refined, shall we say, in its 1,100 or so-page form to be available to the public, a public that has more access to this information that is going on in the House than ever before because of being able to access this information now by the Internet. And all of us in this Congress have Web sites, and I would think there is at least one link on every Member of Congress' Web site that will help you access this information on where we are with bills that are being deliberated here in this Congress.

And as I look at where we are today and what's out there, I'm very interested in the entire month of August and I'm very interested in the first week of September. Those are the times when the American people will have had a chance to read the bill, talk to the people within their profession or whatever their interest group is that have read the bill, weigh their ideas, do this across the backyard fence and do this at the coffee table at work, and be able to give us the benefit of the wisdom of the American people to weigh in on all the components that have been created here that are promised to come at us and perhaps have a vote on a final passage; not here, not any longer this week or next week or in the month of August, but perhaps in the first or second week in September, and

something that—this will decide the fate, if it's passed, of the health care system of the United States, I believe, at least as far as we can look into the future. And it is a national health care plan. It is a government-run health care plan. It is a model that transforms the entire health care system in the United States.

Today we have more than 1,300 private health insurance companies competing for premium dollars. And they do so by providing the best value for the dollar and marketing that best value for the dollar and trying to adjust those policies to meet the demands of the American people. Over 1,300 private health insurance companies, and among them they offer, in the aggregate, perhaps as many as 100,000 different health insurance options. And the President of the United States has said he just wants to offer one more option, 100,001 policies now for everybody in America to choose from if this bill should pass.

And this extra government option that he would offer, as if there wasn't enough competition out there among the 1,300 health insurance companies and the roughly 100,000 policies that are there, how can anyone presume that one more policy that would just compete with the other policies out there would result in anything other than one one-hundredth more options for the people of the United States?

I would submit that there is a lot more afoot here, Mr. Speaker, there is a lot more afoot here. The people that are advocating for this public option, the people that are advocating that the Federal Government should run their own health insurance policy in order to compete against the private sector are the people who sometimes they will leak it into the media, sometimes they will shout it out in a private meeting, but in their soul they want a single-payer, government-run, socialized medicine, one-option government plan for everybody. And they want to run every private health insurance company out of business and take the 100,000 options that the American people have with them. That is their agenda.

And I can put together a string of quotes from the very liberal Members of this Congress that find themselves in powerful positions in this Congress, gavels in hand, that are determined to take away the private health insurance options and turn it into one government plan.

Even the President of the United States believes in that, however much lip service he has paid to the idea of telling the American people, well, if you like your health insurance that you have today, then you get to keep it. That's one thing that I cannot accept that the President believes when he says it. He is a very smart man. He's got to understand that if it says in the bill—and it does, section 102 of the

bill—that every private health insurance policy has to be rewritten in the first 5 years of the passage of the legislation that's proposed, that means the American people's individual policies will all change within 5 years and they will have to accommodate themselves to the new qualifications that will be written by a health insurance czar to be appointed by the President later, and regulations that are not in the bill, but regulations that would grant that health insurance czar the power and the authority to set the standard.

So he might rule that every health insurance policy in America has to pay for abortion. He might rule that everyone has to pay for mental health. He might rule that everyone has to pay for all pharmaceuticals, or maybe only generic pharmaceuticals.

□ 1700

Whatever he may decide, he'll be looking at the costs of the premium, the percentages of copayments, and the regulations will be written so that the public option, which is so carefully defined and that language that's determined to be defended by the Democrats in this Congress—so that the public option can compete with all of these 1,300 private health insurance companies that have competed in the marketplace for years and found their niche in the market and done it the American way.

Now, if somebody thinks that there's too much money in the health insurance business, why don't they get in that business and provide that health insurance and lower the premiums and cut down on the administrative overhead and take some money and take some profit out of it?

That's how this works in the free market system. If there's something out there in the marketplace that has too much profit in it, you don't need government to come in and do it for you. You need to take a look and determine is it a monopoly? If it's a monopoly, then Teddy Roosevelt rides again. Let's bring him in and let's bust the trust. But if you have 1,300 health insurance companies and 100,000 health insurance policies, you don't have anything that looks at all like a monopoly. You see something that looks like the maximum amount, or nearly the maximum amount, anyway, of competition in the marketplace.

So that argument is specious, the idea that we need to create one more company, unless it is the intent of the proponents to create socialized medicine—one size fits all, take away the American people's individual policies and give them a government policy or a facsimile of a government policy that would be their former private health insurance company that has had to adapt to the new rules written by government and offer a qualified plan.

Now, why am I suspicious of this? I am more than suspicious. I'm con-

vinced that this is the initiative: to wipe out all private health insurance and force everybody into a public policy and a public plan. One of the reasons is because there has been such an indignation about those of us who have said that this is a government-run health care plan that they're proposing.

They have tried to censor us here in the United States. They have actually effectively to a degree censored Members of Congress who wanted to simply mail out the flow chart, the schematic, if you will, of what this proposed health insurance plan or this health care policy looks like.

And I would take the people in this country back, Mr. Speaker, to this little chart right here. This is a chart that hung on my office for probably a decade starting in 1993, when Hillary Clinton came to town and became the secret master of the reform of the health care and the government takeover of health care in the United States. A lot of people remember, as I do, those were intense times. I was watching my freedom being marketed away day by day in secret meetings. I don't know if they actually kept minutes, but I know they weren't available to the public. I know the press wasn't allowed in the room. The public wasn't allowed in the room. There weren't Members of Congress representing their constituents. There were people like Ira Magaziner and others who were handpicked by Bill and Hillary Clinton to devise a plan.

And the idea of this was, put these smart people in a room, have them devise a plan, don't let anybody weigh in on that, no kibitzers on this plan, because if that happens, then the American people would start to grumble, and if they start to grumble, they might start to talk out loud, and if they talk out loud, they might start to yell, and if they start to yell, they might come to town and tell us that they don't want to have a government-run health plan in the United States, that they don't want to have their private plans taken over.

Well, that's what they finally did. They finally said they are not going to tolerate it, and the American people scared enough Members of Congress and enough United States Senators that they were going to lose their seat if they supported this monstrosity that this monstrosity finally was pulled down. This was a time when United States Senator Phil Gramm said that this health care policy will be over his cold, dead political body if they pass something like this. He stood there. He meant it. They held their ground. People in this House held their ground. And people like Dick Armey held their ground. In fact, Dick Armey was instrumental in helping to form this chart, this black and white chart that is the schematic that shows all the

government agencies that are created by the old plan back in 1993, which I will at least give Bill Clinton credit for. He wrote a bill. He presented a bill to Congress, and he asked Congress to pass the Hillary plan. And, of course, Congress liked their job. They didn't pass the Hillary plan.

And when I call it a "schematic," I don't know that one might think today that that's pejorative, but in here they actually do call their own plan a "scheme." Someplace in this chart it addresses at least some of the components in it as a "scheme." Well, I call it a "schematic" or maybe more appropriately a "scheme-attic," Mr. Speaker.

But it has here an ombudsman who is supposed to broker the deals between government because people can't get through government bureaucracy; so you create an ombudsman. Well, we have to change the name of that because now people know what an ombudsman is. We have the HMO provider plan that doesn't show up in the other chart that I can see. HMOs have slid down in their popularity.

Here we have the global budget. In 1993 a global budget for a health care plan. All of these squares and boxes are created as new affiliations with the exception of the executive office of the President. A few others, but generally speaking, this scheme, and they call it a "scheme," does scare the American people.

Now, Mr. Speaker, I would point out that as scary as this chart looks, we have another chart here that is far more scary. This is the color-coded, modern-day, software-driven, packaged-up plan that is a very accurate facsimile of what actually is taking place in the Democrat bill here in the House of Representatives. This is 31 new agencies, and there are subagencies and other responsibilities that are behind it.

But just to look at the chart, Mr. Speaker, one can look at all these white boxes here. If they're not colored, if they're white and they have black letters in them, they're existing government agencies. These are already hoops that people have to jump through. And then when you look at the colored boxes, the orange and yellow and the green and the blue and the purple, those are all new agencies. These are all new hoops for the American people to jump through. These are untried. They are untested.

When you create new government agencies, you run a little beta test because you don't know how it's going to act, how it's going to function, and you don't know how people are going to react. All you can do is guess how people will react. And you don't know if you can actually manage this.

But I will suggest this: We don't do that good a job of managing the health care that we pay for out of this Federal

Government today. Right now the Federal Government is paying 80 percent of what the cost is to deliver Medicare services. And if I look at my State, where we have a high percentage of Medicare patients because we have a very high percentage of senior citizens, then the percentage of that Medicare that they're providing is less than 80 percent, and one of the reasons is because we have some of the highest-quality care. In the State of Iowa, if people go there, Mr. Speaker, they can expect that they will receive quality care in the top five of all of the States in the country year after year after year. And with that high-quality care, Iowa sits at the lowest Medicare reimbursement rate.

So we're looking at this and wondering if it is the majority's, and that means the Democrats' and that means the President's idea, that we are going to fund the cost of this \$1 trillion to \$2 trillion health care "scheme-attic" that we have here, and we're going to fund it, in part, by reducing the funding that is going to Medicare by roughly \$500 billion when Medicare funding that is already inadequate at best pays 80 percent of the costs, and they're going to cut these costs and fees going into the States to come up with enough money to pay for this?

So what it means is, Mr. Speaker, is this: If you take \$500 billion out of Medicare in order to fund a national health care plan, that means you're taking it right out of the health care for the senior citizens in the United States of America across the board. The health care access for senior citizens will be diminished. The services will be diminished. Presumably the quality will be diminished because the doctors and nurses and providers will have to spend less time per patient, accelerate their time with them, and that means less quality care. And it means fewer services to our seniors.

So this \$500 billion, a half-trillion dollars, taken out of Medicare, right out of the Medicare services, the health care services for our senior citizens, in order to find a way to do a pay-for for a \$1 trillion to \$2 trillion National Health Care Act. And President Obama has said we're going to pay for all of this. We're going to find a way to pay for it. Well, that's the problem that CHARLIE RANGEL has run into in the Ways and Means Committee. But it looks like some of it comes out of not the pockets of our senior citizens that are accessing their health care; it comes out of services to them.

And the arguments I've heard were behind closed doors, the derogatory comments that have been made about doctors and nurses and providers and the allegations made, for example, by the President of the United States that we have doctors that are removing tonsils because it pays rather than because they need to be removed. I think

that needs to be documented and it needs to be quantified. And, yes, there are people in every industry that don't meet the highest standards. But to paint the whole industry with anecdotes like that without any data to back it up just further clouds this debate and makes it harder for us to make progress.

This chart, by the way, this chart that we have called government-run health care, we have called this—well, it is. It's the organizational chart of the House Democrats' health plan, and this "scheme-attic" that has 31 new agencies, I would just direct, Mr. Speaker, your attention and the public's attention down to these boxes right here on the bottom:

This white box here that says "traditional health insurance plans," that's where the 1,300 companies are. That's where the 100,000 policies are, in this square box right here; 1,300 companies, 100,000 policies in traditional health insurance plans. According to the bill, section 105, all of these plans, every single health insurance plan in America, would have to run through—they would be here in this white box. They couldn't function after 5 years unless they met the qualified health benefits plans here in this purple circle right here. In order to be qualified, they would have to meet the new government standards that are not yet written. These new government standards would be written by the Health Choices Administration right here.

Health Choices Administration would be run by the HCA, Health Choices Administration, Commissioner. Now, he's a commissioner, or she, because America is up to here with czars. We have 32 czars. We do have more czars than the Romanovs, and they're less accountable than the Romanovs. They're not held up to any kind of confirmation. They're not answerable to Congress. I don't know that we have subpoena power to even bring them before Congress to ask them what they did when they were managing the car industry, for example. We know we had a Car Czar that had never made a car nor sold one. I presume he'd driven one, probably never fixed one.

But he was running the car business in America and on the phone sometimes multiple times a day with President Obama's appointed CEO of General Motors. The Car Czar wasn't doing too well. He got replaced. Now we have a new Car Czar, and that new Car Czar says, well, the Federal Government would like divest themselves eventually of General Motors and perhaps the Chrysler stock, but there's no definitive plan, just kind of a general goal. Well, it looks to me like the general goal has been to nationalize huge industries in America rather than divest the Federal Government from those and let the free market prevail.

So if this bill passes, we will end up with a health insurance czar. He will be

running the Health Choices Administration, and he will be called the Commissioner of the Health Choices Administration, but he'll be the czar. Commissioner. I don't call him commissar. Maybe I'll call him "commi-czar-issioner," but he will be calling the shots for all of these 1,300 health insurance companies that exist today and writing the regulations so that they could become qualified health benefits plans coming out of there. So 100,000 qualified health benefits plans from 1,300 companies would have to qualify under new standards written by the new "commi-czar-issioner" of the Health Choices Administration.

Now, if you had a few million dollars invested in a health insurance company, Mr. Speaker, would you really be interested in investing more money in that company on the odds that that new "commi-czar-issioner" would write some regulation that lets you stay in business, when the people that are writing this regulation want to take you out of business and they say so, people like the chairman of the Financial Services Committee, BARNEY FRANK, who on tape says that he believes there has to be a public option? The public option is this purple circle right here, the public health plan. Chairman FRANK believes there has to be a public option.

□ 1715

This is because that public option is the path to a single-payer plan. A single-payer plan is code word for socialized medicine, one-size-fits-all, the government runs it all, and every one of these plans here that were in the private sector will all be swallowed up, they will all be squeezed out, and eventually this purple circle becomes the whole and everything else is swallowed up and diminished.

I think this happens if this bill happens, because it is the goal of the liberals in this Congress to end private health insurance and eventually end private health care and eventually have every doctor working for the government or else for a government prefixed price, and the nurses and the clinics doing the same thing. They might be billing fee-for-service or fee-for-patient, but they won't be running their own clinic; they won't be working competitively anymore.

When I look around the world, I will give you examples of why I believe this. The oldest example is Germany. Now, Germany has had its ups and downs over the last century, but the last century and a decade, about that far back, they passed their first national health care plan. That was back before we had modern medicine and certainly didn't have anything that looks like modern medicine today.

But the German plan was passed under Otto von Bismarck. And as I

read history, he did so in order to consolidate a political base in order to expand his political power. But it got established then.

Of course, there will be Germans that will defend their policy. And it probably has helped and it has no doubt helped millions of them, and other millions have stood in line and they probably at this point don't have a concept of what it is like to have the freedom we have to go out and purchase a policy or be an employer to negotiate and select from the policies we want and do the best we can working with our employees and being an agent for our employees to put the best packages together, or for individuals to purchase individual policies.

In Germany it works this way: you can buy a private plan there. They are pretty proud of being able to have private plans in Germany, even after more than a century of socialized medicine. But today it is this, Mr. Speaker: ninety percent of the plans in Germany are the public option. Ninety percent. And the 10 percent are the private options.

Now, the private options, they only exist as the company is functioning and selling health insurance in Germany in order to cater to those people who are reasonably well off, those that believe they can get a little bit better quality of care, even though they have to pay a premium for that better quality care, because they don't want to be in the government line. They want to try to find a way to take care of their care and health means too much to them to let the government run it.

That is the bottom line in Germany. Ninety percent on the public option, 10 percent on the private option, mostly self-employed and independently wealthy people. Not regular common people, very rare, not people that are generally working for someone else for a wage, not punching the time clock, not paid a salary so much. It is self-employed people and often independently wealthy people that carry their private health insurance in Germany. That is about 10 percent. Ninety percent the public plan, 90 percent socialized medicine. That is Germany.

The United Kingdom passed their National Health Care Act in 1948. There they were recovering from the Second World War. They were a nation that was nearly broke. Nobody had any money, their industrial base had been destroyed by the bombing from Germany, and they had used all of their resources to save their country.

God bless them, they were a great ally and it is a great thing for the world that the Allied Powers were successful in World War II and we turned back the level of tyranny that was threatening to swamp the world.

But Great Britain was broke post-World War II, and they were looking for anything that provided them security, and they believed that they could

manage health care in Great Britain if they just took it over and they could do better in government.

If we remember, this nation was in peril in World War II, and we grew government in a great big way. There was a threat to take over the steel industry in that era as well. We managed to provide private sector industry that turned out bombers and battleships and the things that we needed to be successful in that war.

But if our industry had been destroyed, if the spirit of the people had been hammered as hard as it was on a percentage of its population as it was in Great Britain, we might have been looking for security. We might have decided that we needed to do something with government to supplant what was being so efficiently provided in the private sector.

For whatever the reason, Great Britain passed their National Health Care Act in 1948. And I read, Mr. Speaker, through a whole stack of Collier's magazines from that era, and each of them featured the socialized medicine that was being implemented in the United Kingdom at that time. And they showed pictures of long lines at the doctors' offices, lines that went outside the clinic, and they interviewed doctors and showed doctors that were haggard and frazzled and tired, and they lamented that they could not do that doctor-patient relationship in the fashion that they had before, that they had to limit the time per patient and they had to move from room to room and they had set up more rooms so they could get the patients in the room and get them ready for exams so they could walk in, do the exam, order what was to happen and go on to the next one.

And doctors that are hurried like that make mistakes. So does any human being. But a human being should not be treated like they are on an assembly line. That was already what was taking place in the United Kingdom in 1948.

The stories that are in those Collier's magazines from that era are the same stories that we hear in the modern version of socialized medicine that exists in the United Kingdom today. They are not a lot different than the stories you read and hear about in other countries in the European Union, including Germany.

For example, I ran into an immigrant from Germany, actually it was in a Menards Store some months ago, and he told me that he had a hip replacement done. It had gotten very bad and he could hardly walk, and he had to wait, and he waited a long, long time in line. Finally he decided that he would try to get himself in more than one line so that he had the best chance of getting it over with so he could get on with his life. And so he got in a line, and the shortest line that he could get into was the line in Italy.

So he queued himself into the line for a hip replacement in Italy, and some months later he was able to go to Italy to have the surgery to replace the hip. And now, good surgery, good job, he is healthy, moving around and enjoying life.

But to have to go to another country to have the surgery done, it begs the question. It must be a lot of what it is like to be a Canadian, to go to another country to get your surgery done. And thinking of the Canadians and those kinds of surgery, I could give an example on that.

We had a presentation done that was a little over a week ago by a doctor from Michigan, and this was at the Policy Committee on a Thursday night, a week ago last Thursday, if I recall.

He has practiced medicine in Canada and in the United States. In one of his earlier forays into providing medicine and services in Canada, he was working in the emergency room and a patient came in, a younger man, who had torn up his knee playing sports. He had a torn meniscus, a torn ACL, an anterior cruciate ligament, and his knee was a mess. This doctor in this emergency room in Canada examined the knee and said, You need surgery and you need it right away. I will schedule you for surgery in the morning.

Apparently the doctor wasn't familiar with the standards of qualifying for reconstructive surgery care, and he found out after he made that promise to the patient that he had to first get him scheduled for the specialist who approved the surgery. So he did his best to get that patient covered, because the patient was in a lot of pain. They had to put him in a knee brace. He was on crutches. And they scheduled him finally to be examined by the specialist who approves for the surgery, and he was examined 6 months later.

He was not operated on the next day, not operated on 6 months later, but on crutches and with a knee brace on, unable to work, 6 months later examined by the surgeon, the specialist, who approved the surgery. The surgery was approved. Well, that was an obvious thing to the doctor who looked at him the first night, and 6 months later they did the surgery.

Now, Mr. Speaker, I have to go back and reiterate, because it sounds implausible. A young man with the knee torn up, a torn meniscus, a torn ACL. He needed surgery the next day. In the United States of America he would have had surgery the next day. Instead, the exam to approve his surgery, which is required in Canada, took place 6 months after the injury, and the surgery itself took place 6 months after the exam.

Almost a year to the day the surgery took place to reconstruct the knee. And we know what happens. He lost

more than a year's work because the rehab was another couple of months, and that leg will atrophy because you are not using it, and all of that loss of quality of life, the things he could have been doing, his entire lost productivity gone, because bureaucracy is calling the shots, not the doctors, in Canada.

Now, that sounds like anecdote. Well, it is a real live human being case, and I am confident that I could trace that back and name the individual, and I am confident I am likely to get that individual to come here and try to talk to the thicker skulls that exist on this side of the aisle.

But suffice it to say that here is the data that supports this individual that some might allege is an anecdote. And it is this: the average waiting time for hip surgery to replace a hip in Canada, the average waiting time is 196 days. Once you are approved for surgery, you wait in the line, in the queue, 196 days. A lot of people with bad hips are on crutches—196 days.

If you are waiting for a knee replacement, Mr. Speaker, you wait for 340 days on average in Canada. Outrageous delays, loss of human productivity. And there isn't anybody's chart that calculates the loss to the GDP, the gross domestic product of Canada, lost work time, the loss to their economy, because people who would otherwise be productive are hobbling around on crutches or sitting in a wheelchair because they can't get the services until that delay is over.

Mr. Speaker, that is what goes on in Canada.

Furthermore, there are companies in Canada that when they offer their employment, they set it up as part of the employment package that the worker has an opportunity to come to the United States if he needs reconstructive surgery.

If, let's say, for example, it is heart surgery that would be necessary, it is written into the policies. In some of the policies in Canada, if you have a good job and you have a good benefits package, they will have it set up so they will package it up. Say you need bypass surgery, they can put you on a plane, fly you to Houston for heart surgery, and give you the heart surgery, get you back on the wellness side of this thing, get a little rehab, and then send you back home again and set that all up, and it is turnkey. It is turnkey provided there because they know that people can't wait in line in Canada. Everybody is not going to be alive at the end of their waiting period.

But in the United States, it is a different story. We get people in immediately. We bring them in immediately because it is lifesaving. In Canada they make provisions to get out of the country and come to the United States.

There are companies that are set up in Canada for the very purpose of packaging up health care access into the

United States. And so let's presume this, and this is not a documented story, but let's just presume it this way.

Let's say you live in Toronto and you need hip surgery and you don't want to wait the 196 days. You want it done. You want to get on with your life. So let's just say travel agency companies are a natural to tie up together with health care providing companies, people that know things about health care.

You might be able to go into a company in Canada and contract to come down to, let's say, the Mayo Clinic at Rochester, Minnesota, and they will turnkey that. They will say, we have got you an airplane ticket. Here is the hotel you go to. Here is the shuttle bus, the transportation from the airport to the hotel. You will up show up at the clinic tomorrow morning or on the morning following your flight. You will be examined that morning. If it is what I think it is, you will go right into surgery the same day or the next day.

They will give you the rehab that you need, take care of you to get you back out to the airport, fly you back home to Toronto. All of that for, write one check, hand over your debit card or your credit card, and have access to the best health, reconstructive surgery in the world, right down here in the United States of America.

Why is that? Do the people on the other side that propose this scary schematic, this color-coded, it will be quotas. There will be 31 new agencies, do they think that the best health care in the world that brings people from not just Canada, but all over the world to access this best health care, do they think that it just kind of randomly spawned itself out of American society? Or do they think that there is real reasons that we have the best health care system in the world? I think there are reasons for that.

One is health care is important to us and the American people are willing to pay for high-quality health care because our health is the most important thing that we can protect with the capital that we have in this country.

□ 1730

We're a country that's comparatively very, very wealthy. We've demonstrated our commitment to health care by committing a lot of our wealth to health care. We should not begrudge the people that are making our lives longer and more enjoyable for making a profit at it. We should not begrudge them for that. If we think they're making too much money, we should get in the business, compete against them, gather in some of that profit, and then lower our prices. Competition lowers prices. That, we know. Adam Smith wrote about that in 1776 in *Wealth of Nations*; and it's been true well before he recognized it; and it's been true

every day since; and it always will be true.

This schematic, by the way, that is here is not something that the Democrats in this Congress want to see out in the public eye. It's something that they want to censor, in fact. Here's the model of what they have done. This chart shows 31 agencies. It shows how every American who has a health insurance policy will have to watch as that policy submits to the new regulations that are written by the health insurance czar and qualify under new rules that will be written by that Health Choices Administration commissioner. They will watch every policy change in America or else watch the qualifications be adapted to a few policies in America that the Federal Government wants to allow to compete. People understand this chart.

But here's what's going on over the head of the Franking Commission, I believe. It's been prohibited for Members of Congress to send this chart out in our mail to the American people, Mr. Speaker. I don't think there's ever any comparable job of censoring Members of Congress than what's going on here. They have decided this chart can't go out in the mail, paid for under the franking privilege that any other chart can go out. We saw mail go out under President Obama's stimulus plan that advocated in a partisan way for how the stimulus plan was going to solve our economic problem. Democrats in this Congress used the franking privilege to try to convince the American people that the stimulus plan was the only way to go, and it's clear to everybody in America today that the stimulus plan has failed, with the exception of the gentlelady from Texas who I heard a little bit ago say that it had succeeded, and it had created jobs. She hasn't shown me where they are yet. So I will reserve my judgment on the accuracy of that statement until I actually see some jobs created by the stimulus plan.

Mr. Speaker, my point is, in a partisan fashion, Democrats in this Congress used the franking privilege to put the virtual stamps on their mail to tell the American people that the stimulus plan was necessary or the economy was going to collapse. That went on. This chart is not pie-in-the-sky threats that scare people. This chart is just stomp-down accurate, and it has withstood the test of the criticism of even the Democratic staff in the Ways and Means Committee, the Energy and Commerce Committee and the Joint Committee on Taxation. They've tried to blow holes in it, and yes, there's a little tweak there, but it's not substantive. It's simply specious to make that single little point, and it doesn't change the score of this bill.

Bottom line—31 new agencies, other obligations that are behind these squares, added to all of these white

boxes that are existing programs or agencies, it creates all these hoops that the American people would have to jump through, and Democrats don't want this chart shown to the American people. So I thought, Okay, if they don't want us to show this chart, there must be a lot of truth here that they surely don't want to have to face, and they surely don't want to see the American people come to their town hall meetings and fill up that room and ask them how they're going to defend swallowing up 17.5 percent of America's gross domestic product, our health care, and turning it into government run.

Have we done that good a job with Fannie Mae and Freddie Mac? Have we done that good a job running General Motors and Chrysler? Have we done that good a job with anything the government is doing other than, let's just say, our military, for example, who's done a great and fantastic and noble job and has achieved victory in Iraq? Does anybody have confidence that the Federal Government can run health care better than the American people, working with their private health insurance companies, negotiating for their own policies? I say not, Mr. Speaker. I think the American people understand what this is. I think they understand that when something is censored, it's not profane. Democrats want to fund the National Endowment for the Arts, which is funding millions of dollars to produce profanity in America. They're not offended by all of the profanity that goes out from the National Endowment for the Arts. They're offended by the truth about their bill about health care; and so they censor it because they have the majority here in this Congress, and they decide which staff people get a paycheck and which ones don't, in some cases. They also have the benefit of the President, I believe; and there are people in this Capitol building and in this complex of offices around who are more interested in pleasing the President, I think, than they are in preserving the fundamental integrity of the franking privilege or objective debate. This is objective debate.

Here are some of the subject matters that the Democrats don't want us to use when we describe this national health care plan. Mr. Speaker, these are all objectionable phrases, the seven dirty words or phrases you're not supposed to use to describe the leading Democratic health care proposal. It says, "you can't use," but I'm going to use them. These are the words that, in part, brought about the censorship of this color flow chart of the 31 new agencies that swallow up people's private health care in America. We can't call it a government-run plan. They want to amend that. They have another word for that. I think it is the public option, rather than the govern-

ment-run plan. It is a government-run plan. I will submit, Mr. Speaker, that you could walk down the streets of America, and you could ask those good, well-educated, commonsense people that I have the privilege to represent in western Iowa and in many places across this country, and go to them a month ago and say, Explain to me with regard to health insurance what is a public option. I can only imagine what kind of answers we would get if we asked people what that meant. But I will suggest that most of those answers would not have been accurate. They would not have said, Oh, a public option. Let me see. That's what President Obama wants to make sure everybody has. That would be government-run health care. If they were going to describe what a public option is, a regular man or a woman on the street with common sense couldn't describe what a public option was, if they understood what it was, without describing it as, Oh, government-run health insurance. They would have to describe it as government-run or they couldn't even describe it at all. This phrase is far more descriptive and honest than public option. Public option is Orwellian gobbledygook for the eventual Federal Government monopoly on health insurance. We just say government-run. The President wants us to say public option. They want to censor government-run. I say, I'm going to say it over and over again. It's government-run. Don't say single payer. A single-payer system means socialized medicine. So we can't say single payer. How do you describe that? Ask a commonsense person on the street, What is a single payer for a health insurance public option? Well, let's see. They would have to say, A single payer is when only one entity pays for all of the health care that an individual might receive. So let me describe how that works. Mr. Speaker, let's use that hip replacement because that's an easy thing to describe. Somebody went into the clinic and said, I'm in terrible pain here. I don't think I can hobble along any longer. What can you do, Doc? A doctor would do that examination. He would likely do an x-ray. He would evaluate the x-ray. If he was satisfied that he knew what was there, he might prescribe that there be reconstructive surgery done that would put a new hip joint in that individual, put him through some rehabilitation and hand him a cane that could be handed away later on and get him back out to the square dance. All of those things are going to take place. There would be billing that would come from the clinic, billing that would come for the service of the surgery, billing for the anesthesiologist, the operating room, the hospital bed, the gauze, the Tylenol, and whatever else there might be. Who would pay for all of that? Well, it might be the patient today, and it

might be Medicare, and it might be a private health insurance company. But when they say single payer, that's code for—the only entity that ever pays for it all—I shouldn't actually say that because there are private individuals that will pay for it all out of their pocket. So the entity they're talking about is the Federal Government paying for all of the health care services. That is socialized medicine. That's taxpayer-funded government doing it all single payer. But if you're not versed in the vernacular of the Orwellian gobbledygook, when they use the term single payer, you might think something entirely different. I don't think a normal person on the street can describe what a single payer means. We say single payer. Democrats think it's pejorative, that it is biased against the single-payer plan, for example. So using the terms that describe what they want to do is pejorative, and they are, presumably, forbidden, and it shouldn't show up on a color chart. We shouldn't send it out and can't send it out on our frank mail, otherwise they will bill us back for the costs out of our own pockets. We can't say socialized medicine. I already slipped into that in describing single payer. Socialized medicine does describe what they're talking about, maybe not in the first phase because they won't do like Canada eventually did and outlaw the health insurance policies of everyone in America. If you apply the Canadian plan today, the Canadians outlawed private health insurance. They did so incrementally in the provinces over the years, and then they did so in a Federal fashion. I would have to guess, but I think the year was 1964 when that happened. It may have been after that. So Canadians have socialized medicine. They have single payer. They have government-run.

We know what's going on up there, don't we? There is a 196-day wait for a hip, 340-day wait for a knee. They have government-run, single-payer socialized medicine. They just don't have ObamaCare. You can't say ObamaCare because that aligns the President with a policy that is becoming ever more unpopular. We use shorthand around here to describe things, and this is why the American version of the English language has been such an effective language to communicate because it's fluid, and it picks up new meanings, and it conveys those meanings. I think that we can paint the picture of this society and this culture very effectively because our language adapts, it flows, and it moves. This is one of those words in our language that—back in 1993, everybody knew what HillaryCare was. HillaryCare was the black-and-white schematic that we had then. No one wondered. It wasn't pejorative then. This chart got mailed out by franking mail, by Members of Congress in '93. It was devastating to those that wanted socialized medicine. We

just simply called it HillaryCare, and this chart was in the minds of millions of Americans as they went in and filled the offices of their Members of Congress and said, I don't want that. And I don't want this thing to be run over the top of Senator Phil Gramm's cold, dead, political body either. I don't know who has put a stake out there in the United States Senate that's taken that kind of stand, that's gotten that much press out of it. But I hope they're there, and I hope they're strong, and I encourage them to speak up.

This was HillaryCare in 1993. We are not supposed to declare this to be ObamaCare in 2009 because this has been censored by the Democrats in this Congress who think that these terms that are on this chart are pejorative. Pejorative terms, government-run. What about a government-run United States Marine Corps? That makes me feel good. I like government-run Air Force. I like government-run Navy. I like government-run Army. We cover those four branches. Government does some things good. Government-run is not pejorative. But it tells you what is going on if they are going to run health care. Single payer—hmm. Single payer does tell you that government will be calling all the shots because of the golden rule. Whoever has the gold makes the rules. The government will have all the gold, and they will write all the rules for everybody's health insurance policy in the United States of America. That's in the flow chart that's behind here that's been censored. And if it's single payer, it is socialized medicine. To declare it to be ObamaCare, it is pretty accurate. I haven't heard whether the President disagrees with the liberals in this Congress or the liberals in the United States Senate. I have heard the President talk about all kinds of socialized medicine programs. All he has said that defends the private market is if you like your policy, you get to keep it. That is simply not true, Mr. Speaker. When you look at the chart, when you look at the language, and you understand that every single policy would have to qualify under rules yet to be written by President Obama's appointee, the health insurance, czar-issioneer.

□ 1745

Would we get rationed care? Indeed. We're only paying 80 percent of the Medicare today of what it costs to deliver it.

They propose to take \$500 billion out of the Medicare funds that are streaming there now. How are they going to do that? They're going to have to cut down on services, cut down on surgeries for seniors, cut down on access to health care in order to come up with the \$500 billion. All of that spells rationed care.

Care has been rationed in every Nation that has a single-payer, socialized

medicine, government-run plan. We can't believe it's anything else. It will be rationed care. ObamaCare will be rationed care. We're on a path, if we pass this, to single-payer, socialized medicine, because there will be government-mandated care for everybody, whether you can hang on to your private plan or whether you can't.

Government-mandated care is another term that we're not supposed to use because they think it's pejorative, but this chart, the color-coded chart of the 31 new agencies schematic is full of all kinds of government mandates. That's what they are. They're mandates, Mr. Speaker, almost all of them. You're not even supposed to say keep your change care. Well, I don't know that you get to keep your change. I don't use that phrase very much, but it's one of the things that they've raised as objectionable.

So in the end, in real summation of this issue of the national health care plan that is almost completely crafted here in the House of Representatives and probably poised to go before this House on a vote sometime after Labor Day, presuming that there are enough Members of Congress still standing after the public shows up at their town hall meetings, at their offices, at their house, wherever they might be able to encounter their Member of Congress or their staff, presuming that there are enough Members of Congress still willing to walk this path, we're likely to see a vote here on the floor, and the result will be all of these things that we're not supposed to say now.

If it passes, it will be a government-run, single-payer, socialized medicine, ObamaCare, rationed care, government-mandated care. If not the first day, it will be over time when everybody's health insurance has to requalify and be run through the qualifications that will be drafted by the new health insurance czar, the commissioner, the comicarissioner of health insurance in America. That's where we are, Mr. Speaker.

And so I will quote Congressman JOHN SHADEGG who articulated this as well as anyone in this Congress when he said, if you like your health insurance that you have today, get ready to lose it. That's what will happen. The American people understand that it is their freedom, that their discretion is at risk, and there are people who want to create a complete nanny state, who have privatized—excuse me—who have nationalized eight huge entities here and moved us on a leftward lurch off the abyss into socialism in the private sector; three huge investment banks, AIG, Fannie Mae, Freddie Mac, General Motors, Chrysler, all now under the control of the White House. And this White House now wants to take over all the health care in America, eventually. And we understand that was President Obama's original policy. He

has just moved to try to set up health insurance in such a way that he can promise you you get to keep it.

And I promise you that it will not look like anything you have today if the government's going to write new regulations that it has to qualify for. And I will submit that Republicans have good solutions to this. I'll submit also that what we're trying to fix here is this. Here's where I agree, Mr. Speaker.

I believe that we have a very, very difficult economic situation to work our way out of. I believe that it may be as serious as anything that we have seen since the Great Depression, but I'm not certain of that because I lived through the eighties during the farm crisis and the other, the housing crisis that we had and the banking crisis that we had during that period of time. We lost 3,000 banks in the eighties. Those were tough times. I want to measure this after it's over and look back before I would commit that this is the worst time since the Great Depression. But it's not a very good time. It's a bad time.

And we have our challenges ahead of us, and we have to fix this economy. With that, I agree with the President. But the President says that health care in America is broken. I don't agree. I don't believe it is broken. I believe that we can improve it, and we should. But the President declares that we can't fix the economy without first fixing health care.

Now, if health care—and that encompasses health insurance and the health care that's provided through our clinics and our hospitals and the whole breadth of the health care that we have. If health care is broken, there must be a service out there that's not adequate compared to some other country in the world.

I'll submit health care is not broken. We have the best health care in the world. It costs too much money. I'll agree with the President on that. About 14½ percent of our GDP, and some of the costs that you see in the rest of the industrialized world are around 9½ percent of GDP. They ration health care. They have socialized medicine. They don't have the research and development that we have. We have the best in the world.

We lead the world in development of pharmaceutical and surgery techniques, and we lead the world in survival after cancer diagnosis. And we also lead the world, I believe, in the diagnosis of cancer itself. All of those things are at risk today. But if we have to, according to the President, change 100 percent of the health care system that we have in order to declare we have fixed it so we can declare we're fixing the economy, I will submit that that statement cannot be valid. It cannot be defended or sustained in open public debate or any kind of analysis

because they want to spend \$1 trillion to \$2 trillion.

Now, if we're spending too much money on health care in America, and we are, why do we need to dump another \$1 trillion to \$2 trillion into it to fix it? If we're going to fix it, we should be able to fix it and save money, not fix it and dump trillions of dollars into it and raise taxes and cut funding that goes into Medicare and deny health care services to our seniors, all of that wrapped up in the name of fixing something that's not broken, just changing and transforming America.

We socialized three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors and Chrysler. They're nationalized today. This is about the nationalization of the best health care system in the world, and 17½ percent of it, and taking away the freedom of the American people to go out and purchase a health insurance policy that they choose.

I want to expand the health savings accounts and I want to provide 100 percent deductibility for everybody's health insurance premium. And I want to reduce the medical malpractice liability that's out there by capping the liability claims so people get whole again but trial lawyers don't get rich. We can do all of those things and more, besides.

And by the way, there's only 4 percent of America that are chronically uninsured, 4 percent, 10 to 12 million people, depending on whose study you look at. That's 4 percent. And we would upset 100 percent of the health care system in order to fix an expensive health insurance program only if you compare to other countries that don't have the quality that we have. I think that would be a colossal mistake, and we could never get back from that colossal mistake because it creates 306 million people that would be dependent upon the government-run, single-payer, socialized medicine, ObamaCare, rationed care, government-mandate care. And I reject it. I hope the American people do.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. KUCINICH, for 5 minutes, today.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

April 21, 2009:

H.R. 1388. An Act entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.

May 7, 2009:

H.R. 1626. An Act to make technical amendments to laws containing time periods affecting judicial proceedings.

May 12, 2009:

H.R. 586. An Act to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

May 22, 2009:

H.R. 627. An Act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

June 2, 2009:

H.R. 131. An Act to establish the Ronald Reagan Centennial Commission.

June 19, 2009:

H.R. 663. An Act to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the "Yvonne Ingram-Ephraim Post Office Building".

H.R. 918. An Act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building".

H.R. 1284. An Act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office".

H.R. 1595. An Act to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building".

H.R. 2675. An Act to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

June 22, 2009:

H.R. 1256. An Act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

June 24, 2009:

H.R. 2346. An Act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

June 26, 2009:

H.J. Res. 40. A joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

June 30, 2009:

H.R. 813. An Act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

H.R. 837. An Act to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

H.R. 2344. An Act to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

July 1, 2009:

H.R. 1777. An Act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

July 27, 2009:

H.R. 2632. An Act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

July 28, 2009:

H.J. Res. 56. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

April 23, 2009:

S. 520. An Act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

April 24, 2009:

S. 383. An Act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

May 7, 2009:

S.J. Res. 8. A joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

May 8, 2009:

S. 39. An Act to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze".

May 15, 2009:

S. 735. An Act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

May 20, 2009:

S. 386. An Act to improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 896. An Act to prevent mortgage foreclosures and enhance mortgage credit availability.

May 22, 2009:

S. 454. An Act to improve the organization and procedures of the Department of Defense

for the acquisition of major weapon systems, and for other purposes.

June 30, 2009:

S. 407. An Act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

S. 615. An Act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

July 1, 2009:

S. 614. An Act to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3357. An act to restore sums to the Highway Trust Fund and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1107. To amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 31, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 838. To provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, pursuant to House Concurrent Resolution 172, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p.m.), the House adjourned until Tuesday, September 8, 2009, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2978. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's "Major" final rule — Conservation Reserve Program (RIN 0560-AH80) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2979. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1059] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2980. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's "Major" final rule — Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation [Docket No.: FDA-2000-N-0190 (Formerly Docket No. 2000N-0504)] (RIN: 0910-AC14) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2981. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Amarillo, Texas) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2982. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition and Removal of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States; Removal of Persons based on ERC Annual Review and Removal Requests; and Entry Modified for Purposes of Clarification [Docket No.: 090414651-91046-01] (RIN:0694-AE59) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2983. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq, pursuant to Section 9204 of the Supplemental Appropriations Act for 2008, Pub. L. 110-252 and Section 1508(c) of the Department of Defense Authorization Act for 2009, Pub. L. 110-417; to the Committee on Foreign Affairs.

2984. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-009, Prohibition on Contraction with Inverted Domestic Corporations [FAC 2005-34; FAR Case 2008-009; Item II; Docket 2009-0020, Sequence 1] (RIN: 900-AL28) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2985. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No.: 080521698-9067-02] (RIN: 0648-XP50) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2986. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Models Arriel 1E2, 1S, and 1S1 Turboshaft Engines [Docket No.: FAA-2008-0681; Directorate Identifier 2008-NE-13-AD; Amendment

39-15805; AD 2009-03-04] (RIN: 2120-AA4) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2987. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation, Maggie Fisher Memorial Great South Bay Cross Bay Swim, Great South Bay, NY [Docket No. USCG-2009-0302] (RIN: 1625-AA08) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2988. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harborfest 2009, Parade of Sail, Elizabeth River, Norfolk, VA [Docket No.: USCG-2009-0405] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2989. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Training, San Clemente Island, CA [Docket No.: USCG-2009-0455] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2990. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Raritan River, Arthur Kill and their tributaries, Staten Island, NY and Elizabeth, NJ [Docket No. USCG-2009-0202] (RIN: 1625-AA09) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2991. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Establishment of Suspension and Revocation National Center of Expertise [Docket No.: USCG-2009-0314] (RIN: 1625-ZA22) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2992. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Event; Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District [Docket No.: USCG-2009-0252] (RIN: 1625-AA08) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2993. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability — Vessels and Deepwater Ports [Docket No.: USCG-2008-0007] (RIN: 1625-AB25) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2994. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Summer Marine Events, Coastal Massachusetts. [Docket No. USCG-2009-0448] (RIN: 1625-AA08) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2995. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Access Destinations Fireworks Display, San Diego Bay, CA [Docket No.: USCG-2009-0513]

(RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2996. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80A, CF6-80C2, and CF6-80E1 Series Turbofan Engines [Docket No. FAA-2008-0925; Directorate Identifier 98-ANE-49-AD; Amendment 39-15816; AD 2009-04-10] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2997. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PW206A, PW206B, PW206B2, PW206C PW206D, PW206E, PW207C, PW207D, and PW207E Turbofan Engines [Docket No.: FAA-2007-0219; Directorate Identifier 2007-NE-46-AD; Amendment 39-15806; AD 2009-03-05] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2998. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IRF Altitudes; Miscellaneous Amendments [Docket No.: 30653; Amdt. No. 479] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2999. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212 DF Airplanes [Docket No.: FAA-2008-1360; Directorate Identifier 2008-NM-075-AD; Amendment 39-15791; AD 2009-02-01] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3000. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 182Q and 182R Airplanes [Docket No.: FAA-2008-1205; Directorate Identifier 2008-CE-062-AD; Amendment 39-15811; AD 2009-04-05] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3001. A letter from the Program Analyst, Department of Transportation, transmitting the Department's "Major" final rule — Part 121 Pilot Age Limit [Docket No.: FAA-2006-26139; Amendment Nos. 61-123 and 121-344] (RIN: 2120-AJ01) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3002. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of class D and E Airspace; King Salmon, AK [Docket No.: FAA-2008-1162; Airspace Docket No. 08-AAL-33] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3003. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, AND -145EP Airplanes [Docket No.: FAA-2008-0271; Directorate Identifier 2007-NM-267-AD; Amendment 39-15784; AD 2009-01-05] (RIN:

2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3004. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No.: FAA-2008-0644; Directorate Identifier 2007-NM-321-AD; Amendment 39-15659; AD 2008-18-02] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3005. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-0130; Directorate Identifier 2008-NM-225-AD; Amendment 39-15817; AD 2009-04-11] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3006. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-14, DC-9-15, and DC-9-15F Airplanes; and Model DC-9-20, DC-9-30, and DC-9-50 Series Airplanes [Docket No.: FAA-2008-0736; Directorate Identifier 2008-NM-102-AD; Amendment 39-15804; AD 2009-03-03] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3007. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHART GROB LUFT — UND RAUMFAHRT GmbH & CO KG G103 Series Gliders [Docket No.: FAA-2008-1078 Directorate Identifier 2008-CE-051-AD; Amendment 31-15814; AD 2009-04-08] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3008. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes [Docket No.: FAA-2008-1199; Directorate Identifier 2008-NM-207-AD; Amendment 39-15781; AD 2008-24-51] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3009. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan Engines [Docket No.: FAA-2007-28413; Directorate Identifier 2007-NE-25-AD; Amendment 39-15826; AD 2009-05-02] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3010. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No.: FAA-2008-0657; Directorate Identifier 2007-NM-296-AD; Amendment 39-15787; AD 2009-01-08] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3011. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's "Major" final rule — Broadband

Technology Opportunities Program (RIN: 0660-ZA28) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2913. A bill to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse" (Rept. 111-240). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2053. A bill to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse" (Rept. 111-241). Referred to the House Calendar.

Mr. CONYERS: Committee on Judiciary. House Resolution 636. Resolution directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the transfer or release of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States, adversely (Rept. 111-242). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2651. A bill to amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program, and for other purposes (Rept. 111-243). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 2989. A bill to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and to provide a minimum investment option requirement for such plans, to amend such Act to provide for independent investment advice for participants and beneficiaries under individual account plans, and to amend such Act and the Internal Revenue Code of 1986 to provide transitional relief under certain pension funding rules added by the Pension Protection Act of 2006; with an amendment (Rept. 111-244, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2868. Referral to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than September 30, 2009.

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than October 16, 2009.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBEY (for himself, Mr. ISRAEL, Mr. CHANDLER, Mr. KILDEE, Ms. SUTTON, and Mr. BRALEY of Iowa):

H.R. 3435. A bill making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; considered and passed.

By Mr. CUMMINGS:

H.R. 3436. A bill to require chief executive officers of certain financial institutions that receive assistance under title I of the Emergency Economic Stabilization Act of 2008, under the 3rd undesignated paragraph of section 13 of the Federal Reserve Act, or from the Secretary of the Treasury or the Federal Deposit Insurance Corporation under any other provision of law to submit financial disclosures under the Ethics in Government Act of 1978 to the Secretary of the Treasury, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 3437. A bill to amend the Post-Katrina Emergency Management Reform Act of 2006 to direct the Administrator of the Federal Emergency Management Agency to develop lifecycle plans and tracking procedures for housing units provided to individuals and households to respond to disaster-related housing needs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 3438. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. DAVIS of Illinois, Mr. PASCRELL, and Mr. MORAN of Virginia):

H.R. 3439. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr. ROSKAM, Mr. ADLER of New Jersey, Mr. LANCE, and Mr. CANTOR):

H.R. 3440. A bill to amend the Internal Revenue Code of 1986 to allow dealers in real estate to use the installment sales method; to the Committee on Ways and Means.

By Mr. ARCURI (for himself, Mr. MAFEI, Mr. SIRE, Mr. MASSA, Mr. BOCIERI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KAGEN, Mr. MINNICK, and Mr. FILNER):

H.R. 3441. A bill to provide for automatic enrollment of veterans returning from combat zones into the VA medical system, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HODES:

H.R. 3442. A bill to amend the Balanced Budget and Emergency Deficit Control Act

of 1985 to establish discretionary spending caps for each of fiscal years 2011 through 2013; to the Committee on the Budget.

By Mr. CLEAVER:

H.R. 3443. A bill to amend the Internal Revenue Code of 1986 to modify the private activity bond rules to except certain uses of intellectual property from the definition of private business use; to the Committee on Ways and Means.

By Mr. FARR:

H.R. 3444. A bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. MEEK of Florida):

H.R. 3445. A bill to amend the Internal Revenue Code of 1986 to allow baby formula to be reimbursed under a health flexible spending arrangement if the mother has had a mastectomy and is medically unable to breastfeed; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 3446. A bill to provide for a competitive program making grants to seaport governing bodies for the acquisition of fuel efficient and low emission equipment and systems at port facilities; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 3447. A bill to amend the Internal Revenue Code of 1986 to implement on-going appropriations for withdrawals from the Harbor Maintenance Trust Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. REBERG, Mr. BACHUS, Mr. OLSON, Mr. CRENSHAW, Mrs. MYRICK, Mr. BARRETT of South Carolina, Mr. FLEMING, and Mr. PAULSEN):

H.R. 3448. A bill to establish an expedited schedule for the issuance of a Combined Construction and Operating License for nuclear reactors that meet certain conditions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER (for herself, Mr. BRADY of Pennsylvania, Mr. WALZ,

Mr. HOLT, Mr. COURTNEY, Mr. HALL of New York, Ms. SCHAKOWSKY, Mr. HONDA, Mr. MCGOVERN, Ms. WOOLSEY, Mr. SMITH of Washington, Mr. BLUMENAUER, Ms. BORDALLO, Mr. CARNAHAN, Ms. GIFFORDS, Ms. HARMAN, Mr. LOESACK, Ms. LORETTA SANCHEZ of California, Mr. ABERCROMBIE, Mr. MICHAUD, Mr. JONES, Mr. HARE, Ms. TSONGAS, Ms. PINGREE of Maine, Mr. JOHNSON of Georgia, and Ms. WASSERMAN SCHULTZ):

H.R. 3449. A bill to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom; to the Committee on Armed Services.

By Ms. JACKSON-LEE of Texas (for herself, Mr. JOHNSON of Georgia, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. CLARKE, Mr. HARE, Mr. POE of Texas, Mr. MASSA, Mr. COHEN, Mr. BERRY, Mr. FALCONE, Mr. TONKO, Mr. KUCINICH, Mr. REYES, Ms. CORRINE BROWN of Florida, and Mr. ROTHMAN of New Jersey):

H.R. 3450. A bill to prohibit certain restraints of competition adversely affecting automobile dealers; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3451. A bill to amend the Real Estate Settlement Procedures Act of 1974 to require mortgagees for mortgages in default to engage in reasonable loss mitigation activities, and for other purposes; to the Committee on Financial Services.

By Ms. KAPTUR:

H.R. 3452. A bill to impose a tax on Wall Street bonuses received from TARP recipients and direct revenue to mortgage workouts; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE (for himself and Mr. CAO):

H.R. 3453. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make improvements in the provision of Federal disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. COLE, Mr. LUCAS, and Ms. FALLIN):

H.R. 3454. A bill to amend title XVIII of the Social Security Act to reform payments and coverage for hospice care under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Mr. MCCOTTER, Ms. SUTTON, Mr. BOCCIERI, Mr. KUCINICH, Ms. KILROY, Mr. WILSON of Ohio, and Ms. KAPTUR):

H.R. 3455. A bill to make available funds from the Emergency Economic Stabilization Act of 2008 for funding a voluntary employees' beneficiary association with respect to former employees of Delphi Corporation; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 3456. A bill to designate the facility of the United States Postal Service located at 1900 West Gray Street in Houston, Texas, as the "Hazel Hainsworth Young Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. ABERCROMBIE (for himself, Mrs. LOWEY, Mr. MICHAUD, and Mr. PERRIELLO):

H.R. 3457. A bill to amend the Truth in Lending Act to provide coverage under such Act for credit cards issued to small businesses, and for other purposes; to the Committee on Financial Services.

By Mr. MARKEY of Massachusetts (for himself and Ms. ESHOO):

H.R. 3458. A bill to amend the Communications Act of 1934 to establish a national broadband policy, safeguard consumer rights, spur investment and innovation, and for related purposes; to the Committee on Energy and Commerce.

By Mr. BAIRD:

H.R. 3459. A bill to provide comprehensive reform regarding medical malpractice; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mr. INSLEE, Mr. DREIER, Mr. HUNTER, Mrs. DAVIS of California, Mr. CALVERT, Mrs. BONO MACK, Mr. ISSA, and Mr. TEAGUE):

H.R. 3460. A bill to amend the Clean Air Act to include algae-based biofuel in the renewable fuel program and amend the Internal Revenue Code of 1986 to include algae-based biofuel in the cellulosic biofuel producer credit; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. MORAN of Kansas, Mr. ISRAEL, and Mr. HEINRICH):

H.R. 3461. A bill to amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mr. CONAWAY, Ms. SUTTON, and Mr. CULBERSON):

H.R. 3462. A bill to amend the Internal Revenue Code of 1986 to encourage the use of corrosion prevention and mitigation measures in the construction and maintenance of business energy-related property; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. RYAN of Wisconsin, Mr. CANTOR, Mr. LINDER, Mr. NUNES, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. BOUSTANY, Mr. HELLER, Mr. ROSKAM, Mr. BOEHNER, Mr. PENCE, Mr. THORNBERRY, Mr. PITTS, and Mr. LUCAS):

H.R. 3463. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. MANZULLO, Mr. LATHAM, Mr. BOSWELL, Mr. LOEBACK, Mr. KING of Iowa, Mr. REHBERG, and Mr. KAGEN):

H.R. 3464. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization; to the Committee on Financial Services.

By Mr. BUTTERFIELD (for himself, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. BORDALLO, Mr. RUSH, and Mrs. LOWEY):

H.R. 3465. A bill to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients; to the Committee on Oversight and Government Reform.

By Mr. CAO:

H.R. 3466. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY:

H.R. 3467. A bill to amend title 38, United States Code, to provide for a monthly housing stipend under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs for individuals pursuing programs of education offered through distance learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASTLE (for himself, Mr. GERLACH, and Mr. LOBIONDO):

H.R. 3468. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and the Employee Retirement Income Security Act of 1974 to promote the use of prevention and wellness programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR of Florida (for herself,

Mr. BERMAN, Mr. BISHOP of New York, Mr. BOCCIERI, Ms. BORDALLO, Mr. BOREN, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Mr. CHILDERS, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. DONNELLY of Indiana, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ETHERIDGE, Mr. FALCONE, Mr. FARR, Ms. FUDGE, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. GRAYSON, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KISSELL, Mr. KLEIN of Florida, Mr. LANGEVIN, Ms. LEE of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Mr. MATSUI, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. NYE, Mr. OLIVER, Mr. ORTIZ, Mr. PAYNE, Mr. RAHAL, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUPERSBERGER, Mr. RUSH, Mr. SARBANES, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SIREN, Mr. SNYDER, Mr. SPACE, Ms. SUTTON, Mr. TAYLOR, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEXLER, Mr. WILSON of Ohio, Mr. WU, and Mr. YOUNG of Florida):

H.R. 3469. A bill to amend title II of the Social Security Act to provide that disability determinations under such title on the basis of hearings by the Commissioner of Social Security are made on a timely basis and to require the Commissioner to establish a program for monitoring each year the number of disability determinations which are in reconsideration; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 3470. A bill to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. HODES, Mr. STARK, Mr. FILNER, Mr. KUCINICH, and Mr. GONZALEZ):

H.R. 3471. A bill to repeal title II of the REAL ID Act of 2005, to reinstitute section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAHLKEMPER:

H.R. 3472. A bill to provide for health insurance coverage premium discounts for healthy behavior and improvements toward healthy behavior; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Alabama:

H.R. 3473. A bill to direct the Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act to carry out pilot programs to permit States to test the feasibility of using alternative methods, including the use of advanced electronic technologies and the Internet, to enable absent uniformed services voters to register to vote and vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Ms. DELAURO (for herself, Ms. ROSELEHTINEN, Mr. GRIJALVA, and Mr. SCOTT of Virginia):

H.R. 3474. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes; to the Committee on Education and Labor.

By Mr. FORBES:

H.R. 3475. A bill to amend the Public Health Service Act to double the amount of funds authorized to be appropriated to the National Institutes of Health for medical research with the greatest potential for near-term clinical benefit; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey (for himself and Mr. CARNEY):

H.R. 3476. A bill to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission; to the Committee on Natural Resources.

By Mr. GOHMERT (for himself, Mr. BROUN of Georgia, Mr. ADERHOLT, Mr. LAMBORN, Mr. MILLER of Florida, Mr. FORBES, Mr. BOOZMAN, Mr. PENCE, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. JORDAN of Ohio, Mr. FRANKS of Arizona, and Mr. KING of Iowa):

H.R. 3477. A bill to direct the Architect of the Capitol to acquire and place a historical plaque to be permanently displayed in National Statuary Hall recognizing the seven decades of Christian church services being held in the Capitol from 1800 to 1868, which included attendees James Madison and Thomas Jefferson; to the Committee on House Administration.

By Mr. GOHMERT:

H.R. 3478. A bill to amend the Internal Revenue Code of 1986 to modify rules relating to health savings accounts, to provide payments for a health savings account and for a high deductible health plan instead of entitlement to benefits under Medicare, Medicaid, and SCHIP, to give more control and coverage to patients, to lower health care costs through increased price transparency, and to require immigrants to have a health savings account and high deductible health coverage at time of admission; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee:

H.R. 3479. A bill to eliminate duplicative Government programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA (for himself, Mr. CAMPBELL, Mr. FORTENBERRY, Ms. DELAURO, Mr. NADLER of New York, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. HARE, Mr. PASCRELL, Mr. BLUMENAUER, Mr. GALLEGLY, Mr. BERMAN, Mr. LEWIS of Georgia, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. HOLT, Ms. HIRONO, Mr. SERRANO, Mrs. MALONEY, Ms. LEE of California, Mr. COHEN, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. LINDA T. SANCHEZ of California, Mr. MARKEY of Massachusetts, Mr. SHERMAN, Mr. PRICE of North Carolina, and Mr. FARR):

H.R. 3480. A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 3481. A bill to provide for the protection of the quality of water in the Lower Colorado River and the development and implementation of a comprehensive plan for the prevention and elimination of pollution in the Lower Colorado River and the maintenance of a healthy Lower Colorado River ecosystem; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 3482. A bill to make renewable energy production a priority on certain public lands for the purpose of responsibly producing clean, affordable power for the American people; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 3483. A bill to reform the medical liability system, improve access to health care for rural and indigent patients, enhance access to affordable prescription drugs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN):

H.R. 3484. A bill to amend title 38, United States Code, to extend the authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HIGGINS (for himself and Mr. CROWLEY):

H.R. 3485. A bill to amend title 38, United States Code, to provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits paid by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HIGGINS (for himself, Mr. MCHUGH, Ms. MOORE of Wisconsin, Mr. LEVIN, Ms. SLAUGHTER, Mr. PETERS, Mrs. DAHLKEMPER, Mr. LATOURETTE, Mr. MASSA, Mr. COSTA, Mr. KUCINICH, Mr. KAGEN, and Mr. POSEY):

H.R. 3486. A bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 3487. A bill to require the Secretary of State and the Attorney General to take certain actions against specified foreign nationals involved in actions relating to international child abduction, regardless of whether a country is a party to the Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself, Mr. KIRK, Mr. SULLIVAN, Mrs. BONO MACK, Mr. BOREN, Mr. WEXLER, Mr. DELAHUNT, Mr. KLEIN of Florida, Mr. HIGGINS, Mr. BARTLETT, Ms. SCHWARTZ, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Mr. LANGEVIN, Mr. HOLT, Mr. THOMPSON of California, Mr. SIRES, Mr. CARNAHAN, Mr. INSLEE, Mr. WELCH, Mr. TONKO, Ms. SUTTON, Mr. MASSA, Mr. SERRANO, Mr. SCOTT of Virginia, Mr. BISHOP of New York, Mr. WITTMAN, Mr. ENGEL, and Mrs. CAPPS):

H.R. 3488. A bill to direct the Secretary of Energy to carry out the Clean Cities program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JACKSON of Illinois (for himself, Mr. WATT, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. CAPUANO, Mr. GONZALEZ, Mr. DAVIS of Alabama, Ms. LEE of California, Mr. SCOTT of Virginia, Mr. NADLER of

New York, and Mrs. DAVIS of California):

H.R. 3489. A bill to amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, and for other purposes; to the Committee on House Administration.

By Mr. JOHNSON of Illinois (for himself and Mr. ABERCROMBIE):

H.R. 3490. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for employer-provided wellness programs; to the Committee on Ways and Means.

By Mr. KAGEN (for himself and Mr. FRANK of Massachusetts):

H.R. 3491. A bill to amend title 38, United States Code, to establish a presumption of service connection for certain cancers occurring in veterans who served in the Republic of Vietnam and were exposed to certain herbicide agents, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KANJORSKI:

H.R. 3492. A bill to assure quality and best value with respect to Federal construction projects by prohibiting the practice known as bid shopping; to the Committee on Oversight and Government Reform.

By Mr. KANJORSKI:

H.R. 3493. A bill to amend title 5, United States Code, to limit the number of local wage areas allowable within a General Schedule pay locality; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR:

H.R. 3494. A bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes; to the Committee on Armed Services.

By Ms. KAPTUR:

H.R. 3495. A bill to amend title XVIII of the Social Security Act to ensure access to quality home health services for all Americans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA:

H.R. 3496. A bill to authorize and request the President to award the congressional Medal of Honor to Arthur Jibilian for actions behind enemy lines during World War II while a member of the United States Navy and the Office of Strategic Services; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. VAN HOLLEN, and Mr. McDERMOTT):

H.R. 3497. A bill to amend the Internal Revenue Code of 1986 to provide that indebtedness incurred by a partnership in acquiring securities and commodities is not treated as acquisition indebtedness for purposes of determining the unrelated business taxable income of organizations which are partners with limited liability; to the Committee on Ways and Means.

By Mrs. LUMMIS (for herself, Mr. THOMPSON of Mississippi, Ms. SHEAPORTER, Mr. SIMPSON, Mr. ADERHOLT, and Mr. PRICE of North Carolina):

H.R. 3498. A bill to amend section 119 of title 17, United States Code, and the Commu-

nications Act of 1934 to permit satellite carriers to retransmit the signals of certain noncommercial, educational broadcast stations outside their local markets, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAFFEI:

H.R. 3499. A bill to amend the Trademark Act of 1946 to allow civil actions against persons who use trademarks that are misleading as to the origin of goods in certain cases; to the Committee on the Judiciary.

By Mr. MAFFEI:

H.R. 3500. A bill to amend the Internal Revenue Code of 1986 to extend and modify the benefits available in empowerment zones and other tax-incentive areas; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 3501. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for pet care expenses; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Mr. CONNOLLY of Virginia, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. TIM MURPHY of Pennsylvania, Mr. ELLSWORTH, Ms. ESHOO, Mr. KIRK, Mr. ADLER of New Jersey, Mr. MCGOVERN, Mr. BOSWELL, Mr. THORNBERRY, Mr. VAN HOLLEN, and Mr. THOMPSON of California):

H.R. 3502. A bill to amend the Public Health Service Act to establish an Office of Mitochondrial Medicine at the National Institutes of Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McDERMOTT (for himself, Mr. PETRI, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. MARKEY of Massachusetts, Mr. MORAN of Virginia, Mr. CONYERS, Mr. GRIJALVA, Mrs. CAPPS, Mr. FARR, Mr. OLVER, Mr. STARK, Mr. SCHIFF, Mr. KENNEDY, Ms. DELAURO, Ms. LEE of California, Mr. NADLER of New York, Mr. HONDA, Mr. BERMAN, Ms. NORTON, Mr. WEXLER, Mr. PAYNE, Mr. KILDEE, Ms. ESHOO, and Mr. GORDON of Tennessee):

H.R. 3503. A bill to ensure that proper information gathering and planning are undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River Basin in a manner that protects and enhances local communities, ensures effective expenditure of Federal resources, and maintains reasonably priced, reliable power, to direct the Secretary of Commerce to seek scientific analysis of Federal efforts to restore salmon and steelhead listed under the Endangered Species Act of 1973, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.R. 3504. A bill to provide for a 2 percent rescission of unobligated funds previously appropriated under the American Recovery and Reinvestment Act of 2009 to be used by the Secretary of Veterans Affairs to hire claims processors; to the Committee on Appropriations, and in addition to the Committee on Veterans' Affairs, for a period to

be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself and Mr. ROONEY):

H.R. 3505. A bill to increase the supply of American made energy, reduce energy costs to the American taxpayer, provide a long term energy framework to reduce dependence on foreign oil, tap into American sources of energy, and reduce the size of the Federal deficit; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself, Mr. ROSKAM, and Mr. MOORE of Kansas):

H.R. 3506. A bill to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not share personal information with affiliates, and for other purposes; to the Committee on Financial Services.

By Mr. PAULSEN (for himself and Mr. WALZ):

H.R. 3507. A bill to amend title 38, United States Code, to provide for an increase in the rates of survivors' and dependents' educational assistance payable by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. PAULSEN (for himself, Mr.

AKIN, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mrs. McMORRIS RODGERS, Mr. RYAN of Wisconsin, Mr. BRADY of Texas, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mr. KIRK, Mr. ROSKAM, Mrs. BIGGERT, Mr. MCCARTHY of California, Mr. CASSIDY, Mrs. LUMMIS, Mr. ROONEY, Mr. DAVIS of Kentucky, Mr. LANCE, Mr. PENCE, and Mrs. BACHMANN):

H.R. 3508. A bill to amend the Internal Revenue Code of 1986 to provide for improved treatment of HSA account provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERSON (for himself, Mr.

LUCAS, Mr. HOLDEN, Mr. GOODLATTE, Mr. ELLSWORTH, Mr. MORAN of Kansas, Mr. BOSWELL, Mr. SMITH of Nebraska, Mr. KRATOVIL, Ms. MARKEY of Colorado, Mr. CONAWAY, Ms. JENKINS, Mr. MURPHY of New York, Mr. KISSELL, Mr. ROGERS of Alabama, Ms. HERSETH SANDLIN, Mr. CASSIDY, Mr. WELCH, Mr. MASSA, Mr. BRIGHT, Mr. POMEROY, and Mr. CHILDERS):

H.R. 3509. A bill to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987; to the Committee on Agriculture.

By Mr. PRICE of North Carolina (for

himself, Mr. CASTLE, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. SARBANES, Ms. BORDALLO, Mr. McDERMOTT, Mr. CONNOLLY of Virginia, Ms. JACKSON-LEE of Texas, Mr. HODES, Ms. NORTON, and Mr. PLATTS):

H.R. 3510. A bill to establish a scholarship program to encourage outstanding graduate students in mission-critical fields to pursue a career in the Federal Government; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined

by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLÁN:

H.R. 3511. A bill to authorize the Secretary of the Interior to establish and operate a visitor facility to fulfill the purposes of the Marianas Trench Marine National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. SCALISE:

H.R. 3512. A bill to amend title 18, United States Code, to prevent misrepresentation of their ages by on-line predators as a means for the enticement of children; to the Committee on the Judiciary.

By Mr. SCALISE:

H.R. 3513. A bill to amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHRADER:

H.R. 3514. A bill to amend the Columbia River Gorge National Scenic Area Act; to the Committee on Natural Resources.

By Mr. SHERMAN (for himself, Mr. MANZULLO, and Mr. SMITH of Washington):

H.R. 3515. A bill to make improvements in the electronic filing of export data, to strengthen enforcement authorities with respect to the Export Administration Regulations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SHERMAN (for himself, Ms. ROS-LEHTINEN, Mr. KIRK, Mr. AL GREEN of Texas, Mr. HOLT, Mr. KLEIN of Florida, Mr. ADLER of New Jersey, Mr. ENGEL, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. NADLER of New York, Mr. GRAYSON, Ms. BERKLEY, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. WEINER, Mr. COHEN, Ms. KILROY, and Mr. HALL of New York):

H.R. 3516. A bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from divesting certain qualified securities of business entities engaged in Iran or Sudan discouraged activities; to the Committee on Ways and Means.

By Mr. SIRE (for himself, Mrs. NAPOLITANO, and Mr. CARNAHAN):

H.R. 3517. A bill to amend titles 23 and 49, United States Code, to enhance employer involvement in transportation planning and to create and expand commuter benefit programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself, Mr. BLUMENAUER, Mr. CARNAHAN, Mr. CONYERS, Mr. HIGGINS, Mr. HINCHEY, Ms. KAPTUR, Mr. KENNEDY, Mr. KING of New York, Mr. MCHUGH, Mr. PASCRELL, Mr. RYAN of Ohio, Ms. SCHWARTZ, Mr. SERRANO, Mr. SESTAK, Mr. SIRE, Ms. SUTTON, Mr. THOMPSON of California, Mr. WU, Mrs. CHRISTENSEN, Mr. LANGEVIN, Ms. PINGREE of Maine, Mr. TONKO, Mr. CARNEY, Mrs. DAHLKEMPER, Mr. MCGOVERN, Mr. KILDEE, Mr. WELCH, and Mr. ARCURI):

H.R. 3518. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide

grants for the revitalization of waterfront brownfields, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Nebraska (for himself, Mr. BOSWELL, Mr. BACA, Mr. CONAWAY, Mr. HOLDEN, Mr. LATHAM, Mr. LUCAS, Mr. LUETKEMEYER, Mr. MASSA, Mr. MCINTYRE, Mr. ROGERS of Alabama, Mr. SIMPSON, Mr. SCHRADER, Mr. WALZ, Mr. THORNBERRY, Mrs. LUMMIS, Mr. NEUGEBAUER, Mr. SCHOCK, and Mr. LATTI):

H.R. 3519. A bill to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of Nebraska (for himself, Mr. ROHRBACHER, and Mr. LANCE):

H.R. 3520. A bill to amend the Internal Revenue Code of 1986 to exclude capital gains on sales and exchanges of residences purchased in a foreclosure sale; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 3521. A bill to encourage States to expand the protections offered to victims of sex offenses who are not in a familiar or dating relationship with the perpetrators of such offenses; to the Committee on the Judiciary.

By Mr. SPACE (for himself and Mr. RYAN of Ohio):

H.R. 3522. A bill to direct the Secretary of Veterans Affairs to provide grants and assistance to States to conduct outreach to veterans regarding hardship and priority under the Department of Veterans Affairs patient enrollment system; to the Committee on Veterans' Affairs.

By Mr. TEAGUE (for himself and Mr. BILBRAY):

H.R. 3523. A bill to direct the Secretary of Energy to provide for the establishment of accreditation standards relating to biofuel engineering, to provide support for undergraduate and graduate degree programs that create the engineering skills necessary to support biofuel production, and for other purposes; to the Committee on Science and Technology.

By Mr. THOMPSON of California (for himself and Mr. SALAZAR):

H.R. 3524. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from the gross estate for certain farmlands and lands subject to qualified conservation easements, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Mr. HELLER):

H.R. 3525. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of bonds issued to finance renewable energy resource facilities, conservation and efficiency facilities, and other specified greenhouse gas emission technologies; to the Committee on Ways and Means.

By Ms. WATSON:

H.R. 3526. A bill to provide definitions of terms and services related to community-based gang intervention to ensure that funding for such intervention is utilized in a cost-effective manner and that community-based agencies are held accountable for providing holistic, integrated intervention serv-

ices, and for other purposes; to the Committee on Education and Labor.

By Mr. WEINER (for himself, Mr. FRANK of Massachusetts, and Mr. GARY G. MILLER of California):

H.R. 3527. A bill to increase the maximum mortgage amount limitations under the FHA mortgage insurance programs for multifamily housing projects with elevators and for extremely high-cost areas; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 3528. A bill to establish a grants program to assist States and units of local governments to establish and expand programs that employ global positioning system technologies as alternative sentencing options, and for other purposes; to the Committee on the Judiciary.

By Mr. WELCH (for himself, Mr. SHUSTER, Mr. MASSA, Ms. BORDALLO, and Ms. PINGREE of Maine):

H.R. 3529. A bill to amend the Small Business Act to increase the maximum loan amount under the Express Loan Program, and for other purposes; to the Committee on Small Business.

By Mr. WELCH:

H.R. 3530. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for the purchase of certain nonroad equipment; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. HONDA, Ms. ROYBAL-ALLARD, and Mr. POLIS):

H.R. 3531. A bill to provide protection for children affected by the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. HONDA):

H.R. 3532. A bill to amend the Chinese Student Protection Act of 1992 to eliminate the offset in per country numerical level required under that Act; to the Committee on the Judiciary.

By Mr. ISSA (for himself and Mr. SMITH of Texas):

H. Con. Res. 174. Concurrent resolution expressing the sense of the Congress that the President should recognize the importance of auto dealerships to communities across the country by encouraging remedies for those franchises eliminated during recent car manufacturer bankruptcies; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. BUYER, Ms. NORTON, Ms. KILPATRICK of Michigan, Mr. STUPAK, Mr. KILDEE, Mr. EHLERS, Mr. PETERS, Mr. CAMP, Mr. HOEKSTRA, Mrs. MILLER of Michigan, and Mr. ROGERS of Michigan):

H. Con. Res. 175. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to commemorate the War of 1812 and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California (for herself, Mr. HONDA, and Mr. CARDOZA):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that secondary schools should begin the school day no earlier than 9:00 in the morning; to the Committee on Education and Labor.

By Mr. REICHERT (for himself and Mr. STUPAK):

H. Con. Res. 177. Concurrent resolution raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of October 1, 2009, through October 3, 2009, as "Celebrate Safe Communities" Week, and October as "Crime Prevention Month"; to the Committee on the Judiciary.

By Mr. VAN HOLLEN (for himself and Mr. HOEKSTRA):

H. Con. Res. 178. Concurrent resolution expressing the sense of the Congress that we honor, commemorate and celebrate the historic ties of the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and the settlement and enduring values of New Netherland which permeate American society up until today; to the Committee on Foreign Affairs.

By Mr. FOSTER (for himself, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. SHIMKUS, Mr. LIPINSKI, Mr. JACKSON of Illinois, Ms. BEAN, Mr. JOHNSON of Illinois, Mr. KIRK, Mrs. BIGGERT, Mr. MANZULLO, Mr. ROSKAM, Ms. SCHAKOWSKY, Mr. QUIGLEY, Mr. HARE, Mr. SCHOCK, Mrs. HALVORSON, and Mr. GUTIERREZ):

H. Res. 703. A resolution congratulating Mark Buehrle of the Chicago White Sox on pitching a perfect game on July 23, 2009; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H. Res. 704. A resolution deploring the ongoing violence by Iraqi security forces against the residents of Camp Ashraf in Iraq; to the Committee on Foreign Affairs.

By Mr. MINNICK (for himself and Mr. WOLF):

H. Res. 705. A resolution condemning hard-labor prison camps in the Democratic People's Republic of Korea as an egregious violation of human rights; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself, Mr. RAHALL, Mr. BOUSTANY, Mr. ACKERMAN, Mr. CARNAHAN, Ms. KAPTUR, and Mr. DELAHUNT):

H. Res. 706. A resolution congratulating the people of Lebanon on successfully conducting free, fair, and democratic parliamentary elections on June 7, 2009; to the Committee on Foreign Affairs.

By Mr. POLIS (for himself, Mr. GUTHRIE, and Mr. ALEXANDER):

H. Res. 707. A resolution expressing support for designation of the week of September 13, 2009, as Adult Education and Family Literacy Week; to the Committee on Education and Labor.

By Mr. SCHOCK (for himself and Ms. SCHAKOWSKY):

H. Res. 708. A resolution congratulating Nancy Goodman Brinker for receiving the Presidential Medal of Freedom; to the Committee on Oversight and Government Reform.

By Ms. CASTOR of Florida (for herself, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Ms. BORDALLO, Mr. GONZALEZ, Ms. NORTON, Mr. MASSA, Mr. KIRK, Ms. ROYBAL-ALLARD, Mr. SESTAK, Mr. RUSH, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. BOSWELL, Ms. MCCOLLUM, Mr. MOORE of Kansas, Mr. HINOJOSA, Ms. DELAUNO, Mr. TOWNS, Ms. SCHAKOWSKY, Ms. CLARKE, Mr. SARBANES, Mr. DAVIS of Illinois, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 709. A resolution supporting the goals and ideals of National Immunization Awareness Month to raise awareness of the benefits of immunization; to the Committee on Energy and Commerce.

By Ms. CASTOR of Florida (for herself, Mr. ADLER of New Jersey, Mr. BOYD, Mr. BUCHANAN, Mrs. CAPPS, Mr. CASSIDY, Mr. CASTLE, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAUNO, Mr. DICKS, Mr. FRANK of Massachusetts, Mr. HALL of New York, Ms. HARMAN, Mr. HOLT, Mr. KENNEDY, Ms. KOSMAS, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LOBIONDO, Mrs. LOWEY, Mr. LYNCH, Mr. INSLEE, Mr. MACK, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MELANCON, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. PALLONE, Mr. PAYNE, Mr. PIERLUISI, Mr. POSEY, Mr. PUTNAM, Mr. ROONEY, Mr. ROTHMAN of New Jersey, Mr. SARBANES, Mr. SCHIFF, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. SIREs, Ms. SPEIER, Mr. STARK, Mr. WITTMAN, Mr. WU, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, Mr. MEEKS of New York, Mr. BILIRAKIS, and Mr. SERRANO):

H. Res. 710. A resolution supporting the goals and ideals of "National Estuaries Day"; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois (for himself and Ms. JACKSON-LEE of Texas):

H. Res. 711. A resolution calling on the United States Government and the international community to address the human rights and humanitarian needs of Sri Lanka's Tamil internally displaced persons (IDPs) currently living in government-run camps by supporting the release of such IDPs, implementing and facilitating an independent oversight of the process of release and resettlement, and allowing foreign aid groups to provide relief and resources to such IDPs; to the Committee on Foreign Affairs.

By Mr. FILNER (for himself, Mr. GRAVES, Mr. WILSON of South Carolina, and Mr. DAVIS of Tennessee):

H. Res. 712. A resolution commending the people of Iraqi Kurdistan for reaffirming in the July 25, 2009, parliamentary elections the region's dedication to democratic ideals and congratulating all the political slates and candidates that participated in the elections, and for other purposes; to the Committee on Foreign Affairs.

By Mr. AL GREEN of Texas (for himself and Mr. HENSARLING):

H. Res. 713. A resolution recognizing the significant contributions of United States automobile dealerships, and expressing the sense of the House of Representatives that in the interest of equity, automobile dealers whose franchises have been terminated through no fault of their own be given an opportunity of first consideration once the auto market rebounds and stabilizes; to the Committee on Energy and Commerce.

By Mr. INGLIS (for himself, Mr. DEFALIZO, Mrs. BACHMANN, Mr. BILBRAY, Mr. LUETKEMEYER, Mr. CONAWAY, Mr. COBLE, Mr. RADANOVICH, and Mr. LAMBORN):

H. Res. 714. A resolution expressing the sense of the House of Representatives that any interest or dividends repaid to the government through the Troubled Asset Relief Program should be used solely for debt reduction, consistent with the authorizing leg-

islation and Article One, Section Nine of the United States Constitution; to the Committee on Financial Services.

By Ms. KAPTUR:

H. Res. 715. A resolution recognizing the 70th anniversary of the Soviet and Nazi invasion of Poland and the pivotal role Poland has assumed at freedom's edge since gaining independence; to the Committee on Foreign Affairs.

By Mr. KENNEDY (for himself, Mrs. MCMORRIS RODGERS, Mr. WAXMAN, Mr. SCHIFF, Mr. SHERMAN, Ms. MATSUI, Mr. BERMAN, Mr. WEXLER, and Ms. DELAUNO):

H. Res. 716. A resolution recognizing Gail Abarbanel and the Rape Treatment Center, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE of California:

H. Res. 717. A resolution supporting the goals and ideals of "National Passport Month"; to the Committee on Foreign Affairs.

By Ms. MATSUI (for herself and Mr. KING of New York):

H. Res. 718. A resolution recognizing September 11 as a "National Day of Service and Remembrance"; to the Committee on Oversight and Government Reform.

By Mr. TIAHRT:

H. Res. 719. A resolution commending Russ Meyer on his induction into the National Aviation Hall of Fame; to the Committee on Transportation and Infrastructure.

By Ms. WATSON (for herself, Mr. ROHRBACHER, Ms. HIRONO, Mr. MCDERMOTT, Mr. DINGELL, Mr. FRANK of Massachusetts, Ms. ZOE LOFGREN of California, Ms. SCHWARTZ, Mr. GRAYSON, Mr. SCOTT of Georgia, Mr. BLUMENAUER, Mr. TOWNS, Mr. CONYERS, Mr. BACA, Ms. WOOLSEY, Ms. SHEA-PORTER, Ms. EDWARDS of Maryland, Mr. MOORE of Kansas, Mr. GARY G. MILLER of California, Mr. COSTA, Mr. JACKSON of Illinois, Mr. PALLONE, Ms. SUTTON, Ms. KAPTUR, Ms. ESHOO, Mrs. NAPOLITANO, Mr. SIREs, Ms. VELAZQUEZ, Mr. DOGGETT, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, Ms. SPEIER, Ms. CORRINE BROWN of Florida, Mr. ISSA, Mr. CUMMINGS, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. LEE of California, Ms. DEGETTE, Ms. BALDWIN, Ms. FUDGE, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. KUCINICH, Mr. HOYER, Mr. HARE, Mr. CONNOLLY of Virginia, Mr. KILDEE, Mr. HASTINGS of Florida, and Ms. HARMAN):

H. Res. 720. A resolution commending Serena Williams for her victory in the 2009 Wimbledon Women's Singles Championship and the 2009 Wimbledon Doubles Championship; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

155. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to SENATE JOINT RESOLUTION NO. 352 urging the United States Congress to enact H.R. 1633 of the 111th Congress, the "Honor the Written Intent of our Soldier Heroes Act"; to the Committee on Armed Services.

156. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE RESOLUTION NO. 145 memorializing the Congress of the United States to protect Louisiana consumers and competition by opposing efforts to interfere with free markets in order to artificially regulate payment system interchange fees; to the Committee on Financial Services.

157. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 106 memorializing the Congress of the United States to consider appropriate legislation that would require the Federal Communications Commission to regulate auditory volume standards for commercial advertisements broadcast on television; to the Committee on Energy and Commerce.

158. Also, a memorial of the House of Representatives of the State of Texas, relative to H.R. No. 1085 urging the United States Congress to enact legislation facilitating the ability of cities to access appropriate financing for critically needed municipal projects; to the Committee on Oversight and Government Reform.

159. Also, a memorial of the General Assembly of the State of Indiana, relative to SENATE RESOLUTION SIXTY-TWO encouraging the Indiana Congressional Delegation and Senators to oppose legislation that would impede states' rights; to the Committee on the Judiciary.

160. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 32 memorializing the Congress of the United States to review the GPO and the WEP Social Security benefit reductions and to consider eliminating or reducing them by enacting the Social Security Fairness Act of 2009 (H.R. 235 or R.S. 484) or similar instrument; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. WATERS.
H.R. 39: Mr. KUCINICH, Mr. STARK, and Mr. PRICE of North Carolina.
H.R. 197: Mr. ROHRBACHER and Mr. DAVIS of Tennessee.
H.R. 204: Mr. JACKSON of Illinois, Mr. DELAHUNT, and Mr. DEFazio.
H.R. 211: Mr. TONKO.
H.R. 235: Mr. HEINRICH, Mrs. BACHMANN, and Mr. CASSIDY.
H.R. 270: Mrs. BLACKBURN.
H.R. 272: Mr. JOHNSON of Illinois.
H.R. 294: Mrs. BLACKBURN.
H.R. 303: Mrs. BLACKBURN, Mr. ROTHMAN of New Jersey, Ms. KAPTUR, and Mr. JOHNSON of Georgia.
H.R. 333: Mrs. BLACKBURN and Mr. AKIN.
H.R. 413: Mr. KING of New York, Mr. SULIVAN, Mr. SHIMKUS, Mr. ROONEY, and Mr. ROGERS of Michigan.
H.R. 442: Mr. MARSHALL, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. MARIO DIAZ-BALART of Florida, Mr. WALDEN, and Mr. TIM MURPHY of Pennsylvania.
H.R. 501: Mr. MCGOVERN.
H.R. 510: Ms. DELAURO and Mr. ENGEL.
H.R. 544: Mr. BILIRAKIS.
H.R. 571: Ms. TITUS, Mr. SIRES, Ms. SCHWARTZ, Mr. BISHOP of Utah, and Mr. LEE of New York.
H.R. 593: Mrs. BLACKBURN.
H.R. 606: Mr. BLUMENAUER.
H.R. 621: Mr. MELANCON, Mr. NADLER of New York, Mr. KING of Iowa, Mr. MCCLIN-

TOCK, Ms. JENKINS, Mr. GARY G. MILLER of California, Mr. REICHERT, Mr. LUETKEMEYER, Mr. BROUN of Georgia, Mr. BILIRAKIS, Mr. BACHUS, Mr. THORNBERRY, Mrs. MYRICK, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. OLSON, Mr. VISLOSKEY, Mr. THOMPSON of California, Mr. MCNERNEY, Mr. TIAHRT, Mr. ROGERS of Michigan, Mr. CONAWAY, Mr. BOCCIERI, and Mr. WITTMAN.

H.R. 644: Mr. HOLT and Mr. POLIS.
H.R. 646: Mr. GARY G. MILLER of California.
H.R. 658: Mr. MCCLINTOCK.
H.R. 666: Mr. BISHOP of New York.
H.R. 667: Mr. WU, Mr. MCCOTTER and Mr. BOSWELL.

H.R. 676: Ms. CHU.
H.R. 690: Mr. QUIGLEY and Mr. WELCH.
H.R. 708: Mr. TURNER and Mr. WITTMAN.
H.R. 718: Mr. BUTTERFIELD.
H.R. 744: Mrs. BLACKBURN.
H.R. 750: Mr. CARSON of Indiana.
H.R. 775: Mr. DAVIS of Illinois, Mr. DANIEL E. LUNGREN of California, Mr. AKIN, Mr. TONKO, and Mr. TIBERI.

H.R. 795: Mr. VAN HOLLEN and Mr. CONNOLLY of Virginia.
H.R. 802: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 811: Mrs. BLACKBURN.
H.R. 836: Ms. KOSMAS, Mr. PETERSON, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, and Ms. JACKSON-LEE of Texas.

H.R. 847: Mr. COURTNEY.
H.R. 868: Mr. MOORE of Kansas and Ms. DEGETTE.

H.R. 953: Mrs. BLACKBURN.
H.R. 1020: Mr. SERRANO.
H.R. 1034: Mr. SHULER and Mr. PLATTS.
H.R. 1053: Mr. CANTOR.
H.R. 1074: Mr. MARIO DIAZ-BALART of Florida, Mr. WALDEN, and Mr. GOODLATTE.
H.R. 1075: Mrs. BLACKBURN.
H.R. 1079: Mrs. BLACKBURN.
H.R. 1103: Ms. BERKLEY.
H.R. 1117: Mr. INGLIS.

H.R. 1132: Mr. TANNER, Mr. HODES, Mr. BUTTERFIELD, Mrs. BACHMANN, Mr. BISHOP of Georgia, Mr. SKELTON, Mr. KILDEE, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. BUYER, Mr. HARE, Mr. HALL of New York, Mr. PETERS, Mr. BOEHNER, Mr. BARTLETT, Mr. DANIEL E. LUNGREN of California, Mr. TIBERI, Mr. CRENSHAW, Mr. LUETKEMEYER, Mrs. BONO MACK, Mr. BRIGHT, Mr. PENCE, Mr. PAUL, Mr. WALZ, Mr. NEAL of Massachusetts, Mr. ETHERIDGE, Mr. CONNOLLY of Virginia, Mr. KLEIN of Florida, Mr. FORBES, Mr. PERRIELLO, Mr. MCCARTHY of California, and Ms. FOX.

H.R. 1162: Mr. HEINRICH.
H.R. 1179: Mr. RYAN of Ohio and Mr. WELCH.

H.R. 1194: Mr. LARSEN of Washington, Mr. BAIRD, Mr. BRADY of Pennsylvania, Mr. CARDOZA, Ms. FOX, and Mr. SAM JOHNSON of Texas.

H.R. 1201: Mrs. HALVORSON.
H.R. 1203: Mr. LARSON of Connecticut and Mrs. BACHMANN.

H.R. 1204: Mr. BRIGHT.
H.R. 1205: Mr. PRICE of North Carolina, Mr. REICHERT, and Mr. CONNOLLY of Virginia.

H.R. 1207: Mr. OBERSTAR.
H.R. 1208: Mr. WOLF.
H.R. 1215: Ms. CHU.

H.R. 1250: Mr. SOUDER, Mrs. BONO MACK, Mr. DUNCAN, Mr. WAMP, and Mr. SAM JOHNSON of Texas.

H.R. 1283: Mr. WATT.
H.R. 1289: Mr. HODES.
H.R. 1302: Mrs. BLACKBURN.
H.R. 1321: Ms. HERSETH SANDLIN.
H.R. 1326: Mr. ARCURI.

H.R. 1346: Mr. MARIO DIAZ-BALART of Florida.

H.R. 1351: Ms. LEE of California, Mr. BOUCHER, Mr. FILNER, and Mr. BARTLETT.

H.R. 1352: Mr. ARCURI and Mr. PLATTS.

H.R. 1362: Mr. LANGEVIN, Mr. LIPINSKI, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1428: Ms. SHEA-PORTER, Mr. EDWARDS of Texas, Mr. MITCHELL, and Mr. GUTIERREZ.

H.R. 1441: Mr. ADLER of New Jersey.

H.R. 1454: Mr. ARCURI.

H.R. 1470: Ms. SPEIER.

H.R. 1478: Mr. SHERMAN, Mr. HOLT, and Mr. JOHNSON of Illinois.

H.R. 1490: Mr. ELLISON, Mr. SHERMAN, and Mr. HARE.

H.R. 1526: Mr. BRALEY of Iowa.

H.R. 1551: Mr. BRALEY of Iowa and Mr. HIGGINS.

H.R. 1608: Ms. PINGREE of Maine.

H.R. 1616: Mr. LANGEVIN.

H.R. 1618: Mr. LATOURETTE.

H.R. 1646: Mr. AKIN, Mr. JOHNSON of Illinois, and Mrs. DAHLKEMPER.

H.R. 1670: Mr. DOGGETT.

H.R. 1681: Mr. DEFazio.

H.R. 1684: Mr. MARIO DIAZ-BALART of Florida.

H.R. 1686: Mr. MASSA, Mr. HOLDEN, and Ms. ROYBAL-ALLARD.

H.R. 1700: Ms. FUDGE and Ms. CASTOR of Florida.

H.R. 1740: Mr. COOPER, Mr. GUTHRIE, and Mr. BLUMENAUER.

H.R. 1774: Mr. WEXLER.

H.R. 1791: Mr. QUIGLEY.

H.R. 1800: Ms. ZOE LOFGREN of California.

H.R. 1815: Mr. BROUN of Georgia.

H.R. 1826: Mr. RANGEL and Mr. TONKO.

H.R. 1829: Mr. CONNOLLY of Virginia.

H.R. 1831: Ms. TITUS, Mr. VAN HOLLEN, Mr. GRIFFITH, Mr. DAVIS of Tennessee, Mr. LUJAN, Mr. LEE of New York, Mr. SAM JOHNSON of Texas, Mr. LUETKEMEYER, and Ms. SPEIER.

H.R. 1835: Mr. BONNER.

H.R. 1844: Mr. ALEXANDER and Mr. COURTNEY.

H.R. 1846: Mr. ORTIZ.

H.R. 1849: Mr. HILL, Mr. ARCURI, Mr. WEXLER, Mr. JOHNSON of Georgia, Ms. RICHARDSON, Mr. BUTTERFIELD, Ms. CASTOR of Florida, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. CLARKE, Mr. DAVIS of Illinois, Mrs. CAPPS, Ms. WOOLSEY, Mr. CHANDLER, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Mr. CAPUANO, Mr. SHULER, Mr. TANNER, Mr. MORAN of Kansas, Mr. MILLER of Florida, Mr. DAVIS of Tennessee, Mr. GRAYSON, Mr. MELANCON, Ms. ZOE LOFGREN of California, Ms. VELÁZQUEZ, Ms. BALDWIN, Mr. LANGEVIN, Mr. HIGGINS, Mr. CONNOLLY of Virginia, Mr. DRIEHAUS, Mrs. CAPITO, Mr. WAMP, Ms. FALLIN, Mr. BRALEY of Iowa, and Mr. POMEROY.

H.R. 1881: Ms. LEE of California.

H.R. 1894: Mr. DEFazio.

H.R. 1908: Mr. KLINE of Minnesota.

H.R. 1925: Mr. HEINRICH.

H.R. 1956: Mr. PETERSON.

H.R. 1977: Mr. HOLT.

H.R. 1987: Mr. MCCOTTER.

H.R. 2000: Ms. KAPTUR, Mr. CARNAHAN, Mr. OBERSTAR, Mr. ETHERIDGE, Ms. PINGREE of Maine, Mr. KENNEDY, Mr. MILLER of North Carolina, Mr. CLYBURN, Mr. MOORE of Kansas, Mr. MATHESON, Mr. LANCE, Mr. SCOTT of Virginia, Ms. LINDA T. SANCHEZ of California, Mr. WATT, Mr. ROSS, Mr. BISHOP of Utah, and Mr. GEORGE MILLER of California.

H.R. 2006: Mr. KUCINICH.

H.R. 2024: Mr. FILNER.

H.R. 2054: Mrs. MALONEY and Mr. KENNEDY.

H.R. 2055: Mr. KIND, Mr. HONDA, and Ms. BORDALLO.

H.R. 2057: Ms. FUDGE, Mr. PERRIELLO, and Mr. SIRES.

- H.R. 2058: Mr. TERRY, Mr. ISSA, and Mrs. BLACKBURN.
- H.R. 2067: Mr. FATTAH and Mr. ENGEL.
- H.R. 2089: Mr. TONKO.
- H.R. 2095: Mr. MOORE of Kansas.
- H.R. 2102: Mr. HEINRICH.
- H.R. 2106: Mr. JOHNSON of Illinois.
- H.R. 2125: Mr. ADERHOLT.
- H.R. 2139: Mr. LEWIS of Georgia.
- H.R. 2149: Mr. ROGERS of Kentucky.
- H.R. 2190: Mr. DELAHUNT and Mr. HINCHEY.
- H.R. 2193: Mr. ALEXANDER.
- H.R. 2194: Mr. CRENSHAW, Mr. BRIGHT, Ms. KILROY, and Mr. CHANDLER.
- H.R. 2195: Mr. PAULSEN, Ms. NORTON, Mr. AL GREEN of Texas, Mr. DEFazio, Ms. RICHARDSON, Mr. BARTLETT, Mr. AUSTRIA, Mr. CAO, and Mr. MASSA.
- H.R. 2213: Mr. CONNOLLY of Virginia.
- H.R. 2222: Mr. TONKO.
- H.R. 2243: Mr. SCHRADER, Mr. ROGERS of Michigan, Mrs. BLACKBURN, and Mr. HEINRICH.
- H.R. 2246: Mr. TONKO and Mr. PERLMUTTER.
- H.R. 2248: Mr. MORAN of Kansas.
- H.R. 2254: Mr. MANZULLO, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Ms. SHEA-PORTER, Mr. BURGESS, Mr. JONES, Mr. LINCOLN DIAZ-BALART of Florida, Ms. KAPTUR, Mr. CONAWAY, and Mr. KUCINICH.
- H.R. 2256: Mr. CULBERSON and Mr. MITCHELL.
- H.R. 2258: Mr. LATHAM.
- H.R. 2259: Mr. BRIGHT.
- H.R. 2266: Ms. MARKEY of Colorado, Mr. BIGGERT, and Mr. CARNAHAN.
- H.R. 2267: Ms. MARKEY of Colorado, Mr. CARNAHAN, and Mr. PASCRELL.
- H.R. 2269: Mr. CARSON of Indiana.
- H.R. 2275: Mr. CAPUANO, Ms. SCHAKOWSKY, Mr. YOUNG of Florida, Mr. OLVER, Mr. MEEKS of New York, and Mr. WU.
- H.R. 2287: Mr. ALEXANDER and Mr. ROYCE.
- H.R. 2288: Mr. PERLMUTTER.
- H.R. 2296: Mr. ROYCE, Mr. MARIO DIAZ-BALART of Florida, Mr. JONES, Mr. FORBES, Mr. DAVIS of Tennessee, Mr. GOODLATTE, Mr. TIM MURPHY of Pennsylvania, Mr. WALDEN, Mr. TIAHRT, Mr. MCHENRY, and Mrs. BIGGERT.
- H.R. 2305: Mr. DEFazio.
- H.R. 2329: Mr. SMITH of New Jersey.
- H.R. 2345: Mr. LEE of New York, Mr. GEORGE MILLER of California, and Mr. GUTHRIE.
- H.R. 2350: Ms. ROYBAL-ALLARD, Ms. SPEIER, and Mr. LARSEN of Washington.
- H.R. 2360: Mr. QUIGLEY.
- H.R. 2382: Mr. BRADY of Pennsylvania, and Mr. TONKO.
- H.R. 2396: Mr. ROHRABACHER.
- H.R. 2408: Mr. HALL of New York, Mr. McMAHON, Mr. ARCURI, Mr. SERRANO, Mr. ACKERMAN, Mr. CROWLEY, Mr. KING of New York, Mr. NADLER of New York, Mr. ENGEL, and Mr. MURPHY of New York.
- H.R. 2413: Mr. COURTNEY.
- H.R. 2419: Mr. ROTHMAN of New Jersey, Mr. LEVIN, Ms. SCHAKOWSKY, Mr. CARNAHAN, Mr. PAUL, Mr. SCHIFF, Mr. HOLT, and Mr. STUPAK.
- H.R. 2420: Mr. ROSKAM.
- H.R. 2452: Mr. SALAZAR, Mr. KLEIN of Florida, Mr. CAMPBELL, Mr. BISHOP of Utah, Ms. TITUS, and Mr. HONDA.
- H.R. 2456: Mr. BOSWELL.
- H.R. 2483: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. CALVERT.
- H.R. 2492: Mr. KILDEE, Mr. FRANK of Massachusetts, Mr. MCINTYRE, and Mr. VAN HOLLEN.
- H.R. 2493: Mr. GARRETT of New Jersey.
- H.R. 2517: Mr. TONKO.
- H.R. 2519: Ms. KILROY.
- H.R. 2520: Mr. SESSIONS and Mr. SHIMKUS.
- H.R. 2542: Mr. FATTAH and Mr. BOUSTANY.
- H.R. 2553: Mr. SMITH of New Jersey.
- H.R. 2556: Mr. CHAFFETZ, Mr. FRELINGHUYSEN, Mr. MCHENRY, and Mrs. McMORRIS RODGERS.
- H.R. 2561: Mrs. BLACKBURN and Mr. CARSON of Indiana.
- H.R. 2563: Mr. DAVIS of Tennessee.
- H.R. 2579: Mrs. DAVIS of California.
- H.R. 2586: Mrs. BLACKBURN.
- H.R. 2593: Mr. COSTELLO, Mr. RODRIGUEZ, Mr. REYES, Mr. GONZALEZ, and Mr. CARTER.
- H.R. 2607: Mr. ROGERS of Alabama.
- H.R. 2614: Mrs. BLACKBURN.
- H.R. 2626: Mr. BLUMENAUER.
- H.R. 2669: Mr. LIPINSKI.
- H.R. 2676: Mr. SHULER.
- H.R. 2690: Mr. MCGOVERN.
- H.R. 2698: Mr. PETERSON.
- H.R. 2699: Mr. PETERSON.
- H.R. 2709: Ms. Chu.
- H.R. 2727: Mr. JOHNSON of Illinois.
- H.R. 2733: Mr. TERRY.
- H.R. 2737: Mr. ABERCROMBIE, Mr. BLUMENAUER, Mr. COBLE, Mr. EHLERS, Mr. FATTAH, Mr. FORTENBERRY, Mr. JOHNSON of Georgia, Mrs. BONO MACK, Mr. MCCOTTER, Mr. WOLF, Mr. WU, Mr. SCHOCK, Mr. RAHALL, Mr. ROTHMAN of New Jersey, and Mr. POE of Texas.
- H.R. 2743: Mr. JOHNSON of Illinois and Mr. CHAFFETZ.
- H.R. 2746: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ACKERMAN, Mr. COHEN, Mr. BOSWELL, Mr. JACKSON of Illinois, Mr. CARNEY, Mrs. CAPPS, Mr. MCINTYRE, Mr. HOLT, and Mr. CAPUANO.
- H.R. 2759: Mr. KUCINICH.
- H.R. 2781: Mr. BLUMENAUER, Mr. WU, and Mr. DEFazio.
- H.R. 2785: Mr. FRELINGHUYSEN.
- H.R. 2786: Mr. FRELINGHUYSEN.
- H.R. 2802: Ms. TSONGAS.
- H.R. 2818: Mr. LARSEN of Washington.
- H.R. 2819: Mr. CONNOLLY of Virginia and Mr. KUCINICH.
- H.R. 2824: Mr. REICHERT.
- H.R. 2842: Mr. REHBERG.
- H.R. 2855: Mrs. NAPOLITANO and Mr. AL GREEN of Texas.
- H.R. 2857: Mr. MCCARTHY of California.
- H.R. 2894: Ms. SCHWARTZ, Mr. BRALEY of Iowa, and Mrs. DAHLKEMPER.
- H.R. 2932: Mr. LEWIS of Georgia.
- H.R. 2935: Mr. ROSKAM, Mr. JOHNSON of Georgia, and Mrs. BLACKBURN.
- H.R. 2941: Mr. MITCHELL and Mr. ALEXANDER.
- H.R. 2942: Ms. JENKINS and Mr. MORAN of Kansas.
- H.R. 2964: Mr. ALEXANDER.
- H.R. 2969: Mr. FARR.
- H.R. 2974: Mrs. BLACKBURN and Mr. BILIRAKIS.
- H.R. 2992: Mr. PETRI and Mr. WOLF.
- H.R. 2999: Mr. JOHNSON of Illinois.
- H.R. 3017: Mr. PRICE of North Carolina, Mr. KLEIN of Florida, and Mr. WALZ.
- H.R. 3025: Mr. FOSTER.
- H.R. 3033: Mr. QUIGLEY.
- H.R. 3039: Mr. FILNER.
- H.R. 3042: Mrs. CAPPS, Mr. KUCINICH, Ms. PINGREE of Maine, and Mr. ARCURI.
- H.R. 3044: Mr. HINOJOSA.
- H.R. 3045: Mr. HINOJOSA, Mr. PIERLUISI, and Mr. ISRAEL.
- H.R. 3046: Mr. LATTA and Mr. CONAWAY.
- H.R. 3053: Mr. MCGOVERN.
- H.R. 3068: Mr. TONKO.
- H.R. 3074: Mr. LARSEN of Washington.
- H.R. 3077: Mr. ELLISON and Mr. FILNER.
- H.R. 3085: Mr. SHERMAN.
- H.R. 3092: Mr. DOGETT.
- H.R. 3099: Mr. DELAHUNT.
- H.R. 3106: Mr. HOLT.
- H.R. 3116: Mr. MARIO DIAZ-BALART of Florida.
- H.R. 3126: Mr. JACKSON of Illinois.
- H.R. 3127: Mr. KUCINICH.
- H.R. 3140: Mr. WAMP, Mr. LUETKEMEYER, Mr. NUNES, Mr. RADANOVICH, Mr. SHIMKUS, Mr. COLE, Mr. DAVIS of Kentucky, Mr. ROHRABACHER, Mr. MCCARTHY of California, Mr. FORTENBERRY, Mr. MILLER of Florida, Mr. SENSENBRENNER, Mr. DUNCAN, Mr. HOEKSTRA, Mr. GRAVES, Mr. ROONEY, Mr. McCLINTOCK, Mr. CULBERSON, and Mr. HUNTER.
- H.R. 3144: Mr. CONNOLLY of Virginia.
- H.R. 3146: Mr. PERLMUTTER.
- H.R. 3147: Mr. HIMES.
- H.R. 3149: Mr. HONDA.
- H.R. 3150: Mr. ALEXANDER and Mr. NYE.
- H.R. 3164: Mr. SCOTT of Georgia, Mr. ALEXANDER, Mr. YOUNG of Alaska, and Mr. PATRICK J. MURPHY of Pennsylvania.
- H.R. 3165: Mr. BARTLETT, Mr. COURTNEY, Mr. GRIJALVA, Mr. CHANDLER, Ms. GIFFORDS, and Mr. CONNOLLY of Virginia.
- H.R. 3166: Mr. SESTAK.
- H.R. 3178: Mr. QUIGLEY and Mr. TONKO.
- H.R. 3184: Ms. SCHAKOWSKY.
- H.R. 3186: Mr. KUCINICH.
- H.R. 3199: Mr. NYE.
- H.R. 3202: Mr. GRIJALVA.
- H.R. 3217: Mr. BILIRAKIS and Mr. SESSIONS.
- H.R. 3218: Mr. SESSIONS, Mr. ROGERS of Alabama, Mr. CULBERSON, and Mr. FORBES.
- H.R. 3223: Mrs. BLACKBURN.
- H.R. 3232: Mr. LIPINSKI.
- H.R. 3238: Mr. SABLAN.
- H.R. 3242: Ms. SCHAKOWSKY.
- H.R. 3245: Mr. BRALEY of Iowa and Mr. JACKSON of Illinois.
- H.R. 3246: Mr. FOSTER.
- H.R. 3247: Mr. LIPINSKI.
- H.R. 3248: Mr. HUNTER.
- H.R. 3257: Mr. PETERSON.
- H.R. 3271: Mr. SIREs, Ms. KILPATRICK of Michigan, Mr. HOLT, Mrs. CAPPS, and Mr. CONNOLLY of Virginia.
- H.R. 3276: Mr. CARNAHAN.
- H.R. 3277: Mr. GUTIERREZ, Mr. CARSON of Indiana, and Mr. MCGOVERN.
- H.R. 3286: Mr. COURTNEY and Mr. FRANK of Massachusetts.
- H.R. 3287: Mrs. CHRISTENSEN and Ms. KILPATRICK of Michigan.
- H.R. 3294: Ms. CASTOR of Florida.
- H.R. 3295: Mr. ORTIZ and Mr. SNYDER.
- H.R. 3308: Mr. COFFMAN of Colorado and Ms. FALLIN.
- H.R. 3310: Mr. BLUNT.
- H.R. 3312: Mrs. MALONEY, Ms. LINDA T. SANCHEZ of California, Mr. KENNEDY, Ms. LEE of California, Mr. PASCRELL, Mr. LARSON of Connecticut, Ms. MCCOLLUM, Ms. ESHOO, Mr. ISRAEL, Mr. GEORGE MILLER of California, Mr. PRICE of North Carolina, Ms. KAPTUR, Mr. MORAN of Virginia, Mr. COURTNEY, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. MURTHA, Mr. ROTHMAN of New Jersey, Mr. HARE, Mr. KIND, Mr. INSLEE, Mr. CARSON of Indiana, Mr. CHANDLER, Mrs. LOWEY, Mr. HIGGINS, Mrs. CAPPS, Mr. HIMES, and Ms. SUTTON.
- H.R. 3315: Ms. LINDA T. SANCHEZ of California.
- H.R. 3322: Mr. HIGGINS.
- H.R. 3328: Mr. BACHUS.
- H.R. 3336: Mr. PETERSON.
- H.R. 3338: Mr. KRATOVL and Mr. CUMMINGS.
- H.R. 3356: Mr. NEUGEBAUER, Mr. WITTMAN, and Mr. SOUDER.
- H.R. 3361: Mr. ROSKAM.
- H.R. 3365: Mr. MICHAUD, Mr. MEEK of Florida, Mr. KLEIN of Florida, and Mr. RODRIGUEZ.

H.R. 3367: Mr. BARTLETT and Mr. CARNAHAN.

H.R. 3371: Mr. MORAN of Kansas.

H.R. 3379: Mr. CARNAHAN.

H.R. 3380: Mr. PAUL, Mr. POE of Texas, and Ms. KAPTUR.

H.R. 3381: Mr. RANGEL, Mr. KILDEE, Mr. KIRK, and Mr. TONKO.

H.R. 3392: Mr. HELLER and Ms. BERKLEY.

H.R. 3400: Mr. CULBERSON, Mr. ADERHOLT, Mr. GALLEGLY, Mr. PITTS, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. LINDER, and Mr. BARTLETT.

H.R. 3404: Mr. LANGEVIN and Mr. DEFazio.

H.R. 3408: Mr. HALL of New York, Ms. LINDA T. SANCHEZ of California, Mr. DEFazio, and Ms. PINGREE of Maine.

H.R. 3416: Mrs. DAVIS of California and Mr. GONZALEZ.

H.R. 3421: Ms. TITUS, Mr. HARE, Mr. JACKSON of Illinois, Ms. MATSUI, and Mr. CARSON of Indiana.

H.J. Res. 47: Mr. KLINE of Minnesota.

H.J. Res. 61: Mr. McDERMOTT, Mrs. DAVIS of California, Mr. KIRK, and Mr. HOLT.

H. Con. Res. 42: Ms. FUDGE.

H. Con. Res. 43: Ms. FUDGE.

H. Con. Res. 49: Mr. FRELINGHUYSEN.

H. Con. Res. 139: Mr. SCALISE.

H. Con. Res. 144: Mr. ROSKAM, Mr. BERMAN, and Mr. MITCHELL.

H. Con. Res. 157: Mr. ALEXANDER.

H. Con. Res. 160: Mr. ENGEL, Mr. MOLLOHAN, Mrs. BONO MACK, and Ms. WASSERMAN SULTZ.

H. Con. Res. 167: Mr. KUCINICH.

H. Con. Res. 168: Mr. YOUNG of Alaska, Mr. McGOVERN, and Mr. PETERSON.

H. Con. Res. 169: Mr. NEUGEBAUER.

H. Con. Res. 170: Mr. MARCHANT, Mr. BARTLETT, Mr. YOUNG of Florida, Mr. GUTHRIE, Mr. BILIRAKIS, and Mr. KINGSTON.

H. Res. 89: Ms. KAPTUR, Mrs. BLACKBURN, and Mr. WITTMAN.

H. Res. 111: Mr. JONES, Mr. FRANKS of Arizona, Mr. WELCH, Mr. BRALEY of Iowa, and Mr. NYE.

H. Res. 175: Ms. SCHAKOWSKY.

H. Res. 231: Mr. CAMP.

H. Res. 264: Mrs. BLACKBURN.

H. Res. 267: Mr. CONNOLLY of Virginia.

H. Res. 291: Mr. MINNICK and Mrs. BLACKBURN.

H. Res. 363: Mr. BLUMENAUER.

H. Res. 376: Mr. CAMP, Mr. UPTON, Mr. YOUNG of Alaska, Mr. CARTER, and Mr. BILBRAY.

H. Res. 398: Mrs. BLACKBURN.

H. Res. 408: Mr. TURNER, Mr. SMITH of Washington, Mr. MARSHALL, Mr. KRATOVIL, Mr. CONAWAY, and Mr. HARE.

H. Res. 416: Mr. BLUMENAUER.

H. Res. 443: Mrs. BLACKBURN.

H. Res. 447: Mr. MITCHELL, Mr. LIPINSKI, Mr. CHILDERS, Mr. ARCURI, Mr. PASCRELL, and Mr. WALZ.

H. Res. 487: Mr. HARPER.

H. Res. 491: Mrs. BLACKBURN.

H. Res. 494: Mr. DAVIS of Tennessee.

H. Res. 513: Mr. BOSWELL and Mr. WITTMAN.

H. Res. 554: Mr. BOSWELL.

H. Res. 571: Mr. PAULSEN.

H. Res. 577: Mr. COBLE.

H. Res. 592: Mr. CARSON of Indiana.

H. Res. 605: Mr. SIREs, Mr. JOHNSON of Illinois, and Mr. LEWIS of Georgia.

H. Res. 619: Mr. POSEY, Mr. PENCE, Mr. BUCHANAN, and Mr. WILSON of South Carolina.

H. Res. 627: Mr. SMITH of Texas and Mr. DAVIS of Alabama.

H. Res. 630: Mr. BLUMENAUER, Mr. AL GREEN of Texas, and Mr. TIERNEY.

H. Res. 634: Mr. PASCRELL, Ms. BERKLEY, Mr. GRAYSON, Mr. TONKO, and Mr. HIGGINS.

H. Res. 648: Mr. JONES, Mr. WILSON of South Carolina, Mr. ROGERS of Kentucky, Mr. SAM JOHNSON of Texas, and Mr. TERRY.

H. Res. 660: Ms. LEE of California.

H. Res. 679: Mr. DOYLE, Mr. KRATOVIL, Mr. MASSA, Mr. PETERSON, Mr. SALAZAR, Mr. TERRY, Mr. WILSON of Ohio, Mr. WOLF, Mr. McCLINTOCK, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. WALZ, Mr. BRADY of Texas, Ms. McCOLLUM, Mrs. KIRKPATRICK of Arizona, Mr. MANZULLO, and Mr. MINNICK.

H. Res. 686: Ms. KAPTUR, Mr. FARR, Mrs. CAPPS, Mr. SARBANES, Mr. HODES, Mr. GRIJALVA, Mr. FILNER, Mr. COOPER, Mr. BLUMENAUER, Mr. ETHERIDGE, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. BAIRD, Mr. LARSEN of Washington, Ms. FALLIN, Mr. LUCAS, Mr. MICA, Mr. HALL of Texas, Mr. BACA, Mr. SERRANO, Mr. MEEKS of New York, Mr. JOHNSON of Georgia, Mr. ARCURI, and Ms. MARKEY of Colorado.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

64. The SPEAKER presented a petition of The Village Council of the Village of Yellow Springs, Ohio, relative to RESOLUTION 2009-20 affirming its support for President Obama and his efforts to seek reform of our National Health Care System through Congressional action on legislation currently being debated by Congress; which was referred to the Committee on Energy and Commerce.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. LATOURETTE on House Resolution 359: Don Young, Christopher H. Smith, Frank R. Wolf, Edward R. Royce, Patrick T. McHenry, Randy Neugebauer, Dana Rohrabacher, Anh “Joseph” Cao, David G. Reichert, Harold Rogers, Peter Hoekstra, Paul Ryan, Timothy V. Johnson, Robert B. Aderholt, Brian P. Bilbray, Ginny Brown-Waite, and Joe Barton.

Petition 4 by Mr. BURTON on House Resolution 460: John Campbell, Harold Rogers, Leonard Lance, Lynn Jenkins, Howard Coble, Christopher H. Smith, Frank R. Wolf, Zach Wamp, Virginia Foxx, Randy Neugebauer, Dana Rohrabacher, John Boozman, Steve Buyer, Aaron Schock, and Tom Cole.

Petition 5 by Mrs. BLACKBURN on H.R. 391: Cathy McMorris Rodgers, Pete Olson, John Campbell, F. James Sensenbrenner, Jr., Harold Rogers, Paul C. Broun, Howard Coble, Ander Crenshaw, David P. Roe, John Linder, Nathan Deal, Virginia Foxx, Peter J. Roskam, Ralph M. Hall, John Boozman, Rob Bishop, Steve Buyer, John Kline, Robert B. Aderholt, Tom Cole, and John B. Shadegg.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2708

OFFERED BY: MR. COLE

AMENDMENT NO. 1: After section 104, add the following new section (and amend the table of contents accordingly):

SEC. 105. CONTINUATION OF BENEFITS.

No funds or services authorized under this Act, or the amendments made by this Act, or

appropriated pursuant to an authorization under this Act or such amendments, shall be withheld from any Indian tribe or member of an Indian tribe based on the fact that the Indian tribe was federally recognized on or after June 18, 1934.

H.R. 2708

OFFERED BY: MR. COLE

AMENDMENT NO. 2: Page 318, line 16, before “after” insert the following: “before, on, or”.

H.R. 2708

OFFERED BY: MR. COLE

AMENDMENT NO. 3: After section 714 of the amendment added by section 101 of the bill, add the following new section (and amend subsequent sections and the table of contents accordingly):

SEC. 715. TESTIMONY BY SERVICE EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

(a) APPROVAL BY DIRECTOR.—

(1) IN GENERAL.—The Director shall approve or disapprove, in writing, any request or subpoena for a sexual assault nurse examiner employed by the Service to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the nurse examiner.

(2) REQUIREMENT.—The Director shall approve a request or subpoena under paragraph (1) if the request or subpoena does not violate the policy of the Department to maintain strict impartiality with respect to private causes of action.

(3) TREATMENT.—If the Director fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this subsection.

(b) POLICIES AND PROTOCOL.—The Director, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service.

H.R. 2708

OFFERED BY: MR. COLE

AMENDMENT NO. 4: After section 817, add the following new section (and amend subsequent sections and the table of contents accordingly):

SEC. 818. LIMITATION ON USE OF FUNDS.

No funds authorized under this Act, or the amendments made by this Act, or appropriated pursuant to an authorization under this Act or such amendments, shall be withheld from release to or expenditure for the benefit of any federally recognized Indian tribe based on the pendency of litigation; provided, that this limitation shall not be effective if a temporary order or temporary injunction is in effect during the pendency of litigation or there is a settlement agreement which effects the end of litigation among the adverse parties.

H.R. 2708

OFFERED BY: MR. COLE

AMENDMENT NO. 5: Add at the end of the bill, add the following new title (and amend the table of contents accordingly):

TITLE IX—LAW ENFORCEMENT AND METHAMPHETAMINE ISSUES IN INDIAN COUNTRY

SEC. 901. SENSE OF CONGRESS REGARDING LAW ENFORCEMENT AND METHAMPHETAMINE ISSUES IN INDIAN COUNTRY.

It is the sense of Congress that Congress encourages State, local, and Indian tribal

law enforcement agencies to enter into memoranda of agreement between and among those agencies for purposes of streamlining law enforcement activities and maximizing the use of limited resources—

(1) to improve law enforcement services provided to Indian tribal communities; and

(2) to increase the effectiveness of measures to address problems relating to methamphetamine use in Indian Country (as defined in section 1151 of title 18, United States Code).

H.R. 2708

OFFERED BY: MR. COLE

AMENDMENT NO. 6: Add at the end of the bill, insert the following new title (and amend the table of contents accordingly):

TITLE IX—APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES

SEC. 901. APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

(2) for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

(3) Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

(4) the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

(5) while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

(6) the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

(7) in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians";

(8) Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to

Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

(9) Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;

(10) the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

(11) the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the "Indian Removal Act");

(12) many Native Peoples suffered and perished—

(A) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(B) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(C) on numerous Indian reservations;

(13) the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the "General Allotment Act"), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

(14) officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

(15) the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

(16) despite the wrongs committed against Native Peoples by the United States, Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

(17) Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official Federal Government positions, and by leadership of their own sovereign Indian tribes;

(18) Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

(19) the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

(20) Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness.

(b) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(c) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed some recorded votes on the House floor on Friday, July 24, 2009.

I ask that the RECORD reflect that had I been present, I would have voted "no" on rollcall vote No. 638 (On motion to table appeal of the ruling of the chair), "no" on rollcall vote No. 639 (On Ordering the Previous Question to H. Res. 673), "no" on rollcall vote No. 640 (On Agreeing to H. Res. 673), "no" on rollcall vote No. 641 (On Agreeing to the Obey of Wisconsin amendment to H.R. 3293), "aye" on rollcall vote No. 642 (On Agreeing to the Souder of Indiana amendment to H.R. 3293), "aye" on rollcall vote No. 643 (On Agreeing to the Pence of Indiana amendment to H.R. 3293), "aye" on Rollcall vote No. 644 (On Agreeing to the Wittman of Virginia amendment to H.R. 3293), "aye" on rollcall vote No. 645 (On motion to recommit with instructions to H.R. 3293), "no" on rollcall vote No. 646 (On passage to H.R. 3293).

HONORING BRITTANY BASS AND KIRSTEN MUELLER UPON RECEIPT OF THE GIRL SCOUT GOLD AWARD

HON. STEVE ISRAEL

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge two young women in my hometown of Dix Hills, Brittany Bass and Kirsten Mueller.

Brittany and Kirsten will receive the Girl Scout Gold Award on August 3, 2009. Their project included teaching younger girls how to stay healthy by collecting new and used sporting equipment, food for local pantry and sneakers for the Nike Reuse-A-Shoe Foundation. I wish to commend them for their community service.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed 7 votes. Had I been present, I would have voted as follows.

Rollcall No. 654, on Ordering the Previous Question on the Amendment to and Resolution H. Res. 685, I would have voted "yea."

Rollcall No. 655, on Agreeing to the Resolution, as Amended H. Res. 685, I would have voted "yea."

Rollcall No. 656, on the Motion to Table H. Res. 690, I would have voted "yea."

Rollcall No. 657, on the Motion to Suspend the Rules and Pass, as Amended, H.R. 2749, I would have voted "yea."

Rollcall No. 658, on the Motion to Suspend the Rules and Pass, as Amended, H.R. 1665, I would have voted "yea."

Rollcall No. 659, on the Motion to Suspend the Rules and Pass, as Amended, H.R. 3357, I would have voted "yea."

Rollcall No. 660, on the Motion to Suspend the Rules and Agree to, as Amended, H. Res. 496, I would have voted "yea."

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding projects that I support for inclusion in H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2010.

Amount: \$600,000

Account: U.S. Department of Health and Human Services—Health Resources and Service Administration

Entity receiving funds: Central Washington Hospital located at 1201 South Miller Street, Wenatchee, WA 98807.

Description: These funds will be used to expand Central Washington Hospital's medical campus so that the hospital can continue to meet the health care needs of North Central Washington. This region is currently facing a shortage of hospital beds.

Amount: \$400,000

Account: U.S. Department of Health and Human Services—Health Resources and Service Administration

Entity receiving funds: Pacific Northwest University of Health Sciences located at 111 University Parkway, Suite 202, Yakima, WA 98901.

Description: Funds will be used to help the new College of Allied Health and Sciences and Postgraduate Studies develop and implement new programs to teach medical specialties where there are doctor shortages in the region.

HONORING ANDREW TINGWALL

HON. HARRY TEAGUE

OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. TEAGUE. Madam Speaker, today I would like to honor a very special New Mexican, Andrew Tingwall of the New Mexico State Police. Sergeant Tingwall served our country and my home state with distinction and honor for almost two decades, beginning with his tenure in the United States Marine Corps, where he was a Jump Qualified Reconnaissance Marine. Sergeant Tingwall then went on to join the New Mexico State Police, where he became the youngest pilot on the force. During his time with the State police he was named the 2008 Officer of the year by the New Mexico Sheriffs and Police Association for his lifesaving efforts of a man that had fallen into an arroyo in Albuquerque.

On several occasions, Sergeant Tingwall risked his own life to save others. He did so without any thought of personal gain. The only driving force for him was his mission to serve and protect and sadly that discipline cost him his life when Sergeant Tingwall flew his last mission earlier this year in an attempt to find lost hikers in the Sangre de Cristo Mountains. Andrew did all he could, but in the end, this mission was his last.

Throughout his career in public service he exemplified the attributes that make both the New Mexico State Police and the United States Marine Corps premier organizations that defend liberty and security of Americans and New Mexicans.

ENERGY

HON. BETSY MARKEY

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. MARKEY of Colorado. Madam Speaker, I rise today to remind my colleagues to continue the dialogue on the American Clean Energy and Security Act over the August recess. I supported this legislation because I believe western states like Colorado stand to gain much from this energy bill. Renewable energy companies like Abound Solar and Vestas Wind Systems are already creating jobs and driving economic development in northern and eastern Colorado.

I believe the House-passed bill will help farmers and ranchers reap great benefits in America's renewable energy economy. I worked hard with my colleagues on the Agriculture Committee to ensure the concerns of America's farmers and ranchers were addressed. By developing cleaner energy here at home and using the vast domestic resources

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

we currently have, we can work towards a less volatile energy market that will benefit us all.

I encourage all my colleagues in the House and the Senate to continue this important work.

HONORING THE MEMORY OF
OSCAR OLCHYK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to honor the memory of one of my fellow South Florida constituents, Oscar Olchyk. Oscar passed away peacefully on Thursday, July 23 at the age of 82, surrounded by his loving family.

Oscar spent his life completely and wholeheartedly dedicating himself to his family, including his wife of 50 years, Marta, his children, Sonia and Samuel, his grandchildren, Abram and Ross, his brother Bernardo, and his sister Mary. He also held an immense devotion for his mother and father-in-law, his daughter-in-law, Debbie, and his brother-in-law, Boris.

Born in Havana, Cuba in 1927, Oscar spent his first 33 years in Cuba, where he became a Certified Public Accountant and a Professor of Accounting at the University of Havana. It was also in Cuba where he met the love of his life, Marta, and where they were married and started a family together. Oscar and Marta, along with their son Samuel, fled Cuba for a new life in the United States after the Castro takeover.

Oscar spent most of his life in Dallas, Texas, where he continued to raise a family with his wife. In addition to his family, he devoted himself to pursuing a higher education, serving his community, and his accounting practice. Oscar and Marta spent the last decade enjoying their retirement in beautiful South Florida and near their family. They both had the opportunity to travel around the world and spend their 50th anniversary with their grandson, Abram.

My greatest sympathy goes to all of his loving family and friends whom he treasured so deeply throughout his life.

HONORING THE PUBLIC SERVICE
AND COMMUNITY ACTIVISM OF
MR. CLYDE MCINTOSH OF NORTH
CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. SHULER. Madam Speaker, I rise today to honor an outstanding public servant and dedicated volunteer in Yancey County, North Carolina. Mr. Clyde McIntosh of Burnsville has dedicated his life to service and activism. After graduating from Burnsville High School in 1950, Mr. McIntosh proudly served four years in the United States Navy. Upon completion of

his service, he moved back to the mountains of western North Carolina, where he built a successful real estate and development business and operated a dairy farm. During this period, he worked diligently toward the goal of preserving the rural heritage of the area.

Mr. McIntosh assumed public office when he was elected Sheriff of Yancey County in 1986. From 1999 to 2005, he served on the Board of Directors of the Yancey County Department of Social Services, spending a portion of his tenure as Chair. For many years, Mr. McIntosh has been an active community volunteer for the Lions Club and Meals on Wheels.

Mr. McIntosh has worked for years to educate Yancey County youth on the importance of civic engagement and community involvement. He has acted as a mentor for the Young Democrats organization of Yancey County, encouraging young people to be politically active.

I commend his outstanding contributions to the Democratic Party. In April 2001, he was named Mountain Democrat of the Year and also served as Yancey County Democratic Party Chair throughout the years. He has served as Precinct Chair for both Jacks Creek and Burnsville Townships, and he is currently the Burnsville Township Chair.

Madam Speaker, I ask my colleagues to join me in honoring Mr. Clyde McIntosh and recognizing his service to Yancey County, North Carolina.

BOB BARKER'S LIFELONG PASSION
TO PROTECT ANIMALS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. YOUNG of Florida. Madam Speaker, Bob Barker is a household name who is known nationally and internationally as the beloved host of the Price is Right. While he has retired from his career in television, he has redoubled his lifelong efforts to protect animals around the world.

I first met Bob Barker a number of years ago when he was here in the Capitol in support of legislation to stop the inhumane treatment of animals. We quickly became good friends and my wife Beverly and I have come to respect not only his commitment to animals but also his unwavering support for our men and women who serve in uniform.

Bob Barker is a great American with a very unique background. He grew up on the Rosebud Indian Reservation in South Dakota and was a Navy fighter pilot at the end of World War II.

Yesterday Beverly joined Bob Barker for a press conference about another case of the mistreatment of animals that was brought to his attention and which he has in turn called to the attention of our nation. Following my remarks, I would like to include for the benefit of my colleagues an Associated Press report about that event. While I wish I could have been there with Bob to show my support for his work and lifelong passion, I had to be here in the House as we debated the rule and began consideration of the Defense Appropriations Bill.

However, Madam Speaker, I wanted to commend Bob Barker for once again crisscrossing our nation in his continuing commitment to protect innocent animals that cannot protect themselves.

BOB BARKER ASKS CHEROKEES TO END NORTH
CAROLINA BEAR PIT ATTRACTIONS

(From The Canadian Press, July 29, 2007)

ASHEVILLE, N.C.—Former game show host and longtime animal rights activist Bob Barker has made a personal appeal to the Eastern Band of Cherokee Indians in North Carolina to stop exhibiting bears in pit-like enclosures at three local zoos.

The Asheville Citizen-Times reported that Barker met Tuesday with Principal Chief Michell Hicks and five members of the Tribal Council. He called the bears' conditions inhumane and asked that they be turned over to a sanctuary in California.

"To think that with as advanced as our civilization is now that there is any place in the United States where bears are kept in pits is just unbelievable," said Barker, who is part American Indian and grew up on the Rosebud Indian Reservation in South Dakota. "Just picture yourself, if your life, 24 hours a day, seven days a week, month after month, was in a pit."

The bears are displayed in walled enclosures set into the ground at three local attractions that bill themselves as zoos and theme parks.

Barker will discuss the meeting at a news conference Wednesday morning in Asheville.

Hicks told the Asheville Citizen-Times that the tribe follows federal regulations in caring for the bears.

Collette Coggins, who owns one of the attractions, the Cherokee Bear Zoo, with her husband, Barry, said the bears don't stay in the pits all day, every day. "We love our animals," she said. "They are like our pets."

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, July 27, 2009.

I ask that the RECORD reflect that had I been present, I would have voted "aye" on rollcall vote No. 647 (on motion to suspend the rules and agree to H. Res. 593); "no" on rollcall vote No. 648 (on motion to suspend the rules and agree to H.R. 1376); and "aye" on rollcall vote No. 649 (on motion to suspend the rules and agree to H.R. 1121).

INTRODUCING THE TAX EQUITY
FOR MEAL REPLACEMENTS AND
SUPPLEMENTS ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BLUMENAUER. Madam Speaker, there are small, common sense steps everyone can take to improve their health, save money, and reduce unnecessary visits to the doctor. Nutritional supplements can significantly improve

health, and by making vitamins and supplements more affordable, we can help people stay healthy while reducing medical costs.

For that reason, I have introduced the Tax Equity for Meal Replacements and Supplements Act of 2009, which will make it easier for our constituents to make healthy choices and improve their health and well-being. This legislation allows employees to purchase certain dietary supplements and meal replacement products with pre-tax dollars already reserved for health needs.

The prevention of disease is a key factor in limiting health care expenditures. A 2007 study conducted by The Lewin Group showed that the appropriate use of select dietary supplements over a five year period would improve the health of key populations and save the nation more than \$24 billion in healthcare costs.

Among the findings, that report noted that if 11.3 million of the 44 million American women who are of childbearing age and not taking folic acid, began taking 400 mcg. of folic acid on a daily basis, neural tube defects could be prevented in 600 babies, saving as much as \$344 million in the first year. Over five years, taking into account the cost of the supplement, \$1.4 billion could potentially be saved.

The report also highlighted the potential five-year savings in health care expenditures resulting from a reduction in the occurrence of coronary heart disease, CHD, among the population over age 65. Through a daily intake of approximately 1800 mg of omega-3, the occurrence of this disease can be reduced, saving \$3.2 billion. Approximately 374,301 hospitalizations and associated physician fees due to CHD could also be avoided.

I look forward to working with my colleagues to pass this commonsense legislation.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the Republican Earmark Standards Guidance, I submit the following in regard to the Fiscal Year 2010 Department of Defense Appropriations Act found in H.R. 3326:

PORTABLE MILITARY RADIO COMMUNICATIONS TEST SET

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$1,500,000 for Portable Military Radio Communications Test Set in the Marine Corps, Procurement Account. The entity to receive funding for this project is Aeroflex at 10200 West York Road, Wichita, KS 67215-8999.

The Portable Military Radio Communications Test Set was developed with the military in mind with its portability, rugged build, and weight. The technician can easily perform maintenance checks of radio systems (including antennas & cables); perform diagnostics or troubleshooting of faulty radio systems in order to repair or restore the radio systems. The test set is portable, weighing in at only 8.5 lbs (including the battery). It operates from a rechargeable battery with about 5 hours operating time. With the additional capability to

perform quick testing of antennas and cables, the Portable Military Radio Communications Test Set provides for the tester to isolate problems and assess performance of the radio, cable, and antenna systems. It was designed to significantly reduce the number of radios incorrectly removed from vehicles where it was later determined to have no trouble found.

The Marine Corps pays about \$10,000 for each tester, with a requirement for 1600 units. This funding will go to procurement of the testers to meet this requirement.

No matching funds are required for this Department of Defense project.

RADIO PERSONALITY MODULES FOR SINCGARS TEST SETS

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$3,000,000 for Radio Personality Modules for SINCGARS Test Sets in the Army, Other Procurement Account. The entity to receive funding for this project is Aeroflex at 10200 West York Road, Wichita, KS 67215-8999.

The funds will fund Radio Personality Modules for SINCGARS Test Sets which capitalizes upon existing radio test sets by making them up to 10 times more capable than they were before. Presently, the GRM-122 test set diagnoses only one type of radio—the SINCGARS. After the proposed upgrade, the very same tester will be able to test multiple radios in common use, including: UHF radios, VHF radios, high frequency radios, intercoms, survival vest radios, and four different types of navigation radios installed in aircraft on the flight line. This efficient program saves both time and money. Time, because the technician performing the test will have the entire test suite he requires at his immediate disposal on the flight line; and money because the Aviation Intermediate Maintenance locations equipped with Radio Personality Modules for SINCGARS Test Sets will not need to acquire nor carry entire test suites of disparate equipments.

This funding is for procurement of these test sets. The cost of each test suite is \$157,946—there is a need for about 80 test sets in all. The anticipated source of funding for the duration of the project is funding from the government; the customer is the US Army.

No matching funds are required for this Department of Defense project.

DIRECTED ENERGY SYSTEMS FOR UAV PAYLOADS

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$1,000,000 for Directed Energy Systems for UAV Payloads in the Defense-wide, RDT&E Account. The entity to receive funding for this project is ARC Technology at 13076 NW 120th St., White-water, KS 67154.

ARC anticipates that federal funds will complete the research and development of this technology. This technology enables both offensive and defensive capabilities from UAV platforms that are either controlled or autonomous. Targets of interest include remotely controlled devices, communications systems, computers, electronics, radar systems, infrared and acoustic sensors, and GPS jammers. The FY 10 funding addresses additional integration issues, range extension, packaging issues, and customer performance verification for incorporation into specific delivery platforms.

BUDGET FOR UAV PAYLOAD DIRECTED ENERGY SYSTEMS Materials—5%

Labor—70%

Testing—15%

Performance verification*—10%

Total—100%

*Per customer specifications, to simulate performance in end applications.

No matching funds are required for this Department of Defense project.

B-52 TACTICAL DATA LINK PROGRAM

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$6,000,000 for B52 Tactical Data Link (TDL) Program in the Air Force, Research and Development account. This project is for The Boeing Corporation located at P.O. Box 7730 MC K71-33, Wichita, KS 67277-7730.

The B-52 Combat Communications Network Technology (CONNECT) Capabilities Description Document (CDD) identified mission area capability gaps that supplied rationale for Line-of-sight (LOS) Tactical Data Link (TDL) communications. These mission area capability gaps continue to exist for missions that the B-52 has been tasked to perform. Current planned B-52 CONNECT Phase A capability, slated for IOC in 2011, relies on low-speed data links that are not jam-resistant and will not meet specific mission area goals. To meet mission goals within theater operations (300 nautical miles or less), a jam-resistant, low-latency tactical data link capability is required.

Original B-52 CONNECT program effort included the integration of a LOS TDL capability per the CDD requirements. During FY2005, the LOS TDL component and associated funding was removed from the program. The current B-52 CONNECT program includes a two phase delivery with the initial capability (Phase A) providing low-speed BLOS and LOS communications that are not jam-resistant followed by an additional phase that adds the Family of Advanced BLOS Terminals (FAB-T) Airborne Wideband Terminal (AWT) for enhanced jam-resistant BLOS reach-back capability to the B-52. The initial phase of the program provided significant computing hardware integration and infrastructure as the basis for future communications data link integration on the B-52.

Full integration of a LOS TDL on the B-52 involves significant effort to design, test, and certify the system for operational use. The original B-52 CONNECT program solution set involved integrating the MIDS JTRS terminal that has been under development since FY2004. This architecture involved integration of the legacy Link-16 Tactical waveform. Numerous platforms have integrated the Link-16 Waveform capability to participate in a LOS tactical environment.

Since that time, new technologies and concepts of operation have been assessed by the DoD community. Assurance will need to be established as to whether the Link-16 waveform is the proper transport of choice or if alternate waveform transports will be required. When developing Network-Centric architectures, robust system engineering efforts will need to be performed to establish and obtain agreement on concepts of operations and operational needlines and timelines for interoperability (i.e. establish who we are talking with and how). Effort will need to be expended to determine these interoperability solutions. Proposed Project Activities:

Develop DoD architecture products within an Information Support Plan (ISP) to provide

mission area justification for LOS TDL integration

Perform analysis of alternatives (AOA) to determine terminal selection and transport/waveform requirements to meet operational needlines

Develop candidate requirements/architecture definition utilizing original B-52 CONECT TDL architecture as a basis for integration and ensure stakeholder concurrence through design review.

Perform aircraft installation trade studies to identify any potential issues with integration (size, weight, power, cooling, antenna performance)

Perform lab demonstration of capability using government-supplied LOS terminal assets in the Wichita B-52 SIL

Deliver draft SSS modifications and System Design modifications that will provide the basis for a follow-on proposal to complete integration of a LOS TDL capability
Project Estimates:

Requirement integration with existing CONECT architecture (\$1.8M—8 folks for 6 months (about \$1.4M to contractor with \$0.4M to customer)

Prototype design in SIL (\$3.7M—12 months for 10 folks (\$3.2M to contractor with \$0.5M to customer)

Government Furnished Equipment (GFE) Equipment—\$0.5M (Two TDL Terminals and ancillary equipment)

At the completion of the project effort, a preliminary requirements definition and architecture design understanding will be established between the government and Boeing. This would serve as the basis for a follow-on Request for Proposal (RFP) for the full SDD development effort to integrate the LOS TDL capability on the B-52. In addition, the effort will establish an Information Support Plan which supports and validates the CDD requirements and addresses mission area gaps that would be filled with a LOS TDL capability.

No matching funds are required for this Department of Defense project.

CIVIL AIR PATROL (CAP) AIRCRAFT

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$7,426,000 for Civil Air Patrol (CAP) Aircraft in the Air Force, Aircraft Procurement Account, of which \$5,000,000 is a Congressional add. The entity to receive funding for this project is Cessna Aircraft Company at 3 Cessna Blvd, Wichita, Kansas 67215.

The CAP provides the least expensive airborne emergency services and Homeland Security services of any agency at approximately \$100 per flying hour. The CAP budgets through the USAF for acquisition of new aircraft to modernize the fleet, maintain operational readiness, and contribute to the Homeland Security. The additional funding will procure additional aircraft for CAP.

No matching funds are required for this Department of Defense project.

DEMONSTRATION PROJECT FOR COHORT/ACIMS: COMPOSITE OCCUPATIONAL HEALTH AND OPERATIONAL RISK TRACKING SYSTEM/ADVANCED CONCEPT INFORMATION MANAGEMENT SYSTEM

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$3,000,000 for Demonstration Project for COHORT/ACIMS: Composite Occupational Health and Oper-

ational Risk Tracking System / Advanced Concept Information Management System. The entity to receive funding for this project is Spin Systems located at 3450 North Rock Road, Bldg #200, Suite 202.

This project leverages the successes of the COHORT/ACIMS I & II projects that developed the Armed Forces Medical Analysis and Collaboration Tool (AFMAC) using the Spin Business Framework (SBF). AFMAC was designed by an AF/SG physician epidemiologist to analyze and track "Injured Airmen" as a proof of concept. Both tasks are necessary to fully realize the power of putting actionable information in the hands of doctors and nurses carrying for our sick and injured.

Task 1: Enterprise Medical Management Framework.

This funding is to develop a clinical business intelligence and "bedside" case management support tool for nurses and doctors using the SBF-AFMAC framework. This tool will provide access to real-time, consolidated health information and hands-on tools to assist them in coordinating care for wounded warriors and other MHS patients. These tools will assist with case management, care coordination, team collaboration, workflow management, secure messaging, notifications and alerts, documentation creation and management, metrics, dashboards and forecasting. Our clinical teams are missing these tools, which have been identified by the AF/SG's Family Health Initiative as essential to success. The AFMS has advised the need for additional work in the amount of \$1.8M.

Finance Plan: Labor—57%, ODC—5%, Materials (Enterprise License/Hardware)—38%.

Task 2: Real-Time Data Delivery.

This funding is to develop a modern solution to provide a quick, efficient, standardized and secure mechanism for delivering data from centralized information systems and databases into the hands of the doctors and nurses at the bedside and in the clinic. Providing a near-real time data delivery system will take full advantage of valuable but separate data systems and put the information in the hands of clinicians, medical technicians and health administrators without delay, duplication or redundancy. Real-time data delivery will save manpower and resources in the IT community in addition to improving health and saving lives. The AFMS has advised the need for \$1.2M in additional work in this area.

Finance Plan: Labor—82%, ODC—5%, Materials (Enterprise Licenses/Hardware)—13%.

No matching funds are required for this Department of Defense project.

DEMONSTRATION PROJECT FOR CONTRACTORS EMPLOYING PERSONS WITH DISABILITIES

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$4,000,000 for Demonstration Project for Contractors Employing Persons with Disabilities in the Air Force, Operation & Maintenance. The entities to receive funding for this project is Cerebral Palsy Research Foundation located at 5111 East 21st Street Wichita, Kansas 67208 and Envision located at 2301 South Water, Wichita, Kansas 67213.

The program is authorized under H.R. 1588; Demonstration Project for Contractors Employing Persons With Disabilities. The purpose of

the demonstration project is to provide jobs for people with severe disabilities who otherwise would not be fully employed. The national unemployment rate for people with severe disabilities is 70%. It is in the national best interest for the government to provide, and fund, programs which have as a purpose to lower this rate. Disabled individuals employed under the Demonstration Project are able to live independent lives and are able to pay their share of employment taxes and income taxes. These individuals, when employed, contribute to the growth of our economy. As a result of the Demonstration Project for Contractors Employing Persons with Disabilities, the U.S. Air Force Printing Office has engaged in an ongoing relationship with Envision Corporation in Wichita, Kansas. This relationship has been very successful in accomplishing not only the goal of furthering employment opportunities for the blind, but also in providing the U.S. Air Force Printing Office with funding and manpower it would otherwise not have. To date, the U.S. Air Force has advised of the need for additional work totaling approximately \$8 Million.

As a result of the Demonstration Project for Contractors Employing Persons with Disabilities, the U.S. Air Force Office of Personnel and Management has engaged in an ongoing relationship with The Cerebral Palsy Research Foundation in Wichita, Kansas. This relationship has been very successful in accomplishing not only the goal of furthering employment opportunities for the severely disabled, but also in providing the U.S. Air Force Office of Personnel and Management with funding and manpower it would otherwise not have for the purpose of digitizing all paper records of its personnel. To date, the U.S. Air Force has advised of the need for additional work totaling approximately \$11 Million.

The United States Air Force Personnel community is undergoing the most extensive re-engineering effort in history. This effort includes streamlining processes and centralizing where it makes sense to do so by leveraging technology, and shifting the service model to a greater reliance on self-service. A key enabler to achieving the desired end state is a shift from paper-intensive personnel transitions and document storage to a near-paperless environment as spelled out in the AF/A 1 E-Records Strategy document. A key milestone in achieving an E-Record environment is conversion of current paper document repositories into a centralized digital repository. There are approximately 13 million pages of paper records that need to be scanned. Currently we are operating in option year three of a five year plan.

No matching funds are required for this Department of Defense project.

LASER PEENING FOR FRICTION STIR WELDED AEROSPACE STRUCTURES

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$2,000,000 for Laser Peening for Friction Stir Welded Aerospace Structures in the Department of the Air Force, RDT&E Account. The entity to receive funding for this project is Curtiss-Wright Metal Improvement Company at 1618 Ida, Wichita, Kansas 67211.

The program will demonstrate the benefits of laser peening on subscale components with

identical geometry of targeted DoD aircraft components, quantify anticipated improvement in performance, lifetime extension and cost reduction of full size DoD aircraft components, and demonstrate the technology for use with large wing structures to achieve substantial material and operational savings for the military.

Funding will support the following activities:

Engineering and Planning—\$90,000
 Test Article Design & Analysis—\$280,000
 Test Article Fabrication—\$310,000
 Test Article Welding—\$80,000
 Test Article Laser Peening—\$120,000
 Test Article Fatigue Testing—\$400,000
 Engineering Applications for Aircraft component Evaluation—\$270,000
 Analysis & Reporting—\$220,000
 Overhead & Administration—\$220,000

No matching funds are required for this Department of Defense project.

C-130 ACTIVE NOISE CANCELLATION SYSTEMS

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$3,000,000 for C-130 Active Noise Cancellation Systems in the Department of the Air Force, Aircraft Procurement Account. The entity to receive funding for this project is Global Aviation Technologies, located at 2629 W May, Wichita, Kansas 67213.

Justification of federal funding: ANCS is a program of record, and federal funds have been appropriated each year since the FY-06. The ANCS System is included in the Air National Guard FY-09 Weapons Systems Modernization Requirements desired capabilities list. The C-130 Active Noise Cancellation (ANC) is a commercial off-the-shelf (COTS) product that will reduce crew fatigue and associated hearing loss by greatly reducing the unhealthy noise levels in the C-130 cockpit. Over 700 ANC systems are in use throughout the world in commercial airline applications, and the system has been fully tailored for the C-130H with no additional non-recurring integration work required. The system has been proven highly reliable in commercial use and requires no scheduled maintenance. C-130 cockpit noise exceeds 100 decibels, a noise level at which it is difficult to communicate clearly, and which causes fatigue and loss of crew coordination. Additionally, this noise level is well above the permanent hearing loss threshold (established by OSHA at 85 decibels). The Ultra ANC system cancels noise by introducing equal amplitude/opposite phase sound into the cockpit via a distributed speaker system. A sophisticated control system samples the noise throughout the cockpit several times a second and drives the speaker outputs to provide maximum quieting. The anticipated installed price will be \$260K per C-130 aircraft.

No matching funds are required for the Department of Defense program.

AT-6B CAPABILITIES DEMONSTRATION FOR THE AIR NATIONAL GUARD

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$7,000,000 for AT-6B Capabilities Demonstration for the Air National Guard in the Air Force, RDT&E Account. The entity to receive funding for this project is Hawker Beechcraft Corporation at 9709 E Central Ave, Wichita, Kansas 67201.

The funding would be for the development of an AT-6B. The Air National Guard (ANG),

has stated a requirement to fill equipment capability gaps in support of the mission to conduct for Irregular Warfare operations, Joint Terminal Attack Controller (JTAC) Training, as well as Homeland Defense, Homeland Security, and Civil Support mission capabilities training that support DoD, DHS, and State mission requirements. The AT-6B is an affordable, sustainable and responsive aircraft tailored to the NetCentric intelligence, surveillance and reconnaissance (ISR) and light attack missions. The AT-6B meets the needs of top level US National Strategic Guidance, including recent Quadrennial Defense Review recommendations, at a fraction of the cost and a fraction of the infrastructure requirements of conventional jet fighters. The AT-6B offers the US Air Force and Air National Guard an asset tailored to increase airman-to-airman engagement with partner Air Forces vital to meeting US national security objectives. It is a cross-cutting enabler critical to expanding foreign partnerships and expanding partnership airpower capacity.

Estimated cost of the AT-6B capabilities flight demonstration is approximately \$21 million. Approximately \$14 million = Industry costs to build and provide a mission system equipped AT-6B demonstrator aircraft. Hawker Beechcraft will provide this portion of the total cost. The capital investment required to deliver an operational flight demonstration aircraft also leverages a significant corporate IR&D investment made to develop the AT-6B aircraft which is not included in the \$14 million industry contribution. In addition to the actual capital investment in building the aircraft, the contractor also intends to provide sensors and other mission equipment on loan to the Air Force in support of the demonstration, thereby further reducing government costs. Approximately \$7 million = Government costs to fund government-run flight test, including: government program management costs, range instrumentation costs, aircraft operating costs, Air Force directed mission equipment integration costs, and contractor engineering and support services in support of demonstration.

No matching funds are required for the Department of Defense program.

DEVELOPMENT OF IMPROVED LIGHTER-WEIGHT IED/EFP ARMOR SOLUTIONS

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$2,000,000 for Development of Improved Lighter-Weight IED/EFP Armor Solutions in the Department of the Army, RDT&E Account. The entity to receive funding for this project is Leading Technology Composites at 2626 West May, Wichita, KS 67213.

This funding is to develop and field Light-weight IED/EFP Armor Solutions for the US Military. These improved solutions will reduce weight, increase payload and maneuverability, and defeat the current battlefield threats. Innovative solutions to reduce current system weights result in increased payload, maneuverability.

Finance Plan:

Materials—40%
 Processing—10%
 Test and Analysis—30%
 STE—5%
 Labor—15%

No matching funds are required for the Department of Defense program.

ACCELERATED INSERTION OF ADVANCED MATERIALS

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$2,500,000 for Accelerated Insertion of Advanced Materials in the Department of the Air Force, RDT&E Account. The entity to receive funding for this project is Wichita State University at 1845 Fairmount St, Wichita 67260.

This program will provide a breakthrough in technology integration and will achieve significant cost and cycle-time reductions in new material insertion through (a) data-sharing among multiple users, (b) statistical continuity from one length-scale to another and (c) reduced testing via increased capability and use of numerical/analytical simulation tools. Anticipated benefits include reductions in non-recurring and recurring program qualification costs and introduction of multiple sources of new advanced material forms. Unlike structures that use metallic materials in the manufacturing process, the material properties of a composite are manufactured into the structure as part of the fabrication process. Therefore, it is essential to ensure that critical parameters pertaining to composite materials and their production processes are identified to facilitate adherence to standards in the final engineered part. Presently, each original equipment manufacturer (OEM) is responsible for this assurance, creating "customized", nonstandard procedures for quality and safety assurance.

DoD aircraft repair and modification efforts are extremely important because (a) difficulty in this area can lead to the rejection of a structural or material concept in the preliminary design phase, (b) they form a significant part of the total ownership cost and can drive fleet life-cycle decisions, (c) they provide opportunities to insert new material concepts quickly and at minimal cost, and (d) the type and level of engineering effort for repair/modification qualification in large military and commercial transport aerospace applications closely equates to that of full-design efforts. This program will seek to provide the DoD with a solution to this problem and eliminate the costly material insertion that exists for new programs or retrofitting materials used on legacy aircraft as well as enable United States aerospace leadership. This program is also supported by the aviation industry and composite material supplier industry and has over a 1:1 leverage factor.

Financial Plan:

Labor (salary and fringes)*—41%
 Travel*—2%
 Materials & supplies*—20%
 Laboratory testing—37%
 Equipment—0%

Percent and Sources of Matching Funds:

10%—State of Kansas; 60%—Aviation Industry; 60%—Composite Material Suppliers; 10%—FAA; 5%—NASA. No matching funds are required for the Department of Defense program.

AGING AIRCRAFT FLEET SUPPORT

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$2,000,000 for Aging Aircraft Fleet Support in the Department of the Navy, RDT&E Account. The entity to receive funding for this project is Wichita State University at 1845 Fairmount St, Wichita 67260.

Most of the aging research being conducted presently is focused on metallic structures. In addition to the ongoing research in aging metallic structures, the requested appropriation will permit NIAR to partner with the NAVY and investigate the effects of aging on composite structures as well as composite/metallic hybrid structures. As more composite components are being certified and used on primary and "flight critical" secondary structures, a future need of the military and commercial aviation industry will be the investigation of these composite structures and the assurance of the airworthiness of composite components. NIAR already has a background in this through partnerships with the FAA by investigating Boeing 737 composite tail structures which flew commercial service for over 20 years and by examining the first of all composite certified aircraft recently taken out of service, the Beechcraft Starship. Lessons learned from this research will provide insight into the aging aspects of other composite aircraft structures and influence the use of advanced materials on new aircraft being proposed for military service as well as maintenance of the existing fleet.

The biggest concerns with aging aircraft are the unknowns that emerge with little or no warning, raising the concern that an unexpected phenomenon may suddenly jeopardize an entire fleet's flight safety, mission readiness, or support costs. The DoD can benefit from the direct application of the research results into fleet management strategies as well as proactively provide strategies that will reduce the cost of maintenance for advanced materials used on military aircraft.

Financial Plan:

Labor (salary and fringes)*—32%
Travel*—2%
Materials & Supplies*—9%
Laboratory Testing—39%
Equipment—18%

Percent and Sources of Matching Funds: 25%—FAA; 10%—Aviation Industry. No matching funds are required for the Department of Defense program.

COMPOSITE SMALL MAIN ROTOR BLADE

The Department of Defense Appropriations Act, 2010, H.R. 3326, contains \$3,000,000 for development of a Composite Small Main Rotor Blade in the Department of the Army, RDT&E Account. The entity to receive funding for this project is Kaman Aerostructures at 1650 South McComas Street, Wichita, KS 67213.

It is my understanding that the funding would be used to continue development on the Composite Small Main Rotor Blade which would replace the legacy main rotor blade on the US Army's A/MH-6 Little Bird helicopter. The Little Bird, flown by the U.S. Army's 160th Special Operations Aviation Regiment, has been heavily modified to better meet operational needs; however, the main rotor blade, a critical dynamic component, has not been upgraded to modern standards. Constructed of metal, this blade is highly susceptible to damage and fatigue, and since metal lacks ballistic tolerance, the blades leave the aircraft especially vulnerable to enemy weapons in hostile action. Moreover, when gunners fire their weapons from the aircraft, expended shell casings can cause minor skin dents, and even

these small dents require that the blades be replaced. The Composite Small Main Rotor Blade takes advantage of the inherent ballistic tolerance of composite construction, advanced aerodynamic design, and state-of-the-art erosion-resistant materials and will significantly improve the safety, reliability, performance—and survivability—of the aircraft. Specifically, the blades will increase damage tolerance, enhancing survivability in hostile environments, and improve hover performance, increase operating ceiling, increase maximum forward speed, all adding to the aircraft's maneuverability and performance envelope. The composite blades will also improve erosion resistance, experience better field reparability, and reduce the cost and logistics burden related to premature metal blade replacement due to damage.

Funds are requested to fabricate production tooling, fabricate FAA certification blades, and conduct FAA certification ground and flight testing required to create Commercial-Off-The-Shelf acquisition capability for the military. Composite Small Main Rotor Blades will (1) make the A/MH-6 Little Bird helicopter more survivable in hostile environments; (2) expand the flight envelope of the aircraft; and (3) reduce logistics burden and cost associated with supporting the legacy blade.

No matching funds are required for the Department of Defense program.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. DUNCAN. Madam Speaker, I submit the following.

Requesting Member: Congressman JOHN DUNCAN

Account: OP—Army

Project Amount: \$5,000,000

Legal Name of Requesting Entity: TN Army National Guard, Houston Barracks, 3041 Sidco Drive, Nashville, Tennessee 37204

Description of Request: The funding would be used to allow Army National Guard trainers (both fielded and yet-to-be procured) to network together on a Combined Arms virtual battlefield.

HONORING SCOTT JOSEPH BURGER UPON ATTAINING THE RANK OF EAGLE SCOUT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a young man in my district, Scott Joseph Burger.

Scott will be celebrating his Eagle Court of Honor on August 2, 2009. For his community service project, he designed and facilitated the construction of two lecterns for Walt Whitman High School in Huntington Station, New York.

PAYING TRIBUTE TO MICHIGAN
STATE UNIVERSITY'S IMPACT
89FM RADIO STATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor the accomplishments of the students and staff of Michigan State University's WDBM "Impact 89" FM Radio Station on the occasion of the station being named the College Radio Station of the Year by the Michigan Association of Broadcasters and Broadcast Music Inc.

MSU's Impact 89 FM has received this prestigious honor nine of the past 10 years, making the station a standout among all the college radio stations in the entire Great Lakes region. The 2009 Gold Record Award was presented at the Great Lakes Broadcasting Conference in March.

Judging for the awards is by professional radio and television broadcasters in Michigan.

In addition to winning the overall college station of the year award, Impact staffers also earned first place in four of seven individual categories, including Jon Erickson for air check; Wes Holing for talk show; Nate Gray for promotional announcement; and the team of Jeremy Whiting and Brock Elsesser for the station activities report.

Other staffers receiving individual awards were Mike Weber, Doug Neal, Corrina Van Hamlin, John Simpkins, D'Destin Kaufmann, Lindsay Machak, Emily Fox, Brandon Jaksim, Autumn Maison, Dan Dugger, Jamal Spencer, Ed Glazer and Jesse McLean.

The Impact 89 team is led by Gary Reid, Distinguished Senior Specialist with the MSU Department of Telecommunication, Impact 89 FM General Manager, and Associate Director of the Quello Center for Management and Law, named after long-time FCC Commissioner, James H. Quello.

As someone who worked on the college radio station at my own alma mater, I have great respect for the professionalism and competitive spirit of the Impact 89 FM team and their manager and mentor, Gary Reid.

In 2009, Impact 89 FM is celebrating its 20th anniversary and the thousands of students who have worked there and gone on to successful careers throughout the country.

Impact 89FM has been a leader in creative, diverse programming and adoption of new technology. WDBM was the 132nd among nearly 14,000 radio stations in the country to be licensed by the FCC to make the transition to High Definition broadcasting in 2004.

Madam Speaker, I ask my colleagues to join me in honoring the students and staff of WDBM "Impact 89" FM for their dedication to excellence. They are truly deserving of our respect and admiration.

TAYLOR: THE LITTLE MIRACLE
BABY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. POE of Texas. Madam Speaker, "Although the world is full of suffering, it is also full of the overcoming of it." Madam Speaker, Hellen Keller made this observation about life and today I'd like to share the inspiring story of Taylor Christine Hunt. A little baby who I like to call the Miracle Baby. Her story is a moving reminder that prayer, faith, hope, and love can and do overcome the challenges of life.

Born at 27 weeks and weighing just one and a half pounds little Baby Taylor beat the odds. Last fall my staffer, Nicole Hunt and her husband Jeff Hunt shared their excitement with me as they announced they were expecting their first baby at the end of May. In January of this year they found out they were having a girl. We all rejoiced at the news. However, on March 1, 2009, due to pregnancy complications, little Baby Taylor was born three and a half months premature.

Taylor was immediately admitted to the Neonatal Intensive Care Unit and placed on a ventilator to help her breathe. She remained on the ventilator for nearly a week as doctors kept a close watch on her. Nicknamed the "little spitfire" by doctors and nurses because of her sassy and stubborn attitude towards all of their poking and prodding, Taylor would not let anything keep her down.

Early on doctors detected an irregularity with her heart and took prompt medical action to correct it. Thankfully they were successful. In the first few months of her life doctors also discovered that Taylor had an eye disorder that primarily affects premature babies. Miraculously, it was there one day and gone the next. Today Taylor has perfect vision. Slowly, as Taylor's body matured, she learned to breathe on her own, take food, and maintain her body temperature.

While Jeff and Nicole sat by her bedside day and night, they also rallied a huge group of supporters to pray for Taylor. Taylor even had her own website called "Pray Taylor Home" and literally thousands of people all over this country and the world prayed for her recovery.

On June 2, 2009, after 94 days of hospitalization, hundreds of tests, dozens of specialists, 3 blood transfusions, and one ambulance ride, Taylor was finally well enough to go home.

Today Taylor has been home for about two months and is thriving. She is almost 8 pounds and is developing beautifully. It has been a pleasure to see this little Miracle Baby beat the odds and I am proud to share her story with this Chamber today.

Edith Wharton, a famous novelist, once wrote: "There are two ways of spreading light: to be the candle or the mirror that reflects it." Taylor is that candle—spreading hope and teaching all of us that we must never give up.

And that's just the way it is.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BARTON of Texas. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3326—Department of Defense Appropriations Bill

Account: Army RDT&E

Legal Name of Receiving Entity: Federal Technology Group

Address of Receiving Entity: 2421 Thomas Rd., Haltom City, TX 76117

Description of Request: I have secured \$1,500,000 in funding to be used to develop and produce an application called "reactive materials," which is a system designed to defeat Improvised Explosive Devices, thus protecting America's war fighter.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding projects that I support for inclusion in H.R. 3288, the Transportation, Housing and Urban Development Appropriations Act of 2010.

Amount: \$750,000

Account: Federal Highway Administration—Transportation and Community and System Preservation

Entity receiving funds: City of Pasco, located at 525 North Third Avenue, Pasco, WA 99301.

Description: These funds will be used to replace the Lewis Street railroad undercrossing with a four-lane overpass to improve the safety of motorists and pedestrians, while improving freight mobility and response times for emergency services.

Amount: \$500,000

Account: Federal Transit Administration—Buses and Bus Facilities

Entity receiving funds: Link Transit of 2700 Euclid Avenue, Wenatchee, WA 98801.

Description: Funds will be used to replace old buses and ensure that Link Transit can continue to provide current services.

HONORING THE CAREER OF REAR ADMIRAL LEENDERT R. HERING, SR., UNITED STATES NAVY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ISSA. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the United States Navy are exceptional.

Our country has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent to keep this country free and safe. Rear Admiral Leendert "Len" Hering, Sr. is one such leader.

Radm. Hering was born in Portsmouth, Virginia and commissioned through the NROTC Scholarship Program from State University of New York Maritime College in 1977 with a Bachelor of Science degree in Meteorology and Oceanography. He has also earned a Master of Science degree in International Relations and Strategic Studies from the Naval War College, and a Master of Science degree in Business Management from Salve Regina University in Newport, Rhode Island.

Rear Admiral Hering's initial sea assignment was aboard USS *Santa Barbara* (AE 28), where he served as 1st and 2nd Division Officer and Assistant First Lieutenant. Upon completion of Department Head School in 1980 he was assigned to the commissioning crew of USS *Fahrión* (FFG 22) as Ship's Control Officer and later as Combat Systems Officer. He had command of USS *Aries* (PHM 5) from January 1989 to January 1991 and USS *Doyle* (FFG 39) from July 1995 to March 1997. *Doyle* was a member of the Vinson Battle Group in Desert Strike; the ship earned the Battle "E," all possible departmental awards, the 1996 Chief of Naval Operations LAMPS Safety Award, and two TYCOM Safety Awards.

His assignments ashore include duty as operations and plans officer to Commander, Destroyer Squadron TWELVE; aide and administrative assistant to the Deputy Chief of Naval Operations for Naval Warfare; Action Officer, Pacific Command Branch J-33, Joint Operations Directorate, Joint Staff; 1st Battalion Officer and Ethics Instructor, U.S. Naval Academy, Annapolis, Maryland; Commanding Officer of Naval Base San Diego; Commander, Naval Surface Group Pacific Northwest; Commander, Navy Region Northwest, and presently Commander, Navy Region Southwest.

Rear Admiral Hering's personal awards include (2) Legion of Merit, Defense Meritorious Service Medal, (4) Meritorious Service Medals, and various other personal achievement, service awards and ribbons.

He and his wife Sharon have three boys. STS1 Lee Hering, USN, Tim, and Christopher.

On the occasion of his retirement and on behalf of the people of the United States whom he has served with courage and honor, we commemorate the service of Rear Admiral Leendert R. Hering.

RECOGNIZING ROSE ANN GALLETTA CORIGLIANO UPON HER 80TH BIRTHDAY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. HIGGINS. Madam Speaker, I stand here today to recognize the life of Rose Ann Galletta Corigliano as she prepares to celebrate her 80th birthday on August 8, 2009.

Rose, born on Hickory Street in Buffalo, currently lives with her husband James in Amherst, New York and the pair has a long history of being active members of the Western New York community.

In 1963, Rose and James founded Rosina Food Products, a small sausage business James named after his wife, which serviced small meat markets, supermarkets and restaurants in the local Buffalo area.

With Rose's family meatball recipe, Rosina Foods flourished. Within a short time, Rosina Foods saw immense success, moving towards selling their products nationally.

Today, Rose and James have handed the family business down to their sons, Russell and Frank, who now serve as President and Executive Vice President. Russell and Frank have made some major acquisitions, including that of two labels which allows Rosina's to sell many frozen pasta items throughout the United States.

Rose still serves as the inspiration behind the enormously successful and ever growing Rosina Food Products, Inc. and the company regularly gives back to local organizations in the community.

I would like to congratulate Rose for reaching this important milestone. It is my pleasure to recognize Rose's many contributions to her family, friends and community. I wish Rose many more years of continued success and happiness.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010:

Congressman SAM GRAVES (MO-6)

Department of Defense, Air Force, Operations and Maintenance ANG—\$465,000 for the 139th Airlift Wing, ANG for force protection and training equipment (705 Memorial Drive, St. Joseph, MO 64503-3388)

Federal funds will be used to purchase explosive/hazardous materials SABRE 4000 detection devices, procure training equipment, including UHF and Automated Access System, and reinforce defensive infrastructure. These funds will increase the 139th AW's capability for future missions, enhance effectiveness of current missions, and improve efficiency.

Congressman SAM GRAVES (MO-6)

Department of Defense, Army, Procurement of Ammunition—\$5,000,000 for the Lake City Army Ammunition Plan for small caliber ammunition production modernization (PO Box 1000, Independence, MO 64501)

Federal funds will be used for ammunition production and ballistic test range upgrades. Due to increased regulations by the EPA and DoD prohibiting the use of heavy metals in ammunition production and use, the DoD has undertaken an initiative to eliminate heavy metal compounds from priming mixtures as

soon as an acceptable product is available. The federal funding obtained will be used to determine if the industry efforts made to find a new potential heavy metal free compounds can be applied to military requirements. This will reduce hazards to personnel engaged in small arms training and operation, enable DoD to utilize ranges that might otherwise not be available due to federal and local restrictions on heavy metal content in training ammunition, and supports training and readiness requirements.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY—

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996: Making Appropriations for Interior and Environment for Fiscal Year 2010.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 2996

Account: Save America's Treasures

Legal Name of Requesting Entity: Georgian Court University—

Address of Requesting Entity: Georgian Court University, 900 Lakewood Avenue, Lakewood, NJ 08701

Description of Request: The \$200,000 in funding would be used to help preserve the Mansion at Georgian Court University, a building on both the State and National Registers of Historic Places. The building is used by over 23,000 New Jersey residents each year while attending various programs offered through the University's Department of Conferences and Special Events.

EARMARK DECLARATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, Sam Johnson, am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act of 2010.

(1) The entity to receive funding is Microfab Technologies, Inc., 1104 Summit Ave., #110, Plano, Texas 75094.

This \$1M request is funded through the Army RDT&E, Medical and Technology account. MicroFab Technologies Inc., located in Plano, is working to develop a portable bioprinter/skin printing system to repair life threatening battlefield burn injuries with biologic skin. This will allow military medical personnel to promptly respond and manage burn injuries on site using a printable allograft, a graft using cells from a variety of individuals.

(2) The entity to receive funding is L-3, 3414 Herman Drive, Garland, Texas 75041.

This \$3.8M request is funded through the Navy (Marine Corps), Marine Corps Ground Combat/Supporting Arms Systems account. Garland's L-3 Electro-Optical Systems Division employs 336 people at the Garland facility and 202 at the Dallas site. Currently, it is not possible for a Marine to use Night Vision Devices (NVDs) and Thermal Weapon Sights (TWSs) at the same time. This causes a decrease in awareness and puts the Marine at greater risk. Through research, the industry has developed technology to fuse the two systems, enabling a Marine to see a night scene and thermal imagery, targeting lasers and targeting information all through the helmet-mounted NVD. The RASOR program is developing a kit to retrofit the existing NVD that will enable the user to receive the imagery and targeting data from the thermal weapon sight.

(3) The entity to receive funding is Mustang Technology, 400 W. Bethany Dr., Ste 110, Allen, Texas 75013.

This \$1M request is funded through the Navy RDT&E, Power Projection Advanced Technology account. Mustang Technology Group, of Allen, aims to improve the radar system for the Navy. The Navy lacks an all-weather airborne unmanned air vehicle (UAV) surveillance capability to detect and track high value targets that move, stop for a while, and then move again (Move Stop Move: MSM). Not having this capability allows terrorists that stop and plant mines and IEDs along the shoreline to evade surveillance. The MTI Scout radar hardware is designed to support MSM but requires additional work to develop, integrate, and test the MSM mode software. The light weight and low power of the MTI Scout radar make it ideal for many other airborne manned and unmanned surveillance platforms, like the Predator, Fire Scout, and MC-12W.

(4) The entity to receive funding is Raytheon, 2501 West University Drive, McKinney, TX 75071-2813.

This \$2M request is funded through the Army RDT&E, Combat Vehicle Improvement Programs account. Raytheon's Active Protection System division employs approximately 35 people full time in McKinney. APS is an externally mounted vehicle protection system that identifies, discriminates and intercepts rocket propelled grenades (RPGs), mortars, antitank guided missiles and artillery projectiles after they are launched toward a combat vehicle. It provides 360 degree surveillance and protection against multiple simultaneous threats. This funding will allow insertion of reduced cost electronics and modifications to the radar for Stryker integration, as well as software and hardware development for system command and control, including the human-machine interface.

(5) The entity to receive funding is SVTronics, 3465 Technology Drive, Plano, Texas 75074.

This \$3.4M request is funded through the Navy RDT&E, Medical Development account. SVTronics in Plano employs 120 people. The U.S. Marine Corps has been developing a lightweight, self-contained, Mobile, Oxygen, Ventilation, and External Suction (MOVES) system in support of the En Route Care System. The MOVES system uses ambient air to

produce oxygen and then delivers the oxygen directly to the casualty. It has a ventilator that can ventilate a patient with up to 85% oxygen, and it also has suction capability. In addition, the MOVES system can monitor vital signs including blood pressure, heart rate, pulse oximetry, temperature, oxygen and carbon dioxide levels, and ECG. All of these capabilities are integrated in a single system that can run on its own power and easily connect to a patient litter for transport. MOVES reduces the cube and weight of the present En Route Care System by over 60%, and eliminates the hazards associated with pressurized oxygen cylinders in the field.

EARMARK DECLARATION

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. FLEMING. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the "Department of Defense Appropriations Act, 2010." I have requested funding for the following projects in Fiscal Year 2010:

Nuclear Enterprise Surety Tracking, Account: RDTE, AF. Recipient: United States Air Force, Global Strike Command (Barksdale AFB, Louisiana). In support of AFGSC at Barksdale AFB, funds would support the Air Force's efforts to reinvigorate the Nuclear Surety Mission by combining a suite of technologies and applications on a bio-metrically secure handheld computing device to enable the real-time tracking of nuclear warheads and nuclear bombs across all USAF installations.

Reconstitution of B-52 Nuclear Capability Study, Account: RDTE, AF. Recipient: United States Air Force, Global Strike Command (Barksdale AFB, Louisiana). In support of the 2nd Bomb Wing and Headquarters, Eighth Air Force at Barksdale AFB, FY10 funds would provide for a comprehensive study of nuclear vulnerabilities to assure the B-52 bomber can meet its nuclear mission. Project will support the USAF/Global Strike Command mission to reinvigorate the Air Force nuclear enterprise. The goal is to produce a prioritized list of recommendations that will enhance the B-52 fleet's capability to execute its nuclear role in support of USSTRATCOM commitments.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge, this request: 1) is not directed to an entity or program that will be named after a sitting Member of Congress, 2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark, and 3) meets or exceeds all statutory requirements for matching funds where applicable. I also hereby certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, The FY 2010 Department of Defense Appropriations Act:

Agency: Army
Account: RDT&E
Amount: \$3,150,000
Project: Conversion of Municipal Solid Waste to Renewable Diesel Fuel
Recipient: Covanta Energy 40 Lane Rd, Fairfield, NJ 07004

The purpose of this program is to convert military solid waste to diesel, resulting in >10% savings and stabilize the long-term cost of fuel. This conversion will also enable the military to exercise unprecedented control over raw material (waste feedstock) generation and supply.

Agency: Army
Account: RDT&E
Amount: \$2,000,000
Project: Dermal Matrix Research
Recipient: LifeCell Corporation, One Millennium Way, Branchburg, NJ 08876

The purpose of this program is to continue development of an off-the-shelf transplantable graft from porcine tissue for combat casualties with full-thickness burns and other skin and dermal deficits prior to their evacuation from the theater of operation.

Agency: Army
Account: RDT&E
Amount: \$2,000,000
Project: Printed and Conformal Electronics for Military Applications
Recipient: FlexTech Alliance, 84 W. Santa Clara St., Suite 630 San Jose, CA 95113

The funding would be used to develop and manage a supply chain and prototype development program for printed and conformal electronics.

Agency: Army
Account: RDT&E
Amount: \$2,500,000
Project: Standard Ground Station—Enhancement Program

Recipient: Sarnoff Corporation, 201 Washington Road, Princeton, NJ 08540-6449

The purpose of this program is to allow the Standard Ground Station (SGS) to be used in other locations outside of Iraq by developing methodologies that can be applied to, and deployed in, multiple terrains and topographies—coastal, mountainous, forested—to extend the SGS's geographic primacy and protect Joint Warfighters as they prosecute the global war on terror.

Agency: Army
Account: RDT&E
Amount: \$1,000,000
Project: Tactical Metal Fabrication (TacFab)
Recipient: SeaBox, Inc., 450 Black Horse Lane, No. Brunswick, NJ 08902

The purpose of this program is to provide a containerized, mobile foundry to the U.S. Army, allowing deployed forces to produce

spare and replacement parts in the field. This cuts the order time from weeks or months to 24 hours.

Agency: Air Force
Account: RDT&E
Amount: \$3,000,000
Project: Planar Lightwave Circuit Development for High Power Military Laser Application
Recipient: LGS Innovations, 15 Vreeland Road, Florham Park, NJ 07932

The purpose of this program is to meet the High-Energy Laser Joint Technology Office (HEL-JTO) need for revolutionary high power, high efficiency, electrically-driven laser technology that can be turned into a ruggedized system for use by all branches of the military.

Agency: Defense-wide
Account: RDT&E
Amount: \$2,000,000
Project: Secure, Miniaturized, Hybrid, Free Space, Optical Communications
Recipient: LGS Innovations, 15 Vreeland Road, Florham Park, NJ 07932

The purpose of this program is to provide a fully operational secure, miniaturized, RF optics hybrid wireless communications system meeting the specific volume, weight, and power constraints required for secure, covert defense-related communication applications for the Department of Defense.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding projects that I support for inclusion in H.R. 3326 the Department of Defense Appropriations Act, 2010.

Amount: \$3 million
Account: Army Research, Development, Test and Evaluation

Entity receiving funds: Army and General Dynamics located at 9256 Randolph Road NE, Moses Lake, WA 98837.

Description: The U.S. military has stated that it needs a compact, low-cost accuracy kit to place on existing mortar and rockets. This funding will be used to develop this technology for the U.S. military.

Amount: \$1.5 million
Account: Army National Guard, Operations and Maintenance

Entity receiving funds: Army National Guard and the HAMMER facility, located at 2890 Horn Rapids Road, Richland, WA 99354.

Description: These funds will be used to ensure that Army National Guard units receive the training needed to respond to weapons of mass destruction attack.

Amount: \$1 million
Account: Army Research, Development, Test and Evaluation

Entity receiving funds: Army and Infinia, located at 6811 West Okanogan Place, Kennewick, WA 99336.

Description: These funds will be used to provide the Army with a small, efficient, reliable way to equip American troops with both electricity and hot water.

Amount: \$2 million
Account: Research, Development, Test and Evaluation Defense Wide

Entity receiving funds: Battelle Northwest located at 902 Battelle Boulevard, Richland, WA 99352 and Heritage University located at 3240 Fort Road, Toppenish, WA 98948.

Description: These funds will be used to provide a security protected collection of technical reports, scientific studies, and reference documents on chemical and biological warfare available to the U.S. intelligence community. This supports the intelligence community's mission to make all relevant documents available to intelligence analysts.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326 the Department of Defense Appropriations Act, 2010.

Analytical Graphics, Inc. (AGI) COTS Technology for Space Command and Control, Exton, PA—\$2 million to refine existing COTS technologies to make them completely applicable for space command and control programs. The funds will enable development and demonstrations of various COTS technologies for integrated space command and control.

Arkema, King of Prussia PA—\$2 million to develop lightweight, breathable clothing resistant to chemical and biological agents.

Bally Ribbon Mills, Bally PA—\$3 million to develop a technology and machine to produce 3D bias woven composite structures for aerospace applications.

Cerus Corporation, Bala Cynwd, PA—\$3 million requested for blood safety and decontamination technology development.

Morphotek, Exton PA—\$1 million for potent human monoclonal antibodies against BoNT A, B and E suited for mass production and treatment of large populations.

Rajant, Malvern PA—\$3 million for portable mobile emergency broadband systems.

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010:

Requesting Member: Congressman TED POE

Bill Number: H.R. 3326, the Department of Defense Appropriations Act, 2010

Account: RDTE, A

Legal Name of Requesting Entity: Lamar University

Address of Requesting Entity: 4400 MLK Boulevard, P.O. Box 10119, Beaumont, TX 77710

Description of Request: I have secured \$4,000,000 in funding for Lamar University's Advanced Fuel Cell project to continue to develop an efficient and clean advanced renewable energy source to meet urgent U.S. Army space and missile defense battlefield requirements. The Advanced Fuel Cell project continues to develop, test and validate advanced fuel cell technologies necessary to enable lightweight, power efficient, environmentally clean, and cost-effective renewable energy technology and products for Army space and missile defense systems including: sensors, radars, weapons, and communications. Project could also be used in border, port, and chemical facility surveillance.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. INGLIS. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3326, Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman BOB INGLIS

Bill Number: H.R. 3326, Department of Defense Appropriations Act, 2010

Account: 17 DARPA 0602715E Materials and Biological Technology

Legal Name of Requesting Entity: Milliken and Company

Address of Requesting Entity: 920 Milliken Road, Spartanburg, South Carolina 29304

Description of Request: This project continues work that began in July 2007 under Army Research Laboratory (ARL) Cooperative Agreement #W911NF-07-2-0074. An annual program plan was mutually developed for three years with the Cooperative Agreement Manager at the onset of the award. The scope of the effort will be to leverage the past work to fabricate a full-scale molded part that is suitable for use on an existing tactical vehicle platform. Milliken will work with ARL and a designated U.S. DOD prime vehicle contractor to select, fabricate and test the specific component, such as a hood, quarter panel or underbody hull component. The amount is \$2,800,000 and it would go to Milliken and Company.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2010 Defense Appropriations bill—H.R. 3326:

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: H.R. 3326—Fiscal Year 2010
Defense Appropriations bill

Account: Research, Development, Test and Evaluation—Navy

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Engineering, University of Illinois at Urbana-Champaign, 1308 West Main Street, Urbana, Illinois 61801

Description of Request: \$1,500,000 for the University of Illinois to establish the Center for Assured Critical Application and Infrastructure Security (CACAIS) which will address the development of trust validation tools for critical computer infrastructures of particular importance to the nation, namely defense applications, financial systems, and electrical power, to ensure public confidence in these systems. It is my understanding that of this amount \$1,000,000 is for equipment, facilities, and laboratory costs; \$375,000 for personnel; \$75,000 for technology transfer; and \$50,000 for computer costs.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: H.R. 3326—Fiscal Year 2010
Defense Appropriations bill

Account: Research, Development, Test and Evaluation—Army

Legal Name of Requesting Entity: U.S. Army Engineer Research and Development Center, Construction Engineering Research Laboratory—

Address of Requesting Entity: 2902 Newmark Drive, Champaign, Illinois 61826

Description of Request: \$2,500,000 for the U.S. Army Engineer Research and Development Center, Construction Engineering Research Laboratory to field validate large-scale Zinc-Flow electrical energy storage to improve the energy security, fossil-fuel consumption and carbon-footprint of our military bases. It is my understanding that of this amount \$950,000 is for energy storage systems; \$400,000 is for equipment, installation, test, and data acquisition; \$975,000 for personnel; \$175,000 for administration.

EARMARK DECLARATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday July 30, 2009

Mr. COBLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I am requesting as part of H.R. 3326, the Defense Appropriations Act of 2010.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 3326

Account: Army RDTE Ballistics Technology account (PE 0602618A)

Legal Name of Requesting Entity: PPG Industries

Address of Requesting Entity: P.O. Box 949, Lexington, NC 27293

Description of Request: The bill provides \$2,000,000 for Advanced Composite Armor for Force Protection at PPG Industries (PPG).

PPG recently discovered new resin and fiberglass technologies that can provide both performance improvements and weight savings in composite solutions for ballistic protection. Advanced composite materials will be developed and tailored to defeat evolving ballistic and Improvised Explosive Devices (IED) fragmentation threats. The research program will develop both non-transparent and transparent solutions. As PPG has begun initial research on this project, a variety of composite designs have demonstrated success in laboratory testing. Solutions will utilize new high strength glass fibers and will resist a wide range of threats, including ballistic, blast and IED. Further, the project directly supports research objectives at PPG facilities in Lexington, North Carolina, to develop composite ballistic panel solutions designed to meet specific identified threat levels. As threats continue to evolve, advanced soldier and asset protective material technologies are crucial to the U.S. Army. Technologies such as PPG's fiberglass composite research are of national interest as we seek better protection for our soldiers in the field today and look ahead to our defense needs to come.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 3326

Account: Air Force RDTE Basic Research Materials account (PE 0602102F)

Legal Name of Requesting Entity: RF Micro Devices

Address of Requesting Entity: 7628 Thorndike Road, Greensboro, NC 27409

Description of Request: The bill provides \$2,000,000 for the Gallium Nitride Microelectronics and Materials project at RF Micro Devices. Gallium Nitride-based microelectronics is the next generation of semiconductor technology. It is of critical importance to the development of many advanced defense systems, in particular radar, communications and electronic warfare systems. This technology also has the potential to open up entirely new areas of commercial wireless infrastructure applications. This Navy research project focuses on the development of advanced GaN RF power devices with enhanced performance and reliability. Building on prior research and development, this request will enable the RFMD Defense and Power Business Unit to accelerate development and adoption of RFMD GaN technology. The Defense and Power Business Unit was created specifically to tailor RFMD technology to serve the needs of the defense community.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 3326

Account: Air Force RDTE Advanced Materials for Weapons Systems account (PE 0603112F)

Legal Name of Requesting Entity: Timken Company

Address of Requesting Entity: GNE-01, 1835 Dueber Avenue, S.W., P.O. Box 6928, Canton, Ohio 44706

Description of Request: The bill provides \$1,000,000 for the Hybrid Bearing project at Timken Company. Standard aerospace bearings are not adequate for the demands of the Joint Strike Fighter engine, or many other engines. As a result, the Air Force has been

working with industry to develop an improved bearing that is tough, corrosion resistant and can tolerate the high speeds and temperatures of the expanding mission requirements. This project will test various corrosion resistant steel, including CSS-42L, for use in the bearing, as well as the introduction of new ball and retainer materials in the final bearing design (such as silicon nitride balls, and a lightweight carbon-carbon composite material for the retainer material). The hybrid bearing technology, which includes a variety of material and coating technologies, is being incorporated into the Joint Strike Fighter engine, and other platforms.

The Air Force has been working on this project since 2003 with the Timken Company. From prior year funding, 80% of the technology requirements set forth by the Air Force to bring the project to the point of final testing/ placement into weapon platforms has been completed, including full engine tests. If fully funded, the project should be completed in calendar 2010.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 3326

Account: Navy RDTE Integrated Surveillance Systems account (PE 0204311N)

Legal Name of Requesting Entity: General Dynamics Advanced Information Systems—Greensboro

Address of Requesting Entity: 5440 Millstream Road, McLeansville, NC 27301

Description of Request: The bill provides \$2,000,000 for the Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar project at General Dynamics. The Autonomous Anti-Submarine Vertical Beam Array (VBA) is a stationary, acoustic array system that helps protect surface ships and submarines against submarine-launched torpedoes and anti-ship cruise missiles by detecting and reporting quiet diesel and nuclear powered submarines. The VBA Sonar is deployable from Trident guided missile submarines (SSGN), the Littoral Combat Ship (LCS) and other surface ships. The VBA Sonar can be used to protect an established Sea Base or Global Fleet Station in deep water or in the littorals. Once positioned, it transmits submarine contact information back to the deploying platform's combat system for classification, localization, tracking and engagement.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 3326

Account: Navy Research, Development, Test and Evaluation (RDTE) RF Systems Applied Research account (PE 0602271N)

Legal Name of Requesting Entity: RF Micro Devices

Address of Requesting Entity: 7628 Thorndike Road, Greensboro, NC 27409

Description of Request: The bill provides \$2,000,000 for the Gallium Nitride (GaN) Power Technology project at RF Micro Devices. Gallium Nitride-based microelectronics is the next generation of semiconductor technology. It is of critical importance to the development of many advanced defense systems, in particular radar, communications and electronic warfare systems. This technology also has the potential to open up entirely new

areas of commercial wireless infrastructure applications. This Navy research project focuses on the development of advanced GaN RF power devices with enhanced performance and reliability. Building on the prior work on the project, this request addresses the challenges in using this key technology to implement solutions for the Navy's advanced RF systems needs.

RFMD Defense and Power Business Unit will be the recipient of the funding and use the funds to accelerate development and adoption of RFMD GaN technology. The Defense and Power Business Unit was created specifically to tailor RFMD technology to serve the needs of the defense community. The project will be led from the lead design and fabrication facility in North Carolina.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 3326

Account: Marine Corps Operations and Maintenance Operational Forces account (1A1A)

Legal Name of Requesting Entity: Saab Barracuda USA, LLC

Address of Requesting Entity: 608 East McNeill Street, Lillington, NC 27546

Description of Request: The bill provides \$3,500,000 for the Ultra Lightweight Camouflage Net System (ULCANS) at Saab Barracuda USA, LLC. ULCANS is the next generation camouflage system. ULCANS increases survivability against advanced multi-spectral visual, infrared (IR), and radar (RF) threats, providing reduced probability of visual detection, enhanced thermal and radar signature suppression, and improved background matching. ULCANS "Marine friendly" features include a more durable and snag-resistance design. The funding requested would provide ULCANS for one Marine Expeditionary Force.

The ULCANS will greatly enhance the ability for combat troops and support units to conceal military target signatures of weapons, vehicles and semi-permanent positions in situations where the natural cover or concealment may be absent or inadequate. ULCANS can also be used as an aid in the concealment of permanent prominent objects in a fixed pattern or array, which present obvious targets. The United States Marine Corps has an Unfunded Requirement (UFR) for ULCANS. Saab Barracuda, LLC, in Lillington, North Carolina, is the industry leader in development, testing and production of multi-spectral camouflage and heat-reducing systems. The company produces 3,500-plus ULCANS systems per month. A supplier in my district, Glen Raven, provides manufacturing support for this product.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Department of Defense Appropriations Act for Fiscal Year 2010.

Project Name: Fort Hood Training Lands Restoration and Maintenance

Account: Operation and Maintenance, Army Project Recipient and Address: Fort Hood, TX U.S. Army Garrison, Fort Hood, Bldg. 1001, Rm W321, Fort Hood, TX 75544

Amount Provided: \$2,500,000

Project Description: Dedicated resources are needed to rehabilitate Fort Hood lands degraded by over 60 years of training with tanks and other military vehicles. Substantial rehabilitation can be achieved over the next five years with an integrated program that reduces soil erosion and compaction, increases desirable vegetation, supports woody vegetation management, and provides appropriate tank trails, stream-crossings, and hilltop access points for tactical vehicles. Texas AgriLife Research will work with Fort Hood Integrated Training Area Management (ITAM) and other collaborators to plan, implement, execute, and verify the effectiveness of these rehabilitation efforts.

Benefit to Taxpayers: The project improves training land for Fort Hood soldiers using research proven reclamation practices. The practices installed through the project have saved both time and money, while achieving training area restoration. The local economy also benefited as local contractors were employed for soil ripping, gully plug construction, and other work.

Spending Plan: \$700,000 is for brush clearing and endangered species maintenance programs. Of the remainder, approximately 90% goes to Fort Hood-ITAM programs for implementation of training lands restoration validated practices and 10% goes to Texas AgriLife Research for assessment of these programs and development of new practices.

Project Name: Techniques to Manage Non-compressible Hemorrhage Following Combat Injury

Account: RDT&E Army

Project Recipient and Address: National Trauma Institute, 16500 San Pedro Avenue, Suite 350, San Antonio, TX 78232

Amount Provided: \$2,500,000

Project Description: Traumatic injury is a nationwide problem with severe consequences for our military and civilians. Noncompressible hemorrhage from injuries to the torso is the leading cause of potentially survivable deaths of American troops and its mitigation is the highest priority of U.S. military trauma surgeons and researchers. NTI's goal is to develop simple, rapid and field-expedient techniques for non-surgeons to stop truncal hemorrhage. To secure advances in this field will require additional federal funding. Currently, trauma research is significantly underfunded compared to illnesses which do not cause nearly the same level of mortality as trauma.

Benefit to Taxpayers: Increasing trauma research is likely to lead to the reduction of mortality and complications from noncompressible hemorrhage and improve outcomes. This will affect soldiers as well as civilians from the 31st and every congressional district.

Spending Plan: Personnel, 54%; Materials & Supplies, 8.4%; Equipment, 4.2%; Patient Care Costs, 16.8%; Administrative Costs, 16.2%.

Project Name: Army National Guard M939A2 Repower Program

Account: O&M Army National Guard

Project Recipient and Address: Osh Kosh Corporation, 1300 N. 17th St., Suite 1040, Arlington, VA 22209

Amount Provided: \$5,000,000

Project Description: Army National Guard M939A2 Repower Program. Due to the age of the M939 vehicle fleet, a lack of a support program for major sub-assemblies, and parts obsolescence, the M939A2 Repower program is a critical program to maintain the M939 series 5-ton trucks the U.S. Army will have in its inventory until 2035.

Benefit to Taxpayers: The M939 series vehicles are fielded in all 54 states and territories and are used extensively in Homeland Security, disaster relief, emergency response, and training missions. This program benefits central Texas (Killeen/Ft. Hood area) from a work force and supplier perspective. Approximately 48 production employees and support staff are involved in the M939A2 Series 5-ton Repower Program in Killeen, TX.

Spending Plan: \$5 million to install vehicle repower kits for aging Army National Guard M939 Series 5-ton trucks utilized in homeland defense and national security missions. Approximately 90 percent of funding is for material, including engine, transmission, cooling package, electronics, and other vehicle components, with the remaining 10 percent for manufacturing labor.

Project Name: High Volume Manufacturing for Thin-film Lithium Stack Battery Technologies

Account: RDT&E Army

Project Recipient and Address: Applied Materials, 1300 N. 17th St., Suite 1040, Arlington, VA 22209

Amount Provided: \$1,000,000

Project Description: The war fighter is reliant on dependable power for electronics and weapons to assure superiority in battle. The power sources must have energy available to power the electronics and weapons and be small, light and affordable. Applied Materials will develop cost effective domestic mfg. systems for next generation thin-film lithium batteries that provide a solution to these challenges that meet current and projected future DOD requirements for high power, lightweight, small size and low-cost. Successful development of the proposed mfg. systems will address the DoD power source technology requirements such as energy and power density, life cycle, shelf life, discharge and charge rates, form factor, safety and cost for the needed military applications such as sensors, fuses and man wearable soldier battery devices.

Benefit to Taxpayers: This project establishes in the U.S. innovative manufacturing technologies for a strategically important military and commercial field—thin-film energy storage technology. It will strengthen the competitive edge of Applied Materials and enable U.S. based companies to provide high-tech next generation domestic sources of thin film lithium batteries for military and commercial applications.

Spending Plan: The total project cost is \$30.5 million of which Applied Materials has requested \$3.0 million from Congress. Applied Materials will match the federal contribution dollar for dollar: Personnel Salaries/Wages,

\$12,777,500; Travel, \$660,000; Equipment, \$14,165,667; Materials/Supplies, \$2,904,000; Others (Shipping), \$24,000; Total Direct Costs, \$30,531,167.

Project Name: HTS Trap Field Magnet Motor

Account: RDT&E Navy

Project Recipient and Address: Teco Westinghouse Motor Company, 5100 North IH 35, Round Rock, TX 78681

Amount Provided: \$1,000,000

Project Description: The megawatt power on Navy future ships is estimated to be six times greater than that of existing surface combatants. The emergence of superconductor motors have the potential to make propulsion packages smaller, more powerful, more energy efficient, and quieter than their standard counterparts. The cost of superconductor motors, however, must be reduced if they are to be affordable for Navy ship applications. This development effort is for the purpose of demonstrating that bulk high temperature trapped field magnets can be used rather than wire to reduce the cost of superconducting motors by one-third, produce twice the power, and increase safety of the crew and ship by being able to turn the magnets off during fault conditions.

Benefit to Taxpayers: Will help sustain the 391 jobs at TECO-Westinghouse in Round Rock and create 4 new jobs. Once the program moves from development to production phase, it would have direct impact on 40 to 50 jobs. The benefit to the U.S. Navy is that it would have a powerful, affordable, reliable, and safe motor to support advanced weapon systems and radars on future ships in meeting the Navy's requirements stated in its Next Generation Integrated Power System Roadmap.

Spending Plan: If fully funded, the \$6 million requested in FY10 combined with the \$2 million appropriated in FY09 is expected to complete the development effort. The breakout is as follows: \$920,000 for program management and support; \$3,500,000 for engineering labor; \$290,000 for manufacturing labor; \$1,290,000 for testing.

TRIBUTE TO KELSEY DENNIS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Kelsey Dennis, a student at Ames Middle School in Ames, Iowa, on being selected as a winner of the Library of Congress's 2009 Letters About Literature Competition.

The Letters About Literature Competition is a reading and writing program sponsored by the Library's Center for the Book in partnership with Target Stores and in cooperation with affiliate state Centers for the Book located across the country. Kelsey's letter was one of approximately 55,000 entries nationwide selected from students in grades four through twelve. Her letter was written to Jerry Spinelli, the author of *Stargirl*.

I consider it a great honor to represent Kelsey Dennis and her family in the United

States Congress, and I know that my colleagues join me in congratulating her. I wish Kelsey continued success in her future education and career.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information regarding funding included in H.R. 3326—Department of Defense Appropriations Act, 2010

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: OM, A

Legal Name of Requesting Entity: Outdoor Venture Corporation

Address of Requesting Entity: 2280 S. Highway 1651, Stearns, KY 42647

Description of Request: The funding of \$6 million will be used to address U.S. Army modular command post tent needs.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: OM, A

Legal Name of Requesting Entity: Outdoor Venture Corporation

Address of Requesting Entity: 2280 S. Highway 1651, Stearns, KY 42647

Description of Request: The funding of \$3 million will be used to address U.S. Army air-supported temper tent needs.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: RDTE, N

Legal Name of Requesting Entity: Progeny Systems Corporation

Address of Requesting Entity: 155 Valley Oak Drive, Suite B, Somerset, KY 42503

Description of Request: The funding of \$2.5 million will be used for the development of a biometrics-based submarine access control system to automate and simplify secure system access. Properly configured biometrics systems, engineered into tactical system workstations and ship infrastructure, offer the ability for systems to reliably recognize users without user intervention, resulting in rapid and secure system access.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: RDTE, N

Legal Name of Requesting Entity: Boneal Incorporated

Address of Requesting Entity: 6962 U.S. Highway 460, Means, KY 40346

Description of Request: The funding of \$5 million will be used for the development of experimental low-cost, expendable autonomous underwater vehicles (AUVs). AUVs provide support for a variety of mission including intelligence, surveillance, reconnaissance, deployment of mine counter measures, and assistance of anti-submarine warfare.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: OM, A

Legal Name of Requesting Entity: Phoenix Products, Inc.

Address of Requesting Entity: 106 Bethford Road, McKee, KY 40447

Description of Request: The funding of \$2.5 million will be used to retrofit U.S. Army UH-60 transmission drip pans.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: OM, ARNG

Legal Name of Requesting Entity: Phoenix Products, Inc.

Address of Requesting Entity: 106 Bethford Road, McKee, KY 40447

Description of Request: The funding of \$2.5 million will be used to retrofit U.S. Army National Guard UH-60 transmission drip pans.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: DPA

Legal Name of Requesting Entity: Aspen Compressor, LLC

Address of Requesting Entity: 825 Chap-pell's Dairy Road, Somerset, KY 42503

Description of Request: The funding of \$4.5 million will be used to produce miniature compressors for electronics and personal cooling systems.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: RDTE, A

Legal Name of Requesting Entity: Tier 3 Data and Web Services

Address of Requesting Entity: 1708 Forest Lane, Suite 105, Corbin, KY 40701

Description of Request: The funding of \$2 million will be used to provide the Defense Logistics Agency (DLA) with an interface system to the Army's Product Lifecycle Management (PLM) system. This system will reduce manufacturing and repair potential costs and bridge the communications gap by exchanging product technical data between engineering and procurement.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: RDTE, A

Legal Name of Recipient: University of Kentucky Research Foundation

Address of Recipient: Room 1 Kinthead Hall, Lexington, KY 40506

Description of Request: The funding of \$2 million will be used for a lethal cancers early detection and awareness program. This program can provide the Department of Defense with health information to identify high risk factors and exposures to cancer in military environments, and provide a model for early cancer detection and screening.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: RDTE, DW

Legal Name of Recipient: University of Kentucky Research Foundation

Address of Recipient: Room 1 Kinthead Hall, Lexington, KY 40506

Description of Request: The funding of \$1.5 million will be used to accelerate the adoption of sustainable manufacturing for small and medium enterprises in the U.S. Department of Defense supply base. The program will serve as a pathway to find and utilize resources that can be of value to the defense manufacturing industrial base.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: RDTE, A

Legal Name of Recipient: Morehead State University

Address of Recipient: 150 University Boulevard, Morehead, KY 40351

Description of Request: The funding of \$2 million will be used for the development of advanced power technologies applicable to nano-satellites, which will help meet tactical warfighter requirements. The program will look at increasing the power available from solar cells through innovative mechanical structures that increase surface area. This effort is in direct support of the Army's mission in developing nano-satellites to meet tactical warfighter requirements.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: DRUGS

Legal Name of Recipient: Kentucky Department of Military Affairs

Address of Recipient: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, KY 40601

Description of Request: The funding of \$3.5 million will be used to support law enforcement in the eradication of marijuana across the Commonwealth of Kentucky through the use of military equipment and personnel.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: OP, A

Legal Name of Recipient: Kentucky Department of Military Affairs

Address of Recipient: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, KY 40601

Description of Request: The funding of \$6 million will be used for the procurement of generators for the Kentucky Army National Guard. This will increase the capabilities of the Kentucky National Guard to effectively carry out its Defense Support to Civil Authorities mission by providing adequate power generation to its 54 National Guard armories and rapid, transportable emergency power generation to critical life-saving and emergency response facilities throughout the Commonwealth in emergency situations.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: AP, A

Legal Name of Recipient: Kentucky Department of Military Affairs

Address of Recipient: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, KY 40601

Description of Request: The funding of \$2 million will be used for the one-time procurement of advanced civil support radio systems to be installed on Kentucky Army National

Guard UH60 Black Hawk helicopters. This will increase the National Guard's effectiveness when performing the full spectrum of state emergency missions by allowing direct communication with civilian first responders.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3326

Account: RDTE, A

Legal Name of Requesting Entity: Ensign Bickford Aerospace and Dynamics

Address of Requesting Entity: P.O. Box 219, State Route 175, Graham, KY 42344

Description of Request: The funding of \$3 million will be used to provide for the forwarding and optimization of current Reactive Armor (RA) solutions to reduce weight, defeat emerging threats, develop multi-threat capability enhancements, and increase overall safety.

EARMARK DECLARATION

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. JENKINS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Defense Appropriations Bill, H.R. 3326:

Earmark: Army Command and General Staff College Leadership Training Program

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 3326

Account: OM,A

Legal Name of Requesting Entity: Fort Leavenworth, KS

Address of Requesting Entity: 881 McClellan Ave., Fort Leavenworth, KS 66027

Description of Request: Provide an earmark of \$2,000,000 to continue a partnership with Kansas State University to provide an M.A. and Ph.D. in Security Studies, and an M.S. and Ed.D. in Educational Leadership to military students and faculty at the Command and General Staff College, Fort Leavenworth. The program was developed in close coordination with senior faculty at CGSC. This program responds to a need identified by Fort Leavenworth in an area of expertise at Kansas State University.

Earmark: Repair Heating, Ventilation, Air Conditioning System at Ft. Leavenworth

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 3326

Account: OM,A

Legal Name of Requesting Entity: Fort Leavenworth, KS

Address of Requesting Entity: 881 McClellan Ave, Fort Leavenworth, KS 66027

Description of Request: Provide an earmark of \$2,796,000 to replace a failing HVAC system in the Community Center located in Building 318. This is a 41,000 SF building, built in 1940. This building provides a unique location for a variety of community support events throughout the year that often involve large numbers of people, such as town hall meet-

ings, Chapel family events, Army Family Action Plan conferences, etc. The existing heating and air-conditioning equipment is failing, and portions of it cannot be repaired due to its age. As a result it is unable to cool and heat the building sufficiently throughout the year.

Earmark: Repair Heating, Ventilation, Air Conditioning System in National Simulations Center

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 3326

Account: OM,A

Legal Name of Requesting Entity: Fort Leavenworth, KS

Address of Requesting Entity: 881 McClellan Ave, Fort Leavenworth, KS 66027

Description of Request: Provide an earmark of \$1,785,000 to correct air quality problems in the three-story, 93,000 SF National Simulation Center located in Building 45. Originally built in 1882, this former barracks was remodeled 15 years ago into a secure training facility, which due to its mission, could not have any windows. It houses a large amount of information technology which is used in conducting simulations. The number of personnel using the building during training simulations has increased substantially over the last several years. The HVAC system must be upgraded to handle the requirement to properly ventilate and cool the building given the larger heat load generated by the automation equipment and the high number of personnel. The existing HVAC equipment was installed during the last remodel and has reached its useful life expectancy. It is no longer capable of supporting the mission.

Earmark: 190th Air Refueling Wing Squadron Operations Facility

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 3326

Account: OM,ANG

Legal Name of Requesting Entity: Kansas Air National Guard

Address of Requesting Entity: 5920 SE Coyote Dr., Topeka, KS 66619

Description of Request: To provide an earmark of \$1,000,000 to remodel and upgrade the current Squadron Operations Facility to effectively meet the day-to-day requirements of the 190th ARW, which has increased in size and mission for the KC-135R tanker operation.

HONORING THE SERVICE OF JUDGE RAYMOND LAWRENCE FINCH, TO THE FEDERAL AND VIRGIN ISLANDS JUDICIAL BRANCHES AND TO THE COMMUNITY OF THE U.S. VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mrs. CHRISTENSEN. Madam Speaker, I rise to pay tribute to Judge Raymond Lawrence Finch, a Jurist extraordinaire, who has served the Virgin Islands legal and judicial communities with diligence, competence and

unfailing dedication for 33 years from the Bench.

Raymond Finch is a true "Native Son", a product of two Crucian Virgin Islands families: Bough and Finch; whose family members have been making outstanding contributions to the Territory of the U. S. Virgin Islands for more than four generations.

Raymond Finch is a product of the Virgin Islands public school system and a graduate of the Christiansted High School in 1958. He completed, on schedule, his Bachelor of Arts in Political Science, Minor in Economics, from Howard University in 1962; and his Juris Doctor Degree in 1965, from the Howard University School of Law.

Entering in the U. S. Army as a First Lieutenant in 1966, he served honorably for three years, adjudicating claims of U.S. personnel and Vietnamese nationals. He was also an Advocate before the Elimination Boards, Article 15 Hearings and in Article 32 investigations. His exemplary service was awarded with the Bronze Star Medal, the Army Commendation Medal, and a Certificate of Appreciation from General William C. Westmoreland and the Army Chief of Staff.

Having served previously as a Law Clerk in the Municipal Court of the Virgin Islands, he worked as a Law Clerk upon his return to the Territory, in the firm of Hodge and Sheen. He was admitted into the Virgin Islands Bar in 1970 and became a partner in the law firm of Hodge, Sheen, Finch and Ross in 1971. For more than a dozen years he was an instructor at the University of Virgin Islands and the American Banking Association.

In 1976, then Virgin Islands Governor, Cyril E. King, appointed him Judge of the Municipal Court of the Virgin Islands. On September 1, 1994, after being nominated by President Clinton, Raymond Finch took the oath of office as Judge of the District Court of the Virgin Islands, and became Chief Judge of the District Court in August, 1999.

Raymond Finch the Law Clerk, to retiring District Court Judge Finch, has seen the remarkable evolution of the Virgin Islands Judicial system. The Municipal Court that he first served as a Law Clerk was the same Court to which he was first appointed as a Judge. During his judicial tenure, the Municipal Court became the Territorial Court, where it achieved its jurisdictional autonomy and recognition as the highest local court in the Territory and it is now the Superior Court. During Judge Finch's District Court tenure, the Supreme Court of the Virgin Islands was established.

Accordingly, Finch's judicial career also evolved through his serving as Acting Presiding Judge, Territorial Court of the Virgin Islands; Judge, Appellate Division, U. S. District Court of the Virgin Islands; by Special Designation as Judge of the U. S. District Court of the Virgin Islands; U. S. District Court Judge and Chief District Court Judge for the Virgin Islands. During Judge Finch's tenure on the Bench, he was served by a group of Law Clerks, many of whom have gone on to distinguished and illustrious careers.

His demeanor has always been one of quiet reserve. He is one of those rare individuals that will listen attentively. There have been occasions where a court room participant miscalculated with uttering a statement, uncomfortably finding themselves in the vise of a first

class mind. His tenure has produced excellent legal Opinions and Memorandums, along with Decisions that demonstrate inordinate wisdom and compassion. He has mastered the uncanny ability to clearly and concisely follow the dictates of law, weaving and intermingling, with the African West Indian derived customs, of Danish and American cultural and jurisprudential influence. No easy task. His pride and understanding of the Virgin Islands culture, heritage and its people, resulted in outstanding interpretations and implementations of law that appealed to all the adversaries.

His numerous community and professional involvements have been demonstrated through membership in the Virgin Islands Bar Association; Court of Appeals for the Third Circuit; American Law Institute; American Judges' Association; American Bar Association; National Bar Association, and the Virgin Islands Law Enforcement Planning Commission. His wise acumen was sought as or contributed to, the Task Force Member of the Criminal Code Revision Project; Committee on Model Criminal Jury Instructions, Third Court of Appeals; Supervisory Board of Juvenile Justice & Prevention of Delinquency Committee; the Democratic Party of the Virgin Islands; and Board of Directors of Boy's Club, St. Croix Division.

At the recent unveiling of his official District Court Judge portrait, he showed a profound sensitivity when he thanked all that had gathered.

Judge Finch has one son and two daughters; through marriage, an additional son and daughter.

The Virgin Islands and its people have been privileged to witness the passing of one that touched many, thereby making the world a better place.

HONORING DENNIS CUBA AND
DAVID PARSONS

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise to recognize two heroic police officers from my district and to reinforce the importance of swimming pool safety.

On the evening of Tuesday, July 7, City of Pembroke Pines police officers Dennis Cuba, a seven-year force veteran and David Parsons, a 25-year force veteran, arrived within one minute of receiving a call about a boy whose arm was entrapped in the drain of a hot tub.

There is no doubt that the quick response and professionalism of the Pembroke Pines Police Department saved five-year old Miguel Marin's life.

Officers Parsons and Cuba were able to revive Miguel, but only after several attempts to free him from the brute force and suction of the spa drain—the result of a faulty drain cover.

Unfortunately, not all of these stories have a happy ending. Drowning is the leading cause of unintentional death to children under the age of five.

Hundreds of children across our country have died as a result of accidental drowning in swimming pools and spas.

In 2007, Congress passed the Virginia Graeme Baker Pool and Spa Safety Act, which aims to stop these senseless accidents.

In addition to encouraging the use of barriers, such as fencing to prevent children from wandering unsupervised into the pool, this law increases safety at public swimming pools and spas by requiring anti-entrapment drain covers. And yet even with these protections, we must remind parents to be vigilant and know where their children are at all times.

On behalf of the citizens of Pembroke Pines, I thank officers Parsons and Cuba for their heroic efforts and hope that we can learn an important lesson from this near-tragedy.

TRIBUTE TO AMERICAN LEGION
AUXILIARY UNIT 278 OF OSAGE,
IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize the American Legion Auxiliary Unit 278 of Osage, Iowa. The Unit facilitated the Veterans Inspiring Patriotism program as a part of the Joe Foss Institute, and I am honored to submit into the CONGRESSIONAL RECORD the following commentary from the program in Osage.

"Osage American Legion Post 278 Presents program at Sacred Heart School:

Betty McCarthy of Osage American Legion Auxiliary Unit 278 was the facilitator of the Joe Foss Institute's program 'Veterans Inspiring Patriotism' for Sacred Heart students grades K–6th. Joe Foss achieved international fame as America's top Marine fighter pilot in World War II with a record of more than 60 missions in the South Pacific and shooting down 26 Japanese Zeroes. His bravery in combat earned him the Congressional Medal of Honor.

Joe's many lifetime achievements are told in his autobiography 'A Proud American.'

In 2001, he founded the Joe Foss Institute as a non-profit organization with its mission of promoting Patriotism, Public Service, Integrity and an Appreciation for America's Freedoms. The 'Veterans Inspiring Patriotism' is designed for school children from grades K–12. Through this program, American Flags for the classroom and replicas of the United States Constitution and the Bill of Rights are made available at no cost to be presented along with the program.

An age appropriate video was part of the presentation which helped the students understand the freedoms established by the Constitution and the Bill of Rights. Following the video, John Ross, member of Osage Legion Post 278, told of his service in the military and what it means to be a patriot. This was followed by questions from the students.

The presentation ended with John Ross presenting American Flags as well as the laminated copies of the Constitution and Bill of Rights to 5 students, each of whom were

wearing the uniforms of the 5 branches of the service. These uniforms were worn by veterans of World War II, Korea and Desert Storm.

McCarthy told of the final tribute, the military rites at the graveside of a veteran, the presentation of the American Flag under which they served and then TAPS was played by a 6th grade student. The program ended with the singing of God Bless America!

Osage American Legion Post 278 and Sacred Heart School are indebted to the Joe Foss Institute for making this program possible."

INTRODUCTION OF THE JERUSALEM EMBASSY AND RECOGNITION ACT OF 2009

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BURTON of Indiana. Madam Speaker, forty-two years ago, during the Six Day War of 1967, Israeli troops reunified the city of Jerusalem. Since then, people of all religious faiths have been guaranteed full access to holy sites within the city, and the rights of all faiths have been respected and protected.

In 1995, the U.S. Congress declared that it is the official position of the United States that Jerusalem is, and rightly ought to remain, the undivided capital of Israel. Since that time, the Congress has repeatedly and overwhelmingly adopted multiple resolutions reaffirming this commitment to Jerusalem's continued status as a unified, undivided city. President Obama has also pledged his personal support for Jerusalem as the capital of Israel. On June 4, 2008, while still serving as a United States Senator, President Obama said that: "Jerusalem will remain the capital of Israel, and it must remain undivided."

Despite this apparent unanimity, however, the United States has inexplicably never acted to move the United States Embassy from Tel Aviv to Jerusalem. United States officials do conduct diplomatic meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel, but the Embassy remains firmly grounded in Tel Aviv.

Every sovereign country has the right to designate its own capital and the United States maintains its Embassy in the functioning capital of every country. The one exception is Israel, a great friend and ally to the United States. The President of Israel, the Knesset—Israel's Parliament—and the Israeli Supreme Court are all located in Jerusalem; and that is where the Embassy of the United States rightfully should be as well.

I rise today to introduce the "Jerusalem Embassy and Recognition Act of 2009" which mandates the relocation of the U.S. Embassy to Jerusalem, and reaffirms U.S. policy that Jerusalem must remain the undivided capital of Israel; for two reasons. First, passing this bill and immediately relocating the United States Embassy to Jerusalem will, in my opinion, send a strong message to the Iranian regime that the United States stands in strong

solidarity with the people of Israel—we will not tolerate the mullahs' constant threats against Israel, and we will not accommodate their pursuit of a nuclear bomb. Second, passing this bill will send a bipartisan message to the Administration that the United States Congress remains strongly committed to Jerusalem's continued status as a unified, undivided city; a position that President Obama—despite his comments from June 4, 2008—appears to be backing away from.

For example, Presidential Determination 2009–19, which was transmitted by the Administration to Congress just a couple of months ago, renewed a legally required waiver which allows the Administration to continue to delay the May 31, 1999 deadline for moving the U.S. Embassy in Israel from Tel Aviv to Jerusalem. While the renewal of the waiver was not unexpected or unusual, the actual text of the waiver message did contain a surprise. The Obama Administration neglected to include a key sentence that the previous Administration had included in previous determinations; specifically: "My Administration remains committed to beginning the process of moving our embassy to Jerusalem."

Madam Speaker, I sincerely hope that the crucial omission in Presidential Determination 2009–19 was an inadvertent oversight. Even if it was, I believe it is well past time to revisit the Jerusalem Embassy Act and close, once and for all, the ludicrous waiver loophole that has continued to allow the diplomatic embarrassment of not having our Embassy located in the capital city of Israel to continue for ten years. I strongly urge my colleagues to demonstrate their support for the people of Israel by co-sponsoring this important bill.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding a congressionally directed appropriation project I sponsored as part of H.R. 3326, FY 2010 Department of Defense Appropriations Act.

Agency/Account: Department of the Army—RDT&E

Amount: \$1,500,000

Requesting Entity: Texas Tech University, The Institute of Environmental and Human Health (TIEHH), 2500 Broadway, Lubbock, TX 79409

The funding for the Zumwalt National Program for Countermeasures to Biological and Chemical Threats is requested to further the understanding and ability of operational military forces to identify, prevent, and mitigate any threats war fighters may face from biological and chemical weapon agents in any environment at any time.

INTRODUCING HOUSE RESOLUTION TO RECOGNIZE THE DYKE MARSH WILDLIFE PRESERVE AS A UNIQUE AND PRECIOUS ECOSYSTEM

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce a resolution recognizing one of the national capital area's most unique and cherished wetland and wildlife preserves and to celebrate the 50th anniversary of the legislation that was enacted to ensure its survival.

In 1959, the U.S. Congress passed legislation designating Fairfax County's Dyke Marsh as a protected ecosystem, for the purpose of promoting fish and wildlife development and preserving their natural habitat. Until that time, the Dyke Marsh, which is the largest remaining freshwater tidal marsh along the Potomac River shoreline in this area, was in danger of disappearing as a result of commercial dredging and dumping operations.

One of the key driving forces behind this legislation was our very own Honorable JOHN DINGELL of Michigan. His leadership, determination, and dedication to conservation and habitat preservation were essential to ensuring that the Dyke Marsh was not destroyed at the expense of further dredging and filling activities. Representative DINGELL, along with the late Honorable John P. Saylor of Pennsylvania and the late Honorable Henry S. Reuss of Wisconsin, are to be commended on their efforts in championing this legislation 50 years ago, and one purpose of this resolution is to do just that.

The Dyke Marsh was formed over 5,000 years ago and today provides a delicate, yet critical, habitat for a diverse array of more than 6,500 species of plants and animals, including some that are threatened or endangered. Thanks to this insightful legislation and continued restoration efforts since that time, the value of Dyke Marsh today extends beyond its role as a preserve and protected ecosystem; it provides natural flood control, stemming of shoreline erosion, water quality enhancement, and aesthetic and recreational enjoyment for people of all ages.

Please join me in celebrating the 50th anniversary of this legislation, in recognizing the importance and significance of the local treasure that the legislation protects, in reaffirming our commitment to protecting our precious threatened wetlands, and in honoring three individuals whose leadership and commitment to environmental stewardship were instrumental in the Dyke Marsh's preservation.

I urge my colleagues to support this resolution.

HONORING WOMEN AIRFORCE SERVICE PILOTS FROM WORLD WAR II

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. WOLF. Madam Speaker, I rise today to honor the Women Airforce Service Pilots (WASP) of World War II. They were the first women to fly military aircraft for the United States and deserve to be commended for their bravery.

From 1942 to 1944, these women flew in various non-combat missions, allowing male pilots to be deployed into combat. Their success in flying fighter, bomber, transport, and training aircraft eventually led to the integration of female pilots into the United States Armed Services.

There were 1,102 female WASP trained during World War II, and 300 survive today, two of whom currently reside in Virginia's 10th Congressional District. Joan Lemley of Purcellville and Barbara Ross of Warrenton are two of these brave pilots who served their country during World War II.

On July 1, President Obama signed S. 164 into law, which awards our nation's highest honor—the Congressional Gold Medal—to each of these women pioneers of World War II. They will finally receive the recognition they deserve for their wartime military service to our country. I was pleased to be an original cosponsor of the House version of this measure, which was introduced by Congresswoman ILEANA ROS-LEHTINEN.

I ask that my colleagues join me today in commending Barbara Ross, Joan Lemley and the other women pilots for serving their country in World War II.

TRIBUTE TO RYAN NOVAK

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize and honor Ryan Novak, a native of rural Decorah, Iowa and current University of Iowa student. Ryan is riding his bicycle across the United States this summer to raise money for people with disabilities.

Ryan is participating in the Journey of Hope, a 64-day, 4000-mile bicycle ride from San Francisco, California to Washington, DC to benefit Push America. Push America was founded in 1977 through Pi Kappa Phi as a way for undergraduate fraternity brothers to experience leadership development through serving people with disabilities.

During this bicycle ride, Ryan is not only raising money but educating people about the needs of those with disabilities. He is also stopping at local organizations and a variety of community events to meet people with disabilities and to tell his story and promote the cause.

I know that my colleagues in the United States Congress join me in commending Ryan

Novak for his leadership and commitment to serving people with disabilities. I consider it an honor to represent Ryan in Congress, and I wish him the best in his future endeavors.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I would like to list the congressionally-directed projects I have requested in my home State of Idaho that are contained in the report of H.R. 3326, the FY2010 House Defense Appropriations Bill.

Project Name: 3-D Technology for Advanced Sensor Systems

Amount Received: \$2,000,000

Account: Electronics Technology Account in the Department of Defense RDT&E

Recipient: Boise State University

Recipient's Street Address: 1910 University Drive, Boise, Idaho 83725

Description: The 3-D packaging approach offers the promise of a dramatic decrease in the system weight and volume, together with increased system performance. This project will provide funding to continue to develop 3-D processing techniques on silicon and LTCC platforms. These include technologies for die and wafer-scale bonding and 3-D interconnects. These techniques will be applied to create 3-D integration and packaging solutions applicable to a general category of high performance sensor systems. The military has a need for new three-dimensional (3-D) packaging of electronic systems, particularly sensor systems for portable (i.e., on-soldier) applications. 3-D integration and packaging of sensors will result in smaller electronics with expanded capability, allowing the soldier in the field to be more effective.

Project Name: Accelerator-Driven Non-Destructive Testing

Amount Received: \$2,000,000

Account: Support Systems Development Account in the Air Force RDT&E

Recipient: Idaho State University

Recipient's Street Address: 921 South 8th Avenue, Stop 8007, Pocatello, Idaho 83209

Description: The Idaho Accelerator Center (IAC) will develop a research, education and commercialization program that takes non-destructive testing techniques developed at the IAC and advances their development. The penetrating and non-destructive techniques that are under development include new techniques in positron annihilation spectroscopy with accelerator-based gammabeams, the use of mono-chromatic x-ray beams and the use of photon activation (via photonuclear reactions) for trace element analysis of materials and manufacturing processes. The development of practical non-destructive testing (NDT) techniques will help the U.S. Air Force reduce aircraft downtime necessary for inspection and enhance turn-around times by more quickly identifying needed repairs through spectroscopy and the use of x-ray. The development

of practical NDT techniques will be of immense value to the armed forces in four critical areas: quicker return of aircraft to the line by reducing the tear-downs necessary for inspection; non-destructively addressing the enormous 'aging fleet' problem of the U.S.A.F. and the private sector; better economics by replacing parts on an on condition inspections basis instead of a 'life limited' basis; and the ability to successfully apply NDT techniques to composite materials. Currently, no commercialized NDT technique works on composite materials.

Project Name: Domestic Manufacturing of 45nm Electronics (DOME)

Amount Received: \$2,000,000

Account: Advanced Spacecraft Technology Account in the Air Force RDT&E

Recipient: American Semiconductor, Inc.

Recipient's Street Address: 3100 South Vista Avenue, Suite 230, Boise, Idaho 83705

Description: Funding for this program will deploy a new foundry capability to address the most critical electronics sourcing issue faced for secure supply of advanced DOD integrated circuits in 2012 and beyond. DOME is an AFRL-sponsored initiative to implement a 45nm state-of-the-art wafer fabrication capability to meet current and future system requirements for fabrication of specialized integrated circuits in a broadly available foundry capacity to serve DOD. Microelectronics capability for defense applications requires advancement of technology for each generation of new defense system. Defense system requirements are often highly specialized and include capability beyond that of standard commercial devices due to their unique operational environments. An advanced and sustainable defense microelectronics supply solution is required that can provide parts in low volume at reasonable costs and be fabricated on-shore to meet security requirements. This advanced process technology enables higher speed, lower power electronics that are of vital importance to the military and intelligence communities. The DOME program will deliver the capability to manufacture semiconductors at the most advanced technology node currently in production, 45nm, at an American run on-shore facility optimized for DOD/IC business.

Project Name: Hybrid Energy Systems Design and Testing

Amount Received: \$2,000,000

Account: Military Engineering Advanced Technology Account in the Army RDT&E

Recipient: Idaho National Laboratory

Recipient's Street Address: 2525 Fremont Avenue, Idaho Falls, Idaho 83415

Description: The Hybrid Energy Systems Development and Testing Program will provide the Army transformational technologies that advance Army leadership in global energy security and carbon reduction. Hybrid energy concepts provided through this program could allow the Army to simultaneously address energy supply (electrical grid and fuel supply) security and surety, environmental (CO₂) footprint reduction, and provide national economic benefits. This project will leverage unique assets at the INL, such as its Hybrid Testing Lab, engineering-scale energy test beds, supercomputing capabilities, and hybrid systems design teams, and nuclear technology designs, to develop, validate, and assess hy-

brid and other advanced energy system concepts. This program will provide a foundation for Army leadership in clean, smart, secure energy for future defense and nondefense applications.

Project Name: Hybrid Power Generating System

Amount Received: \$2,000,000

Account: Advanced Electronics Technologies Account in the Department of Defense RDT&E

Recipient: M2E Power, Inc.

Recipient's Street Address: 845 West McGregor Court, Suite 150, Boise, Idaho 83705

Description: Research at the Idaho National Laboratory resulted in a breakthrough technology using compressed magnetic fields which can generate power. M2E Power is expanding on this research to develop high density generators based on breakthrough configurations of permanent magnetic material, coil designs and advanced power electronics. With further development efforts, M2E Power's technologies will enable lightweight, compact power sources and highly power-dense components that will significantly reduce the logistics burden, while increasing the survivability and lethality of the warfighter. The continued research, development, testing and validation of the technology should result in mission extension for dismounted soldiers and considerable savings by reducing the reliance on disposable batteries. In addition, the technology will substantially increase the overall efficiency of motors, generators and propulsion systems used defense-wide.

Project Name: Integrated Passive Electronic Components

Amount Received: \$1,700,000

Account: Advanced Spacecraft Technology in the Air Force RDT&E

Recipient: University of Idaho

Recipient's Street Address: 820 Idaho Ave., Morrill Hall 109, Moscow, ID 83844

Description: Spacecraft are critical for coordinating modern military operations, particularly for intelligence gathering, battle-space communications, resource deployment (e.g. Global Positioning System), and targeting. More accurate and timely information enables more effective deployment, but requires enhanced sensing, communications and computing, which require more power. Limited energy sources and cooling capacity aboard spacecraft restrict increased processing capability. Power consumption has become a limiting factor in the performance electronic and computing technologies. Microchip designers have addressed rising power consumption by reducing the voltage levels of the power delivered to the chips, with excellent results. However, this creates a new problem of how to deliver clean low-voltage power to the chips. This research will develop the technologies to enable low-voltage power regulation to be integrated onto the same piece of silicon that holds the computing circuits, thus making ultra-low-power microelectronics practical. The key to this technology is integrated passive components. In addition, this research will produce a new range of component options for analog circuit designers, enabling greater ability to program and increasing flexibility of on-board electronic systems.

Project Name: Material, Design, Fabrication Solutions for Advanced SEAL Delivery System external structural components

Amount Received: \$2,000,000

Account: Operations Advanced Seal Delivery System (ASDS) Development in the Department of Defense Research, Development, Test and Evaluation (RDT&E)

Recipient: Premier Technology Inc.

Recipient's Street Address: 1858 West Bridge Street, Blackfoot, Idaho 83221.

Description: Premier Technology Inc. will work with the Idaho National Lab, Navy PEO Submarine (PMS 399), U.S. Special Operations Command, Naval Special Warfare Command and the Navy Office of Naval Research to provide material, design and fabrication solutions for ASDS external structural components allowing those components to withstand severe hydrodynamic, hydrostatic and shock loading while maintaining significant resistance to corrosion in situations where the ASDS is attached to the submerged host submarine operating at high speeds. Candidate components include the host submarine pylon assembly, ASDS lower hatch (buttress threads) and ASDS shaft line components. The goal of this project is to assist the U.S. Navy in bringing ASDS to its fullest operational capability by addressing challenges that it faces in key material issues.

Project Name: Radiation Hardened Cryogenic Read Out Integrated Circuits

Amount Received: \$2,000,000

Account: Defense Production Act Purchases in Department of Defense Procurement

Recipient: ON Semiconductor, Inc.

Recipient's Street Address: 2300 Buckskin Road, Pocatello, Idaho 83201

Description: Readout integrated circuits (ROIC) are the foundation of thermal imaging systems. These systems have forever changed modern warfare and surveillance. The United States Air Force and the Missile Defense Agency have been investigating ways to improve manufacturing capabilities and improve cryogenic and radiation performance of these circuits. The thermal imagers of the future will operate in harsh environmental conditions for longer periods of time and will have increased resolution (through increased pixel count) than the detectors of today. Maintaining a domestic source of this technology, as well as working to enhance the manufacturing capabilities of this critical technology, are as equally important as increasing the yield. The DPA Title III Readout Integrated Circuit (ROIC) program will continue the improvement efforts to develop technology that includes a larger stitched die, smaller feature size (< 0.35um), improved yields, and reduced cycle times will enable a domestic U.S. source for ROIC manufacturing to meet our national defense needs.

I appreciate the opportunity to provide a list of Congressionally-directed projects in the report accompanying the FY 2010 Defense Appropriations bill on behalf of Idaho and provide an explanation of my support for them.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I rise today to provide a description for how funds appropriated in response to my requests submitted to the House Appropriations Committee will be allocated. In making those requests, I submitted a financial certification letter to Chairman OBEY which accompanied my requests, and included the following information:

I hereby certify that to the best of my knowledge these requests (1) are not directed to any entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by any entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meet or exceed all statutory requirements for matching funds where applicable. I further certify that should any of the requests I have submitted be included in the bill, I will place a statement describing how the funds in each of the included requests will be spent and justifying the use of federal taxpayer funds.

In order to fully comply with these standards, Madam Speaker, I hereby submit a description of how the funds appropriated in the Department of Defense Appropriations Act for Fiscal Year 2010 will be used for the projects to follow.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010
Account: RDT&E, Army

Legal Name of Receiving Entity: SCRA, Institute for Solutions Generation (funding will benefit the Anniston Army Depot)

Address of Receiving Entity: 5300 International Boulevard, N. Charleston, SC 29418

Description of Request: Provide \$2,500,000 in funding for the Highly Integrated Production for Expediting RESET. This funding was requested by the Calhoun County Chamber of Commerce to benefit the Anniston Army Depot, located at 7 Frankford Avenue, Anniston, AL 36201. A critical readiness issue facing the military today is repairing and restoring military equipment that has been damaged or worn out in battle. Resetting small arms and crew served weapons is particularly challenging, given their sheer numbers and the fact that, there is a growing incidence of non-conforming parts used to support reset operations there. In addition, under the current system, a lot of time and cost are required to design and apply product improvements during reset. HIPER ensure a quick and efficient RESET turn-around for weapons to the theater. The requested funding will drive downstream efficiencies in manufacturing and quality inspection by enabling the utilization of laser scanning technology to significantly shorten the time and lower the cost for resetting and modernizing the military's small arms and crew-served weapons. This funding will provide for integration, collaboration, scanning

and reverse engineering technology, and supply chain improvements to enhance and expedite RESET efforts.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010
Account: RDT&E, Army

Legal Name of Receiving Entity: BAE Systems

Address of Receiving Entity: 1101 Wilson Blvd., Suite 2000, Arlington, VA 22209

Description of Request: Provide \$2,000,000 for the Paladin Integrated Management for work to be completed in Anniston, AL. The FY 10 President's Budget contains funding for research and development Army funds to assist in making the M109A6 Paladin and its companion vehicle the Field Artillery Ammunition Support Vehicle (FAASV) sustainable through the year 2050. The changes to this vehicle will incorporate the Bradley's drive train and suspension components that will reduce the logistics footprint thereby reducing operational and support costs. This funding is needed for this program be reinstated to its original schedule (the program was Congressionally reduced by that same amount during the FY09 budget process). Procurement funds to initiate low rate initial production are in the FY 10 procurement budget. The Army intends to fund this program through completion. This is a national defense program which provides firepower to our troops engaged in combat.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010
Account: RDT&E, Army

Legal Name of Receiving Entity: Electric Fuel Battery Corporation (Arotech Subsidiary)

Address of Receiving Entity: 354 Industry Drive, Auburn, AL 36832

Description of Request: Provide \$2,500,000 for the Novel Zinc Air Power Sources for Military. This funding will develop Zinc-Air battery technology that will provide the soldier with a high energy density power source that significantly reduces battery carry weight. Previous advances in the technology have helped to cut warfighter battery carry weight in half. Continued development of body-worn energy distribution systems, coupled with further development of Zinc-Air battery technology, promises to cut warfighter battery carry weight further, while reducing battery quantities carried on long missions. Reducing battery type and count lowers operational risk by reducing the need for re-supply. In addition, Zinc-Air battery's intrinsic safety (cannot combust or explode even when penetrated by hot projectiles) enhances warfighter safety. Lithium-Air battery technology is in its infancy but has the highest possible energy density of any battery system promising a quantum leap in the warfighter mission length.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010
Account: RDT&E, Army

Legal Name of Receiving Entity: Auburn University

Address of Receiving Entity: 102 Samford Hall Auburn, AL 36849

Description of Request: Provide \$1,500,000 for the Logistical Fuel Processors Development to Meet Army/TARDEC/TACOM Needs. The technical focus of this program is the development and demonstration of logistical fuel processor-fuel cell combinations that operate at significantly higher efficiencies than current IC engines used by the Army. System attributes to be optimized include: overall efficiency, fuel flexibility, activity maintenance and poison tolerance of the various catalysts, start-up/shutdown time-scales, process robustness, reliability/ruggedness, safety, thermal/acoustic signature and integration, and reductions in overall weight and volume. Additional efforts will be conducted to design and adapt fuel processor/fuel cell systems to appropriate electrical loads with respect to voltage, current, AC/DC operation, peak power requirements versus average power and overall autonomy time. More efficient forms of energy conversion and power production are of key importance to the Army and can be leveraged many times as a gallon of fuel or a pound of food is transported from its point of origin to a forward deployed base of operations. For reasons of inter-operability, the Army must utilize existing and readily available fuel sources such as JP-8 and diesel.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010
Account: OM, Army

Legal Name of Receiving Entity: Intergraph Corporation

Address of Receiving Entity: 170 Graphics Drive, Madison, AL 35758

Description of Request: Provide \$5,000,000 for the Fort Benning National Incident Management System (NIMS)-Compliant Installation Operations Center. In January 2009, the Department of Defense (DOD) released an instruction sheet (NUMBER 6055.17) on the Installation Emergency Management (IEM) program to establish policy, assign responsibilities, and prescribe procedures for developing, implementing, and sustaining IEM programs at DOD installations. IEM directly supports the Homeland Security Presidential Directive (HSPD)-5, which orders the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS). A NIMS-compliant installation operations center provides a unified approach to incident management, standard command, and management structures, as well as creates an emphasis on preparedness, mutual aid, and resource management. Without this system in place, it is very difficult for responders from different jurisdictions to communicate and work together effectively. Because Fort Benning extends across the Alabama-Georgia border, the implementation of a NIMS-compliant installation operations center directly supports HSPD-5 by providing interoperability and cross-jurisdiction capabilities among local and multi-state response agencies. The request will allow Fort Benning to create a NIMS-compliant state-of-the-art operations center. This system will provide Fort Benning with the critically needed capability to track and protect new incidents and existing activities. The final solution will integrate first responder force protection and the fire fighting

common operational picture into one comprehensive command and control/decision support capability that will provide visibility to the commander to gain status and direct response, analyze the current anti-terrorism and force protection mission, and allow for appropriate reporting to other operations centers throughout the country.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3326, "Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: RDTE—Air Force

Project Amount: \$2,000,000

Legal Name of Requesting Entity: University of Tennessee, 328 Ferris Hall, 1508 Middle Drive, Knoxville, Tennessee 37996

Description of Request: The funding will be used for design, testing, and evaluation of systems needed for the harvesting and storage of green energy. The need for the nation to design, implement, and test systems and processes capable of producing renewable energy at a large scale is vital for the U.S. military and the nation as a whole.

TRIBUTE TO DONNIE D. CHIZEK

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize Mr. Donnie D. Chizek as a member of Troop A, 1st Squadron, 11th Armored Cavalry Regiment. This military unit was recently awarded the Presidential Unit Citation. This rare and prestigious citation honors the Unit's courageous actions in the Republic of South Vietnam.

In 1970 Troop A, 1st Squadron, 11th Armored Cavalry Regiment distinguished itself through a series of serious combat missions over a period of several months. The Presidential Unit Citation has been awarded less than 100 times since its inception in 1941. I am very pleased with the Department of Defense's review and recommendation to recognize this unit with this esteemed honor.

The bravery and sacrifice displayed by Donnie Chizek during his service to our Nation goes above and beyond what we are asked of as citizens of this country. I know that Members of the House of Representatives join me in congratulating Donnie on his well deserved award and wish him the best in his future endeavors.

HONORING THE SERVICE OF U.S. MARINE CPL. NICHOLAS G. XIARHOS

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in honoring the service of U.S. Marine Corporal Nicholas G. Xiarhos—a loving son and brother, exceptionally dedicated soldier, and a constituent of mine.

On July 23, Nick died after being injured by a roadside explosive while serving in the Garmsir District, an area in the volatile region of southern Afghanistan. If ever there was an individual who went above and beyond to answer the call of service to his country, Nick was that man. He returned from a tour of duty in Iraq this past October only to change battalions so that he could be redeployed to Afghanistan in May. At the time of his death, Nick was serving with the 2nd Battalion, 8th Marine Regiment, and was scheduled to return home around Christmas.

Beloved and admired by his family, peers, fellow men and women in uniform, and his hometown community of Yarmouth, Massachusetts, 21-year-old Nick was the epitome of a true American hero. He eschewed being singled out for his achievements and admirable sacrifices, telling others that he was no different from the thousands of other Marines who shared the same mission. As he told his parents only two weeks before his death, he was living his dream while serving in Afghanistan despite the physical and emotional toll that combat takes on even the most seasoned soldiers.

Six feet tall, athletic, and muscular, Nick had a heart of gold that instinctively drew others to him. During his years at Dennis-Yarmouth Regional High School, he was dubbed "the mayor of DY" for his outgoing, amiable, friendly nature and popularity. As a senior, he received the "Does Most For Others" title—a well-deserved moniker that embodied how Nick approached relationships, his military service, and life in general. Upon returning from Afghanistan, Nick's goal was to attend college and—following in his father, Lieutenant Steven Xiarhos', footsteps—to become a police officer.

Nick's life was one of immense promise, tragically ended too soon. As he is laid to rest tomorrow, I want to extend my deepest condolences to the Xiarhos family—his parents, Steven and Lisa; his younger brother, Alexander; and his twin sisters, Ashlynn and Elizabeth. While he will be truly missed by all those whose lives he touched, Nick's memory and the sacrifice he made for our country will forever live on.

Thank you, Nicholas Xiarhos, for your service. May you rest in peace.

IN RECOGNITION OF WATCHMAN
NEE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. SMITH of New Jersey. Madam Speaker, I rise today to acknowledge the immense spiritual achievement of Watchman Nee, a great pioneer of Christianity in China.

Christianity Today magazine recently honored Watchman Nee as one of the 100 most influential Christians of the twentieth century. Watchman Nee died over thirty years ago but his life and work continue to influence millions of Protestant Christians in China. Today more than three thousand churches outside of China, including several hundred in the United States, look to him as one of their religious and theological leaders.

Watchman Nee was an astonishingly devoted and energetic man, which I think can be seen from a capsule summary of his life. He became a Christian in 1922. In the 1930s, he traveled to Europe and North America, where he delivered sermons and speeches. Later his sermons were collected and published as books. By the late 1940s, Nee had become the most influential Chinese Christian writer, evangelist, and church builder. In 1952, the Chinese government imprisoned Nee and many other Christian leaders for their faith. Nee was never released, though during the 1960s and 1970s several of his books continued to grow in influence and popularity, particularly in the United States, and his best-known book, *The Normal Christian Life*, sold over one million copies world-wide and became a twentieth-century Christian classic. In 1972 he died at the age of 71 in a labor farm; his few surviving letters confirm that he remained faithful to God until the end.

Madam Speaker, it is estimated that China has more than one hundred million Christians, and millions of them consider themselves the spiritual heirs of Watchman Nee. Millions more are rightly proud of the contribution Watchman Nee made to global Christianity—he was the first Chinese Christian to exercise an influence on Western Christians—and indeed of his contribution to world spiritual culture. It is sad that the works of Watchman Nee are officially banned in China—even as they are being discovered afresh by a new generation of Western Christians. It is my hope that Watchman Nee's collected works can be freely published and distributed within China.

After Watchman Nee's death, when his niece came to collect his few possessions, she was given a scrap of paper that a guard had found by his bed. What was written on that scrap may serve as Watchman Nee's testament: "Christ is the Son of God Who died for the redemption of sinners and was resurrected after three days. This is the greatest truth in the universe. I die because of my belief in Christ. Watchman Nee."

RECOGNIZING THE CITY OF
LEANDER, TX

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. CARTER. Madam Speaker, I would like to recognize the city of Leander and its staff for their great work within the community for the Adopt-a-Unit Program. The city of Leander adopted troops from the 4th Infantry Division out of Fort Hood, Texas, through the Adopt-a-Unit program. The city offered support to the troops and their families with supplies, care packages, and moral support during their deployment to Iraq over the last year.

I appreciate the work and dedication of the city of Leander staff and commend them for their commitment to the soldiers of the United States Army.

It is an honor to recognize the city of Leander for their great work.

PROTECTING THE SURVIVORS OF
OUR JUDICIAL OFFICIALS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. JOHNSON of Georgia. Madam Speaker, I am honored to bring to the floor the Judicial Survivors Protection Act of 2009. The bill would provide a limited six month period for incumbent Federal judges to opt into the Judicial Survivors' Annuities System (JSAS) and begin contributing toward a survivors' annuity for their spouses and dependent children.

The JSAS is a critical optional benefit for Federal judges. Currently, unlike the survivors of other Federal employees, judges' spouses and dependent children receive no survivor income benefits unless the judge elects to participate. In addition, the judge must have specifically elected JSAS for a spouse to continue health insurance coverage under the Federal Employees Health Benefits program after the judge's death.

The judges of our Federal judiciary frequently give up lucrative jobs with many benefits for the honor and privilege of serving on our judiciary. Allowing a JSAS open season is a small way to allow judges to provide for their families despite the financial sacrifice of accepting a Federal judgeship.

Judges are bound by their initial decision regarding contributing to JSAS for the remainder of their career. However, circumstances change, and while initially judges may have chosen not to opt into the program due to financial pressure at the time, conflicting priorities such as the need to pay the expense of a dependant education, or simply the failure to plan ahead, this leaves the survivors of forty percent of Article III and non-Article III judges at risk.

Currently only sixty percent of Article III and non-Article III judges participate in JSAS. This bill would provide those forty percent of active or senior Federal judges, who did not initially enroll in JSAS, a limited open season to enroll in the program.

To compensate for the Judge's delay in opting into the program, new enrollees who previously declined to participate in JSAS would pay an enhanced contribution rate of 2.75 percent of their salaries to preserve the financial integrity of the JSAS Fund. Should these new enrollees later retire from the bench, they, like all other retired judges participating in JSAS, will pay the contribution rate of 3.5 percent of their retirement salary.

Additionally, the bill would authorize Federal judges to voluntarily increase their contributions to JSAS in order to enhance the value of their survivors' annuities.

According to the Congressional Budget Office, this bill would carry a negligible cost as any impact on the JSAS system by the new enrollees would be entirely borne by the new enrollees.

Congress has previously authorized such a JSAS open season three times: in 1976, 1985 and 1992. It has been seventeen years since the last open season, and this bill is but a small step towards lightening what is often the financial burden of judicial public service.

The Senate unanimously passed this important legislation. I am proud to join the Senate and send this important measure to President Obama.

HONORING AND RECOGNIZING THE
PASSING OF MR. YOSEMITE, NIC
FIORE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to pay honor and respect to one of my friends and heroes, Mr. Nic Fiore, who lived a full 88 years of life, and passed away on June 16, 2009 from pneumonia.

Nic was a legendary ski instructor and community leader who taught nearly 140,000 people to ski at Yosemite's Badger Pass Ski Area. Nic served in several different capacities in Yosemite for 57 years after first coming to Yosemite in 1947 from his hometown in Montreal, Canada. Nic originally came to Yosemite for one season but fell in love with the crowned jewel of America's national parks and stayed for the rest of his life, building community, friendship, and family in the area. He is survived by his daughters, Cindy and Nicole, and eight grandchildren.

In describing his experience moving to Yosemite from Canada in 1947, Nic said, "I had never been in love, but the feeling hit me like a ton of bricks. Like a bolt of lightning. Right then and there, down deep, in the corner of my heart, I said to myself, 'I doubt you'll ever leave this place.' And I never have."

In 1956, Nic was named director of the Yosemite Ski School, and in 1963 he was appointed director of the Yosemite High Sierra Camps. During this time, Nic also managed the Wawona and Glacier Point hotels among other concession facilities.

Many of the aspects of Yosemite and Badger Pass Ski Area that are most beloved by myself and families everywhere who have the privilege to visit and enjoy Yosemite National

Park can be attributed to Nic's legacy. Nic was a visionary in making the Badger Pass Ski Area the family-oriented teaching ski facility that it is today by preserving old skiing tradition.

I can attest to what Nic's Yosemite colleagues have said about Nic's generosity of heart, his ability to make everyone who met him feel as though they were his best friend, and his mastery of Yosemite. Nic had a special ability to share his passion and enthusiasm for skiing, and recreation with generations of visitors to Yosemite as well as the permanent Yosemite community.

The list of Nic's accomplishments is long. In 2006, Nic was chosen by the Yosemite Fund as their person of the year, and was designated as "Yosemite's Ambassador-at-Large." In January 2009, Nic was inducted into the California Outdoors Hall of Fame, an enshrinement award presented by the Sportsmen's Exposition. To be considered for this considerable award, nominees must have inspired thousands of Californians to take part in the great outdoors and must have taken part in an overriding range of adventures. I personally cannot think of a more qualified individual to fit that description than Nic.

Nic held the position of executive director of the Professional Ski Instructors of America (PSIA) Western Division. He was recognized as the "Most Valuable Ski Instructor" of PSIA in 1971. Nic also received the "Charlie Proctor Award" in 1986, which honors individuals who have made outstanding contributions to the sport of skiing in Northern California and Nevada. It is the highest award given by the Sierra Chapter of the North American Ski Journalists Association. Additionally, in 1987, Fiore was nominated for the U.S. Ski Hall of Fame, as well as received the "Outstanding Contributions to the Sport of Skiing" award.

In addition to all of these accomplishments, Nic was also an author, writing a best selling book, "So You Want to Ski" along with a newspaper column titled "Ski Tips by Nic Fiore."

Again, Madam Speaker, I rise in recognition of my friend and Yosemite community builder Mr. Yosemite, Mr. Nic Fiore. Nic will be missed by many. His legacy in the Yosemite community will live on, as will his passion and enthusiasm for the sport of skiing.

CELEBRATING THE 120TH ANNIVERSARY OF BISHOP MUSEUM

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. HIRONO. Madam Speaker, August, 2009 marks the 120th anniversary of Bernice Pauahi Bishop Museum, the State of Hawai'i's Natural and Cultural History Museum. Founded more than a century ago, in the memory Princess Bernice Pauahi Bishop by her husband, Charles Reed Bishop, Bishop Museum has contributed to the world's understanding of the natural and cultural history of the Pacific and Hawai'i. It has collected and preserved nearly 25 million scientific animal and plant specimens and 2.4 million cultural objects that

together help tell the full story of Hawai'i and the Pacific.

Bishop Museum recently completed a major restoration of one of its original buildings, Hawaiian Hall. Listed on the National Register of Historic Places, Bishop Museum's Hawaiian Hall has traditionally housed Hawai'i's most sacred and beloved artifacts. With its volcanic stone exterior and extensive use of native koa wood, Hawaiian Hall is considered a masterpiece of late Victorian museum design.

With this important renovation, hundreds of thousand visitors and local residents will enter the world of Hawai'i. They will hear the oral tradition of oli and mo'olelo. They will experience Hawai'i's deep connection between its natural and cultural worlds. Bishop Museum has served as an essential repository and education institution for over a century.

In honor of this important anniversary and the major restoration of Hawaiian Hall, Congressman ABERCROMBIE and I introduced H. Res. 541, which we are hoping will pass the House in the near future. I urge my colleagues to join me in commending the important efforts of the Museum and in celebrating the 120th anniversary of its founding with the restoration and reopening of its Hawaiian Hall. Mahalo!

BILL TO CLOSE OFFSHORE REINSURANCE TAX LOOPHOLE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. NEAL of Massachusetts. Madam Speaker, today I am pleased to come before the House to introduce legislation ending the use of excessive affiliate reinsurance by foreign insurance groups to strip their U.S. income into tax havens, avoid tax, and gain a competitive advantage over American companies. In the past, I have offered a number of bills to limit offshore tax avoidance. Today's bill follows on that trend but focuses specifically on one area of the financial services sector.

The financial services industry has, like all us, experienced a tough year with the economic upheaval. As businesses realign, merge, and in some cases, cease operations, the advantages of a no- or low-tax jurisdiction from which to operate is tempting. The benefits of being headquartered in a tax haven can be quite significant for a company with investment income over long periods of time. Use of affiliate reinsurance allows foreign-based companies to shift their U.S. reserves and their investment income overseas into tax havens, thereby avoiding U.S. tax.

The President has recently suggested a number of proposals tightening tax rules for U.S.-based companies operating overseas. Those proposals deserve a thorough review to assess their merits. But before we consider cracking down on the foreign earnings of U.S. companies, we should make sure we are taxing the earnings of foreign groups that do business in the United States the same way we do for those based here. Ending the tax advantage for foreign-based insurance groups from use of affiliate reinsurance was even a platform issue for candidate Obama last year.

There is no doubt that there is a legitimate role for reinsurance. It is a fundamental business technique for risk management and is to be fostered. However, reinsurance among affiliates can serve other purposes as well, including tax avoidance. Just as Congress and Treasury have attempted to measure what is legitimate in debt transactions between affiliates, there have been previous attempts to address the problem of excessive reinsurance between related entities. Unfortunately, as recent data shows, those attempts have been unsuccessful.

Since 1996, the amount of reinsurance sent to offshore affiliates has grown dramatically, from a total of \$4 billion ceded in 1996 to \$33 billion in 2008, including nearly \$21 billion to Bermuda affiliates and over \$7 billion to Swiss affiliates. Use of this affiliate reinsurance provides foreign insurance groups a significant market advantage over U.S. companies in writing direct insurance here in the U.S. We have seen in the last decade a doubling in the growth of market share of direct premiums written by groups domiciled outside the U.S., from 5.1 percent to 10.9 percent, representing \$54 billion in direct premiums written in 2006. Again, Bermuda-based companies represent the bulk of this growth, rising from 0.1 percent to 4 percent. And it should be noted that during this time, the percentage of premiums ceded to affiliates of non-U.S. based companies has grown from 13 percent to 67 percent. Bermuda is not the only jurisdiction favorable for reinsurance. In fact last year, one company moved from the Cayman Islands to Switzerland citing "the security of a network of tax treaties," among other benefits.

Congress first recognized the problem of excessive reinsurance in 1984 and provided specific authority to Treasury under Section 845 of the tax code to reallocate items and make adjustments in reinsurance transactions in order to prevent tax avoidance or evasion. In 2003, the Treasury Department testified before Congress that the existing mechanisms were not sufficient. In 2004, Congress amended this provision to expand the authority of Treasury to not only reallocate among the parties to a reinsurance agreement but also to recharacterize items within or related to the agreement. Congress specifically cited the concern that these reinsurance transactions were being used inappropriately among U.S. and foreign related parties for tax evasion. Despite this grant of expanded authority, Treasury has still been unable to stem the tide moving offshore.

Recently, a coalition of U.S.-based insurance and reinsurance companies has been formed to express their concerns to Congress. With more than 150,000 employees and a trillion dollars in assets here in the U.S., I believe it is a message of concern that we should heed. Last month, they wrote to the leadership of the House and Senate tax-writing committees urging passage of my bill because, as they wrote, "This loophole provides foreign-controlled insurers a significant tax advantage over their domestic competitors in attracting capital to write U.S. business."

That is why I am again filing legislation to disallow deductions for excess reinsurance premiums with respect to U.S. risks paid to affiliated insurance companies that are not subject to U.S. tax. The excess amount will be

determined by reference to an industry fraction, by line of business, which will measure the average amount of reinsurance sent to unrelated parties by U.S. companies. The bill allows foreign groups to avoid the deduction disallowance by electing to be treated as a U.S. taxpayer with respect to the income from affiliate reinsurance. Thus, the bill merely restores a level-playing field, treating U.S. insurers and foreign-based insurers alike. The legislation provides Treasury the authority to carry out or prevent the avoidance of the provisions of this bill.

My colleagues may be thinking that this sounds similar to another provision in the code, and they would be right. The tax code currently tries to limit the amount of earnings stripping—that is, sending U.S. profits offshore through inflated interest deductions—by disallowing the interest deduction over a certain threshold. In the reinsurance context, U.S. affiliates of foreign based reinsurance entities may be sending offshore excessive amounts of reinsurance to strip those premiums out of the purview of the U.S. tax system. My bill limits the deduction for those premiums to the extent the reinsurance to a related party exceeds the industry average.

I hope that in the coming weeks, my colleagues and experts in the industry will carefully review this new proposal and provide constructive commentary on it. A fuller technical explanation of the bill will be posted on my website, which will provide some background on the industry as well as a technical description of the bill. Madam Speaker, I appreciate the opportunity to address the House on this important matter and I assure my colleagues that I will continue my efforts to combat offshore tax avoidance, regardless of what industry is impacted.

THE GENERATING RETIREMENT OWNERSHIP THROUGH LONG-TERM HOLDING

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. RYAN of Wisconsin. Madam Speaker, I, along with Congressman ARTUR DAVIS and Congressman JOSEPH CROWLEY, re-introduce today the Generating Retirement Ownership Through Long-Term Holding ("GROWTH") Act of 2009. At a time when our economy is struggling to recover, this bipartisan bill would provide a valuable tool to hardworking Americans saving for retirement and other financial goals.

Mutual fund investors are overwhelmingly middle-income Americans investing for the long term. For many of these investors, mutual funds provide a low-cost, professionally managed, diversified opportunity in which they can save for their own retirement. Currently, investors who buy shares in a mutual fund and hold them for the long term find themselves taxed as they go—even though no fund shares were sold and no cash was received. This legislation allows mutual fund shareholders to keep more of their own money working for them longer by deferring capital gains taxes until

they actually sell their investment. The GROWTH Act makes it easier for these individuals to meet their retirement savings goals.

Most of our Nation's mutual fund shareholders report that retirement is the primary reason why they are saving. More than 29 million Americans are saving through long-term mutual funds held in taxable accounts, either to supplement their employers' retirement plans, or because they do not have access to such plans. Seventy-six percent of mutual fund investors say that their primary financial goal is to save for retirement. At the same time, almost half—about 76.2 million of 158.1 million workers—are not offered any form of pension or retirement savings at work.

Meanwhile, the costs once in retirement are growing. For example, the Employee Benefit Research Institute estimates that, depending on their source of health insurance coverage and their comfort level with having a 50-percent, 75-percent, or 90-percent chance of having enough savings to cover health insurance premiums and out-of-pocket health care expenses in retirement, men retiring at age 65 in 2019 will need between \$114,000–\$634,000, while needed savings for women range from \$164,000–\$754,000.

Mutual fund investors who automatically reinvest are doing the right thing. They are saving for the longer term, contributing to our national economy, and building up their own retirement nest egg. These Americans should be encouraged to save not punished for doing so through a tax on automatic reinvestments. The tax code needs to help, not hinder, saving for retirement. I urge my colleagues to join us in this effort and cosponsor this legislation.

RECOGNIZING THE GREATER LEANDER CHAMBER OF COMMERCE

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. CARTER. Madam Speaker, I would like to recognize the Greater Leander Chamber of Commerce for its great efforts within the community and serving as a helpful resource for the Adopt-a-Unit Program in Leander. The city of Leander participated in adopting troops from the 4th Infantry Division, Fort Hood, Texas. The Program provided soldiers and their families back home with supplies, care packages and moral support during their deployment to Iraq over the last year.

I appreciate the hard work and commitment of the Greater Leander Chamber staff and look forward to what great things it will do in the future.

It is an honor to recognize the Greater Leander Chamber of Commerce and its staff.

EARMARK DISCLOSURES

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LATHAM. Madam Speaker, pursuant to the new House Republican standards on ear-

marks, I am submitting the following information.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: Alice Road

Amount Provided: \$750,000

Account: FHWA TCSP—Transportation & Community & System Preservation

Recipient: Iowa Dept of Transportation

Recipient's Street Address: 800 Lincoln Way Ames, IA 50010

Description: This funding would be used for the constructing of a 6-lane arterial blvd. as part of a north-south economic development corridor.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: Ames Intermodal Facility

Amount Provided: \$350,000

Account: FTA—Buses & Bus Facilities

Recipient: Ames Transit Agency

Recipient's Street Address: 1700 University Blvd. Ames, IA 50010

Description: This project would construct an intermodal transportation facility that would consolidate three essential transportation functions in Ames, IA. within a single, intermodal facility (intercity bus operations, public transit and parking law enforcement). The funds would accommodate the design phase of this project, in support of a multi-modal and "green" transportation resource. Funding would move the project forward.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: Ames Transit Facility Expansion

Amount Provided: \$500,000

Account: FTA—Buses & Bus Facilities

Recipient: Ames Transit Agency

Recipient's Street Address: 1700 University Blvd. Ames, IA 50010

Description: The current bus storage facility is built for 25 vehicles; the facility now houses 70 vehicles on the same site, crowding both storage and maintenance operations. The new facility would be built on the existing site or a satellite site.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: Earthworks Engineering Research Center—EERC

Amount Provided: \$500,000

Account: Transportation Planning, Research, and Development

Recipient: Iowa State University

Recipient's Street Address: 1750 Beardshear Hall Ames, IA 50011

Description: The EERC is an effort that does research in the area of geo & construction engineering approaches to U.S. civil infrastructure needs. The research initiatives are aimed at finding better ways to evaluate those technologies and techniques used in earth moving related to new and improved transportation infrastructure. This project is all the more relevant as we approach solutions to infrastructure needs.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: Iowa Highway 92 Reconstruction

Amount Provided: \$750,000

Account: FHWA TCSP—Transportation & Community & System Preservation

Recipient: Iowa Dept of Transportation

Recipient's Street Address: 800 Lincoln Way Ames, IA 50010

Description: The project would consist of improvements to Iowa Highway 92 located in Warren County, Iowa. Project would begin approx. 1,000' west of Warren County Road R63 and extend east for approximately 1.3 miles to the city of Indianola. This project is necessary because the existing highway no longer meets current roadway design standards, and has areas of limited passing and sight distance. The area has an above average crash rate.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: Jefferson, Iowa Streetscape

Amount Provided: \$385,000

Account: HUD EDI

Recipient: City of Jefferson

Recipient's Street Address: 220 Chestnut St. Jefferson, IA 50129

Description: This is phase I of a multi-phase streetscape initiative that includes underground wiring for signal controls, sidewalk re-facing and general improvements from the back of curbs to building fences in a four-block area around the Greene County Courthouse.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: Jet Engine Technology Inspection to Support Continued Airworthiness—JET

Amount Provided: \$700,000

Account: Research (FAA)

Recipient: Iowa State University

Recipient's Street Address: 1750 Beardshear Hall Ames, IA 50011

Description: The JET program at Iowa State Univ. develops advanced inspection techniques for jet engine components to enable the use of more fuel efficient engine technologies, and to ensure that new material & design approaches do not compromise safety. Aviation safety is important to the industry, particularly as new materials are driven close to margins of safety.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: Marshalltown Bus Replacement

Amount Provided: \$315,000

Account: FTA—Buses & Bus Facilities

Recipient: City of Marshalltown

Recipient's Street Address: 24 N. Center St. Marshalltown, IA 50158

Description: The City of Marshalltown is seeking to replace one "low-floor" bus that is 17 years old. The funding is needed to assist in the purchase of a replacement bus for use as part of the city public transportation fleet.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: Roger Snedden Dr. Extension/Grade Separation—Phase 1

Amount Provided: \$1,000,000

Account: FHWA TCSP—Transportation & Community & System Preservation

Recipient: Iowa Dept of Transportation

Recipient's Street Address: 800 Lincoln Way Ames, IA 50010

Description: This project is oriented toward safety improvement with the reconstruction of Industrial Park Road, including the widening of this heavily traveled road, and planned construction of a railroad overpass. Funding is needed for reconstruction of Industrial Park Rd, in anticipation of overpass construction. The overpass grade separation will allow safe crossing over a busy railroad switchyard, improving safety and environmental impacts.

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Project Name: West Grand Avenue Extension

Amount Provided: \$750,000

Account: FHWA TCSP—Transportation & Community & System Preservation

Recipient: Iowa Dept of Transportation

Recipient's Street Address: 800 Lincoln Way Ames, IA 50010

Description: This project is comprised of three roadway segments that will be part of the transportation infrastructure in SE Dallas County, IA. The roadway corridor improvements will provide access from I-35 to a technology park and, ultimately, connect to I-80 and the SW Beltway in Madison County, IA. The funding in the bill is for necessary planning and environmental reports.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Project Name: Portable Rapid Bacterial Warfare Detection Unit

Amount Provided: \$4,000,000

Account: Research, Development, Test and Evaluation, Defense-Wide

Recipient: Advanced Analytical Technologies, Inc.

Recipient's Street Address: 2901 South Loop Drive, Ames, IA 50010

Description: The project objective is to develop portable instrumentation that provides biological warfare identification in drinking water samples in hours or minutes instead of days. This technology provides the rapid response needed to protect our troops from exposure to harmful agents on the battlefield, and could also have homeland security applications. For example, early bird flu virus identification in remote areas could help avert a pandemic flu scenario. This technology would provide for the rapid detection of biological warfare agents both domestically and internationally.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Project Name: Shared Vision

Amount Provided: \$3,000,000

Account: Research, Development, Test and Evaluation—Army

Recipient: Mechdyne Corporation.

Recipient's Street Address: 11 East Church Street, Marshalltown IA 50158

Description: The project objective is to develop software and hardware to achieve a capability to provide all levels of military command with access to real-time, visual information about a battle space, for use in mission planning and after action review. The result

will be a battlefield-ready Army Battle Command System that integrates information collected using a wide range of methods (reconnaissance imagery, direct surveillance, sensors, etc.) to create virtual representations of a given area, providing an operational picture for all mission phases. The request will provide funding needed to proceed with field-testing and evaluation of the system, the next stage of development with the U.S. Army.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Project Name: Wireless Medical Monitoring System (WiMed)

Amount Provided: \$3,000,000

Account: Research, Development, Test and Evaluation—Army

Recipient: Athena GTX

Recipient's Street Address: 3630 SW 61st Street, Suite 395

Description: The purpose of the project is to greatly improve casualty care in combat situations, where medics are unable to effectively monitor injured soldiers' conditions. Current medical triage monitors and vital signs data tracking tools are complex, heavy, and have numerous wires with bulky connections. Wounded soldiers in Iraq will see care within one hour, and in Afghanistan the time may exceed four hours. There are often extensive delays in air evacuations during fire fights and a definitive lack of medical state monitoring. The Wireless Medical Monitoring System ensures that medical triage can be performed effectively by medics on the battlefield, and that medical information about the casualty is retained to improve treatment following evacuation. The system includes a stick-on sensor that integrates pulse oximetry, blood pressure, temperature, skin humidity, and electrocardiograms into a single unit. Information from these units is broadcast to a single monitoring screen used by the medic, using Wi-Fi technology. The U.S. Army and the National Trauma Institute are currently conducting comprehensive clinical trials across numerous Level 1 Trauma Centers using this system.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Project Name: HyperAcute Vaccine Development

Amount Provided: \$4,500,000

Account: Research, Development, Test and Evaluation—Army

Recipient: BioProtection Systems Corporation

Recipient's Street Address: 2901 S. Loop Drive, Suite 3360, Ames, IA 50010

Description: The project objective is to develop anti-viral vaccines for use against Ebola, Crimean Congo and other biological warfare agents. Although millions of dollars have been spent on Biological Defense over the past several years, only a handful of vaccines/medications have been developed to counter known threats. Unfortunately, most have proven to be weak and impractical to administer because they require multiple doses for protection or treatment. Importantly, these vaccines would not protect against genetically engineered biological weapons, which are relatively easy to produce. The vaccine technology is being developed to (1) enhance current vaccines, making them more effective and practical for use, (2) generate vaccines for known threats where

a vaccine does not exist, and (3) develop a vaccine platform that could be adapted for newly developed biological agents. This request covers the third year in a three-year development plan for this vaccine technology, which was selected by the Department of Defense to satisfy existing military requirements, and has received funding through the National Institutes of Health, and the Defense Threat Reduction Agency.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Project Name: Advanced Live, Virtual, and Constructive (LVC) Training Systems
Amount Provided: \$3,500,000

Account: Research, Development, Test and Evaluation—Army

Recipient: Iowa State University
Recipient's Street Address: 1750 Beardshear Hall, Ames, IA 50011–2035

Description: The Virtual Reality Applications Center (VRAC) located at Iowa State University has a scientific team leading research in the development of advanced software prototypes that utilize immersive virtual warfighting environments, in collaboration with the U.S. Army. Keeping up with the unique demands of urban combat and ever-changing environments in counterinsurgency warfare requires flexible and adaptive training systems that can be modified rapidly and deployed effectively in the field. This project is intended to help the Department of Defense meet its training objective to ensure soldiers can improvise and adapt to emerging challenges.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Project Name: Multi-Utility Materials for Army Future Combat Systems

Amount Requested: \$1,000,000
Account: Research, Development, Test and Evaluation—Army

Recipient: Iowa State University
Recipient's Street Address: 1750 Beardshear Hall, Ames, IA 50011–2035

Description: This initiative is designed to enable Iowa State University, in partnership with Florida A&M University and the South Dakota School of Mines & Technology, to support the U.S. Army in developing and evaluating weapons and protective armor materials, with emphasis on survivability. This includes the development of new materials and non-destructive techniques to assure that the materials have the desired properties to provide the best and most reliable physical protection to the soldier.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Project Name: Low Cost GPS Receivers
Amount Provided: \$4,000,000

Account: Defense Production Act
Recipient: Rockwell Collins
Recipient's Street Address: 400 Collins Rd., Cedar Rapids, IA 52498

Description: This initiative is funded under the "Defense Production Act," which ensures that certain products are manufactured in America—for national security reasons. The primary objective of the program is to bring production of the "substrate" used to construct military GPS microchips back to the U.S. from overseas. The funding will also further development of the next generation military GPS receiver, which will be smaller, more accurate,

more secure, and cheaper to produce. Cost savings will allow the purchase of a higher number of receivers so that each squad of soldiers could have one. Due to the current shortage of military GPS units, soldiers are purchasing and using commercial handheld devices that are highly vulnerable to electronic interference, jamming, and spoofing.

INTRODUCTION OF THE "MEDICAL DEBT RELIEF ACT OF 2009"

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. KILROY. Madam Speaker, today I introduce legislation, the "Medical Debt Relief Act of 2009," which would protect those hard-working Americans who play by the rules, pay or settle their medical debts, yet find their economic well-being and their credit scores adversely affected for years due to medical debt, large or small, that has gone to collection.

The "Medical Debt Relief Act of 2009" would prohibit all consumer credit agencies and creditors from using paid off or settled medical debt collection in assessing a consumer's creditworthiness.

Medical debt is unique. Americans don't choose when accidents happen or when illness strikes. Medical debt collection issues affect both insured and uninsured.

According to credit evaluators, medical debt collections are more likely to be in dispute, inconsistently reported, and of questionable value in predicting future payment performance because it is atypical and non-predictive.

Nevertheless, medical debt that has been completely paid off or settled can significantly damage a consumer's credit score for years. As a result, consumers can be denied credit or pay higher interest rates when buying a home or obtaining a credit card.

The issue of medical debt affects millions. In fact, according to the Commonwealth Fund, medical bill problems or accrued medical debt affects roughly 72 million working-age adults in American. For 2007, 28 million working-age American adults were contacted by a collection agency for unpaid medical bills.

RECOGNIZING THE CITY OF ROUND ROCK, TX

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. CARTER. Madam Speaker, I would like to recognize the city of Round Rock and its staff for their great work within our area with the Adopt-a-Unit Program. The city of Round Rock adopted soldiers from the 4th Infantry Division, Fort Hood, Texas. The city provided troops with supplies and support over the last year during their deployment to Iraq. Jill Goodman and Eric Whitfield were key players in the city's operation to offer support to these soldiers and their families.

I appreciate the work and dedication of the city of Round Rock staff and citizens and look

forward to all that their efforts will bring in the future.

It is an honor to recognize the city of Round Rock for its great work.

TRIBUTE TO MR. JOSEPH CANNON HOUGHTELING

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to a Bay Area icon, Joseph Cannon Houghteling, who passed away at his home on June 23, 2009, in San Francisco, California, at the age of 84. He was a distinguished American, a dedicated publisher, and a devoted husband, father and grandfather.

Joe Houghteling was born in San Francisco and attended Phillips Academy in Andover, Massachusetts. He graduated from Yale in 1947 and throughout his life lived in Palo Alto, Los Gatos, Atherton and Portola Valley.

In the 1950s, 1960s, and 1970s, Joe Houghteling and his partners published a string of newspapers that included the Los Gatos Times-Observer, The Sunnyvale Standard, The Mountain View Register-Leader, The Gilroy Dispatch, and The Pleasanton Times. He was a California delegate to the Democratic Conventions in 1956, supporting Adlai Stevenson, and in 1960, supporting John F. Kennedy.

He was Northern California Treasurer of the 1960 Kennedy campaign and he actively participated in many other campaigns, including those of Governors Pat and Jerry Brown, Senator John Tunney, Senator DIANNE FEINSTEIN and former Congressman Pete McCloskey. He also served on the State Park Commission, the State Highway Commission, the San Francisco Bay Conservation and Development Commission, and the Metropolitan Transportation Commission.

Joe Houghteling was President of the National Maritime Museum Association in San Francisco from 1992–1994 and served on the boards of many distinguished nonprofits including Stanford Hospital, California Tomorrow, the Planning and Conservation League Foundation, the Coro Foundation, Peninsula School and the California Newspaper Publishers Association.

Joe Houghteling lived his life beautifully, gracefully, and full of commitment and our country and our community are immensely better because of him. I was blessed to know him, to have had his wise counsel and to have his loyal support throughout all the years of my public service.

Madam Speaker, I ask my colleagues to join me in extending our deepest sympathy to Mr. Houghteling's wife, Signa Judith Irwin Houghteling, his daughters, Anne of Palo Alto, Elizabeth of Cambridge, Massachusetts, and Mary of Berkeley, and his grandson, Philip Cannon Houghteling Balboni of Cambridge, Massachusetts. Joseph Cannon Houghteling gave our country a lifetime of service and we are a grateful nation for all he did throughout his special life.

RECOGNIZING 30 YEARS OF LAW
ENFORCEMENT SERVICE FROM
CHIEF RICHARD A. JAMISON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. CUELLAR. Madam Speaker, I rise today to publicly celebrate 30 years of service in law enforcement by Chief Richard A. Jamison.

Richard Jamison joined the Converse Police Department on August 23, 1979. Within just 1 year, he was promoted to Corporal in Patrol. Through his hard work and dedication to the job of protecting the citizens of Converse, Mr. Jamison was promoted to Chief of Police on April 24, 1999.

He has shown such a devotion to Converse that he does more than just act as Chief of Police; he also serves his community. Chief Jamison was voted citizen of the year by the Converse Lions Club 2003–2004, for his many service contributions to the community.

He has also supported Project Graduation at Judson High School for 21 years, to protect our high school graduates from the dangers of drunk driving. He has been instrumental in fundraising efforts to support this program.

Madam Speaker, it is a great honor to recognize 30 years of service from Chief Richard A. Jamison. I am proud to be here today to publicly honor this great citizen of the 28th district of Texas.

HONORING THE VIRGINIA GARCIA
MEMORIAL HEALTH CENTER

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. WU. Madam Speaker, I rise today to recognize the significant and enduring contributions of the Virginia Garcia Memorial Health Center and all community health workers in Oregon.

Virginia Garcia Memorial Health Center was founded in 1975 following the tragic death of 6-year-old Virginia Garcia. Accompanying her parents from Texas to Oregon to work in the strawberry fields, an untreated foot wound turned deadly when Virginia couldn't get basic medical treatment because of linguistic and cultural barriers. In an effort to prevent similar tragedies from occurring, the community came together to establish the Virginia Garcia Memorial Health Center.

As we celebrate Migrant Farmworker Health Day and recognize our special partners—Providence Health System, Marie Napolitano, and Rosalia Ginsberg—it is important to take a moment and reflect on how far we've come.

Today Virginia Garcia employs 300 people and provides high-quality, comprehensive, and culturally appropriate services to more than 30,000 patients a year in Washington and Yamhill counties. It operates four primary care clinics, three dental offices, and two school-based health centers, as well as providing outreach to schools, community centers, and migrant and seasonal farm workers through its mobile clinic.

Without clinics like Virginia Garcia and its network of community partners it isn't clear where many of our region's most vulnerable residents would turn for essential, basic health care. I applaud Virginia Garcia's commitment to providing important health care services to the residents of the 1st Congressional District and stand by its mission to eliminate barriers to access.

It is an honor for me to recognize the Virginia Garcia Memorial Health Center and its special partners for their contributions to health in Oregon.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. UPTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Bill for fiscal year 2010.

1. Advanced Digital Hydraulic Drive Systems

Account: Research, Development, Test and Evaluation—Army

Legal Name of Requesting Entity: Eaton Corporation

Address of Requesting Entity: 26201 Northwestern Highway, Southfield, MI

Amount: \$2,500,000

Description of Request: The objective of this project is to develop and demonstrate a hybrid hydraulic drive system on military 4x4 vehicles. This compact drive system will enable vehicles to be operated more safely and effectively on even the harshest terrains, and also save a substantial amount of fuel. Having seen firsthand the challenges vehicles currently face with respect to immobilization, rollover or forced-slow speeds due to weight, the value of such a system is very apparent. The additional weight of important armor results in increased problems with maneuverability, so the reduced weight of the new hybrid system addresses this problem. In addition to reducing the weight of the drive system, this project will also increase fuel efficiency by roughly 60 percent. The increased fuel efficiency will provide clear logistical benefits by increasing vehicle range and decreasing vehicle re-fueling requirements. This is not at the expense of vehicle performance, however, as the reduced weight will actually add to vehicle traction and performance.

Funding Breakdown: Funding for Phase III of this program will be used specifically to (1) develop and demonstrate a laboratory-scale advanced digital hydraulic system and (2) create and demonstrate a retrofit-kit prototype inserted onto a demonstrator vehicle. Approximately 10 percent of the funds will be used for high pressure component and system reliability testing, 10 percent will be used to develop drivetrain-specific parametric models from vehicle drive-test data, 35 percent to develop the retrofit kit and 45 percent to develop the lab-scale system integrating advanced components.

Justification for the use of taxpayer dollars: This project will dramatically increase fuel efficiency in military vehicles, and hence, provide logistical benefits as well as preserve fuel. The new hybrid system will also reduce vehicle weight, which will add to vehicle performance and allow for vehicles to carry increased armor or supplies.

2. University of Michigan Center for the Genetic Origins of Cancer

Account: Research, Development, Test and Evaluation—Army

Legal Name of Requesting Entity: The University of Michigan Comprehensive Cancer Center

Address of Requesting Entity: 1500 E Medical Center Drive, Ann Arbor, MI

Amount: \$2,500,000

I am supporting Rep. JOHN DINGELL's request for funding for the University of Michigan's Center for the Genetic Origins of Cancer. The goal of the Center for Genetic Origins of Cancer is to accelerate the discovery of molecular signatures of cancers and rapidly develop personalized treatments for cancer patients. This initiative's purpose is to deliver the right treatment to the right patient at the right time. Specifically, the funding will be going to three things: integrative oncogenomics, which would identify novel gene fusions in tumors of the breast, prostate, lung, and colon; unique animal models, which would use recent breakthroughs in gene fusion research in animals to mimic tumors in humans; and lastly, to study the functional genomics of cancer stem cells, which are believed to be the cells that actually start the growth of tumors. This is very exciting research, and it could very soon benefit thousands of my constituents, and millions of folks across the country.

Funding Breakdown: The DOD funding will account for roughly 18 percent of funds for this program. 36 percent of the funding will go toward research costs, 30.5 percent of this funding will go toward equipment and cores, 23.5 percent will go to miscellaneous needs, including a sequencing machine, cell sorter, and auto starter.

HONORING RECIPIENTS OF THE
2009 THIRD DISTRICT EXCELLENCE
IN ECONOMIC DEVELOPMENT
AWARD

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to honor ten individuals, organizations and businesses from Nebraska for receiving the 2009 Third District Excellence in Economic Development Award.

Nebraska, like many rural states, unfortunately has seen a "brain drain" in recent years and, now more than ever, needs entrepreneurs and innovators.

In May, I called for nominations for individuals, businesses, and organizations which have helped strengthen Nebraska communities. These entrepreneurs do more than just build successful businesses. They host charity

events, serve on local chambers of commerce, and shape the character of our towns and cities.

The nominations came from many different people, from a teenager starting his own lawn-mowing business to a mainstay in the Nebraska business community. All of the nominees have shown they are striving to help their home towns succeed into the future.

Steve Brown, of Thedford, began an entrepreneurial scholarship for graduating seniors if they return to the community and begin a business, which was matched by the Custer County Chief. He is also the president of the Thedford Area Community Foundation board. The TACF has held a banquet for the past 5 years and has brought in close to \$25,000 every year. They then have given up to \$15,000 back to the community for repairs and improvements.

Since 1977 Adam Broughton has helped promote the City of York, saved jobs, and established and expanded a number of businesses. He has served with the York Chamber of Commerce, the York County Development Corporation, and Sertoma. He was instrumental in obtaining two \$500,000 grants for the community of York, one for Gerber Foods Corporation and the other for Great West Teeuwissen Corporation. Those grants have helped keep over 40 jobs and the businesses in York. Adam helped to start Crystal Lake Foods, which processes food products for the United States and Asian Rim countries.

In less than 4 years, Clark Swihart of Columbus has built a company employing 14 Nebraskans and is a rapidly growing e-commerce company, specializing in unique promotional products—such as custom silicone wristbands, t-shirts, and more. He has created a unique service, jobs, and revenue.

Began as a combined effort of Twin Valleys Public Power District in Cambridge, Southwest Nebraska RC&D in Cambridge, and Trail Blazers RC&D in Red Cloud, the Furnas/Harlan Partnership of Arapahoe is striving to build a unified vision for economic development in Furnas and Harlan counties. The Partnership works with individual communities to help promote the surrounding communities and educate residents to help further their careers.

GROW Nebraska of Holbrook is a non-profit organization which has helped hundreds of small businesses and entrepreneurs in Nebraska for more than 10 years. From training sessions to networking and access to new markets through cooperative ads, GROW has helped Nebraska business grow and succeed. Recently GROW Nebraska was selected as a finalist for the eBay Seller's Challenge. GROW has also introduced a Flavors Project. The project gives people "GROW bucks" and allows them to use them at various participating locations just like cash.

Rich and Kellie Patterson, owners and operators of Hometown Hardware in Kimball, have made a name for themselves through their dedication to customer service and devotion to community. The young couple have been described as an "anchor of our downtown" and in just 2 years have already expanded their store.

Though only in high school, Ryan Grossnicklaus of Aurora owns and operates a lawn mowing company in Aurora and was re-

cently awarded a scholarship by the National Federation of Independent Business Young Entrepreneur Foundation.

Todd Messing of Columbus started his own business, Messinc, in 2004. Todd is involved in the New Neighborhoods Initiative grant process to provide affordable housing to those with low to moderate income. His main goal is to provide assistance to community and economic development using education and volunteerism while keeping a profitable and environmentally-friendly business process.

Finally, Xpanxion LLC of Kearney is an international software development company which has placed a priority on hiring Nebraskans, has opened a quality assurance center in Kearney, and has focused on working closely with the University of Nebraska-Kearney. Xpanxion's has already created 16 full-time jobs and 4 part-time positions, and plan to add more jobs in the future. Xpanxion has helped curb the "brain drain" by hiring employees back to rural Nebraska from places outside of Nebraska.

I am proud to be able to recognize all of the honorees today and I thank them for their service to Nebraska.

HONORING KIMBERLY BRAZIER UPON RECEIPT OF THE GIRL SCOUT GOLD AWARD

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a young woman in my district, Kimberly Brazier.

Kimberly will receive the Girl Scout Gold Award on August 3, 2009. For her project, she made two decorative wall quilts for the Huntington Hills Center for Health and Rehabilitation for senior citizens there to enjoy. I wish to commend Kimberly for her community service.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in HR 3326:

Requesting Member: Congressman FRANK LoBIONDO (NJ-02)

Bill Number: H.R. 3326

Account: Army—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: (1) Drexel University, (2) Waterfront Technology Center

Address of Requesting Entity: (1) 3141 Chestnut Street, Philadelphia, PA 19104; (2) 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of \$3.8 million for Applied Communications and Information Networking (ACIN). ACIN enables the warfighter to rapidly deploy state-of-

the-practice communications and networking technology for warfighting and National Security. This funding will build on funding from previous years to fully develop this technology.

Requesting Member: Congressman FRANK LoBIONDO (NJ-02)

Bill Number: H.R. 3326

Account: Air Force—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Accenture

Address of Requesting Entity: 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of \$4.0 million for Distributed Mission Interoperability Toolkit (DMIT). DMIT is a suite of tools that enables an enterprise architecture for on-demand, trusted, interoperability among and between mission-oriented C4I systems. This spending will build on funding from previous years to allow DMIT to be extended to Joint and coalition requirements, and address current weaknesses in Air Force management years ahead of current schedules. Adoption by major programs and commercial entities would lead to savings in the \$100 millions on current and future DOD programs.

Requesting Member: Congressman FRANK LoBIONDO (NJ-02)

Bill Number: H.R. 3326

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Absecon Mills Inc.

Address of Requesting Entity: Vienna and Aloe Avenues, PO Box 672, Cologne, NJ 08213

Description of Request: Provide an earmark of \$2.5 million for Force Protection—Non Traditional Weaving Application for Aramid (Ballistic) Fibers and Fabrics. By re-evaluating standard industry design and manufacturing techniques for force protection technology, we believe Non Traditional weave designs of Aramid (ballistic) fiber coupled with new applications of microwave plasma treatments can enhance the strength of the fiber and result in enhanced individual mobility, ease of medical access, reduced weight, increased ballistic protection, cost effective savings and weight reduction of ballistic materials currently used.

Requesting Member: Congressman FRANK LoBIONDO (NJ-02)

Bill Number: H.R. 3326

Account: Air Force—Advance Procurement

Legal Name of Requesting Entity: L-3 Communications Systems

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103

Description of Request: Provide an earmark of \$3.0 million for Senior Scout COMINT (Communications Intelligence) Capability Upgrade. As part of the Senior Scout ongoing mission, there is an immediate need to add improved COMINT capability to detect and characterize new, modern, low-power radio signals at extended standoff ranges in the presence of interference. The current systems are not able to detect these specific signal sets, which limits intelligence collection capabilities.

GOD BLESS, THANK YOU AND GOOD LUCK, LIEUTENANT COLONEL REBECCA LEGGIERI, MILITARY FELLOW TO THE 13TH CONGRESSIONAL DISTRICT OF MICHIGAN

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. KILPATRICK of Michigan. Madam Speaker, I rise today to say thank you and wish continued blessings of God upon U.S. Army LTC Rebecca Leggieri. Lieutenant Colonel Leggieri served as a 90-Day Military Fellow in the office in my 13th Congressional District Office of Michigan in Washington, DC, and is due to report to the Pentagon's Office of Public Affairs in a few days as she continues her service to our Nation.

Lieutenant Colonel Leggieri was invaluable in her ability in educating the office about the valued role that America's servicemembers perform every day to protect our freedom. As a mother, Army warrior and patriot, Lieutenant Colonel Leggieri offered a unique perspective on the impact and effect of the decisions that Congress, in general, and the House Appropriations Committee on Defense, in particular. I am proud that, in the United States of America, women who have ability, character and quality can advance to the upper levels of the military as Lieutenant Colonel Leggieri.

Lieutenant Colonel Leggieri was born in Schenectady, New York to Joseph V. Palowich and the late Monica Palowich. She graduated from Notre Dame-Bishop Gibbons High School in Schenectady, New York where she excelled at basketball, track and swimming. Today, Lieutenant Colonel Leggieri is still involved in athletics with her children and continues to maintain a healthy lifestyle.

Rebecca graduated from Saint Lawrence University in May 1989 with a bachelors of arts degree in English Writing and Government. Lieutenant Colonel Leggieri was a 4-year Army Reserve Officers Training Corps (ROTC) scholarship student at Saint Lawrence University and was commissioned as a Second Lieutenant in the Quartermaster Corps upon her graduation from college. She served in command and staff positions in Quartermaster and Logistics units in New York, Virginia, Nebraska and Arkansas before being assigned to Washington, DC. She later earned a masters degree in Public Communications from American University in May 2004.

Rebecca began her career in Army Public Affairs at the Pentagon in 2002 as the Speechwriter for the Chief of the Army Reserve. Lieutenant Colonel Leggieri then served as the Public Affairs and Media Officer at the White House Office of National Drug Control Policy from June 2004 until June 2005. She is currently serving as the Community Relations Public Affairs Officer for the Army's Chief of Public Affairs in the Pentagon.

While Lieutenant Colonel Leggieri has served for the last 3 months on Capitol Hill as an Army Fellow in the Army Congressional Orientation Program, ACOP, and assigned to me, Congresswoman CAROLYN C. KILPATRICK, I have learned much about the contributions of

our individual servicemembers and their families. I thank the Secretary of the Army and former Congressman Pete Geren and Army Chief of Staff General George W. Casey, Jr. for this wonderful program that is a tremendous benefit to all Members of Congress.

Lieutenant Colonel Leggieri is also very active in the local community, serving for the past 4 years as Public Relations Chair on the Board of Directors for Coles Little League in Manassas, Virginia.

In thanking and wishing the continued grace of God to Lieutenant Colonel Leggieri, I also extend the same to her family. Rebecca is married to COL John Leggieri, also in the United States Army and from New York State. John and Rebecca were married 16 years ago, on July 24, 1993. They have two children, 14-year-old Olivia, who is entering high school this fall and 11-year-old Gabriel, who will be entering middle school.

Thank you Lieutenant Colonel Leggieri for your continued public service to the people of the 13th Congressional District of Michigan, to our Nation, and to the world. May you, your family and all of America's military have God's continued good grace and infinite blessings.

TRIBUTE TO LTJG EDWIN NORTH

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. CAMP. Madam Speaker, I rise today to pay tribute to LTJG Edwin North in recognition of the 11 years of honorable service in the United States Navy during and after World War II.

Edwin North started his military career in the U.S. Army ROTC at Michigan State University. In 1943, he decided to join the U.S. Navy where he served with distinction on various ships in the Pacific Theater, including the heavy cruiser USS *Tuscaloosa*. He also served as captain of a Landing Craft Tank, LCT, where amongst his other duties, he ferried sailors, rescued from the sinking of the USS *Indianapolis*, from the USS *Doyle* to the island of Peleliu for treatment. On his LCT he performed other tasks like transporting equipment ship-to-shore, and transporting slave labor survivors, who had been rescued from Japanese capture, from Peleliu Island to resettlement on Koror Island.

In addition, Lieutenant junior grade North served with great honor and distinction in numerous other activities in the Pacific Theater, performing reconnaissance missions and deliveries ship-to-shore on his LCT, mostly in areas of potential danger to life and craft that were still under Japanese control. In another instance, Lieutenant junior grade North was handpicked to be an observer in the turret of an amphibious PBV observation plane. He performed these duties calmly and courageously, gaining praise for his surveying and observation skills in the midst of a high level of danger while reconnoitering active Japanese emplacements and other potential Naval targets on New Guinea. Lieutenant junior grade North was seriously injured in a fire resulting from the collision of his combat ship

with its supply ship. He spent several months in various hospitals recovering from his injuries before returning to duty.

Following his service in the Pacific Theater, Lieutenant junior grade North was assigned stateside to the Great Lakes Naval Training Center near Chicago, Illinois. On January 19, 1954, LTJG Edwin North was honorably discharged from active duty after eleven years of service in the United States Navy. In more recent times, Lieutenant junior grade North served as a volunteer with distinction in the Michigan Governor's Home Guard.

On behalf of the Fourth Congressional District of Michigan, I am honored today to recognize LTJG Edwin North in gratitude for his eleven years of service to our country. I hope the years to come will bring him health, happiness, and special memories with family and friends. We are thankful for his dedication to this nation, and wish him and his family the best.

CONGRATULATING THE PARTICIPANTS OF THE HOUSE FELLOWS PROGRAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program. The House Fellows Program, run by the Office of the House Historian, is a unique opportunity for a select group of secondary education American history and government teachers to experience firsthand the inner-workings of Congress. These educators have demonstrated excellence in the classroom, are dedicated to educating our Nation's youth and are truly deserving of our recognition.

One of the goals of the House Fellows Program is to develop curriculum on the history and practice of the House for use in schools. During the program, fellows prepare a brief lesson plan on a congressional topic of their choosing, which is then shared with the other fellows. These plans will become part of a larger teaching resource database on the House. During the school year following their participation in the House Fellows Program, each Fellow is responsible for presenting his or her experience and lesson plans to at least one in-service institute for teachers of history and government.

Since the House Fellows Program began in 2006, 63 teachers from across the country have participated in this innovative program, with 12 more enrolled for this summer. With plans to select a teacher from every congressional district over the next several years, the House Fellows Program will impact thousands of high school teachers and their students and will energize thousands of students to become informed and active citizens.

As a former U.S. history teacher, I believe strongly in the importance of civic education. We must continue our efforts to get our youth involved in the political process in districts across the country. Educating teachers about the "People's House" is one of the best ways

to do that. I congratulate the following educators who are participating in the 7th session of the House Fellows Program:

Ms. Rachel Snell (CAMP, MI-4); Mr. Ronald Hailey (McDERMOTT, WA-7); Ms. Rosemary Quirk (NEAL, MA-2); Ms. Jennifer S. Venable (BARTON, TX-6); Ms. Cheryl Anderson and Mr. David Martin (LEWIS, GA-5); Ms. La-Shanda West (ROS-LEHTINEN, FL-18); Ms. Rhonda Rush and Ms. Jessica Newman (BACHUS, AL-6); Mr. Michael Feldman (CASTLE, DE-AL); Mr. Don Woods (HALL, TX-4); Mr. George Blackledge (TAYLOR, MS-4).

Madam Speaker, I urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Thanks to Dr. Robert Remini and Dr. Fred Beuttler for their outstanding leadership, and Dr. Thomas Rushford, Dr. Charles Flanagan, Mr. Dave Veenstra, Mr. Anthony Wallis and Mr. Benjamin Hayes for providing the crucial staff support. Thank you also to the Office of the Historian interns: Mr. Maurice Robinson, Mr. Parker Williams, Ms. Kaitlin Utz and Ms. Debbie Kobrin.

HONORING JOHN AND GINNY
McELENNEY

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise to commend John and Ginny McEleney for their dedication to the City of Clinton and the State of Iowa, and for their leadership in the U.S. auto industry.

John and Ginny McEleney are third generation automobile dealers and their children are continuing this tradition. John became a dealer-operator when he was only 24 years old. Today, he is President of McEleney Autocenter Inc., in Clinton, Iowa, and McEleney Autoplex, Inc., in Iowa City, Iowa.

John is a past chairman of the Iowa Automobile Dealers Association and has served on multiple national dealer councils. In 2003, he was elected to the National Automobile Dealers Association (NADA) Board of Directors and he is currently chairman of the NADA. Over the past months the international auto industry has experienced unprecedented change. Throughout this period John McEleney has been a tireless and effective advocate for his colleagues and the thousands of Americans who work in auto dealerships. He has fought to protect jobs and chart a profitable course for the industry in the future.

The McEleney family and their businesses have made Clinton and communities across Iowa better places to live and work. Madam Speaker, I join the Iowa Automobile Dealers Association, the National Automobile Dealers Association, and the entire Clinton community in thanking John and Ginny McEleney for their generosity and leadership.

HONORING THE SERVICE OF
CLARENCE "CAL" W. MARSELLA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. PERLMUTTER. Madam Speaker, I am submitting this statement to express congratulations and gratitude to Clarence "Cal" W. Marsella on the occasion of his retirement as General Manager of the Regional Transportation District (RTD).

Under Mr. Marsella's leadership, RTD built partnerships with local, state and federal officials to realize a vision of an innovative public transit system that meets the unique needs of our region.

During his tenure with RTD, Mr. Marsella oversaw the successful completion of three new light rail lines, including the T-REX light rail project that opened November 17, 2006. In 2004 metro area voters overwhelmingly approved the FasTracks transit expansion program for the eight-county metro area. This represents the largest transit-only voter approved program in the United States. With Mr. Marsella's determination, progress on the FasTracks program has moved ahead swiftly, and construction is currently underway on the West Corridor which runs from downtown Denver to Golden, Colorado.

Mr. Marsella began his transportation career in the highway engineering division of the State of Connecticut Department of Transportation in 1974. He now serves on the National Academy of Sciences Transportation Research Board and regularly lectures at the University of Denver and the University of Colorado masters degree programs in Transportation and Public Administration. He also speaks to numerous groups on the benefits and nuances of public-private partnerships. He was selected by the American Public Transportation Association as the Outstanding Public Transportation Manager in 2006 and, under his leadership, RID was selected as the Outstanding Transportation Agency in North America in 2003 and 2008.

I congratulate and extend my sincere gratitude to Cal Marsella for his service to the Denver region. I wish him continued success and all good fortune in his work ahead.

INTRODUCTION OF THE FAIR
HOUSING COMMEMORATION BILL
OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. NORTON. Madam Speaker, today I rise to introduce The Fair Housing Commemoration Act of 2009 to commemorate The Fair Housing Act (FHA), enacted in April 1968, the last of the three great civil rights acts of the 1960's, with a monument in the Nation's Capitol. The Fair Housing Commemorative Foundation is raising funds and is working with the National Capital Memorial Advisory Commission (NCMAC) to adhere to the requirements

and process established by the Commemorative Works Act of 1986. This may be the first time that a sector of our economy has decided to raise a monument commemorating a statute that regulates some of its practices. The Foundation's precedent is commendable.

Fair housing and the movement to bring equal opportunity in the real estate markets are intertwined with our nation's history. The federal government has both been a part of the problem and an integral part of its solution. Every branch of the federal government has played a key role in our national progress towards fair housing. It is fitting that we commemorate not only the passage of the Fair Housing Act, but also the history of our nation's path towards equal opportunity in housing.

THE NATION'S BEGINNING

The Fifth Amendment to the Constitution establishes a right to own private property that the government cannot take without just compensation. Early immigrants sought a place where they could own and transfer real estate without the arbitrary interference of the government. That right was not universal. Slavery denied basic rights to a whole class of Americans based on race, and reduced some of our people to the subhuman status of property. Among the effects of slavery was the denial of the right to own and use real property.

POST CIVIL WAR

The Civil War and the constitutional amendments ending slavery were accompanied by laws that gave all citizens the same rights as white citizens to own and use real property. The Civil Rights Act of 1866 was our nation's first "fair housing" law. Subsequent years saw that law ignored and severely limited by court decisions, culminating with the philosophy of "separate but equal" in the Plessey v Ferguson case. In addition, Congress and some states passed laws that restricted access to private property ownership and use by Latinos and Asian Americans.

In the early 20th century, social scientists and leaders within the real estate community established guides for neighborhood desirability based on racial composition. Homogeneous communities for white, northern European background residents were seen as best investment for homeowners and others. Some early zoning laws sought to limit, by race, people who could live in certain communities, as did some practices of the real estate sector. Although the Supreme Court, in its 1917 decision in Buchanan v. Worley, struck down these racial restrictions, these racial biases were incorporated into FHA rules and formed the basis for many private agreements to segregate and form racially restrictive covenants.

WW II

Following the Second World War, returning GIs, through the GI bill, were offered a path to homeownership. African Americans and other minority group members were excluded from these GI bill benefits in many communities. The great migration of the middle class to suburbs was largely a white phenomenon, creating segregated white suburbs and large isolated urban minority communities. There was little response by the government or the courts. Most notable, was the Supreme Court

in 1948 ended judicial enforcement of racially restrictive covenants in the case *Shelley v. Kraemer*.

THE CIVIL RIGHTS MOVEMENT

The Civil Rights movement, including Dr. Martin Luther King, Jr.'s work in Chicago, brought renewed attention to housing discrimination. The federal government, first through executive order then through the Civil Rights Act of 1964, banned discrimination in federally funded housing. By 1961, seventeen states had passed fair housing or open housing laws. It was not until April 1968, following the assassination of Dr. Martin Luther King, Jr., that Congress passed the Fair Housing Act.

Also in April 1968, the Supreme Court ruling in *Jones v. Mayer* held that the Civil Rights Act of 1866 prohibited discrimination in private real estate transactions. That law lacked an effective government enforcement mechanism, and covered racial and religious discrimination. Gender discrimination was prohibited in 1974. In 1988, in response to growing awareness of the housing issues faced by families with children and persons with disabilities, the adoption of the Fair Housing Act Amendments established effective government enforcement and extended protections to families with children and persons with disabilities.

Madam Speaker, in light of this long battle for fair housing, I ask that the House pass this bill.

RECOGNIZING BILLIE RAY HUDDLESTON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. HALL of Texas. Madam Speaker, Billie Ray Huddleston was born in Celina on August 23, 1929. His love for church, family, school and community continues even as he celebrates his 80th birthday.

Billie Ray has lived his entire life in Celina, where he attended Celina High School and graduated in 1946. He then attended North Texas State College, now known as the University of North Texas, and graduated in 1950 with a Bachelor of Science. He taught math for 10 years until deciding to farm full time, first with his father and then with his son, and continues to help his son and grandson as needed.

During his farming years, Billie Ray served on the Celina Cooperative Gin Board for 37 years. He has been a longtime director of the Collin County Farm Bureau and for six years served as a director of the Texas Farm Bureau. During part of this time he served on the Southern Farm Bureau Insurance Boards and continues to be involved in federal and state legislative affairs. He also served on the Project 2000 Committee for long-range planning to carry Texas Farm Bureau into the next century. He has been the recipient of many awards, including the Collin County Conservation Farmer of the Year, Denton Wise County Conservation Farmer of the Year, Collin County Farmer of the Year and the Collin County Farm Bureau Pioneer Award.

In 1955, Billie Ray married Jane Merritt and they have four children: Charles and his wife

Sherry of Celina, Janet and her husband Randy of Celina, Laurie and her husband Russell of Waco, and Mike and his wife Ingrid of Keller. They are the grandparents of 11 beautiful grandchildren.

During the time his children were in the Celina schools he served for 13 years as a trustee of the Celina Independent School District. He was also a member of the Quarterback Club for many years, serving as captain in 1973.

His civic involvement includes serving on the Celina City Council for 2 terms during which the first Comprehensive Plan was formed, and recently he served on the committee for the current comprehensive plan which is in its final stages. Seeing the need for a public park, he was instrumental in securing the land and negotiating the purchase of more than 40 acres, where a wonderful park was dedicated in 2006 to the City of Celina. In 2002 he and his wife, Jane, were awarded the Lifetime Achievement Award from the Chamber of Commerce "in recognition of their continuous service and support." In July of 1976 he was recognized by The American Revolution Bicentennial Commission of Texas for his participation in celebrating the Bicentennial.

Billie Ray has been a member of the First Baptist Church in Celina since 1951 and has served as a deacon for 53 years. He has been such an important and influential member of the Celina community, and his many friends today join his family in wishing a wonderful 80th birthday to this great citizen, Billie Ray Huddleston.

CONGRATULATING THE PLANO EAST AND PLANO WEST JROTC ACADEMIC TEAMS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, congratulations are in order. This June, the Plano East JROTC Academic team placed fifth in a competition from schools around the globe in Washington, D.C. Out of 1,645 Army JROTC programs, 72 teams (24 academic/48 leadership) from around the globe competed in Level III of the 2009 U.S. Army JROTC Academic and Leadership Bowl competition, the final level of the Army JROTC Academic and Leadership Championship. Plano East JROTC deserves special recognition for their achievement.

In addition, on March 5th, the Plano East and Plano West Senior High School JROTC Academic Teams earned 1st and 3rd place honors, respectively, out of 198 teams/schools, in the U.S. Army JROTC 5th Brigade portion of the 2009 U.S. Army JROTC Academic and Leadership Bowl competition.

The Panther JROTC Academic Team is comprised of: Team Commander c/1LT Zen Ren upcoming Senior, c/CSM James Untiedt upcoming Senior, c/1SG Amber VanHecke upcoming Junior, c/SSG Sabrina Gibson upcoming Junior. The two alternates were Plano East Senior cadets Mary Walker and Harrison Stone.

Competition questions are based on the SAT, ACT, JROTC curriculum and current events. The test is administered jeopardy-style, via the Internet, with a 30 second time limit for each question. The team members are able to quickly read, discuss, and exchange information before finalizing an answer.

According to Major (Ret) John Napoli, Jr., who serves as the Director of Army Instruction for the Plano Independent School District, "we are proud of the academic accomplishments of all our students. This bowl is one of many ways we challenge our students on a daily, weekly, and monthly basis. Our foremost priority in JROTC is to the academic and professional development of all our students. In the last two years alone our graduating seniors have earned over \$4.5 million in college scholarship monies."

The cadets and the Plano East Senior Army Instructor LTC (R) Bernard Aikens are shining examples of the future leadership and military excellence that you can only find in America.

PERSONAL EXPLANATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, on rollcall No. 460, I inadvertently did not vote, but intended to vote "yes."

SEVERELY INJURED VETERANS' BENEFITS IMPROVEMENT ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BUYER. Madam Speaker, today I join my good friends and colleagues, MIKE MICHAUD of Maine and HENRY BROWN of South Carolina, in introducing the Severely Injured Veterans' Benefits Improvement Act of 2009. This bill will provide increased benefits to our most severely injured veterans.

Madam Speaker, as servicemembers are returning from the Global War on Terror with more severe and complex injuries than in previous conflicts, the services and benefits that the Department of Veteran Affairs provides must change as well in reflection of their needs.

This bill recognizes this need and provides significant increases for these veterans and their families. The bill increases compensation for catastrophically injured veterans who are in need of regular aide and attendance by fifty percent. Qualifying veterans would receive a monthly payment of \$7,552, and those in need of the highest level of care would receive \$8,642.

We are all aware of the impact of attending to daily personal needs such as bathing and eating can have on family caregivers. Increasing the rate of the aid and attendance benefit for veterans would support family caregivers

who experience a loss of income, and allow veterans to remain in their homes.

This legislation would also expand eligibility for aid and attendance benefits to include veterans with service connected residuals of severe traumatic brain injury (TBI). It would permit these veterans in need of constant supervision and assistance to remain in their residences rather than being institutionalized.

More servicemembers of Operation Enduring Freedom and Operation Iraqi Freedom are surviving blast head injuries cause by an IED explosion than in any previous war. These servicemembers and veterans may not have any physical disabilities, but may suffer extreme cognitive disabilities as a result. A veteran with severe TIM can require constant supervision and assistance to perform all activities of daily living. However, current law does not provide veterans with severe TBIs with the same level of compensation that is available to veterans with severe physical disabilities.

Further, the bill codifies a U.S. Court of Appeals for Veterans Claims ruling that protects non-service connected pension payments for elderly, indigent, and severely disabled or house-bound American veterans. The bill also increases this benefit by ten percent.

It would also authorize veterans with severe burns to receive specially adapted auto grants.

Lastly, the bill honors the recipients of our nation's highest award for bravely by doubling the monthly pension given to Medal of Honor Recipients to \$2,000.

Madam Speaker, this bill makes all of these needed improvements without new increases in direct spending. I urge my colleagues to join me in improving the lives of these veterans by co-sponsoring this bipartisan bill.

SUDAN: U.S. POLICY AND IMPLEMENTATION OF THE CPA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues testimony that John Prendergast, co-founder of the Enough Project, gave yesterday before the House Foreign Affairs Subcommittee on Africa and Global Health on the critical issue of U.S.-Sudan policy, specifically as it relates to implementation of the Comprehensive Peace Agreement (CPA). During the Clinton administration John was director of African Affairs at the National Security Council and special advisor at the Department of State. I respect his views given his long-time involvement in Africa and Sudan.

SUDAN U.S. POLICY AND IMPLEMENTATION OF THE CPA

Thank you Congressman PAYNE and members of this subcommittee for the opportunity to testify on a topic that will help determine the future of millions of people from Sudan and the surrounding region.

At this subcommittee hearing, members will hear a very different message than that which will be communicated at tomorrow's Senate Foreign Relations Committee hearing. Today, this subcommittee's members will hear a bipartisan critique of the current direction of U.S. policy towards Sudan. Rich

Williamson, Roger Winter and I all have negotiated extensively with the regime in Sudan, have roughly a combined six decades in working on or in Sudan, and have a very clear idea of what is required for lasting peace to have a chance in that embattled country.

This hearing comes at a moment in Sudan's history fraught with danger and potential. There is no effective peace process for Darfur, but one could be built with U.S. leadership. The CPA is on the brink, but could be salvaged if U.S. engagement deepens. Next year's elections are at risk, but could become an important opportunity to strengthen opposition parties and democratic structures crucial for the referendum and for Sudan's political future. The referendum itself is doubtful, but its prospects could be enhanced with a credible international roadmap.

The major unknown variable that will help determine whether the dangers or the opportunities get maximized is the unresolved internal debate over the direction of U.S. policy towards Sudan. In the absence of any agreement on the policy, U.S. diplomatic engagement has been energetic, for which Special Envoy Gration should be credited. But the substance of this robust engagement has been fraught with missteps, lack of internal coordination, and an overall aversion to pressuring the ruling National Congress Party (NCP). Sustained pressure leveraged by meaningful and focused sticks is the principal tool that has moved the NCP to change its behavior during the 20 years of its authoritarian rule. This substantial track record of empirical evidence of the value of pressure makes the direction of U.S. diplomacy all the more questionable.

There is also a broader inconsistency in U.S. foreign policy when it comes to Sudan. The Obama administration has resolutely worked to craft more formidable international coalitions to isolate North Korea and Iran for important U.S. policy objectives. However, the U.S. is not doing the same for Sudan, despite the existence of a regime there that is responsible directly or indirectly for the loss of two and a half million lives in the South and Darfur.

U.S. GOALS IN SUDAN AND HOW TO ACHIEVE THEM

In the context of its policy review, the U.S. should spell out clear goals:

(1) U.S. leadership in constructing a more effective Darfur peace process, using as a model the process that led to the CPA involving a lead role for the U.S. and a multilateral support structure that provided international leverage, expertise, and support;

(2) U.S. leadership in supporting the implementation of the CPA, continuing the trend of deeper engagement over the last few months but structuring clear penalties for non-implementation of any of the key provisions;

(3) U.S. leadership in supporting the democratic transformation of Sudan by supporting the electoral process, providing institutional support to opposition parties and civil society organizations, and building the capacity of the Government of Southern Sudan;

(4) U.S. leadership in preparations for the South's referendum in 2011, which will be a make-or-break process for the future of both North and South.

The essential word that repeats throughout all these goals is "leadership." U.S. leadership—multilaterally and when necessary unilaterally—will be an enormously influen-

tial ingredient in a successful transition to peace and democracy in Sudan.

But success will require greater leverage than that which presently exists. The debate internally within the U.S. Government in part rests on the degree to which incentives or pressures ought to be favored instruments for changing the behavior of the Sudanese regime, the Darfur rebels, and the GOSS. It is the view of this panel and the activist organizations that comprise the Darfur movement that the way forward should involve deeper diplomatic engagement that is rooted in multilateral pressures and the credible threat of significant consequences for policies or actions by Sudanese parties that undermine peace efforts and lead to worsening humanitarian conditions. In the absence of these pressures, and if incentives are all that are put forward, then failure is guaranteed.

Success will also require the construction of credible and effective processes that allow for the achievement of U.S. policy goals. First and foremost, the glaring lack of an effective peace process for Darfur calls out for greater U.S. leadership in constructing from the existing elements a revitalized process that has the chance of ending Darfur's war. Secondly, the U.S. should intensify its early efforts to revive the CPA and back these efforts with the construction of clear multilateral consequences for violations or non-implementation of key elements of the deal.

U.S. policy must be shaped by the fact that these complex conflicts have a common core: Flawed governance by a center that exploits and marginalizes an underdeveloped periphery. Not only does the CPA provide a roadmap for resolving the longest and bloodiest of these conflicts, but it also offers a framework for the kind of democratic, structural transformation necessary to alter the root cause of Sudan's many recurring conflicts. The successful model of the CPA could and should be replicated in a revitalized Darfur peace process. The U.S. cannot afford to allow the CPA to fail, nor can it allow the continuation of an ineffective Darfur process that obstructs any real possibility of peace.

PRIORITIES FOR CPA IMPLEMENTATION

The troubling reality is that Sudan's North-South peace remains precarious at best. Given the mounting tensions between the North and South and the spate of violence in the South in recent months, deeper international engagement is required. Renewed Sudanese civil war could bring wholesale violence on a terrible scale while further destabilizing the entire region. I will focus the remainder of my testimony on the key priorities for the U.S. Government in CPA implementation.

I am encouraged by recent positive steps by the Obama administration to prioritize CPA implementation and to revitalize international efforts to urge the Sudanese parties to work on an array of outstanding provisions in the agreement in the remaining year and a half. These new efforts should be followed up with an approach that penalizes failure of one of both of the Sudanese parties to implement key provisions of the agreement. The hard work begins now. It is time for the administration to pursue specific priorities in order to meet the key benchmarks in the crucial final stages of CPA implementation.

The U.S. must direct renewed energy and commitment toward the following strategic priorities:

1. Protect the People: Due to a worrisome upsurge in intercommunal violence, the death toll in the South this year now exceeds the number of violent deaths in Darfur in the

same period, and as elections draw closer, instability may well increase. Tribal clashes are occurring among a heavily armed civilian population that the poorly disciplined southern army has proved incapable of securing. Some of the latest clashes highlight the flaws and dangers of the so-called the Joint Integrated Units, or JIUs, whose presence has often led greater violence, instability, and civilian casualties. The U.S. should take two specific measures to help improve security and decrease the risk of further violence in communities throughout the South:

Work with the U.N. Security Council to ensure that the United Nations Mission in Sudan (UNMIS) has the necessary capacity to fulfill its mandate and protect civilians. The United States should lead efforts within the U.N. Security Council to strengthen UNMIS' ability to support the CPA, but this support must be matched with clearer strategic vision by UNMIS on how it can best allocate its resources to operationalize its mandate amidst ongoing security threats throughout the South. Other guarantors of the CPA can support UNMIS' efforts by contributing to coordinated programs such as security sector reform within the SPLA.

Encourage the Government of Southern Sudan (GoSS) to take leadership in promoting local peace-building initiatives to defuse tensions between communities that have taken up arms against each other.

2. Build the "peace dividend": Since the signing of the CPA, progress has been slow in providing basic infrastructure and services to the peripheral areas of Sudan. Insecurity and underdevelopment remain a fact of life for most Sudanese. As long as that is the case, the southern government will have difficulty consolidating the peace and holding together an ethnically divided South with competing political visions. The GoSS has also been hit hard by the financial crisis, and is in need of significant economic support, but this support should be aimed specifically at capacity building efforts that can strengthen the fledgling government. Additional investments in agriculture and micro-credit would make a difference on the ground for the people of southern Sudan, more than two million of whom have returned home to very little after decades of war.

3. Defuse North-South tensions: A number of contentious issues between the North and South must be resolved in next year and a half, all of which necessitate robust support from the international community in order to keep the negotiations and processes on track. The U.S. should direct renewed energy and commitment toward the following strategic priorities:

Urge meaningful reforms from the Sudanese parties before the 2010 elections. The United States and other key actors, operating on a tight timeline, need to lower their expectations for the election and develop a multilateral strategy to press the Government of National Unity—the ruling National Congress Party in particular—to enact meaningful reforms regardless of who wins in 2010, revitalize CPA implementation, and establish a framework for talks in Darfur that are consistent with the power-sharing provisions of the CPA. There also has to be a clear and unified international posture with regard to addressing the issue of Darfur, given the near-impossibility of holding a free and fair ballot there.

Keep the parties on track in the dual processes of implementing the legal ruling on the boundaries of the Abyei region and demarcating the North-South border. Two crucial issues regarding contested borders between

Sudan's North and South need sustained attention from the international community. The failure to establish clear international penalties for a failure to implement these key CPA provisions such as the demarcation of the disputed North-South border has been a clear drag on the CPA. However, last week's legal decision on the boundaries of Abyei—an oil-rich, contested region along the disputed North-South border within Sudan—is a crucial litmus test of the parties' will to implement the CPA moving forward. Now that the ruling on Abyei has been accepted by both parties, the U.S., the U.N., and the rest of international community must follow through on its commitments to help implement the ruling and monitor the status of the demarcation of the Abyei boundaries.

Encourage negotiations between the NCP and SPLM on long-term wealth-sharing arrangements before the 2011 referendum. Track-two diplomatic efforts can get both parties to consider various scenarios for wealth sharing after the referendum and mitigate the likelihood that these discussions will short circuit into a zero-sum game leading directly to conflict after the referendum. Discussions of access to land for populations with diverse needs and livelihoods and planning for mutually beneficial development of oilfields in the contested border region could ease current tensions over border demarcation and generate momentum for further cooperation.

Urge passage of the referendum law before the elections. Applying pressure on Sudan's Government of National Unity to urge the National Assembly to review and pass the law on the southern referendum before the elections could reduce tensions between the parties after the elections and enable preparations for the referendum to begin now. Once the law is passed and the Referendum Commission is created, potential disputes, such as questions over whether or not certain populations—such as southerners in Khartoum—are eligible to vote, can be addressed before tensions escalate in the immediate run-up to the referendum.

4. Prevent a return to war: The likelihood of a return to war between the North and South, or of conflict breaking out within the South, is real. An arms race between the Northern and Southern government is just one warning sign of a tenuous situation that could explode into outright conflict. Several preventive measures can mitigate the risks of violence in the run-up to the 2010 general elections and the 2011 referendum:

Enhance efforts to professionalize and modernize the SPLA. The SPLA has struggled to transition from a guerilla movement to a formal army, a process complicated by attempts to integrate southern militias that opposed the SPLA during the war. To ensure that the south is stable and the GoSS can deliver a peace dividend, the SPLA must continue to modernize through a well-supported process of security sector transformation that improves discipline, command and control, capacity, and competency. Toward this end, the Obama administration should explore the sale of an air defense system to the GoSS. Although introducing new weapons systems into a volatile military environment could be interpreted as contrary to donors' responsibility to make unity attractive, it is in the interests of lasting stability that the GoSS spend money on defense wisely. Unlike the aforementioned refurbished tanks, an air defense is non-offensive and helps level the playing field by neutralizing the north's major tactical

advantage in the event of renewed hostilities.

COMPREHENSIVE PEACE: THE ONLY OPTION IN SUDAN

Ending genocide in Darfur and fulfilling the promise of the Comprehensive Peace Agreement requires a comprehensive approach to Sudan rather than reactive crisis management. The U.S. must lead the international community in working now to ensure that the CPA does not collapse and spark a devastating new round of conflict in Sudan. With a significant diplomatic reinvestment in the CPA that prioritizes protecting civilians, building peace in the South, and defusing tensions between the North and South, the U.S. can help prevent the catastrophic consequences of a potential collapse of the CPA.

HONORING DARRELL "SHIFTY" POWERS

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BOUCHER. Madam Speaker, I rise today to honor a southwest Virginia resident whose service to this Nation will long be remembered. On June 17, 2009, Darrell "Shifty" Powers, a distinguished World War II veteran, passed away. I would like to take this occasion to recognize his many contributions through his military service to our great Nation. Mr. Powers, who was portrayed in the HBO documentary film "Band of Brothers," is a true American hero from southwest Virginia.

A native of the Dickenson County, Town of Clinchco, Virginia, Mr. Powers volunteered for the United States Army during the early stages of the Second World War in 1942. He was quickly assigned to the newly formed 506th Parachute Infantry Regiment and began training at Camp Toccoa, Georgia. Each day, the new recruits would train by running 6 miles up and down the Currahee Mountain. As a result of the steadfast dedication of Mr. Powers and the other members of what came to be known as Easy Company, the regiment was quickly transformed into one of the Army's toughest fighting units.

In 1943, after completion of parachute school at Ft. Benning, Georgia, the 2nd Battalion of the 506th Parachute Infantry was attached to the 101st Airborne Division and was transferred to England, where they would spend a year preparing to invade the European continent.

At about 1 a.m. on June 6, 1944, Mr. Powers and the other members of Easy Company boarded a plane which transported them across the English Channel in order to parachute into Normandy behind German fortified positions. Shortly after landing, Mr. Powers and 2 fellow soldiers realized that they were a day's walk from their intended drop zone. The Airborne troops spent almost a week fighting German soldiers before they were sent back to England to prepare for an invasion of Holland.

In September 1944, Mr. Powers' unit, along with Polish and English divisions, parachuted into Holland to secure a road for tanks and supply shipments to prepare for a push across

the Rhine River into Germany. During the attack, the English troops landed in a German tank division and were immediately killed. Mr. Powers and the rest of Easy Company spent the following 3 months fighting for control of the same road, laying low during the day and moving at night.

After securing the road and moving out of Holland, Easy Company was then ordered to defend the town of Bastogne, Belgium, when they learned that German troops had counter-attacked along the Adrennes forest. For nearly a week, the undermanned and under-supplied Easy Company fought off a much larger German force. Easy Company lost 16 men during that week of fighting at Bastogne, and 34 more during fighting at Normandy and Holland.

A little more than a month after Hitler's forces were pushed back in mid-January, General Dwight Eisenhower met with Mr. Powers' unit in France and awarded them the Distinguished Unit Citation for holding Bastogne.

Soon after, Mr. Powers earned enough combat points to step away from the front lines of battle and return home to southwest Virginia. Mr. Powers was on his way out of combat when the truck he was riding in collided head-on with another Army truck, killing one soldier and badly injuring Mr. Powers.

After recovering from these injuries he returned home to work for Clinchfield Coal Company in Dickenson County, Virginia, for 33 years. Mr. Powers rarely spoke of the horrors of the combat he faced until producers came to him with the "Band of Brothers" HBO miniseries idea. After the success of "Band of Brothers," Mr. Powers often would receive countless expressions of support and thanks for the role he and his combat unit played in World War II. Upon Mr. Power's passing his online obituary received comments from people across the Nation and several individuals from Europe paying tribute and expressing deep appreciation for the sacrifices he made to help free Europe during World War II. In his later years, Mr. Powers dedicated a great deal of time to speak to current soldiers stationed or returning from Iraq and Afghanistan about his experiences in war and life.

The outstanding dedication and sacrifice that Mr. Darrell "Shifty" Powers displayed during his time with the United States Army will be remembered not only by countless citizens in my congressional district in southwest Virginia but also by citizens across this country and across Europe. The effects of his service to our country will be forever lasting. I want to honor the passing of a great Virginian and a great American.

MEDICARE VA REIMBURSEMENT ACT OF 2009

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. FILNER. Madam Speaker, I recently introduced H.R. 3365, the Medicare VA Reimbursement Act of 2009. This legislation authorizes the establishment of a Medicare VA reimbursement program where HHS reimburses

the VA for the provision of health care to Medicare eligible veterans for the treatment of non-service-connected conditions at VA medical facilities.

Today, there are veterans who have earned VA health care benefits with their service to our country, as well as Medicare benefits, by paying into the Social Security system during their working years. Even though these individuals have clearly earned both of these benefits, current law unfairly prohibits them from using their Medicare benefits at VA facilities even though they may feel more comfortable seeking care among their fellow veterans from VA providers who specialize in caring for veterans.

This is also inconsistent with the authorities granted to other Federal entities such as the Indian Health Service (IHS) and the Department of Defense's (DoD) TRICARE for Life that are allowed to bill Medicare. IHS and DoD are able to augment their resources with Medicare collections and reinvest the extra funding back into their programs and services. H.R. 3365 would provide equity in such billing practices among the Federal entities. In other words, the VA would be able to access an important new source of revenues from Medicare which may be reinvested to further strengthen the VA's health care system.

In detail, this legislation requires the Secretaries of VA and HHS to establish a Memorandum of Understanding (MOU) no later than six months after the date of the enactment of the Act. The MOU must establish such program elements as the frequency of reimbursement, the billing system, the data sharing agreement, and the payment rate.

H.R. 3365 also provides some guidelines on setting the payment rate so that the terms that contributed to the failure of the Medicare DoD Subvention Demonstration Project are not repeated again. For example, this legislation prohibits setting a reimbursement rate which is less than 100 percent of the amount that Medicare would pay a participating provider. It also prohibits annual caps on reimbursement and does not allow for a maintenance of effort requirement, which refers to the requirement that VA maintain a certain level of spending before they can be reimbursed from HHS.

Finally, H.R. 3365 requires an annual report to Congress providing program data, as well as a triennial GAO report assessing the program impact.

I urge the support of all Members for this important legislation.

THE INTRODUCTION OF THE GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE ACT OF 2009

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LEWIS of Georgia. Madam Speaker, I am proud to introduce the Gandhi-King Scholarly Exchange Initiative Act of 2009. The purpose of this legislation is to create three international initiatives that take the philosophy and examples of Mahatma Gandhi and Dr. Martin Luther King, Jr. and apply them to current day issues.

In recent years, increasing youth violence has been the center of national headlines. Gangs, drug abuse, stabbings, shootings, bullying, unnecessary harm and heartache plague schools and communities from Atlanta to Chicago and in unsuspecting urban, rural, and suburban areas all around and in between. In response to this alarming trend, I introduced the SAFETY through Nonviolence Act, a bill that would teach the doctrine of non-violence in thought, words and actions to students, educators, local police, and community leaders. In reality, Madam Speaker, violence, human rights abuses, discrimination, unprecedented poverty, and terrorism are devastating every corner of our globe, and despite so much progress, much work remains.

In February, I led a congressional delegation with my good friend, the Gentleman from Alabama (Mr. BACHUS) to India to commemorate the 50th anniversary of Dr. Martin Luther King, Jr. and Mrs. Coretta Scott King's visit to the country. With an official send-off from Secretary Clinton, the delegation was welcomed by the Indian government and Indian people. Martin Luther King, III, his wife, Mrs. Arndrea Waters, and outstanding musicians from the Thelonius Monk Institute of Jazz also celebrated this historic visit with concerts, meetings, and ceremonies across the country.

The congressional delegation also met with Indian government officials, business leaders, and non-governmental organizations on issues of terrorism, democracy, human rights, child labor and trafficking, poverty, and international conflicts. Each of us returned to the United States inspired and determined in our own way to see how we could apply our experiences, our shared history, and the legacies of these two great men to some of the issues facing the international community. How can we build a new generation that understands the benefit of peace?

This legislation responds to that question. The Gandhi-King Scholarly Exchange Initiative Act of 2009 would create an undergraduate, graduate, and post-graduate student exchange program in which students would travel to significant sites of the American Civil Rights Movement and the Indian Independence Movement. They would then develop proposals on how to apply the philosophies of Mahatma Gandhi and Martin Luther King, Jr. to modern issues such as human rights, peaceful conflict resolution, civil rights, and democracy.

The second initiative created by this bill is a professional training module for international state, local and national government employees from conflict regions to develop international conflict solutions based on Gandhian principles.

Last but not least, the Gandhi-King Scholarly Exchange Initiative Act would develop an annual public diplomacy forum to be held alternately in the United States and India which will focus on the philosophies of Mahatma Gandhi and Martin Luther King, Jr. in the resolution of global conflicts.

I believe that each person must ask themselves how we can make this little piece of real estate that we call Earth, a little cleaner, a little greener, a little safer, a little more peaceful. Gandhi once said that, "If we are to reach real peace in this world, and if we are

to carry on a real war against war, we shall have to begin with the children." The Gandhi-King Scholarly Exchange Initiative Act of 2009 does just that and a little bit more.

Madam Speaker, I hope all of my colleagues will support this good, common-sense legislation that should be a cornerstone of our public diplomacy efforts.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday, July 7, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 478 (on motion to suspend the rules and pass H. Con. Res. 135), "no" on rollcall vote No. 479 (on motion to suspend the rules and pass H.R. 1129).

HONORING MS. JANE MARKHAM

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in honor of Ms. Jane Markham, a dedicated member of my district office staff. Jane's last day as a Congressional Aide and District Representative in our office will be August 1, 2009, and she deserves our wholehearted appreciation for her work.

Jane Markham began her career working for Congress in 1997 as District Director and Field Representative for Congresswoman Darlene Hooley and in 2003 she came to Chicago, Illinois to work for Congressman Rahm Emanuel, serving as a Congressional Aide and District Representative. She was instrumental to my transition into Congress and has served the needs of countless constituents of the 5th District.

While Jane's dedication and integrity will be sorely missed, her infectious personality and jovial attitude will be irreplaceable. Her sense of humor and vivacity are her trademark and our district staff will be at a loss without her unfaltering ability to make a person smile. Jane's family has always been a priority in her life. She and her husband David Cameron are the proud parents of their children, Mira and Julia.

We thank Jane for her time in our office, both as a co-worker tirelessly dedicated to constituent services and as a friend. We wish her all the best in the future knowing wherever that she may be, Jane will be going there with a confidence and liveliness that will be felt by all.

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. AKIN. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member requests for the record regarding H.R. 3327, Department of Defense Appropriations Act, 2010.

Project: Hyperspectral Imaging for Improved Force Protection (HYPER-IFP)

Account: Department of Defense, Army, RDT&E (CERDEC, NVESD, Special Projects)
Legal Name of Requesting Entity: Clean Earth Technologies, LLC.

Address of Requesting Entity: 13378 Lakefront Drive, Earth City, MO, USA

Description of Request: To provide \$2,000,000 for the Hyper-IFP (Hyper spectral Sensor for Improved Force Protection) Program. The introduction of a Hyper-IFP in FY08 is allowing the detection and recognition of humans (with a near zero false alarm rate) and providing indication of other certain physiological triggers that can indicate that a person is under extreme stress such as contemplating "bad" behavior. To date successful development, test and evaluation has been done in the lab, though these systems have not been fully optimized for theatre operation or for costs. The continued funding of Hyper-IFP will operationalize and integrate the knowledge gain in the lab and apply it in a true-fielded application at an affordable cost. The Hyper-IFP system will also be environmentally hardened to allow field deployment and allow integration with other FP sensors in the last quarter of 2009. Hyper-IFP is focused on the missions of Perimeter Security, Suicide Bomb Detection and Urban Route Recon. Utility will be demonstrated through an evaluation in both the Southwest border and contingency mission in Southwest Asia. This effort will require leveraging the current Force Protection sensor suite designs for the missions sites to maintain interoperability. In the end, this request focuses on both achieving data verification, and the delivery of sufficient hardware to validate the Technical Data package for re-procurement as well as demonstrate the system's ability to deploy to DoD/DHS users for the missions described. The Night Vision Electronic Sensors Directorate, Ft. Belvoir Virginia, is very supportive of this project.

Project: Aircrew Body Armor and Load Carriage Vest System

Account: Other Procurement—U.S. Air Force

Legal Name of Requesting Entity: Eagle Industries

Address of Requesting Entity: 1000 Biltmore Drive, Fenton, MO 63026

Description of Request: To provide \$3,000,000 to issue the Aircrew Body Armor Load Carriage Vest System, an integrated body armor vest system, to aircrew personnel. The system provides fire retardancy and ballistics protection from a wide array of threats including small arms fire, fragmenting shrapnel and spall, while decreasing the heat stress and weight burdens faced by airmen. Cur-

rently issued aircrew flight equipment survival vests are not body armor-compatible due to weight, heat, and survivability concerns. Current issue is not fire retardant and fails to meet the present needs of the U.S. Air Force. Of the \$3 million, approximately 25% is for materials; 25% is for labor; and 50% is for armor and armor integration.

This request is consistent with the intended and authorized purpose of the U.S. Air Force-Other Procurement account. If funded in full, this is a one-time funding request with the goal of the Air Force using internally budgeted funding to continue fielding the system to aircrew personnel.

A TRIBUTE TO TUMBLEWEED SMITH

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. NEUGEBAUER. Madam Speaker, I would like to take this time to recognize distinguished writer, speaker, and entertainer, Bob Lewis, better known as Tumbleweed Smith. Tumbleweed Smith is both creator and producer of the renowned radio program The Sound of Texas. August 1, 2009 will mark the celebration of 40 prosperous years on the air, making The Sound of Texas the longest running syndicated radio program in Texas.

In his 40 years of interviews, Tumbleweed Smith has accumulated the largest private collection of oral history in the United States. His one-man shows have been performed all over Texas, as well as six other states, and three other countries.

In addition to being an influential entertainer, Tumbleweed Smith has won international recognition for his advertising and production work. His honors include two CLIO advertising awards, the Governor's Award for Tourism, the West Texas Chamber of Commerce Cultural Achievement award and two Freedom Foundation awards.

The Texas House of Representatives has recognized Tumbleweed "for creating a priceless resource of Texas folk tales, lore and wisdom." He was honored by the Texas House of Representatives in 1999 for his outstanding communication skills and radio service to West Texas. In 2008 he was recognized by the Texas State Senate for celebrating his 10,000th program of The Sound of Texas.

Mr. Lewis resides in Big Spring, TX with his wife Susan and they have two sons, two daughters-in-law, and four grandsons. He writes a syndicated weekly news column and teaches radio production in the Permian Basin. Tumbleweed Smith is a true gem to West Texas. I am proud to honor his achievements and look forward to more of his unique and entertaining work in the future.

TAXPAYER RESPONSIBILITY, ACCOUNTABILITY, AND CONSISTENCY ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. McDERMOTT. Madam Speaker, earlier today I introduced legislation—the Taxpayer Responsibility, Accountability, and Consistency Act. The aim of this legislation is to reverse the growing trend of the misclassification of employees as independent contractors. Independent contractors serve a legitimate purpose in our workforce, our economy, and in many business models. These contractors are important to our economy and often provide the flexibility that many businesses need. Some employers, however, are using a loophole that exists in the Internal Revenue Code to treat workers that are actually employees as contractors in order to reduce their own tax liability and avoid federal and state labor law. When employees are misclassified as contractors, responsible companies lose business, workers lose rights and protections, and the federal and state governments lose out of billions of dollars in much-needed revenue.

This legislation is similar to the measure I introduced last year, along with Representatives RICHARD NEAL, and JOHN TIERNEY. I am pleased we have joined together again this Congress to reintroduce this initiative. Our efforts to construct this bill were informed by information obtained through public hearings on this issue in the House Committee on Ways and Means and the House Committee on Education and Labor.

The Taxpayer Responsibility, Accountability, and Consistency Act would close the tax loophole that allows employers to misclassify employees as contractors at will. It aims to put all employers on a level playing field, protect workers, and reduce the federal budget deficit. The intention of the bill is not to deny businesses the ability to use legitimate independent contractors; instead it is to ensure that laws that determine what an employee or independent contractor is are evenly applied. They are not today.

I recognize that this issue is one that has vexed the Congress for some time and that forging the necessary degree of consensus to address this problem will be difficult. I intend for the legislation introduced today to serve as a basis for discussion and look forward to working with many stakeholders to perfect the bill and help push for its passage.

RECOGNIZING TREENA TUBBS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to Treena Tubbs of Malad, Idaho. Treena is celebrating her twentieth year of work for the U.S. Government. She began her career with the USDA–FSA in the Malad office. After three years, she was recruited to

work for the Veterans Administration. She traveled to Pocatello to work at the Veterans Affairs Community-based Outreach Clinic of the George E. Wahlen Department of Veterans Affairs Medical Center in Salt Lake City, Utah.

Treena quickly became known as a friendly and helpful assistant to the veterans who came to the clinic for services. Throughout her career, she has proved herself to be a compassionate ally of those who have bravely served their country and now are in need of medical care. By contributing her time and talents, Treena has ensured a brighter future for our veterans.

It is not enough for Treena to assist in meeting the needs of veterans during office hours. She always makes time from home to help fill out paperwork, answer questions, and remind of appointments. Because it is often difficult to remember all the questions while in the doctor's office, Treena welcomes calls at home to clarify issues the veteran may have regarding his or her care.

The son of one veteran tells of Treena calling in the evening to make sure his father was alright, as he had missed his appointment that day. Another vet said he spent several hours asking questions at Treena's kitchen table on a Saturday.

Although the drive from Malad to Pocatello is difficult, Treena makes it to the clinic unless the winter roads become truly impassable.

In keeping with her commitment to make positive contributions to her community and her sincere willingness to serve, Treena has recently been appointed to the Oneida County Hospital Board.

Madam Speaker, I am proud to have a constituent in my district who is dedicated to improving the lives of our veterans and who devotes her time in selfless service to others.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed some recorded votes on the House floor on Wednesday, July 29, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 655 (on agreeing to H. Res. 685), "present" on rollcall vote No. 656 (on motion to table the Boehner Privileged Resolution).

HONORING MR. DAVID HAWPE

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. CHANDLER. Madam Speaker, I rise today in recognition of one of Kentucky's premier journalists, a man who has shaped countless events and policies in the Commonwealth of Kentucky for decades, Mr. David Hawpe. After 40 years of public service jour-

nalism, tough reporting, and insightful analysis as editorial director, he will retire on August 14, 2009. I cannot begin to adequately describe the immeasurable contributions Mr. Hawpe has made to better the lives of all Kentuckians.

After graduating from the University of Kentucky in 1965 with a focus in journalism, Mr. Hawpe began his career as a reporter for the Associated Press and then moved to the The St. Petersburg Times in Florida, where he was an editorial writer.

In 1969, he came back to his home state and took charge of the Hazard bureau of The Courier-Journal in Eastern Kentucky, and in 1972, he moved to the Louisville home office. Mr. Hawpe held many positions, including editorial writer, assistant regional editor, managing editor and editor of The Courier-Journal and also served as city editor of the former afternoon newspaper, The Louisville Times.

Through his decades of reporting, Mr. Hawpe's influence can be seen in nearly every corner of the state.

He covered the Hyden mine disaster in 1970, bringing to light the many hazards and realities of coal mining. In later years, he played a significant role in strengthening laws and regulations governing the mining industry, and attacked abuses related to the broad form deed and strip mining.

Through his reporting and advocacy, he helped bring about new regulations of toxic chemicals, improved school bus safety, better enforcement of drunk driving laws, and reform in the medical license system.

Through his and his colleagues' legislative coverage, Mr. Hawpe and his coworkers literally helped reshape the Kentucky General Assembly—my home state's legislative body—into a more influential, co-equal branch of state government. In conjunction with formidable investigative reporting, Mr. Hawpe also played a critical role in the momentum to rewrite Kentucky's campaign finance laws.

And also, very notably, Mr. Hawpe has been instrumental in the reform of Kentucky's public education system. Through his direction of relentless and informed reporting, he helped convince the public that Kentucky was in need of meaningful, extensive higher education reform, which paved the way for the 1997 Kentucky Higher Education Reform Act. He has been credited by many, including a former governor and key policy makers, with being the main force behind this historic legislation.

In light of these achievements, it should be no surprise the newspaper won four Pulitzer prizes under his direction.

Mr. Hawpe is a member of the Kentucky Journalism Hall of Fame and has long been a strong advocate for ethics and diversity initiatives. A Nieman Fellow at Harvard, he was also prominent in national news organizations, having served as president of the Associated Press Managing Editors Association.

Through Mr. Hawpe's editorials and columns, he has been called "the voice and conscience of The Courier-Journal" and, in my opinion, in many ways, he has been the voice and conscience of reform and good policy in the Commonwealth of Kentucky.

Over the years, he has held individuals and institutions accountable for their actions, reined in unfair practices, and been an unwavering advocate for the underprivileged. Mr.

Hawpe will be sorely missed, but the impact of his work will be felt in my state, and, indeed the nation, for many years to come.

Madam Speaker, there is no doubt in my mind that he has made our great state even better.

EARMARK DECLARATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ALEXANDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Commerce, Justice Science, and Related Agencies Appropriations Act, 2010, H.R. 2847.

Congressman RODNEY ALEXANDER

H.R. 2997

ARS

Louisiana State University located at 156 Thomas Boyd Hall, Baton Rouge, LA 70803

Formosan Subterranean Research—\$2,600,000. The Formosan subterranean termite has infested 32 of the 64 parishes in Louisiana, with the most severe infestations in the New Orleans and Lake Charles areas. This insect has caused millions of dollars worth of damage including over \$300 million in New Orleans alone. Clearly, it is the most costly pest in the state and the management of this termite is essential to Louisiana's economic well-being. For the last seven years, the LSU AgCenter has participated in the USDA/ARS project, Operation Fullstop. The AgCenter is the lead agency in management programs for this termite in the French Quarter and 16 public schools in Orleans and Jefferson parishes. The AgCenter has received approximately \$10.4 million since the initial appropriation in FY 1998. Sixty-six percent (66%) or (\$6,874,724) of these funds has been pass-through money to the pest management professionals (PMPs) and thirty-four percent (34%) or (\$3,520,606) has been used to conduct research and extension educational programs. During the past year, the AgCenter received \$750,000 for research and extension activities. Plans for 2010 include expansion from 77 blocks currently to the entire French Quarter (95 blocks), funding permitting. Termite numbers in the French Quarter have been reduced 75% in Part 1 blocks and 50% in other blocks after two years in the program. Plans for 2010 also include an education program with residents in New Orleans to develop neighborhood programs, in which residents would receive education, inspections, and program evaluation from the AgCenter. Significant numbers of property owners outside the program are adopting the French Quarter model of the program. Research would include use of molecular methods (mainly microsatellite genotyping) to determine colony affiliations of termites. This permits tracking of colony movement and permits assessment of colony elimination after treatment and floods (Katrina), i.e., are colonies detected after treatment survivors or new colonies. Research would also include use of molecular

markers to establish colony origin and flight range of alates. This aids in understanding termite swarm behavior. Extension would continue to provide the critical tasks of educating the citizenry on all aspects of integrated pest management (IPM) of structural pests. Results of research and education outreach conducted within this request will benefit the State of Louisiana and the rest of the nation in combating the spread of the Formosan Subterranean Termite and in educating the public regarding its control.

Congressman RODNEY ALEXANDER

H.R. 2997

ARS

USDA Sugarcane Lab, 5883 USDA Road, Houma, LA

ARS Sugarcane Research \$3,654,000. The domestic sugarcane industry and others are interested in developing cellulosic opportunities to reduce our dependence on foreign sources of fossil fuel. The ARS's Sugarcane Research Laboratory (SRL) scientists at Houma are involved in a multidisciplinary team effort to develop superior varieties of sugarcane, for both sugar production and for the bio-energy industry that is evolving across the southeast. Additionally, the SRL is developing production practices needed for profitable production of sugarcane for both sugar and energy. The current facilities are not designed to handle an expanded program and lack many of the safeguards (environment, employee, and security) required by current federal standards.

Congressman RODNEY ALEXANDER

H.R. 2997

NIFA SRG

Louisiana State University located at 156 Thomas Boyd Hall, Baton Rouge, LA 70803

Aquaculture \$150,000. Louisiana contains one of the most diverse aquaculture industries in the U.S. The state continues to lead the nation in production of crawfish, oyster, alligator, and pet turtle sales. Catfish production has declined in recent years but is still important. The total farm-gate value of aquaculture production in 2007 exceeded \$281.6 million. Research is needed to: 1) enhance crawfish harvesting technology and efficiency and to improve crawfish broodstock reproduction, 2) to further develop tools to facilitate genetic improvement of cultured finfish, 3) to determine the economic potential and effective culture techniques to facilitate the development of a marine baitfish industry, 4) to further refine finfish nutrition and feeding practices so that feed cost is reduced and water quality is improved, 5) to further protect cultured aquatic species from disease, and 6) to develop new value-added aquaculture food products and waste by-products.

Congressman RODNEY ALEXANDER

H.R. 2997

NIFA SRG

Louisiana State University located at 156 Thomas Boyd Hall, Baton Rouge, LA 70803

Tillage Silviculture \$188,000. This special grant addresses critical environmental concerns in Louisiana. Alternatives to traditional tillage in southwest Louisiana rice production are needed to improve floodwater quality, reduce soil erosion, and reduce production costs. Stand establishment and early-season plant density have been shown to be critical

components of a reduced tillage system. Development of herbicide-resistant rice varieties has allowed drill seeding of rice, which increases flexibility with nutrient and vegetation management. However, the effect of rotational crops on rice grain yield and soil physical condition is not well understood and requires more research. Cotton and corn production are major components of the agricultural economy in northeast Louisiana. Reduced tillage practices and herbicide tolerant crops are being adopted to sustain soil productivity and reduce surface water contamination and are improving production efficiency. However, conservation tillage systems provide a favorable microenvironment for insect populations, which have the potential to limit economic value. Basic biological information is needed on insect population dynamics in reduced tillage systems. The animal waste management component of this project will develop data and systems that allow proper use of waste products and dairy lagoon effluent in two areas of the state. The dairy industry in southeast Louisiana and the poultry industry in north Louisiana will benefit from research on pasture runoff, background indicator organisms, optimum land disposal rates for poultry litter, and new uses for poultry litter particularly as it relates to forest productivity. Treatment alternatives that generate additional revenue to the dairy and poultry operator will also be explored. Critical environmental concerns relative to agriculture and forestry production practices on water quality will also be addressed. Enhanced research on Best Management Practices (BMPs) will help reduce both point and non-point source discharges associated with crop, animal, and timber production activities.

Congressman RODNEY ALEXANDER

H.R. 2997

NIFA SRG

Louisiana State University located at 156 Thomas Boyd Hall, Baton Rouge, LA 70803.

Wetland Plants \$188,000. Since the 1930s, 1,000,000 acres of Louisiana wetlands have been lost by human activities and natural forces such as the hurricanes of 2005. This directly affects U.S. security, navigation, energy consumption, and food supply. The potential for loss of life, industry, ecosystems, and infrastructure is enormous. The Coastal Plants Program (CPP) represents a major commitment to focus proven scientific technologies and outreach capabilities on issues critical to restore the coastal wetlands of Louisiana. This program combines the expertise of AgCenter plant breeders, ecologists, and other plant and soil scientists to facilitate the development and utilization of improved native plant resources to preserve remaining marshes and stabilize those that are being re-created. This project will develop strategies for genetic improvement leading to the economic and rapid establishment of critically important wetland plant species over large areas of threatened and reclaimed coastal wetlands. Native populations will be characterized and a genetic improvement program conducted to develop superior varieties/populations with enhanced value in the restoration and protection of wetlands. Plant cloning and molecular biology will facilitate genetic characterization and genetic improvement and provide superior plant materials to Louisiana's developing commercial

wetland plant and seed industry. On-site marsh research will address issues concerning beneficial use of dredge material, sediment nourishment of deteriorating wetlands, and factors influencing vegetative response.

Congressman RODNEY ALEXANDER
H.R. 2997

Animal and Plant Health Inspection Service
Louisiana State University located at 156
Thomas Boyd Hall, Baton Rouge, LA 70803

Blackbird Management \$94,000. Blackbird depredation of rice is a serious economic problem facing rice producers in Louisiana. Depredation of rice occurs at planting and just prior to harvest; however, the most serious problem is depredation of rice seed and seedlings at planting. Yield losses due to blackbird depredation have been estimated to vary from 77 million pounds in 1995 to slightly over 93 million pounds in 2002. Economic losses associated with blackbird damage have been estimated to average \$9.3 million annually from 1995 to 2002. Damage does not occur uniformly across the state; consequently, severe economic losses may be experienced by some producers due to the concentration of blackbirds in a given area. The use of DRC-1339 has resulted in reducing the extent of damage and the magnitude of economic loss. DRC-1339 is a selective avicide specific to blackbirds, grackles, and starlings. As a result, reduction in blackbird damage to rice is achieved with little or no effect upon other bird species.

Congressman RODNEY ALEXANDER
H.R. 2997

Animal and Plant Health Inspection Service
Louisiana State University located at 156
Thomas Boyd Hall, Baton Rouge, LA 70803

Best Management Practices \$267,000. Of more than 2,600 agricultural producers trained through Louisiana's Master Farmer program, 92 have completed the third tier of the program which ends with certification from the Louisiana Department of Agriculture and Forestry. This represents a high benchmark in performance, which requires completion of eight hours of classroom instruction, participation in a Model Farm field tour, and development and implementation of an NRCS Resource Management System plan to address potential or occurring pollution. With the assistance of USDA programs and other technical assistance, these producers have installed research-based BMPs to address environmental issues. These certified producers manage more than 16,000 acres of Louisiana farmland, all within a 50-mile radius of 303d listed impaired state waters. In addition, multi-state collaboration has resulted in the development of a template by the Louisiana Master Farmer Program that can be used by other states to develop similar programs, focusing on curriculum development, implementation and lessons learned. Land area impacted by targeted programs is 1,020,507 acres.

Congressman RODNEY ALEXANDER
H.R. 3082

Army
Fort Polk, LA 71459
Multipurpose Machine Gun Range
\$6,400,000. Construct a standard design MPMG Range, required to train and test soldiers on the skills necessary to zero Squad Automatic Weapon, Machine Guns, 40mm

Automatic Launcher, and Sniper Weapons to detect, identify, engage and defeat targets in a tactical array.

INTRODUCTION OF H.R. 3329, THE LOOK-BACK ELIMINATION ACT OF 2009

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. LEWIS of Georgia. Madam Speaker, I am proud to introduce the Look-Back Elimination Act of 2009.

I am proud to serve on the Ways and Means Committee Subcommittee on Income Security and Family Support led by Chairman MCDERMOTT. I would like to thank Chairman MCDERMOTT, my good friend, the Gentlewoman from Nevada (Ms. BERKLEY), and all of my colleagues on the Subcommittee for their hard work in the areas of child welfare and foster care.

Today, American families are struggling in ways not seen since the Great Depression. Rising unemployment, health care costs, and a struggling economy are all taking their toll, and children in the foster care system must not be forgotten during these very difficult times.

When Congress passed welfare reform legislation in 1996, they eliminated the existing Aid to Families with Dependent Children (AFDC) program, which was a cornerstone of President Franklin D. Roosevelt's New Deal, and replaced it with the Temporary Assistance for Needy Families program, or TANF. At the same time, Congress locked the income eligibility requirement for federal foster care and adoption assistance benefits at the various existing 1996 income thresholds established by States under the now nonexistent AFDC program. This is known as the look-back standard.

Since that time, the federal law has not been changed, and despite changing economic realities like inflation and wage growth, states cannot update their income eligibility requirements. As a result thousands of children in foster care and adoption assistance programs are ineligible to receive federal benefits.

Last year Congress passed and the President signed legislation to phase out the look-back standard for children in the adoption assistance program. The bill I am introducing today would assist the other children affected by the look-back standard—those in the foster care system. We need to help these children, and we need to help them now.

The look-back standard sets the income limit for eligibility at thirty-one percent of the federal poverty level—a level so low that even a parent's part-time job at minimum wage could render a family ineligible. As a result, states are prohibited from using federal funds to assist those most in need. In my home state of Georgia almost sixty percent of children in the child welfare system cannot receive federal IV-E assistance. Thousands more foster care children across the country are ineligible to receive benefits. This is wrong; it is just plain wrong.

Foster care children need this support, and states are struggling to juggle services to try and prevent children from falling through the cracks. You just cannot put a price on helping a child. We must have this oversight corrected. I urge all of my colleagues to join me in supporting this commonsense legislation.

HEREFORD WWII POW CHAPEL

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. NEUGEBAUER. Madam Speaker, I rise today in recognition of the rededication of a Texas Historical Landmark, Camp Hereford Italian Prisoner of War Camp memorial chapel. This World War II monument has survived more than 64 years as a symbol of the shared history that binds Texas, the United States, and Italy together.

During World War II, the Hereford POW camp stretched across 800 acres in Castro and Deaf Smith counties in West Texas. It was the second largest United States POW camp built during World War II. An estimated 5,000 Italian POWs were held at the site between February 1943 and June 1946, when the last of the POWs were repatriated.

In 1945, the Italian POWs received permission from the U.S. military to pay for and build a chapel within the camp to serve as a marker for the burial site of their fallen soldiers. In honor of their five comrades who died while interned, skilled artisan Italian prisoners constructed the thirteen-foot-square chapel. After the war, the deceased were exhumed and returned to Italy, leaving the chapel abandoned and vulnerable to deterioration.

In 1988, former POWs donated money, original sketches, and photographs for the first major restoration of the chapel. The project was completed in time for a reunion held in Hereford in June, 1989. In 1992, the Texas Historical Commission declared the chapel a Recorded Texas Historical Landmark.

In spite of its historical significance, the chapel was severely vandalized in 2008. Thanks to financial support from the Committee for Italians Living Abroad and the volunteer effort of Castro and Deaf Smith county residents, the chapel has once again been restored to its original beauty. The Castro County Historical Commission and Committee for Italians Living Abroad will co-host a rededication ceremony Saturday, August 8, 2009.

The restoration of this monument stands to preserve the history of the mutual regard that developed between the prisoners and their captors in rural Texas, and I congratulate the community for preserving this piece of history.

HONORING MRS. ERNESTINE
NEITZEL

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. WU. Madam Speaker, I rise today to pay tribute to a woman who has made a very

generous contribution to Oregon's coastal health and to the recovery of Pacific salmon and steelhead.

Mrs. Ernestine Neitzel has spent almost all her life living in the Necanicum River valley within the first congressional district of Oregon. She moved to Oregon from Colorado in 1925 at the age of four. Her father had purchased some farmland on the edge of the Necanicum River where they grew vegetables to be sold at local stores in Seaside, Oregon.

In 1945, Ernestine married Mr. Herbert Neitzel, who had recently returned from serving in World War II. Together, they purchased an additional 25 acres of farmland adjacent to the existing farm and expanded it to include dairy cows. During this time, Ernestine also delivered bread to the soldiers stationed at Fort Lewis, Oregon and worked in several stores in Seaside.

In the fall of 2008, Ernestine made the decision to give her family farmland back to the Necanicum River. Before being cultivated, this land was prime estuarine and rearing habitat for Pacific salmon and steelhead. Now, she is working with individuals and organizations within the state of Oregon to restore the land to its pre-developed state. Upon completion, this new wetland and estuarine habitat will help strengthen runs of migratory Pacific salmon and steelhead as well as resident rainbow trout.

Ernestine and the Neitzel family have a long history in the Necanicum River Valley and have dedicated their lives to enriching the surrounding communities. With this contribution, she leaves a legacy of environmental conservation and dedication to the restoration of a natural resource that is an essential component to our way of life in the Pacific Northwest.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. DUNCAN. Madam Speaker, I submit the following.

Requesting Member: Congressman JOHN DUNCAN

Account: RDTE—Defensewide

Project Amount: \$2,000,000

Legal Name of Requesting Entity: Lentix, 800 South Gay Street, Suite 1625, Knoxville, Tennessee 37929

Description of Request: The funding will be used for the development of a very high resolution benchmarking vision system for long-range surveillance with focus on SOCOM and Navy tracking needs.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BARTON of Texas. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3326 Department of Defense Appropriations Bill

Account: Navy RDT&E

Legal Name of Receiving Entity: Carbon-Carbon Advanced Technologies (C-CAT)

Address of Receiving Entity: 4704 Eden Road, Kennedale, TX 76060

Description of Request: I have secured \$4,000,000 in funding to be used for the continuation of the fabrication development process by refining the design and manufacturability, improving the necessary subscale hardware durability and finally, conducting a full scale demonstration of the hypersonic weapons system at an approved test facility as it relates to the Strike Weapon Propulsion (SWEAP) system.

HONORING BRIANNA LIND AND ERIKA SCHREIBER UPON RECEIPT OF THE GIRL SCOUT GOLD AWARD

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge two young women in my district, Brianna Lind and Erika Schreiber.

Brianna and Erika will receive the Girl Scout Gold Award on August 6, 2009. For their project, they put together a project to inform the public on global warming, global climate change, and risk management.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed some recorded votes on the House floor on Thursday, July 23, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 620 (on agreeing to the Hensarling of Texas Part A Amendment No. 2 to H.R. 3288), "aye" on rollcall vote No. 621 (on agreeing to the Latham of Iowa Part A Amendment No. 3 to H.R. 3288), "no" on rollcall vote No. 622 (on agreeing to the Frelinghuysen of New Jersey Part A Amendment No. 7 to H.R. 3288), "aye" on rollcall vote No. 623 (on agreeing to the Blackburn of Tennessee Part A Amendment No. 8 to H.R. 3288), "aye" on rollcall vote No. 624 (on agreeing to the Jordan of Ohio Part A Amendment No. 10 to H.R. 3288), "aye" on rollcall vote No. 625 (on agreeing to the Neugebauer of Texas Part A Amendment No. 11 to H.R. 3288), "aye" on rollcall vote No. 626 (on agreeing to the Stearns of Florida Part A Amendment No. 12 to H.R. 3288), "aye" on rollcall vote No. 627 (on agreeing to the Flake of Arizona Part B Amendment No. 1 to H.R. 3288), "aye" on rollcall vote No. 628 (on agreeing to the Flake of Arizona Part B

Amendment No. 4 to H.R. 3288), "aye" on rollcall vote No. 629 (on agreeing to the Flake of Arizona Part B Amendment No. 7 to H.R. 3288), "aye" on rollcall vote No. 630 (on agreeing to the Flake of Arizona Part B Amendment No. 8 to H.R. 3288), "aye" on rollcall vote No. 631 (on agreeing to the Flake of Arizona Part B Amendment No. 9 to H.R. 3288), "aye" on rollcall vote No. 632 (on agreeing to the Flake of Arizona Part B Amendment No. 10 to H.R. 3288), "aye" on rollcall vote No. 633 (on agreeing to the Flake of Arizona Part B Amendment No. 11 to H.R. 3288), "aye" on rollcall vote No. 634 (on agreeing to the Hensarling of Texas Part C Amendment No. 3 to H.R. 3288), "aye" on rollcall vote No. 635 (on agreeing to the Hensarling of Texas Part C Amendment No. 4 to H.R. 3288), "aye" on rollcall vote No. 636 (on motion to recommit with instruction to H.R. 3288), "no" on rollcall vote No. 637 (on passage to H.R. 3288).

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. YOUNG of Alaska. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Department of Defense Appropriations Act.

Bill Number: H.R. 3326—Research, Development Test & Evaluation, Air Force.

Legal name and address of entity receiving earmark: Fairbanks North Star Borough, 809 Pioneer Road, Fairbanks, AK 99701.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Funding will be used to undertake necessary follow-up engineering studies of a synthetic liquid fuels facility at/or near Eielson Air Force Base. These studies will address the environmental, technical and economic feasibility of a facility benefits, technical and economic feasibility of a synthetic liquid fuels facility and the environmental benefits and economic and technical feasibility of the transportation and sequestration of carbon dioxide to enhance crude oil recovery in northern Alaska.

This project will supply the U.S. Air Force and other military branches a secure supply of synthetic fuels to operate fighters, bombers and other aircraft and military equipment. It will help the Air Force to achieve its stated goal of certifying its fleet of aircraft on a synthetic fuel blend and purchasing 50 percent of its fuels in the form of a synthetic fuel blend by 2016.

Description of matching funds: Funding will go to supplement funds from P.L. 110-329.

Appropriated Amount: \$3,000,000.

Project Name: Synthetic Liquid Fuels.

Detailed Finance Plan: Of the \$3 million, all will go to the Fairbanks North Star Borough to be expended to study the technical, economic and environmental feasibility of the transportation and sequestration of carbon dioxide to enhance crude oil recovery in northern Alaska produced by a synthetic fuel facility located in the vicinity of Fairbanks Alaska.

Bill Number: H.R. 3326—Research, Development Test & Evaluation, Defense Wide.

Legal name and address of entity receiving earmark: Kachemak Research Development, Inc., 59584 East End Road, Homer, AK 99603.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Kachemak Research Development, Inc. is a woman owned, HUBZone, 8(a) entity. AutoScan, an under vehicle inspection system developed by KRD, is a stationary system that captures the entire undercarriage image of vehicles, ranging in size from passenger vehicles to semi-trucks. Because of the unique capabilities of AutoScan, vehicles do not need to maintain a constant speed as they travel across the system. Funding will be used for product enhancement and beta testing of AutoScan generation 2 and 3 architecture. As part of the inspection protocol at every military base, CONUS and OCONUS, the undercarriage of every delivery vehicle must be inspected. Standard inspection protocols have been comprised of a mirror-mounted stick or search pits. AutoScan makes it possible for inspection personnel to maintain a safe stand-off distance. Additionally, it stores images for later comparison and analysis if needed. And it provides one, complete, clear image of any vehicle's under-side in real-time and capabilities that no similar system is able to provide.

Description of matching funds: KRD profit is reinvested back into the company to provide facilities that are needed to perform the work. KRD investment exceeds \$750,000 to-date.

Appropriated Amount: \$3,000,000.

Project Name: Under-Vehicle Inspection System.

Detailed Finance Plan: Of the \$3M, roughly 25% will go to administrative support within OSD and the contracting agency. The remaining 75% of the funding, \$2.25M, will cover labor: \$1,290,000; materials (including equipment and fabrication) \$238,000; benefits \$262,000; OH \$214,000; technical consulting \$112,000; \$31,000 travel; \$95,000 installation and beta testing of generation 2 and 3 AutoScan before fielding.

HONORING YVONNE DESOUSA
UPON RECEIPT OF THE GIRL
SCOUT GOLD AWARD

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a young woman in my district, Yvonne Desousa.

Yvonne will receive the Girl Scout Award on August 3, 2009. For her project, she put together sewing squares decorated by younger girl scouts for children at Huntington Hospital. I wish to commend Yvonne for her community service.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding the earmarks I received as part of the FY10 Defense Appropriations Bill:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3326, FY10 Defense Appropriations Bill

Account: RDT&E, Army/Medical Technology/Program Element #: 0602787A/Line Item #: 28

Project Name: Understanding Blast-Induced Brain Injury

Amount: \$3,000,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administrations Building, Lincoln, Nebraska 68583

Description: Most of the head and brain injuries occurring in current combat situations result from roadside explosions, but there is currently only limited understanding of blast-induced traumatic brain injury. This funding would be used to model how blast waves from explosions cause short- and long-term brain injury to warfighters and to develop devices and equipment to mitigate the damage. This research will lead to devices for improved detection and optimized equipment designs to protect against multiple insults to the brain from the blast impact and blast waves.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3326, FY10 Defense Appropriations Bill

Account: RDT&E, Air Force, University Research Initiatives, PE 0601102F, Line 2

Project Name: Safeguarding End-User Military Software

Amount: \$1,500,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administrations Building, Lincoln, Nebraska 68583

Description: Military software increasingly is being created by "end-user programmers," who use programming tools such as spreadsheets, military planning systems, and Matlab simulations to create software. This unvalidated software runs critical day-to-day operations and often is not dependable. The funding would be used to develop advanced software engineering safeguards that can be embedded in software programmed by military personnel to help them prevent and detect errors and produce more dependable military systems that save lives and money. Prototype safeguards implementing algorithms and mechanisms will be built and validated through carefully designed studies. These safeguards will be convenient for users and help them reason through the dependability of software as they develop it, protecting programmers and operators from errors and saving millions of dollars in programming development costs.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to H.R. 3288, the Fiscal Year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

FEDERAL AVIATION ADMINISTRATION—NATIONAL INSTITUTE FOR AVIATION RESEARCH (NIAR) WICHITA STATE UNIVERSITY

H.R. 3288, the Fiscal Year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act contains \$1,000,000 for facilities and equipment to expand the capabilities of its National Institute for Aviation Research (NIAR) to conduct Advanced Materials Research in support and improvement of its ongoing aviation safety research in the areas of metallic and nonmetallic structures, crashworthiness, and aging aircraft effects. The entity to receive funding for this project is Wichita State University located at 1845 Fairmount St, Wichita, Kansas, 67260.

FEDERAL AVIATION ADMINISTRATION—NATIONAL INSTITUTE FOR AVIATION RESEARCH (NIAR) WICHITA STATE UNIVERSITY

H.R. 3288, the Fiscal Year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act contains \$1,000,000 for technical personnel, facilities and equipment at the National Institute for Aviation Research to provide a comprehensive education and training initiative for composite airframe maintenance and airworthiness awareness. The entity to receive funding for this project is Wichita State University located at 1845 Fairmount St, Wichita, Kansas, 67260.

FEDERAL HIGHWAY ADMINISTRATION—INTERSTATE MAINTENANCE DISCRETIONARY—CITY OF WICHITA, KS: INTERSTATE 235/US 54 AND I-235/CENTRAL AVENUE INTERCHANGE

H.R. 3183, the Fiscal Year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act contains \$750,000 for preliminary engineering and right-of-way costs for the reconstruction of the Kellogg (US-54) and Central interchanges on I-235 in western Wichita. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

FEDERAL HIGHWAY ADMINISTRATION—SURFACE TRANSPORTATION PRIORITIES CITY OF WICHITA, KS: 21ST STREET NORTH RAILROAD OVERPASS

H.R. 3183, the Fiscal Year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act contains \$500,000 for an elevated roadway overpass along 21st Street North from Broadway to I-135 in order to eliminate the lengthy vehicular traffic delays and vehicle entrapment issues associated with multiple at-grade rail crossings located along this segment of a busy east-west arterial city street. The entity to receive funding for this project is the City of Wichita located at 1845 Fairmount St, Wichita, Kansas, 67260.

COMMEMORATING THE VOTING
RIGHTS ACT OF 1965

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. DAVIS of Illinois. Madam Speaker, as we enter into the month of August, I would like to take this opportunity to commemorate the anniversary of The Voting Rights Act of 1965. On August 6, 1965, President Lyndon Johnson signed the Voting Rights Act into law. The date marks a pivotal moment in our country's progress in extending equal membership in the political processes to every American. The right to vote is a fundamental principle of all democracies. Yet, in our great nation whose founding fathers and documents boasted of its creation to promote equality, there was a substantial period of history during which minority men and women were barred from that very right. The Fifteenth Amendment to the Constitution guarantees the right to vote for every citizen, but the discriminatory practices of Jim Crow in the antebellum south used taxes, literacy tests, gerrymandering, and language discrimination to prevent Blacks from voting and taking part in the government. Without the right to vote, many African Americans were subject to intolerable injustices and appalling prejudice.

The Voting Rights Act represents a culmination of the great efforts of civil rights organizations and activists to inform the nation of the extensive disenfranchisement taking place throughout the country. The anniversary of the enactment of this historic law provides an opportunity to acknowledge these activists. Most notably, their tremendous dedication and uncompromising pursuit of equality took the form of peaceful marches from Selma to Montgomery that were met with vicious attacks by state and local police forces. These events caught the attention of the President and Congress, contributing to a commitment to new civil rights legislation to counter the resistance and discrimination laws within the states. The enactment of the Voting Rights Act in 1965 allowed African-Americans across the country to finally have a say in the functioning of the country. Today, I celebrate the anniversary of this law as a reflection of what our country represents: a nation pledged to representing the views, values, and beliefs of all the people it serves.

HEALTH CARE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. McCOLLUM. Madam Speaker, on July 20th, I held a health care hearing in the Minnesota State Capitol to discuss the challenges and opportunities for health care reform presents for Minnesota. Representatives from patient advocate groups, health plans, hospitals, health plans, County Commissioners, and State House Representatives were in attendance. The speakers discussed the need to ex-

pand preventative care, to end the practice of denying coverage for pre-existing conditions, and to improve access to quality, affordable care.

In hearing I heard over and over again that the current flawed Medicare reimbursement formula is harming Minnesota. The people of Minnesota want health care reform that addresses the three major challenges in health care reform—cost, quality, and access—none of which can be addressed without fixing the Medicare reimbursement formula. I support moving towards a system that ensures that all patients will receive evidence-based, quality care as the standard.

OPENING STATEMENT BY CONGRESSWOMAN

BETTY McCOLLUM

FEDERAL HEALTH CARE REFORM: OPPORTUNITIES
AND CHALLENGES FOR MINNESOTA

Good morning. Thank you all for joining me for this morning's hearing.

My goal today is to hear from a distinguished and diverse group of Minnesota experts on the subject of health care reform in Washington. I want to hear not just a view of the need for national reforms—but more specifically—the opportunities, challenges, costs, and consequences for Minnesota as we reform our nation's health care system.

Let me start by saying I support President Obama's goal of reforming health care with a focus on reducing cost, increasing access, and ensuring quality care for all Americans. The current system is not sustainable for our families, businesses, tax payers, or the providers of health care. In addition, almost 50 million Americans are uninsured and too often left to access care in the emergency room where it is too expensive and too late.

As we look ahead I want to maintain a system where people can keep their doctors and private insurance plans if they are working well for them.

I support a public insurance option that will expand the opportunity for coverage and create a competition in the marketplace to keep premium costs down and ensure quality care.

I believe we have both an opportunity and an obligation to ensure every child in America is not only covered by insurance but able to access the care they need to grow up healthy, safe and successful.

We can do all of these things, but I have a concern—a major concern. Comprehensive health care reform in my opinion must mean that all 50 states move forward under any legislation passed by Congress and signed by President Obama. In other words—I want a bill in which no state is left behind—and that means Minnesota.

In Minnesota we are doing a lot of things right. And, each and every one of the people testifying today is contributing to making health care in Minnesota successful. We are not perfect and I want to see even greater strides forward here at home, but when compared to many other places across the U.S. we are doing a good job.

In Congress health care reform is dominating the agenda and we are at a crucial time.

Minnesota's successes must not only be acknowledged, they should be rewarded. Instead, the legislation currently proposed has the real potential to actually harm Minnesota's delivery of health care and that is simply unacceptable.

About fifteen years ago while serving here in the Minnesota House of Representatives I worked on the issue of geographic disparities in Medicare reimbursement. The flawed and

discriminatory formula that funds Medicare continues to penalize Minnesota tax payers and patients, doctors, hospitals, counties and the entire health care sector which is providing high quality, low cost care.

If the health care reform legislation moving through Congress simply extends the existing out-of-date Medicare reimbursement system into the future—rewarding high cost, low quality states while continuing to penalize Minnesota—then this is not reform.

Even worse, if this flawed Medicare reimbursement formula is extended as the basis of a public insurance option this will not only penalize Minnesota, it will undermine and deteriorate the very success our state has attained in delivering quality, low cost care.

In Congress, I have been outspoken about Minnesota's unfair treatment among the leaders of the Democratic Caucus and Chairmen Waxman, Rangel and Miller who are writing the bill.

I have distributed a letter I sent to Democratic leadership, signed by 19 other Democrats. Let me read from the letter:

"We represent states in which the quality of care exceeds the national average and per-beneficiary fee-for-service Medicare costs are substantially lower than the national average. Our 'low-cost, high quality' states are setting the national standard for Medicare, yet we are penalized by the current Medicare reimbursement formula. Furthermore, any public insurance option that is based on Medicare's current reimbursement formula would only result in an unacceptable further penalization of our states."

I was pleased to have Congressmen Walz, Ellison, and Oberstar join me on this letter because we got the attention of the leadership.

The next day I was invited by Speaker Pelosi to a meeting with leadership and the three committee chairman—Chairmen Waxman, Rangel, and Miller and Majority Leader Steny Hoyer to discuss this issue. In the meeting a study of the Medicare reimbursement formula was offered ... and quickly rejected. I made it clear that we don't need to study this problem; it has been studied to death. Now is the time to fix the formula.

I'm committed to working with President Obama and leaders in Congress to pass health care reform that works to make our system meet the needs of all Americans. But this doesn't mean I will allow Minnesota to be left behind or disadvantaged because we are a leader.

Our group of twenty Democrats will again be meeting tomorrow. My message to leadership is clear—I want to pass health care reform but I will not vote for a bill that hurts Minnesota while benefiting other states. That is not reform, but rather a recipe for disaster.

In closing, this is the most important legislation I've worked on in my nine years in Congress.

It must meet Minnesota's needs and if it does not it will be difficult for our delegation to support it.

In my first year in Congress—2001—education reform legislation was passed called "No Child Left Behind." It was championed as a bill that would transform public education—except for one thing—I was sure it was going to hurt Minnesota and set back the reforms we already had in place. I was the only Democrat on the Education Committee to vote against "No Child Left Behind" and eventually 8 of the 10 members of the Minnesota delegation voted against it.

I want health care reform but I will not put my constituents and the State of Minnesota at a disadvantage or perpetuate a system that penalizes the excellent health care we deliver in our state.

I feel a sense of urgency as I return to Washington this afternoon. Your testimony today I hope will reinforce the need for reform and the need to ensure Minnesota's best interests are reflected in any legislation that is considered by Congress.

Thank you and I look forward to hearing your testimony.

TESTIMONY FROM BROCK NELSON, REGIONS HOSPITAL, CEO

Thank you Congresswoman McCollum for the opportunity to be here today and share our thought on health care reform legislation currently being debated by the United States House of Representatives.

My name is Brock Nelson. I am the CEO of Regions Hospital in St. Paul. Regions Hospital is part of the HealthPartners family of non-profit health care organizations.

Let me start by stating clearly, We wholeheartedly support President Obama's call for healthcare reform, and agree with his position that "the status quo is the one option that is not on the table". We applaud Congress and the White House for their ongoing efforts to obtain universal coverage for all Americans.

Legislation in the House is bold in its effort to obtain universal coverage through expanded subsidies and requirements on both individuals and business to provide coverage. Bold action is necessary if you want to address the problem of 50 million Americans who currently lack health coverage.

Unfortunately, these efforts to provide coverage for all will ultimately fall short unless Congress takes equally bold action to address how we pay for health care in this country. Our system currently rewards volume over value, and poor outcomes over good outcomes. We must change that equation if we want to make health care affordable in this country.

We urge you to insist that reform legislation includes a method that pays for value and quality, rather than the quantity of medical procedures. Currently, Medicare pays the most to less than one-half of the health care markets in a minority of states that generally provide poorer outcomes, safety, and service at higher cost, and much less to most of the country where providers demonstrate generally better outcomes, safety and service at lower cost. We believe that insertion of a measurement of value into the payment system is a critical step to change provider behavior throughout the country and "bend the cost curve" in U.S. health spending without compromising health.

Much of the discussion in Washington has focused on a "public option" and the development of an "exchange" or "gateway" to help deliver that option. We are not opposed to these mechanisms and in fact they could provide a benefit for parts of the market. But any new federal mechanism to provide coverage must operate under the same rules and market controls that exist today. A public option, like the current House proposal, that is based off of Medicare payments or an exchange that tilts the rules in favor of the public plan are bad choices and potentially devastating for local, non-profit health care markets like Minnesota.

'Pay for value' is the only tactic that will "bend the cost curve" in U.S. health spending, improve the quality of care that our

citizens deserve, and create a long and healthy future for both the American people and the American healthcare system.

Congresswoman McCollum, you have been fearless in your efforts to address the geographic inequity in Medicare and these underlying problems in our payment system. Thank you! Please keep fighting and please let us know what we can do to provide help and support in your efforts.

TESTIMONY OF MELISSA WINGER, CHAIR OF FAMILY ADVISORY COUNCIL, CHILDREN'S HOSPITALS AND CLINICS OF MINNESOTA

I am the current Chairperson of the Family Advisory Council at Children's Hospital and have been involved with the Council for 11 years. Through the council I have met many families who have a similar story as mine.

Thirteen years ago my son Devin was born with a complex chromosome disorder: he is missing 45 genes on chromosome number 4 and has an extra 30 genes on chromosome 6.

Devin has 17 medical conditions involving all organ systems. This has required over 40 surgeries and procedures and double that of hospitalizations all at Children's Minneapolis.

He sees over a dozen pediatric specialists who have all been able to treat his unique needs.

All of his care has been coordinated and family centered which is something that Children's value with ALL their families and patients.

We are currently treating a virus in his bone marrow and a deficiency in the immune system and he is getting IVIG infusions. He also had a Brain Aneurysm in his carotid artery repaired and needs to have annual testing involving high tech imaging to make sure the aneurysm continues to be stable. He also receives genetic testing to be able to pinpoint potential problems before he even starts to have symptoms.

If Children's could no longer provide this care for him, I am not sure he would survive. The aneurysm could return or his immune system could fail to respond to common infections.

I have my son today because of Children's. Through the outpatient rehab clinics he learned to walk, communicate, and manage tube feeds so he is no longer fully dependent on his feeding tube. He goes to school and performs in music shows and enjoys every minute of it!

I worry about my son, what if he gets sick? What if his bleeding disorder becomes too much to handle? What if he has difficulty with his respiratory condition? I am instantly reassured that Children's is just a few miles away with everything needed to care for him and make him well again.

There are hundreds if not thousands of families in this state who have depended on the specialty care that Children's provides when their child needed medical attention like my little Devin. Children's has never given up hope for Devin, I have certainly never given up hope and at the end of the day I hope that our lawmakers won't give up on my son.

I may hear one day "that there is nothing more we can do for Devin," as hard as that sounds I will have to somehow accept that. However if that statement starts with "because of budget cuts there is nothing more we can do for Devin," I will never be able to accept that.

I see things as a wall going up between my son and the care he needs at Children's. Everytime there is a Cut to Medicare funding. Everytime a service or prescription is

denied. Everytime complex regulation and policy put into place. That wall continues to rise to the point the care my son needs may no longer be available.

My son and I are caught in a never-ending circle. He gets sick, he misses days of school, I am unable to go to work. If we can access the best pediatric effective, high quality, safe care that Children's provides, he can recover return to school and live up to his full potential and I can continue to work without being emotionally and financially ruined.

I know these are tough times and difficult decisions need to be made. But I urge you not to make decisions about health care that will effect the care my son so desperately needs and deserves.

TESTIMONY OF ALAN L. GOLDBLOOM, MD, PRESIDENT AND CHIEF EXECUTIVE OFFICER, CHILDREN'S HOSPITALS AND CLINICS OF MINNESOTA, MINNEAPOLIS/ST. PAUL, MN

I wish to thank Representative McCollum for inviting me to testify on behalf of Children's Hospitals and Clinics of Minnesota. I appreciate the opportunity to give a voice to children in the health care debate.

This is an exciting time in America. We have an unprecedented opportunity to reform the health care system and expand coverage to all. We applaud Congress for working toward this goal, but also want to remind lawmakers that expanding health insurance coverage doesn't automatically guarantee access to quality care. No matter what we do on the coverage side, if we don't also address Medicaid reimbursement levels, many patients will still find it hard to get the care and services they need.

Thus far, much of the debate has focused on Medicare. I will focus more on Medicaid. Medicaid is the single largest insurer of children in the United States. Throughout the country, children, and the children's hospitals that treat them, are particularly vulnerable to the impact of inadequate Medicaid reimbursement. At Children's of Minnesota, we served more than 42 thousand children on Medicaid in 2008.

Children's is the state's largest provider of care to children with cancer, heart disease, severe prematurity, and complex surgical conditions. We pride ourselves on superb outcomes, and are committed to turn no child away, regardless of insurance status.

Medicaid represented 40 percent of our revenue last year. Six years ago it was 30%. For most adult hospitals that number is closer to 10 percent, and often less. Yet Medicaid pays only 80% of our cost. Moreover, while the number of children relying on Medicaid insurance seems to increase each year, we have seen the reimbursement rates erode year by year, usually because of state budget cuts. As the gap between cost and reimbursement increases, our ability to provide necessary care is increasingly threatened.

Much of the health care reform debate has focused on reimbursement rates for Medicare—coverage for our seniors. It is generally 20-30% lower than private plans. The fact is that Medicaid rates are 30% lower than Medicare! Across the country, on average, Medicaid pays about 71% of the cost of care, if you exclude disproportionate share (DSH) payments. If you include those DSH payments it gets up to 77%. If coverage is expanded, but the rates continue to reimburse below the cost of care, then it will be even harder to assure appropriate access to care.

Here in Minnesota, we have an additional problem. The hospitals in our state have justly earned a reputation for providing some of the highest quality and lowest cost

care in the nation. Our reimbursement rates are among the lowest in the country. We are therefore extremely concerned about legislative proposals that would apply across-the-board cuts to existing reimbursement rates, without taking into account the value of care already being delivered. The simple message to Minnesota appears to be: "Thanks for leading the nation in keeping costs down and providing the highest quality care. As a reward for those efforts, we are going to cut your reimbursement even further!"

If health care reform is going to ensure real access to health care for children, Congress needs to address a number of issues.

First, health care reform bills must include provisions to set Medicaid reimbursements at a rate that is at least comparable to Medicare. Ideally, Medicaid should cover the true costs of care. The America's Affordable Health Choice Act of 2009 does propose to increase primary care physician payments under Medicaid to 100% of Medicare by 2012. But that won't be sufficient. To ensure true access to care, Medicaid must reimburse specialists and hospitals at this level as well. For the sickest children, access to specialist care in children's hospitals is essential.

Second, we need to protect Disproportionate Share Hospital payments, which help expand access to care by closing the gap between Medicaid reimbursements and actual costs. If more people are covered, but the reimbursement rates remain significantly below cost, then the need for DSH payments will in fact be even greater.

Finally, health care reform needs to help eliminate disparities, and address the unique health and developmental needs of children including coverage for the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program.

The investment in children's health makes a difference that lasts for 70 or 80 years, not only in productive lives, but in avoidance of long term health costs. No other health care expenditure has that kind of return on investment. The needs of children must be front and center in this debate.

Again, thank you for allowing me to speak before you today. I am happy to answer any questions you may have.

HEARING ON "MAKING SENSE OF IT ALL: AN EXAMINATION OF USPS'S STATION AND BRANCH OPTIMIZATION INITIATIVE AND DELIVERY ROUTE ADJUSTMENTS"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. KUCINICH. Madam Speaker, I submit the following statement I made in the Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia.

[Subcommittee on Federal Workforce, Postal Service and the District of Columbia, July 30, 2009]

HEARING ON "MAKING SENSE OF IT ALL: AN EXAMINATION OF USPS'S STATION AND BRANCH OPTIMIZATION INITIATIVE AND DELIVERY ROUTE ADJUSTMENTS."

(By Rep. Dennis J. Kucinich)

As an ardent supporter of the Post Office, I am deeply concerned about USPS' financial

condition and I appreciate the magnitude of the task ahead of the Postal Service to ensure its survival.

As you know, on July 16th, the Postal Service announced that 16 Post Office Branches in the Greater Cleveland Area would be reviewed for possible consolidation. After reading the testimony and the GAO report for this hearing, and after hearing from my constituents, I have several concerns. I am concerned that final decisions regarding each branch under consideration for consolidation will be made without full community participation and input. I am concerned that people in my community and communities across the country will face a significant and unnecessary reduction in access to crucial services. I have concerns about the private sector taking over the services that these facilities provide—because privatization of a public need like postal service rarely goes well. The review process must be done at the local level and must consider the unique demands on each individual facility to ensure that the concerns of the community, customer, postal workers and effects on the local economy are fully considered.

Mr. Small, can you please address those concerns? Specifically, how does the Postal Service ensure community participation in the decision making process? How does it use demographic and socio-economic data in making the recommendation to consolidate or close any postal facility? How do I know that any reduction in facilities will not allow private companies to take over the services that will be lost?

(he will give an answer that will likely not be sufficient to address the concerns)

Mr. Small, I thank you for your answer but I remain very concerned. I have here a letter addressed to you asking specific questions about the postal service's decision-making process. I would like to respectfully ask your cooperation in providing the answers. May I count on your help?

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. DeLAURO. Madam Speaker, due to the death of a close friend, I missed a series of votes on the FY10 Department of State, Foreign Operations, and Related Programs Appropriations Act and also two suspension bills—H. Con. Res. 127; and H. Con. Res. 131.

Had I been present, I would have voted "aye" on the following rollcall numbers: 511; 512; 513; 514; 515; 516; 519; 521; 523; 525. I would have voted "no" on rollcall numbers: 517; 518; 520; 522; 524.

CONGRATULATING CONTINENTAL AIRLINES ON ITS 75TH ANNIVERSARY

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. OLSON. Madam Speaker, I would like to recognize Continental Airlines on their 75th

anniversary. Continental was founded 75 years ago as a mail service by Walter T. Varney and Louis Mueller.

Continental has risen to one of the most respected commercial passenger airlines flying more than 2750 flights daily to more than 260 destinations on five continents.

They have been named for the fifth time, in as many years, as the Best Airline in North America at the OAG Airline of the Year Awards;

In addition, Continental has been rated as the top airline on Fortune magazine's annual industry list of World's Most Admired Companies for six consecutive years.

I would like to congratulate Continental and their employees on their 75th anniversary and look forward to many more years of flying to come.

HONORING THE LIFE OF NEW YORK STATE SENATOR OLGA A. MÉNDEZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. RANGEL. Madam Speaker, I rise today to ask my colleagues to take some time out to honor an incredible community leader and important figure on the national stage, Olga A. Méndez.

Méndez, who passed away Wednesday, July 29 after a long battle with breast cancer, was the first Puerto Rican woman elected to state legislature in the mainland United States, serving in the New York State Senate from 1978 to 2004. She was a passionate leader and legislator that fought for not just the people of her beloved East Harlem, but for all people of humble backgrounds. We became good friends working for our constituents and while we may not have seen eye-to-eye on all issues over the years, there was never a doubt that she gave everything she had to public service.

Born in Mayaguez, Puerto Rico in 1925, Olga earned a bachelor's degree at the University of Puerto Rico and eventually earned her a doctorate in education from Yeshiva University after she moved to New York in the 1950s. She soon became involved in community issues and politics, going from being a Democratic convention delegate in 1972 and a deputy commissioner of the Agency for Childhood Development in New York City to the office of the New York State Senate in 1978.

The first Puerto Rican woman elected to state legislature in the mainland United States, Olga was soon on the frontlines of numerous battles to make sure that people were given the resources and opportunities to improve the lives of their families and their communities, no matter where their country of origin or their background. At a time when so few women occupied positions of power on any level, she smashed stereotypes and opened doors so that a new generation of leaders could be more diverse and open-minded.

In her 26 years in Albany, Olga brought in thousands of dollars in state funds to her district. We became good friends, collaborating

together to bring not just city and federal aid to East Harlem and the South Bronx, but also private dollars to assist residents, especially families and seniors. As she worked hard to reduce truck emissions and the alarming rates of asthma in urban neighborhoods, she also reached out to developers on initiatives that would create jobs and expand opportunities for local business. Those seeds are continuing to bear fruit, most recently in projects like the East Harlem Automall and East River Plaza, a facility along the river on E. 116 St. that will soon open with tenants Home Depot and Costco. The fact that she was willing to risk her standing late in her political career to switch parties was just another example of her willingness to do anything for her constituents.

Madam Speaker, I will be among many in New York and across the Nation that will miss Olga's passion and straight from the hip commentary. I know that she will be leading the cheers in heaven when we see our native daughter, Judge Sonia Sotomayor, finally confirmed as a Supreme Court Justice. Thankfully, Olga's legacy can be found in her numerous legislative victories, including our state minimum wage, various worker protection laws and in the dozens of education, health and affordable housing projects that she helped fund. And it will certainly be remembered as we see a new cadre of Latinas ascend into our Nation's leadership circles, their achievements built on the foundation of expectations she helped create.

I am submitting a July 30, 2009 tribute editorial from New York's premier Spanish-language newspaper, *El Diario/La Prensa* which describes Olga's career and importance to our community.

[From *www.eldiariiony.com*, July 30, 2009]

A LEGENDARY PIONEER

As New York stands ready to celebrate one of its daughters joining the Supreme Court, it also mourns the loss of one of its most fearless leaders.

Yesterday, former New York State Senator Olga Méndez died at the age of 84 after a long battle with cancer. Méndez represented El Barrio and sections of the South Bronx in the Senate until 2004, after serving for 13 consecutive terms.

Born in Mayaguez, Puerto Rico, Méndez understood well the challenges Judge Sonia Sotomayor has faced and will continue to face as a Hispanic woman. The judge withstood grilling from white, male conservatives and she will become one of only two female justices on the Court.

In 1978, Méndez made history as the first Puerto Rican woman elected to a state legislative office in the United States. Her victory in representing Puerto Ricans and a district the state neglected should have landed the wide respect of her colleagues. Instead, Méndez, one of only a few women then in the state senate, found herself wrestling with the boys' club politics of New York.

Méndez was brash, bold and aggressive because she had to be. She cut her teeth in the Senate and became a battle-ready politician. And she balanced what few politicians were able to do well—an on-the-ground constituency services with the ability to achieve critical legislative negotiations. This, in a Senate that was controlled by Republicans during the entire 26 years she served.

Despite all of the disadvantages, Méndez successfully fought for an increase in the state's minimum wage, ushered in legisla-

tion that provided basic rights to migrant farm workers, and secured funding for senior citizen centers. She also fought for resources for early childhood development and gained bipartisan support for affordable housing and economic development initiatives in her district.

Méndez provoked many criticisms, some valid. She opposed abortion rights and was accused of making homophobic statements about a political opponent. Controversies like her party switch contributed to her eventual political demise.

In 2002, she registered as a Republican in a bid to bring resources to her district, a maneuver that today seems to be acceptable depending on who is making the move. Méndez complained that Democrats were taking Latinos for granted and saw herself as handling the business of her district.

For her faults, the legendary senator, who was widowed early and had no children, sacrificed a family life for the political commitment she made. She used her rich background in education, her political experience, and above all, her passion for her community to help many people.

Méndez never minced her words. Anyone who came into contact with her was left with a lasting impression. But it would be a mistake to remember Méndez as simply a colorful personality instead of who she truly was—a fierce politician who did not back away from a bare-knuckled fight.

HONORING THE DEATH OF MATTHEW GLOMB, A RESIDENT OF GREATER PRINCE WILLIAM, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the lifelong commitment to public service of Matthew Glomb, a devoted father and husband, a loyal friend to his colleagues, and an admired member of greater Prince William, VA.

Mr. Glomb pursued a career in the U.S. Coast Guard's Corps of the Judge Advocate General, serving at one point as a Military Judge. Following his tenure with the Coast Guard, Mr. Glomb continued his service to our Nation in the Aviation-Admiralty Office of the U.S. Department of Justice, where he specialized in maritime law.

Tragically, Mr. Glomb was fatally struck by lightning on Monday, July 27, 2009, at the age of 49. He was jogging along the beach of Southern Shores, NC, in the Outer Banks while vacationing with his son at their family beach house. He died instantly, leaving behind his wife and two children.

Mr. Glomb is remembered by those closest to him as a man of deep faith who immediately cared about everyone he met, and he will forever be revered as having an unparalleled sense of humor, and an unwavering commitment to serving others.

Madam Speaker, I ask my colleagues to join me in recognizing the accomplishments of this dedicated public servant and in expressing our condolences to the entire Glomb family.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on July 27, 2009. If I were present for rollcall votes, I would have voted yea on each of the following:

Roll 647, July 27, 2009: On Motion to Suspend the Rules and Agree, as Amended: H. Res. 593, Recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State;

Roll 648, July 27, 2009: On Motion to Suspend the Rules and Pass, as Amended: H.R. 1376, Waco Mammoth National Monument Establishment Act of 2009; and

Roll 649, July 27, 2009: On Motion to Suspend the Rules and Pass, as Amended: H.R. 1121, Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act:

Department of Education (DOE)—Arkansas City Public Schools

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$250,000 for Arkansas City Public Schools, Arkansas City, KS, for technology upgrades, professional development, and development training/technical assistance in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Arkansas City Schools, Unified School District 470, at 2545 Greenway, Arkansas City, KS 67005.

This funding will allow for the purchase of additional technology to be used by both students and teachers, provide for professional development and teacher training in the use of this technology, and technical assistance.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Augusta Public Schools

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$250,000 for USD 402, Augusta, KS Public Schools for technology upgrades in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is USD 402, Augusta Public Schools, 2345 Greyhound Drive, Augusta, KS 67010.

This funding will allow for the purchase of additional technology to be used in classrooms across the district.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Independence Public Schools

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$250,000 for Independence Public Schools, Independence, KS, for technology upgrades and teacher training in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Independence Unified School District 446, at P.O. Drawer 487, 517 N 101h, Independence, KS 67301.

This funding will allow for the purchase of technology to be used in math and science curriculum across the district, and provide for teacher training in the use of the technology.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Newton Public Schools

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$250,000 for USD 373, Newton, KS, Public Schools for technology upgrades in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is USD 373, Newton, Kansas Public Schools, at 308 East 1st Street, Newton, KS 67114.

This funding will allow for the purchase of technology to be used in the district's Distance Learning Lab, and high school library.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Wellington Public Schools

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$250,000 for USD 353, Wellington, KS Public Schools for technology upgrades and teacher training in the Improvement of Education (FIE) Account. The entity to receive funding for this project is USD 353 Wellington, at 221 S. Washington, Wellington, KS 67152.

This funding will allow for the purchase of in-classroom technology and teacher training and technical assistance in the use of that technology.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Butler County Public Schools

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$250,000 for USD 490, Butler County, KS, for technology upgrades and teacher training at the El Dorado, KS school system in the Improvement of Education (FIE) Account. The entity to receive funding for this project is USD 490, Butler County, KS, at 124 West Central, El Dorado, KS 67042.

This funding will allow for the purchase of technology to be used in conjunction with the establishment of a student technology program at the district middle school, and related teacher training.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Butler Community College

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$500,000 for But-

ler Community College, El Dorado, KS, for the purchase of equipment in the Higher Education account. The entity to receive funding for this project is Butler Community College, 901 South Haverhill Road, El Dorado, KS 67042.

This funding will allow for the purchase of equipment to facilitate training necessary to model, render and interact with 3-D objects in the fields of architecture, bio-medicine, engineering, manufacturing, and unmanned aircraft systems.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Coffeyville Community College

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$500,000 for Coffeyville Community College, Coffeyville, KS, for their Native American Center, including the purchase of equipment, in the Higher Education account. The entity to receive funding for this project is Coffeyville Community College, 400 West 11th, Coffeyville, KS 67337.

This funding will provide for equipment and technology, travel and operating expenses necessary to plan, establish, train educators, recruit students, and fundraise for the Native American Center and scholarship program.

No matching funds are required for this Department of Education project.

Department of Health and Human Services (HHS)—University of Kansas Medical School—Wichita

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$500,000 for the University of Kansas School of Medicine, Wichita (KUSM—Wichita) for development of the Clinical Skills Simulation Laboratory, including curriculum development and purchase of equipment, in the Health Resources and Services Administration—Health Facilities and Services account. The entity to receive funding for this project is KUSM—Wichita, 1010 North Kansas, Wichita, KS 67214.

No matching funds are required for this Department of Health and Human Services project.

Department of Health and Human Services (HHS)—World Impact Good Samaritan Clinic

H.R. 3293, the Fiscal Year 2010 Labor, Health and Human Services, and Education Appropriations Act contains \$1,000,000 for the World Impact Good Samaritan Clinic in Wichita, KS, for facilities and equipment, in the Health Resources and Services Administration—Health Facilities and Services account. The entity to receive funding for this project is World Impact's Good Samaritan Clinic at 3701 E. 13th Street, Wichita, KS 67208.

The funding would be used to expand and renovate its facilities to address the dramatic growth in medical and dental needs of the impoverished.

No matching funds are required for this Department of Health and Human Services project.

IN APPRECIATION OF JOHN CARVER'S LIFETIME OF SERVICE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 2009

Ms. SPEIER. Madam Speaker, mention John Carver's name on the San Francisco Peninsula and, odds are, you will be met with a smile. The long-time resident, business executive and philanthropist has helped more people than even he is aware and has shaped his community through his generosity, his leadership and his time.

John was born in Oakland and moved to the Peninsula with his family as a boy. After graduating from Stanford University, he married the love of his life, Susan Haigh Carver. Together, they raised three children, Thomas, Amy and Jonathan and have since been blessed with seven grandchildren: Jessica, Matthew, Christian, Ian, Caleb, Danika and Liam. This year, John and Susan will celebrate fifty years of marriage.

To know John Carver is to be in awe of him. His sense of humor is legendary and, while I did not know him as a young man, seeing John at 75 makes me only wonder what energy and passion he must have exhibited in his twenties and thirties.

John worked in retail most of his professional career, serving stints at Macy's, JC Penney and Bullock's. But John's home and heart was with the Gap, helping build the locally-based retailer into the global powerhouse it is today. For more than 25 years, John served in a variety of positions and it is through his work at the Gap that so many came to know his generosity, good-nature and phenomenal leadership abilities.

Madam Speaker, I have come to know John well in recent years, being privileged to serve with him on the board of the Philanthropic Ventures Foundation, an organization that is responsible for pumping more than \$70 million into worthy causes and non-profits around the Bay Area. But John's community involvement hardly stops there. He has also given his time, resources and knowledge to organizations as diverse as the Thacher School, Mills-Peninsula Hospital Foundation, Family Service Agency of San Mateo County, Hillsborough Beautification Foundation, SF Jobs for Youth, Coyote Point Museum, American Cancer Society, and A Better Chance.

John's greatest impact, however, might very well be the thoughtful and patient mentoring he has provided for dozens of Bay Area men and women. Whether it is career advice, help in making an important decision, or just sharing the wisdom of a man who has done it all, John is eager to help and always more than generous with his time.

Madam Speaker, I am privileged to call John Carver my friend and fortunate to represent him in the United States Congress. My only wish is that our earth was blessed with more John Carvers.

HONORING MARTHA DODD
BUONANNO'S LIFE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to a beloved friend of mine and many in this body, Martha Dodd Buonanno.

Martha Buonanno would best like to be remembered as a mother, grandmother, and wife. She died after a brief illness on July 6, 2009. Her five children, Helena, Bernard, Carolyn, Jody, and Margaret, and 17 grandchildren surrounded their father Bernard Buonanno crying and laughing as they celebrated the life of this remarkable woman.

Her love of family and children led her to volunteer for many worthy organizations in Rhode Island. She was a mentor in Providence public schools with the VIPS program; she served on the boards of the Providence Preservation Society and the RI Association of the Blind. She was proud to chair the research center at the University of Connecticut that had been named in honor of her father: Thomas J. Dodd.

Martha and I became friends more than 50 years ago at Trinity College in Washington, DC. We shared in common that we both came from political families—in fact, when we first met, both of our fathers were running for Senate.

But our friendship grew over many years because we had so much more in common: Martha loved to travel, she loved to laugh, and always, Martha loved Democratic politics. In fact, Martha volunteered on every single one of her brother, Senator CHRISTOPHER DODD's, campaigns. She adored all her siblings: CHRIS, Tom, Carolyn, Jeremy, Nick.

Martha Dodd Buonanno had a strong connection to this House, where her father and her brother served. She lived and raised her family in Providence and was admired by our colleagues PATRICK KENNEDY and JIM LANGEVIN, and Senators JACK REED and SHELDON WHITEHOUSE. Her roots were in Connecticut and Congresswoman ROSA DELAUNO and Congressmen JOHN LARSON, JOE COURTNEY, and CHRIS MURPHY join me in expressing condolences to the Buonanno and Dodd families.

It is a fitting tribute to Martha's life that more than 3,000 people attended her wake, lining the streets for more than seven hours. Her funeral mass was moved from her parish to another simply to be able to accommodate everyone. Those who came to pay their last respects to Martha included Vice President BIDEN, United States Senators, and a Governor; but Martha would have been equally proud to know that children that she tutored, neighbors from her block, and friends from growing up joined that day. As I know well, when Martha made a friend, she stayed friends with them forever.

Although Martha was always a sparkling personality, she became even more so when she met Bernie. Their love, and their children and grandchildren, are her lasting legacy.

I hope it is a consolation to her family that all of her classmates at Trinity College loved her for more than 50 years, and will miss her.

I am honored to place in the RECORD the extraordinary eulogy of her beloved brother, Senator CHRIS DODD, which captures her spirit and honors her life.

A TRIBUTE TO MY FABULOUS SISTER MARTHA
(By Christopher J. Dodd)

Before sharing some brief comments about my sister Martha, I want to observe that anything I say will only pale in comparison to the incredible comments of Martha and Bernie's children, and the outpouring of love and friendship that over 3,000 people shared for over 7 hours at last evening's wake.

It was obviously a great tribute to Martha—but it is also a great tribute to all who waited for hours to say good by to this bright, shining lady.

Now, let me begin with the obvious: My sister Martha is one fabulous gal!

And so we gather today to celebrate the life of a spectacular wife, a devoted mother, an over-the-top grandmother, a trusted friend, a tireless community activist, a political confidant, an amazing spark plug of a woman, and the best sister a sibling could ever hope to have.

When most people lose loved ones, they instinctively wish they could have had just a little more time with them. The Dodds and the Buonannos were lucky enough to be with Martha constantly in the last days of her life.

And those last days were beautiful. Even as I say these words, they sound so inherently contradictory.

Yet for a little more than a week, my sister insisted on spending time alone with each of her five children and their spouses, each of her 17 grandchildren, each of her five siblings, as many of her close friends as were available, and, of course, Bernie.

How many of us have lost someone without ever having a chance to say goodbye, or the chance to tell them how much they meant to us?

Martha left us with remarkable dignity, grace, and courage. She had the incredible gift of deep, deep faith. She was truly at peace.

And even though Martha has left us, we remain brightly lit by the incandescent life she led. Frankly, as sad as we are today, it's hard not to be overwhelmed with joy and love when we think about a life filled with such vitality and vigor, curiosity and compassion.

Martha was a few years older than me. At least, that was the case until about twenty years ago. I was always the younger brother until one night at the Dunes Club in Narragansett, when she introduced me as her older, white-haired brother.

But, for most of our lives, she made for one heck of a big sister.

I learned early how special my sister Martha was.

One summer afternoon, decades ago, we were about to head off for a family vacation. Our bags were packed, the station wagon was full, and all of us were itching to get out of town—but Martha's 8th-grade championship softball game was running late. So we all waited together and watched.

In the bottom of the ninth, with the bases loaded and her team behind, my sister Martha hit a grand slam home run to win the game and the championship.

As I sat next to her on that car trip for our family vacation, I was filled with the kind of awe you only feel when you're a fourth-grader with the requisite dreams of being a sports hero and you've just watched your twelve-year-old sister win the big game.

Every time I drive by that softball field in West Hartford, Connecticut, I can't help but think back to the day I officially, and forever after was dazzled by my big sister.

Nothing Martha ever did was shy or tentative. When she was just a toddler, during World War II, she once devoured our entire family's monthly ration of butter. And when our father wrote home from Nuremberg, Germany, in 1945, he always made sure to ask how "Miss Butter" was doing.

Over the years, Martha never lost her love of a good meal, but the most important part of any meal, any occasion for that matter, was always the company with which she enjoyed it.

If Martha were your dinner partner, you never had a better or more enjoyable time in your life. She was that much fun.

Like most people with a vibrant spirit and a contagious personality, she made a lot of friends in her life.

If you asked her, she'd tell you that our sister Carolyn was her best friend in the world. Martha had a lot of great friends, because when she made friends, she kept them forever.

I want to acknowledge the presence of several of my Senate colleagues who were with us last evening and today.

Speaker Nancy Pelosi is here with us today. She and Martha became friends in college, and have been close ever since.

I have never known two people who were better friends to their friends than my sister Martha and her friend Nancy D'Alesandro Pelosi.

I want to also thank my good friend, and a Martha Dodd Buonanno fan, Vice President, Joe Biden, for making the effort to be with us yesterday.

Here also with us today are friends from high school, friends from college, friends she made during her 45 years in Rhode Island, and friends she accumulated at every stop along the way.

Martha was fiercely loyal and compulsively competitive.

She was a natural politico. She was involved and present in every part of every campaign I ever ran for Congress or the United States Senate. She was my unflinching advocate, my unyielding supporter.

And when I ran for President—a very brief run, you may recall—she showed up all over South Carolina, Iowa, and New Hampshire—and anywhere else there was a debate or forum or town hall meeting.

No matter where we were, she put the hard sell on anyone she encountered.

Even as her health was failing last week, she promised me that she would tear into any opponents I might have from wherever she was.

And in light of my present political circumstances, I told her there'd be no lack of opportunity to use her talents.

However, along with Martha's loyalty came the requirement that you stay true to yourself. So, she had no problem calling me anytime to tell me in no uncertain terms when I was screwing up.

Once, she called me and practically jumped through the phone. "Why did you vote with Jesse Helms?" she asked.

I asked her, "Well, what issue are you talking about?"

"I don't care WHAT the issue is! I just can't believe you voted with Jesse Helms!"

It is important to point out that Martha could be non partisan in her outrage. She had a similar outburst once when I voted with my friend Bella Abzug!

When she was in her last days in the hospital in Boston, I received a very kind phone

call from President Barack Obama, who was concerned about her failing health and wanted me to pass along his and the First Lady's thoughts and prayers.

After the call, I walked back into Martha's hospital room, and said in the presence of her family that I had just received a very important phone call—but I didn't want to be a name-dropper.

Martha opened one of her blue eyes, and said in a voice we could all appreciate, "Oh, go right ahead and drop the name."

When I told her who had called, and what the message was, she opened the other blue eye, laughed, and said, "You know, you shoulda beaten that guy."

I told President Obama that story when he called from Italy on Tuesday to express his condolences. The President roared with laughter at Martha's reaction.

Martha and Bernie have been such a magical couple—which, of course, doesn't mean they always had the same tastes. Which may have had something to do with the magic.

Martha, as you all know, loved to travel, which you'd expect of someone with such an adventurous spirit.

Her favorite spot was the Dominican Republic, but there wasn't anywhere in the world she wouldn't explore.

For Bernie, on the other hand, as Martha loved to say, "foreign travel" meant going from Providence to Westerly. And a trip to see the Red Sox, the Celtics, or the Patriots was a voyage on par with space travel.

So, as all of you know, Martha would travel on occasion by herself—to India, to Ireland, to Mexico and Europe.

On one occasion, she became fascinated with the Lewis and Clark expedition, and decided to follow their trail west—with a group of complete strangers. Or, at least, they were complete strangers when they started out.

It didn't take long for them to become lifelong friends, one of whom is here with us today.

Even with all the energy she devoted to campaigning and to the many, many efforts she made in this community, Martha would always say, "My sole ambition is my family."

In one of those wonderful, quiet moments last week, when she knew the end was near, she said to me, "My ambition has always been my family, and I have fulfilled every ambition."

Martha and Bernie have been remarkable parents, and the proof exists in their children. They are all frighteningly bright. They are all remarkably successful. They are all unbelievably well-balanced. And those were their mother's descriptions when she was being modest.

Now, children can be gifted intellectually and athletically just by winning the genetic lottery—but when children grow up with decency, kindness, and humanity, you know that's a direct result of great parenting.

These five young men and women are the mirror reflection of their parents. And nothing, absolutely nothing, gave my sister Martha greater satisfaction than their goodness.

Together, these five children are raising 17 terrific children of their own.

When our parents passed away, Martha was the magnet that kept us all in the same orbit. As we all know, once our parents have passed, it can be hard to get the family together.

That didn't happen with us, because we all knew that if there was a holiday, there was going to be a get-together at Martha's house.

There was going to be good food, and a lot of it.

And there was going to be a lot of laughter, raucous debate, conversation, and the sheer joy of each other's company.

Her favorite holidays, by far, were Christmas Eve, the Fourth of July, and Thanksgiving.

In fact, she never let anything get in the way of bringing her family, including her siblings, closer together—not even the law.

Now, what I'm about to tell you could never happen in my State of Connecticut. Martha once started building a structure on their property in Narragansett which, as far as the local zoning commission knew, was a tool shed.

She managed to avoid suspicion, even when the tool shed started to get way too big to be plausibly intended for just tools.

Martha got even more brazen with time, as the tool shed acquired extra rooms.

And, really, the jig should have been up when she added plumbing to that tool shed.

But Martha was nothing if not bold, and she got away with building that guest house for our sister Carolyn to stay in when she'd come and visit. Once it was clear that the zoning commission was not about to mess with Martha Dodd Buonanno, she even put up a sign calling it "Aunt Kitty's Cottage."

Martha was so proud of our brother Tom's years at Georgetown, and his time as our ambassador in Costa Rica and Uruguay.

She never ceased in her amazement of her best friend, my sister Carolyn's achievements reviving American Montessori, and her forty years of teaching.

The photos chronicling the growth of her wonderful family, taken by our brother Jeremy, which hang in their home, reflect Martha's respect, admiration, and love of her brother.

And the tales, travels, and exploits of our brother Nick kept her, in Martha's words, laughing and breathless for years.

I already miss my charismatic, funny, lively, beautiful sister.

But she touched so many people so deeply that I don't think she'll ever really be gone. I'm going to see her in the faces of her children and grandchildren.

I'm going to hear her voice whenever I'm on the campaign trail or casting a vote in the Senate—particularly when she would disagree with me.

And I'm going to feel her presence every time we celebrate a holiday, every time we share a meal, every time I drive by that softball field in West Hartford and remember just how incredible it was to grow up with Martha.

Since moments like this never give you a chance to express all of your emotions, let me just say, on behalf of all of us, thank you, Martha, for everything.

All of us love you, all of us miss you, and all of us were so lucky to be touched by your generous spirit.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. McCOLLUM. Madam Speaker, I rise today in support of the Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Act (H.R. 3183). This Appropriations Act makes important investments to move America toward a clean energy

economy. I thank Chairman OBEY, the House leadership, and my colleagues on the House Appropriations Committee for their hard work on this legislation.

A transition to clean, renewable sources of energy is critical for America's national security, economic prosperity, and environmental stewardship. One of the most effective strategies for reducing America's dependence on foreign oil and polluting fossil fuels is to decrease our energy consumption. This bill invests \$2.25 billion in Energy Efficiency and Renewable Energy programs at the Department of Energy, a 14 percent increase over fiscal year 2009. This funding will enhance the development of next-generation vehicle technologies, support research on conservation technologies for buildings and industry, and help struggling families save money and energy through the weatherization assistance program.

Improvements in energy efficiency must be coupled with the development of new, 21st century energy technologies. This bill invests \$4.9 billion for the Office of Science—funds that will support development of new energy technologies to modernize America's economy and reduce our dependence on fossil fuels. As we develop these new energy technologies, our country must have a modern energy grid equipped to transport clean energy across the country. This bill provides \$208 million—52 percent over 2009—for modernization of our energy grid. This will allow wind energy produced in my state of Minnesota to be transported to areas across the country that have high energy demand but fewer or less accessible renewable energy resources.

While this bill is very strong overall, I have concerns that it could do more to move our country toward a permanent storage solution for our accumulating nuclear waste. After spending 20 years and billions of dollars on Yucca Mountain, the federal government is about to suspend this project and start over. Finding a long-term solution to America's nuclear waste storage problem is the federal government's responsibility, and I urge this Congress and this Administration to make this issue a priority.

The Energy and Water Development and Related Agencies Appropriations Act of 2010 is a significant step toward a clean, secure energy future for America. I urge my colleagues to support passage of this bill.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BILBRAY. Madam Speaker, I submit the following.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 3288—Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Department of Transportation, Federal Highway Administration, Interstate Maintenance Discretionary

Legal Name of Requesting Entity: City of San Diego, CA

Address of Requesting Entity: 202 C Street, San Diego, CA 92101

Description of Request: I secured \$1,000,000 to fund initial construction work for an interstate highway interchange improvement project of regional and national significance, which will widen I-5 and connect it with S.R. 56 in San Diego, significantly improving mobility of goods and people. The I-5 corridor is the primary north-south link between Southern California—San Diego, Los Angeles, Orange County—and Mexico, and S.R. 56 is one of the few east-west freeways serving the San Diego region. The vicinity of the interchange project experiences extensive, recurrent traffic congestion, with average daily counts of 261,000 vehicles (including 10,000 trucks), projected to reach 430,000 vehicles daily within 20 years. Environmental and design work for the project is complete, and additional construction funding is programmed in current Regional and State Transportation Improvement Plans for future federal, state, and local highway funding allocations. Local and State sources will finance at least 20 percent of the total project cost. The project addresses the authorized purposes of the Department of Transportation Interstate Maintenance account, which includes funding for the addition of new interchanges.

WASHINGTON ARMY AND AIR
NATIONAL GUARD

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. REICHERT. Madam Speaker, today I rise in honor of the members of the Washington National Guard, including the 81st Brigade Combat Team that began returning from serving in Iraq on July 29, and thank them for their tireless and brave service in defense of our nation.

Coming from all communities, backgrounds and professions of Washington State, members of the Army and Air National Guard of Washington continuously serve this country at home and abroad. The 81st, headquartered in Seattle, mobilized on August 18, 2008 and is composed of 2,478 citizen-soldiers from Washington, helped by an additional 843 soldiers from the California Army National Guard, eighty soldiers from the Texas Army National Guard and twelve soldiers from the Montana Army National Guard. While deployed, the 81st served as convoy security, force protection, and conducted provincial reconstruction and base operations missions. Previously, the 81st served in Iraq from March, 2004 to March, 2005.

As the 81st continues its journey home over the next few weeks, I pray for their safety and their transition back to civilian life. The service all the men and women of the Washington Army and Air National Guard provide abroad and at home engenders hope, faith and security in the people of Washington. Therefore, as a representative of the 8th District of Washington and along with the rest of the Wash-

ington congressional delegation, I applaud and honor the sacrifice and service of the Washington Army and Air National Guard and wish them Godspeed on their journey back home.

EARMARK DECLARATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. POSEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks for my Congressional District as a part of H.R. 3326 Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman BILL POSEY and Congresswoman CORINNE BROWN

Project Funding Amount: \$3,000,000

Bill Number: H.R. 3326, Department of Defense Appropriations Act, 2010

Account: OM,A

Legal Name of Requesting Entity: Florida Manufacturing Extension Partnership.

Address of Requesting Entity: Florida Manufacturing Extension Partnership located at 1180 Celebration Boulevard, Celebration, Florida 34747.

Description of Request: The funding will be used by the Florida Manufacturing Extension Partnership for the Defense Job Creation and Supply Chain Initiative. This project will create or retain defense manufacturing jobs in Florida while providing Department of Defense response capability to demand surges and reduced risk of supply-chain disruptions.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman BILL POSEY

Project Funding Amount: \$935,000

Bill Number: H.R. 3326, Department of Defense Appropriations Act, 2010

Account: OM,A

Legal Name of Requesting Entity: Florida Institute of Technology

Address of Requesting Entity: Florida Institute of Technology, located at 150 West University Boulevard, Melbourne, Florida 32901.

Description of Request: The funding will be used to provide new, upgraded training space for Army and Air National Guard Reserve Officers Training Cadet Corps.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or ex-

ceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman BILL POSEY

Project Funding Amount: \$4,000,000

Bill Number: H.R. 3326, Department of Defense Appropriations Act, 2010

Account: RDTE,DW

Legal Name of Requesting Entity: Soneticon, Inc.

Address of Requesting Entity: Soneticon, Inc., located at 1045 South John Rodes Boulevard, West Melbourne, Florida 32904

Description of Request: The funding will be used to enhance currently installed systems for continued operations.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

TEXAS S. CON. RES. 22

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONAWAY. Madam Speaker, at the request of the Secretary of State of the State of Texas, I am officially entering Senate Concurrent Resolution 22, as passed by the 81st Legislature, Regular Session, 2009 of the State of Texas, into the CONGRESSIONAL RECORD.

SENATE CONCURRENT RESOLUTION NO. 22

Whereas, The Medal of Honor is the nation's highest decoration for valor in combat awarded to members of the United States armed forces; generally presented to recipients by the president of the United States on congress's behalf, it is often called the Congressional Medal of Honor; and

Whereas, First authorized in 1861 for United States Navy and Marine Corps personnel and for United States Army soldiers the following year, Medals of Honor are awarded sparingly and bestowed only on those individuals performing documented acts of gallant heroism against an enemy force; and

Whereas, Since congress authorized the award, 70 Medals of Honor have been accredited to the State of Texas, yet other Texans have similarly distinguished themselves by acts of courageous gallantry in combat no less deserving of such recognition; one such individual is Marcelino Serna, a native of Mexico whose unflinching and selfless bravery and acts of uncommon valor on the battlefields of World War I made him one of Texas' most decorated heroes; and

Whereas, Born in the Mexican state of Chihuahua in 1896, he came to the United States as a young man in search of a better life, working various jobs in Texas, Kansas, and Colorado; and

Whereas, In 1917, Mr. Serna was working in Colorado when the United States, unable to remain neutral any longer while war raged in Europe, declared war on Germany; later

that year, federal officials in Denver, Colorado, gathered a group of men and held them until their draft status could be verified; and

Whereas, Included in this group, Mr. Serna chose not to wait for such verification and instead volunteered for service in the United States Army; after only three weeks of training, 20-year-old Private Serna was shipped to England, where he was assigned to the 355th Infantry of the 89th Division, a unit that was to see action in some of the most arduous campaigns of the war; and

Whereas, By the time the unit arrived in France, Private Serna's status as a noncitizen had come to light, and he was consequently offered a discharge from the army; given the opportunity to return home, Private Serna refused the discharge, choosing to stay with his unit as it began its advance toward the Meuse River and Argonne Forest in northeastern France; and

Whereas, At Saint Mihiel, Private Serna's unit was moving through thick brush when a German machine gunner opened fire, killing 12 American soldiers; with his lieutenant's permission, Private Serna, a scout, continued forward, dodging machine-gun fire until he reached the gunner's left flank; and

Whereas, Having come through a hail of bullets unscathed, despite being hit twice in the helmet, Private Serna got close enough to lob four grenades into the machine-gun nest, killing six enemy soldiers and taking into custody the eight survivors, who quickly surrendered to the lone American soldier; and

Whereas, This encounter was followed shortly by an even more astounding feat when, during his second scouting mission in the Meuse-Argonne campaign, Private Serna captured 24 German soldiers with his Enfield rifle and grenades, an episode that began when he spied a sniper walking on a trench bank; and

Whereas, Although the sniper was about 200 yards away, Private Serna shot and wounded him, then followed the wounded German's trail into a trench, where he discovered several more enemy soldiers; opening fire, Private Serna killed three of the enemy and scattered the others in that initial burst; and

Whereas, Frequently changing positions, Private Serna fooled the enemy into thinking they were under fire from several Americans, keeping up the ruse until he was close enough to lob three grenades into the German dugout; in about 45 minutes of furious action, Private Serna managed to kill 26 German soldiers and capture another 24, whom he held captive by himself until his unit arrived; and

Whereas, Enduring several months of combat action largely unharmed, Private Serna was shot in both legs by a sniper four days before the Armistice; while he was convalescing in an army hospital in France, General John J. Pershing, commander-in-chief of the American Expeditionary Forces, decorated Private Serna with the Distinguished Service Cross, the second highest American combat medal; and

Whereas, Private Serna also received two French Croix de Guerre with Palm medals, the French Medaille Militaire, the French Commemorative Medal, the Italian Cross of Merit, the World War I Victory Medal, the Victory Medal with three campaign bars, the Saint Mihiel Medal, the Verdun Medal, and two Purple Hearts; and

Whereas, Discharged from the army in 1919, Marcelino Serna settled in El Paso, where he became a United States citizen, entered the civil service, and lived out his re-

tirement years until his death in 1992; although he lived the most ordinary of lives after the war, Mr. Serna was, for a brief moment in time, an extraordinary hero whose remarkable feats of bravery under fire elevated him into the pantheon of American heroes; and

Whereas, In 1993, Texas Congressman Ronald D. Coleman introduced a measure in the 103rd Congress to waive certain statutory time limits on awarding the Medal of Honor and thus bestow on Marcelino Serna the proper recognition he so richly deserves; unfortunately, the measure did not receive a proper hearing, thereby denying the legacy of Mr. Serna its proper place in history; now, therefore, be it

Resolved, That the 81st Legislature of the State of Texas hereby respectfully urge the Congress of the United States to reopen consideration of this case to posthumously award the Medal of Honor to World War I hero Marcelino Serna; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

HONORING JACKSON POLICE CHIEF RICK STAPLES

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. TANNER. Madam Speaker, I rise today to honor Rick Staples, a long-time public servant who will retire as Chief of the Jackson Police Department on September 18. Under Chief Staples, the Jackson Police Department has dedicatedly served our community, and his leadership has proven to be an example for both veterans and new officers alike.

Rick Staples was born and raised in Madison County, which I am honored to represent in this Chamber. After graduating from Jackson High School in 1970, he attended college at Jackson State Community College before graduating from the prestigious Northwestern University Police Administration training program.

Following his graduation from the Northwestern University Police Administration training program, he attained the rank of lieutenant and worked his way up through the ranks until, on October 12, 1989, Rick was promoted to Chief of Police, a position he has held ever since.

During his tenure serving West Tennessee, our law enforcement professionals have seen sweeping changes, from the computerization of records to the complete restructuring of the department. Chief Staples has managed a staff of 253 employees, an annual budget of more than \$15 million and been responsible for providing police services to a population of more than 62,000 residents. He helped create the Gang Task Force and Violent Crimes Task Force as well as start the first Citizen's Police Academy in Tennessee.

Among Chief Staples' proudest accomplishments is the partnership developed between the police department and our community. In 1994, the city council called for a crime summit between the officers and the residents of Jackson. The result was the establishment of the Community Policing Program, which has allowed for the relationship between the officers and the community to continue to grow, something in which Chief Staples takes tremendous pride.

In addition to his service to the Jackson Police Department, Chief Staples has volunteered as a Critical Incident Debriefing for the Tennessee Public Safety Network as well as a personal security guard for celebrities at high-profile, local events such as the Cerebral Palsy Telethon and the Miss Tennessee Pageant.

Chief Staples' retirement is not an end to his service to the public. He has found a new challenge, accepting a position with a security firm located in Baghdad, Iraq. I trust that he will perform his new job with the same dedication, professionalism and perseverance as he has in his current position.

Madam Speaker, I have long been proud to call Ricky Staples my friend. I thank you and our colleagues for joining me in expressing gratitude for his service protecting West Tennessee families, congratulating him on his retirement, and wishing him the best as he begins an exciting and important opportunity.

IN MEMORY OF JAY CRISCIONE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. WILSON of South Carolina. Madam Speaker, on July 29th, South Carolina and Lexington County lost a long time friend and leader with the passing of Jay Criscione. Our community has been enhanced as world-class due to his vision on behalf of young people and our senior citizens.

Joey Holleman of The State newspaper in South Carolina has thoughtfully penned the following tribute to Mr. Criscione.

[From the State]

LEXINGTON RECREATION LEADER DIES

(By Joey Holleman)

Jay Criscione, who directed the Lexington County Recreation and Aging Commission through more than two decades of rapid growth, died Wednesday after a battle with cancer. He was 61.

Criscione started with the recreation agency in 1973, soon after he graduated from Clemson. He took over as executive director in 1986.

Criscione steered the agency toward projects that drew from large geographic areas—the four leisure centers, the Oak Grove and Pine Grove softball complexes, and a national-caliber tennis center. He reasoned that the softball and tennis projects would give the county double benefits. Local players could use the facilities, and local businesses would benefit from regional and national tournaments held at the venues.

"He was a pioneer in the softball craze of bringing in national tournaments," said Jim Headley, director of the S.C. Recreation and

Parks Association. "What he did with Oak Grove and then Pine Grove inspired Rock Hill, Florence and Aiken to enter the softball market. He saw sports tourism as an economic engine."

Adept at working every financing angle, Criscione landed state grants that paid most of the construction cost for a horse arena in South Congaree and multiple senior centers. He also helped convince County Council to approve multimillion-dollar construction bonds.

"He had a vision for the county," said Larry Mack, longtime chairman of the recreation commission. "He worked real hard to supply the needs of the people for recreation."

In recent years, Criscione had been slowed by multiple bouts with various cancers. He is survived by his mother, Juanita R. Criscione of Chester, a daughter and son-in-law, Ramsey and Trent Goodman of Lexington, a sister, Paulette Criscione of Lexington, and two grandchildren.

UNITED STATES NUMBERED HIGHWAY SYSTEM

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BLUMENAUER. Madam Speaker, the United States Numbered Highway System—from US 1 to US 830—was the first set of nationally recognized highways in the country. During the Great Depression, federal and state governments put people to work improving and extending the nation's roads and highways. The U.S. numbered highways carried the bulk of intercity vehicular traffic and people migrating west. These highways helped our country win the Second World War, allowing great flexibility in ferrying soldiers and materials across the nation, supplementing the nation's fixed rail system.

Communities all across America sprung up around these numbered highways, which came to serve as Main Streets in many of these towns. The system reached its apex in 1956, but with the creation of the Interstate System and subsequent growth of suburban communities, many of these once great highways have decayed. As a result, many of the U.S. numbered highways can be characterized as "orphan highways," receiving little or no federal investment. These highways, however, continue to serve local areas with critical connectivity and economic links, and are often the heart of Main Street America.

To create an assistance program that is tailored to the redevelopment of community Main Streets which are or were part of the United States Numbered Highway System, I have introduced the Orphan Highway Restoration Act. This legislation creates a new program to provide Federal funds to assist states and local governments in their efforts to rehabilitate or repair the Main Street sections of the orphan highways running through their towns. The bill provides a needed boost to state and local transportation departments by committing important new resources to revitalize local economies and communities. It creates redevelopment opportunities that benefit local businesses and labor, improve safety on our roads, and creates jobs.

I look forward to working with my colleagues to pass this important legislation and to reinvest in the communities that make America great.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the FY 2010 THUD Appropriations bill:

I, Congresswoman MARY FALLIN, requested and received \$1,000,000 for Bus Facility Renovation to The Central Oklahoma Transportation and Parking Authority located at 300 SW 7th Street, Oklahoma City, Oklahoma 73109. This funding will be used for to repair and replace water cooling tower and correct drainage problems at historic Union Station. Improve the lighting and exhaust systems at the maintenance garage and upgrade the oil and lube room facilities.

CONGRATULATING MR. FRANK GOLDER ON THE OCCASION OF HIS 100TH BIRTHDAY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the U.S. House of Representatives to pay tribute to Mr. Frank Golder, of Bloomsburg, Columbia County, Pennsylvania, on the joyous occasion of his 100th birthday celebration that will occur on August 8.

Long a legendary figure in the fields of education and athletic development in northeastern and central Pennsylvania, Mr. Golder has distinguished himself as a mentor and a role model to generations of young Pennsylvanians who looked to him with respect and admiration.

After graduating from Bloomsburg High School in the 1920s where he developed his love for basketball and baseball, Mr. Golder went on to star in those sports from 1927 to 1931 during his years at then Bloomsburg Normal School, later Bloomsburg University.

He went on to become a teacher and an athletic coach at Hughesville High School during which he earned his master's degree from Columbia University.

His teams won two West Branch League titles at Hughesville.

Mr. Golder moved to Bloomsburg High School in 1937 where he was named head basketball coach. In 19 seasons in charge of the basketball program, his squads won 10 Susquehanna Valley League crowns and, during one three-year stretch, he won 40 consecutive league games. His team, The Panthers, also captured four District Four championships.

Mr. Golder was also responsible for establishing Little League Baseball in Bloomsburg in the late 1940s. He also started baseball at Bloomsburg High School where he coached that sport for seven years.

For 13 years, Mr. Golder was a member of the PIAA District Four Board of Directors and was chairman of that organization for three years.

After serving as principal of Bloomsburg High School for 14 years, he retired in 1975.

During his remarkable basketball coaching career, Mr. Golder endeared himself to hundreds of aspiring young athletes with his disciplined approach to the importance of learning the fundamentals of the sport and his reputation as a coach who inspired excellence through a calm, reasoned, approach.

The Bloomsburg Press Enterprise described him as an extraordinary gentleman and a fine coach when including him as one of the top local sports figures of the 20th century in 1999. He was inducted into the Bloomsburg University's Sports Hall of Fame in 1988.

Mr. Golder continues to reside in Bloomsburg with his wife, Myra. The couple has one daughter and two grandchildren.

Madam Speaker, please join me in congratulating Mr. Golder on this wonderful occasion. For his entire life, Frank Golder has demonstrated the highest ideals for a role model and he encouraged his students to rise to excellence both on and off the field of competition. His contributions to generations of our citizens have greatly improved the quality of life and his legacy lives on with those he has inspired.

IN HONOR AND RECOGNITION OF THE 90TH BIRTHDAY OF MAR- GUERITE JOHNSON

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. WITTMAN. Madam Speaker, I rise today to honor and recognize Marguerite Johnson of Fredericksburg, Virginia, as she celebrates her 90th birthday.

Mrs. Johnson has touched many lives through teaching, volunteering, and as a leader in her church. As a former teacher and principal of more than twenty-six years, Mrs. Johnson understands that a strong education is the key to success and instilled this in her students. She also demonstrated the importance of community service and citizenship, encouraging her students to volunteer and help those in need in the community. After retiring in 1984, Mrs. Johnson continued her commitment to education by volunteering as a teacher's assistant for special needs students at Tree of Life Christian Preparatory School in Fredericksburg.

Mrs. Johnson was a 4-H Club and Girl Scout leader devoted to promoting the importance of citizenship, leadership and strong values. She was also a Pathfinder leader in her church. As a Master Guide, the highest ranking position in Pathfinders, Mrs. Johnson promoted youth leadership, encouraged community involvement, planned outreach activities

and taught camping, survival training skills, nature and conservation classes.

Mrs. Johnson enjoys the outdoors and being surrounded by nature. She has traveled extensively throughout the country camping and hiking in many of our national parks including Pike National Forest, Mount Rushmore National Memorial, Redwood National Park, and the Grand Canyon National Park. Mrs. Johnson also enjoys the Shenandoah National Park where she recently celebrated her 90th birthday surrounded by family and friends.

Mrs. Johnson has touched many lives in her lifetime. She truly loves her family and has an unwavering faith in God. Her generosity has encouraged and strengthened the faith and lives of family, friends and members of her church and local community.

Madam Speaker, I am honored today to recognize Mrs. Johnson in celebration of her 90th birthday. I hope the years to come will bring her health, happiness and special times with family and friends.

EARMARK DECLARATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Defense Appropriations Bill.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3326

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: L-3 Power Paragon

Address of Requesting Entity: 901 E. Ball Road, Anaheim, California 92805

Funding Secured: \$2,000,000

Description of Request: This project is a design build prototype for a hybrid electric drive (HED) for the CG 47 Class Cruisers for the U.S. Navy. This project contributes to the future of environmentally sound, fuel-efficient propulsion. The Navy believes that this improvement would realize a significant savings per year per ship. This HED for surface combatants such as the CG 47 would significantly reduce fuel costs, increase ship endurance and range, produce less environmental emissions, increase ship survivability through reduce signatures, and provide increased overall ship electric power generation capacity. This installation would leverage advances in lighter weight and more efficient electric propulsion technologies that have resulted from the Office of Naval Research investments over the last several years.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3326

Account: Army—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Athena GTX

Address of Requesting Entity: 10291 Trade-mark Street, Rancho Cucamonga, CA 91730

Funding Secured: \$3,000,000

Description of Request: This project will complete the development of a Wireless Medical Monitor (WiMed) allowing a combat medic to monitor vital signs and triage wounded soldiers in real time. Current medical triage monitors and vital signs data tracking tools are complex, heavy, and have bulky connections. They are also large, costly, and difficult to use. Using proven technology, the WiMed provides increased capability at a much lower cost. By streamlining casualty care and providing patient trend data, life saving decisions lead to earlier interventions and improved outcomes. Prototypes have demonstrated WiMed's ability to improve critical care by linking all patient care within the same wireless systems and platforms already in service. Once placed on a patient at the point of wounding, WiMed stays with that patient throughout triage and care. WiMed works with standard blood pressure cuffs or a simple highly mobile forehead stick-on sensor and integrates many inputs, including: pulse oximetry, blood pressure, temperature, skin humidity, and electrocardiogram. The patient's state is broadcast via Wi-Fi technology to any number of users with linked platforms anywhere in the world at any time and they can receive vital signs information on any number of casualties that have the WiMed monitoring equipment placed on them. Continued funding for this project will greatly improve combat casualty care outcomes.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3326

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Sabtech

Address of Requesting Entity: 17320 Dahlgren Road, Dahlgren, Virginia 22448

Secondary Address: 23231 La Palma Avenue, Yorba Linda, California 92887

Funding Secured: \$5,000,000

Description of Request: The United States Navy's Aegis ship modernization plan includes modernization of the ships' basic hull, mechanical, and electrical equipment, and modernization of their combat systems. In both areas, the Navy plans to install new systems or components that are more capable than the ones they are to replace. Some of the planned changes are intended to permit naval ships to be operated with a smaller crew, thereby reducing their annual operation and support costs. Planned changes to the ships' combat systems are intended to, among other things, begin shifting their Aegis computers and software to a more open architecture meaning, in general terms, an arrangement that uses non-proprietary computers and software. The Navy believes that moving to an Aegis open architecture will permit the Aegis system to be updated over the remainder of the ships' lives more easily and less expensively, using contributions from a variety of firms. This funding will be used to conduct a demonstration to remove existing Legacy NTDS computer interfaces found in Baseline 7, Cruiser Modernization, and Aegis Modernization. This request was also submitted to the House Armed Services Committee in order to secure authorization statutes in the Fiscal Year 2010 Defense Authorization Act.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 3326

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Naval Health Research Center

Address of Requesting Entity: 140 Sylvester Road, San Diego, California 92106

Funding Secured: \$3,000,000

Description of Request: In the United States, prostate cancer is the most common cancer in men, with an incidence rate of 16 percent of the general population. The primary treatment of prostate cancer usually includes radical prostatectomy surgery, which provides a good management of the local tumor in most of the patients. Unfortunately, in 15 to 40 percent of patients, recurrent prostate cancer is possible within five years of surgery. Though recurrent prostate cancer following failure of local control is not curable, patients with recurrent cancer are perfect candidates for immunotherapy, a new approach that is still under clinical investigation for oncology applications. The U.S. Navy, through its Naval Health Research Center in San Diego, California, is in a unique position to advance immunotherapeutic approaches for prostate cancer that have so far shown efficacy in animal models. With Fiscal Year 2009 funding, the U.S. Navy Cancer Vaccine Program implemented a Phase 1A/1B clinical trial of its developed vaccine for prostate cancer patients at the Veterans Medical Center. Forty-eight U.S. military veterans who have received previous treatment (surgery, radiation or radioactive seed implants) and now have a rising PSA participated in the study. With proof of minimal toxicity of the PSA vaccine in the Phase 1A clinical trial, a second clinical trial of patients with rising PSAs and nonpalpable biopsy confirmed prostate cancer would be initiated with Fiscal Year 2010 funding. This program will have direct benefits for the health care options of our nation's active Armed Forces, retired veterans, and the general American population.

INCLUSION OF THE HARVARD KENNEDY GRADUATE SCHOOL BULLETIN, WINTER 2009, HONORING WARREN I. CIKINS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to include into the RECORD the Harvard Kennedy Graduate School Bulletin for Winter 2009, honoring the public service of Warren I. Cinkins. Warren has spent 50 years as a dedicated public servant. He started out in this body, as a legislative assistant to former Congressman Brooks Hays of Arkansas. His public service spanned stints in the Kennedy White House, with the Commission on Civil Rights, with the U.S. Agency on International Development, with the Equal Opportunity Commission, and with Chief Justice Warren Burger. Warren also was one of my predecessors on the Fairfax County, Virginia, Board of Supervisors, ably serving his constituents.

The article I am including in the record provides an example of a truly exemplary public servant, and the value of one person's dedication. In it, Warren is quoted as saying, "I was committed to making a difference." Madam Speaker, I have known him for many years and I can proudly attest that Warren Cikins has indeed made a positive difference in his community and in our nation.

HARVARD KENNEDY GRADUATE SCHOOL BULLETIN
WINTER 2009

Warren Cikins MPA 1954 remembers how his decision to attend the Kennedy School—then the Littauer School—was met with skepticism by peers and mentors alike. His closest friends from his undergraduate days at Harvard were going into medicine, business, and law. His father had dreamed of his becoming an engineer, and one of his government professors wondered aloud: "Why go here? Make a lot of money, then go into public service."

But he never doubted his career choice. His ambition, he says, began as a boy, living in Dorchester, Massachusetts, listening to President Franklin Delano Roosevelt on the radio talk to the American people.

"It was always my intent to serve the public; I was committed to making a difference," says Cikins, 78, who grew up in a devout Orthodox Jewish household. Nothing, it seemed to him, could be more important than the work of the public servant.

Looking back, Cikins says he has no regrets. His career, spanning more than 50 years and including work with all three branches of government, overlapped with many of the country's pivotal events. In his first full-time job after the Kennedy School, he served as legislative assistant to Arkansas Congressman Brooks Hays when Hays intervened in Governor Orval Faubus's attempt to block the integration of Little Rock's Central High School—an effort that would later cost Hays his seat.

Cikins served with Hays in the Kennedy White House after first serving as Hays' assistant when he was appointed Assistant Secretary of State for Congressional Relations. At the Commission on Civil Rights in 1964 Cikins helped bring about the enactment of the Voting Rights Act of 1965. He followed with stints at the United States Agency for International Development (USAID), where he sought to attract highly qualified minorities, and at the Equal Employment Opportunity Commission (EEOC).

A self-described moderate liberal, Cikins fought throughout his career for those who had no voice. And he did it, he says, by looking for the similarities he shared with his colleagues rather than the differences. In his 2005 memoir, *In Search of Middle Ground*, Cikins writes, "My style was always one of outreach. I believed in bipartisanship, bridge-building, compromise, and civility. Confrontational approaches were an anathema to me."

He put this advice to great use and success as a two-term elected member of the Fairfax County (VA) Board of Supervisors, on which he served from 1975 to 1980. Local politician Gerry Hyland, who worked with Cikins, noted in a profile in the local newspaper: "Warren is viewed as a person who cares and who works toward consensus. The will of the group is going to prevail above his own point of view."

It is in the compromises, he says, that the work gets done, repeating often a truism he attributes to Hays, his former boss and mentor: "Half of something is better than all of nothing."

As a senior administrator at the Brookings Institution, where he spent more than 15 years, Cikins continued to promote outreach and conciliation by establishing, among many programs he created there, a highly successful annual seminar on the administration of justice, which sought to resolve differences between the three branches of government, and the Newly Elected Members of Congress seminar, an effort that helped bring new members of Congress up to speed. Towards the end of his career at Brookings, he devoted much of his energy to bringing greater attention to improving criminal rehabilitation.

In his 2001 class report marking the 50th anniversary of his graduation from Harvard, Cikins wrote that he considered his work in improving the criminal justice system, in cooperation with Supreme Court Chief Justice Warren Burger, one of his greatest accomplishments. Quoting Dostoyevsky, Cikins noted in his memoir, "Civilization will be judged by how it treats its wrongdoers."

Cikins's personal life reflects these same values. He remains close to his friends from high school at Boston Latin, many of whom went on with him to Harvard. Recently with his wife of 44 years, Sylvia, Cikins celebrated the 80th birthday of his longtime Kennedy School friend, Mark Cannon MPP 1953, a Mormon and political conservative. And Cikins regarded Hays, whose Baptist faith ran as deep as Cikins's did in Judaism, as one of the most influential and inspirational people in his life. They remained close until Hays's death in 1981.

Of the many accolades recognizing his contributions to public service that he's received over the years, from prominent figures that include Supreme Court Justices Burger and William Rehnquist, a letter he recently received from former New York Congressman and Harvard alumnus Amo Houghton, a Republican, says it most succinctly:

"You were the role model; you're the person who constantly tried to bring us back toward the center, and I thank you for it . . . you're a great example."

TEXAS H. CON. RES. 73

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONAWAY. Madam Speaker, at the request of the Secretary of State of the State of Texas, I am officially entering Senate Concurrent Resolution 73, as passed by the 81st Legislature, Regular Session, 2009 of the State of Texas, into the CONGRESSIONAL RECORD.

SENATE CONCURRENT RESOLUTION

Whereas, In 1965, President Lyndon B. Johnson signed into law the Higher Education Act establishing the Guaranteed Student Loan Program; although this program has undergone many changes through the years, including the adoption of a new name, the Federal Family Education Loan Program, it has consistently served the State of Texas as the most important method of delivering financial aid to students and families; and

Whereas, The Texas Guaranteed Student Loan Corporation, established as the state's guarantor in 1979, has delivered nearly 14 million loans to students and families at no

cost to the state; these loans, exceeding \$63 billion, represent approximately two-thirds of the direct financial aid awarded to Texas students pursuing their educational goals; the Federal Family Education Loan Program has not only provided loans but also created many jobs in the state, and it has become a significant economic engine through its focus on education completion and job creation; as the need for an educated workforce has increased in Texas, this public-private partnership has been at the forefront of education financing; and

Whereas, The not-for-profit and for-profit lenders in the Federal Family Education Loan Program have led in educational outreach efforts to the state's most disadvantaged populations through programs that seek to encourage academic achievement, promote financial literacy, and provide information on making college affordable; such assistance has enabled more Texans to fulfill their goals of achieving a better life, while enriching the state in the process; and

Whereas, The Federal Family Education Loan Program ranks as the most successful and popular education loan program in the state and nation; in Texas, more than 94 percent of student loan dollars are delivered through the program and over 85 percent of secondary education institutions have chosen to participate in the program; nationally, more than 81 percent of student loan dollars are delivered through the program; and

Whereas, For over four decades, the Federal Family Education Loan Program has promoted local participation in the education of our citizens, and this successful partnership between government and the private sector serves a vital function in delivering financial aid to Texas citizens and making significant contributions to our economy; now, therefore, be it

Resolved, That the 81st Legislature of the State of Texas hereby respectfully urge the United States Congress to maintain the Federal Family Education Loan Program and continue to refine and improve this crucial public-private partnership; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

DAVID DEWHURST,
President of the Senate.

JOE STRAUS,
Speaker of the House.

PATSY SPAW,
Secretary of the Senate.

ROBERT HANEY,
Chief Clerk of the House.

Approved: Rick Perry, Governor.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BILBRAY. Madam Speaker, I submit the following.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: USAF, Research and Development
Legal Name of Requesting Entity: General Atomics Aeronautical Systems

Address of Requesting Entity: 14200 Kirkham Way, Poway CA 92064

Description of Request: I was able to secure \$1,500,000, for the Predator C. In July 2008, I took a trip to Iraq and Afghanistan to assess the current conditions on the ground. In a meeting with General David D. McKiernan, former Commander of International Security Assistance Force (ISAF) and former Commander, U.S. Forces Afghanistan (USFOR-A), he emphasized that the most important tools needed to successfully conduct operations are more "eyes in the sky," also known as unmanned aerial vehicles (UAV). Most importantly, this request will help save lives through better intelligence gathering and greater strike capabilities. Furthermore, Predator C means more jobs contributing to San Diego's local economy. Predator C will provide the USAF and other customers with an additional covert capability, enhanced by much higher operational and transit speeds for quick response and quick repositioning for improved mission flexibility and survivability.

THE CITY OF SAMMAMISH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. REICHERT. Madam Speaker, as the Representative of the Eighth Congressional District of Washington, it is my privilege to serve a vibrant cross-section of citizens in both rural and urban settings. And in some cases, I represent residents who are making a swift transition between the two. This is especially true of Sammamish, a city of 40,000 that was recently named by Money magazine as the 12th "best place to live" in the entire country.

I rise today to congratulate Sammamish on this great and well-deserved achievement. Nestled neatly on the eastern shore of Lake Sammamish and surrounded by a mix of urban, rural and beautiful open spaces, Sammamish is as beautiful as it sounds.

Some of the qualities noted for their newly-awarded distinction include the excellent schools, safe neighborhoods and beautiful natural setting of the city. Of course, since I often have the opportunity to visit Sammamish, I can definitely attest to that truth. Historically a place of timber and agriculture, Sammamish, barely ten years old, has impressed the entire Pacific Northwest region with its rapid, elegant and responsible development. The quality of life, the political leadership and the energy of its residents make Sammamish a very special place.

Perhaps most impressively, Sammamish has invested heavily in infrastructure and an expanding menu of city services without undermining its financial footing. Through careful budgeting and long-term planning,

Sammamish is moving ahead without leaving responsible habits behind. As evidence, Sammamish recently received Standard and Poor's highest bond rating—AAA.

I am proud to represent such a city in Congress and look forward to continue working with Sammamish residents and elected leaders to continue to make it one of the best places to live long into the future. Working cooperatively, the residents and leaders of Sammamish have created an exceptional place to live and visit in a short period of time. I congratulate Mayor Don Gerend, the city council and staff and residents of Sammamish for creating such a wonderful place to live for long-time residents and newcomers, alike.

RECOGNIZING THE WORK OF JIM MCCANN

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. TIBERI. Madam Speaker, with great pleasure I rise to recognize the distinguished career of my constituent, Jim McCann.

For several decades, Jim served the Central Ohio community as the principal of Westerville North High School, passionately dedicating himself to the education of thousands. We all should strive to make a difference in this world, and Jim brought a remarkable level of energy and decency to his job, winning admiration from the community for his commitment to "The Warrior Way."

After retiring, Jim continued to give back to the youth of Central Ohio by serving as a chairman of my academy selection board. From that position, Jim took an active role in mentoring applicants, often staying in touch with them years after their first interview. To this day, Jim continues to serve his community in a number of civic committees, while also still educating and guiding many youths in the Westerville and Central Ohio area through his home school program.

Through commendable volunteer work and civic leadership, Jim stands as a pillar of the Westerville, Ohio community. Therefore, I am very pleased to thank him for all he has done for our area.

I offer my congratulations to Jim McCann for a career spent in service to others. I hope the spirit he daily brings forth in his life and work continues to inspire us to action and a renewed commitment to our country.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks regarding earmarks I received as part of H.R. 3170, the Financial Services and General Government Appropriations Act, 2010.

West Chester University's Entrepreneurial Leadership Center, West Chester, PA—

\$150,000 to create the Entrepreneurial Leadership Center, which will sponsor faculty-lead teams of students to provide the expertise start-up small businesses need to succeed; at the same time, students will learn the skills they need to become entrepreneurs. The project will encourage the development of emerging small businesses.

TRIBUTE TO RUTH L. TUCKER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. LATHAM. Madam Speaker, I rise today to congratulate Ruth L. Tucker on the celebration of her 100th birthday on July 22, 2009.

Ruth was an aspiring writer and a teacher at Pisgah country school. Her reputation as a quality teacher and writer has been recognized at Winterset High School where the Ruth L. Tucker Writing Award scholarship has been established in her honor. Ruth is known for her hospitality and being an excellent cook. She is also a member of the United Methodist Church in Winterset, Iowa.

There have been many changes that have occurred during the past one hundred years. Since Ruth's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Ruth has lived through eighteen United States Presidents and twenty-two Governors of Iowa. In her lifetime the population of the United States has more than tripled.

I congratulate Ruth Tucker for reaching this milestone of a birthday. I am extremely honored to represent Ruth in the United States Congress and I wish her happiness and health in her future years.

RECOGNIZING MS. ABIGAIL ALLEN, MY FIRST NOMINEE TO THE HOUSE PAGE PROGRAM

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of Ms. Abigail Allen, a young woman who has served as my first nominee to the House Page program. She is a resident of the Fifth District of Missouri, which I am honored to represent.

On July 5, 2009, Ms. Allen began her Page duties. This Saturday, August 1, 2009, Ms. Allen will return to her home town of Lee's Summit, Missouri, with a wealth of knowledge that she learned as a participant in the House Page Program which I hope she will share with her family and friends.

Ms. Allen is a student at Blue Springs South High School in Blue Springs, Missouri. She is a member of the cross country team, track and field team, Young Democrats and most importantly a member of the National Honor

Society. Ms. Allen is also a member of the St. James United Methodist Church Youth Group in Kansas City, Missouri.

It has been my pleasure to have Ms. Allen as a House Page. She has represented the Fifth District of Missouri well.

Madam Speaker, please join me in expressing our appreciation to Abigail, as well as all the other Pages that have served in this chamber, for they are truly the future leaders of our country.

IN HONOR OF BILLY POST

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. FARR. Madam Speaker, I rise today to honor the memory of Billy Post, a remarkable American who died last Sunday after nearly 89 years in Big Sur. He was a renaissance man, who both helped build Big Sur into one of the planet's premier visitor destinations, and preserve its wild landscapes, vibrant community, and unique history. But over and above all of his life's accomplishments, he stood out as a profoundly humble and gentle man with a keen sense of old fashioned sense of courtesy and manners. All of us who had the pleasure of meeting Billy came away awed by this man of history.

Billy Post was born in Big Sur before the highway was built that connected Big Sur to Carmel. His great-grandfather, William Brainard Post, came from Connecticut as one of the first American settlers of Big Sur in the 1860s. His great-grandmother, Anselma Onesmio, was a native Costanoan from Carmel Valley. I once heard Billy tell the story that his great-grandmother's great-grandmother had seen the first Spanish ships to approach the Monterey Bay and thought they were giant white birds. Billy Post grew up on his family's original homestead ranch, rising every morning at 4:00 to tend livestock and milk cows before heading to school. He attended UC Davis for a time but WWII cut short his dreams of becoming a veterinarian. Billy joined the Marine Corps and spent time in the Pacific at Okinawa, Saipan, Tinian, and was one of the first Americans to see Nagasaki following the atomic bomb attack.

Once Billy Post returned home he helped build the Rancho Sierra Mar cafe and campground that his family ran on the ranch. He also worked many years for Caltrans as a highway electrician, paying close attention to the natural world around him, the wild creatures and plants and especially horses. He combined these passions by offering pack trips on horseback into Big Sur's wilderness backcountry. He married in his mid-thirties and had two daughters named Gayle and Rebecca. His marriage later ended and he raised his two daughters as a single father. In 1969, Billy married Luci Lee, the love of his life and mother of two daughters from a previous relationship. Together, they built a life with their four girls, and eventually moved into a new house on the Ranch nearby.

Over the years, it grew difficult to hold onto the old style of ranching. In the early 1980s,

Billy and Luci entertained the idea of converting the ranch into a full service inn that would preserve the integrity of his family's ranch and the region's history. A handshake and a glass of Jack Daniels sealed the deal. Since Billy Post had operated heavy machinery almost all his life and could fix just about anything, he did much of the initial grading work for the new Inn. Opened in 1992, the Post Ranch Inn has developed into one of the top spa resorts in the world known particularly for its innovative architecture that embraces the dramatic beauty of its coastal Big Sur setting. Much of this grew from Billy Post's own personal vision. To the end of his life, he remained a regular fixture around the Ranch grounds, making it a point to join guests at breakfast at the Inn's Sierra Mar restaurant several times a week to share lore about Big Sur's land and people.

He was preceded in death by his daughter Nancy Downing. He is survived by his beloved wife Luci, three daughters, Linda J. Lee, Gayle Forster, and Rebecca Post; seven grandchildren, Pamela Patterson, Gregory Paley, Anna Vargas, Gabriel Forster, and Richard, Shane and Daniel Forster; and seven great-grandchildren.

Madam Speaker, I would like to extend our nation's deep gratitude for Billy Post's brave service to the United States Marine Corps, and to his own community. I know I speak for every Member of Congress in offering our condolences to Luci, his three surviving daughters, his seven grandchildren, and all Post family members and friends upon this great loss.

"WHAT HAPPENED TO MEDICAL CHARITY OF YEARS PAST?"

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GINGREY of Georgia. Madam Speaker, I submit the following:

[From the Marietta Daily Journal, July 28, 2009]

WHAT HAPPENED TO MEDICAL CHARITY OF YEARS PAST?

(By Cecil Toole, MD (Ret.))

Re Bill Kinney column, "Cobb's sick getting well, thanks to Good Samaritan," July 19 MDJ

In 1961 or 1962, I met the original "Good Samaritans" of Marietta and Cobb County, when I joined their group as a visiting resident in obstetrics from Piedmont Hospital in Atlanta. All of them were on the staff of a forgotten Kennestone Hospital in Marietta, where they conducted many free pre-natal clinics, free medicines for eligible patients, and free deliveries for those same patients in a hospital that agreed to not charge "clinic patients" for hospital service.

Those mysterious and economically foolish services were done by charitable doctors such as Dr. Meaders, Dr. Reilly, Drs. George and Murl Hagood, Dr. Remer Clark, Dr. Colquitt, Dr. Mussara, Dr. Pete Inglis, Dr. Mainor, Dr. Parker, Dr. W.H. Perkinson, Dr. Looper, Dr. Clingbell, Dr. Stafford, Dr. Mitchell, Dr. McClure and Dr. Clonts, to name a few, without ever sending a bill to

their "clinic patient." Ineligible patients might be sent a bill through a collection agency. (And by the way: the IRS never-ever allowed such "charity" done by those same doctors, to be deducted.) I was fascinated to learn how those doctors survived Economics 101 when none of their clinic patients needed, or carried, "affordable health insurance."

At Piedmont Hospital where I was a resident, the hospital took care of all of the hospital expenses of the unwed mothers from the Florence Crittenden Home. I was also told that none of them had "health-insurance." I can tell you this. As far as the TLC (Tender Loving Care) given to the "clinic-patients" and the "private patients," the treatment from the staff and the nurses was identical. The care was always excellent.

I hope if you ever get to meet the genius who invented "affordable health care," that you will remember to ask this question, "Does charity have a place in today's health-care?" The "Obama Bidens" don't want, or need, your charity. They insist on asking everybody, including the jobless, the helpless and the hopeless, to pay cash for their own "health-care" even if the cash has to be a personal loan from the government.

Just to show their good intentions, if those indigent groups can't repay their "medical care" loans, the great socialist government will identify and prosecute them, for the crime of "unpaid debts." Aren't medical science and "health-care," when mixed with Socialism, wonderful?

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BILBRAY. Madam Speaker, I submit the following.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 3288—Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entities: City of Escondido, California/City of San Marcos, California

Address of Requesting Entities: 201 North Broadway, Escondido, CA 92025/1 Civic Center Drive, San Marcos, CA 92069

Description of Request: I received \$500,000 to widen the Nordahl Bridge where it intersects SR-78. This widening project is a key to the greater SR-78 infrastructure/capacity improvement project that is decreasing congestion in both San Marcos and Escondido in preparation for the new public Palomar Pomerado Hospital.

The Cities of San Marcos and Escondido have requested funding for the project, and the project is supported by the San Diego Association of Governments and CALTRANS. Funding assistance will provide a sensible, long-term solution to the interchange by widening and lengthening the existing overpass bridge structure at Nordahl Road and SR-78 to accommodate capacity improvements planned for SR-78 while also addressing congestion on local streets.

\$5,000,000 will be obligated in FY 2010, and will fund preliminary engineering, environmental review, right-of-way acquisition and construction costs for the project. The regional project is the #1 priority for both the City of Escondido and the City of San Marcos and is not only the subject of a MOU between the cities, but also a draft cooperative agreement with Caltrans District 11. It is supported by the region's metropolitan planning organization, the San Diego Association of Governments and is included in the San Diego Regional Transportation Plan.

HONORING THE TENTH ANNIVERSARY OF THE CHILDREN OF THE VILLAGE NETWORK OF SUMTER COUNTY, ALABAMA

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. DAVIS of Alabama. Madam Speaker, I rise today to honor the achievements of the Children of the Village Network, a non-profit organization based in my District, in Sumter County, Alabama. I commend the Children of the Village Network on their 10th Anniversary and would like to underscore the positive impact that this organization has had on my District.

The Children of the Village Network was established by District Judge Tammy Montgomery based on the time honored premise that "it takes a whole village to raise one child." This network has created a family resource center for residents of Sumter County that provides life skills training, parenting classes, job readiness training, a food bank and educational scholarships. The organization drives home the importance of academic excellence for the youth of Sumter County, awarding 13 scholarships since 2000 and providing for additional enrichment activities to promote independence and incentivize academic achievement.

After ten years of commitment to the residents of Sumter County, the success of the Children of the Village Network has been widely recognized for its success in contributing significantly to improving the quality of life in Sumter County. Thank you, Madam Speaker and may God bless the Children of the Village Network and Judge Montgomery with continued success.

—EXPRESSING THE SENSE OF THE CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED TO COMMEMORATE THE WAR OF 1812 AND THAT THE CITIZENS' STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT SUCH A STAMP BE ISSUED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. DINGELL. Madam Speaker, the War of 1812, also referred to as "America's Second

War of Independence," was a defining conflict in our Nation's history that today is often overlooked.

Today, I am introducing the War of 1812 Commemorative Stamp Act, a resolution which urges the United States Postal Service (USPS) to issue a postage stamp commemorating the War of 1812. With the bicentennial of the War of 1812 just three years away, issuing such a stamp is a fitting tribute to those who heroically defended our Nation's borders and secured a lasting independence from Great Britain.

Much of our popular American culture is a product of the War of 1812. It inspired the Star Spangled Banner, the first appearance of Uncle Sam, and the phrases "Don't Give up the Ship," "Remember the Raisin," and "We have met the enemy and they are ours."

The War of 1812 also has a great significance to the 15th Congressional District of Michigan and the citizens of Monroe, Michigan. Located in Monroe is the River Raisin Battlefield, the site of a major engagement that occurred during the American campaign in the winter of 1813 to retake Fort Detroit from the British. The Battle took the lives of nearly a thousand American Regulars and Militia in what was then known as Frenchtown.

This bloody event, arguably the largest land engagement of the War of 1812, gave birth to the emotional rallying cry "Remember the Raisin," which prompted thousands to volunteer for General William Henry Harrison's spring 1813 campaign.

The people of Monroe dedicated themselves for years to restore the integrity of the battlefield in hopes of turning it into a national park and a place where history-lovers across the country could come to commemorate this landmark battle. In a show of its commitment, Monroe turned over the land to the federal government for free. Finally, after years of work, we were able to pass legislation to turn this important site into the River Raisin National Battlefield Park.

Madam Speaker, I'm certain there are similar sites throughout the country that represent part of our American history. I urge my colleagues to join me in my efforts to give the War of 1812 the recognition it deserves.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for three project funding requests that I made and were included within the text of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Project: Fire Suppression System

Project Amount: \$1,425,000

Account: RDT&E Army

Legal Name of Requesting Entity: Global Safety Labs

Address of Requesting Entity: 4129 South 72nd E. Ave., Tulsa, OK 74146

Description of Request: This initiative will provide financial resources for testing and

evaluating military applications of Arctic Fire Freeze. Arctic Fire Freeze is a fire suppressant product that has been used by the steel industry for approximately 10 years. Funding provided by this request will be used to conduct rigorous military testing and evaluation. The use of Arctic Fire Freeze in military vehicles and equipment and by ground troops could significantly reduce burn-related injuries and fatalities.

Project: High Density Power Conversion and Distribution Equipment

Project Amount: \$1,500,000

Account: RDT&E Navy

Legal Name of Requesting Entity: Westwood Corporation, L-3 Communications

Address of Requesting Entity: 12402 East 60th Street, Tulsa, OK 74146

Description of Request: Navy power switchboard technology has remained essentially the same for nearly 50 years. This technology is passed largely on past Navy applications (with lower power needs) and commercial practices (which are less volume and weight sensitive). The Navy's power needs (e.g., sensors, weapons, house loads) have escalated and the newest power architecture designs have added additional concerns (e.g., higher frequencies), but the size and weight of the power distribution equipment are still limited. The inline switchboard technology simplifies the switchboard arrangement to greatly decrease size, weight, and lifecycle cost. In summary, this will provide the Navy with technology that will result in \$0.25 M/per year per destroyer/cruiser in maintenance savings plus an additional \$1 million per ship in overhaul savings. Additional savings are estimated in size and weight at 50 tons per ship and a space savings of 1000 sq.ft. Fuel savings due to the decreased weight are anticipated to be significant given the cost of fuel.

Project: Lightweight Composite Structure Development for Aerospace Vehicles

Project Amount: \$3,000,000

Account: RDT&E Navy

Legal Name of Requesting Entity: Advanced Composites Group

Address of Requesting Entity: 5350 South 129th Street, Tulsa, OK 74134.

Description of Request: Funding would improve, qualify, and test advanced composite materials. The military has a demonstrated need for a domestic source of new advanced carbon fibers and testing protocols. Second-source qualification of composite materials only currently available from foreign suppliers will allow military suppliers to have access to lower cost domestic sources of composite materials.

IN HONOR OF MR. GENE COX

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BOYD. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication to the youth of our Nation and whose contributions as a highly successful high school football coach in Florida meant so much to generations of young men. He prepared hundreds of young men to face the

world and taught them discipline, excellence, and the desire to strive to be the best they could be in life. We have been very fortunate to have Gene Cox as a strong, dedicated, persevering, and committed leader.

Coach Cox passed away on Monday, March 30, 2009, in Tallahassee, and he is being honored by the establishment of the Gene Cox Memorial Football Scholarship at Leon High School, which will provide continued support of deserving youth.

Gene Cox grew up in Lake City, Florida, moved to Leon County in 1963, and became one of the nation's most successful football coaches. He even served as my football coach briefly in my younger days. Not only was he a great coach, he was a veteran of the Army National Guard and an active member of East Hill Baptist Church. His long term leadership in the Fellowship of Christian Athletes showed many the true foundations of living and serving. He was also the loving husband to Patsy, father to three sons and a daughter, and grandfather to five.

Gene Cox had a tireless passion and intensity to his role as coach and mentor to our youth. I am proud to commend this man who meant so much to north Florida and to the many young men throughout this country who he coached and led.

TEXAS H. CON. RES. 86

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONAWAY. Madam Speaker, at the request of the Secretary of State of the State of Texas, I am officially entering House Concurrent Resolution 86, as passed by the 81st Legislature, Regular Session, 2009 of the State of Texas, into the CONGRESSIONAL RECORD.

HOUSE CONCURRENT RESOLUTION NO. 86

Whereas, The men and women who have served in this nation's armed forces are entitled to ready access to the best possible medical care; and

Whereas, For the more than 100,000 veterans living in the Rio Grande Valley, the nearest U.S. Department of Veterans Affairs hospital is in San Antonio, as much as 300 miles and a five-hour trip away, and the lack of a VA hospital in the Valley has long imposed great hardships on veterans in that region and on their families; and

Whereas, Veterans requesting appointments at the facility in San Antonio typically wait months to be seen, even for serious conditions; for those who cannot drive themselves, or who cannot afford to drive, van transportation is provided by veterans service groups; the lengthy trip, however, adds to the patients' physical distress; no ambulances are available to convey veterans to San Antonio, which makes the journey especially difficult for those who are bed-ridden; and

Whereas, Once veterans arrive in San Antonio, they often wait hours for an appointment that may take only 15 minutes, or they may find that their appointment has been canceled; they may also discover that they need to stay overnight, which adds to the time-consuming nature of their trip and to its expense; and

Whereas, For veterans who must go to San Antonio several times a month, the time lost to travel can make it difficult to hold a job; the demands of such a trip also place a great burden on family members who have to take time off from work, and possibly arrange for child care, to drive a veteran to San Antonio, and who may need to make such trips for many years; the cost of gas and meals, in addition to the expense of lodging, if that is required, substantially exceeds the prescribed travel allowance; and

Whereas, The current facilities for veterans health care in the Valley are manifestly inadequate; the VA presently operates several outpatient clinics in the region, but these do not offer the full range of services, including testing and therapy, available in San Antonio; moreover, the VA has failed to pay the bills of many veterans who have had to seek emergency care at a local hospital; in addition, although there are plans to contract with area hospitals to provide some inpatient veterans care, the medical personnel in those facilities are unlikely to have the necessary expertise in treating the injuries and psychological trauma sustained by combat veterans; and

Whereas, In recent years, local veterans organizations have formed the Veterans Alliance of the Rio Grande Valley to help raise awareness of this issue; and

Whereas, Veterans who live in the Valley, veterans from out of state who make their home in the Valley during the winter months, and U.S. veterans who reside in Mexico all sorely need and clearly deserve a fully staffed, full-service veterans hospital in far South Texas; now, therefore, be it

Resolved, That the 81st Legislature of the State of Texas hereby affirm its support for the establishment of a veterans hospital in the Rio Grande Valley; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the secretary of the U.S. Department of Veterans Affairs, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

**TESTIMONY GIVEN BY EZEKIEL
LOL GATKUOTH REGARDING THE
COMPREHENSIVE PEACE ACCORD
(CPA) IN SUDAN**

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues testimony that Ezekiel Lol Gatkuoth, head of the Government of Southern Sudan Mission to the United States, gave yesterday before the Tom Lantos Human Rights Commission regarding the importance of full implementation of the Comprehensive Peace Accord (CPA) in Sudan.

His perspective is invaluable as a diplomat and Southern Sudanese leader who experienced firsthand the horrors of the twenty-plus year civil war between the North and the South which left more than 2 million dead in Southern Sudan.

TESTIMONY OF EZEKIEL LOL GATKUOTH HEAD OF THE GOVERNMENT OF SOUTHERN SUDAN MISSION TO THE UNITED STATES BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION (TLHRC)

Honorable Co-Chairman Frank R. Wolf, Honorable Co-Chairman James P. McGovern, and Members of Tom Lantos Human Rights Commission, thank you for organizing this Hearing at this important juncture in Sudan's history and in the quest for peace and stability through the full implementation of the Comprehensive Peace Agreement (CPA), and thank you for inviting my testimony.

Since its inception in 1983, the SPLM Vision was and continues to be that of a new Sudan built on a new basis. A Sudan unlike the old Sudan, that is based on equal citizenship regardless of race, religion, ethnicity or gender, where all citizens share rights to equitable political, social, economic and cultural development. A Sudan built on the historical diversity of its peoples and experiences, and one that accords its citizens the right to self-determination.

This vision was and is still a vision of transformation, for after 42 years of war in a span of 54 years, the fact remains that the only way for Sudan to be at peace with itself, the region and the world, is by the democratic transformation of its systems of governance, and the steering of its political and cultural dispensation towards acceptance of its realities and the diversity of its people.

This vision of transformation is in large part embodied in the 2005 accord, the CPA. The gap that exists between what was envisaged by the SPLM and what was ultimately agreed upon is mainly because of concessions made in the spirit of compromise that governs mediated negotiations of peace settlements. However, the main drive towards the democratic transformation of Sudan remains intact. Its elements are enshrined in the conditions of the implementation of the CPA and consequently in the Interim National Constitution of the Sudan and the provisions of the CPA implemented thus far.

The National Congress Party/National Islamic Front (NCP/NIF) by signing the CPA, had committed itself to: the principle of peace through the democratic transformation of the Sudanese Government and State apparatus at all levels, even through a general elections; the right of self-determination for the people of Southern Sudan and Abyei; and the right to popular consultation for the people of Nuba Mountains and Blue Nile.

However, four years into the interim period, the deliberate non-compliant and obstructionist posture of the NCP with regards to some of the CPA's most transformative and significant provisions represent a great obstacle to the achievement of peace, and is a dangerous abandonment of the partnership with the SPLM that requires a shared commitment to the spirit and letter of the CPA. This is a perilous trend that makes the threat of war—an all encompassing war is likely to ignite throughout the marginalized areas of Sudan, a much more realistic possibility than that of the promise of peace through transformation.

I will not attempt to list out all the unimplemented provisions of the CPA, but rather refer you to the Mid-Term Evaluation Report of the Assessment and Evaluation Commission (AEC) which chronicles about 35 recommendations for the parties (the NCP and the SPLM) to be in compliance with the CPA. It is worthy to mention here, however, the AEC highlighted the following as "critical for the sustainability of the CPA and

unity arrangements"—the resolution of Abyei; the North-South Border demarcation; preparations for the 2010 elections and democratic transition; preparation for the 2011 Referendum, and Post Referendum; and Security Sector Reform, mainly Joint Integrated Units (JIUs) and Disarmament, Demobilization and Reintegration (DDR).

Human rights abuses during the Sudanese Civil war are documented and can be summed up in mentioning the 2.5 million dead and 5 million displaced through direct bombardment and military action, and mainly through the proxy militias used by the government to kill, rape and displace civilians, and who also employed tactics such as the deliberate poisoning of water sources and burning of crops. In addition to that, there were the countless inhumane methods used by the State and its proxies to discriminate against and exploit those who are forced into displacement residing in other parts of the country, and strip them from the citizenship rights, basic human rights and dignity.

It was the belief of the SPLM that human rights abuses would subside after the signing of the CPA, because of the countless measures it provides for the safeguarding of the rights of all the citizens of Sudan. However, because of the control the NCP continues to refuse to relinquish over the state apparatus, especially the national security organs, and its refusal to allow the liberalization of the National Security Act and the removal of Media Censorship, many citizens have been subjected to unlawful harassment, arrest, and/or detention for long periods of time without due process and for reasons of political suppression and disregard to freedoms of speech and assembly. Moreover, the rights of Non-Muslims in the capital city, especially Non-Muslim women who don't comply with the Muslim dress code, is continuously curtailed and abused with impunity.

In Southern Sudan, there have been three incidents (of many others) I will mention here, that were in stark violation of the CPA that led to massive loss of life and countless human rights abuses; these are mainly the Malakal Incidents of 2007 and 2009 and the Abyei Incident of May 2008. Firstly, these were a result of the failure of the DDR, although completed in the South, to hold, mainly because of the continuous rearming of civilians and proxy militias by the NCP, to be deployed within the borders of Southern Sudan to create instability and conflict. Secondly, it is a result of the lack of the integration and joint training of the JIU components of the Sudanese Armed Forces (SAF) and the (Sudanese People's Liberation Army (SPLA), to become the nucleus of the future Army of a united Sudan, as envisaged by the CPA.

The JIUs were to be funded by the Government of National Unity (GONU), but to date, no funding has been disbursed for that purpose. Furthermore, the SAF component of the JIUs is problematic because it is mainly made up of militias used by the NCP during the civil war, now usurped into SAF.

In keeping with the dangerous trend of the destabilization of the South, and in an attempt to rally support against the conduct of the referendum, the NCP has intensified its arming of civilians and groups hostile to the Government of Southern Sudan, and especially those hostile to the SPLM to instigate conflict and create instability. There have been prevalent incidents in Southern Sudan, the Nuba Mountains, Blue Nile, and surprisingly in even in Southern Kordofan, leading to confrontation with local law and

order agencies, and/or armed civilians, and that leads to loss of life.

In regards to Darfur, it is essential that we acknowledge the fact that since peace is indivisible, the conflict in Darfur is in contradiction to the principles of the CPA which is embedded in the Interim National Constitution of Sudan.

There have been considerable human rights abuses, human loss and displacement since the recent Darfur conflict begun in 2003. The people of the United States have to be commended for raising their voices in solidarity with the people of Sudan in Darfur. However, there is a need for all to realize that the conflict in Darfur is a political problem that could only be solved with a political resolution, and the CPA provides the model that would address the root causes of the conflict in Darfur. Additionally, the CPA also provides the instruments of democratic transformation that if there is a cessation of hostilities in Darfur could begin to address the base of the problems of marginalization, i.e., the upcoming elections of 2010.

There is an important link between the CPA and Darfur, the developments in and around the issues of Darfur have political implications for the CPA and the obstruction of the implementation of the CPA leaves no hope for a peaceful resolution to Darfur.

The SPLM and the people of Southern Sudan are in solidarity with the cause and suffering of the Darfuri people. That is why the SPLM is committed to playing the role afforded to it by history and experience to unite the movements of Darfur to a small number that would have a consolidated position for peace in Darfur. We have made considerable progress in this endeavor and are seeking the support of the international community members who are committed to peace in Darfur.

The United States of America, the Trokia (United States, United Kingdom and Norway), the Inter-governmental Agency for Development (IGAD) and other Countries witnessed, engaged in the process of negotiations of, and signed as guarantors, the CPA. The United States played a pivotal role especially in the deadlocked issue of Abyei, making it possible for the CPA to be signed. It is important that the international community and the US especially understand that peace in Sudan is of strategic interest to them, because of its regional, continental, and global importance, and because of the implications that resumed conflict would bring to the fore. Peace is indivisible, and war knows no boundaries, and so, the only way for peace to be achieved in Sudan is through the democratic transformation of the country's system of governance, which is possible only through the full implementation of the CPA.

There is a need for the recommitment of the parties to the spirit and letter of the CPA, first by restoring some confidence and trust between themselves as partners by taking good faith measures to address some issue of great concern to the other party; and second by working towards fulfilling the 'making unity attractive' objective of the CPA through fostering North-South links and projects of development along the North-South Border. As it stands today, unity has not been made 'attractive' for the people of Southern Sudan, and the people of Abyei. According to the National Democratic Institute's (NDI) reports on its focus group research in Southern Sudan and the three areas, it is forecasted that 90% of Southern Sudan would opt for secession, and the people of Nuba Mountains and Blue Nile in overwhelming numbers confuse the right to pop-

ular consultation with the right to self-determination.

The upcoming 2010 elections will be a major indicator of the future of Sudan. It is also an opportunity for 'making unity attractive'. Therefore, it is crucial that the two parties commit themselves to the conduct of a free and fair general election on the dates set by the National Elections Commission; and for the National Elections commission and all of its instruments to be supported and funded to conduct all necessary preparations on a timely fashion, the GONU should fulfill its Elections financial responsibilities per the CPA, and the international community should avail the resources it had pledged for elections support. The resolution of the census dispute is of paramount importance to the conduct of elections, for which the parties with the help of the international community must work earnestly and expeditiously to reach.

In conclusion, the malady of Sudan since independence is not only that it is a nation state because of a border imposed on its peoples and nations, but also because of an installed government that doesn't reflect its peoples' diversity, represent their aspirations, or serve their interests, nor did it ever attempt to do so. Alternatively, the state discriminated against its newly found citizens in policy and action and chose to suppress their valid claims to equity of political and cultural representation, and socio-economic development, by extreme force and genocidal tactics and wars. Therefore, the process of 'making unity attractive' is important to the spirit of the right to Self-determination reflected in the CPA, because only then will the people of Southern Sudan have two viable choices one of a united Sudan under new basis, and the other of a separate nation-state. It is imperative that the unity that has not been made attractive in the last 4 years of the interim period of the CPA, be made attractive, otherwise, the people of Southern Sudan will have only one option, to opt for secession, choosing to build a new state that would fulfill their quest for a transformed governance system; equity of citizenship, political representation, and socio-economic development; and respect for their basic human rights.

It is imperative that while a serious attempt to 'make unity attractive' is undertaken, the parties to the CPA and the international community led by the United States, IGAD and the Trokia commit themselves the timely conduct of the referendum and to respecting its outcome, whatever it is. It is also important that the parties and the international community envisage the post-referendum challenges and opportunities—especially across the oil and security sectors; political issues like border access right for nomads and seasonal migrants; economic issues like national assets and debts; and international issues like treaties around the Nile water—and begin to set plans to address them.

Sudan is at cross-roads; one road would lead to either a united New Sudan on a new basis, or two democratic nation-states, and another would lead to war and devastation with major regional and international implications. It is up to the two parties and the Sudanese people to decide what is to become of Sudan and the help and engagement of the international community is crucial during the next few months to come.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. SMITH of Washington. Madam Speaker, on Thursday, July 30, 2009, I recorded an incorrect vote on the Tierney amendment to the FY 2010 Department of Defense Appropriations Bill. I intended to vote "aye" on rollcall vote No. 663.

RECOGNIZING THE 60TH WEDDING ANNIVERSARY OF JOHN RICHARD AND MABEL WARREN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Dr. John Richard and Mrs. Mabel Warren on the occasion of their 60th wedding anniversary.

Dick and Mabel Warren first met in 1948 as students at Stetson University in DeLand, Florida. Dick Warren served his country faithfully in World War II as an Army Signal Corpsman during the France and German invasions. After returning home, he began his studies at Stetson, where he was the founding President of the school's Lambda Chi Fraternity chapter. He graduated in 1949 with a bachelor of arts in French. Mabel first attended Mount Berry College in Georgia, and then moved to Stetson after two years, where she met her future husband. She graduated from Stetson with a bachelor of arts in Elementary Education.

Teaching has always been a part of the Warrens' lives, and both Dick and Mabel went on to earn master's degrees in the field of education. In 1973, Dr. and Mrs. Warren settled in Niceville, Florida where they have remained ever since. Dr. Warren became part of the faculty of Okaloosa Walton Community College, now known as Northwest Florida State College, where he retired as Dean of Humanities in 1997. Mrs. Warren taught elementary education for 34 years and spent the last 21 years of her teaching career at Longwood Elementary School in Shalimar, Florida. Both Dick and Mabel continue to be an active part of the Northwest Florida community, giving their time and service to others.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Mr. and Mrs. Warren on their 60th wedding anniversary. My wife Vicki and I would like to wish all the best to Dick and Mabel, as well as their children, Barbara, Richard, and Mary Jane, and their nine grandchildren. They are truly an outstanding family from the First District of Florida.

HONORING THE CHESTER COUNTY COUNCIL OF BOY SCOUTS OF AMERICA ON THEIR 90TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor the Chester County Council of Boy Scouts of America, which is celebrating its 90th Anniversary.

Founded in 1919, the Chester County Council began with 15 Troops and approximately 300 scouts. During the last 90 years, the Council has helped enrich the lives of boys and young men through activities geared toward building character, developing leadership skills and instilling a commitment to serving others.

The Council has a stellar history with long-standing traditions, including camping at the Horseshoe Scout Reservation and the Sunday chapel service "overlooking the valley of the Octoraro."

The Council has thrived for nine decades due to dedicated volunteers, leaders and alumni who graciously commit countless hours mentoring and leading the youth of Chester County. And the exceptional support from community and business leaders combined with tremendous programs and facilities make the Council one of the premiere scouting organizations in the nation.

Madam Speaker, I ask that my colleagues join me today in congratulating the Chester County Council of Boy Scouts of America on reaching a very special milestone and offering best wishes for continued success in mentoring generations of local youth and building a stronger community and nation.

HONORING THE LIVES OF SPEC. DANIEL P. DREVNICK, SPEC. JAMES D. WERTISH, AND SPEC. CARLOS E. WILCOX IV

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. McCOLLUM. Madam Speaker, I rise to remember three servicemen from the Minnesota National Guard's 34th Red Bull Infantry Division and to pay tribute to their lives. The deaths of Spec. Daniel P. Drevnick of Woodbury, Spec. James D. Wertish of Olivia, and Spec. Carlos E. Wilcox IV of Cottage Grove are a tragedy for our entire country. They lost their lives in a missile attack near Basra, Iraq on July 16, 2009.

Specialists Drevnick, Wertish, and Wilcox served this nation with honor and courage. They departed from Minnesota in February with more than 1,000 Minnesota National Guard soldiers. In Iraq, their duties included providing logistics and communications for more than 16,000 U.S. and multi-national coalition forces.

Daniel, James, and Carlos are Minnesotan and American heroes. We will be forever

grateful for their military service. They made the ultimate sacrifice for our nation and a more peaceful world.

Madam Speaker, please join me in paying the highest respect to Spec. Daniel P. Drevnick, Spec. James D. Wertish, and Spec. Carlos E. Wilcox IV. Their families, friends, and comrades in Iraq have my deepest sympathies for their profound loss.

HONORING THE LIFE OF SALLY CROWE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor the life of Sally Crowe, the longtime House of Representatives Members Dining Room hostess. Sally passed away this July 12th at the age of 92. She began working as a cashier in the Longworth cafeteria in 1951, moving to the Members' Dining Room in the 1960s, where she remained ever since. In 2003, Sally received the John W. McCormack Annual Award of Excellence in recognition of her outstanding service to the House.

Sally was extraordinarily devoted to her job and to the institution of the House of Representatives. I first met Sally thirty years ago. She was a warm, engaging individual who infused this House with Irish wit and wisdom. She was a wonderful example of the talented, professional and dedicated federal employees who serve their country with distinction and honor.

Madam Speaker, I would like to offer my sincerest condolences to the family and friends of Sally Crowe, as well as my greatest appreciation for her many years of service.

EXPRESSING GRATITUDE TO JAMES PAUL LATTURE III

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. TANNER. Madam Speaker, I rise today to acknowledge Paul Latture III, who has served as the President and CEO of the Jackson Area Chamber of Commerce since May 2002. Paul is leaving the position next week for a new opportunity in Rutherford County, Tennessee. Paul has helped expand West Tennessee's industrial base, including the recruitment of companies such as Bodine Aluminum/Toyota, and by working with existing industries to encourage expansion.

Paul is a graduate of the University of Mississippi, where he received a Bachelor of Arts in Marketing. Before joining the Jackson Area Chamber, he served as Assistant Commissioner for the Tennessee Department of Economic and Community Development, Executive Vice President for Economic Development for the Clarksville-Montgomery County Industrial Development Board, and Director of Membership Development and Governmental Affairs for the Memphis Regional Chamber of Commerce.

He is a graduate of the Institute for Organization Management, sponsored by the United States Chamber of Commerce, and is an active member of CoreNet Global, the American Chamber of Commerce Executives, and the Tennessee Economic Partnership (TEP). Paul is a 2005 graduate of WestStar. He is past president of the Tennessee Chamber of Commerce Executives (TCCE), past president of West Tennessee Chamber of Commerce Executives, and serves as vice president for the Tennessee Industrial Development Council (TIDC).

Paul and his wife Jennifer have two daughters, Abby and Claudia.

Madam Speaker, I hope you and our colleagues will join me in thanking Paul Latture III for his service and wishing him and his family all the best.

A TRIBUTE TO THE VOLUNTEERS
OF WOODSTOCK, NEW YORK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. HINCHEY. Madam Speaker, I rise today to pay tribute to the volunteers of Woodstock, New York, which is part of the 22nd Congressional District that I proudly serve. Once a year, the Woodstock community joins to honor those members who have given their time and energy to help others. This year, I am proud to commemorate the Fifth Annual Woodstock Volunteers' Day. In the American tradition of "lending a hand," I am delighted to recognize this community's activist history and continued commitment to altruism.

Although people began settling in its mountainous land long before the American Revolution, Woodstock was officially named a township in 1787. At the turn of the twentieth century, Woodstock was a quaint, farming town and an upstate escape for artists and craftspeople. Since those early days, Woodstock has maintained a notable relationship between artists and non-artists, enabling people of all generations to work hand-in-hand for the sake of the community. A Woodstock historian writes, "More recently, the artists and local people have worked together to better the town, joining in efforts to support the library, local planning, local schools, and governments. Woodstock has become truly a melting pot of a tremendously diverse group of people working together for a better way of life."

The Fifth Annual Woodstock Volunteers' Day will pay homage to a number of volunteers and volunteer organizations, including the Woodstock Rescue Squad, Meals on Wheels, Family of Woodstock, Woodstock Fire Companies No. 1, 2, 3, 4 and 5, as well as their Auxiliaries, the Daily Bread Soup Kitchen, the Woodstock Food Pantry, all volunteers for the Town of Woodstock, Friends of the Library, the Woodstock Historical Society and the Boards of the various arts organizations with the Woodstock Arts Consortium.

There is an unparalleled value in the act of giving oneself voluntarily. Volunteerism provides an appreciation for community, instills a

respect for life and humanity, and creates a bond that transcends generations. The Woodstock community has demonstrated a strong history and distinguished appreciation for this value, thus I extol their achievements. As thankful members of the Woodstock community gather to recognize the selfless acts of neighbors and friends, let us recognize the voluntary daily acts of kindness here in Woodstock and throughout America that strengthen our foundation. Madam Speaker, it gives me great pleasure to recognize the volunteers of Woodstock, New York as they celebrate the Fifth Annual Woodstock Volunteers' Day.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BILBRAY. Madam Speaker, I submit the following.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: OPAF, Line 12

Legal Name of Requesting Entity: California National Guard

Address of Requesting Entity: 9800 Goethe Road, Box 42, Sacramento, CA 95826

Description of Request: I received \$6,000,000 to upgrade the Eagle Vision III system which is operated by the 147th Combat Communications Squadron, in San Diego, California. Eagle Vision is a mobile commercial satellite imagery collection and processing system which has proven itself as a resource in the war on terror and a homeland defense asset. The Eagle Vision III system has supported missions with AFNORTH, NORTHCOM, the Federal Emergency Management Agency (FEMA) and the U.S. Geological Survey Agency (USGS) during natural disasters, CALFIRE/CalEMA, and the Army Strategic Command (ARSTRAT). In fact, it directly and indirectly supported 2009 Midwest flooding, and Hurricanes Fay, Gustav, and Ike and has participated in numerous military exercises. By providing the One-meter Electro-optical CARTOSAT 2 and the 2.5 meter CARTOSAT 1 and One-meter SAR system (RADARSAT II) upgrades, Eagle Vision III will have the same capabilities as newer versions of the system. The upgrades will provide the direct downlink of two separate imaging satellites allowing operators access to satellites with different orbitologies, and more frequent access to imagery during each day. Also, with a one-meter capability, imagery analysts will be able to identify specific information regarding roads, bridges, dams and other critical infrastructure which is very important to "first responders" during disaster situations.

HONORING MARISSA KAHN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GRAVES. Madam Speaker, I proudly rise today to recognize Marissa Kahn. On July 16, 2009, Marissa received a Gold Medal while competing at the National Family, Career and Community Leaders of America National Leadership Conference. This is the highest award in the nation for her FCCLA event.

She has been very active with her local chapter and has contributed greatly to her area through her service. Not only has she distinguished herself through her involvement, she has earned the respect of her family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Marissa Kahn for her accomplishments with the National Family, Career and Community Leaders of America and for her efforts put forth in achieving the highest distinction in the National Leadership Conference competition.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Financial Services Appropriations Act and Amendments I submitted and received the following funding.

I, Congresswoman MARY FALLIN, requested and received \$1,000,000 for The Oklahoma City National Memorial Foundation located at 620 N. Harvey Avenue, Oklahoma City, OK 73102. This is the installment of a congressional authorization of which \$3 million was appropriated in Pub. L. 108-447 enacted 12/8/04 (H.R. 4818) for FY 2005. The authorization for the present request was passed by Congress in H.R. 2673 and signed into law January 23, 2004, which amended Pub. L. 105-58 to match non-federal funds raised/received by the Foundation for a permanent endowment. The purpose of the endowment is to ensure the financial stability of the Foundation for future operation and maintenance of the Memorial and Museum and to execute outreach and educational programs.

HONORING THE MEMORY OF
CAROL BROOKS CASEY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BONNER. Madam Speaker, the city of Mexia and indeed all of Monroe County recently lost a dear friend, and I rise today to honor her and pay tribute to her memory.

Carol Brooks Casey was a beloved citizen with a long and distinguished record of community service.

Carol, a renowned radio announcer, began her 32-year broadcasting career in 1977 at WMFC station in Monroeville. Although she initially professed a disinterest in radio, Carol possessed self-confidence, determination, and graciousness that earned her the affectionate title "The Voice of Monroe County." Her radiant presence brought joy to those with whom she worked and earned her "star status" among her frequent listeners.

A leader for a host of philanthropic causes, Carol was honored by the local Kiwanis Club as its "2008 Citizen of the Year." She served as chairwoman for the Chamber of Commerce Christmas Parade, was one of the organizers of Excel's Pioneer Days, established a Christmas toy drive for children, and helped promote the national Angel Tree organization. She was also an active member in a number of civic organizations, including: the American Cancer Society, Peddlin' for a Cure, the American Red Cross, Kiwanis Club of Monroeville, and the Monroeville/Monroe Chamber of Commerce, among others. She also organized the first Veteran's Day Parade in Monroe County in 2007.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a generous friend, and an inspirational voice for Monroe County and Southwest Alabama. Carol will be dearly missed by her family—her husband, Mike Casey; her son, Calvin Casey; her daughter, Adrienne Casey; her three sisters, Helen Tucker, Land Watford, and Wanda Brooks; and her brothers, Mike Brooks and Cliff Brooks—as well as the countless friends and devoted listeners she leaves behind.

Our thoughts and prayers are with them during this difficult time.

Madam Speaker, I ask that the following poem—written by Reverend Wayne McMillian, pastor of the Mexia Baptist Church, as a tribute to Carol—be entered into the CONGRESSIONAL RECORD:

A VOICE IN THE WIND

The Morning Dove arose with the dew
Her voice on the wind like pigeon flew
Bringing music, joy, and laughter she knew
Would brighten a dull and somber world.

She knew us well, that voice on the wind
The hand she held of many a friend
Through concerts, charities and raffles send
Help to the needy in this crippled world.

Now the Morning Dove from here has flown
Her voice on the wind, in a celestial dome
Yet the Waves she rode right here at home
Will be her legacy in that perfect world.

IN MEMORY OF MARY ALICE ETHRIDGE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today in memory of, Mary Alice Ethridge, 61, the executive director of the Rowlett Chamber of Commerce, who passed away recently after a two year battle with

colon cancer. I extend to all of her friends and family my deepest sympathy for their loss.

According to the Rowlett Lakeshore Times, "She took a medical leave of absence from the chamber earlier this year but did not speak publicly about her condition. Ethridge's daughter, Laura Morris, said her mother was a constant source of encouragement.

"My mother was my best friend and my inspiration in life and spirituality," Morris said. "There was no challenge too big. If someone told me no, my mother taught me to find a way to make it yes, but always with grace and dignity. She taught me that friendships are one of the greatest gifts a person can give another person, and that one can never have too many friends."

"Ethridge served as the executive director of the Rowlett chamber for more than 20 years, and she helped the chamber grow from a one-room office to its current building along Main Street. She helped develop the Leadership Rowlett program and the annual casino night fund-raiser.

"Chamber board member Staci Mauldin said she will never forget Ethridge's unwavering commitment to the community. 'I'll most remember her for her dedication to the chamber and the business community here,' Mauldin said. 'It was something that was very near and dear to her heart.'

"Besides working at the chamber, Ethridge also enjoyed gardening and enjoying her home. She and her husband, Robert, were married about 40 years. Ethridge was also involved with the Alpha-Nu Sorority, Keep Rowlett Beautiful, Crimestoppers, and the Rowlett Arts and History Foundation.

"Above all, Ethridge enjoyed a good laugh. "The one thing that will always be with me will be her contagious laugh and beautiful smile," Morris said. "We loved to make each other roll with laughter. I miss her deeply already."

While representing the wonderful community of Rowlett, I had the honor of getting to know Mary Alice. She touched many of us in such a positive way that her life will never be forgotten by those of us who had the privilege to know her. Mary Alice was an outstanding individual and she will be dearly missed. I ask all Members, please join me in honoring the distinguished memory of Mary Alice Ethridge.

HONORING EDWIN AND JEAN KRUPA ON THEIR 50TH WEDDING ANNIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Edwin and Jean Krupa on the occasion of their 50th wedding anniversary. Jean worked in my Congressional District Office for years, and her dedicated service and hard work made her both a valuable asset and someone who is a pleasure to know.

The love and dedication required through 50 years of marriage are truly worth celebrating. I am pleased to recognize them on this milestone, and wish them a continued life of adventures and fond memories.

I ask my colleagues to join me in honoring Jean Krupa and her husband Edwin Krupa on the occasion of their 50th wedding anniversary.

A CENTURY OF SERVICE: ROBBINSDALE FIRE DEPARTMENT, ROBBINSDALE, MN

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. ELLISON. Madam Speaker, I rise today to recognize the extraordinary services provided by the Robbinsdale Fire Department throughout the past 100 years. Established in 1909; the Robbinsdale Fire Department has dutifully responded to fire calls, assisted neighboring communities, extinguished structure fires, grass fires, vehicle fires, responded to gas leaks, hazardous material spills, and advocated fire prevention through inspections and community education. The members of the fire department are residents of Robbinsdale who serve and protect their families, friends, and neighbors 365 days a year, regardless of the perilous nature of their work.

I applaud their dedication and service to their community. The professionalism of the Robbinsdale Fire Department is an inspiration to those they serve. Their commitment to public service is honorable and I encourage all who encounter past, present or future members of the Robbinsdale Fire Department to thank them for their selfless service to their city. On behalf of the residents of Minnesota's Fifth Congressional District, I commend the members of the Robbinsdale Fire Department for their hard work and sacrifice and wish them well in their next century of service.

TRIBUTE TO DR. ROBERT E. KELEHER

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BRADY of Texas. Madam Speaker, I rise today to offer a tribute to Dr. Robert Keleher of the Joint Economic Committee, who is retiring this week from government service. Bob has been a valued member of the committee staff since 1996, when he joined our staff as Chief Macroeconomist. Bob's keen mind, deep knowledge of economics, and high research standards have made him a tremendous asset to the committee for many years.

After receiving his Ph.D. in economics from Indiana University and a position as a bank economist, Bob joined the Federal Reserve Bank of Atlanta, rising as a research officer and senior economist to become Head of Macro and International Economics. In addition to his research in monetary economics, Bob also conducted research applying classical principles of economics to taxation, emphasizing the importance of reducing marginal personal tax rates to create incentives for healthy economic growth.

Bob also served as the senior Macroeconomist of President Reagan's Council of Economic Advisers in 1985 and 1986. He then moved on to become a special monetary and economic advisor to Vice Chairman Manuel Johnson, Board of Governors of the Federal Reserve. Leaving the Federal Reserve in 1991, he became Chief Economist of Johnson Smick International.

Bob joined the committee in 1996 under Chairman Jim Saxton and continued his research in many areas including international and domestic monetary policy. Bob's early and prolific work on inflation targeting composes the body of almost all Congressional analysis of this policy in the 1997–2006 time period. The significance of Bob's research was enhanced even more as the Federal Reserve moved toward a policy of more explicit inflation targeting over the last five years. Bob's work on international monetary policy contributed to important reforms of the International Monetary Fund.

In addition to his expertise in the field of economics, Bob also distinguished himself as a fine person of great integrity and judgment. I know I can speak for all of my colleagues on the Joint Economic Committee in congratulating Bob upon his retirement and thanking him for his service to the United States Congress.

STOPPING IDENTITY THEFT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. COBLE. Madam Speaker, as a longtime member of the House Judiciary Committee, I am deeply concerned about the urgent need to protect Americans from rampant identity theft. During my six years as Chairman of the subcommittee that dealt with intellectual property matters, we often addressed issues affecting this criminal activity.

Identity theft occurs when someone is able to use another person's identifying information, including their name, Social Security number, or credit card number, without that person's permission, to commit fraud or other crimes. It is even a threat to our national security.

The Federal Trade Commission announced on February 26 that identity theft was the most reported complaint in 2008. The FTC estimates that as many as nine million Americans have their identities stolen each year.

Our government has begun a review that puts the focus on protecting the nation's digital infrastructure against cyber-attacks. I commend the Obama Administration for recognizing this major problem and for beginning to take constructive steps to deal with it.

If you are interested in learning more about this important matter, I urge you to read a column that was written by Michael J. Schultz for the Washington Times on February 20.

"President Barack Obama named Melissa Hathaway to lead a major review of this nation's cybersecurity. Her selection reflects the administration's desire to protect the government's information technology systems from security threats.

"The General Accounting Office characterized the government's computer system as a

"high risk" area. This was underscored when the Federal Aviation Administration recently admitted its computer system was "hacked" and that the 48 files breached contained the names and Social Security numbers of more than 45,000 employees.

"While it is critical that the government's information networks be protected from terrorists and hackers alike, it is equally important that the administration's review also focus on ways to better protect every American's digital identities, especially when they use credit cards or the Internet.

"Digital identity misuse or theft leaves victims exposed to fraud that could lead to physical, emotional and financial harm. People from all walks of life have been victimized with those least able to absorb the punishment among the hardest hit.

"A recent survey by Jupiter Research concluded a total of 10 million Americans were victims of identity fraud in 2008, at an average cost of \$496. Of these, 19 percent were defrauded while conducting online transactions.

"Millions of other Americans have suffered financial losses when their credit cards have been compromised. In addition, thousands of merchants have lost merchandise or funds when credit cards have been misused or stolen cards presented to make a purchase. Online merchants lost more than \$10 billion in 2007 due to identity fraud.

"The misuse of prepaid cards presents yet another massive problem. Millions of stored value cards (gift cards, payroll cards, prepaid cards) have no Federal Deposit Insurance Corp. protection when they are stolen and thus thieves can spend them as easily as cash, depleting the true owner of their hard-earned savings.

"Most Americans do not realize that debit cards, which often carry the insignia of a credit card, do not offer the same protection as regular credit cards, and may only learn this when the cards are stolen.

"Unfortunately, the dangers go far beyond potential financial losses. A recently well-publicized case involved a 14-year-old girl who committed suicide when an adult pretended to be a boy on MySpace and then dumped her in a degrading way.

"Another example of the misuse of digital identities occurs when already overworked 911 call centers get "swatted" by prank callers able to imitate another number. These types of "pranks" severely limit first responders' ability to act in times of crisis, which places the entire community at risk when real emergencies require responses by fire or police departments.

"The upcoming review by the Obama administration should also address the sad truth that many of the so-called protections are inadequate to the dangers. For example, PINs or passwords often offer relatively little identity validation or protection. And most people have so many different passwords they frequently write them down and keep them with their cards, so when one is stolen the protection is often gone with it.

"Professional hackers can easily steal credit card information from individuals as well as from larger systems. More than 100 million credit card accounts were exposed when Heartland Payment Systems had its data centers breached in December 2008, enabling the thieves to subvert any current anti-fraud technology present. TJX Corp. had millions of credit card accounts exposed when they had their data centers breached.

"RBS WorldPay, one of the largest payment processors in the world, also had millions of accounts stolen when their data centers were breached.

"Clearly the old methods of automated protection are no longer adequate. Thus, we must implement systems that better validate digital identities to protect us as individuals and companies.

"Just as the government was wrong in allowing loose self-regulation of the financial, automotive and mortgage industries, it also has been far too lax in ensuring protection for consumers and companies that use payments cards of any type on the Internet.

"As a direct result of these conditions, we have seen a precipitous increase in reported credit card and Internet fraud. All users are at risk, but it is our children who are most vulnerable.

"The upcoming review of cybersecurity has the immediate responsibility to provide broadly defined protection. In addition to improving how to better protect our infrastructure from potential homeland security breaches from those with ill intent toward the United States, the administration should address how to use validated digital identities to prevent the abuses that have caused significant harm to individuals and businesses."

TEXAS H. CON. RES. 183

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONAWAY. Madam Speaker, at the request of the Secretary of State of the State of Texas, I am officially entering House Concurrent Resolution 183, as passed by the 81st Legislature, Regular Session, 2009, of the State of Texas, into the CONGRESSIONAL RECORD.

HOUSE CONCURRENT RESOLUTION

Whereas, The oil and natural gas exploration industry has been a significant part of the state's economy since the early 20th century; today, Texas is the leading producing state for oil and natural gas in the country, accounting for 21.3 percent and 27.8 percent of total U.S. production, respectively; and

Whereas, Texas producers provide more than 200,000 jobs for Texas citizens, with an average pay that is almost three times higher than the average paid by all other industries; during fiscal year 2008, Texas producers paid over \$5 billion in taxes and fees to the state's general revenue fund; and

Whereas, Natural gas is a highly valued, clean fuel that has become a mainstay of electricity production and other industrial operations in Texas, while oil continues to constitute the backbone of the state's industrial sector and fuels virtually all of the state's transportation system; and

Whereas, Renewable energy sources offer great promise for Texas' long-term energy needs, but the technology that would make these sources abundant is in its infancy, and until that technology is adequately developed, renewable energy sources will remain dispersed and unable to deliver base load capacity; and

Whereas, Conservation can help satisfy the state's energy needs, and action to reduce customer demand is the quickest way to meet energy needs in the short term, but a growing economy and population will require more energy than can be saved through more efficient energy use; and

Whereas, To keep pace with increased demand, independent producers completed

more than 11,000 wells in Texas in 2008, and in the two-year period 2007-2008, they increased the production of natural gas in Texas by more than 12 percent; and

Whereas, In addition to generating high-quality jobs, independent producers help to reduce America's dependence on Middle East oil by exploring for domestic resources and providing stable supplies of cost-effective energy to consumers; and

Whereas, Independent producers rely on longstanding tax provisions to plan their activities and to explore for new wells to offset declining production from older ones; without the development of new wells, energy supplies would decline and the costs to consumers would rise; and

Whereas, President Barack Obama's initial budget includes provisions deleting the intangible drilling costs deduction, percentage depletion allowance, geologic and geophysical costs deduction, and domestic production activities deduction, and the elimination of these provisions would cripple this state's energy jobs, reduce small businesses' access to capital, and harm royalty owners; and

Whereas, Intangible drilling costs (IDCs) typically include expenditures for physical items with no salvage value, as well as other costs associated with preparing and completing a well for the production of oil, gas, or geothermal steam or water; producers have long been able to deduct IDCs as current business expenses, rather than depreciate or amortize them over the life of the well; IDCs are actually similar to research and development costs, for which most manufacturing businesses are able to take a tax credit, rather than a deduction; and

Whereas, The percentage depletion allowance, also known as the small producers exemption, was created in the 1920s to encourage oil and natural gas exploration, which is an inherently high-risk venture; the exemption is available only to the smallest producers and allows them to deduct 15 percent of their gross income from oil and gas properties; and

Whereas, Geologic and geophysical (G&G) costs relate to the surveys that producers conduct or commission in order to locate and develop oil and natural gas reserves and to minimize unnecessary drilling; G&G costs may be amortized over the first 24 months of the life of a well; and

Whereas, The domestic production activities provision allows businesses a tax deduction for qualified production activities that are based in the United States; the deduction helps to preserve American jobs and American small businesses; and

Whereas, Major integrated companies are not eligible for the IDC deduction, percentage depletion allowance, or domestic production activities deduction, and they are subject to a seven-year amortization schedule for G&G work; consequently, "big oil" is not impacted by the proposed budget changes; and

Whereas, President Obama has stated his intention to support the development of jobs, promote the use of clean-burning energy, and reduce America's dependence on foreign oil, yet his budget proposals would lessen the ability of independent producers to help meet those three goals: Now, therefore, be it

Resolved, That the 81st Legislature of the State of Texas hereby respectfully urge the United States Congress to reject the provisions of President Barack Obama's budget that would eliminate the intangible drilling costs deduction, percentage depletion allowance, geologic and geophysical costs deduc-

tion, and domestic production activities deduction and to encourage instead the development of Texas oil and natural gas; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

DAVID DEWHURST,
President of the Senate.

JOE STRAUS,
Speaker of the House.

ROBERT HANEY,
Chief Clerk of the House.

PATSY SPAN,
Secretary of the Senate.

Approved: RICK PERRY, *Governor.*

MEDICAL LIABILITY REFORM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to discuss one aspect of health care reform that, unfortunately, has not received a lot of attention by the Democrat majority. That is the issue of medical liability reform.

Recently, I spent a couple of days in my district in New Jersey touring hospitals, physician group practices, and long-term care facilities. When talking to the physicians at these facilities, I asked them, "What issue would you most like to see addressed in health care reform legislation?" In every single facility I visited, medical liability reform was either at or near the top of the list.

We know that the surge in malpractice lawsuits over the past 30 years has had a profoundly negative impact on the practice of medicine. And while, obviously, I feel that patients should be compensated for gross negligence by physicians, there is little doubt that our current tort system is broken. More than 60 percent of liability claims against physicians are dropped, withdrawn, or dismissed without payment. In 2007, the average cost of defending these claims was \$18,000 per case.

This has pushed the cost of liability insurance through the roof. The American Medical Association (AMA) has listed my home state of New Jersey as a "crisis state" for medical liability. Doctors face liability insurance premium increases that far outpace the already high rate of medical inflation. Some high-risk specialties, such as obstetrics or emergency, face annual premiums of over \$100,000 per year. According to a survey conducted by the American College of Obstetricians and Gynecologists (ACOG), the lack of affordable liability insurance forced 70 percent of OB/GYNs to make changes to their practice. Liability concerns also forced between seven to eight percent of OB/GYNs to stop practicing obstetrics.

But more important than the direct costs of our tort system are the indirect costs. One pediatrician I spoke to said that he would "just like to practice medicine without feeling like a lawyer was looking over my shoulder all the time." The anxiety that our physicians face from confronting potential lawsuits seriously affects the doctor-patient relationship. Additionally, it drives up the cost of health care by encouraging the practice of "defensive medicine." The AMA estimates that defensive medicine adds somewhere between \$84-\$151 Billion per year in health care costs to our system. As another doctor I met with said, "I can waste money like you've never seen. When someone comes into my hospital and needs treatment, I can order every test, every procedure known to man, simply to protect myself from a lawsuit."

Even President Obama, in his recent address to the AMA has admitted that medical liability is a serious issue. But despite the support of the President, the medical establishment, and the overwhelming majority of Americans, of the 1,018 pages of H.R. 3200, the America's Affordable Health Choices Act, there is not a single page on medical liability reform.

Madam Speaker, this issue is simply too important for us not to address. Any serious attempt to reform our health care system must reform medical liability.

GOOD NEWS IN NEWARK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. PAYNE. Madam Speaker, like all urban centers, my home city of Newark faces many challenges. We are working hard to improve the quality of life for residents by moving forward in the area of affordable housing and health care, better schools, child care, and services for seniors. We are also proud of the fact that Newark welcomes visitors not only from other parts of our state, but also from around the nation and the world. As we continue our successful economic development efforts, I would like to draw to the attention of my colleagues here in the U.S. House of Representatives an article which highlights the good news for Newark.

NEWARK AT NIGHT: IT'S NOT A SURPRISE ANYMORE THAT THE CITY IS ALIVE AFTER DARK (Posted by Philip Thomas, Lawrence P. Goldman and Jeff Vanderbeek/Star-Ledger Guest Columnists, July 09, 2009)

Not too long ago, something you wouldn't necessarily have thought of happened in Newark. It was extraordinary.

On a crisp November evening, a sold-out house of 2,800 people filled Prudential Hall at the New Jersey Performing Arts Center for a stunning concert by The 5 Browns, a family of Juilliard-trained, young virtuoso pianists, along with the New Jersey Symphony Orchestra.

Just down the street, another 19,000 people were doing something that happens in every great American city, but hadn't in Newark for quite some time—attending a major league sporting event; in this case, a rousing hockey game where the New Jersey Devils

skated past the Toronto Maple Leafs by a score of 3-2.

It was just a few days after the Prudential Center opened in downtown Newark and it was the city's first test of how it would move multiples of thousands of people through downtown streets. Newark passed with flying colors. And it was the first of many electrifying nights with multiple venues alit and Newark abuzz with activity.

Just recently, Newark Symphony Hall played host to a daylong conference on reimagining its future. What became clear through the day is the unmistakable rebirth of Newark at night. There can no longer be any doubt. Newark is alive and kicking up its heels at night and on the weekends.

For quite some time, the Newark Museum and Symphony Hall were in a lonely vanguard. There was little life in the downtown core and Newark's lingering reputation from years past did not help. Too many office workers raced out of the city at night, almost never touching city sidewalks because of the hermetically sealed tubes between the towers, the parking decks and Penn Station.

Happily, though, much has changed in the last decade. Like Cleveland and Pittsburgh, two similar cities formerly down on their luck, we have seen real change in Newark and it is exciting to be a part of it.

Since opening night, NJPAC has attracted some 6 million visitors, the vast majority in the evening and on weekends. As we like to say, "That's 6 million people coming to the building that wasn't going to be built in the city that no one was going to come to."

Similarly, since opening less than two years ago, Prudential Center has drawn nearly 3 million visitors to Newark, virtually all at night or on the weekend. As we like to say, "That's 3 million people coming to the Rock that couldn't be built in a city that no one would dare come to."

In fact, even in the worst economy in three generations, Devils attendance is up almost 15 percent from their best year in the Meadowlands. Perhaps more important is how long their fans are staying—on average over an hour longer than they did at the Meadowlands. That means they are dining at Newark restaurants and spending more time—and money—in the city.

Newark Symphony Hall is poised to experience a resurgence. The recent conference was a promising start. Its vibrancy is essential to enlivening the south Broad Street end of Newark and creating stability for not only the visitors, but for the people who reside in the neighborhood as well.

This bodes well for the housing and commercial development that is picking up steam and for continued economic investment in this part of the city. If Newark is to sustain its momentum, the entire length of Broad Street must become the centerpiece of significant redevelopment to elevate Newark to the next level of visitor interest.

Combined, last year nearly 2 million visitors came to spend an evening in Newark attending events at the three venues. But there is more we must achieve.

In Cleveland, for example there are now six successful theaters in Playhouse Square and the Quicken Arena brought LeBron James and the Cavaliers from the suburbs to the city. The Rock and Roll Hall of Fame has enticed tourism from far beyond Cleveland. What was once a desolate downtown is now delightful. Hotels, office development and retail followed.

That's what we are aiming for in Newark. We have world-class facilities. We have fine restaurants—many of them brand new and

participating in Newark's second annual restaurant week this month—and entertainment venues that dot the area around NJPAC and the Prudential Center, but we are not finished.

Cities are meant to be filled with all kinds of people coming together to celebrate, relax, revel and enjoy one another. That's now happening big time in Newark today. And that's very good news for all of us in New Jersey.

TRIBUTE TO THE LIFE AND LEGACY OF DR. A.D. PINKNEY, FORMER PRESIDENT OF THE INDIANAPOLIS NAACP

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to pay tribute to the life and legacy of Dr. A.D. Pinkney, former president of the Indianapolis National Association for the Advancement of Colored People. He passed away this month, at the age of 85.

Dr. Pinkney was an iconic civil rights leader who brought visionary changes that forever altered the racial landscape of Indianapolis, Indiana. Under his leadership, the NAACP brought two landmark cases before federal courts, which were instrumental in forcing the city to desegregate. The first ruling forced black students from the Indianapolis Public Schools area to be bused to township system schools. The second ruling by federal courts forced suburban townships to expand public housing options for people of color.

Through great courage and dedication, Dr. Pinkney opened the doors for our generation to come forward and serve our community as proud and honorable citizens. He was instrumental in breaking down ethnic and racial barriers, so that people of color may live a prosperous life of liberty and equality.

His passing is a great loss to the Indianapolis area community. I ask my colleagues to join me in honoring Dr. A.D. Pinkney for his service.

PERSONAL EXPLANATION

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. ADLER of New Jersey. Madam Speaker, due to a meeting at the White House on Friday, July 30, 2009, I missed two votes. I would have voted as follows: Motion to recommit on H.R. 2479—"no"; final Passage of H.R. 2479, the Food Safety Enhancement Act of 2009—"yes."

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 3133, the Energy and Water Development and Related Agencies Appropriations Act. I requested \$2,300,000.00 and received \$250,000.00 for the Statewide Comprehensive Water Plan at the Oklahoma Water Resources Board located at 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118, which is a multi-year study to provide technical assistance to the state of Oklahoma in updating the Oklahoma Comprehensive Water Plan. The OWRB envisions that, combined with federal cost-shared funds, the OWRB could work with local water suppliers in evaluating their system conditions, long-term needs, and develop a strategy to meet their needs over a 50-year time horizon. The plan would also address the long-term needs of other water use sectors.

HONORING DR. MODESTO "MITCH" MAIDIQUE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a true leader, activist, champion of education and a dear friend, Dr. Modesto "Mitch" Maidique, President of Florida International University in Miami, Florida.

Dr. Maidique is the longest serving university president in the State of Florida and the second longest serving research university president in the country. For more than two decades, he has dedicated his life to FIU, its students, faculty and staff, and has transformed it into one of our nation's leading institutions of higher education. As he prepares to retire next week, it is a privilege to pay tribute to this visionary and extraordinary leader.

He began his service to FIU in the College of Business Administration as a professor of management and in 1986 was named FIU's fourth President. Under his leadership, enrollment at FIU has more than doubled, growing to more than 38,000 students and today ranks among the 20 largest universities in the United States. The university added 22 doctoral programs and 18 undergraduate programs during Dr. Maidique's presidency. It serves not only Floridians, but students from across the nation and world and has cultivated successful alumni and leaders in our community.

His tenacity and perseverance led to the establishment of the College of Law, College of Engineering and the School of Architecture and most recently, the historic opening of the new FIU College of Medicine, one of only three medical schools established in the last 25 years. The university also added a Division I-A football team in 2002. FIU's sponsored research funding has also grown from \$6 million to nearly \$110 million and the institution's endowment experienced exponential growth from less than \$3 million to more than \$105 million.

Prior to his tenure at FIU, Dr. Maidique co-founded Analog Devices Inc., Semiconductor Division. He also served as CEO of Collaborative Research, now Genome Therapeutics,

and as senior partner in Hambrecht & Quist Venture Partners. He was also the past chairman of The Beacon Council, Miami's economic development authority and has testified before Congress on the issues of energy conservation and energy financing. President George H.W. Bush appointed him to the President's Educational Policy Advisory Committee and he served in a similar capacity for President George W. Bush. He later served on the Secretary of Energy's Advisory Board and has served for eight years as a member of the Commission on Presidential Scholars. The Hispanic Business Journal has named him among America's 100 Most Influential Hispanic Leaders.

He received his B.S., M.S., E.E. and Ph.D. degrees from the Massachusetts Institute of Technology and completed the Harvard Business School's Program for Leadership Development. He is also a contributing author to ten books and has co-authored a New York Times bestseller.

I have always considered Florida International University to be one of the fundamental pillars of South Florida. During my years in the Florida State Legislature, and now in Congress, I have enjoyed working closely with Dr. Maidique in the efforts to create the College of Law, the Engineering Campus, expanding the library and research capabilities, and securing millions in federal funding, among other accomplishments. I have witnessed the work of this great leader first hand and today I thank him for his service. His legacy will endure generations and is sure to be felt for decades to come.

My dear friend Mitch Maidique exemplifies the true meaning of public service and has put the needs of the University, our community's University, above all else. Madam Speaker, I ask that you join me in celebrating his legacy and career, thanking him for his invaluable service and wishing him well in the years to come.

TRIBUTE TO THE LATE EUGENE AMOS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today pay tribute former Kansas State Representative Eugene "Gene" Amos, who died on July 24th.

Gene Amos, the owner of the Amos Funeral Home, served in the Kansas House of Representatives from 1987 to 1993, representing a district that was centered on the city of Shawnee. Earlier this year, he received the Shawnee Chamber of Commerce's Lifetime Achievement Award for advancing the interests of Shawnee, which bears the imprint of his "good deeds, kind words and solid values", the Chamber stated. Born in Liberal, Kansas, he moved to Shawnee with his family in 1945, attended Shawnee Mission Rural High School and graduated from Kansas City Missouri Junior College and the Kansas City College of Mortuary Science. After serving in the U.S. Navy during the Korean War, he mar-

ried Margaret Zoll in 1953 and joined his father's funeral business.

In addition to serving as president of the Kansas Funeral Directors Association and president of the State Board of Embalmers, Gene was an active member of the Shawnee Chamber of Commerce, the Shawnee Historical Society, the Shawnee Optimist Club, and Optimist International, where he served as president and district governor. He was a member of Merriam Christian Church, serving as a deacon, elder and chairman of the board. Additionally, he served as president and member of the Delaware Crossing Chapter of the Sons of the American Revolution. He often spoke to groups on the history of Shawnee, politics, the funeral business and family research, and he taught genealogy at Johnson County Community College. In 2007, he was named Shawnee Citizen of the Year by the Knights of Columbus Council 2332. He also was a charter member of the Ancient Form Masonic Lodge, and was a member of Scottish Rite Bodies, Abdallah Shrine, Beatrice Chamber, and Order of the Eastern Star.

As a member of the Kansas House of Representatives, Gene served on the education, public health and agriculture committees. According to the Kansas City Star, when the Kansas Legislature approved a resolution earlier this year recognizing Amos, lawmakers recalled his humor: "One legislator told how Amos would pass out business cards to fellow committee members who he said appeared lifeless. He once took the pulse of a sleeping legislator and said he was looking for a new client. Then the mood in the legislative chamber that day turned more somber, according to a transcript of the proceedings. Frank Weimer, who served with Amos as a state representative, spoke of Amos' honor, generosity and integrity. 'There isn't a man on this earth I respect more than Gene Amos,' Weimer said."

Madam Speaker, Gene Amos is survived by: his wife, Margaret; son, Gregg Amos; daughters, Joni Plumm and Amy Ruu (John); sister, Paula Ramona Upton; six grandchildren and one great grandson. I have known Gene for many years and considered him a good friend. I join his many friends, neighbors and professional colleagues in celebrating his life and mourning our loss.

RECOGNIZING THE BRAVE MEN AND WOMEN WHO SERVED IN THE VIETNAM WAR AND HONORING THEIR SERVICE TO THE NATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CLEAVER. Madam Speaker, I rise today in recognition of the brave men and women who served in the Vietnam War. It has been 50 years since our first casualties. In 1959, Major Dale Richard Buis and Master Sergeant Chester M. Ovnan were ambushed and killed by Ho Chi Minh Vietnamese. By 1963, 100 advisors had lost their life in Vietnam. After President Kennedy's assassination, history would be left to President Johnson,

who would lead Americans into one of the most tumultuous times in our history.

In 1964, the reported Gulf of Tonkin incident resulted in a Congressional Resolution that allowed President Lyndon B. Johnson to wage war without a formal declaration. By 1965, the conflict heightened and more Americans were subject to the draft. Casualties escalated from 17,000 to 35,000 a month. In January of 1968, the North Vietnamese launched the Tet Offensive, though Americans were able to obtain a military victory and recapture most of the area. However, politically the tide of support was turning in the United States, and the draft continued as protests became louder. Richard Nixon was elected President and began covert bombing of Cambodia in 1969. By 1973 the last American troops left Vietnam.

As our American military was sent to do battle in a civil war, they had no idea of the life altering experience that would change them and their country forever. Vietnam Veterans are the children of the greatest generation. And like their fathers and mothers they did their job for their country, engaging the enemy on land, in the air, and on water—many fighting to their death. In battle survival depended on each other. They became numb from the constant threat of the war, witnessing their friends injured or killed. Brave medics in the field and the doctors, nurses and corps men at hospitals worked tirelessly and risked their lives to save countless soldiers. There was little time to mourn those that died because no one knew what tomorrow would bring. How bravely they answered the call only to be scorned by many of their fellow countrymen and women when they returned home.

Now fifty years later, we have a better understanding of the extraordinary sacrifice made by this generation of patriots. We question, how then could we as a nation fail to understand that the soldier follows the orders of the Commander-in-Chief. To disagree is our given right but to fail to support our troops who are sent to battle should never happen again. Over 58,000 Americans died in Vietnam; 14,095 were just 20 years of age and several of them were my college classmates. Those men and women had their dreams and names forever etched in stone as a reminder that their sacrifice was their life. Even those that survived did not return unscathed. Many returned home with physical and emotional pains of war to a country that had turned a deaf ear to their needs. Those Vietnam Veterans, like the generation before, came home to raise their families and continued to contribute to our country. Many have passed away, but all have left their imprint on their families and our nation.

For those families still waiting for the return of their soldiers, it has been a long, mournful time. Recently John Adam was returned home after missing for 41 years. On May 22, 1968, twenty-year-old Air Force, Senior Master Sergeant John Adam disappeared while serving in Vietnam. His remains were located near Laos and identified through DNA. Now one family has closure; however, many of our veterans remain missing and the prayers continue.

So, on September 12, 2009, fifty years after the first casualty in Vietnam I, as the United States Representative of Missouri's 5th District, will host a Town Hall event at the Truman

Library in Independence, Missouri, to honor the men and women who courageously served in that war—to finally give them the respect and honor they deserve as heroes of our country. Madam Speaker, please join me in thanking and appreciating the sacrifices of a great generation of American Patriots, our Vietnam Veterans.

TEXAS H. CON. RES. 120

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONAWAY. Madam Speaker, at the request of the Secretary of State of the State of Texas, I am officially entering House Concurrent Resolution 120, as passed by the 81st Legislature, Regular Session, 2009 of the State of Texas, into the CONGRESSIONAL RECORD.

HOUSE CONCURRENT RESOLUTION

Whereas, South Texas is on the front line of the battle against the fever tick, a pest that threatens to inflict catastrophic losses on the beef industry should it continue to spread beyond a permanent quarantine zone established along the Rio Grande in 1943; and

Whereas, Historically, the fever tick ranged across the entire southeastern United States, reaching as far north as Maryland and Pennsylvania; the tick can carry and transmit a parasite that causes cattle tick fever, which kills up to 90 percent of infected cattle; in 1893, the Texas Animal Health Commission was founded to fight this scourge, and in 1907 the United States Department of Agriculture established the National Cattle Fever Tick Eradication Program; by then, the tick had already caused direct and indirect economic losses estimated to equal more than \$1 billion in today's dollars; and

Whereas, The eradication program had successfully contained the fever tick to an 852-square-mile quarantine zone by 1943; the tick was never eliminated in Mexico, however, and personnel from the USDA Tick Force have maintained a high level of vigilance to fight continuous reintroduction; after the pest was detected beyond the zone in 2007, five temporary preventive quarantine areas were established, covering more than one million acres in Starr, Zapata, Jim Hogg, Maverick, Dimmit, and Webb Counties; and

Whereas, In March 2008, the Texas Department of Agriculture requested some \$13 million to fight the spread of fever ticks; the USDA released \$5.2 million, and in January 2009 it committed another \$4.9 million in emergency funds, but sustained funding over the long term is essential; moreover, the National Fever Tick Eradication Strategic Plan, developed and approved by the USDA in 2006, has never been implemented and funded, and Dr. Bob Hillman, the state veterinarian and executive director of the Texas Animal Health Commission, has warned that fever ticks are a national livestock threat that requires an all-out assault; and

Whereas, The fever tick has gained substantial ground in this state, but the Texas Department of Agriculture, the Texas Animal Health Commission, and the USDA Tick Force continue working diligently with cattle owners to save a key component of the Lone Star State's agricultural economy and prevent the battlefield from extending to

other states; if the fever tick is not contained, the cost to the cattle industry could easily approach \$1 billion a year and lead to rising food costs for consumers: Now, therefore, be it

Resolved, That the 81st Legislature of the State of Texas hereby memorialize the Congress of the United States to make eradication of the fever tick in South Texas a priority and continue to provide appropriate funding and resources for this effort; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to Congress with the request that this resolution H.C.R. No. 120 be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

GUILLEN GONZALEZ
TOUREILLES LEIBOWITZ,
King of Zavalá.

DAVID DEWHURST,
President of the Senate.

JOE STRAUS,
Speaker of the House.

ROBERT HANEY,
Chief Clerk of the House.

I certify that H.C.R. No. 120 was adopted by the Senate on May 27, 2009, by a viva-voce vote.

PATSY SPAU,
Secretary of the Senate.

APPROVED: June 19, 2009. Rick Perry,
Governor.

CRITICAL ISSUES FACING SUDAN

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. MCGOVERN. Madam Speaker, Sudan has been ravaged by intermittent civil war for four decades. Over the last 20 years, more than two million people have died in Southern Sudan due to war-related causes and famine, and millions more have been displaced from their homes. In January 2005, after two and a half years of negotiations, the Sudan People's Liberation Movement (SPLM) of the South and the Government of Sudan signed a final peace agreement known as the Comprehensive Peace Agreement (CPA). According to the United Nations, U.S. officials and Sudan observers, the implementation of the CPA has been selective and at times deliberately slow. With national elections scheduled for April 2010, the implementation of the CPA is critical.

Yesterday, on Thursday, July 30, 2009, the Tom Lantos Human Rights Commission held a hearing on "Ensuring the Human Rights of the People of Sudan: Implementation of the 2005 Comprehensive Peace Agreement." The distinguished witnesses testifying before the Commission were Ezekiel Lol Gatkuoth, Head of Mission, Government of South Sudan Mission in the United States; Roger Winter, former Special Representative on Sudan, Department of State; John Norris, Executive Director, the ENOUGH Project; and Amir Osman, Senior Director of Policy and Government Relations, Save Darfur Coalition.

Mr. Osman, a native of Sudan, fled his home country in 2003 because his work on human rights had put his life at risk. He was resettled in the United States in 2006 through the United Nations High Commissioner on Refugees, moved to Washington, D.C., and joined the Save Darfur Coalition. It is my privilege to share his testimony with my colleagues.

SAVE DARFUR COALITION—TESTIMONY OF
AMIR OSMAN

Good afternoon. Chairman McGovern, Chairman Wolf, thank you very much for inviting me to testify today on this very important issue before this very important commission. I appreciate the opportunity to talk about the critical issues currently facing my home country of Sudan.

It was a difficult decision for me to flee Sudan in 2003. I left because my work on human rights had put my life at risk. As a refugee living in Egypt, I continued to advocate for peace, justice, and democracy in Sudan at the American University in Cairo and the Cairo Institute for Human Rights Studies. I specifically focused on the genocide in Darfur during those years.

After being resettled to the United States in 2006 through the UNHCR, I moved here to Washington and joined the Save Darfur Coalition to aid its international advocacy efforts. As co-senior director of policy and government relations, I help design and implement the coalition's international policy, advocacy and outreach to foreign governments, and international partner organizations in Europe, Africa, and the Middle East. I also focus on the human rights situation in Sudan and the peace processes in Darfur and South Sudan.

During the past decade, President Omar al-Bashir and his inner circle have transitioned from an ideologically driven regime to one whose primary aim is self-preservation. The regime now makes human rights compromises when it feels compelled to do so. The regime's continued abuses have been well-documented by human rights organizations. Regular warnings have been issued about illegal detentions, unfair trials, press censorship, and the routine harassment of journalists. In addition, current laws do little to protect victims of gender-based crimes.

The most urgent human rights challenge in Sudan today, however, continues to be the crisis in Darfur. Three million displaced civilians continue to suffer as a result of the genocide that began in 2003. While the systematic destruction of villages has largely ended, the people of Darfur continue to live in a lawless, dangerous environment, where rape continues to be a daily terror.

On March 4th, the Sudanese government demonstrated its ability to cut off humanitarian aid at any moment from the 4.7 million Darfuris who depend on it.

The mass violence committed by the Sudanese government several years ago has been replaced with the harassment, detention, torture, and murder of Sudanese civil society leaders. This violence led a significant number of the Sudanese human rights defenders to flee the country shortly after March 4th. Such abuses must be stopped.

The suffering in Darfur resembles in many ways the war in Southern Sudan. Both Darfuris and Southern Sudanese have experienced the bombing of villages and mass civilian displacement. The Sudanese government's use of humanitarian aid as a weapon of war and its divide and rule tactics amongst Southern rebels have also been repeated in Darfur.

At the same time the Sudanese government was launching its genocidal campaign in Darfur, it was negotiating with the SPLM an end to the conflict in the south. Bashir made the calculation that the international community would turn a blind eye to Darfur in the effort to get the CPA signed. His calculation turned out to be largely correct.

Bashir's favorite tactic is to delay true reforms by creating crises that distract the international community, allowing Bashir to never actually fulfill any of his promises. The international community enables Bashir by focusing on the crisis of the moment rather than a comprehensive solution. The NCP is using cooperation on the implementation of the CPA as leverage to resist international pressure on Darfur. And it is working.

The United States and the international community have failed to develop policies suited for dealing with a regime which lacks a fundamental willingness to transform into the democratic state envisioned by the CPA. Sudan issues will not be resolved satisfactorily between just the NCP and SPLM or the NCP and the Darfuri rebels. All of Sudanese civil society must be empowered to participate in these processes.

The United States must understand that Sudan's crises cannot be managed forever or resolved individually. Only when the international community demands serious judicial and democratic reforms will there ever be a chance to resolve South Sudan and Darfur and move towards lasting peace. Policymakers have too often focused on the South to the detriment of Darfur, or Darfur to the detriment of the South. But Darfur and South Sudan are not separate problems; they are the result of a single problem: the undemocratic, centralized, and abusive nature of the ruling regime. Only when this problem is addressed will peace be forthcoming.

There is an urgent need for a coherent and comprehensive strategy to guide Sudan to a more democratic and peaceful future. Such a strategy requires that important and difficult choices be presented to the NCP. The Sudanese government must be forced to choose between cooperation and confrontation.

If they cooperate by ending the violence in Darfur, ensuring accountability through cooperation with the ICC, and fully implement the CPA, they may be allowed to reap the benefits of becoming a responsible member of the international community. If they continue to delay implementation of the CPA and continue to attempt to divert and distract the international community by using one conflict as leverage against the other, they must face real consequences.

While we here in Washington sit and debate policy, the people of Sudan continue to suffer. This policy debate should not be complicated. The United States and its allies must force Sudan's hand and then commit to seeing this through. We have played Bashir's game too long to be fooled any longer.

MINNESOTA HEALTH CARE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. McCOLLUM. Madam Speaker, on July 20th, I held a health care hearing in the Minnesota State Capitol to discuss the challenges

and opportunities for health care reform presents for Minnesota. Representatives from patient advocate groups, health plans, hospitals, health plans, County Commissioners, and State House Representatives were in attendance. The speakers discussed the need to expand preventative care, to end the practice of denying coverage for pre-existing conditions, and to improve access to quality, affordable care.

In the hearing, I heard over and over again that the current flawed Medicare reimbursement formula is harming Minnesota. The people of Minnesota want health care reform that addresses the three major challenges in health care reform—cost, quality, and access—none of which can be addressed without fixing the Medicare reimbursement formula. I support moving towards a system that ensures that all patients will receive evidence-based, quality care as the standard.

I would like to enter the testimony from the hearing witnesses from this event into the CONGRESSIONAL RECORD.

TESTIMONY OF REPRESENTATIVE THOMAS HUNTLEY

Good morning Rep. McCollum. I commend you for holding this hearing on the need for national health care reform.

Minnesota is one of the nation's healthiest states with one of the highest insured rates in the nation. Investments in coverage for low-income families, strong public health initiatives, and a primarily non-profit insurance system have all contributed to our state's reputation for a health care system that provides high-quality care at a relatively low-cost compared to other states. Yet due to rising costs, our state's current system is unsustainable without substantial payment reform at the federal level.

In 2008, health care leaders from around the state collaborated on comprehensive health care reform legislation that mirrors many of the proposals being discussed at the federal level: an individual insurance mandate, investment in prevention, insurance market reforms, and care coordination incentives for providers. One of the central components of the legislation—and the one that has the most potential for cost-savings—was payment reform. There was a bipartisan consensus that transforming the health care system must start with changing the way we pay for health care. Without substantial cost containment at the state and federal levels, neither Minnesota, nor the United States, can hope to afford the costs of universal coverage.

The underlying payment structure fails to adequately meet the care needs of patients and undermines health care providers' attempts to provide high quality health services. Our entire health care system's payment regimen is built on Medicare standards that emphasize a "tyranny of the visit" philosophy which pressures providers to increase volume, does not value quality, and prioritizes specialty care at the expense of primary care. In too many instances, the result is inappropriate care provided to patients which does nothing more than increase total health spending.

In order to begin to contain costs, Minnesota's legislation included a number of reforms that restructure the payment system, moving us away from Medicare-based standards and toward a system that promotes quality-care and transforms the way health care is delivered and received. The payment reform included three components to both

hold providers accountable and encourage evidence-based, high-quality health care. At each level there was an emphasis on the need for transparency for both providers and consumers.

1. Explicitly pay providers for the quality of care they provide.

2. Encourage care coordination through a medical home model that improves access to primary care.

3. Establish a system of accountability for the total cost of care through bundled care pricing.

Without similar, or even more aggressive payment reforms in Medicare, our health care system's growth will be unsustainable. Medicare's participation is essential in order to create a critical mass of payers in the new system. Providers in Minnesota have spoken up regarding the disincentives in the current payment system to develop new strategies to provide more efficient forms of health care. For instance, in Minnesota a number of health care systems have initiated new approaches to managing chronic conditions including congestive heart failure, hypertension and diabetes. While their patient outcomes have dramatically improved and they have seen reductions in hospitalization, these systems have consistently lost money because the current Medicare-based payment structures do not reimburse for non-office visit treatment.

Similar reforms are also being discussed in Congress. A Call to Action released by Senator Baucus in November outlined the need for pilot programs around accountable care organizations in Medicare as a way of testing new payment structures. Similarly the House Tri-Committee bill authorizes the Secretary of Health and Human Services to develop new cost containment methodologies including accountable care organizations and medical homes. In Minnesota we have already started down this path and should be rewarded for our innovation.

Representative McCollum, I know you are aware of the situation health care providers face in Minnesota. I want to thank you, as well as Minnesota Representatives Oberstar, Paulsen, Walz and Ellison, for your recent letter on this issue. As the health care reform bill moves through the House, I know you will be a strong voice for the change we in Minnesota deserve. I fear that if Congress waits to enact real payment reform that we all will pay the price.

As we all know there is no silver bullet to solving our nation's health care crisis. We must work together to achieve the kind of health care system we all deserve. The consequences of doing nothing will leave us with an impossible situation. We must begin to change the system we have into a system that works. This is a unique opportunity to make a difference; a point in time that will not last forever.

President Obama made the case in his February Address to Congress this year stating "... a century after Teddy Roosevelt first called for reform, the cost of our health care has weighed down our economy and the conscience of our nation long enough. So let there be no doubt: Health care reform cannot wait, it must not wait, and it will not wait another year."

TESTIMONY OF REPRESENTATIVE ERIN MURPHY

Good morning. My name is Erin Murphy. I am a registered nurse and a State Representative from district 64 A in St. Paul. Thank you for holding this hearing in Minnesota and for the invitation to testify today.

We must reform health care in America. In the middle of the debate, it may seem impossible to traverse the sharp policy and political questions before us but we must. The status quo is unsustainable and unacceptable. While individuals expect and often receive excellent care and cure, American lacks a coherent system of care delivery and payment. The result is a highly fragmented system delivering fragmented episodes of care. Too little attention is paid to the ultimate goal of health.

Americans are paying a high price for underwhelming individual and population outcomes. We are in that rare moment of opportunity to change course. We must change course.

I am delighted to have the opportunity to share with you a perspective from Minnesota. As you well know, Minnesota is an innovator and has long led the nation's efforts in health policy, value and reform. Along with our upper Midwestern neighbors, we are a high value low cost state.

We must reform the nation's health care delivery and payment systems to set the foundation for continued innovation and demonstration in Minnesota. We must embed what we know is working in Minnesota and the upper Midwest to deliver high value for lower relative cost across the Country. Finally, we must ensure that every American is covered so they get the right care at the right time for a good price.

COVERAGE

For many years we have focused on coverage as a primary solution. That so many Americans lack coverage for needed care is wrong, plain and simple. That health care is so expensive that necessary treatment of disease is financially out of reach for so many is wrong, plain and simple. Relying on the emergency room as the primary point of care for the uninsured is wrong, plain and simple.

Getting everyone into coverage is imperative, morally and financially. An individual mandate and guaranteed issue of coverage, regardless of preexisting condition will yield more coverage with shared responsibility between individuals and insurers. A public option will give Americans a choice between private coverage and a publicly backed coverage.

A public option provides opportunity to further drive delivery and payment reforms. If the public option cements the status quo in terms of payment and delivery, it will compound the problems with which we are already struggling. But if the public option serves to propel reforms, it enhances efforts to deliver better care for a better price.

Minnesota has worked over two decades to assure coverage employing Medicaid, Minnesota Care and General Assistance Medical Care. The Governor's line item veto of General Assistance Medical Care has undermined 20 years of effort in Minnesota. I ask that Congress consider this as it contemplates any state maintenance of effort. Maintenance of effort is an important means to balance state and federal efforts. Allowing state flexibility in policy reform while maintaining access provides state policymakers with the tools necessary for continued innovation.

DELIVERY REFORM

Our fragmented delivery system is providing fragmented care and we are paying a high price. Care for those with chronic conditions such as diabetes and heart disease accounts for upwards of 60 percent of all Minnesota's health care costs. This stark fact has served as a focal point in Minnesota. We must pursue policies to prevent the onset of

disease and invested in care that will keep those with chronic conditions healthy and out of the hospital.

PAYMENT REFORM

Current payment is weighted to specialists and procedures and away from interventions to maintain health. For example, a surgeon is paid more for the amputation of a diseased diabetic limb than is a primary care provider for disease management preventing the loss of the limb.

Medicare sets the standard in payment. I urge the inclusion of large scale payment reform such as accountable care organizations or a total cost of care model. Without similar, or even more aggressive payment reforms in Medicare, our health care system's growth will be unsustainable. Medicare's participation is essential in order to create a critical mass of payers in the new system.

Short of large scale change, I urge state flexibility in Medicare payment. A Minnesota or upper Midwest demonstration in payment will permit us to demonstrate the Congress and the nation the means to deliver high quality care for a better price.

Achieving significant health care reform in this country has for decades been a uniquely challenging and complex issue. The grind between dogged political frames has proved insurmountable for policy makers. Entwined state and federal policy and funding, limits state policy reform efforts and calls for federal action. The urgency of growing costs and shrinking access compels our action. 40 years ago, America put a man on the moon, a seemingly unachievable goal. We did that—and we will do this too. We must.

Thank you for your courage and hard work. I stand with you in your efforts to enact federal reform while promoting and protecting the value the care delivered in Minnesota.

TESTIMONY OF REPRESENTATIVE MARIA RUUD

Good morning Rep. McCollum. Thank you for holding this hearing on federal health care reform. I appreciate the opportunity to be here today.

I have been a Nurse Practitioner for 21 years and am serving my third term in the Minnesota House of Representatives.

Health care reform can only occur if we enact true payment reform. With the current system there is a disincentive to provide the care needed. Paying for more tests, more procedures, and more visits rewards waste and inefficiency. The focus needs to change from reimbursement based on volume to reimbursement based on outcome.

Part of the reason our health care system has been able to function for as long and as well as it has is because there are a number of individuals who are deeply committed to serving their patients well. But our current payment system is making it increasingly difficult to deliver effective care.

For example, pay for production—pay for the number of patients seen or procedures performed—drives costs up and is a disincentive to provide the appropriate care at the appropriate time.

We have evidence-based medicine to inform providers, about what the most effective option is for the patient to achieve a healthy outcome. Access to preventative care and screenings, early and consistent management of chronic health conditions.

It comes down to providing the incentives that will help us achieve the goals we seek—well-being and healthy outcomes.

Now is the time to be bold. To align the incentives with the outcomes we desire. Providers want to do it—it is their calling to provide the most effective care possible.

TESTIMONY OF SHANE DAVIS, SECRETARY-TREASURER, SEIU HEALTHCARE MINNESOTA

Good Morning Representative McCollum: At this critical moment, while Congress is deciding to pass quality affordable healthcare for all, I want to sincerely thank you for this opportunity to testify. I would also like to publicly acknowledge your good work in supporting the principles of healthcare reform, put forward by Health Care for America-Now, an important coalition SEIU is proud to support.

My name is Shane Davis; I am the Secretary-Treasurer of SEIU Healthcare Minnesota. We represent more than 17,000 healthcare workers around the state of Minnesota. Our Members, by the thousands, work every day and night for companies currently recognized nationally as models of high-quality, low-cost healthcare, such as Allina, HealthPartners, and the Mayo Clinic. The Minnesota recipe for high-quality, low-cost healthcare includes workers having a real voice on the job. This encourages labor and management to work in partnership; increasing productivity and putting patient care experiences and health outcomes first.

Those of us who bargain contracts have first-hand experience in how badly we need health care reform. The ability to bargain for higher wages, for training funds to upgrade the skills of our members, for higher pensions so that workers can look forward to a secure and dignified retirement has been deeply compromised by escalating health care costs. We've heard that the CEO of Starbucks complains that he spends more money buying health insurance for his employees than he does buying coffee beans. Well, in our industry, as health care workers, it's not coffee bean prices that are outstripped by the cost of health insurance, it's training and upgrade funds, for instance, that would help our members move up career ladders, just so that we can hold on to health insurance.

Our members' stories about how badly they need health care reform are much like the stories of many other Minnesotans. Last month, Pam Bundy told us about her son, a former construction worker who was diagnosed with liver cancer. After months of illness and treatments, he lost his job, exhausted his COBRA benefits, maxed out his credit card with co-pays for treatment, was told he needed to pay cash when he came in for chemotherapy, and ultimately lost his home to foreclosure because of the crushing debt-load that was inevitable. Our members cannot wait for health care reform. Millions like Pam's son cannot wait for healthcare reform. We urge you to reject the siren song of delay and pass a bill.

SEIU believes that a public plan option is an essential and necessary component of real health care reform. It provides an alternative to private insurance and applies competitive pressure to the rest of the insurance industry. Research by the Commonwealth Fund shows that including the public option with other health care reform measures can help save another 77 billion to 1.8 trillion dollars over the next ten years. We are encouraged that a public plan has been included in health care reform legislation passed by the Senate HELP committee, the House Ways and Means committee, and the House Education and Labor committee. SEIU has strongly supported votes to approve these bills.

Once Congress has met the challenge of producing a final bill that includes a public plan option, then Congress has the opportunity to structure the best possible public

plan. The deficiencies of our current payment system are well known. As the Dartmouth Atlas Project has highlighted, Medicare reimbursements currently reward high cost, low quality states, and penalize low cost, high quality states. For example, in Miami, Medicare will spend \$15,000 per patient per year, while here in Minnesota, that figure is \$7,000, less than half the reimbursement, with no difference in patient outcome. We must change how health care is paid for, so that we reward quality outcomes rather than quantity of services. If such changes are incorporated into a strong public plan option, it should reduce the overall cost to taxpayers and produce improved care across the nation. Our task is to make the most of this opportunity for payment reform, while still meeting the immediate challenge of passing real healthcare reform, including a public plan option.

Thank you very much for holding this hearing to ensure that Minnesota's voice is heard in this debate on health care reform.

IN RECOGNITION OF JIM
HAMILTON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize Jim Hamilton of Columbia, South Carolina, for his 46 years of service as airport manager of the Columbia Owens Downtown Airport.

Jim has been an active member of our community—participating in many diverse organizations and working to educate the community on aviation, the dangers of drug abuse, and supporting efforts to transport children with disabilities and those suffering from severe burns to Shrine hospitals throughout the country. He has even volunteered his time as an emergency standby pilot for flights to transport transplant candidates and critically ill patients.

For 13 years, Jim has driven a bus each Wednesday morning to bring elderly individuals to shop for groceries and even successfully convinced some of his fellow citizens to contribute refreshments for the bus ride. On behalf of the Columbia Owens Downtown Airport, Jim has fought to secure funding for a reconstruction and redesign of the airport as well as safety upgrades.

In recognition of his tireless service to the community, Jim has been honored twice with the Order of the Palmetto by two separate governors—the state's highest civilian honor—as well as numerous other honors and awards.

I commend Jim Hamilton for his service to our community and his dedication to his fellow citizens.

HONORING THE REV. DR. C.T.
VIVIAN OF ATLANTA

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. LEWIS of Georgia. Madam Speaker, today I rise to honor a warrior for civil rights

and social justice, a veteran of the modern-day Civil Rights Movement, a resident of the 5th Congressional District, and a friend. In a few days, we in Georgia will be honoring the life of the Reverend Dr. Cordy Tindell Vivian, better known as C.T. Vivian, who will turn 85 years old on July 30, 2009.

Born in 1924, Vivian grew up in Macomb, Illinois and was raised by his mother and grandmother. Even though Illinois was not segregated by law, C.T. Vivian was keenly aware that the customs and traditions of racism and discrimination pervaded his life. As a young man Vivian wanted to find a way to make an impact on society, so after leaving college he began working with youth at Carver Community Center in Peoria, Illinois. As a young man deeply influenced by the church and the visionary faith of his grandmother and mother, Vivian recognized the power of non-violence as a tool for social change. He joined a successful non-violent movement in Peoria in 1947 to integrate restaurants in the city, which brought down barriers in all public eating establishments throughout the city.

In 1955, C.T. Vivian was called to the ministry and enrolled in what would some years later become my alma mater, American Baptist Theological Seminary in Nashville, Tennessee. That same year, he began working with a new subdivision of Martin Luther King Jr.'s organization established by the Rev. Kelly Miller Smith called the Nashville Christian Leadership Conference. The NCLC began training Nashville college students in the discipline and philosophy of non-violence and was involved in organizing the first student sit-ins and marches in the city in 1960.

Vivian's experiences in Peoria helped provide leadership for student organizers in Nashville, and in 1961, he joined the Freedom Rides, after the Congress for Racial Equality (CORE) had suspended their efforts. One bus had been set on fire in Anniston, Alabama. Freedom Riders had been surrounded by an angry mob in a church in Montgomery, Alabama. Attorney General Robert Kennedy had called in the National Guard to protect riders traveling from Montgomery to Jackson, Mississippi. CORE suspended its efforts to test the desegregation of interstate transportation. In spite of these dangers, Vivian joined a new attempt to renew the rides on a bus trip from Nashville to Jackson. Martin Luther King Jr. asked Vivian to join the executive staff of his organization, the Southern Christian Leadership Conference. He worked with SCLC campaigns in St. Augustine, Florida; Danville, Virginia; and Chicago, Illinois. Vivian was in Birmingham in 1963, participated in the Mississippi Freedom Summer Project in 1964 and came to Selma in 1965.

In Selma, he worked with the voter registration efforts that the Student Non-Violent Coordinating Committee already had in progress, and would serve as a lead protestor, persistently confronting Sheriff Jim Clark on the steps of the Selma, Alabama courthouse at the head of a band of non-violent marchers seeking to register and vote. He was arrested and jailed in Selma several times.

In February 1965, Vivian was a speaker at a non-violent, peaceful night-time rally meant to support protestors jailed in Marion, Alabama. The marchers were ambushed by a

violent posse who killed military veteran and Marion native Jimmie Lee Jackson. Efforts to commemorate Jackson's death ultimately became the historic Selma to Montgomery march which culminated in the passage of the Voting Rights Act. The act opened up more free and fair access to the ballot box for all African Americans, as well as other Americans of color, and it resulted in the election of literally thousands of black elected officials in subsequent years, including the first African American president of the United States, Barack Obama.

Following the death of Martin Luther King Jr., Vivian formed an organization dedicated to the training of African American youth called Vision, which ultimately became known as Upward Bound, an educational program that provides college students with scholarships. After working with SCLC, Vivian organized campaigns against racism and advocated for racial justice. He has worked to found other organizations, including the Black Action Strategies and Information Center, the Center for Democratic Renewal, and the C.T. Vivian Leadership Institute, all based in Atlanta. In 2008 he led the Yes We Care campaign, which contributed over \$500,000 to Morris Brown University, a fiscally challenged historically black university in the city. He is the author of *Black Power and the American Myth*.

The Rev. Dr. C.T. Vivian has served as an inspiring leader, an electrifying minister, and a force for good in our society. As a participant in the modern-day Civil Rights Movement, he successfully implemented the discipline and philosophy of non-violent social resistance that helped to transform America forever. For this role, C.T. Vivian must be seen as one of the authors of a new chapter in American history that hastens the advent of a society based on simple justice that values the dignity and the worth of every human being, or the Beloved Community. For his eloquence, insight, vision, persistence, determination and courage, we commemorate the service of C.T. Vivian on his 85th birthday.

HONORING PASTOR BRENDA
TIMBERLAKE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise to recognize Pastor Brenda Timberlake's deep commitment to improving the lives of others and the community. On September 18, 2009, friends, family and well wishers will gather in Cary, North Carolina to celebrate Pastor Timberlake's 60th birthday and her 30 years of ministry.

Over the years, Pastor Timberlake and her late husband, Bishop Mack Timberlake, engaged in a great number of important efforts and projects that continue to help and serve the community.

Among the many successful endeavors undertaken by Pastor Timberlake include: establishing the Christian Faith Center Academy to provide Christian-based education to students from kindergarten through 12th grade; constructing the Royal Pavilions of Creedmor, a

28-unit housing complex for the elderly and disadvantaged; collaborating with the North Carolina Department of Public Health to reduce infant death rates and provide assistance to single mothers through the Family First of Granville County program; and establishing the Raven's Nest Food Bank.

Madam Speaker, these are but a few of Pastor Timberlake's many efforts. I ask that my colleagues join me in recognizing her accomplishments as her friends and family celebrate her birthday, ministry and achievements.

Pastor Timberlake continues to serve as exceptional community leader. Please join me in expressing gratitude for her service to the community and in wishing her continued success as she celebrates her birthday.

TRIBUTE TO MR. RALPH J.
INFANTE

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. RYAN of Ohio. Madam Speaker, I rise this evening in recognition of Mr. Ralph J. Infante of Niles, Ohio. Mr. Infante passed away May 26, 2009. Mr. Infante was a life-long resident of the Mahoning Valley. He leaves his wife, Angeline Ragozine Infante, whom he was married to for 60 years. He also leaves 4 sons, 2 daughters, a sister, 2 brothers, 14 grandchildren, 5 great-grandchildren, and many friends from around the valley.

Mr. Infante worked for many years in the Mahoning Valley. He graduated from Niles McKinley High School in 1947 after serving in World War II. Mr. Infante was a Veteran of the United States Navy, who served in the South Pacific Theater during World War II. He received an Honorable Discharge from the Naval Service of the United States of America on the 29th day of April, 1946 at the U.S. Naval Personnel Separation Center, Great Lakes, Illinois. He served with honor and distinction during his time of service in the U.S. Navy.

Mr. Infante was employed as a die setter at Faull and Son Tool and Die Co. for 26 years. He was also employed for the City of Niles as a Municipal Court Bailiff and worked for the waste water treatment plant for 15 years, retiring in 1990. He was also very active in local politics, serving as Niles 3rd Ward Councilman for 5 years.

Mr. Infante was truly a great part of the community. He was an honorary lifetime member of the Niles Men's Democratic Club and the Italian Fraternal Home of Girard. He was a charter member of the Italian American War Veterans Post 39 in Girard and The Bagnoli Iripino Club, as well as a lifelong member of Our Lady of Mt. Carmel Catholic Church in Niles.

Mr. Infante was an avid Cleveland Browns fan and enthusiast of The Ohio State University. Although his beloved wife, Angeline, was a Cleveland Indians fan his beloved team was the New York Yankees. His six children would be split down the middle (3 New York Yankee fans and 3 Cleveland Indian fans) which made for interesting family dinner conversations and

game day exchanges. Some of their biggest disagreements came when the Yankees and the Indians played each other.

Mr. Infante will always be remembered, as his high school yearbook proclaimed, "Never Failed a Friend and Never Feared a Foe."

INTRODUCTION OF THE SALMON
SOLUTIONS AND PLANNING ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BLUMENAUER. Madam Speaker, few issues are more controversial or contentious than the issue of dam removal on the Snake River system. Some have argued because they don't like certain possibilities that they don't want to know about them. This whistling past the graveyard is both unrealistic and unwise. Things we don't like sometimes are options, and we should know the facts.

That is why I am pleased to co-sponsor the Salmon Solutions and Planning Act with my colleagues JIM McDERMOTT and TOM PETRI. This is an important piece of legislation that will provide policymakers in the Pacific Northwest and around the country with additional information necessary to aide in the recovery of Columbia Basin salmon.

The legislation requires the Army Corps of Engineers, Department of Transportation, Department of Commerce, and Department of Energy to study the environmental, infrastructure, and economic issues associated with removing the four Lower Snake River dams. The bill also includes language authorizing the Secretary of the Army to remove the dams. This language is intended to clarify that lower Snake River dam removal is within the Corps' authority. It is important to note this bill contains no "trigger language" that would mandate dam removal.

Salmon are a significant ecological, economic and cultural resource for the Northwest and indeed the entire country. These fish once supported the world's most productive salmon watershed. Unfortunately, wild salmon and steelhead in the Columbia and Snake Rivers have been in decline for decades, with thirteen stocks now listed under the Endangered Species Act. Not only has this decline had negative impacts on the watersheds of the Pacific Northwest, it wreaks havoc on salmon-dependent communities and local economies.

Since coming to Congress, I have supported funding for habitat restoration, reforming hatchery practices, and re-examining our harvest practices, all measures that can contribute to salmon recovery. However, with salmon populations continuing to decline, it's clear that what we have been doing for the past 20 years has not been working. I have called for an approach that evaluates all science-based recovery options, including dam removal. This legislation represents an important piece of that analysis.

Some have equated knowing the facts with actually triggering the process to remove the dams. My support for this legislation is not support for dam removal. My position over the years on this has been consistently to support

evaluating all options for salmon recovery. The studies authorized by the bill will help us determine the consequences of dam removal not only for Northwest salmon, and but also for transportation, energy, and irrigation in the region.

Like other Pacific Northwest residents, I have a deep interest in coming to a resolution on salmon recovery. The stress and uncertainty created by illegal biological opinions and the involvement of the judicial system not only harms fish, but also the farmers, fishermen, Tribes, ports, union members, and others whose livelihood depends on the Columbia River system.

This legislation is an important step in having the facts about our options for restoring self-sustaining, fishable populations of Northwest salmon.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday and today, I missed 26 votes. Had I been present, I would have voted as follows.

Rollcall No. 661, on Agreeing to the Murtha Amendment to H.R. 3326, I would have voted "Yea."

Rollcall No. 662, on Agreeing to the Flake Amendment to H.R. 3326, I would have voted "No."

Rollcall No. 663, on Agreeing to the Tierney Amendment to H.R. 3326, I would have voted "No."

Rollcall No. 664, on Agreeing to the Flake Amendment #1 to H.R. 3326, I would have voted "No."

Rollcall No. 665, on Agreeing to the Flake Amendment #258 to H.R. 3326, I would have voted "No."

Rollcall No. 666, on Agreeing to the Flake Amendment #389 to H.R. 3326, I would have voted "No."

Rollcall No. 667, on Agreeing to the Flake Amendment #432 to H.R. 3326, I would have voted "No."

Rollcall No. 668, on Agreeing to the Flake Amendment #439 to H.R. 3326, I would have voted "No."

Rollcall No. 669, on Agreeing to the Flake Amendment #449 to H.R. 3326, I would have voted "No."

Rollcall No. 670, on Agreeing to the Flake Amendment #553 to H.R. 3326, I would have voted "No."

Rollcall No. 671, on Agreeing to the Flake Amendments En Bloc to H.R. 3326, I would have voted "No."

Rollcall No. 672, on Agreeing to the Campbell Amendment #1 to H.R. 3326, I would have voted "No."

Rollcall No. 673, on Agreeing to the Campbell Amendment #8 to H.R. 3326, I would have voted "No."

Rollcall No. 674, on the Motion to Recommit with Instructions to H.R. 3326, I would have voted "No."

Rollcall No. 675, on Passage of H.R. 3326, I would have voted "Yea."

Rollcall No. 676, on Agreeing to the Resolution H. Con. Res. 172, I would have voted "Yea."

Rollcall No. 677, on Agreeing to the Resolution H. Res. 691, I would have voted "Yea."

Rollcall No. 678, on the Motion to Suspend the Rules and Pass, as Amended, H.R. 2728, I would have voted "Yea."

Rollcall No. 679, on the Motion to Recommit with Instructions to H.R. 2749, I would have voted "No."

Rollcall No. 680, on Passage of H.R. 2749, I would have voted "Yea."

Rollcall No. 681, on the Motion to Suspend the Rules and Pass, as Amended, H.R. 1752, I would have voted "Yea."

Rollcall No. 682, on the Motion to Suspend the Rules and Pass, H.R. 3435, I would have voted "Yea."

Rollcall No. 683, on Agreeing to the Frank Amendment to H.R. 3435, I would have voted "Yea."

Rollcall No. 684, on Agreeing to the Garrett Amendment to H.R. 3435, I would have voted "No."

Rollcall No. 685, on the Motion to Recommit with Instructions to H.R. 3435, I would have voted "No."

Rollcall No. 686, on Passage of H.R. 3435, I would have voted "Yea."

A SPECIAL BIRTHDAY MESSAGE
TO MRS. INIS PUCKETT OF TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to honor and celebrate the life of Inis Puckett on the occasion of her 100th birthday.

Inis Beasley Puckett, the oldest of six children, was born to E.J. and Lecie Fly Beasley, on August 12, 1909, on a farm in Primm Springs, Tennessee. She moved to Centerville with her family when she was 16 years old.

The family quickly became active members of the Centerville Church where her father served as Bible school teacher, treasurer, Sunday school superintendent, song leader and Elder for 30 years until his death in 1958. Her mother died in 1981.

Inis has been a member of the Centerville Church for 82 years. She has taught many Sunday classes, Vacation Bible Study classes, and served as supervisor of the primary department for 20 years.

Inis graduated from Hickman County High School and George Peabody College. Her teaching career, spanning 43 years, began at Bon Aqua teaching third and fourth grades, then to Little Rock for all eight grades, then to McFarlan for all eight grades. There, she rode the bus to Five Points, walked two miles and built the fire in the wintertime. After school, she walked back to the highway, and after dark, caught the bus home. She was transferred to Haley's Creek with all eight grades for 5 years. She then moved to Centerville Elementary School where she taught first grade for 32 years.

After her retirement, she worked with her dad and husband in Beasley Furniture Store until it closed in 1979.

Inis and Paul Puckett were married on April 12, 1934. Paul died on their 60th wedding anniversary. Inis' sight began to deteriorate in 1981. She has had 13 surgeries on her eyes with little success.

In her lifetime she has enjoyed many activities such as gardening, baking and still enjoys playing the organ. Due to the failure of her eyesight, she has memorized 56 selections.

Her present residence has been her home for 67 years.

I ask that my colleagues rise and join me today in wishing Inis a happy birthday as she continues to grace us with her rich, full presence in Tennessee.

TEXAS H. CON. RES. 79

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONAWAY. Madam Speaker, at the request of the Secretary of State of the State of Texas, I am officially entering House Concurrent Resolution 79, as passed by the 81st Legislature, Regular Session, 2009 of the State of Texas, into the CONGRESSIONAL RECORD.

HOUSE CONCURRENT RESOLUTION

Whereas, Border communities, such as Laredo, contend with heightened responsibilities in the world today, and since the advent of the North American Free Trade Agreement in 1994, Laredo has become the busiest United States port of entry from Mexico and the sixth-largest customs district in the country, with more than \$167 billion in total trade in 2007; while the heavy flow of international commerce is a boon to the local economy, it presents tremendous challenges to the first responders who protect the state and the nation as well as their own community; and

Whereas, The Bureau of Transportation Statistics calculated that more than 1.5 million trucks and 300,000 rail containers crossed through Laredo in 2006, and according to Texas Department of Transportation estimates, truck tonnage will increase by some 250 percent by 2030; about half of this cargo includes hazardous material, and more than 60 million square feet of warehouse space in the city also contains significant amounts of hazardous materials, creating a tempting target for terrorists and enormous potential for a disaster that could not only endanger public health but also disrupt major transportation systems and negatively impact the national economy; and

Whereas, Relatively isolated on its side of the border, Laredo is 150 miles from the nearest sizable U.S. city, and its police, fire, and public health personnel are the primary emergency responders for a region of more than 3,000 square miles; this includes a long stretch of the Rio Grande, which is the primary drinking water source for Laredo, Nuevo Laredo, and other communities in the Rio Grande Valley, making swift response to any contamination extremely critical; in addition, the United States-Mexico Border Health Commission has recognized the region as among those most vulnerable to perils such as bioterrorism and epidemics; and

Whereas, The Laredo Police Department has increased vigilance over border activity since the attacks of September 11, 2001, and confronts an escalating threat from violent international drug traffickers, who have been linked to terrorism; the fire department responds to a wide range of emergencies along the Rio Grande, from the rescue or recovery of individuals who have attempted to cross into the United States to bomb threats; and

Whereas, The emergency response system in Laredo requires a higher level of funding to ensure public safety and meet homeland security imperatives; for instance, the city has only one hazardous materials response unit, purchased in 1991 and long overdue for upgrades; it lacks a detection system for chemical, biological, radiological, nuclear, and high-yield explosive weapons, as well as for quick assessment and management of industrial accidents; among other urgent needs are enhanced police staffing, improved radio coverage in remote areas, and construction of a secure regional emergency operations center where safety personnel and local, state, and federal government officials can coordinate decisions and resources in a crisis; and

Whereas, With an estimated population of 217,000, Laredo is a much smaller city than other major United States ports; its own budget is accordingly limited, and at the same time, its size has been an impediment in the pursuit of federal assistance; homeland security funding formulas currently use census figures rather than threat risk in determining eligibility for such programs as the Urban Areas Security Initiative and Targeted Infrastructure Capability Grants Program, and, as a land port, Laredo is likewise ineligible for the Port Security Grant Program, even though it processes more international shipments than such grant recipients as Mobile, Alabama, and Lake Charles, Louisiana; and

Whereas, Laredo, as the nation's second-busiest land gateway, shoulders unique law enforcement, public safety, and national security burdens far out of proportion to the size of its population; increased federal funding is necessary to strengthen first response where local agencies with strained budgets are responsible for protecting our nation's critical infrastructure and addressing international threats; now, therefore, be it

Resolved, That the 81st Legislature of the State of Texas hereby respectfully urge the United States Congress to refine Department of Homeland Security policy to consider risk levels as well as population size in assessing the financial needs of first responders in border communities along the international boundary created by the Rio Grande; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

DAVID DEWHURST,
President of the Senate.

JOE STRAUS,
Speaker of the House.

ROBERT HANEY,
Chief Clerk of the House.

PATSY SPAW,
Secretary of the Senate.

Approved: RICK PERRY, Governor.

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. ROSKAM. Madam Speaker, pursuant to Republican standards on disclosure for Member project requests, I am submitting the following information regarding projects I support for inclusion in H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act of 2010.

Congressman PETER J. ROSKAM: H.R. 3183, Army Corps of Engineers, Construction account for the continuation of work on the Des Plaines River, IL. The entity to receive the \$3,300,000 in funding for this project is the U.S. Army Corps of Engineers, Chicago District, 111 N. Canal Street, Suite 600, Chicago, IL 60606. It is my understanding that the funding would be used to continue work on the Des Plaines River projects authorized by the Water Resources Development Act of 1999 (Public Law No. 106-53). Funding for this project would be used to continue Phase I of the authorized Des Plaines River Project. Specifically, construction will move forward on the expansion of Big Bend Lake and lowering the normal lake level to obtain an additional 587 acre-feet of storage. Material excavated from the expansion must be removed from the site. Two storm sewer lines, which currently empty into Big Bend Lake, a 96-inch and 24-inch, will be rerouted directly to the Des Plaines River. Recurrent flooding along the Des Plaines River causes an estimated average annual damage of more than \$25 million (69 percent traffic damages, 20 percent residential damages, 8 percent commercial/industrial/public damages, 3 percent emergency services costs). Statutory authorization for this project is provided in the Water Resources Development Act of 1999 (Public Law 106-53), and a Project Cooperation Agreement has been signed by the Army Corps of Engineers and the Illinois Department of Natural Resources.

Congressman PETER J. ROSKAM: H.R. 3183, Department of Energy, Energy Efficiency and Renewable Energy, Solar Technology account for Solar Lighting for the Forest Preserve District of DuPage County. The entity to receive the \$300,000 funding for this project is the Forest Preserve District of DuPage County, 3S580 Naperville Road, Wheaton, IL 60189. It is my understanding that the funding would be used to install an on-grid solar panel energy collection system to provide power for lighting of one of the entire Danada Forest Preserve Campuses. The Danada Forest Preserve is a high visibility public facility that is used for meetings, wedding events, youth equestrian programs and a soon to be visitor center with native plant demonstration gardens. This campus is home to the Danada House, an equestrian facility, and staff offices. The lighting project is necessary to facilitate night programming while improving safety and security. The solar lighting project would be an educational

component that would tie well into the sustainability initiatives currently being proposed for the entire facility. Additionally, the project would serve as a helpful demonstration of solar technology and capacity in the Chicagoland region.

Congressman PETER J. ROSKAM: H.R. 3183, Department of Energy, Energy Efficiency and Renewable Energy, Building Technologies account for a Green Roof for the DuPage County Administration Building. The entity to receive the \$250,000 in funding for this project is DuPage County, 421 N. County Farm Road, Wheaton, IL 60187. It is my understanding that the funding would be used to replace a roof in need of repair with one that is environmentally friendly and energy efficient. The objective for implementation of Green Roof Technology is to reduce energy costs for county campus facilities and to promote and implement new environmental technology. The Jack T. Knuepfer Administration Building roof is currently leaking and is in great need of repair. The roof has been identified to be structurally sound to support a low profile vegetated Green Technology roof system. With the installation of a green roof, the R value, or thermal resistance will increase, thereby contributing to cooler roof temperatures in the summer months, decreasing solar loading effects which transfer heat into the building, ultimately resulting in considerable energy savings, which is good for the environment and taxpayers.

Congressman PETER J. ROSKAM: H.R. 3183, Army Corps of Engineers, Construction account for the McCook and Thornton Reservoirs, IL. The entity to receive the \$25,000,000 in funding for this project is the U.S. Army Corps of Engineers, Chicago District, 111 N. Canal Street, Suite 600, Chicago, IL 60606. It is my understanding that the funding would be used to continue ongoing design and construction of the McCook Reservoir, as authorized under the Water Resources Development Act of 1988 (Public Law 100-676). The McCook Reservoir is currently under construction, and when completed will have a total capacity of 10 billion gallons, provide more than \$90 million per year in benefits to 3.1 million people in 37 communities, protecting 1,240,000 million structures. The District is proceeding with planning, design and ultimately construction of the Thornton Reservoir under the Section 211 provision of the 2007 WRDA. This provision will allow the District to complete the project, seek reimbursement for the federal share, and bring the flood protection and CSO storage benefits to 556,000 people in 15 communities by 2014. Completing the McCook and Thornton Reservoirs and bringing them fully on-line is crucial to local communities, the health of Lake Michigan and its tributaries, and to the economic development of the region. Without timely completion of the project, communities will face decreased drinking water allocations, significant decreases in water quality and thousands of homes will be vulnerable to flooding. In fact, this project will provide more than \$130 million per year in benefits to over 3 million Illinois residents and once complete will protect over 1.3 million structures from flooding. The McCook and Thornton Reservoir projects are a key component of the Chicago

Underflow Plan (CUP), the flood control element of the District's Tunnel and Reservoir Plan (TARP). TARP is the long-term comprehensive flood pollution control solution for Chicago and its 51 surrounding communities, and includes a series of underground tunnels and storage reservoirs designed to address combined sewer overflow discharges. This system has been enormously effective in achieving its goal as evidenced by the elimination of 85 percent of the combined sewage pollution in a 325 square mile area.

Congressman PETER J. ROSKAM: H.R. 3183, Army Corps of Engineers, Construction account for the Chicago Sanitary & Ship Canal Dispersal Barriers. The entity to receive the \$7,275,000 in funding for this project is the U.S. Army Corps of Engineers, Chicago District, 111 N. Canal Street, Suite 600, Chicago, IL 60606. It is my understanding that the funding would be used to operate Barrier I, complete construction of Barrier II, and prepare designs for making Barrier I permanent, as authorized by the Water Resources Development Act of 2007 (Public Law 110-114). Historically, the Great Lakes and the Mississippi River were separated naturally by a landmass, but since the completion of the Chicago Sanitary and Ship Canal, aquatic species can move freely between the two water systems. This dispersal barrier is needed to keep the invasive species Asian Carp from reaching Lake Michigan and infesting the larger Great Lakes ecosystem. A temporary dispersal barrier (Barrier I) has been operating for nearly seven years, and construction of a permanent barrier (Barrier IIA) will be completed this year. Funding in the amount of \$5.0 million is needed to operate Barrier I, complete construction of Barrier II, and prepare designs for making Barrier I permanent.

IN HONOR OF COLONEL THOMAS F. MACLEISH

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Colonel Thomas F. MacLeish. On July 1, Colonel MacLeish retired from his position as Superintendent of the Delaware State Police after more than 30 years of service to the residents of Delaware.

A graduate of Wilmington University and the F.B.I. National Academy, Colonel MacLeish joined the Delaware State Police in 1977 and quickly rose through the ranks. During his tenure as Superintendent, Colonel MacLeish was tasked with overseeing 671 troopers and over 200 civilian employees. The Delaware State Police flourished under Colonel MacLeish's leadership as he stressed law enforcement with an attitude of professionalism and compassion.

The State of Delaware saw many accomplishments under the leadership of Colonel MacLeish. Some of these include the creation of the Delaware Information & Analysis Center, the initiation of the Child Predator Task Force, the formation of the Sex Offender Apprehension and Registration Unit, and moving

the State Bureau of Identification to a larger and updated location at the Blue Hen Corporate Center. Colonel MacLeish also oversaw the formation of the Cultural Diversity Counsel within the State Police. The purpose of this group is to enlighten police officers in various matters of diversity. Additionally, during his tenure with the State Police, Colonel MacLeish served on many councils and organizations such as the Council on Police Training, the Delaware Police Chiefs Council, the International Association of Chiefs of Police, Camp Barnes—which provides underprivileged children the fun, quintessentially American experience of attending summer camp at no cost to the camper or their family—and others.

I thank Colonel Thomas MacLeish for his many years of tireless effort in keeping Delawareans safe. While Colonel MacLeish has been an asset to the State of Delaware and his dedication will be sorely missed, I am confident that even in retirement he will continue to be a pillar of integrity and diligence in our community.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010. I requested and received \$200,000.00 for Operation Servicemen Success at the Oklahoma City Community College located at 7777 South May Avenue, Oklahoma City, Oklahoma 73150. This program will provide additional personnel to support Veterans and service members attending OCCC, through a full time Coordinator of Veterans Services, a special population licensed counselor, career advisors, clerical support and tutoring services. Expansion of services for service members enrolled in classes at OCCC should be promoted to these students by the Veterans Services Office functioning as a centralized source of information and referral. To succeed in college, it is critical that veterans have a successful transition from the military into campus life. The aim of this program is to provide intensive transitional and support services for military veterans as many veterans have a difficult time readjusting to civilian life and translating their military service into applicable college and career goals. This service provides enhanced and specialized support services to military veteran students from the time they commit to attending the OCCC through the end of their education and beyond.

I requested and received \$350,000.00 for the Proton Cancer Therapy Research and Education Center at Oklahoma State University in Stillwater, Oklahoma 74078. Oklahoma State University and ProCure Treatment Centers Inc. have formed a public-private partnership for training, education and research in proton therapy for the treatment of cancer. In

many situations cancer treatment by means of precisely directed beams of energetic protons is the most effective therapeutic alternative to more traditional surgical and radiation cancer treatment procedures. ProCure is currently completing construction of a multi-million dollar, proton treatment facility in Oklahoma City, dedicated to the treatment of cancer. It will allow access to world-leading technology for patients in the central region of the United States and is the first of several such centers planned by ProCure throughout the country in the coming years. We propose to place Oklahoma at the forefront of proton cancer treatment by establishing a world-class, research and education center at OSU, in partnership with ProCure, in order to train accredited personnel in this next-generation cancer treatment modality. Scientists at the world-renowned Radiation Physics Laboratory at OSU have been conducting research in the characterization and monitoring of proton beams used in cancer therapy for over fifteen years. The OSU group has recently teamed with ProCure to establish a research and training program at OSU. The requested federal funding will build from the existing private funding to establish a leading national center of excellence. Establishing a proton therapy center in the middle of Oklahoma will be of tremendous benefit to the citizens of this state and surrounding states. There are estimated to be over 250,000 cancer patients nationwide, and over 3,000 each year in a 250 mile radius of Oklahoma City, many of whom can benefit from proton radiation therapy.

I requested and received \$300,000.00 for Oklahoma State Health Mobile Clinic and Medical Response at Oklahoma State University, Center for Health Systems at 1111 West 17th Street, Tulsa, Oklahoma 74107. This project seeks to do two things: (1) expand and enhance the OSU Center for Health Science's health information technology system, including its telemedicine and distance learning as well as electronic medical records network, and (2) bring diagnostic and medical services to geographic regions in Oklahoma where even telemedicine is not yet feasible or reasonably located by use of a mobile clinic. The mobile clinics will be available to provide medical services in response to natural or man-made disasters.

RECOGNIZING CHANHASSEN, MINNESOTA, FOR BEING NAMED ONE OF THE TOP 5 "BEST PLACES TO LIVE IN AMERICA" BY MONEY MAGAZINE

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. KLINE of Minnesota. Madam Speaker, I rise today to congratulate the community of Chanhassen, a town I am proud to say is part of Minnesota's Second Congressional District.

In naming Chanhassen one of the top 5 "Best Places to Live in America," Money magazine confirmed what many of us in the great state of Minnesota already knew; Chanhassen is an outstanding city.

As the nation's economy has faltered, Chanhassen has flourished. From 2000 to 2008 Chanhassen averaged a 28 percent job growth rate, providing its residents with the economic security necessary to raise their families.

Along with providing economic security, Chanhassen's 11 freshwater lakes and 34 parks offer a pristine wilderness retreat that epitomizes the land of 10,000 lakes.

With its strong economy and Minnesota beauty, it is no surprise Chanhassen was named the second best small town in America.

Congratulations, again, to the entire community of Chanhassen for earning this prestigious distinction. You are second in the nation, and first in our hearts.

EARMARK DECLARATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. HERGER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: State of California, Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$15,000,000 for the Sacramento River Bank Protection Project. This project is located within the limits of the existing Sacramento River Flood Control Project (SRFCP) in Northern California. The integrity of various sections of Sacramento River and tributary levees has become seriously eroded, so much so that the State of California issued a statewide emergency declaration to address the levee deficiencies. Much progress has been made to correct the system's weak points, due to support from Congress, the Administration, and the State of California. Additional federal and state funding is required to continue corrective work throughout the Sacramento River system. \$163,000,000 of the total project cost (\$510,700,000) will be borne by the non-federal sponsors.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 3183

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: Reclamation District 2140

Address of Requesting Entity: PO Box 758, Hamilton City, CA 95951

Description of Request: Provide an earmark of \$400,000 to enable the Corps of Engineers to complete Preconstruction Engineering and Design (PED) for this ecosystem restoration and flood control project. The Hamilton City,

CA flood damage reduction and ecosystem restoration project (P.L. 110-114, Sec. 1001(8)) will provide significantly enhanced flood protection to 2,600 area residents and nearby agricultural lands, and will restore approximately 1500 acres of riparian habitat along the Sacramento River.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 3183

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: State of California, Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$1,100,000 to enable the Corps to complete the Sutter feasibility study and allow state and local interests to initiate corrective work identified by the Corps' study using state and local funds. The non-federal share of the total project cost (estimated \$8,258,000) is estimated to be \$4,100,000.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: State of California, Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$600,000 to be coupled with dedicated State of California funds and enable the Corps of Engineers to complete the project's Limited Reevaluation Report and continue construction and mitigation work for this flood protection effort. This important project includes levee repair and reconstruction along the Sacramento and Feather Rivers, specifically consisting of installation of landside berms with toe drains, ditch relocation, embankment modification, and slurry cut-off walls to address seepage and levee boil issues which threaten the performance of flood control structures that protect close to \$100 million worth of public infrastructure and private property.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: Yuba County Water Agency

Address of Requesting Entity: 1220 F Street, Marysville, CA 95901

Description of Request: Provide an earmark of \$1,000,000 to strengthen the federal levee system up to a 200-year level flood protection for communities in Yuba County, California. To date, local interests and the State of California have invested \$246,500,000 in the project and the related, advanced improvements. These interests anticipate an additional expenditure of up to \$118,200,000, for a total estimated non-Federal investment of \$364,700,000. With total project costs estimated to be approximately \$445,000,000, the only anticipated federal construction contribution will be \$33,000,000 for improvements to the Marysville ring levee, a figure that is well below the authorized 65-35 percent cost-share ratio. When completed, the Yuba River

project will provide the highest levee of flood protection for any community in California's Central Valley.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 3183

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: State of California, Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$150,000 to investigate the feasibility of increasing the level of flood protection for the urbanized area in the City of Woodland, and possibly some nearby unincorporated lands in Yolo County, from a 1 in 10-year level of flood protection to greater than 1 in 100-year level of flood protection. The non-federal sponsors will share 50% of the total project cost.

IN RECOGNITION OF THE 103RD BIRTHDAY OF MRS. PAULINE M. ELLIOTT

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the special life of Mrs. Pauline Elliott of Anniston, Alabama.

The daughter of Lena Geneva Rosamond Morrison and James Edward Morrison, Pauline Morrison Elliott was born on August 13th, 1906. Pauline is the first of six children, and today is the sole survivor of her siblings. Mrs. Pauline Morrison Elliott was married to Mr. William Hoyt Elliott of Rome, Georgia for sixty-seven years.

Mrs. Elliott was an active member in the Broadmoor Church of God serving as the clerk, a Sunday school teacher, and a member of the choir. Because of the Elliotts' dedicated service, Broadmoor Church of God added a new wing to the church in honor of Hoyt and Pauline Elliott.

Since joining Harvest Church of God, this past Mother's Day Mrs. Elliott was honored with an award for being the eldest mother in their congregation. She resides with one of her three nieces, Ms. Helen Chastain Bennett, in Anniston, Alabama.

Today I would like to wish Mrs. Pauline Elliott a very Happy 103rd Birthday.

EARMARK DECLARATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. HERGER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 3288

Account: Federal Highway Administration, Federal Lands (Public Lands Highways)

Legal Name of Requesting Entity: Butte County Association of Governments

Address of Requesting Entity: 2580 Sierra Sunrise Terrace, Suite 100, Chico, CA 95928

Description of Request: Provide an earmark of \$2 million for the Forest Highway 171 widening project. This project will upgrade a 9.6 mile section of roadway that crosses federal lands between communities of Inskip and Butte Meadows from a one-lane gravel road to a paved two-lane route. These improvements are necessary to provide an emergency evacuation route for Upper Ridge residents who are surrounded by federal forest lands that have not been properly managed to mitigate the threat of catastrophic wildfire. The need for this project is greater than ever considering the Humboldt Fire and Butte Lightning Complex Fires that swept through the ridge and surrounding areas last summer destroying homes and forcing thousands of people to evacuate the area. The project will also increase the chances for effective efforts to control instances of wildfire by cutting in half the response time for fire backup support services. The total project cost is approximately \$21,000,000. The county is using its State Transportation Improvement Program (STIP) dollars (approximately \$2,665,000) for the project. It has received a \$5,000,000 grant from the Federal Highway Administration's Federal Lands Highway Program, \$5,800,000 in SAFETEA-LU, \$980,000 and \$998,450 in the FY08 and FY09 appropriations bills.

VOLUNTEERING IN AMERICA 2009

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CHAFFETZ. Madam Speaker, volunteering in America 2009 found that a total of 61.8 million Americans volunteered through an organization in 2008.

For the fourth year in a row, Utah was the top volunteer state with a volunteer rate of 43.5%. With a whopping 62.9% volunteer rate, Provo, Utah again led the nation in volunteering rates from mid-sized cities.

Every day millions of Americans are helping to solve some of our toughest challenges. Instead of turning inward, Americans are responding to tough times by reaching out to help others in need.

Volunteering is a great way to address pressing community needs and the people of Provo, Utah are demonstrating that on a daily basis.

During this prolonged economic recession, the need of volunteers is growing. I am proud of the many Provo city residents who are pitching in to help.

TRIBUTE TO DR. SANKU S. RAO,
M.D.

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. LUCAS. Madam Speaker, I am pleased to commend the service of my constituent Dr. Sanku S. Rao, M.D., who recently completed a one-year term as President of the American Association of Physicians of Indian Origin (AAPI).

Dr. Rao has practiced Gastroenterology and Internal Medicine in Enid, Oklahoma at St. Mary's Regional Medical Center since 1979. He is a member of the American Society of Internal Medicine, serves as Chairman of the Oklahoma Blood Institute, is President-Elect of the Garfield County Medical Association, and is Board Certified by the American Board of Internal Medicine.

Dr. Rao was elected President of AAPI for 2008–2009. AAPI has entered its 28th year, and with 15,000 members, it is one of the largest ethnic medical associations in the nation. Dr. Rao is truly committed to the Indian American community and serves as a vital link between the medical communities in the U.S. and India. As President of AAPI, Dr. Rao organized the Indo-U.S. Healthcare Summit in New Delhi, India in January 2009. Medical specialists from the U.S., India, and the UK discussed prevention, treatment and the management of six major diseases including heart disease, diabetes, infectious diseases, HIV, tuberculosis, and allergies, and promoting better maternal child health care. Dr. Rao established a free endoscopy clinic at a hospital in Hyderabad, India and has assisted young Indian American physicians to secure residency positions in the U.S.

Dr. Rao exemplifies the success story that has made Indian American physicians so vital to our health care system. He graduated Valuedictorian of St. Paul's High School in Hyderabad and received his medical degree with distinction from the Institute of Medical Sciences in Hyderabad. He completed his medical residency and fellowship in New York and has been a longtime resident of Oklahoma. He lives in Enid with his wife, Dr. Sanku Rohini, and has two children, Archana and Ameet Rao.

I want to congratulate my constituent Dr. Sanku Rao for his able service as the national President of the American Association of Physicians of Indian Origin.

INTRODUCTION OF THE WATERFRONT BROWNFIELDS REVITALIZATION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. SLAUGHTER. Madam Speaker, today I am proud to introduce the Waterfront Brownfields Revitalization Act. This bill will authorize a much needed grant program to assist communities that are overcoming the

unique challenges of waterfront brownfields and foster innovative approaches to remediation.

America's industrial heritage was established along the banks of its rivers, lakes and coasts. Our nation's vast and interconnected natural water system helped provide the power that fueled our rise to international prominence, and allowed us to move our manufactured goods efficiently to all corners of the country. However, that legacy also includes many decades of environmental contamination on the waterfront. Abandoned factories, dilapidated mills and underutilized ports can be found along the shores of many metropolitan areas. As localities seek to reconnect with their waterfronts and revitalize their downtowns, brownfield barriers threaten to derail community efforts to create jobs, promote recreational opportunities, restore the ecology, increase tourism, and grow their tax base.

Waterfront brownfields present challenges beyond typical environmental assessment and cleanup projects. Hydrology, water quality, wetlands, endangered species, habitat, dredged materials, flooding, environmental infrastructure, navigation, and other considerations must be carefully addressed so as not to exacerbate existing site contamination. Typically, waterfront brownfields require the involvement of multiple governmental agencies. As such, waterfront brownfields require special attention and resources to overcome their larger hurdles.

In my own district, the city of Rochester, NY is currently working to revitalize its beautiful waterfront, while attempting to cope with the unique challenges that waterfront brownfields present. The city is undertaking a major community revitalization strategy to redevelop its port and waterfront area into a mixed use development, which will include housing, commercial, retail, and educational uses, enhanced recreation, new parks and open space, and improved public access to Lake Ontario, the Genesee River and the surrounding ecosystem. However, because the Port of Rochester was used extensively for industrial purposes from the late 1800s into the first half of the 20th century, significant environmental remediation will be required prior to redevelopment.

Initial investigations have found that more than ten acres of the site contain up to several feet of slag from a former iron works. Portions of the site are impacted from petroleum releases and unsuitable fill materials. Old Genesee River deposits on the site and bank sediments have been shown to contain high levels of heavy metals cadmium and silver as well as pesticides and furans. The marina must also be dredged. Before the waterfront reuse can proceed, the Port of Rochester must first address an estimated \$500,000 in environmental assessment issues related to contaminated sediments, beneficial reuse of sediments, groundwater contamination, and waste characterization related to the construction of the marina—and an unknown level of remediation.

Madam Speaker, Rochester is not alone in facing these types of complicated and expensive challenges to redevelopment. Cities all across the country are dealing with similar roadblocks as they try to engage incorporate waterfront real estate into their redevelopment

plans, from Yuma, AZ and Portland, OR in the west, to Savannah, GA, and Philadelphia, PA in the east, and almost everywhere in between where lakes and rivers exist.

My bill recognizes that the federal government can be an effective partner to communities interested in reconnecting with their waterfronts. Specifically, this legislation would authorize the U.S. Environmental Protection Agency to establish a waterfront brownfields pilot demonstration program to provide localities and other eligible entities with up to \$500,000 to assess and cleanup waterfront brownfields. The bill would also establish an interagency taskforce on waterfront brownfields restoration to identify barriers and potential solutions to waterfront brownfields revitalization, and seek methods for federal interagency collaboration on such projects.

As cities across the country struggle to thrive in a changing global economy, and as our domestic manufacturing continues to diminish, it is imperative that Congress do all that it can to help these cities redevelop and succeed. Industrialization and manufacturing helped make this country the power that it is today, but as manufacturing has moved overseas it has not only taken jobs and changed the economic base of many industrial cities, it has also left behind decades of contamination. This legislation will give these cities the support they need to redevelop in an environmentally safe way, and utilize their waterfront as an incredible economic asset.

**HONORING THE MEMORY OF
HALLIE BOTTER WYNNE**

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. BONNER. Madam Speaker, the city of Mobile and indeed all of South Alabama recently lost a dear friend, and I rise today to honor her and pay tribute to her memory. Hallie Botter Wynne was a beloved citizen who, for 97 years, lived a spirited life dedicated to her family, friends, and a multitude of community endeavors.

Hallie Wynne loved life. Her adult years were characterized by her vivacious pursuit of countless interests, the evidence of her rich life. When she graduated from Murphy High School in 1930, she had lettered in several sports and distinguished herself as a varsity basketball standout. Soon after, she co-founded the Ladies Auxiliary of the Gulf Fishing and Boating Club in Mobile. The active life Mrs. Wynne began as a young woman continued into her adult years; she became an avid sailor out of the Buccaneer Yacht Club alongside her husband of 51 years, Red Wynne, Sr. In all of her recreation, she excelled: she was recognized as a champion skeet shooter and known to friends as a formidable poker player.

Her energy and spirit overflowed to the community, and Mobile came to know Mrs. Wynne as a respected businesswoman. As general manager of Chin Laundry and Dry-cleaners, she beautifully served the community of Mobile until the birth of her children. She and her husband owned nationally-recognized Wynne's Kennel where they bred and

showed championship English bulldogs and cocker spaniels, dogs that made the couple immensely proud.

Of all her accomplishments, however, Mrs. Wynne was most proud of the legacy of her family. Those who know her well can attest that family was her first love. Born one of eight children and married 51 years, Mrs. Wynne certainly understood family. And as an enthusiastic Alabama football fan, she made certain that each of her children and grandchildren attended the University of Alabama. In the company of those most dear to her, she graciously entertained guests, and friends knew her as the epitome of a hospitable, Southern lady. It is said that rarely a day went by that she did not welcome visitors into her home.

Madam Speaker, I ask my colleagues to join me in remembering a gracious host; a devoted family figure; and a respected woman of Mobile. Hallie will be dearly missed by her family—her daughter, Hallie Wall; her son, William W. Wynne, Jr.; her son, Phillip Andrew Wynne, Sr.; her granddaughters, Nancy Wynne Wall and Hallie Elizabeth Wynne; her grandson, Phillip Andrew Wynne, Jr.; a sister, Evelyn Botter Biretta Wilson; and a number of nieces, nephews, and great nieces and nephews—as well as the countless friends she leaves behind.

Our thoughts and prayers are with them during this difficult time.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

The Electric Power Research Institute, Palo Alto, CA—\$1 million to develop ultra fast power processor for Smart Grid. Silicon Power located in Malvern, PA is a partner on this project.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 10 Energy and Water Development Appropriation Act.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3326

Project name: Intelligence, Surveillance and Reconnaissance (ISR) Simulation Integration Laboratory

Account: Research, Development, Test and Evaluation, Army Account

Legal Name of Requesting Entity: RF PRODUCTS, INC.

Address of Requesting Entity: 1500 Davis Street, Camden, NJ 08103

Description of Request: Provides additional operational connectivity capabilities onboard aircraft that work to ensure the safety of ground personnel and prevent unplanned events including fratricide and wrong target hits. This capability will allow more information to be transmitted to the aircraft, such as an injured soldiers' medical record, or to the ground forces, such as real-time enemy locations.

Project name: Marine Mammal Detection System to Support Navy Training

Account: Research, Development, Test and Evaluation, Navy Account

Legal Name of Requesting Entity: Integrated Systems Solutions, Inc. (ISSI)

Address of Requesting Entity: Naval Air Warfare Center Aircraft Division, Route 547, Building 195/Hangar 6, Lakehurst, NJ 08733

Description of Request: Providing the Navy with new technology to track marine mammals in coastal training areas from the air—providing habitat protection, offering environmentally enhanced tracking alternatives and saving training time and money. The funding will be allocated as follows: \$1,618,477 for salaries; \$148,715 for expendables such as aviation fuel; \$83,800 for direct travel; \$107,864 for direct material such as sensors and other electronic equipment; and \$41,144 for support equipment vehicles.

TEXAS H. CON. RES. 38

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONAWAY. Madam Speaker, at the request of the Secretary of State of the State of Texas, I am officially entering Senate Concurrent Resolution 38, as passed by the 81st Legislature, Regular Session, 2009 of the State of Texas, into the CONGRESSIONAL RECORD.

SENATE CONCURRENT RESOLUTION

Whereas, During the Vietnam War, the United States military sprayed more than 19 million gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy; these herbicides contained dioxin, which has since been identified as carcinogenic and has been linked with a number of serious and disabling illnesses now affecting thousands of veterans; and

Whereas, The United States Congress passed the Agent Orange Act of 1991 to address the plight of veterans exposed to herbicides while serving in the Republic of Vietnam; the Act amended Title 38 of the United States Code to presumptively recognize as service-connected certain diseases among military personnel who served in Vietnam between 1962 and 1975; this presumption has provided access to appropriate disability compensation and medical care for Vietnam veterans diagnosed with such illness as Type II diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, chronic lymphocytic leukemia, multiple myeloma, prostate cancer, respiratory cancers, and soft-tissue sarcomas; and

Whereas, Pursuant to a 2001 directive, United States Department of Veterans Affairs policy has denied the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who could not furnish written documentation that they had "boots on the ground" in-country, making it virtually impossible for countless United States Navy and United States Air Force veterans to pursue their claims for benefits; many who had landed on Vietnamese soil could not produce proof due to incomplete or missing military records; moreover, personnel who had served on ships in the "Blue Water Navy" in Vietnamese territorial waters were, in fact, exposed to dangerous airborne toxins, which not only drifted offshore but also washed into streams and rivers draining into the South China Sea; and

Whereas, Warships positioned off the Vietnamese shore routinely distilled seawater to obtain potable water; a 2002 Australian study found that the distillation process, rather than removing toxins, in fact concentrated dioxin in water used for drinking, cooking, and washing; this study was conducted by the Australian Department of Veterans' Affairs after it found that Vietnam veterans of the Royal Australian Navy had a higher rate of mortality from Agent Orange-associated diseases than did Vietnam veterans from other branches of the military; when the United States Centers for Disease Control and Prevention studied specific cancers among Vietnam veterans, it found a higher risk of cancer among United States Navy veterans; and

Whereas, Agent Orange did not discriminate between soldiers on the ground and sailors on ships offshore, and legislation to recognize this tragic fact and restore eligibility for compensation and medical care to United States Navy and United States Air Force veterans who sacrificed their health for their country is critical; and

Whereas, When the Agent Orange Act passed in 1991 with no dissenting votes, congressional leaders stressed the importance of responding to the health concerns of Vietnam veterans and ending the bitterness and anxiety that had surrounded the issue of herbicide exposure; the United States Congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the United States Department of Veterans Affairs to administer the Agent Orange Act under the presumption that herbicide exposure in the Republic of Vietnam includes the country's inland waterways, offshore waters, and airspace; now, therefore, be it

Resolved, That the 81st Legislature of the State of Texas respectfully urge the Congress of the United States to restore the presumption of a service connection for Agent Orange exposure to United States Navy and United States Air Force veterans who served on the inland waterways, in the territorial waters, and in the airspace of the Republic of Vietnam; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

DAVID DEWHURST,
President of the Senate.

JOE STRAUS,

Speaker of the House.
PATSY SPAW,
Secretary of the Senate.
ROBERT HANEY,
Chief Clerk of the House.

Approved: Rick Perry, *Governor.*

HONORING JULIE REICHERT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GRAVES. Madam Speaker, I proudly rise today to recognize Julie Reichert. On July 16, 2009, Julie received a Gold Medal while competing at the National Family, Career and Community Leaders of America National Leadership Conference. This is the highest award in the Nation for her FCCLA event.

She has been very active with her local chapter and has contributed greatly to her area through her service. Not only has she distinguished herself through her involvement, she has earned the respect of her family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Julie Reichert for her accomplishments with the National Family, Career and Community Leaders of America and for her efforts put forth in achieving the highest distinction in the National Leadership Conference competition.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CULBERSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the FY 2010 Energy and Water Development and Related Agencies Appropriations Act.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers' Construction General account

Legal Name and Address of Requesting Entity: Harris County Flood Control District at 9900 Northwest Freeway, Suite 220, Houston, TX 77092.

Description of Request: Provide an earmark of \$11,018,000 to the Harris County Flood Control District. It is my understanding that the funding would be used for construction of a flood damage reduction project along Brays Bayou in Harris County, Texas.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers' Investigations account

Legal Name and Address of Requesting Entity: Harris County Flood Control District at 9900 Northwest Freeway, Suite 220, Houston, TX 77092.

Description of Request: Provide an earmark of \$100,000 to the Harris County Flood Control District. It is my understanding that the funding would be used for construction of a flood damage reduction project along White Oak Bayou in Harris County, Texas.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers' Investigations account

Legal Name and Address of Requesting Entity: Harris County Flood Control District at 9900 Northwest Freeway, Suite 220, Houston, TX 77092.

Description of Request: Provide an earmark of \$100,000 for the Harris County Flood Control District. It is my understanding that the funding would be used for oversight of a flood damage reduction project aimed at reducing the loss of life, injury, and property destruction in the Buffalo Bayou in Harris County, Texas.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers' Construction General account

Legal Name and Address of Requesting Entity: Port Authority of Houston, P.O. Box 2562, Houston, TX 77252.

Description of Request: Provide an earmark of \$500,000 for the Port Authority of Houston. It is my understanding that the funding would be used to add capacity for dredged material disposal sites along the Channel.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers' Operations and Maintenance account

Legal Name and Address of Requesting Entity: Port Authority of Houston, P.O. Box 2562, Houston, TX 77252.

Description of Request: Provide an earmark of \$15,063,000 for the Port Authority of Houston. It is my understanding that the funding would be used for operations and maintenance of the Channels, including dredging activities.

RECOGNIZING THE RETIREMENT OF JOSEPH W. TESTA AS AUDITOR OF FRANKLIN COUNTY, OHIO

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. TIBERI. Madam Speaker, it is my pleasure to recognize Joseph W. Testa for his service to the people of Franklin County, Ohio.

Joe Testa has been a tireless advocate for good government, first serving as Franklin County Recorder from 1985 to 1992, and since then, as Franklin County Auditor. Throughout his career as an elected official, Joe acted as a resounding voice of fiscal responsibility.

Joe's career also showcased the finest level of professionalism. For more than 17 years, he ran one of the most effective and innovative county offices in the State of Ohio, and

was consistently recognized as such by the County Auditor's Association of Ohio. As an early advocate of the potential of the internet and its benefits to local government, Joe's vision helped Franklin County government to become an example for other metropolitan areas in the region in how to maximize technology for public use.

In addition to his work with the county as an elected official, Joe made a lasting impression on the greater Central Ohio community. Driven by his deep faith, he has made service a priority throughout his life. Serving as an adjunct professor at The Ohio State University, and a founder of a local charter school, Joe spent much of his free time helping provide a quality education for area students. Joe also founded a local non-profit which helps to locate, renovate and restore veteran gravesites going back to the Revolutionary War, ensuring that all veterans are remembered for their sacrifice.

This sense of service and level of commitment has made Joe a highly-respected figure in our community. While the Auditor's office and the taxpayers of Franklin County will certainly miss his principled leadership, I know he will continue to assist many in Central Ohio through his service as a private citizen.

For his years of service to Franklin County and consistent hard work toward the betterment of Central Ohio, I commend Joe Testa upon his retirement.

NAACP CENTENNIAL CELEBRATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. REYES. Madam Speaker, I rise today to congratulate the NAACP on their 100th anniversary. As the nation's oldest and largest grassroots civil rights organization, I commend the NAACP for their landmark accomplishments as well as their ongoing efforts to remove all barriers of racial discrimination in our nation.

Founded on February 12, 1909, the NAACP was established by a diverse and determined small group of brave men and women whose stated goal was to secure for all people the rights guaranteed by the 13th, 14th, and 15th Amendments to the U.S. Constitution. Over the span of 100 years, the NAACP's trailblazing work with federal and state legislators as well as in courthouses across the country transformed the organization into an instrumental force in the movement for political, educational and economic equality. As we begin the 21st century, the NAACP continues to pursue these important goals while remaining focused on promoting voter empowerment initiatives as well as closing the economic and educational disparities that continue to plague minority communities.

In my hometown of El Paso, Texas, the local NAACP branch has a distinguished and rich history of civic participation, as this branch is the oldest in the State of Texas. Established in 1915, the El Paso Branch was led by one of its pioneer charter members, Dr. Lawrence Aaron Nixon. Dr. Nixon worked tirelessly for nearly 20 years to remove the legal barriers

that prevented African Americans from participating in Democratic primary elections in Texas. Dr. Nixon was the lead plaintiff in two lawsuits in which the U.S. Supreme Court ruled in his favor by declaring Texas' discriminatory laws to be unconstitutional. In recent times, the El Paso branch continues to serve our community through economic development programs and initiatives to assist our troops and veterans. I am proud of this history as well as the ongoing efforts that the local branch continues to spearhead in El Paso.

While much progress has been made in our nation over the past 100 years, there is unquestionably a lot of work that remains to be done. It is my belief that the NAACP will remain in the forefront in creating positive change and that through the combined efforts of all people, the promise of America can be reality for all.

IN MEMORY OF LOMPOC MAYOR
DICK DEWEES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GALLEGLY. Madam Speaker, I rise in memory of Lompoc, California, Mayor Dick DeWees, who passed away last night from complications related to a prior medical condition.

Dick DeWees was more than a legislative colleague. He was an ally and personal friend. The relationship we built over the years greatly benefited our mutual constituencies.

I will miss his leadership and friendship.

Dick and his wife of more than 30 years, Jane, moved to Santa Barbara in 1974 and to Lompoc in 1987, where Dick quickly became involved in the community. In addition to serving as mayor, Dick served on the Santa Barbara County Local Agency Formation Commission and is its past chairman, and was the City of Lompoc's representative on the Santa Barbara County Association of Governments. Dick also served on numerous local non-profit organization boards.

As owner of a local advertising agency, DeWees & Company Media Services, which specializes in electronic media, Dick was the recipient of the Sam Walton Business Leader Award. In addition, he taught a public speaking course at the Lompoc Valley Center of Alan Hancock College.

Jane and Dick met while they were performing Summer Stock Theater together in Michigan. Their two married children, Nathan and Anna, also live in Lompoc, as does their first grandchild, Emma Chastain.

Mr. Speaker, I know my colleagues will join me in sending our condolences to Jane, their children, their grandchild, and all their family and friends.

Godspeed, Dick.

TRIBUTE TO PAUL BALLOU
HOFFER, JR.

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Ontario, California were exceptional. Today I ask that the House of Representatives honor and remember an incredible man and American patriot, Paul Ballou Hofer, Jr. Paul was a dear friend of mine and I was deeply saddened by his passing on July 8, 2009.

Paul was born to Paul Ballou Hofer and Frances Morgan Hofer on January 23, 1921 at the family ranch in Ontario, California. He attended Mountain View Elementary School, Chaffey High School and the University of Southern California. A natural athlete, at Chaffey he played varsity basketball for four years and was a halfback on the football team, receiving dual scholarships to USC for both sports.

During World War II Paul served in the U.S. Navy, commissioned as a Naval Aviator, with several thousand hours of flight time. In 1944 Paul married his high school sweetheart, Laura Jean Belcher, who preceded him in death. They had three sons, Paul III, John and Brett who grew up in the same house in which their father was born. Along with his brothers Morgan, also deceased, and Phillip, Paul was a fourth generation vineyard farmer at Hofer Ranch which was founded by his family in 1882. Paul always believed that the lessons learned from lifetimes of farming, hard work and determination, coupled with the deeply held and abiding belief that land is what endures, have been the anchor that has guided the family through seven generations on the ranch.

In addition to ranching, Paul was a man of many interests. He had a great love of the outdoors, with a passion for fly fishing and wing shooting. Paul was a member of the Masons, and also of the Republican Party. He collected antique farm and winery equipment, proudly adding to the collection at Hofer Ranch. In addition to his three sons, Paul is survived by his brother, Phillip, and his family; his grandchildren, Jason Hofer (Christina), Jacklyn Hofer Winton (Jeremy), Morgan Hofer and Laura Hofer; his great-granddaughter, Elizabeth; and other family members.

Paul's passion for his ranch, his family, and his community has contributed immensely to the betterment of the Ontario, California. I was proud to call Paul a fellow community member, American and good friend. I hope his family knows that their father, brother, and grandfather, and the goodness he brought to this world, will always be remembered.

COMMEMORATING THE VOTING
RIGHTS ACT OF 1965

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. DAVIS of Illinois. Madam Speaker, as we enter into the month of August, I would like to take this opportunity to commemorate the anniversary of The Voting Rights Act of 1965. On August 6, 1965, President Lyndon Johnson signed the Voting Rights Act into law. The date marks a pivotal moment in our country's progress in extending equal membership in the political processes to every American. The right to vote is a fundamental principle of all democracies. Yet, in our great nation whose founding fathers and documents boasted of its creation to promote equality, there was a substantial period of history during which minority men and women were barred from that very right. The Fifteenth Amendment to the Constitution guarantees the right to vote for every citizen, but the discriminatory practices of Jim Crow in the antebellum south used taxes, literacy tests, gerrymandering, and language discrimination to prevent Blacks from voting and taking part in the government. Without the right to vote, many African-Americans were subject to intolerable injustices and appalling prejudice.

The Voting Rights Act represents a culmination of the great efforts of civil rights organizations and activists to inform the nation of the extensive disenfranchisement taking place throughout the country. The anniversary of the enactment of this historic law provides an opportunity to acknowledge these activists. Most notably, their tremendous dedication and uncompromising pursuit of equality took the form of peaceful marches from Selma to Montgomery that were met with vicious attacks by state and local police forces. These events caught the attention of the President and Congress, contributing to a commitment to new civil rights legislation to counter the resistance and discrimination laws within the states. The enactment of the Voting Rights Act in 1965 allowed African-Americans across the country to finally have a say in the functioning of the country. Today, I celebrate the anniversary of this law as a reflection of what our country represents: a nation pledged to representing the views, values, and beliefs of all the people it serves.

TRIBUTE TO TRINITY UNITED
METHODIST CHURCH

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. DeGETTE. Madam Speaker. I would like to recognize the remarkable history and invaluable contributions of an extraordinary church and congregation in the 1st Congressional District of Colorado. It is fitting that we recognize this outstanding institution for its inspiring history as the City of Denver's "First Church" and for its enduring service to the

people of our community and our nation. It is to commend this distinguished organization that I rise to honor the Trinity United Methodist Church on the occasion of its 150th Anniversary.

In the spring of 1859, only months after the mining camps of Auraria and Denver City were precariously settled along the banks of Cherry Creek, the Kansas-Nebraska Conference of the United Methodist Church sent out members to set up churches in the already rowdy mining camps of the newly established Pikes Peak region. On August 2, 1859, frontier minister William H. Goode and 23-year-old Jacob Adriance established the Auraria and Denver City Methodist Episcopal Mission, known today as Trinity United Methodist Church. In 1864, a new Trinity United Methodist Church was built at 14th and Lawrence Streets to serve a burgeoning congregation.

The "Lawrence Street Church" served the community well. However, after arrival of the railroads to Denver, the City expanded greatly spreading the church's congregation further out into the growing city. By 1888 a new church rose at 18th and Broadway in Denver to accommodate the congregation's growing members. For over a century Trinity United Methodist Church has remained at this location. The church was regarded by its architect, Robert S. Roeschlaub, as the crowning achievement of his extensive career. Built of local sandstone and materials the sanctuaries ornate and carefully considered carvings and architecture are a testament to the commitment of the church to its members and community. Its 184 foot spire was one of the tallest stone towers in 1888 and remains a distinctive feature. Inside reside soaring stain glass windows and solid brass pulpit along with a custom crafted 4,202 pipe organ which brings parishioners to prayer.

Today under the banner of "We're Here for Good!" over 50,000 church members share in weekly worship. In honor of its 150th Anniversary and in continuation of the church's service to our community and fellow humankind, the congregation has laid out four ambitious missions; planting a new church for those on the margins of society; completing construction of the John Wesley School in Guatemala; partnering to reduce infant, child, and maternal mortality in Liberia; upgrading the interior to be greener, safer, and more welcoming.

Please join me in commending Trinity United Methodist Church for its 150 years of invaluable service to our community and our nation. It is the commitment and dedication that Trinity United Methodist Church and members of its congregation exhibit on a daily basis which continually enhances our lives and builds a better future for all of our people.

TRIBUTE TO LUCILE GOODHUE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. LATHAM. Madam Speaker, I rise today to congratulate Lucile Goodhue on the celebration of her 100th birthday on August 26, 2009.

Lucile was born on what is now a 150-year old farm near Hartford, Iowa in 1909. She became a farm wife when she married her husband Wilbur. Lucile enjoyed traveling with Wilbur and collecting antiques. She has been blessed with numerous children, grandchildren and great grandchildren. Lucile's secrets to a long life are to keep active, take power naps and remain positive. She always followed these directives with a great sense of humor. Lucile currently lives at the Good Same Care Center in Indianola, Iowa.

There have been many changes that have occurred during the past one hundred years. Since Lucile's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Lucile has lived through eighteen United States Presidents and twenty-two Governors of Iowa. In her lifetime the population of the United States has more than tripled.

I congratulate Lucile Goodhue for reaching this milestone of a birthday. I am extremely honored to represent Lucile in the United States Congress and I wish her happiness and health in her future years.

HONORING THE 75TH ANNIVERSARY OF THE EAST BAY REGIONAL PARK DISTRICT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. STARK. Madam Speaker, I rise today to pay tribute to the 75th Anniversary of the East Bay Regional Park District, headquartered in Oakland, California. The story of the EBRPD is an inspirational one in which citizens, during the toughest of economic times, had a mission. In the late 1920s, thousands of acres of surplus watershed land were available for development. Far-sighted civic leaders sought to preserve this land and retain a balance of recreational and wilderness features.

With 65 parks, over 1,100 miles of trails, campgrounds, visitor centers, historic sites, lakes and shorelines, the mission of the East Bay Regional Park District is to provide recreational opportunities, ensure the natural beauty and cultural history of the land, and protect wildlife habitat.

In 1934, during the depths of the Great Depression, members of a grassroots land preservation movement placed a measure on the ballot. It passed by a resounding 71% and the first regional park agency in the nation, the East Bay Regional Park District, was created.

At the outset, the Park District included only seven Alameda County communities and no parks. By 1936, it was able to purchase enough land to create three parks. The first three parks were opened with great fanfare on October 18, 1936. The opening of Redwood Regional Park in 1939 soon followed.

In the 1940s, Pearl Harbor and the start of World War II halted the District's growth. Much of Tilden Regional Park was turned over to the U.S. Army Defense Command. At the end of

the war, the District began an era of prudent growth as people returned to the parks seeking family recreation. Concessions such as Tilden Regional Park's steam train, carousel, and pony ride were added. This growth continued into the 1950s with Roberts Regional Park's swimming pool, baseball field, and picnic areas.

Between 1968 and 1987, the District added 32 new regional parks and preserved 43,000 acres of the East Bay's most scenic parkland. During the period 1988–2008, the District added 15 new regional parks and an additional 34,000 acres of open space. There were increased volunteer opportunities and expanded communication tools, such as the District's website. District staff also built and opened Camp Arroyo, a state-of-the-art environmental education and youth camp.

The Park District describes itself as a work in progress as it struggles to acquire and operate regional parks and trails to serve the Bay Area population. Regardless of future challenges and opportunities, the East Bay Regional Park District is committed to providing East Bay residents with recreational opportunities and open space reserves close to home.

I join the community in celebrating the East Bay Regional Park's 75th Anniversary and send best wishes for many more successful years of service.

IN TRIBUTE TO CHARLES HOBBY STRIPLING, SR.

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. MARSHALL. Madam Speaker, it is with great pleasure I rise today not only to honor Hobby Stripling for his continuing contributions to the State of Georgia and the United States of America, but also to congratulate him on the next chapter in his career as he joins the U.S. Department of Agriculture's Farm Service Agency as the State Executive Director for Georgia.

As many of you know, Hobby most recently served as my District Director. There aren't many people in Georgia politics who don't recognize Hobby's name. His longstanding relationships with civic and political leaders throughout the state are nothing short of legendary. His wealth of knowledge has helped many Georgians improve their communities and his wise counsel has untangled many seemingly insoluble problems. Hobby reminds me of those old E F Hutton ads. When he speaks, I listen and almost always follow his advice. Georgia's farmers and rural communities will be well served by Hobby. My loss is their gain.

Madam Speaker, prior to joining my staff in 2002, Hobby was District Director for Congressman SANFORD BISHOP and ran the campaign for former Ambassador, Mayor, Congressman and Civil Rights activist Andy Young in his 1990 bid to become Georgia's governor.

Hobby also worked for many years as a local business owner, Mayor and Municipal Court Judge in Vienna, Georgia. He has

served on and chaired numerous state boards including the Georgia Municipal Association, the Georgia Department of Labor Middle Flint Employment and Training Council, the State Bar of Georgia Disciplinary Board and the Board of Directors of Crisp/Dooly County Joint Development Authority.

Madam Speaker, I am confident my colleagues will join me in recognizing the accomplishments of this great Georgian and great American and in congratulating him as he starts this next chapter of his career.

EARMARK DECLARATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. JORDAN of Ohio. Madam Speaker, pursuant to House Republican Conference standards on earmarks, I submit the following information regarding a project included at my request in H.R. 3326, the Fiscal Year 2010 Department of Defense Appropriations Act:

Requesting Member: Congressman JIM JORDAN (OH-04)

Bill: H.R. 3326

Account: Army Research, Development, Test, and Evaluation (RDT&E)—Combat Vehicle and Automotive Advanced Technology

Requesting entity: Joint Systems Manufacturing Center, 1161 Buckeye Road, Lima, Ohio

Project title: Friction Stir Welding Program

Description: With federal assistance in fiscal years 2005, 2006, and 2009, the government-owned Joint Systems Manufacturing Center in Lima, Ohio, has developed better methods of fusing metals used in large combat vehicle manufacturing. These methods are proving to be stronger than results achieved through traditional arc welding, resulting in stronger superstructures. The \$3 million included for this program in H.R. 3326 will help perfect friction stir welding technology for current and future vehicle production, reducing procurement costs to the government.

EARMARK DECLARATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. POSEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks for my Congressional District as a part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Requesting Member: The Administration and Congressman BILL POSEY

Project Funding Amount: \$4,600,000

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, O&M

Legal Name of Requesting Entity: Corps of Engineers.

Address of Requesting Entity: U.S. Army Corps of Engineers, Jacksonville District Office, 701 San Marco Blvd., Jacksonville, Florida 32207-8175

Description of Request: This funding will be used by the U.S. Army Corps of Engineers to provide annual operation and maintenance of the channel at Port Canaveral, Florida.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman BILL POSEY

Project Funding Amount: \$900,000

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Investigations
Legal Name of Requesting Entity: Canaveral Port Authority.

Address of Requesting Entity: Canaveral Port Authority, 445 Challenger Road, P.O. Box 267, Cape Canaveral, Florida 32920.

Description of Request: This funding will be used by the U.S. Army Corps of Engineers. Port Canaveral has completed a Section 203 report, which has been submitted to the Corps for consideration. The Corps can then start Preconstruction, Engineering, and Design (PED), which is cost-shared with the non-Federal sponsor 75/25. The non-federal sponsor is prepared to provide their 25% match. The recommended improvements to the channel are urgently required to provide adequate channel capacity and safety.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman BILL POSEY

Project Funding Amount: \$600,000

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Construction
Legal Name of Requesting Entity: Brevard County, Florida.

Address of Requesting Entity: Brevard County, Florida, 2725 Judge Fran Jamieson Way, Building A-219, Viera, Florida 32940.

Description of Request: This funding will be used by the U.S. Army Corps of Engineers to begin construction of the first phase of re-nourishing the Mid-Reach section of the Brevard County Storm Damage Protection Project. The federal, state, and county governments have already completed the Northern and Southern section of this project. This funding will help provide the federal portion of funding toward

this authorized federal project. This funding will enable the Corps to dredge sand to be placed in the Mid-reach the following year. The County has funding set aside and available for this project, and this is a top priority for the state.

Consistent with Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to any entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for entities unless the use of the funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

IN RECOGNITION OF JAMES J. BRUNO FOR HIS YEARS OF SERVICE TO THE KANKAKEE TOWNSHIP FIRE PROTECTION DISTRICT AND THE KANKAKEE CITY FIRE DEPARTMENT

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mrs. HALVORSON. Madam Speaker, on August 14, 2009, friends, family, and colleagues of James J. Bruno will gather to celebrate his 27½ years of service to the Kankakee Township Fire Protection District and the Kankakee City Fire Department. Today I join the chorus of praise for Jim's service.

After the unfortunate death of his father of a heart attack, Jim took the opportunity to devote himself to saving lives by joining the Kankakee Township Fire Protection District. Just 6 years after becoming a firefighter, he rose to the rank of Lieutenant and was the first paramedic in the department. In 1988, Jim joined the Kankakee City Fire Department. In 1990, Jim received the Distinguished Service Award for his role in rescuing a heart-attack victim from her burning home. With the help of his partner, Steve Born, Jim entered a blazing home, located the woman, hoisted her on his shoulders, and carried her to safety. She made a full recovery. This was an obvious act of heroism. What is less obvious, but no less important, are the lives Jim saved through countless inspections he conducted of homes and businesses as well as the education programs he participated in that prevented fires. Prevention efforts like the ones Jim participated in have been highly effective. Since 1982, deaths due to fires in the home have decreased 36 percent. Firefighters like Jim have made our communities much safer.

Jim has been an active labor leader for over 20 years. He has performed many roles in the Kankakee Firefighters Union including Chaplain and Executive Board Secretary. He completed many labor trainings on how to participate in productive grievance and arbitration hearings. Jim has been an effective advocate for hard-working firefighters.

Jim is also a compassionate father and husband. Jim is a proud supporter of his wife, Captain Stacey Ann Bruno, who will begin her second tour of duty in Iraq in September. He is a loving father of three teenage children.

The 11th District and the community of Kanakee owe Jim Bruno a debt of gratitude. I am proud to represent him and all the wonderful firefighters around my district in Congress. I wish Jim the best of luck as he enters retirement.

EARMARK DECLARATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. ALEXANDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, H.R. 3293.

Congressman RODNEY ALEXANDER
H.R. 3293

Department of Education, Elementary & Secondary Education (includes FIE)

Ouachita Parish School Board located at 701 St. John Street, Monroe, LA 71201.

The Northeast Louisiana Family Literacy Interagency Consortium; \$400,000. The Northeast Louisiana Family Literacy Interagency Consortium (NELFLIC). NELFLIC is requesting funding so that more families can continue to be served, and served more effectively, by securing staff and resources. NELFLIC is determined to enhance its services to provide flexible, year-round hours and to target special populations more intensely than ever before. The English as a Second Language services to be offered in Union and West Carroll parishes can double the number of participants in each site. Serving the incarcerated population in Richland parish incurs significant expenses due to the dynamics of the program and to ensure that children can participate sufficiently in appropriate services. In order to serve the high school population in Lincoln parish, the Even Start center must have highly qualified personnel available to work with the children from 7:20 to 3:35 five days per week. Funding is requested to retain the staff at each site and to provide transportation and other support services to accommodate the flexible schedules and growing population of participants. Expanding services or the service area will help to empower families to gain literacy skills, build strong families, earn a living wage, and move toward self-sufficiency.

Congressman RODNEY ALEXANDER
H.R. 3293

Department of Education—Elementary & Secondary Education (includes FIE)

Institute for Student Achievement, One Hollow Lane, Suite 100, Lake Success, NY 11042

Institute for Student Achievement; \$150,000. ISA is requesting \$150,000 in funding to continue its partnership with the Point Coupee Central Prep High School located in the Point Coupee Central High School building. Point Coupee Central Prep High School opened in September, 2008 with a cohort of grade nine students. It will grow one grade per year until it serves students in grades 9 to 12, at which time the Point Coupee Central High School will be phased out. ISA will remain in partner-

ship with EBR throughout the entire school development period. A clear, explicit set of non negotiable principles defines the ISA research-based school reform capacity-building model. With its strategic partner, the National Center for Research, Education, Students and Teaching (NCREST) at Columbia University, ISA facilitates the implementation of these principles through coaching and professional development. Additionally, ISA provides technical assistance, administrative guidance, and formative student assessments in writing and mathematics which inform instructional practice, program advocacy and program assessment.

Congressman RODNEY ALEXANDER
H.R. 3293

Department of Health & Human Services Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration.

PACE Greater New Orleans, 4201 North Rampart, New Orleans, LA 70117.

PACE Greater New Orleans, for facilities and equipment; \$500,000. This project is for \$4 million to allow PACE Greater New Orleans, Franciscan PACE and CHRISTUS Health to expand and develop additional PACE services and space on the Westbank of Jefferson Parish as well as in Monroe and Alexandria so they may be able to serve more elderly and offer them an alternative to institutionalized care. Expansion of service personnel and capacity could allow PACE New Orleans to serve 150 more elderly, PACE Monroe approximately 124 and PACE Alexandria approximately 125. The Program of All-Inclusive Care for the Elderly (PACE) is a capitated benefit authorized by the Balanced Budget Act of 1997 (BBA) that features a comprehensive service delivery system and integrated Medicare and Medicaid financing. The program is modeled on the system of acute and long term care services developed by On Lok Senior Health Services in San Francisco, California. The model was tested through CMS (then HCFA) demonstration projects that began in the mid-1980s. The PACE model was developed to address the needs of long-term care clients, providers, and payers. For most participants, the comprehensive service package permits them to continue living at home while receiving services rather than be institutionalized. Participants must be at least 55 years old and be certified as eligible for nursing home care by the appropriate State agency. However the average age of a PACE recipient is 75. The PACE program becomes the sole source of services for Medicare and Medicaid eligible enrollees.

Congressman RODNEY ALEXANDER
H.R. 3293

Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services.

CHRISTUS Health St. Francis Cabrini Hospital, 3330 Masonic Drive, Alexandria, LA 71301.

CHRISTUS Health St. Francis Cabrini Hospital for an electronic medical records initiative; \$400,000. CHRISTUS St. Francis Cabrini has undertaken an initiative to lower the cost of care by leveraging communication and health information technology, with an emphasis on using these tools to improve access and lower costs for the under- and uninsured. The project will reduce inappropriate use of

the emergency department while providing a care team to help coordinate their care and provide a medical home. Reducing the cost of care requires investment in health IT infrastructure. This project began almost a year ago by deploying community health workers using all manual processes. This activity will automate the process of data collection, information sharing and increased communications with the clients to reduce inappropriate utilization, improve access and reduce costs, all while helping them to better care for themselves. Internal funding is lacking due to competing priorities. Funds will be used for investing in core infrastructure needs that will become operating costs in future years but at a much lower level.

Congressman RODNEY ALEXANDER
H.R. 3293

Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services.

CHRISTUS Health System, 9830 Jennifer Lane, Shreveport, LA 71106.

CHRISTUS Health System for a rural health initiative; \$350,000. School-Based Health Centers (SBHCs) enable CHRISTUS Health to provide primary and preventative health care services to children and adolescents in Louisiana, many of whom are among the working poor. Besides immunizations and physical examinations, SBHCs provide well-child care, dispensation of over-the-counter and prescribed medicines, routine lab tests, management of chronic conditions, and initial care for acute illnesses and injuries. The centers provide mental health services including individual, family, and group therapy. SBHCs emphasize prevention as well as early identification and treatment of physical and mental health concerns. Prevention programs concentrate on proper nutrition, dental hygiene, exercise, and the elimination of substance abuse, use of tobacco, teenage pregnancy, violence, and suicide. CHRISTUS Health sponsors and operates 25 of the 62 SBHCs in Louisiana. With earmark funds of \$350,000, these centers could address such critical health issues as childhood and adolescent obesity. The money could also help the centers provide more dental services and expand mental health services.

Congressman RODNEY ALEXANDER
H.R. 3293

Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services.

Richland Parish Hospital, 407 Cincinnati Street, Delhi, LA 71232.

Richland Parish Hospital for facilities and equipment; \$1,025,000. This request would increase access to vital preventive and diagnostic health care services in Northeast Louisiana through the use of one-time funding to purchase Digital Mammography and 16-Slice Computerized Tomography (CT) Scan machine and a Mobile Unit to transport the equipment throughout the region. This will particularly impact the low-income, under- and uninsured residents of the most rural areas of the region, who so many times do not have the resources to travel to the larger urban areas to obtain these services. Currently, a resident must travel at least to Monroe to obtain these services, which is over 60 miles away from

many of the communities in the most north-east part of the state. RPH is a participant in the LA Rural Health Information Exchange Network and was the first hospital to be linked with the LSU Health Sciences Center (LSUHSC-S) in Shreveport. If they are able to obtain this equipment, they will be able to transmit these tests to the specialists at LSUHSC-S. Many of the low-income, under- and uninsured patients are referred to LSUHSC-S for specialty care. Due to the lack of resources, patients may very well forego treatment until the condition is much more serious.

Congressman RODNEY ALEXANDER
H.R. 3293

Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services.

University of Louisiana at Monroe, 700 University Avenue, Monroe, LA 71209

University of Louisiana at Monroe for facilities and equipment, including purchase of a mobile dental unit; \$840,000. The University of Louisiana at Monroe College of Health Sciences Department of Dental Hygiene proposes the purchase of a mobile dental unit for use throughout the northeastern portion of the State of Louisiana. The use of this mobile unit would enhance the teaching capabilities of the dental hygiene program and would provide a critically needed service to patients unable to access regular dental/dental hygiene care. The mobile dental unit would serve the delta area of Louisiana which has been designated an economically and socially depressed area, which in the past has been approved for federal development funding. The mobile unit would benefit underserved patients who lack the financial resources and/or transportation to obtain proper dental care. The unit would be staffed by a dentist, dental assistant, dental hygienist and dental hygiene students who would work with local public health offices to coordinate services.

Congressman RODNEY ALEXANDER
H.R. 3170
SBA

Grambling University, 400 Main St., Grambling, LA 71245

The primary goals of the Greater North Louisiana Community Development Corp are to: a) stimulate creation, attraction, retention and expansion of business and industry in North Louisiana, b) provide access to financial capital, c) promote the growth of "homegrown" business using technology to provide rural isolated entrepreneurs with access to information, technical assistance, professional services and expertise. The Rural U.S. is home to over 56 million Americans who live in some of the country's poorest regions. As nationally publicized by all mediums, the state of Louisiana is involved in a long-running battle to find solutions to poverty and combating literacy (see attachments A & B—GNLCDC Service Area Demographics and Maps). The primary employers in the targeted parishes are light manufacturing companies. It is expected that manufacturing jobs will continue to decline in the 21st Century, therefore diversification is critical to the stimulation and survival of rural communities.

Congressman RODNEY ALEXANDER
H.R. 3326

RDTE, A

Louisiana Tech University, 700 W California Ave, Ruston, LA 71272

Anti-Tamper Research and Development \$3,800,000. This program will provide the research, development, and testing of technologies that can significantly reduce or eliminate the threat of reverse-engineering or software extraction from the guidance/avionics package of military aircraft and missiles. We will initiate the R&D of specific technologies that can be used to prevent tampering of aviation and missile systems, initiate the development and instrumentation of techniques that can be used to test the vulnerability of missile systems before and after insertion of the technology, and test the initial technology produced by this program. Technologies developed will prevent the extraction, disassembly, and reuse of U.S. aviation and missile Critical Technology/Critical Program Information hardware and software. The DoD is currently aware of how vulnerable its weapons systems are to reverse-engineering, and this effort will develop measures to decrease or eliminate this vulnerability.

Congressman RODNEY ALEXANDER
H.R. 3326

RDTE, AF

Louisiana Tech University, 700 W California Ave, Ruston, LA 71272

Remote Language-Independent Suspect Identification \$3,200,000. Louisiana Tech University seeks funding for research in remote language-independent suspect identification. Our researchers have developed technologies that use mathematical models for identity verification. Aspects of this work have been commercialized in the private sector. The University has worked with the Air Force and industry partners in further development of the algorithms and software for military applications. These funds will support our faculty and partners identified by the Air Force in extending the development of these algorithms.

Congressman RODNEY ALEXANDER
H.R. 3326
RDTE, AF

Louisiana Tech University, 700 W California Ave, Ruston, LA 71272

Cyber Security Research Program \$1,500,000. Louisiana Tech University seeks funding to initiate programs in the recently funded Cyber Security Laboratory to support new research and educational efforts in cyber security. This laboratory is a key component of the Center for Secure Cyberspace (CSC), a collaboration between Louisiana Tech University and Louisiana State University. Funding for the CSC, totaling \$8 million, has been provided by the Louisiana Board of Regents and the two universities. Researchers are developing core research foundations in evolvable sensor hardware/software and corresponding transformational technologies for the early prediction, detection, and control of anomalous behavior in cyberspace. The CSC has built strategic collaborative relationships between national and international academic and industrial partners, with the Air Force Cyber Command (P), Air Force Research Laboratory, and other state and federal agencies. Many of these partners have provided input into the design of the CSL. The proposed funding will enable us to configure, test and validate the

new equipment and software, which is being purchased in FY 2009, and to support initial research projects between the CSC and partners. These initial projects will enable Tech and its partners to gather preliminary data to serve as the basis for further funding from multiple agencies.

TEXAS H. CON. RES. 39

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONAWAY. Madam Speaker, at the request of the Secretary of State of the State of Texas, I am officially entering House Joint Resolution 39, as passed by the 81st Legislature, Regular Session, 2009 of the State of Texas, into the CONGRESSIONAL RECORD.

A JOINT RESOLUTION

Post-ratifying Amendment XXIV to the Constitution of the United States prohibiting the denial or abridgment of the right to vote for failure to pay any poll tax or other tax.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The 87th Congress of the United States, on August 27, 1962, in the form of Senate Joint Resolution No. 29, proposed to the legislatures of the several states an amendment to the Constitution of the United States, and by a proclamation dated February 4, 1964, published at 29 *Federal Register* 1715-16 and at 78 Statutes at Large 1117-18, the Administrator of General Services, Bernard L. Boutin—in the presence of native Texan, President Lyndon Baines Johnson—declared the amendment to have been ratified by the legislatures of 38 of the 50 states, thereby becoming Amendment XXIV to the United States Constitution, pursuant to Article V thereof, and reading as follows:

"AMENDMENT XXIV.

"SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"SECTION 2. The Congress shall have power to enforce this article by appropriate legislation."

"SECTION 2. While the congress was still deliberating on the poll tax amendment in August of 1962, President John Fitzgerald Kennedy urged the United States House of Representatives to follow the lead of the Senate and propose the amendment for the consideration of the state legislatures "... to finally eliminate this outmoded and arbitrary bar to voting. American citizens should not have to pay to vote." And in witnessing the issuance of Amendment XXIV's certificate of validity 17 months later, Kennedy's successor, President Johnson, noted that abolishing the tax requirement "... reaffirmed the simple but unbreakable theme of this Republic. Nothing is so valuable as liberty, and nothing is so necessary to liberty as the freedom to vote without bans or barriers. ... A change in our Constitution is a serious event. ... There can now be no one too poor to vote."

SECTION 3. Although Amendment XXIV has been the law of the land since 1964, some 13 years following its effective date, it received symbolic post-ratification in 1977

from the General Assembly of the Commonwealth of Virginia, as reflected in the *Congressional Record* of March 28, 1977, which printed the full text of Virginia's post-ratification; 12 years after that, the amendment gained ceremonial post-ratification in 1989 from the General Assembly of the State of North Carolina, as reflected in the *Congressional Record* of June 6, 1989, which printed the full text of North Carolina's post-ratification; and nearly 13 years after that, the amendment acquired its most recent post-ratification in 2002 from the Legislature of the State of Alabama, as reflected in the *Congressional Record* of September 26, 2002, which printed the full text of Alabama's post-ratification.

SECTION 4. The Legislature of the State of Texas—one of only five states still levying a poll tax by 1964—has never approved Amendment XXIV to the Constitution of the United States, but precedent makes clear the opportunity of Texas to post-ratify the amendment in a manner similar to the actions of lawmakers in Alabama, North Carolina, and Virginia.

SECTION 5. The Legislature of the State of Texas, as a symbolic gesture, hereby post-ratifies Amendment XXIV to the Constitution of the United States.

SECTION 6. Pursuant to Public Law No. 98-497, the Texas secretary of state shall notify the archivist of the United States of the action of the 81st Legislature of the State of Texas, Regular Session, 2009, by forwarding to the archivist an official copy of this resolution.

SECTION 7. The Texas secretary of state shall also forward official copies of this resolution to both United States senators from Texas, to all United States representatives from Texas, to the vice president of the United States in his capacity as presiding officer of the United States Senate, and to the speaker of the United States House of Representatives, with the request that this resolution be printed in full in the *Congressional Record*.

DAVID DEWHURST,
President of the Senate.

JOE STRAUS,
Speaker of the House.

ROBERT HANEY,
Chief Clerk of the House.

PATSY SPAW,
Secretary of the Senate.

HOPE ANDRADE,
Secretary of State.

SALUTING THE NOMINEES OF THE 2009 TECH TITANS FINALISTS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to congratulate the finalists for the 2009 Tech Titans Award presented by Metroplex Technology Business Council, the largest technology trade association in Texas. On August 28th, the winners will be announced in categories designed to showcase the most cutting-edge technologies and the brightest talent emerging from the North Texas region at the 2009 Tech Titans Awards and Fast Tech gala. The event will also reveal the

rankings of the 2009 Titan Fast Tech, which lists the fastest-growing DFW technology companies based on percentage revenue growth over the last year and the fastest-growing DFW technology companies based on percentage revenue growth over the last five years.

The Tech Titans gala also raises funds to support a scholarship program for students at local universities who are pursuing degrees in math, science, engineering and technology, as well as high school teachers who teach in these disciplines. Founded in 1994, the Metroplex Technology Business Council (MTBC) is a non-profit organization composed of approximately 300 members that include technology businesses and providers from across the DFW Metroplex. The MTBC produces numerous events, including the Management in High-Tech Luncheon Series, the Technical Luncheon Series, Tech Week in Austin and the Tech Titans and Fast Tech Awards.

Recently, the Economist, a reputable international magazine, featured a special in-depth section showcasing the wonders of Texas for business. The MTBC is a shining example of the face of the future for Texas. Make no mistake, the MTBC is making great things happen for the Lone Star State—and the world.

"The Tech Titans Awards and Fast Tech provide the premier recognition of fast-growing, highly innovative companies that contribute to the vibrancy of the North Texas economy and make our region an exciting place to live and work," said Cindi Keith, partner/technology marketing industry leader, PricewaterhouseCoopers, and co-chair of the MTBC's Tech Titans steering committee. "We look forward to showcasing the true leaders in our industry and celebrating their hard work and creativity."

Besides the MTBC, other supporters of the Tech Titans Awards and Fast Tech event are PricewaterhouseCoopers, TechAmerica (formerly American Electronics Association), Deloitte, Dallas Business Journal, KBA Group LLP, Time Warner Cable Business Class, GSCS Inc., Farstar Inc., and AVMG.

Congratulations one and all. I salute you.

The 2009 Tech Titan Finalist names and the categories follow:

CORPORATE CEO AWARD CATEGORY

Bruce Ballengee, CEO and Co-Founder, Pariveda Solutions, Inc.

Timothy Gallagher, CEO, Electronic Transaction Consultants Corporation

Dale Sohn, President, Samsung Telecommunications America

Charlie Vogt, President and CEO, GENBAND

EMERGING COMPANY CEO AWARD CATEGORY

Steve Steinheimer, CEO, SSG Ltd

Nina Vaca, CEO, Pinnacle Technical Resources, Inc.

Paul VanMeter, President and CEO, Colo4Dallas

Alastair Westgarth, President and CEO, Tango Networks, Inc.

CORPORATE HORIZON AWARD CATEGORY

Electronic Transaction Consultants Corporation

Entrust

Fujitsu Network Communications, Inc.

Nokia Siemens Networks

EMERGING COMPANY HORIZON AWARD CATEGORY

Airwalk Communications, Inc.

OnAsset Intelligence, Inc.

Sipera Systems

Tango Networks, Inc.

TECH INNOVATOR AWARD CATEGORY

Austin Crowder, CEO and Founder, Alpha Med-Surge, Inc., dba L.I.T. Surgical

Dr. Harold "Skip" Garner, PO'B Montgomery Distinguished Chair, Professor of Biochemistry and Internal Medicine, University of Texas Southwestern Medical Center

Dr. Bruce Li, President and CTO, 21-Century Silicon, Inc.

Dr. Frank Lu, Professor of Mechanical and Aerospace Engineering, Director of the Aerodynamics Research Center, University of Texas at Arlington

TECH ADVOCATE AWARD CATEGORY

Rep. Dan Branch, Texas State House of Representatives

North Texas Enterprise Center for Medical Technology, Larry Calton

North Texas Regional Center for Innovation & Commercialization, Mike Lockerd

TECH Fort Worth, Darlene Ryan

TECH ADOPTER AWARD CATEGORY

Chesapeake Energy Corporation

North Texas Tollway Authority

Smart Hospital at the University of Texas at Arlington

Travelocity Business

COMMUNITY HERO AWARD CATEGORY

Corey Kirkendoll, Solutions Architect, 2009 National Society of Black Engineers Alumni, Extension Pre-College Initiative for Region V, Cisco Systems

Paul Klocek, General Manager, ELCAN Optical Technologies

Jo-ann Olsovsky, Vice President, Technology Services and CIO, Burlington Northern and Santa Fe Railway Company

Gurvendra Suri,

CEO, Optimal Solutions Integration, Inc.

TECH TITAN OF THE FUTURE UNIVERSITY LEVEL

Challenging Algorithmics and Mathematics in Problem Solving (CHAMPS) The University of Texas at Dallas—Jonsson School of Engineering and Computer Science

Military Programs of the Dallas TeleCollege Dallas County Community College District

UTeach Dallas, The University of Texas at Dallas

Venture Innovation Partnership, The University of Texas at Arlington

TECH TITAN OF THE FUTURE HIGH SCHOOL LEVEL

Daniel Brown, Hillcrest High School, Dallas Independent School District

Dr. George J. Hademenos, Richardson High School,

Richardson Independent School District

Wesley Kirpach, Plano West Senior High School, Plano Independent School District

Jacqueline Lewis, Williams High School, Plano Independent School District

TechAmerica

TEXAS LEGEND AWARD, Jim Von Ehr, President and Founder, Zyvx Corporation.

HONORING BRUCE G. MCATTEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Bruce G. McAttee as he retires from his position as CAP Coordinator for UAW Region 1C. A retirement party is planned for August 28th in Lansing, Michigan.

Bruce McAttee began his career working for General Motors in August 1976. In 1982 he completed his Electrician Apprenticeship and ran for Committeeman in November of that year. He was elected and held the position until 1990. He was elected Financial Secretary Treasurer of UAW Local 652 in June 1990. During this time he also was elected Vice Chair of Region 1C Skilled Trades Council and Chairman in 1986. This made him the youngest person to ever serve on the UAW International Skilled Trades Advisory Committee. In 1994 he accepted a position on the UAW International Staff and was assigned to UAW Region 1C as CAP Coordinator one year later.

Bruce's interest in politics was sparked at the age of 13 when he worked on his first political campaign. He went to Wolverine Boys State during his high school years and he served as an intern with the Michigan House of Representatives. Since that time he has worked on numerous campaigns including the campaigns for every Democratic Presidential candidate since Jimmy Carter ran for office in 1976. He has served on the Michigan Democratic Party's State Central Committee for the past 14 years. He has served as delegate to the Democratic National Convention in 2000 and 2004. In 2004 he served as a Presidential Elector for the 8th District casting his ballot for JOHN KERRY. The Clinton County Democratic Party honored him with their 2009 Phil Hart Award.

In addition to his work with the UAW and the Democratic Party, Bruce is active with Cancer Society, the Martin Luther King Holiday Commission and the Red Cross Great Lakes Regional Board of Directors. The Lansing Area APRI Chapter recognized him earlier this year as a Role Model for his work in Civil Rights and the community.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the work of a dear friend, Bruce G. McAttee. For many years an important member of my own campaigns, I consider Bruce a dear friend and skilled analyst. I value his capable, proficient expertise on a broad variety of subjects. I wish him the best as he enters this next phase of his life.

CONGRATULATING THE NATIONAL
JOINT APPRENTICESHIP TRAINING
COMMITTEE ON THEIR 20TH
NATIONAL TRAINING INSTITUTE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. DINGELL. Madam Speaker, I rise today to congratulate the National Joint Apprenticeship

and Training Committee (NJATC) on the occasion of the 20th anniversary of their National Training Institute, which will be held this weekend at the University of Michigan in Ann Arbor. It will also be my pleasure to address this gathering back home in Michigan's 15th Congressional District.

I wish to commend the NJATC's National Training Institute for what they do for working men and women across the country. I believe they serve as an example of the good work labor unions have done for this country. I think it is entirely appropriate that the 20th annual National Training Institute will be held in Michigan, the state that most have deemed the birthplace of the American labor movement. This is a point in which I take great pride, as Michigan has long had a history of looking out for our workers and supporting the growth and success of our labor unions.

The partnership of the National Electrical Contractors Association and the International Brotherhood of Electrical Workers is unique and it has led to a special training institute that puts a value on skilled trade and allows apprentices to "earn while you learn." This is critical for those in Southeast Michigan and across the country, as they start their second career, or even begin their first. Skilled trades provide our families with respectable and fair wages, benefits that will provide for their families and training that will allow them to successfully complete various jobs within the electrical industry.

As the National Joint Apprenticeship & Training Committee enters its 68th year, I would like to once again commend them for their fine work and congratulate them for the more than 350,000 apprentices which they have skillfully trained. I look forward to their 20th National Training Institute and I am so pleased that they will be holding this special event in Michigan's 15th Congressional District.

CITY OF NEWCASTLE

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. REICHERT. Madam Speaker, I rise today to congratulate the city of Newcastle, Washington, which was recently ranked seventeenth by Money Magazine on their list of "America's Best Small Towns." I'm proud to represent Newcastle, a city that affords residents a unique opportunity to live near the "hustle and bustle" of everyday life while re-treating into a rural small town setting.

It is fitting that Money Magazine released its rankings the same week that Newcastle held a ribbon-cutting ceremony on a multi-year, multi-phase public works project that shows the city's true colors: leadership, patience and encouragement. Although I couldn't be at the celebration personally, I once again congratulate them on the expansion of the Coal Creek Parkway, to help alleviate the flow of traffic for its businesses and citizens.

Newcastle has grown by leaps and bounds, developing and offering new attractions and conveniences for citizens and businesses

alike. Officially incorporated in 1994, Newcastle's population at the time was 7,000. 15 years later, Newcastle's population has grown to about 10,000 and the city's amenities continue to grow as well. A new YMCA will open in September, complete with swimming pools, community rooms, and gyms. A new transit center currently under construction will provide new bus shelters and improve the city's main intersection, benefiting commuters, pedestrians and bicyclists.

In true Pacific Northwest tradition, Newcastle also boasts a vast array of accessible natural resources and outdoor activities. Lake Boren Park, the city's best known location in its parks and trails system, offers walking trails, tennis and basketball courts, playground equipment for children and is home to special events: the Fourth of July fireworks celebration and Newcastle's summer series of "Concerts in the Park." Of course, I must mention Newcastle's wonderful golf club; perhaps the city's most marketable asset as well as a terrific place for civic engagement and community fundraising. The course is truly beautiful and attracts attendees from all over the Pacific Northwest.

Newcastle is a beautiful city filled with a great mix of small town charm, big city access and natural, fantastic neighborhoods and open spaces, and is very well-deserving of this award to one of America's best small towns in the country. I look forward to continuing to support the goals and ideals of Newcastle residents and its elected leaders.

AMERICA'S AFFORDABLE HEALTH
CHOICES ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise in support of real health care reform for the American people. As a member of the Committee on Ways and Means, I have been working hard to develop a bill that really makes health care better.

What stands out to me the most from my work are the stories I hear from my district in California. Neighbors like Blasa Ochoa, who lost her insurance when her employer went bankrupt, and who has been unable to get another policy because she has a pre-existing condition.

Or Denise from Lakewood who told me that doctors treat her special-needs son like a number and not a person.

The other night, I spoke to several hundred of my neighbors during a telephone town hall, and they told me about the problems with the current system: high costs, exclusions for pre-existing conditions, and the flat out inability to find a plan for those 60 and older.

I'm working so hard on this issue because I know health care reform is what my neighbors back home in California want and need.

America's Affordable Health Choices Act will fix these problems and more.

But sadly, there are still many misconceptions out there.

So let me clear some things up.

This bill will put a stop to abusive insurance company practices, so that you can get a policy no matter what your age or whether you have a pre-existing condition.

This bill will control skyrocketing health costs and make health insurance more affordable. Its strongest cost-control tool is the public health plan option.

We need a strong and stable public option because the private plans, busy seeking profits, have been unsuccessful in controlling the growth in healthcare costs. Their idea of controlling costs is denying care!

But a robust public plan, like the one in this bill, will give the private plans real competition and persuade them to change their ways. This makes health care cheaper for you.

A strong public plan will show how investing in comprehensive, high-quality care, including preventive care, will make Americans healthier and save money at the same time.

An NBC/Wall Street Journal Poll from earlier this year showed that 76 percent of American voters want a public health plan option. And I am proud to have worked on a bill that gives them just that.

But the public plan option is not the only standard provision in this bill.

This bill will protect small businesses and their employees.

This bill is going to help small businesses offer health insurance to their employees—something most small employers want, but can't afford to do right now.

Currently, small businesses pay an average of 18 percent more for health coverage than large businesses.

But with the America's Affordable Health Choices Act, small businesses will have access to the new Health Insurance Exchange, giving them the benefits of lower rates that only large businesses now enjoy. The exchange will also give small businesses more plans to choose from.

The bill also creates a new tax credit—worth up to half the cost of health insurance premiums—to assist small employers who want to offer coverage.

Finally, small businesses will be exempt from the "pay or play" requirements that will apply to large employers. Small businesses with a total payroll of \$250,000 or less—that's \$250,000 in employee payroll, and doesn't count the owner's take home pay—will be exempt from "pay or play."

Altogether, the bill makes it easier for small businesses and their employees to afford high quality care while protecting their bottom line.

I encourage my colleagues in both chambers and on both sides of the aisle to stop the bickering—and stop spreading misconceptions that are delaying this much-needed reform bill.

Americans cannot wait any longer. They're counting on us to get this done. We need to pass reform that lowers cost, promotes choice and provides care for all, no matter where they work or how large—or small—their paychecks.

DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2010

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. MCCOLLUM. Madam Speaker, I rise in strong support of the Fiscal Year 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act (H.R. 2996). This important bill makes timely investments to protect and preserve our country's natural resources, enhance climate change research and adaptation efforts, empower Native American communities, and support the arts. I thank Chairman OBEY, Chairman DICKS, my colleagues on the Appropriations Committee, and the House leadership for their hard work on this legislation.

This legislation upholds America's leadership in environmental stewardship. It includes an 8 percent funding increase for the National Parks Service and a 6 percent increase for the National Wildlife Refuges. I am pleased that the bill includes my language for the first ever national, comprehensive study to identify best practices to protect and preserve the Mississippi River, America's greatest waterway. Additionally, by passing this bill, Congress is investing in tackling the urgent challenge of global climate change. The bill provides over \$178 million for climate change programs in the Department of the Interior, \$80 million for climate change planning and on-the-ground conservation efforts at the Fish and Wildlife Service, and \$31 million for climate change adaptation activities at the Bureau of Land Management, the National Park Service, and Bureau of Indian Affairs. Climate change is happening now, and Congress must invest to adapt to its impacts on America's lands and economy.

My state of Minnesota is blessed with fresh water resources, including over 10,000 lakes and the headwaters of the Mississippi River. This legislation provides \$667 million—\$507 million over FY2009—in much-needed investments to promote and protect our nation's great water bodies. This includes \$475 million for the Great Lakes Restoration Initiative, which will involve the coordination and collaboration of 16 Federal agencies, the States of the Great Lakes Region, local government, and citizens groups in an effort to restore the source of 20 percent of the world's fresh surface water. This bill also directs EPA to invest in essential research on the human health and environmental impacts of endocrine disrupting compounds and other contaminants in our water supply.

This bill makes important investments to empower our country's Native American communities and enhance support of the arts. It provides \$6.8 billion for programs at the Bureau of Indian Affairs and the Indian Health Service, including almost an almost \$7 million increase in funding for the Urban Indian Health Program. And finally, H.R. 2996 includes funding increases for the National Endowment of the Arts and the National Endowment for the Humanities. I strongly support

these investments and applaud the Committee for these including these provisions.

I urge passage of this legislation.

IN MEMORY OF FATHER FLOYD
LOTITO

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. SPEIER. Madam Speaker, I pay tribute today to a man of God who dedicated his life to improving the lives of those less fortunate. Father Floyd Lotito, the heart and soul of St. Anthony's Dining Room, left our world on July 14, ending his long and valiant struggle with Parkinson's disease.

Born in Los Angeles, as Alfonso Joseph Lotito, he took Floyd as his religious name when he entered the Franciscan Order in 1953, prior to being ordained into the priesthood seven years later. He received his Bachelor of Sacred Theology from Old Mission Theological Seminary in Santa Barbara and his Masters in Speech and Communication Arts from Marquette University.

Before joining the St. Anthony Foundation in 1968, Father Floyd spent time as a high school teacher in Santa Barbara and as a parish priest in communities all across our country.

When I think of Father Floyd, I remember a man who knew everyone's name, yet called us all "brother" or "sister" as a sign of respect. He went out of his way to make people feel special and was known locally for his annual Blessing of the Taxi Fleet and the Blessing of the Animals.

Father Floyd's wisdom and eloquence garnered him invitations to give the benediction at the 1984 Democratic National Convention in San Francisco, the opening of Pacific Bell Park in 2000, and many others.

The St. Anthony Foundation has ministered to the poor and down-on-their-luck for more than 40 years, in large part due to Father Floyd's ability to reach people of all types in profoundly personal ways. He did not see rich or poor, he only saw those who could help and those who needed help.

Father Floyd held many positions at St. Anthony's, but nearest to his heart was the St. Anthony Dining Room. Opened in 1981, it is now the leading free-meal program in the city, providing more than 2,500 meals a day to San Francisco's poor. Earlier this year, Father Floyd served his 35 millionth meal.

Madam Speaker, our community is fortunate to have been blessed with Father Floyd. He leaves our community better than he found it and it brightens my heart to know that San Francisco has yet another angel to help guide us.

A TRIBUTE HONORING THE
FALKENTHAL-NICHOLS WEDDING

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to extend my best wishes to two young Americans who are starting their new life together. On Friday, June 4, 2009, Michelle Lynn Falkenthal and Michael David Nichols were joined in matrimony surrounded by their loving family and friends at the Earl Burns Miller Japanese Garden located on the campus of California State University, Long Beach.

Michelle Falkenthal was born in West Covina, California on December 24, 1979. Her mother, Evelyn Bobbitt, is an accounting technician for the County of San Bernardino, and her stepfather, David Bobbitt, is a director of audits for Riverside Community College. Her father is Robert Falkenthal, an attorney in private practice, and her stepmother is Jennette Falkenthal, a homemaker. Michelle graduated from Colton high school and is currently employed as a billing agent for Cox Communications.

Michael Nichols was born in Arcadia, California on December 12, 1980. His mother, Linda Nichols, is a secretary at Arcadia High School, and his father, Ken Nichols, is a general contractor. Michael attended Arcadia High School and Embry Riddle Aeronautical University in Prescott, Arizona. He is employed as an independent contractor pilot.

In this constantly developing age of electronic communications, it's no surprise that the young couple first met via the Internet. After several weeks of getting acquainted online, Michelle and Michael had their first date on June 5, 2007. They were engaged fifteen months later on September 14, 2008. The couple enjoys spending time with family and friends, going to Big Bear Lake, bike riding, and remodeling their new home, among other activities. Their many friends say Michelle and Michael are very well suited for each other, and their families already consider each of them a member of the family. The newlywed couple will make their home in the city of Chino Hills in Los Angeles County.

Michelle and Michael were joined in their wedding celebration in Long Beach by guests from across town and across the country. Family and friends traveled from Maryland, Washington, DC, Sacramento, Oxnard, Newberry Park, the Inland Empire, and from across southern California. Special participants in the wedding ceremony included the maid of honor Casandra Holiday, the bridesmaids, Sally Lara and Evie Bobbitt, the bride's niece and sister respectively, and the groomsmen Travis Amezcua, Ryan Benigno, Caleb Gray, and Dustin Mullins. Leading the bridal party and assembled family and guests in the wedding celebration and officiating the vows was the Reverend Doctor Paul Yestebo of the New Hope Community Church in Huntington Beach.

Madam Speaker, I offer my best congratulations to the Bobbitt, Falkenthal, and Nichols families, and their friends and guests on this

happy and memorable occasion. To Michelle and Michael, I offer the sentiment and gifts which George Bailey offered the Martini family as they moved into their new home in the classic film, "It's a Wonderful Life": "Bread! That their house may never know hunger. Salt! That life may always have flavor. And wine! That joy and prosperity may reign forever." Lastly, I wish that throughout their wonderful life together, Michelle and Michael will always have an abundance of what St. Paul wrote of in his letter to the Corinthians, "faith, hope, and love; and the greatest of these is love."

EARMARK DECLARATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. FRANKS of Arizona. Madam Speaker, pursuant to the Republican Leadership standards on budget requests, I am submitting the following information regarding budget designations I received as part of H.R. 3326: FY 2010 Defense Appropriations Bill.

(1) Recipient: Robertson Aviation

Budget Designation: \$3,000,000

This designation funds the procurement of internal 200 gallon A-kits and B-kits for installation on UH-60 Black Hawk helicopters operated by the Army National Guard. The Internal Auxiliary Fuel Tank System is a crashworthy, ballistically self-sealing, single-point pressure refuelable internal auxiliary fuel system that has been developed and fielded to H-60 helicopters operated by the U.S. Army Special Operations, the U.S. Navy, U.S. Air Force Combat Search and Rescue, and certain units of the U.S. Army National Guard. Having this system installed on an H-60 helicopter saves lives by reducing the risk of post crash fires by using military standard crashworthy self sealing bladders integrated into rugged aluminum honeycomb fiberglass outer containers. The resulting system provides ballistic protection for aircrews operating in hostile environments and crashworthy protection for all operations.

(2) Recipient: Southwest Gas Corporation

Budget Designation: \$3,000,000

This funding request is for a Gas Engine Heat Pump (GEDAC) demonstration. GEDAC provides essential peak electric and winter gas load reduction. GEDACs not only provide increased energy efficiency, reduced peak electricity demand, costs savings to the U.S. military, resource reductions (water), and reduction of greenhouse gas emissions, it also diversifies energy sources and provides the foundation for grid independence in electricity production. This type of energy independence is invaluable to a military installation, or other facility of national interest, that has to continue to function in the event of a national emergency.

(3) Proposed Recipient: USAF, Air Education and Training Command

Budget Designation: \$1,500,000

This funding request is for Air Education & Training Command (AETC) aircraft range upgrades, specifically Barry M. Goldwater Range (BMGR) improvement projects. Air Education

and Training Command ranges have an unfunded requirement for enhancements to bring them more in line with the operational capabilities of the F-35. The Barry M. Goldwater Range has an identified unfunded requirement to secure a sensor training area and new instrumented target area as well as two ground moving target sets to conduct real world training which mirrors Global War on Terror requirements. Acquisition of ground moving targets, and development of a sensor training area/instrumented target area within the Barry M. Goldwater Tactical Range addresses the operational requirements which F-16 and future pilots (F-35) will face in defeating urban and moving targets with high precision.

(4) Proposed Recipient: Advanced Ceramics
Budget Designation: \$2,000,000

This funding request supports efforts at the U.S. Army Battle Command Battle laboratory at Ft. Huachuca to aggressively pursue experimental deployment efforts and spiral development of sensor and micro-transponder technologies using the Silver Fox and Manta unmanned aerial systems (UAS). Silver Fox and Manta systems' uniquely compact size and stealth technology coupled with the use of advanced sensors and transponders enable them to detect, track, and isolate the smallest enemy movements, including the emplacement of improvised explosive devices (IEDs)—the enemy's weapon of choice against our troops in Iraq and Afghanistan.

RECOGNIZING THE EXTRAORDINARY SERVICE OF THE UNITED STATES COAST GUARD AND THE "JERSEY BOYS OF THE USCGC MUNRO"

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today in recognition of the United States Coast Guard, and the dedicated service-men and women who provide invaluable service to our country. I would especially like to recognize Lieutenant Junior Grade Paul Windt of Paramus, Lieutenant Junior Grade Lee Crusius of Hackensack, Boatswain's Mate 3rd Class Daniel McGrath of West Milford, and Electronics Technician 2nd Class Lorin Fisher of Jersey City, whose efforts during a heroic rescue on March 28, 2008 saved the lives of 42 fishermen in the Alaskan Sea. These 4 brave crew members of the Coast Guard Cutter *Munro*, who go by the name "The Jersey Boys of the USCGC Munro," are New Jersey natives and deserve recognition and commendation for their brave and selfless actions that day.

Following in the Coast Guard's rich tradition of service to the American people, these young men, away from their homes and families on Easter morning of 2008, were called to action to rescue the crew of a sinking ship. They battled minus 24-degree weather and a pitching sea which threatened to throw them overboard, while transporting the freezing crew of the sinking ship aboard the *Munro*. Thanks to the heroics of these brave men, 42

of the 47 fishermen aboard the sinking ship survived that frigid morning in March 2008.

Madam Speaker, I ask my colleagues to join with me today in commending the thousands of Americans who serve and have served in the United States Coast Guard. They are a great credit to our country.

GENERAL SUPPORT OF VETERAN
BILLS FOR WEEK OF JULY 27

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. WATERS. Madam Speaker, I rise in strong support for the veterans' bills considered on the floor this week. I am very pleased that we have reached a point where we can begin to address the many institutional problems our returning soldiers endure under the Department of Veteran Affairs. While some of these issues can be attributed to administrative deficiencies, many of the department's problems can be helped by increased federal support. These brave men and women deserve our support as they risk their lives in combat. This support should be reflected in appropriate legislative action to ease the burdens they confront upon returning home. While many of us in Congress may disagree on our military strategy and presence in Iraq and Afghanistan, we can all agree that our returning veterans deserve far more than what they have received upon returning home from combat.

Although the Bush Administration initiated the wars in Iraq and Afghanistan, it failed to provide for critical veterans' health care benefits and programs that would have helped to reorient our returning troops into society. However, under a new administration and as evidenced by the bills considered this week, Congress is working diligently to introduce and pass critical legislation that will provide our veterans with long overdue support and efficient access to medical resources. Therefore, I am pleased to support all of the veterans' bills on the floor this week, and I commend my colleagues in Congress for their commitment to our nation's troops.

A New York Times report published last fall reported that the nation's newest veterans, particularly the wounded, are paying an exceptionally high price for their service to our country. According to various veterans' advocacy groups, the combination of injury and unemployment coupled with the long VA disability claims process has forced many veterans into foreclosure and other financial hardships. Thus, the legislation on the floor this week will provide for beneficial assistance through federal appropriations, employment and housing resources, and improved veterans' medical insurance programs.

H.R. 3219, the Veterans' Insurance and Health Care Improvements Act of 2009 will expand veterans' insurance and provide much needed healthcare improvements. Additionally, this measure establishes permanent VA authority to provide hospital care, medical services, and nursing home care to Vietnam-era herbicide-exposed veterans and Persian Gulf

War veterans who have insufficient medical evidence to establish a service-connected disability. Undoubtedly, many of our current veterans from past and our present international conflicts stand to benefit a great deal from this bill.

In addition, H.R. 1293, the Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009, will increase the amount of authorized grants the Department of Veterans Affairs can pay for improvements and structural alterations for homes of veterans with service-connected disabilities of 50 percent or more. Accordingly, this bill will provide much needed assistance for veterans to make any necessary improvements they are otherwise unable to fix on their own. As many may suffer from service-connected physical disabilities impeding their normal life activities, this bill would authorize the VA to increase their financial assistance to veterans. This measure will greatly supplement the bill we passed last Congress, the Homes for Heroes Act, H.R. 3329. Where that bill expanded the supply of permanent housing for veterans, H.R. 1293 will provide the grants to make improvements for veterans' current homes.

Moreover, H.R. 2270, the Veterans Non-profit Research and Education Corporations (NREC) Enhancement Act of 2009 will amend federal provisions regarding the establishment at the Department of Veterans Affairs medical facilities of nonprofit and research and education corporations (NRECs) to allow an NREC to facilitate the conduct of research or education, or both, at more than one VA medical center. This will greatly benefit the VA so that they can have readily available resources to help them confront challenges facing our veterans.

And H.R. 3155, the Caregiver Assistance and Resource Enhancement Act will provide federal assistance to individuals providing non-institutional extended care to disabled veterans. These valuable services include educational and teaching caring techniques; strategies and skills; nursing care, and mental and health services.

And finally, H.R. 1803, the Veterans Business Center Act of 2009 will amend the Small Business Act to direct the Administrator of the Small Business Administration (SBA) to establish within the SBA a Veterans Business Center program to provide entrepreneurial training and counseling to veterans. This will create yet another resource to benefit our returning veterans who may have trouble finding employment.

Madam Speaker, these are incredibly important bills, providing our veterans with the federal resources so they may have efficient access to much needed medical assistance, job, and housing support. As a strong advocate for veterans' rights, I am pleased to add my voice of support for all of these measures. Moreover, I will be working with my colleagues to make sure we continue to provide the necessary resources towards protecting our veterans' rights and ensuring fair and just access to their rightful benefits.

HONORING BRITTANY LEAP'S
FIGHT AGAINST
NEURODEGENERATION WITH
BRAIN IRON ACCUMULATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the bravery and fortitude of a very special and courageous constituent of mine, Brittany Leap; and her mother, Sandy, and father, Richard. In February 2006, Brittany was diagnosed with a debilitating and degenerative disorder—Neurodegeneration with Brain Iron Accumulation (NBIA).

NBIA is a very rare and devastating neurological disorder that only gets worse over time—resulting in constant muscle cramping, an inability to control one's body, difficulty with speech, a loss of peripheral vision, and even blindness. No cure or specific means of treatment currently exists for NBIA, and scientists are still baffled by the factors that influence the disease.

Imagine waking up one morning having lost the ability to walk, or talk, or even eat. In Brittany's case, however, this is no dream. This is a very real challenge that Brittany faces every day of her life. To make matters worse, one of the few laboratories dedicated to researching her disease is at risk of having to close its doors because of a lack of funding; doors that upon closing will forfeit the hope of Brittany, her family, and the thousands of other people suffering from NBIA, that a cure may one day be realized.

Brittany is determined to continue fighting this disease and the potentially devastating consequences of what will happen if the research to develop a cure is suspended. She is unwavering in her pursuit to raise the funds necessary to keep hope alive, not only for her, but for everyone else with NBIA. Brittany has taken it upon herself, with the help of her loving parents—and so many others across this great nation—to raise \$250,000 by year's end to keep the search for a cure alive.

Madam Speaker, I ask my colleagues to join me in wishing Brittany and her family and all others with NBIA our heartfelt regards for their efforts to bring an end to this devastating illness, and I ask they give their support in any way possible to help Brittany in her efforts. I am inspired by Brittany's determination and I am honored to bring her story to the floor of this Chamber.

EARMARK DECLARATION

HON. DOUG LAMBORN

OF COLORADO—

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. LAMBORN. Madam Speaker, I recently submitted a member request declaration for the RECORD. In that declaration, I stated that my requests were in H.R. 2647. It should have read that these requests were in H.R. 3326 as noted below.

Requesting Member: Representative DOUG LAMBORN, CO-05

Bill Number: H.R. 3326

Account: RDTE Navy, Line 27, PE 0603216N

Legal Name of the Requesting Entity: Global Near Space Services

Legal Address of the Requesting Entity: 8610 Explorer Dr, Ste 140, Colorado Springs, CO 80920

Description of the Request: Requesting \$6 million funding for the Lighter-Than-Air Stratospheric UAV for Persistent Communications Relay and Surveillance. This project will develop a lighter-than-air, unmanned aerial vehicle (UAV) that will fly at 85,000 feet for three to four months, providing low cost, persistent surveillance, high bandwidth and over the horizon communications needed to effectively fight terrorism, achieve maritime domain awareness, protect critical infrastructures and secure national borders.

Requesting Member: Representative DOUG LAMBORN, CO-05

Bill Number: H.R. 3326

Account: RDTE Air Force, Line 8, PE 0602201F

Legal Name of the Requesting Entity: Colorado Engineering, Inc

Legal Address of the Requesting Entity: 1310 United Heights, Suite 105 Colorado Springs, CO 80921

Description of the Request: Requesting \$3 million funding for the Unmanned Sense, Track, and Avoid Radar (USTAR) for low rate initial production of an advanced radar system for the Global Hawk unmanned aerial vehicle platform to detect and track large and small targets. USTAR will allow the UAV to identify potential collision risks and increase maneuvering capability in controlled airspace and improve operability in adverse weather conditions.

Requesting Member: Representative DOUG LAMBORN, CO-05

Bill Number: H.R. 3326

Account: RDTE Defense-wide, Line 89, PE 0603898C

Legal Name of the Requesting Entity: Not Applicable

Legal Address of the Requesting Entity: Not Applicable

Description of the Request: Requesting \$500,000 funding for an Independent Advisory Group to review Ballistic Missile Defense (BMD) Education and Training Needs and recommend a BMD education and training solution to include a recommendation of roles and responsibilities, organizational structure, and/or resources and facilities for integrated missile defense training.

NIHI TA HASSO, UNHAPPY
LABOR—A HISTORY OF THE
TIYAN AIRFIELD, GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. BORDALLO. Madam Speaker, on July 21, 2009, our community on Guam marked the 65th anniversary of our liberation from

enemy occupation. It was a day of commemoration and celebration as we recalled the sacrifices made for our freedom by our elders who survived this brutal occupation and of the servicemembers who landed on our beaches to liberate us from the oppression of the enemy during war. My predecessor, General Ben Blaz, penned a narrative about the history of the Tiyan airfield on this occasion. Today, the Tiyan airfield is the site of the Antonio B. Won Pat Guam International Airport and General Blaz' narrative was printed in this year's Liberation Day Special Edition of the Pacific Daily News. I submit this narrative for print in the CONGRESSIONAL RECORD. It helps us connect the past with the present. It also helps us gain an appreciation for the history of the landscape that continues to serve today as an important transportation link for our island. This is one story of many through which we can understand and interpret the period of occupation, and the trials experienced and endured by the Chamorro people.

NIHI TA TASSO . . .

Time and tide have eroded and buried remnants of the barricades and trenches on the beaches of our island. The verdant jungle has reclaimed the old concentration camp sites over the past six and a half decades. Heavy foliage and buildings now camouflage pillboxes and fortifications anchored along expected landing sites to obstruct the advance of liberating forces.

In contrast, a modest landing strip, built at Tiyan under extreme duress and a pervasive sense of personal insecurity by the Chamorros during the occupation in World War II, has risen from the ashes of war, a la the legendary Phoenix. It continues to grow with each passing year and now accommodates millions of visitors and handles thousands of tons of food and cargo so vital to the island's economy. Remarkably, Tiyan is the Chamorro word for stomach and the airfield there serves as Guam's breadbasket. Visitors from Asia, North America, and elsewhere as well as local citizens routinely arrive and depart from the airport, seemingly oblivious to how dearly we paid, with blood and tears, to carve its foundation out of a jungle for the enemy.

The latte stones of antiquity enjoy a special place in our history. Considering the circumstances under which the original landing strip was built and its indispensability to the island's future, it has attained memorial stature at least among those who wielded the primitive tools to build it. It makes a worthy companion to the latte stone which, interestingly enough, was also used as foundation stone, among others, by our ancestors.

The airport today dwarfs what we achieved during the occupation but it was built with earth movers, bulldozers, backhoe, and steamrollers. If, during the occupation, we had known the wonders that modern technology could perform, we might have said that what was being asked of us was impossible. And, having decided that, we might never have completed the airstrip. We would never have been able to overcome the psychological barrier that we would have created between us and the job's completion. There would have been nothing that the Japanese could do to make us get the project done. It would not be that we would have worked more slowly. In the actual construction, our lack of enthusiasm translated to a snail's pace in any event. Rather, we would have been so daunted by our perception of

the enormity of the task that we simply wouldn't have been able to do it. Our naiveté then worked to the Japanese's advantage. We got the job done simply because we didn't know that we couldn't!

As we were finishing the airstrip, it was not possible to simply dismiss it as something we were forced to do. Surprisingly, most of us looked at it with a kind of pride of proprietorship. It was ours. We made it—not only the construction but survived the incredibly taxing ordeal. This was possible because of the older men in our forced labor groups who rose to lead us. There were many such men but I remember two of them in particular because they were my immediate leaders—Frank D. Perez and Nito Cristobal. We worked together, we prayed together and, on occasion, we laughed together. It was 1944 and I was 16.

Evidently, American reconnaissance planes noticed that the airstrip was nearing completion and it became a daily target for bombing. Seeing the American planes bomb the airstrip in daylight was a tonic beyond description even though we knew we had to repair the runway that same night guarded by soldiers angered similarly beyond description. One of the ironies of our forced labor was how it played against one of the most cherished of Chamorro traditions, *adalak*, whereby neighbors helped one another build houses or prepare fields for crops. We participated in *adalak* willingly and from our hearts in keeping with our custom and tradition. The closest English translation of the word is "happy labor." This was not so when we were digging caves, constructing barricades and felling the jungle to build an airstrip.

In an incredible twist of fate, on June 20, 1944, during the Battle of the Philippine Sea, the Japanese lost more than 400 planes in a resounding defeat in air combat which U.S. Naval aviators referred to as the Great Marianas Turkey Shoot. A month later, Guam was liberated by U.S. Marines, soldiers, sailors and airmen. Following the capture of the Tiyan airstrip, we watched with astonishment and great delight as U.S. Navy Seabees widened, extended, and surfaced the runway with remarkable efficiency in but a few days. Seeing U.S. planes land and take off from "our" airstrip to continue the war against Japan made grown men cry. And teenagers, too.

Poetic justice comes to mind.

IN MEMORY OF MANETTE SEADY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Ms. KAPTUR. Madam Speaker, from biblical times, each of us can recall images of strong women carrying heavy water jars—bringing the precious, essential liquid of life to family, to friends, to community. Water takes a special place in the Catholic Mass, recalling the holiest moments of Christian celebration. Jesus blessed the water and then blessed the people with that water. The women who carried water would gather at the well. Others would be drawn to conversation with them, and from their gatherings, community came to be built, gently and progressively, conversation, one by one. Ancient history rarely recorded women's words. We know now, it

should have. We know their faithfulness at the well sustaining those they loved. All life needs water.

Manette in so many ways was a Biblical woman, in our time. She was faithful, a Christian of the Catholic variety, strong, vital, wise and—as we all know now, courageous—carrying her water jar with sparkling eyes, a broad smile, humor and generosity. She gave you an extra portion. Her wisdom, born of faith, hard work and ethnic and gender sensitivity was an endless fountain for those who could appreciate it.

She ministered to all who crossed her path. And importantly, she plowed her own path to seek those who others might not know. She did so unselfishly, with a rare spirit of self-giving. She worked hard, at every worthy task she undertook. She was a laboring woman who labored with love.

As a child at her father and mother's side, she would rise at 4 am to accompany her dad as he opened the family restaurant called Najaim's and then Manette's. She hated that early rise but she learned to fill water glasses of countless people of all ages and stations. No one was a stranger at the Seady fountain. She learned about community at a young age. She was comfortable with people, most especially from Delta. She never wanted to leave them. She reminisced last week about the beauty of Delbert Dunbar's gardens, the Democratic women's club, St. Casper's and Father Ed. When I asked her, "Manette, what especially did you want me to share with those who will gather to celebrate your life?" She replied: "Tell them how we worked to help the seniors." The idea for creating for our country The Senior Farmer's Market coupons was formed here, where it now serves 23,000 seniors in northwest Ohio, well as millions

across our nation. She delivered communion to shut-ins, befriended individuals—Dorothy Biddle, Edwina Mattimore, Mary Turi, Nona Sue-Mack, Clarence Seifert—carrying her water jar. She influenced the younger generation, including members of our Congressional staff here today: Steve, Sue, Theresa and Karen among them.

Theresa has written:

It is just so hard to imagine life without our Manette . . . the Fulton County Fair (she loved the ribbon chips and getting tacos from J & A Taco Wagon from Defiance), having dinner at Byblo's and looking at Christmas lights (Manette asked Sue and me to be mystery judges for the Chamber's Christmas light contest) . . . none of that will be the same. She loved her community, her family, and had such a warm heart.

Now, I have met thousands upon thousands of people in my own life. But there has been only one Manette, my sister-friend, The "Blessed Woman of Delta with the Water Jar". There is much I did not know about her family. I was reminded yesterday, her father ran for the Mayor of Delta. Of course, Manette ran for the Fulton County Recorder. Each took representative government a step forward.

As a representative of our Congressional office in Fulton County, she stayed in touch with hundreds of people. She let us know what their concerns were. She took her duties very seriously. She practiced the route to events twice the day before. She planned every moment at every event. She left nothing to chance. She always worked hard, a laboring woman who provided her own sustenance, cared for her parents, working 28 years at Aunt Jane's Foods, and upon its closure, as an Administrative Assistant at the Fulton Mill Service.

In her beautiful memory, Manette Ann Zogby Seady, we ordered a U.S. flag flown over the Capitol for a loving, generous, hard-working daughter, niece, cousin, godmother, beloved friend, devout woman of the church, and patriotic citizen for all time. She made her passage with grace and coverage. At twilight on the day of her passage, her cousin recalls she saw a rainbow through the trees, but there had been no rain. Truly, Manette was a "Blessed Woman At the Well."

HONORING KELLI REICHERT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 31, 2009

Mr. GRAVES. Madam Speaker, I proudly rise today to recognize Kelli Reichert. On July 16, 2009, Kelli received a Gold Medal while competing at the National Family, Career and Community Leaders of America National Leadership Conference. This is the highest award in the nation for her FCCLA event.

She has been very active with her local chapter and has contributed greatly to her area through her service. Not only has she distinguished herself through her involvement, she has earned the respect of her family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kelli Reichert for her accomplishments with the National Family, Career and Community Leaders of America and for her efforts put forth in achieving the highest distinction in the National Leadership Conference competition.

SENATE—Monday, August 3, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God our help of the ages past, our hope for years to come, in Your secret places we find our faith and strength. Help us to know ourselves for who we are, people who too often seek our own way instead of striving to fulfill Your purposes. Cleanse the inner foundations of our hearts from any hint of pretense and use our Senators for Your glory. In this challenging hour of human destiny, deepen in our Senators a sense of surpassing opportunity to do their full part in building a better nation and world. Lord, fit them to protect this land from outward evil and from inner corruption. Make the words of their mouths and the meditations of their hearts be acceptable in Your sight, O God, our rock and our Redeemer. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 3, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for up to 1 hour. Senator BEGICH will give his maiden speech. We all look forward to this. He will have the first 30 minutes of morning business time. I note before he starts his speech, we are all so pleased with the work he has done. He has done an outstanding job for the people of the State of Alaska and our country, and I look forward to his remarks. The Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the Agriculture Appropriations Act. At 5:30 the Senate will proceed to a cloture vote on the substitute amendment to the bill. Additional votes in relation to the amendments are possible following the cloture vote. The deadline for filing first-degree amendments is 3:30 today.

In speaking to Senator BROWNBACK and on our side Senator KOHL, who is the comanager of the bill and who, of course, would love to finish it today, Senator BROWNBACK said on Thursday that he thought we could finish the bill this evening and I hope that in fact is the case. The longer we are on this bill the less time there will be for Sotomayor speeches, so we look forward to completing this Agriculture appropriations bill so we can go to the Supreme Court nomination and listen to what people have to say about the new Supreme Court Justice.

HEALTH CARE REFORM

Mr. REID. Mr. President, the American people wake up every morning worrying about real problems. They go to bed every night with real concerns. They worry about the agonizing sacrifices they have to make so they can afford to stay healthy, and their fear is sincere.

Our response and responsibility to the American people should be equally grounded in reality. That reality is that our health care system is in serious distress. I believe serious problems deserve serious efforts by serious legislators to develop serious solutions.

Unfortunately, much of what we have seen from the other side is simply one radical distraction after the next. For months, Republicans have perpetuated a pollster- and consultant-created myth that our plan and our goal is to have the government run your health care. It is not. Let me repeat: It is not. In fact, one of our core principles is that if you like the health care you have, you can keep it. But the other

side simply won't let the facts get in the way of a good story.

A Republican Congressman recently claimed that our plan to improve health care would "put seniors in a position of being put to death by their government."

A Republican Senator made a similar statement to mislead his constituents. He actually accused Democrats of proposing a plan that would kill Americans. It is hard to imagine that. Rather than having a serious and real debate about a serious and real crisis, some Senators and Congressmen want the American people to believe their colleagues are proposing a plan to kill them.

These distortions and distractions are revolting, and they are not limited to health care.

An artificial controversy is getting far too much attention lately—one that ignores the undeniable and proven fact that President Obama was born in the United States of America. Last week, one of the Republican leaders in the House of Representatives continued to give this false and misleading claim credence. Let's be clear: It is a phony issue that does not deserve even a minute of our attention on the floor of the Senate. It is absurd, irresponsible, and baseless, and the false claims have long ago been refuted.

The American people have every right to expect we will solve real problems before creating fake problems. They should know that rather than helping them get ahead, some of our colleagues would rather spew ludicrous conspiracy theories.

The other side hasn't stopped at fake arguments and fake issues. We also have seen them resort to fake letters. Some Members of Congress have recently received forged letters purporting to be from the NAACP. Others have received a similar letter signed by a fake name with a fake job title purporting to be from a local Hispanic group. The bogus letters have been tracked back to employees of a Republican lobbying firm. This behavior is sick, it is shameful, it is dishonest, and it is undemocratic.

When we passed the economic recovery plan this winter, some opposed it. They didn't believe we needed an aggressive plan in response to a grave crisis that now is putting people back to work, ensuring middle-class families can get ahead, and investing in our future. But objecting to that legislation is their right. As we start to see a return on our investment, many of those who tried to block this bill have since sought credit for the good it is doing.

Others who opposed the plan outright—those who wish we weren't investing in their States and districts—now complain they wish to see us invest more quickly. Well, you can't have it both ways. It is yet another embarrassing example of misinformation and misrepresentation upon which some on the other side tend to rely.

I cannot blame people for wondering why, with an issue as important as health care now before us, bipartisan consensus sometimes seems so elusive. So I say to them: This extreme brand of strategy and the extreme tactics that come with it are what we have to contend with.

First, Rush Limbaugh happily admitted he wants our President to fail. Then a Republican Senator openly admitted he wants to block the health insurance reform for millions as a way to "break the President." Another Republican Senator admitted that at least half of the other side's opposition to reform is purely political. And an influential commentator advised Republicans to avoid consensus at all costs and instead "go for the kill."

These partisan tactics have consequences. These consequences will be evident at any kitchen table, in every family budget, and every American's peace of mind.

And they are watching. A poll released last week found that a majority of Americans credit President Obama with putting partisanship aside and trying to work with congressional Republicans to get this done for the good of the country. Republicans, they found, weren't returning the favor.

Others may be focused on delaying and denying health insurance reform, but we will make sure we don't let that happen. We already have seen what happens when we do nothing. The costs of sitting this one out are far too high and not acting is not an option.

The American people appreciate those Republicans who have come to the negotiating table in good faith. I am sorry to say that there simply aren't enough of them. At this stage, out of 100 Senators, we have 3 Republicans who are willing to work with us on health care. I am very happy to have them, but I wish we had more.

Rather than having a serious and real debate about a serious and real crisis, some would prefer to deploy tactics to scare the American people. But what scares the American people is that under the status quo, they live just one illness, one accident, or one pink slip away from losing everything.

This is no time to let partisanship get the best of us. This is no time to obsess over fake controversies or oppose ideas simply because they were proposed by people who sit on the other side of this Chamber. This is no time to instill unfounded fears and incite the hope that our Nation's leaders fail. This is the time to get serious about

making it easier for American citizens to afford to live a healthy life.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the distinguished Senator from Alaska, Mr. BEGICH, controlling the first 30 minutes and the Republicans controlling the final 30 minutes.

The Senator from Alaska is recognized.

Mr. BEGICH. I thank the Chair.

(The remarks of Mr. BEGICH pertaining to the introduction of S. 1560, S. 1561, S. 1562, S. 1563, S. 1564, and S. 1565 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

LU YOUNG

Mr. BEGICH. Mr. President, before yielding the floor, I wish to mark the passing of a great Alaskan—Lu Young, the wife of Alaska's long-time Congressman DON YOUNG.

Lu passed away suddenly over the weekend. Lu was an Alaskan of true distinction. I am proud to have shared a friendship with her for several decades.

Our State is better because of her service and many contributions. The thoughts and prayers of Alaskans and me are with Representative YOUNG and his family.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

SENATOR BEGICH'S MAIDEN SPEECH

Ms. MURKOWSKI. Mr. President, I rise this afternoon to congratulate my colleague from Alaska, Senator BEGICH, and recognize his maiden speech on the Senate floor. The tradition of giving a maiden speech is one that perhaps in recent years has not been followed as intently as it has in days gone past. Senator BEGICH has highlighted with his remarks today and with the collection of bills he has introduced on the Senate floor—the significance of America's role as an Arctic nation and the key that Alaska holds as a leader in that responsibility.

I appreciate what he is doing to shine a spotlight on these issues, whether it

is how we deal with the impact of climate change, whether it is how we deal with the health consequences, how we dealt with renewed and increased commerce in an Arctic that is potentially ice free.

I applaud him for his efforts and, again, shining the light on this issue. It seems every day the rest of the country, the rest of the world, is looking to the Arctic for our science, looking to the Arctic for the knowledge of our elders and researchers, and looking to the Arctic as a true leader in global environmental policies.

I applaud him, and I am privileged to be able to support him in so many of these efforts, working on the issues that are important to, of course, our State but to the Nation as a whole.

LU YOUNG

Ms. MURKOWSKI. Mr. President, my colleague mentioned the passing of a very dear friend. I wish to take a moment this afternoon to also acknowledge the passing of Lu Young.

This is a sad day for us in Alaska as we come to grips with the very sudden passing of Congressman YOUNG's wife. They have been a team for some 46 years. She died this weekend at their home in Great Falls, VA. She was only 67 years old.

Lu Young was an Athabascan Indian from the village of Fort Yukon. Fort Yukon, you may have seen on Senator BEGICH's map, is in the interior part of the State. It sits 7 miles above the Arctic Circle on the north bank of the Yukon River. It is about 145 air miles north from Fairbanks.

Congressman YOUNG met Lu in Fort Yukon. This is back in the days when he was a tugboat captain operating a barge, carrying products and supplies up and down the river. DON taught in the wintertime at the BIA schools. Lu was the bookkeeper there in the village. They met, they married, and had 46 years of honest wedded bliss.

I have to tell you, it is not often one can look at a couple after 46 years of marriage and still see the love and the gleam and the warmth between two individuals, one for another. Every day we saw that. If Lu wasn't with DON, DON was talking about Lu.

He used to joke when he was in his campaigns: "You get two for the price of one." He wasn't kidding. DON was in his office every day, and Lu was also in the office every day over at the Rayburn Building. She would greet Alaskans as they would come in. She would make sure they were comfortable or if she thought they were taking too much of DON's time, she would tell them that too. She would take people over to the restaurant for lunch. She welcomed Alaskans as part of their family.

We have a very close and intimate relationship with those we represent in Alaska. As my new colleague is recognizing, we are a long way from home,

so we kind of band together. We are part of an extended family.

Lu was a constant in DON YOUNG's office. She ensured that Alaskans who traveled to Washington, DC, would know that the Congressman for all Alaska was going to take care of you. She was also reminding DON every day: Don't forget where you come from. Anyone who has ever been to DON's office knows it looks and feels very much like Alaska. Lu made sure that was never going to change.

Today the people of Alaska are not thinking of Lu's contributions to DON's political career. They are reflecting on the truly remarkable love between the two of them. In a statement this morning, Congressman YOUNG summed it up. He said: "Lu was my everything, and I am heartbroken." That loss breaks the golden hearts of all Alaskans as we remember our own experiences with Congressman YOUNG's partner, his best friend, and his heart.

Congressman YOUNG has lost the love of his life, and Alaskans have lost a great friend. Regardless of political persuasion, all of Alaska grieves with Congressman YOUNG, his daughters, Joni and Dawn, and their husbands, 14 grandchildren, and an extended family of lifelong friends throughout the great land.

I yield the floor.

Mr. ALEXANDER. Mr. President, of course, all of us extend our sympathies to Congressman YOUNG and his family. The remarks of the Senators from Alaska spoke for all of us.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 23½ minutes remaining.

Mr. ALEXANDER. Will the Chair please let me know when 10 minutes remain?

The ACTING PRESIDENT pro tempore. Yes.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Senator KYL and I be permitted to engage in a colloquy during our time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MIDDLE-CLASS TAX INCREASE

Mr. ALEXANDER. Mr. President, a few minutes ago, I was waiting to give a television interview with MSNBC. The White House press secretary, Robert Gibbs, was on. He said a most astonishing thing. He was there, obviously, for the purpose of an impromptu press conference to correct what I thought was a truthful impression left yesterday by two members of the Obama administration. Both Mr. Sum-

mers and Mr. Geithner yesterday did not rule out the possibility of a middle-income tax increase. That was widely reported all over the country today. Apparently, they were taken to the woodshed this morning, and Mr. Gibbs was sent out to say: Oh, no, we are not going to raise taxes on middle income Americans.

But that is misleading, at best, to the American people. Most people know that. An article in the New York Times on August 1, was titled: "Obama's Pledge to Tax Only the Rich Can't Pay for Everything, Analysts Say."

Among those quoted is Leonard Burman, "a veteran of the Clinton administration Treasury and director of the nonpartisan Tax Policy Center."

"This idea," he says, "that everything new that government provides ought to be paid for by the top 5 percent, that's a basically unstable way of governing."

I am sure the Senator from Arizona remembers Isabel Sawhill's distinguished service. She had some comments on tax increases as well. "There is no way we can pay for health care and the rest of the Obama agenda, plus get our long-term deficits under control, simply by raising taxes on the wealthy," said Isabel V. Sawhill, a former Clinton administration budget official. "The middle class is going to have to contribute as well."

I wonder if the Senator from Arizona, who is a veteran member of the Finance Committee, is surprised to see, first, the two top finance people for the Obama administration say we are not going to rule out a middle-class tax increase, and then all of a sudden today, the Obama administration says no, nope, we are going to rule that out again. What is going on?

Mr. KYL. Mr. President, I say to my colleague, I had the same impression yesterday when I saw Mr. Geithner and Mr. Summers on television. They, frankly, were recognizing the reality of the situation. I did not think that much of it because the truth is, the people my colleague has quoted are absolutely right. You cannot do all the things the President wants to do without raising taxes, and inevitably that will be on the middle class.

To put in the RECORD what both Treasury Secretary Geithner and Mr. Summers said—this is as reported by George Stephanopoulos, "This Week" host for ABC. He said:

To get the economy back on track, will President Obama have to break his pledge not to raise taxes on 95 percent of Americans? In a "This Week" exclusive, Treasury Secretary Tim Geithner told me, "We're going to have to do what's necessary." Then Stephanopoulos continues:

When I gave him several opportunities to rule out a middle-class tax hike, he wouldn't do it. "We have to bring these deficits down very dramatically," Geithner told me. "And that's going to require some very hard choices."

Of course it is. Secretary Geithner is right. It is pretty hard to deny.

Then the National Economic Council Director, Lawrence Summers, was asked by Bob Schieffer on CBS if taxes could be raised for middle-income Americans. Summers said:

There is a lot that can happen over time. It is never a good idea to absolutely rule out things no matter what.

Then he said that what the President has been completely clear on is he is not going to pursue any of these priorities—not health care—in ways that are primarily burdening middle-class families. That is something that is not going to happen.

There seems to be a subtle switch here to, first of all, never say never and, secondly, say the tax burden is not going to primarily fall on middle-class Americans.

I say to my colleague, when you look at some of the provisions that are in the House of Representatives bill on health care, in the Senate HELP Committee on health care, and some of the things that are being considered by the Finance Committee, in all three situations, you do have taxes on working American families, middle-class families.

I think that what the Secretary and Mr. Summers said Sunday is actually more true than what the press secretary tried to make it out to be. It is simply the recognition of a reality—that you can't pay for all of this and not impose taxes on middle Americans.

Mr. ALEXANDER. Mr. President, I agree with the Senator. His point is a valid one. It is not a matter or are they going to propose middle-income tax increases. In the health care plans, we already see that happening. For example, in the proposed payroll tax or jobs tax on employers to pay for the proposed health care plan coming out of the House of Representatives, there is a very large tax. It could be up to 8 percent of payroll. Quoting from the Wall Street Journal editorial of July 30:

So who bears the burden of this tax? The economic research is close to unanimous that a payroll tax is tax on labor and is thus shouldered mostly if not entirely by workers.

This is a middle-income tax increase already proposed. Then there is another issue that bothers me, especially as a former Governor. Our current Governor of Tennessee called it the "mother of all unfunded mandates." If we add, as is proposed by both bills, another 20 million people to Medicaid—which is for low-income people, and the States help pay for that—that is more than 300,000 new people for Tennessee.

The estimates we have gotten from Tennessee's department of Medicaid, TennCare, is that would cost enough money to equal the amount raised by a 5-percent new State income tax. If we actually pay doctors a sufficient amount to cause them to see these people who are dumped into Medicaid,

then Tennessee would need a total of a 10-percent new State income tax. That is another middle-income tax increase.

Mr. KYL. Mr. President, I would just ask my colleague also if he is aware that there are some other proposals in these various Democratic bills. One is that all individuals would be required to buy medical insurance. There would be a penalty if they refused to do so that would go directly to their income tax. I believe the latest proposal I saw was 2.5 percent of your income tax. There would be a penalty imposed if you didn't buy insurance.

Now, what happens to, let's say a young man or woman who has just graduated from college, who are no longer on their parents' insurance policy and they are now going to be required to go into a risk pool along with everybody else? Or let's say they have been paying a modest amount for their insurance through their college, perhaps. What is likely to happen when they are thrown into the pool of other Americans, all of whom are required to purchase insurance? Will their premiums go down, or what is the estimate of what will happen to the premiums of these young people?

Mr. ALEXANDER. The Senator makes a good point. If you are young and in America and you are forced into the health plan that is passing the House, your costs are going to go up, and that is a mandate or a tax that absolutely will go up. So the Senator is exactly right.

For every young person in America who is in this plan, their health care costs are, by definition, going to go up. Their health care costs are going to go up to help pay for older Americans whose benefits, I might add, are going to go down because half of the health care plan is going to be paid for by Medicare cuts. These Medicare cuts will not make Medicare solvent, but grandma's Medicare benefits are going to be cut to help pay for this new health program.

Whether it is a benefit cut or a tax increase, there are a lot of middle-income Americans who are already looking at a very big change in their economic circumstances.

Mr. KYL. Mr. President, I know we just have a couple of minutes left. There are several other examples—one that is being considered by the Finance Committee, I know. It is to amend the provision of the Tax Code by which if you itemize your deductions and you have medical expenses that exceed 7½ percent of your adjusted gross income, you would get to deduct that from your income tax.

There are two different proposals pending in the Finance Committee. In both cases, there would be a new tax imposed. The problem is, according to the Joint Committee on Taxation, replacing the existing deduction with the new provision would increase taxes by

\$48 billion over 10 years. Who does it hit? Fifty-two percent of the taxpayers who claim the deduction earn under \$50,000 a year. These are not the wealthy Americans the President was speaking of. Forty percent of the taxpayers who claimed the deduction are over the age of 65.

I guarantee you in Arizona we are going to look at that provision because a lot of our folks are over 65 and they rely upon the income-tax code to ensure if they have a catastrophic expense in any given year that they have the ability to deduct a portion of that.

Mr. ALEXANDER. As the Senator knows, we have heard about limited taxes before. We actually have a millionaire tax on the books, passed in 1969, 40 years ago, where 155 high-income Americans were avoiding paying Federal income tax. There was the cry: So let's tax them. And so we did.

Well, today that is called the alternative minimum tax. Every year we have to change it because this year it was going to affect 28 million Americans. People who are making \$46,000 or \$47,000 as individuals or \$70,000 filing jointly were suddenly affected by the millionaires tax. So beware of the millionaires tax because it soon catches us all.

Mr. President, I thank the Senator from Arizona for his time. I see Senator McCain, and I yield the remainder of my time to him. But before doing so, Mr. President, I ask unanimous consent to include the August 1 New York Times article and the July 30 editorial from the Wall Street Journal, to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 30, 2009]

THE PELOSI JOBS TAX

Even many Democrats are revolting against Speaker Nancy Pelosi's 5.4% income surtax to finance ObamaCare, but another tax in her House bill isn't getting enough attention. To wit, the up to 10-percent point payroll tax increase on workers and businesses that don't provide health insurance. This should put to rest the illusion that no one making more than \$250,000 in income will pay higher taxes.

To understand why, consider how the Pelosi jobs tax works. Under the House bill, firms with employee payroll of above \$250,000 without a company health plan would pay a tax starting at 2% of wages per employee. That rate would quickly rise to 8% on firms with total payroll of \$400,000 or more. A tax credit would help very small businesses adjust to the new costs, but even a firm with a handful of workers is likely to be subject to this payroll levy. As we went to press, Blue Dogs were taking credit for pushing those payroll amounts up to \$500,000 and \$750,000, but those are still small employers.

So who bears the burden of this tax? The economic research is close to unanimous that a payroll tax is a tax on labor and is thus shouldered mostly if not entirely by workers. Employers merely collect the tax and then pass along its costs in lower wages or benefits. This is the view of the Demo-

cratic-controlled Congressional Budget Office, which advised on July 13: "If employers who did not offer health insurance were required to pay a fee, employee's wages and other forms of compensation would generally decline by the amount of that fee from what they otherwise would have been."

To put this in actual dollars, a worker earning, say, \$70,000 a year could lose some \$5,600 in take home pay to cover the costs of ObamaCare. And, by the way; this is in addition to the 2.5% tax that the individual worker would have to pay on gross income, if he doesn't buy the high-priced health insurance that the government will mandate. In sum, that's a near 10-percent point tax on wages and salaries on top of the 15% that already hits workers to finance Medicare and Social Security.

Even Democrats are aware that his tax would come out of the wallets of the very workers they pretend to be helping, so they inserted a provision on page 147 of the bill prohibiting firms from cutting salaries to pay the tax. Thus they figure they can decree that wages cannot fall even, as costs rise. Of course, all this means is that businesses would lay off some workers, or hire fewer new ones, or pay lower starting salaries or other benefits to the workers they do hire.

Cornell economists Richard Burkhauser and Kosali Simon predicted in a 2007 National Bureau of Economic Research study that a payroll tax increase of about this magnitude plus the recent minimum wage increase will translate into hundreds of thousands of lost jobs for those with low wages. Pay or play schemes, says Mr. Burkhauser, "wind up hurting the very low-wage workers they are supposed to help." The CBO agrees, arguing that play or pay policies "could reduce the hiring of low-wage workers, whose wages could not fall by the full cost of health insurance or a substantial play-or-pay fee if they were close to the minimum wage."

To make matters worse, many workers and firms would have to pay the Pelosi tax even if the employer already provides health insurance. That's because the House bill requires firms to pay at least 72.5% of health-insurance premiums for individual workers and 65% for families in order to avoid the tax. A Kaiser Family Foundation survey in 2008 found that about three in five small businesses fail to meet the Pelosi test and will have to pay the tax. In these instances, the businesses will have every incentive simply to drop their coverage.

A new study by Sageworks, Inc., a financial consulting firm, runs the numbers on the income statements of actual companies. It looks at three types of firms with at least \$5 million in sales: a retailer, a construction company and a small manufacturer. The companies each have total payroll of between \$750,000 and \$1 million a year. Assuming the firms absorb the cost of the payroll tax, their net profits fall by one-third on average. That is on top of the 45% income tax and surtax that many small business owners would pay as part of the House tax scheme, so the total reduction in some small business profits would climb to nearly 80%. These lower after-tax profits would mean fewer jobs.

To put it another way, the workers who will gain health insurance from ObamaCare will pay the steepest price for it in either a shrinking pay check, or no job at all.

[From the New York Times, Aug. 1, 2009]
**OBAMA'S PLEDGE TO TAX ONLY THE RICH
 CAN'T PAY FOR EVERYTHING, ANALYSTS SAY**
 (By Jackie Calmes)

WASHINGTON.—Behind Democrats' struggle to pay the \$1 trillion 10-year cost of President Obama's promise to overhaul the health care system is their collision with another of his well-known pledges: that 95 percent of Americans "will not see their taxes increase by a single dime" during his term.

This will not be the last time that the president runs into a conflict between his audacious agenda and his pay-as-you-go guarantee, when only 5 percent of taxpayers are being asked to chip in. Critics from conservative to liberal warn that Mr. Obama has tied his and Congress's hands on a range of issues, including tax reform and the need to reduce deficits topping \$1 trillion a year.

"You can only go to the same well so many times," said Bruce Bartlett, a Treasury official in the Reagan administration.

In the budget, Mr. Obama and Congress have already agreed to let the Bush tax cuts for the most affluent expire after 2010, as scheduled, but to extend them for everyone else. The top rates, now 33 percent and 35 percent, will revert to Clinton-era levels of 36 percent and 39.6 percent.

The critics do not have a beef with the government's taking more from the wealthiest Americans, especially given the growing income gap between the rich and everyone else. They object to doing so for health care over other pressing needs.

"I want to tax the rich to reduce the deficit," said Robert D. Reischauer, a former director of the Congressional Budget Office who heads the Urban Institute, a center-left research group. Similarly, Mr. Bartlett, a conservative analyst who often chastises Republicans for their antitax absolutism, supports overhauling the tax code to raise revenues.

As these analysts recognize, taxing the rich has its limits both economically and politically, such that members of Congress are not likely to tap that well again and again.

Polls show strong majorities supporting higher taxes on those earning more than \$250,000 a year, Mr. Obama's target group. Yet some Congressional Democrats are fearful of Republicans' attacks that "soak the rich" tax increases will douse small-business owners, too, even if the number of those affected is far less than Republicans suggest.

Also, higher rates like those in the House health care legislation could lead to tax avoidance schemes, reducing the government's collections and warping business decisions, analysts say.

The House measure calls for surtaxes ranging from 1 percent on annual income of \$280,000 to 5.4 percent on income of \$1 million and more. The millionaires' surtax would push the top tax rate to 45 percent, the highest since the 1986 tax code overhaul lowered all rates in return for jettisoning a raft of tax breaks for businesses and individuals.

But the effective top rate would be higher still, counting the 2.9 percent Medicare payroll tax and state and local income taxes. In the highest-tax states of Oregon, Hawaii, New Jersey, New York and California, it would be 57 percent, according to the conservative Heritage Foundation.

In the health debate, Democrats emphasize that they are not just raising taxes on the rich, but cutting spending, too, mostly for Medicare payments to doctors, hospitals and insurance companies.

Also, the Democrats say, at least they are trying to pay for the health care initiative,

rather than letting the deficit balloon as the Republicans, along with President George W. Bush, did when they created the Medicare prescription drug benefit in 2003. That program will add a projected \$803 billion to the national debt in the decade through 2019, according to the White House budget office.

"They charged theirs on the government's credit card," Rahm Emanuel, the White House chief of staff, said of the Republicans.

Even so, Mr. Obama's vow to tax only the rich is a variation "of Bush's policy that nobody has to pay for anything," said Leonard Burman, a veteran of the Clinton administration Treasury and director of the non-partisan Tax Policy Center.

"Democrats are more worried about the deficits," Mr. Burman added, but "they put the burden on a tiny fraction of the population that they figure doesn't vote for them anyway."

Mr. Burman and others recall that in the creation of Social Security and Medicare, Presidents Franklin D. Roosevelt and Lyndon B. Johnson insisted that beneficiaries contribute through payroll taxes, both to finance the programs and to give all Americans a vested interest. The same philosophy should apply to seeking universal health coverage, they say.

This idea that everything new that government provides ought to be paid for by the top 5 percent, that's a basically unstable way of governing," Mr. Burman said.

Mr. Obama recently dismissed concerns that taxing the rich to pay for health care would foreclose that option when he and Congress turn to deficit reduction. "Health care reform is fiscal reform," he said.

"If we don't do anything on health care inflation, then we might as well close up shop when it comes to dealing with our long-term debt and deficit problems, because that's the driver of it—Medicare and Medicaid," Mr. Obama said.

But his no-new-tax admonition for most Americans even now complicates the behind-the-scenes work of the panel he established to recommend ways to simplify the tax code and raise more revenue.

The panel, which is led by Paul A. Volcker, a former chairman of the Federal Reserve, is to report by Dec. 4. Overhauling the code, as in 1986, generally creates winners and losers across the board; leaving 95 percent of taxpayers unscathed will not be easy.

That has already proved true in the health care deliberations. Proposals to raise about \$50 billion over 10 years by taxing sugared drinks foundered partly because the levy would hit nearly everyone.

And when Congressional leaders opposed Mr. Obama's chief idea for raising revenues—limiting affluent taxpayers' deductions—his campaign vow against taxing the middle class made finding an acceptable alternative difficult.

While the president endorsed House Democrats' surtax idea, saying it "meets my principle that it's not being shouldered by families who are already having a tough time," he could not embrace a bipartisan Senate proposal to tax employer-provided health benefits above a certain amount. He had criticized a similar idea as a middle-class tax during his presidential campaign.

Yet taxing at least the most generous employer-provided plans above a threshold amount would meet two elusive goals for Mr. Obama: It would raise a lot of money and, economists say, cut overall health spending by making consumers more cost-conscious.

Administration officials recently began promoting a fallback. Rather than tax indi-

viduals, it would single out insurance companies that sell "Cadillac" plans. David Axelrod, a White House strategist, has described the proposal in populist terms, saying it would hit "the \$40,000 policies that the head of Goldman Sachs has" and "not impact on the middle class."

That position, analysts predict, cannot hold over time.

"There is no way we can pay for health care and the rest of the Obama agenda, plus get our long-term deficits under control, simply by raising taxes on the wealthy," said Isabel V. Sawhill, a former Clinton administration budget official. "The middle class is going to have to contribute as well."

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

SOTOMAYOR NOMINATION

Mr. MCCAIN. Mr. President, it is with great respect for Judge Sotomayor's qualifications that I come to the floor today to discuss her nomination to the U.S. Supreme Court. There is no doubt that Judge Sotomayor has the professional background and qualifications that one hopes for in a Supreme Court nominee. As we all know, she is a former prosecutor, served as an attorney in private practice, and spent 12 years as an appellate court judge. She is an immensely qualified candidate. And, obviously, Judge Sotomayor's life story is inspiring and compelling.

As a child of Puerto Rican parents who did not speak English upon their arrival in New York, Judge Sotomayor took it upon herself to learn English and became an outstanding student. She graduated cum laude from Princeton University and later from Yale Law School. Judge Sotomayor herself stated that she is "an ordinary person who has been blessed with extraordinary opportunities and experiences."

However, an excellent resume and an inspiring life story are not enough to qualify one for a lifetime of service on the Supreme Court. Those who suggest otherwise need to be reminded of Miguel Estrada. Mr. Estrada also was a supremely qualified candidate, and he, too, has an incredible life story. Miguel Estrada actually emigrated to the United States from Honduras as a teenager, understanding very little English. Yet he managed to graduate from Columbia University and Harvard Law School magna cum laude before serving his country as a prosecutor and a lawyer at the Department of Justice. Later, he found success as a lawyer in private practice. However, Miguel Estrada, in spite of his qualifications and remarkable background, in spite of the fact that millions of Latinos would have taken great pride in his confirmation, was filibustered by the Democrats seven times—most recently in 2003—because many Democrats disagreed with Mr. Estrada's judicial philosophy. This was the first filibuster ever to be successfully used against a court of appeals nominee.

I supported Mr. Estrada's nomination to the DC Circuit Court of Appeals, not because of his inspiring life story or impeccable qualifications but because his judicial philosophy was one of restraint. He was explicit in his writings and responses to the Senate Judiciary Committee that he would not seek to legislate from the bench.

In 1987, I had my first opportunity to provide "advice and consent" on a Supreme Court nominee. At that time, I stated that the qualifications I believed were essential for evaluating a nominee for the bench included integrity, character, legal competence and ability, experience, and philosophy and judicial temperament.

When I spoke of philosophy and judicial temperament, it is specifically how one seeks to interpret the law while serving on the bench. I believe a judge should seek to uphold all actions of Congress and State legislatures, unless they clearly violate a specific section of the Constitution, and refrain from interpreting the law in a manner that creates law. While I believe Judge Sotomayor has many of these qualifications I outlined in 1987, I do not believe she shares my belief in judicial restraint.

When the Senate was considering Judge Sotomayor's nomination to the Second Circuit in 1998, I reviewed her decisions and her academic writings. Her writings demonstrated that she does not subscribe to the philosophy that Federal judges should respect the limited nature of the judicial power under our Constitution. Judges who stray beyond their constitutional role believe judges somehow have a greater insight into the meaning of the broad principles of our Constitution than representatives who are elected by the people. These activist judges assume the Judiciary is a superlegislature of moral philosophers.

I know of no more profoundly anti-democratic attitude than that expressed by those who want judges to discover and enforce the ever-changing boundaries of a so-called "living constitution." It demonstrates a lack of respect for the popular will that is at fundamental odds of our republican system of government. Regardless of one's success in academics and government service, an individual who does not appreciate the commonsense limitations on judicial power in our democratic system of government ultimately lacks a key qualification for a lifetime appointment to the bench.

Although she attempted to walk back from her long public record of judicial activism during her confirmation hearings, Judge Sotomayor cannot change her record. In a 1996 article in the *Suffolk University Law Review*, she stated:

A given judge (or judges) may develop a novel approach to a specific set of facts or legal framework that pushes the law in a new direction.

This is exactly the view I disagree with. As a district court judge, her decisions too often strayed beyond legal norms. Several times this resulted in her decisions being overturned by the Second Circuit. She was reversed due to her reliance on foreign law rather than U.S. law. She was reversed because the Second Circuit found she exceeded her jurisdiction in deciding a case involving a State law claim. She was reversed for trying to impose a settlement in a dispute between businesses, and she was reversed for unnecessarily limiting the intellectual property rights of free-lance authors.

These are but a few examples that led me to vote against her nomination to the Second Circuit in 1998 because of her troubling record of being an activist judge who strayed beyond the rule of law. For this reason, I closely followed her confirmation hearing last month. During the hearing, she clearly stated, "As a judge, I don't make law."

While I applaud this statement, it does not reflect her record. As an appellate court judge, Judge Sotomayor has been overturned by the Supreme Court six times. In several of the reversals of Judge Sotomayor's Second Circuit opinions, the Supreme Court strongly criticized her decision and reasoning. In a seventh case, the Supreme Court vacated the ruling, noting that in her written opinion for the majority of the Second Circuit, Judge Sotomayor had ignored two prior Supreme Court decisions.

While I do not believe reversal by the Supreme Court is a disqualifying factor for being considered for the Federal bench, I do believe such cases must be studied in reviewing a nominee's record. Most recently, in 2008, the Supreme Court noted in an opinion overturning Judge Sotomayor that her decision "flies in the face of the statutory language" and chided the Second Circuit for extending a remedy that the court had "consistently and repeatedly recognized for three decades forecloses such an extension here."

Unfortunately, it appears from this case—*Malesko v. Correctional Services Corp.*—that Judge Sotomayor does not seek "fidelity to the law" as she pledged at her confirmation hearing. As legislators, we must enact laws. The courts must apply the law faithfully. The job of a judge is not to make law or ignore the law.

Further, in *Lopez Torres v. N.Y. State Board of Education*, the Supreme Court overturned Judge Sotomayor's decision that a State law allowing for the political parties to nominate State judges through a judicial district convention was unconstitutional because it did not give people, in her view, "a fair shot." In overturning her decision, the Supreme Court took aim at her views on providing a "fair shot" to all interested persons, stating:

It is hardly a manageable constitutional question for judges—especially for judges in

our legal system, where traditional electoral practice gives no hint of even the existence, much less the content, of a constitutional requirement for a "fair shot" at party nomination.

In her most recent and well-known reversal by the Supreme Court, the Court unanimously rejected Judge Sotomayor's reasoning and held that white firefighters who had passed a race neutral exam were eligible for promotion. *Ricci v. DeStefano* raised the bar considerably on overt discrimination against one racial group simply to undo the unintentionally racially skewed results of otherwise fair and objective employment procedures. Again, this case proves that Judge Sotomayor does not faithfully apply the law we legislators enact.

Again and again, Judge Sotomayor seeks to amend the law to fit the circumstances of the case, thereby substituting herself in the role of a legislator. Our Constitution is very clear in its delineation and disbursement of power. It solely tasks the Congress with creating law. It also clearly defines the appropriate role of the courts to "extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties." To protect the equal, but separate roles of all three branches of government, I cannot support activist judges that seek to legislate from the bench. I have not supported such nominees in the past, and I cannot support such a nominee to the highest court in the land.

When the people of Arizona sent me to Washington, I took an oath. I swore to uphold the Constitution. For millions of Americans, it is clear what the Constitution means. The Constitution protects an individual's right to keep and bear arms to protect himself, his home, and his family. The Constitution protects our right to protest our government, speak freely and practice our religious beliefs.

The American people will be watching this week when the Senate votes on Judge Sotomayor's nomination. She is a judge who has foreworn judicial activism in her confirmation hearings, but who has a long record of it prior to 2009. And should she engage in activist decisions that overturn the considered constitutional judgments of millions of Americans, if she uses her lifetime appointment on the bench as a perch to remake law in her own image of justice, I expect that Americans will hold us Senators accountable.

Judicial activism demonstrates a lack of respect for the popular will that is at fundamental odds with our republican system of government. And, as I stated earlier, regardless of one's success in academics and in government service, an individual who does not appreciate the common sense limitations on judicial power in our democratic system of government ultimately lacks

a key qualification for a lifetime appointment to the bench. For this reason, and no other, I am unable to support Judge Sotomayor's nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, before I address the matter I came to the Senate floor to address today, I congratulate the Senator from Arizona for his thoughtful description of the process by which he has made a decision on the extraordinarily important issue we will have before the Senate later this week; that is, the confirmation of Judge Sotomayor for the Supreme Court.

HEALTH CARE WEEK IX, DAY I

Mr. McCONNELL. Mr. President, over the past 2 months, I have come to the floor time and again to talk about one of the most important issues we face as a Nation: and that is the need for commonsense health care reforms which address the serious problems that all Americans see in the system as it is. I have done this in the context of a larger debate about a proposed reform that, in my view, could actually make our current problems worse. And I have had solid support for that view from a number of well-respected sources.

First and foremost is the independent Congressional Budget Office, which has refuted several estimates by the administration about the effect its health care proposals would have on the economy in general and health care costs in particular.

The Director of the CBO has said the Democrat proposals we have seen would not reverse the upward trend of health care costs and would significantly increase the government's share of those costs. The CBO says these proposals would add hundreds of billions of dollars to the national debt. It says that one section of one of the proposals would cause 10 million people to lose their current health plans. And it says a so-called Independent Medicare Advisory Council designed to cut costs probably wouldn't.

These findings have helped clarify the debate over health care—and they have added to a growing perception that, though the administration is trying very hard, economic estimates are not the administration's strong suit.

First there was the stimulus. In trying to account for rising unemployment after a stimulus bill that was meant to arrest it, the administration said it misread the economy. It also said the stimulus would "create or save" between 3 and 4 million jobs, though now it says it can't measure how many jobs are created or saved. Meanwhile we have lost 2 million of them since the stimulus was passed.

Last week we saw the administration's tendency to miss the mark on economic estimates again with the so-called cash for clunkers program.

We were told this program would last for several months. As it turned out, it ran out of money in a week, prompting the House to rush a \$2 billion dollar extension before anybody even had time to figure out what happened with the first billion.

There is a pattern here, a pattern that amounts to an argument—and a very strong argument at that: when the administration comes bearing estimates, it is not a bad idea to look for a second opinion. All the more so if they say they are in a hurry.

Americans are telling us that health care is too important to rush. They are saying it is too important to base our decisions on this issue solely on the estimates that we are getting from the same people who brought us the stimulus and cash for clunkers.

The American people want to know what they are getting into when it comes to changing health care in this country. And while I have no doubt the administration is trying, Americans need some assurance that the estimates they are getting are accurate. And if recent experience is any guide, they have reason to be as skeptical as the car dealer who said this to a reporter last week:

If they can't administer a program like this, I'd be a little concerned about my health insurance.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCain. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. McCain. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business.

Mr. McCain. What time does the Senate intend to move back to consideration of the fiscal year 2010 Agriculture appropriations bill?

The ACTING PRESIDENT pro tempore. The majority still has 8 minutes remaining in morning business.

Mr. McCain. Mr. President, I ask unanimous consent that at this time we return to the Agriculture appropriations bill that was pending before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCain. I thank the Chair.

The ACTING PRESIDENT pro tempore. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2997, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Kohl/Brownback amendment No. 1908, in the nature of a substitute.

Kohl (for Tester) amendment No. 2230 (to amendment No. 1908), to clarify a provision relating to funding for a National Animal Identification Program.

Brownback amendment No. 2229 (to amendment No. 1908), to establish within the Food and Drug Administration two review groups to recommend solutions for the prevention, diagnosis, and treatment of rare diseases and neglected diseases of the developing world.

Kohl (for Murray/Baucus) amendment No. 2225 (to amendment No. 1908), to allow State and local governments to participate in the Conservation Reserve Program.

Kohl (for Nelson (FL)) amendment No. 2226 (to amendment No. 1908), to prohibit funds made available under this act from being used to enforce a travel or conference policy that prohibits an event from being held in a location based on a perception that the location is a resort or vacation destination.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 1910 TO AMENDMENT NO. 1908

Mr. McCain. I ask unanimous consent to call up amendment No. 1910 which is at the desk.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCain] proposes an amendment numbered 1910 to Amendment No. 1908.

Mr. McCain. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike a setaside for certain grants authorized under the Rural Electrification Act)

On page 49, strike line 7 and all that follows through "U.S.C. 918a):" on line 12.

Mr. McCain. Mr. President, I intend to have three amendments considered. I discussed with the majority leader and the Republican leader how we

would proceed. So at this time, after I make a brief remark about amendment No. 1910, I will be calling up amendment No. 1912 and amendment No. 2030, both of which are at the desk.

Amendment No. 1910 eliminates, as suggested and recommended strongly by the President of the United States, the U.S. Department of Agriculture's High Energy Cost Grant Program. This is a \$17.5 million subsidy designed to pay for energy generation systems in rural areas. This program was proposed for termination by the administration because it is duplicative of existing programs, including USDA's own Rural Utilities Service Loan Program.

Under the fiscal year 2010 budget, the Rural Utilities Service Program would provide \$6.6 billion in electric loans at no cost to the taxpayers. In comparison, providing \$17.5 million in grants, as opposed to a loan, actually costs the taxpayer \$17.5 million. Moreover, Senators should know there is \$20 million in unobligated high energy cost grants still available from the previous year.

This is the submission to Congress, the budget of the U.S. Government for fiscal year 2010, by the Office of Management and Budget. Guess what. In there is a page that is titled "Termination: High Energy Cost Grant, Department of Agriculture." It goes on to say:

The administration proposes to eliminate the High Energy Cost Grants program because it is duplicative of and less effective than the Rural Utilities Service's electric loan program.

Those are not my words, those are the words of the Director of the Office of Management and Budget, who, at the direction of the President of the United States, prepared this document of certain programs that should be eliminated.

It goes on to say:

The 2010 budget proposes elimination of the duplicative High Energy Cost Grants program in favor of electric loans, which are more cost effective from the standpoint of the taxpayer. Using loans to provide support is less expensive than using grants because loans provide more support . . . with fewer appropriated dollars. For example, the 2010 budget provides for \$6.6 billion in electric loans at no cost to the taxpayer. In comparison, providing \$18 million in grants costs the taxpayers \$18 million. In addition, the funds for High Energy Cost Grants have not been obligated in a timely manner and \$20 million in balances from previous year funding are still available.

In other words, this amendment eliminates a duplicative, unnecessary program, according to the Director of the Office of Management and Budget, and at the President's request, he has sent over one of the programs they want eliminated. So somehow it ends up back in the appropriations bill.

It seems to me it is a pretty clear-cut case again that at some point we have to try to make some kinds of cost savings. I admit, as we are throwing around billions and trillions of dollars,

as we do here lately, \$17.5 million is probably not much money given the kind of behavior the Congress and the administration have been up to lately. I would still argue, though, to millions of Americans, including those in my home State of Arizona, \$17.5 million—in the view of the administration and a clear argument, it is not a complicated issue—should be eliminated.

I hope we will be able to vote on this amendment.

AMENDMENT NO. 1912 TO AMENDMENT NO. 1908

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1912 which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1912 to amendment No. 1908.

The amendment is as follows:

AMENDMENT NO. 1912 TO AMENDMENT NO. 1908

(Purpose: To strike a provision relating to certain watershed and flood prevention operations)

On page 31, strike line 20 and all that follows through page 32, line 10.

Mr. MCCAIN. This amendment eliminates the U.S. Watershed and Flood Prevention Operations Program, also known as the Small Watersheds Program.

This program is a textbook example of how reckless earmarks can devastate a government program. Like the previous four Presidents' budgets, the administration proposes to terminate this account because Congress has earmarked virtually all of this program in recent years, meaning that the agency is unable to prioritize projects on any merit-based criteria such as cost effectiveness.

According to the Congressional Research Service, the Small Watersheds Program was 97 percent earmarked in fiscal year 2009, which severely marginalized the USDA's ability to evaluate and prioritize projects. Earmarks may partly be to blame for the findings of a 2003 Office of Management and Budget study that showed this program has a lower economic return than any other Federal flood prevention program, including those in the Army Corps of Engineers and the Federal Emergency Management Agency.

The onslaught of earmarks over the years has almost certainly contributed to the current backlog of about 300 unfunded authorized small watershed projects totaling \$1.2 billion. As it was originally intended, the Small Watersheds Program may be a worthwhile program. I am sure we will hear a vigorous defense of this program. But by inundating it with so-called congressionally designated projects, the pro-

gram is challenged to function properly to the point where the administration would rather see it gone.

Note this. Our friends on the Appropriations Committee have not given up on plundering it yet. This bill provides \$24.3 million for this program, including \$16.5 million in earmarks for projects such as \$2 million for the Pocasset River in Rhode Island, which is not authorized; \$1.5 million for Dunlop Creek in West Virginia, which is not authorized; and \$1 million for the DuPage County Watershed in Illinois, which is not authorized, to name a few.

I refer back again to the Office of Management and Budget publication entitled "Terminations, Reductions and Savings," where the administration proposes to terminate watershed and flood prevention operation programs. Congress has earmarked virtually all of this program in recent years, meaning that agencies are unable to prioritize projects on any merit-based criteria such as cost effectiveness.

So, again, these first two amendments, the President of the United States, the Office of Management and Budget, most any casual observer would argue need to be eliminated.

AMENDMENT NO. 2030 TO AMENDMENT NO. 1908

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2030, which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2030 to amendment No. 1908.

The amendment is as follows:

AMENDMENT NO. 2030

(Purpose: To prohibit funding for an earmark)

On page 85, between lines 16 and 17, insert the following:

SEC. 7. None of the funds made available under this Act may be used for the Iowa Vitality Center, Iowa State University.

Mr. MCCAIN. This amendment is very simple. It prohibits funding of the \$250,000 earmark for the Iowa Vitality Center at Iowa State University.

This earmark is a textbook example of how difficult it is to stop funding for an earmark once it starts. According to the Web site of the earmark sponsor, since fiscal year 2001, the Iowa Vitality Center has received \$2,579,000. For what? What is so vital about the Iowa Vitality Center that it has required over \$2.5 million of scarce taxpayer funds?

Well, according to their own Web site, the purpose of the Iowa Community Vitality Center is to serve as a catalyst in fostering collaborative public-private partnerships among

nonmetro community interests to stimulate vitality and address barriers to growth.

I am not making that up. I am not making it up. That is what the Web site says. Let me repeat. We spent \$2.5 million. The purpose of the Iowa Community Vitality Center is to serve as a catalyst in fostering collaborative public-private partnerships among nonmetro community interests to stimulate vitality and address barriers to growth.

Is there anyone who has a clue as to what that means? I wanted to be clear. I am not questioning the merits of this program, but I am questioning the process. Why was this funding earmarked? If the Vitality Center is such a critical national priority at this time, why wasn't the funding authorized since 2001 or requested by the President in his budget submission?

The funding for the Vitality Center is often justified as helping communities "plan strategically" and as "representing diverse interest across the state." However, the sponsors of the earmark neglect to explain why 10 years of strategic planning have been insufficient to accomplish this center's stated purpose.

Our current economic situation and our vital national security interest concerns require, now more than ever, that we prioritize our Federal spending. We need to prove to the American people that we are serious about changing the way we do business and we should start with ending the practice of earmarking. We need to put our national priorities first and eliminate unnecessary wasteful earmarks such as the Iowa Vitality Center.

The Agriculture appropriations bill for the year 2010 spends about \$123 billion in direct and mandatory spending, an amount that is approximately \$234 million above the administration's budget request. We debate this legislation in the shadow of the fiscal year 2009 omnibus bill, the omnibus bill which doled out \$108 billion for U.S. Department of Agriculture programs, as well as the infamous economic stimulus package which provided another \$26.5 billion in agricultural spending. So 2009 is certainly a good year to be a U.S. Department of Agriculture program office.

I acknowledge that many of the programs funded by this are valid for providing important services to the agricultural community at large. I commend the members of the Senate Appropriations Committee for reporting this bill in a timely manner. I agree we should ensure that our farmers stay out of the red and that some Federal involvement is necessary to assist low-income families under the nutrition programs.

Unfortunately, Congress once again has conformed to the practice of diverting precious taxpayer dollars into

an array of special interest projects which have not been authorized or requested, and in the case of two of these, they have been requested to be terminated by the administration.

The committee report accompanying this bill contains 296 congressionally directed spending items, a fancy new term for "earmarks," totaling over \$220 million. None of these projects was requested by the administration. Many of them were not authorized or competitively bid in any way. No hearings were held to judge whether these were national priorities worthy of scarce taxpayer dollars. They are in this bill for one reason and one reason only—because of the prerogatives of a select few Members of the Senate to serve their own interests over those of the American taxpayer.

Let's take a look at some of the earmarks. Let's take a look at some of the earmarks that are in this bill and its accompanying reports. There is \$250,000 for gypsy moth research in New Jersey. Don't gypsy moths travel all over the country? Why just New Jersey? Over the past 10 years, the taxpayer has funded \$42.8 million worth of gypsy moth research.

There is \$500,000 for the hemlock woolly adelgid at the University of Tennessee. This is an aphid-like insect. That is a lot of money for that bug.

There is \$235,000 for noxious weed management in Nevada. I think a better term for this one is obnoxious. Over the past 10 years, over \$15.4 million has been earmarked for Nevada noxious weed management.

There is \$200,000 for cotton research at Texas Tech University. Congress subsidizes the industry, the cotton industry, to the tune of \$3 billion a year.

There is \$300,000 for floriculture at the University of Hawaii. Nearly \$3.5 million has been earmarked for floriculture in the past 10 years.

There is \$165,000 for the Maple Research Center at the University of Vermont. According to the center's director, Tim Perkins, Maple syrup science is a nose-and-mouth science. The technical term is organoleptic, which means you put it in your mouth and taste it, says Perkins. We get people who know the flavor of maple syrup, and off-flavors, and they try each one. Laboratory tests using gas chromatography provide a breakdown of the many compounds in the syrup, which supplements the tastebud approach. Since 1998, the University of Vermont Proctor Maple Research Center has received over \$2.1 million in earmarks.

There is \$75,000 for farm safety education for children in Iowa. Who better than a bureaucrat in Washington to teach a farmer's children to be safe. The 10-year total for earmarks for Iowa farm safety education—over \$4.2 million.

There is \$300,000 for shrimp aquaculture research at the University of

Southern Mississippi Thad Cochran Marine Agricultural Center. Over the past 10 years, we have earmarked over \$30.4 million on shrimp aquaculture research.

There is \$1 million for potato research at Oregon State University. We have earmarked, over the past 10 years, \$7.1 million for potato research.

There is \$600,000 which is gobbled down by the National Wild Turkey Federation for projects in Nebraska, Georgia, Mississippi, and South Carolina. Since fiscal year 2004, the National Wild Turkey Federation has received over \$1.7 million in earmarks.

There is \$265,000 for minimizing blackbird damage to sunflowers in North and South Dakota. This is an earmark "regular" for the Agriculture appropriations bill. Evidently the South Dakota sunflowers have a rather serious Alfred Hitchcock "Birds" problem. According to the USDA, blackbird management in North and South Dakota has received over \$1.2 million over the past 5 years.

There is \$200,000 for Washington State University to study goatgrass. Since 2003, \$767,000 has been earmarked for goatgrass research.

There is \$372,000 for the University of Pennsylvania to study dairy farm profitability. If you are relying on a federally mandated study to make your dairy farm profitable, you might want to find a new business plan, because nearly \$3.8 million has been earmarked for dairy farm profitability over the last 10 years.

There is \$288,000 for the Iowa Soybean Association. Since 2002, over \$3.3 million has been earmarked for the Iowa Soybean Association. There is \$1 million for Mormon cricket control in Nevada; the 10-year total for Mormon cricket control, nearly \$13.7 million. There is \$260,000 for wine grape research at Washington State University. According to Washington State University's own Web site, the wine industry generates \$3 billion in their State, so we are going to pour another \$260,000 into it. There is \$350,000 for the Wisconsin Department of Agriculture to support the "specialty meats industry." Specialty meats industry? Since 2004, the Wisconsin specialty meats industry has received over \$12.7 million in earmarks. There is \$340,000 for the Center for Beef Excellence in Pennsylvania. According to their own press release, the center was established by the Pennsylvania Department of Agriculture just last year. At least we can agree that a \$340,000 handout from Congress is quite a good start. Over \$1 million has been earmarked to the Center for Beef Excellence since 2005. There is \$450,000 for the University of Northern Iowa to study agriculture-based lubricants. They have received over \$3 million in the last 10 years.

It is not surprising that the largest earmark in this bill goes to Hawaii.

The Aloha State bags \$5 million to continue construction of an Agricultural Research Service center to study agricultural practices in the Pacific. As my colleagues might know, ARS construction is one of the most heavily earmarked accounts in government, so much so that the President's budget actually proposed zeroing out Agricultural Research Service center construction for fiscal year 2010 because "Congress routinely earmarks small amounts of funding for [these projects] located throughout the nation. The result of scattering funding in this manner is that . . . few, if any, of the projects are able to reach the critical threshold of funding that would allow construction to begin. Funding construction over such a long time significantly increases the amount of money needed to fully complete these projects as well as postponing their completion for many years."

So here we have a program that is earmarked so severely that it delays and drives up the cost of approved construction projects. Not only are we defiantly funding this Hawaiian facility, the bill provides a total of \$47 million for a list of 15 of these facilities ranging from \$4 million for a fruit lab in West Virginia to \$2 million for an animal waste research facility in Kentucky.

Another amendment I have filed proposes striking the \$50.7 million contained in this bill for USDA's Resource Conservation and Development Program, known as RC&D. The RC&D Program was created in 1962 to promote resource conservation through community-based conservation leadership councils. The RC&D councils have helped to leverage local funding for efforts such as soil mapping or erosion control for rural areas. The administration supports terminating this program because, in their own words:

After 47 years, the goal of the RC&D program has been accomplished. These councils have developed sufficiently strong state and local ties . . . and are now able to secure funding for their continued operation without Federal assistance. The program has been in operation for decades and these councils have a proven track record of success, showing that they have outlived the need for Federal funding.

A half-century-old program proposed for termination by this administration, yet retained by appropriators for its spoils.

I could go on for a long time.

This bill funds several other government programs that were proposed for termination in the President's budget. I filed amendments to strike these programs as well as zero out the ARS construction account. If successfully adopted, these amendments would save taxpayers over \$144.5 million. As I have said throughout my comments, some of these programs may have merit and may be helpful to the designated communities. But considering our current

budgetary crisis, it is inappropriate to include them in this year's agricultural spending bill, especially when they have been identified for termination or reduction.

I hope my colleagues will agree that we have higher spending priorities that are directly related to the purposes of this Agriculture bill. This bill is intended to address farmers, women, children, and rural communities with the greatest need and should not be used as a vehicle for piggybacking pet projects to get the support of special interest constituents.

It is no surprise that many of these earmarks are not included for practical purposes. I know many of my colleagues have spoken about the economic struggles of America's hard-working farmers and low-income families. The farmers and struggling families I know are tired of watching their hard-earned money go down the drain. I intend to fight every single unnecessary, unrequested, unauthorized earmark in this and every other appropriations bill.

I filed 313 amendments to this bill. The bulk of those amendments seek to strike the 296 earmarks, now humorously called "congressionally directed spending items," in the committee report on this bill. I have now offered only three of these amendments. Let me assure my colleagues I have no problem with offering, debating, and voting on each and every one of the amendments I have filed. The time has come to end this practice.

This first amendment, which we may vote on today, I want to emphasize, eliminates, as recommended by the President and the Office of Management and Budget, the U.S. Department of Agriculture's High Energy Cost Grants Program, a \$17.5 million subsidy designed to pay for energy generation systems in rural areas. It was proposed for termination by the administration because it is duplicative of existing programs. Under the fiscal year 2010 budget, the rural utility service program would provide \$6.6 billion in electric loans at no cost to the taxpayers. Senators should know there is \$20 million in unobligated high energy cost grants still available from last year.

I urge a "yes" vote on my amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KOHL. Mr. President, the Senate began work on the Agriculture appro-

priations bill last Thursday. Senator BROWNBACK and I were here then to consider amendments Senators might wish to offer. We were back on the bill Friday, and we were again prepared to consider amendments. It is my hope we can complete action on the bill today. The filing deadline for first-degree amendments was 3:30, and a cloture vote is scheduled for 5:30. Once we finish this bill, the Senate still has important work to do this week before the start of the August recess. I hope any Senator who has an amendment to offer will come to the floor in the next few hours to see if we can dispose of all remaining issues and make it possible to go to final passage as early as this evening.

AMENDMENT NO. 2233 TO AMENDMENT NO. 1908

I ask unanimous consent to set aside the pending amendment and call up the following amendment which is at the desk and ask for its immediate consideration: Kohl amendment No. 2233.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 2233 to amendment No. 1908.

Mr. KOHL. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide the Food and Drug Administration the ability to collect user fees as authorized by the Family Smoking Prevention and Tobacco Control Act)

On page 59, line 22, strike "\$2,995,218,000" and insert "\$3,230,218,000".

On page 60, line 9, strike "and".

On page 60, line 12, after "expended", insert "; and \$235,000,000 shall be derived from tobacco product user fees authorized by the Family Smoking Prevention and Tobacco Control Act (Public Law 111-31) and shall be credited to this account and remain available until expended".

On page 60, line 14, strike "and", and insert after "and tobacco product" after "generic drug".

On page 61, line 12, strike (7) and insert "(8)"; after "Research;" insert "(7) \$216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs;"; and strike "\$115,882,000" and insert "\$117,225,000".

On page 61, line 15, strike "(8)" and insert "(9)".

On page 61, line 16, strike "\$168,728,000" and insert "\$171,526,000".

On page 61, line 17, strike "(9)" and insert "(10)".

On page 61, line 18, strike "\$185,793,000" and insert "\$200,129,000".

Mr. KOHL. I ask unanimous consent for the adoption of this amendment and the Tester amendment No. 2230 which has been approved by both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments (Nos. 2233 and 2230) were agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWNBACK. Mr. President, I ask my colleagues, if people have amendments, that they come down to the floor now and start working on these. It would be my hope we can move through this bill as fast as possible so that we can get to the debate on Judge Sotomayor and have as much time as possible to deal with that. I urge colleagues to start working with us on these issues. By unanimous consent, the cloture vote has been scheduled for 5:30 today. There are things we need to get resolved; they should be taken care of now.

AMENDMENT NO. 2229, AS MODIFIED

Mr. BROWN. I send a modification to my amendment No. 2229 to the desk and ask unanimous consent that it be accepted as modified.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) The Commissioner of Food and Drugs may establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials.

(b) The Commissioner of Food and Drugs may establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of neglected diseases of the developing world: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: *Provided further*, That for the purposes of this section the term "neglected disease of the developing world" means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(3)).

(c) The Commissioner of Food and Drugs shall—

(1) submit, not later than 1 year after the date of the establishment of review groups

under subsections (a) and (b), a report to Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

Mr. BROWNBACK. This is an amendment that has been cleared by both sides. It is on neglected and rare diseases. Senator BROWN has asked to be a cosponsor. I ask unanimous consent that the pending amendment be set aside and that this be considered the pending amendment and that it be passed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. If there is no further debate on the amendment, the question is on agreeing to amendment No. 2229, as modified.

The amendment (No. 2229), as modified, was agreed to.

Mr. BROWNBACK. What we are trying to do is to work through the amendments to the degree we can. We certainly want to. I ask our colleagues to bring those to the floor as soon as they possibly can.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mrs. HAGAN. Mr. President, today I am pleased to rise in support of Judge Sonia Sotomayor's nomination to be an Associate Justice of the Supreme Court of the United States. Judge Sotomayor's background demonstrates that she is an extremely well-qualified, mainstream judge who has the utmost respect for precedent and believes in fidelity to the law.

I have always said I do not believe in a litmus test for judicial nominees, and I will look at the nominee's record as a whole. Judge Sotomayor's record, in its entirety, is nothing short of impressive. With 17 years on the Federal bench, she has more Federal judicial

experience than any Supreme Court nominee in 100 years.

Judge Sotomayor has a compelling, "pull yourself up by your bootstraps" personal story. She was raised by a single mom who emphasized education as she struggled to support her family while working as a nurse. With her mother's strong work ethic and focus on education deeply ingrained in her, Judge Sotomayor went on to graduate summa cum laude from Princeton University, and she received her law degree from Yale Law School, where she was editor of the Yale Law Journal.

She then became a prosecutor in the Manhattan District Attorney's office, where she was tough on criminals and gained valuable perspective for her later career as a judge. She also became active in many areas of her community, showing her desire to serve others and promote justice in society. Having served as a volunteer for many efforts in my hometown of Greensboro, North Carolina, I know how serving others can enhance one's understanding and appreciation of the world.

After her time as a prosecutor, Judge Sotomayor went into practice as a commercial litigator, where she dealt with business and finance law—an area of importance to my State of North Carolina. In 1991, upon the recommendation of then-Senator Daniel Patrick Moynihan of New York, she was nominated by President George H.W. Bush to serve as a Federal judge for the Southern District Court of New York, and in 1992 she was unanimously confirmed for that position by the Senate.

While serving as a district court judge, she was known for her toughness, fairness, and dedication to the law—characteristics of a strong judge. Because of her outstanding record on the district court level, Judge Sotomayor was nominated, in 1997, by President William Jefferson Clinton, to serve as a judge on the U.S. Court of Appeals for the Second Circuit. In 1998, the Senate confirmed her by a wide margin.

Among the Senators voting for her confirmation was former North Carolina Senator Jesse Helms. I would like to think that Senator Helms saw in Judge Sotomayor the same qualities President Obama saw: fairness of mind, supreme intellect, and an unsurpassed devotion to the law and to our system of government.

Some opponents have repeatedly brought up a few select comments made by Judge Sotomayor to suggest that she will not be impartial. However, Judge Sotomayor has made it clear she does not let her background influence her interpretation of the law. Her statements to the Judiciary Committee and her 17-year record on the bench confirm this.

As Judge Sotomayor has said:

My record shows that at no point or time have I ever permitted my personal views or

sympathies to influence an outcome of a case. In every case where I have identified a sympathy, I have articulated it and explained to the litigant why the law requires a different result.

Judge Sotomayor has also said that as much as her experiences influence her perspective, they have also taught her to be aware of other people's perspectives. In 2001, she said:

I am reminded each day that I render decisions that affect people concretely and that I owe them constant and complete vigilance in checking my assumptions, presumptions and perspectives and ensuring that to the extent that my limited abilities and capabilities permit me, that I reevaluate them and change as circumstances and cases before me require.

As Judge Sotomayor said in her confirmation hearing, her underlying judicial philosophy is "fidelity to the law." In an independent study, Supreme Court expert Tom Goldstein looked at 97 race-related cases in which Judge Sotomayor participated while on the Second Circuit. He found that she and the rest of her panel "rejected discrimination claims roughly 80 times and agreed with them 10 times." The circuit rejected discrimination claims by a margin of 8 to 1. Goldstein wrote: "Of the 10 cases favoring claims of discrimination, 9 were unanimous" and "of those 9, in 7, the unanimous panel included at least one Republican-appointed judge."

"Given that record," Goldstein concluded, "it seems absurd to say that Judge Sotomayor allows race to infect her decisionmaking."

Judge Sotomayor has also demonstrated she does not legislate from the bench, and she gives deference to Congress in clarifying the intent of laws. In her dissent to the majority's opinion in *Hayden v. Pataki*, Judge Sotomayor wrote:

The duty of a judge is to follow the law, not to question its plain terms. I do not believe that Congress wishes us to disregard the plain language of any statute or to invent exceptions to the statutes it has created.

She also said:

I trust that Congress would prefer to make any needed changes itself, rather than have courts do so for it.

Additionally, a comprehensive study of Judge Sotomayor's criminal appellate decisions by the majority staff of the Senate Judiciary Committee found, as an appellate judge, Sotomayor sat with Republican-appointed judges on more than 400 criminal cases. In those cases, she agreed with all Republican-appointed judges 97 percent of the time; and she agreed with at least one Republican-appointed judge 99 percent of the time.

Judge Sotomayor's sensible attitude toward following the law and her ability to objectively evaluate all angles of her cases has resulted in high ratings and endorsements by numerous organizations.

The American Bar Association unanimously found Sotomayor to be "well qualified," which is the highest rating the ABA gives to judicial nominees. The Congressional Research Service conducted an analysis of her opinions and concluded:

As a group, the opinions belie easy categorization along any ideological spectrum. . . . Perhaps the most consistent characteristic of Judge Sotomayor's approach as an appellate judge has been an adherence to the doctrine of *stare decisis*, i.e., the upholding of past judicial precedents.

Judge Sotomayor has an impressive list of law enforcement endorsements and supporters, including the International Association of Chiefs of Police; the National Association of Police Organizations; the National District Attorneys Association; the Fraternal Order of Police; the National Latino Peace Officers Association; the Federal Law Enforcement Officers Association; the Federal Hispanic Law Enforcement Officers Association; the National Organization of Black Law Enforcement Executives; and the National Sheriffs' Association.

Judge Sotomayor has also been endorsed by the U.S. Chamber of Commerce, which stated:

The Chamber evaluated Judge Sotomayor's record from the standpoint of legal scholarship, judicial temperament, and an understanding of business and economic issues. Based on the Chamber's evaluation of her judicial record, Judge Sotomayor is well-qualified to serve as an Associate Justice of the U.S. Supreme Court.

The nonpartisan Brennan Center for Justice reviewed all of Judge Sotomayor's constitutional law decisions and said:

Based on this exhaustive review, the conclusion is unmistakable: in constitutional cases, Judge Sotomayor is solidly in the mainstream of the Second Circuit.

Judge Sotomayor's former law clerks wrote a letter endorsing her nomination, in which they said:

As former law clerks to Judge Sotomayor, each of us can attest to her intellectual prowess, extraordinary work ethic, and commitment to the rule of law. Working for Judge Sotomayor is an awe-inspiring experience. We each had the privilege of working closely with her as she confronted, and resolved, incredibly complex and intellectually demanding legal challenges. Judge Sotomayor approaches each case with an open mind and arrives at her decision only after carefully considering all of the pertinent facts and applicable rules of law.

The law clerks said they agree with many of Judge Sotomayor's other colleagues, who "respect her intellectual dynamism, collegiality, and balanced, fair jurisprudence."

I would like to thank and congratulate the members of the Judiciary Committee for holding an extraordinarily civil and open Supreme Court nomination process. I commend President Obama for selecting a woman, a Hispanic, and, above all, an extremely well-qualified nominee. I am thrilled to

have the opportunity to be a part of this historic moment, and if she is confirmed, I believe she will serve our country well.

Based on my conversations with the nominee, her statements in her confirmation hearings, and my review of her record, I intend to support her confirmation when it is voted upon later this week, and I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I join my colleagues in congratulating Senator LEAHY and Senator SESSIONS for their work on the Sotomayor nomination. The process was fair to both sides, and, most importantly, fair to the nominee.

I am pleased to rise in support of Judge Sotomayor, an individual whose life story is an inspiration to millions of Americans. A child of immigrants with modest means, Judge Sotomayor has risen by dint of exemplary academic accomplishment and hard work to the cusp of confirmation to our Nation's highest Court.

But Judge Sotomayor is much more than just a story of accomplishment. She has shown herself to be a judge truly worthy of elevation to the Supreme Court. Both on the bench and before this committee, Judge Sotomayor has proved she has the necessary character, competence, and integrity to serve on the Supreme Court. Her distinguished 17-year record on the bench demonstrates a commitment to fair and impartial application of the law and respect for the values which make up our Constitution.

At her hearing, Judge Sotomayor assured us she will listen with an open mind to all sides of an argument and that she will be mindful of the very real impact her decisions will have on each and every American. She pledged fidelity to the Constitution and to the Court's precedent, as well as a responsibility to cautiously review precedent when justice requires.

As we conclude the Senate's action on Judge Sotomayor's nomination this week, I believe we need to reflect upon the role that confirmation hearings play in the Senate's duty to advise and consent. While I have no reservations about my support for Judge Sotomayor, I share the concerns expressed by many Americans, legal commentators, and others on the Judiciary Committee about our committee's ability to have candid and substantive conversations with nominees about the issues Americans care about.

We all know the confirmation process is crucial. It is the public's only opportunity to learn about a nominee before he or she serves for life on the highest Court in our land. But, for many years now, we have seen a familiar pattern from nominees—Democratic and Republican alike—who have learned the

path of least resistance is to limit their responses and cautiously cloak them in generalities.

Understandably, nominees do not want to risk their confirmation by saying anything that might provoke potential opponents. We cannot ask nominees to disclose how they would vote on cases that might come before them. But it is reasonable for us to ask them to speak more openly about past Supreme Court decisions and how they would decide cases that are close calls—what reasoning they would use and what factors they would consider.

The concerns I raise do not reflect any personal criticism about Judge Sotomayor. I think she responded to our committee's questions with great intellect and sincerity and that she has rightly earned bipartisan praise.

However, going forward, I hope together we can explore ways to achieve the greater candor that the confirmation process demands and deserves. For example, we could convene a bipartisan group of Judiciary Committee members, members of the bar, constitutional scholars, and perhaps even members of the media who have experience following the Court and our hearings to help us determine what specific questions we can and should expect substantive answers about. If we can do this, then the committee's unique opportunity to engage nominees in the great legal questions facing our Nation will more effectively serve the Senate as we fulfill our constitutional duty.

In the meantime, I commend President Obama for nominating Judge Sotomayor—a woman of great ability who has demonstrated an enduring commitment to public service and to the law. I look forward to her tenure on the Court.

AMENDMENT NO. 2241 TO AMENDMENT NO. 1908

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up amendment No. 2241.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. JOHANNIS], for himself and Mr. NELSON of Nebraska, proposes an amendment numbered 2241 to amendment No. 1908.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the tuberculosis program of the Animal and Plant Health Inspection Service)

On page 19, line 9, before the period, insert the following: “: *Provided further*, That of the amount available under this heading, at least \$17,764,000 shall be used for the tuberculosis program (including at least \$3,000,000

for tuberculosis indemnity and depopulation)”.

Mr. JOHANNIS. Mr. President, I rise to discuss my amendment to increase funding for USDA's tuberculosis program by \$2 million.

In early June, TB was discovered in a beef cattle herd in Rock County, NE. As many of my colleagues know, this is a disease that can spread very quickly among cattle. It is also transmissible to humans.

This is not just a Nebraska issue or a Midwest issue. As I speak, California, Michigan, Minnesota, and New Mexico are battling the effects of TB. Other States, including Colorado, South Dakota, and Texas have had TB scares as well. Although, thankfully, up to this point they have not seen any change in their TB status. This problem could impact the beef industry nationwide, and it is critical that we do everything we can to eliminate it immediately when it is discovered.

In Nebraska, thankfully, only two animals in the entire herd tested positive for the disease, and they were put down to prevent further spread. Since that time, Nebraska State officials have worked side by side with USDA officials to test the infected herd, as well as several neighboring herds, which is the process. Based on the latest reports from home, 8,900 cattle have been tested to date, and all have, thankfully, tested negative for TB. That is great news.

I commend the efforts of the veterinarians and the government officials on the ground in Nebraska. I thank those officials for their efforts. They have been aggressively dealing with this issue every day since the initial discovery. I wish to thank the USDA specifically for providing significant expertise and personnel to assist with the ongoing testing. The Department's assistance has been sound and it has been steady. We greatly appreciate it, but the work is not yet done. The testing is not quite complete. Hopefully, the results will keep coming back negative, but, regardless, we are going to remain vigilant.

We must make sure the USDA has the resources on hand to respond in the event that further cases of TB are discovered. That could be anywhere in this country. TB can have a crippling impact on a State's beef industry. It can negatively impact the ability of State producers to shift cattle State to State, and, of course, potentially it can have an impact on export markets.

Ranchers cannot afford to have their State lose its TB-free status. Anytime a disease such as TB is discovered in a herd, it is absolutely critical the infected herd be depopulated immediately. I say that from my experience as a former Secretary of Agriculture. Depopulation is oftentimes essential. Doing so significantly decreases the likelihood of the spread of the disease.

It also reassures the rest of the beef industry that we will always respond decisively to combat the spread of the animal disease.

We need to send a strong signal to our producers that they will have our support if they come forward when they discover the herd has a problem. If depopulation indemnity funds are not available, a producer literally may hesitate to disclose the information. Then the problem festers and it festers and it spreads. We simply cannot take that kind of risk. Consumer confidence and producer trust are far too important.

It is imperative that we make sure USDA has the funding and the tools on hand to deal with existing TB problems and to take swift action in the event of future TB discoveries. That is why I am offering this amendment—to make sure the resources are there.

At this point I ask unanimous consent that a letter supporting my amendment from the National Cattlemen's Beef Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CATTLEMEN'S
BEEF ASSOCIATION,
Washington, DC, August 3, 2009.

Hon. MIKE JOHANNIS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHANNIS: I am writing today in support of your amendment to the Fiscal Year 2010 Agriculture Appropriations bill that increases United States Department of Agriculture (USDA) funding for bovine tuberculosis (TB) indemnity and depopulation. Bovine TB is a contagious animal disease that the cattle industry and Federal government have been working to eradicate for close to 100 years. In order to eventually eradicate this disease, infected herds must be depopulated quickly and the fanner or rancher must be compensated in a fair and equitable way for the value of lost cattle. Your amendment will go far in helping with this effort.

The work done by the Animal and Plant Health Inspection Service (APHIS), the Food Safety Inspection Service (FSIS), and state and industry partners, has been critical in containing and managing this disease. FSIS maintains a robust TB surveillance program at harvesting facilities to ensure that no cattle with TB enter the food supply. This illustrates the effectiveness of the food safety measures utilized in the beef industry. In recent years, APHIS has intensified their TB surveillance and has indicated that the disease has nearly been eradicated. We also know that wildlife play a critical part in the transmission of the disease, and industry is working with both Federal and state governments to address this.

In our combined effort for eventual eradication, the national tuberculosis eradication program has successfully reduced the incidence of the disease in U.S. cattle. There continues, however, to be a low incidence of TB as evidenced by the handful of newly identified infected herds over the past several years. These additional cases are in part due to intentional intensified surveillance activities, and the infected animals, along

with their herd mates, are then quarantined in order to control the disease and minimize its impact on cattle movement and markets. This has proven to be the most effective method to protect our domestic cattle herd since the national program began in 1917.

We support USDA's efforts to eradicate this disease, but historically we have not seen enough funding to adequately compensate farmers and ranchers for cattle that had to be depopulated. It is evident with the limitations of current technology, the wildlife vector, and the complicated nature of TB, that the current amount of Federal funding is not adequate. More funding and research is needed to provide better answers and solutions. Until those solutions are found, we need timely and adequate funding to depopulate any current beef herds and compensate cattle producers for their losses. Since TB is a concern across the country, this amendment will help to provide that needed compensation and allow the TB eradication program to be successful.

We urge the Senate to vote YES on your amendment during floor consideration of this bill. Thank you for your leadership and support of U.S. cattle producers.

Sincerely,

GARY VOGGT,
President.

Mr. JOHANNIS. Finally, I urge my colleagues to support this very important amendment to make the resources available to the USDA, and I urge my colleagues, if they have any questions, to get in touch with us. This is a very important issue.

With that, I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Mr. President, the Senator's amendment would increase the amount in this bill from \$15.7 million to \$17.7 million. The amendment would require at least \$3 million to compensate producers for losses. The Secretary currently has access to the Commodity Credit Corporation to compensate producers, and we hope the Secretary will use those funds as needed.

Since this amendment would reduce other animal and plant health activities, I must oppose it at this time.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO BAY

Mr. BROWNBACK. Madam President, the reason I ask that on this bill—and I do urge my colleagues to come forward to speak on the Agriculture appropriations bill. We have already cleared some amendments, and we need to move forward.

Something happened yesterday that affected my State directly, and that was the statement by the administration—or leak from the administration—that they are considering moving

Guantanamo Bay detainees to my State, associated with Fort Leavenworth. This has riled up everybody. I was just there this morning, and we had 100 people who came out after very short notice. It is virtually unanimous in their opinions—not everybody but close to everybody is opposed to this idea for a multiple set of reasons.

Moving the Guantanamo Bay detainees to Fort Leavenworth and the Fort Leavenworth area would not work, to start off with, and will significantly hurt the core educational and international mission of the fort. On top of that it is totally unnecessary. I hope the administration will start to rethink this idea of moving the Guantanamo Bay detainees. I think it is a bad idea that we replicate the facility we already have at Guantanamo Bay somewhere in the United States because we already have a facility to hold the detainees. We already have a facility to try the detainees. It is all set up. I was there. I led a congressional delegation a couple of months ago. They are being humanely treated, and if they are not, and if there are credible reports that they are not, then let's work on fixing Guantanamo Bay rather than moving the detainees to the United States.

If there are problems, let's fix them rather than just say we are going to change the name of the place and we are going to move the detainees from Guantanamo Bay to Leavenworth. We are not going to change the opinion of the world of the United States one iota by substituting the name "Leavenworth" for the name "Guantanamo Bay," creating a replica of what we already have at Guantanamo Bay, only somewhere else. It would cost hundreds of millions of dollars we don't have when we already have an \$11 trillion debt, and it is growing at a rate of nearly \$2 trillion a year. So why would we spend hundreds of millions of dollars doing something that is not going to change world opinion, replicating a facility that we already have, that slows the process? This doesn't make any sense.

On top of that, what is being considered at Leavenworth would not work. The fort at Leavenworth—if I could just talk to my colleagues about this, and I hope they will look at the factual setting. Fort Leavenworth is one of the smallest Army bases we have around the world. It is 8 square miles. It butts up in and is a part of an urban area of Kansas City. It has on its border a river and a train that goes through about every 25 minutes. It is not the secure facility one would need to have for these detainees. We don't have any setbacks like we have in a number of other facilities, and it has one of the highest population densities per square mile or square foot of any of our military bases because it houses the Command and General Staff College of the military.

If I could just point out that facility to my colleagues—and I hope some of them come and attend and address the Command and General Staff College. We get students from around the world on a regular basis at that facility. Generally, some 90 countries at any one point in time have students at the Command and General Staff College. Of these 90 countries that send students for their Army training for their military, half of those students will become general flag officers before their career is done. A number of them will become civilian leaders in their own country as well. So you get the cream of the crop from around the world. They come here. They also meet with our future military leaders, and this is the training center they have. It is the Command and General Staff College at Fort Leavenworth.

The primary mission of Fort Leavenworth is that training as well as that relationship and integration between our U.S. Army forces and forces of militaries, Army forces from around the world, which is critically important when you go into places such as Pakistan or Afghanistan or you are working with the Jordanians or the Egyptians, just to name a few. They send leaders from all of those countries, future flag officers to Fort Leavenworth to be trained. We have already heard in canvassing students from Jordan, Egypt, and Pakistan that they will pull their students from Fort Leavenworth if the detainees are moved there. They don't want to have their military leaders, their future military leaders at the same place that the detainees are being held in the United States, and they have already stated that to us.

So we are going to hurt the core mission of Fort Leavenworth in a facility that doesn't have setbacks to safely handle this for no gain. I would point out that I spoke with the commanding general at Fort Leavenworth yesterday. I called him after I heard about this report on MS-NBC. That was how I got the news of it. My wife was on the Internet, and she was on MSNBC's Web site and she sees that they are thinking about moving the Gitmo detainees to either Leavenworth or Michigan. That didn't set very well with me, that that is how I learned about this to start off with.

As I started calling around, I called the commanding general, and he said he learned about it pretty late as well and has difficulties, although he is a military man. He will salute and take orders and do what he is directed to do, but he is not—he needs to be asked and brought in to testify about what his opinion would be about this issue. I talked to the Governor in Kansas last night. The Governor, a Democratic Governor, has issued a statement previously opposed to this move taking place to Fort Leavenworth. The Congresswoman from the area was there

this morning opposed to this move. The mayor of Leavenworth was there opposed to this move.

We have voted in this body virtually unanimously—close to a unanimous vote—that you have to work with local officials before the Gitmo detainees can be moved anywhere into the United States. Well, the local officials are uniformly opposed to this at Leavenworth, and we wake up and it is in the morning paper and nobody has been consulted about it.

I wish to say the detainees in my estimation deserve appropriate humane treatment. They deserve to be treated under our international obligations. If they are not getting that, then that needs to be changed, and it needs to be changed at Guantanamo Bay. I hope we would have international investigations to tell us what is not being met that we are required to do, that is not being done. I have not seen any credible international reports that say there are things we are not doing that we should do at Guantanamo Bay. There is a gray category that is involved where you have enemy combatants who don't represent a foreign country, and that is a big part of our problem. There is also a very tough area, and that is—I saw this when I was at Guantanamo Bay—a number of the detainees are continuing the fight today. While in prison, at Gitmo, they continue the fight. So whoever gets these or takes these detainees is going to have to be prepared to have the continuation of the war on terrorism happening near them and happening in the prison facility. That is not everybody, but some of them continue to fight in prison. That is going to be a difficult situation for whoever is to handle it.

On top of that, our folks at Leavenworth—we have prisoners in there, and the town is proud of their ability to handle various prisoners. Their concern is not keeping the detainees in, because you can staff up for that, but it is keeping out people who seek to get in or make a statement in that area. Plus, they would have to scale up their facilities.

We have a medium-security Bureau of Prisons facility. It is not maximum security. We have a dominated medium-security disciplinary barracks there, and we have space for 25 maximum-security prisoners—only 25. You would have to move out all of the current military personnel convicted in military courts who are held in the disciplinary barracks. We are not situated to handle this. It would cost a huge amount of money, and it would not be safe to do it at Leavenworth. It is a bad idea for us to do that there.

I ask the President to come to Leavenworth. He was invited by the mayor this morning. He can look at the facility and examine it himself. The Attorney General can come and examine the facility, look at it, and see what esti-

mation they come up with after examining and looking at the facility. I understand they are looking at some sort of hybrid facility. We don't have the situation to be able to house it in Kansas.

On top of that, I ask the President to really listen to the American people. The American people don't want these detainees moved to the United States. They don't want to hurry up artificial timelines set for moving the detainees to the United States, and they feel the President should be listening to them and not to European leaders or somebody around the world who doesn't like the Guantanamo Bay facility and thinks it has a bad name. Listen to the American people on this issue.

I ask that the President come and talk to the Members of Congress who may be impacted by this and ask our opinions and look at what is taking place. This is being rushed. It is on an artificial time deadline. It doesn't need to happen. It is replicating a facility we have, at a cost of hundreds of millions of dollars, and it will slow the process down. It is a bad idea chasing a bad idea with an artificial time limit. I ask that the President not do that.

My colleague and I from Kansas will fight every step of the way to keep this facility from being moved to Kansas. We are representing our constituents, who don't want these detainees moved to Kansas. We are going to fight it every step of the way.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Madam President, I received a Statement of Administration Policy from the Executive Office of the President relating to the Agriculture appropriations bill. I will read from that document at this time:

The administration strongly supports Senate passage of H.R. 2997, with the Committee-reported text of S. 1406, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010.

A strong, vibrant rural America is central to the Nation's future. The bill, as reported by the Committee, makes important investments in infrastructure so economic progress does not bypass rural communities. The legislation also provides the resources necessary to keep food and medicines safe and reliable. It provides critical support for farmers to continue the Nation's leading role in feeding the world. In addition, this legislation addresses chronic problems facing Americans, including poverty, nutrition, and housing.

Moreover, the legislation responds to the President's call for investments in programs

that work while ending programs that do not. This legislation gives priority to merit-based funding in critical infrastructure programs. The Administration urges the Congress to continue to apply high standards to funding decisions so taxpayer money is spent efficiently and effectively.

Madam President, I am grateful that the executive branch has recognized the good work done to craft this bill in a way that meets the serious requirements of our country. Again, I thank the ranking member, Senator BROWNBACK, for his help. This is a good bill, and I urge all Senators to support its passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. UDALL of New Mexico. Madam President, I rise today to talk about Judge Sotomayor's experience, and I also want to talk about empathy.

In the period since President Obama nominated Sotomayor, some of her opponents have done their best to give empathy a bad name. I think that is a shame. It would be sad for us to confirm Sonia Sotomayor but allow her empathy to be discredited as a human emotion and a judicial asset.

During his confirmation hearings, Clarence Thomas said:

What I bring to this Court, I believe, is an understanding and the ability to stand in the shoes of other people across a broad spectrum of this country.

Justice Thomas's description of empathy captures one thing Sotomayor would bring to this Court: a diversity of experience and the ability to stand in the shoes of other people.

During her opening statement before the Judiciary Committee, Judge Sotomayor talked about her experience as a prosecutor in New York for legendary district attorney Bob Morgenthau. She said:

I saw children exploited and abused. I felt the pain and suffering of families torn apart by the needless deaths of loved ones. I saw and learned the tough job law enforcement has in protecting the public.

According to those who knew and worked with her, Judge Sotomayor was an excellent prosecutor. She knew the law, she studied the facts, and she did the hard work to keep people safe from crime. In this difficult job, she benefited from her empathy. Judge Sotomayor felt the pain and suffering

of families destroyed by crime. She felt the difficulties law enforcement officers face, and she understood that her job was not just about enforcing the law, it was about ending the suffering crime brings.

During her testimony, Judge Sotomayor talked about the "Tarzan" case, a famous burglary and murder case she prosecuted. A quarter century later, she still feels deeply the impact of that crime. I was struck by her description of how the murder of a son devastated the lives of his mother and grandmother, how one act of violence produced ripples that destroyed a family and weakened a community, and how the family and the community demanded justice.

When I served as a Federal prosecutor, I learned that empathy is every bit as important as legal knowledge and good judgment. A prosecutor who reads the facts of a crime and cannot empathize with those involved is not just a strange person, he or she is likely to be an ineffective lawyer. A proper respect for the law demands a recognition that individuals involved in a legal dispute are not abstractions; they are sons, daughters, sisters, and brothers, men and women who deserve justice. Empathy allows us to recognize that, and that is essential to the practice of law. It is also an essential quality for judges.

Some Members of this body have suggested that empathy is inconsistent with impartial judgment. I disagree. Judges must, first and foremost, apply law to facts. But this process is not a mechanical calculation; it requires attention to the human impact of legal decisions. Legal reasoning that ignores the human dimension risks inhuman outcomes to human problems. Law without empathy produces decisions such as *Dred Scott* and *Plessy v. Ferguson*. It gives you reasoned arguments and unreasonable results.

When the Supreme Court ruled in *Dred Scott*, its members were applying the law to the facts as they saw them. One fact they took for granted was that *Dred Scott* was so different as to be unworthy of legal protections. The Taney Court could not put themselves in *Scott's* shoes, and the result was such a rebuke to the values of this Nation that it helped drive us to civil war.

When the Court wrote in *Plessy* that "the enforced separation of the two races [does not stamp] the colored race with a badge of inferiority," they were not misinterpreting the law. They just could not feel the sting of segregation. Or to put it another way, they failed to show empathy, and generations of Black citizens paid the price.

Of course, a judge with empathy must also determine with whom to empathize. One of my colleagues has argued that empathy for somebody is always discrimination against some-

body else. Again, I disagree. I believe that justice is not a zero-sum game. Equal justice for minorities does not mean less justice for others. A judge who feels compassion for those who face the legacy of codified bigotry is not less able to sympathize with a White firefighter who has been denied a promotion. The law respects the humanity of every individual. Judges can and should do the same.

Judge Sotomayor has explained that her experience has helped her to "understand, respect and respond to the concerns and arguments of all litigants who appear before me." All litigants.

As a prosecutor, Judge Sotomayor sympathized with the victims of crime. But she could also look at a defendant and see a fellow human being—somebody who deserves fairness, if not freedom. As a judge, she has ruled for civil rights claimants, and she has ruled against them. She has ruled for prosecutors and for defendants. Her compassion has not led her to come down on one side or the other. It has helped her to be both wise and fair—to treat every individual with the respect he or she deserves.

President Obama has nominated a Supreme Court Justice with a wealth of both personal and professional experience. Her experience has given her the intelligence to understand the law and the wisdom to apply it.

But it has also given her something more. Judge Sotomayor has seen housing projects and Ivy League dorms. She has defended those whom society ignores and prosecuted those who ignore society's rules. At the trial and appellate level, she has seen the human drama of American law play out in countless ways.

This experience has given her compassion for the diverse experiences that make up the American experiment. She understands in a deep and personal way that we all deserve equal justice under law. I can think of no more important qualification for a Supreme Court Justice.

She has earned her right to serve on the Nation's highest Court. I look forward to supporting her confirmation.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBAC. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2253, AS MODIFIED, TO
AMENDMENT NO. 1908

Mr. BROWNBAC. Madam President, we are attempting to work through some amendments. I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 2253 on behalf of Senator

CHAMBLISS, and the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBAC], for Mr. CHAMBLISS, for himself and Mr. HARKIN, proposes an amendment numbered 2253, as modified, to amendment No. 1908.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the status of the reorganization of the Foreign Agricultural Service and future plans to modify office structures)

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. Not later than 60 days after the date of enactment of this Act, the Administrator of the Foreign Agricultural Service shall submit to Congress a report that describes the status of the reorganization of the Foreign Agricultural Service and any future plans of the Administrator to modify office structures to meet existing, emerging, and new priorities.

Mr. BROWNBAC. Madam President, it is my understanding this amendment has been cleared on both sides, so I ask unanimous consent that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment No. 2253, as modified.

The amendment (No. 2253), as modified, was agreed to.

Mr. BROWNBAC. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWNBAC. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN ENERGY JOBS

Mr. UDALL of New Mexico. Madam President, as I rise today, the world is engaged in a high-stakes competition. The country that wins this competition will not only produce jobs today, it will dominate the industries of the future. The competition is the race to create clean energy jobs. I want America to win, and the Congress will play a key role in deciding whether we do.

But before I talk about the decision we have to make, I want to be clear about a decision that America does not have to make. We don't have to decide whether clean energy will be the industry of the future. It will. The clean energy industry is primed to produce millions of jobs in the coming years. The question is whether these jobs will be in America. We have to answer this question now.

If we put our minds to it, Americans can produce the clean energy technologies that will power the future. The country that invented the light bulb, the automobile, and the Internet is not going to finish last when it comes to developing new ideas. But we need policies that promote innovation. Right now, we are falling behind.

Progressive policies have given other countries a lead. With a population roughly one-quarter as large as America's, Germany has more than twice as many workers developing wind energy and solar photovoltaic technologies. By 2020, more Germans will be producing clean energy than are producing German cars. Spain has almost five times as many workers in the solar thermal industry as the United States. China has more than 300 times as many. Do we want to lose this race to Germany, to Spain, to China?

Some have argued that America cannot lead on climate change; that we need to wait for countries such as China and India to act first. This would be incredibly shortsighted. If America solves its energy problems first, every country on Earth will be begging for the technologies we develop. If we don't, we will be begging for technologies developed elsewhere.

Americans always prosper by being one step ahead. We mass produced the car, and American manufacturing built the middle class. We sparked the IT revolution, and our high-tech industry still gives us high-paying jobs. Today, being one step ahead means developing the clean energy technologies of the future before anybody else does. Waiting for China to address its emissions problems before we address ours is like waiting for an opponent to finish the race before we start to lace up our shoes.

China is not waiting for America to act. It has already implemented strong policies to promote clean energy. Chinese fuel efficiency economy standards are higher today than ours will be in 2020. They have already set a 15-percent renewable energy standard for 2020, and their government recently said they could reach 20 percent. In 2009, China became the world's largest clean energy investor. It plans to spend nearly half a trillion dollars over 10 years to ensure clean energy jobs come to China.

China's policies have already begun to pay off. It is now the leading manufacturer of wind turbines and it has 65

percent of the world's solar thermal water heating market. China even beats us in industries we created. America invented solar photovoltaics, but China now dominates that market, while America comes in tenth.

I am not content to let other countries keep beating us at our own game. It is time to act. The clean energy bill currently being developed in Congress is the kind of action we need. It is a distinctly American solution to this global problem because it relies on private markets and private businesses, and that is why it provides real change with minimal cost.

Of course, some people will claim this plan breaks the bank. Defenders of the status quo never run out of excuses to do nothing. They have made huge profits polluting our air, and clean energy is a threat to them. The same people who denied the science of global warming will tell you that a clean energy solution is too expensive. They were wrong about the science then, and they are wrong about the economics now.

In 1990, polluters told America we could not afford the Clean Air Act, a bipartisan bill signed by a Republican President. History has shown that the act actually cost one-fortieth of what they said it would. The best independent estimate about this bill comes from the nonpartisan Congressional Budget Office, and they say it will cost Americans less than 50 cents per day, and the CBO numbers likely overestimate costs. To keep their analysis simple, they ignore the impact of increased efficiency. When you factor in efficiency, New Mexicans will probably end up ahead about \$4 per month on their energy bills, and low-income New Mexicans will save even more. The most expensive energy policy America can pursue is the status quo.

In 2006, I introduced a clean energy bill similar to the bill we are considering now. The month I introduced it, gas prices were at about \$2.25 per gallon. Critics claimed clean energy would drive up prices and Congress never acted. By 2008, the price of gas had nearly doubled to a high of \$4.11.

Much of the money America spends on gas flows right out of this country. Today, the United States is importing nearly 70 percent of its oil. We sent roughly \$4,280 per U.S. family out of the country in 2008 to pay for oil, and too much of that money goes to individuals who finance terrorism and regimes that don't like Americans.

Some will say the solution is increased oil production, and I support increased production. My home State of New Mexico is one of 10 that produces more oil than it consumes, and I am proud that we help meet America's energy needs. But increased production alone is not enough. America has only 3 percent of the world's oil reserves. More than 66 percent of those re-

serves—those that are left—are in Russia, Iran, and six other countries in the Middle East. The more we depend only on fossil fuels, the more American money will flow to these countries.

When it comes to energy, we have to do it all and we have to do it now. Since comprehensive clean energy legislation was first introduced in 2003, we have sent trillions of dollars abroad every year to pay for oil—in fact, \$700 billion a year. We cannot afford 6 more years of delay.

But the status quo doesn't just threaten our economy and our security; it threatens the basis of our way of life. Scientists predict that global warming could give my home State of New Mexico the same climate as the Sonoran Desert in Chihuahua, Mexico. If that happens, farmers who have worked the land for generations will be forced out of business. Forest fires will become more common and more dangerous. Our communities will face a bleak economic future. For the children of my State and our country, we cannot afford to stay on this path.

Fortunately, America has what it takes to change course. Even without progressive policies on the national level, New Mexico has begun to create massive numbers of clean energy jobs. Between 1998 and 2007, clean energy jobs grew 25 times faster than other jobs. We call these the jobs of the future. Increasingly, they are also the jobs of today.

There are too many success stories to tell, but I want to mention one. Three weeks ago, a company called Schott Solar opened its second renewable technologies plant in Albuquerque, NM. The plant currently employs 300 people, and it comes 2 months after the company opened a plant that will eventually employ 1,500. Schott decided to locate these plants in New Mexico after our State passed a series of clean energy incentives.

What I like most about this story is that Schott is a German company. It looked at New Mexico's policies and decided to invest German money in creating American jobs. For years, while American policymakers failed to act, American investors sent our capital to Germany. New Mexico's forward-looking policies are helping to reverse the flow. What that tells me is that with the right policies, America can lead the world in this crucial industry. We can stop creating jobs in Saudi Arabia and start creating them in Socorro, NM. We can stop letting China develop our technologies and sell them back to us.

We can win the clean energy revolution the same way we won the high-tech revolution—by getting there first—or we can wait and watch the world pass us by. I think the choice is clear. I hope my colleagues do as well, and I hope they will join me in supporting the Senate's clean energy legislation when it comes to the floor.

Madam President, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1910

Ms. MURKOWSKI. Madam President, I would like to take a few minutes this afternoon to speak to an amendment to the agriculture bill that has been introduced. This is amendment No. 1910. It has to do with the high energy cost grants. This is a program within the rural utility service.

I would like to lay out for my colleagues a bit about this program. The high energy cost grants are available for improving and providing energy generation, transmission, and distribution facilities that serve communities with average home energy costs that exceed 275 percent of the national average. So 275 percent of the national average—you have to see your home energy costs exceed this level in order to make yourself available to this High Energy Cost Grant Program.

These grant funds can be used for on-grid and off-grid renewable energy projects, energy efficiency, and energy conservation projects serving these eligible communities.

Some have suggested this is somehow an Alaska aid program. It certainly does help in my State, but it has provided aid to utilities in more than a dozen States, including Alabama, Arizona, California, Florida, Hawaii, Idaho, Kentucky, Maine, Massachusetts, Nevada, New Mexico, New York, and Washington. In addition to these States, applications have been submitted by other eligible communities in more than eight States. This is in Colorado, Minnesota, Montana, North Dakota, Rhode Island, South Dakota, Wisconsin, Wyoming, and also out in Puerto Rico, the Virgin Islands, Guam, and American Samoa.

In addition, these are community-driven projects. They reflect the local priorities for addressing energy challenges. Some of the projects that are currently underway with these high energy cost grants are replacing failing transmission and distribution lines that serve communities in my State and in Arizona, Idaho, Maine, and Nevada.

As we think about how we are going to move our energy, particularly our renewable energy sources, we have to do more within our transmission systems. This program allows us to replace our older or failing transmission and distribution lines.

Some of the other projects extend electric distribution lines to connect homes in rural communities in States

such as Alaska, Arizona, California, and Washington, including some homes on Indian reservations.

The other projects replace old inefficient diesel generators in many of the remote Alaska villages with more efficient, less polluting units, with heat recovery systems. These funds from the high energy cost grants go toward constructing community-owned renewable energy projects, including wind and solar, small hydroelectric and biomass systems. Again, the States where you see these projects are Alaska, Arizona, Hawaii, Maine, New Mexico, New York, Washington, to the Marshall Islands.

The last area of the program provides cost savings, energy efficiency, and weatherization upgrades for rural homes and community facilities in Alabama, Alaska, Florida, Hawaii, Kentucky, and Massachusetts.

I go through this list of where these projects are to ensure that Members know we are not just talking about a benefit to a State such as Alaska, where our energy costs are enormously high, but States such as Alabama, where they might not be facing the cold winters but they are certainly facing the hot summers and how they, too, can be more energy efficient; how they, too, can benefit from programs that help to reduce the high energy costs they face in their State.

This program has been one of the smartest things Congress has done since the passage of the rural electrification programs back in the 1930s. It has provided assistance to run modern power lines on Indian reservations, helped to propel economic activity where it is needed most in this country. It has provided aid to towns off the interstate transmission grid and a number of towns in the West that are isolated and not so connected to that grid, thus more subject to the blackouts and brownouts.

This program also motivated many States to step up their individual efforts to increase funding for these programs. In my home State of Alaska, despite the very dramatic decrease in revenues, we are investing tremendous resources toward energy solutions. In the State's fiscal year 2010 capital and operating budgets, they include \$25.5 million for Alaska energy authority projects; \$25 million for renewable energy; \$38 million for power cost equalization; and \$26.4 million for heating assistance. That is a total of about \$115 million in funding that is coming from the State to help, alongside funding for the high energy cost grants.

If funding sources continue to be eliminated or reduced, the Nation's efforts to address the high cost of energy by increasing energy efficiencies and renewable resource development are going to be severely hindered. This is at a time when we can least afford to do this.

This program has helped with installation of renewable energy systems,

whether it be solar or wind or hydro, biomass or geothermal projects. These are generally financed through guaranteed loans. This is exactly in keeping with existing congressional intent and the intent of this administration to expand renewable energy and to reduce carbon emissions and greenhouse gas emissions and their potential climate impacts. It has done so economically. The program has a 4-percent cap on planning and administrative expenses. I wish all Federal programs did this.

The program has an excellent track record. According to the Congressional Research Service, it has such a low default rate on its loans that the guarantee program has a zero subsidy cost; loans being secured by the borrower's electric system and assets.

Earlier on the floor it was argued that this program is somehow duplicative of other existing programs, but it is not. The existing USDA Rural Utilities Service Loan and Grant Program cannot make loans to school districts or to Indian reservations, such as the Navajo projects that have been made in Arizona or to off-grid utilities. The program can only make loans for electricity programs, not for renewable energy projects to tie into grids.

This is exceptionally important, the fact that the programs currently can only make those loans to electricity programs and not the renewable energy projects.

The program was authorized, the High Energy Cost Grant Program was authorized by Congress back in the 2000 Rural Electrification Act, simply because it covered a gap in existing programs that desperately needed to be filled.

This amendment might not only kill this program in the future, but it also might pull the rug out from under the projects that have expended funds and which have started and which are waiting for the Federal funds to be delivered.

This program actually lowers Federal unemployment and economic assistance costs over time because helping to reduce our energy costs is one of the best things we can be doing in government to support sustainable economic development in a State or in the region.

I certainly support the need for fiscal responsibility—absolutely, especially given the size of our deficit. Cutting the High Energy Cost Grants Program is likely to not only lessen economic activity in rural areas but also worsen our overall economy and unemployment across the Nation. There is no reason to delete the continuation of funding that is proposed for this program.

I urge my colleagues to vote against this amendment when the time comes.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I ask unanimous consent the Senate proceed to vote in relation to the McCain amendment, No. 1910, after the cloture vote with respect to the Kohl-Brownback substitute amendment No. 1908, and that prior to the vote with respect to amendment No. 1910, there be 4 minutes of debate, equally divided and controlled in the usual form, with no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Reserving the right to object, I was asked to come down and get my amendments pending. I checked with the staff. All I would like to do is get several amendments up, have them pending, and then we will have the debate after the cloture vote. Is that agreeable?

Mr. KOHL. That is agreeable.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Kansas is recognized.

AMENDMENT NO. 2240 TO AMENDMENT NO. 1908

Mr. BROWNBACK. Madam President, I have been asked by Senator BARRASSO to ask unanimous consent the pending amendment be set aside so I may call up amendment No. 2240 on behalf of Senator BARRASSO.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Kansas [Mr. BROWNBACK], for Mr. BARRASSO, for himself, and Mr. VITTER, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. THUNE, and Mr. JOHANN, proposes an amendment numbered 2240 to amendment No. 1908.

Mr. BROWNBACK. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to conduct a State-by-State analysis of the impacts on agricultural producers of the American Clean Energy and Security Act of 2009 (H.R. 2452, as passed by the House by Representatives on June 26, 2009)

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a State-by-State analysis of the impacts on agricultural producers of the American Clean En-

ergy and Security Act of 2009 (H.R. 2452, as passed by the House of Representatives on June 26, 2009) (referred to in this section as "H.R. 2452").

(b) In conducting the analysis under subsection (a), the Secretary shall—

(1) use a range of peer-reviewed analyses of H.R. 2454 conducted by public and private entities, including land grant universities;

(2) consider a scenario in which the fertilizer industry does not receive any free allowances under H.R. 2454;

(3) consider the impacts of H.R. 2454 on a range of fishing, aquaculture, livestock, poultry, and swine production and a variety of crop production, including specialty crops; and

(4) analyze projected land use changes, afforestation patterns, and other market incentives created by H.R. 2454 that may impact food or agriculture commodity prices, including specific acreage estimates of parcels of land planted with trees in the United States.

Mr. BROWNBACK. I wanted to get this for Senator BARRASSO. We will be handling that at a later point in time. I yield the floor.

AMENDMENT NO. 2243 TO AMENDMENT NO. 1908

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2243 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2243 to amendment No. 1908.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate double-dipped stimulus funds for the Rural Business-Cooperative Service account)

At the appropriate place, insert the following:

SEC. 7 _____. Notwithstanding any other provision of this Act, each amount provided under the heading "RURAL BUSINESS—COOPERATIVE SERVICE" in title III is reduced by the pro rata percentage required to reduce the total amount provided under that heading by \$124,800,000.

AMENDMENT NO. 2244 TO AMENDMENT NO. 1908

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and amendment No. 2244 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2244 to amendment No. 1908.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To support the proposal of the President to eliminate funding in the bill for digital conversion efforts of the Department of Agriculture that are duplicative of existing Federal efforts)

On page 51, beginning on line 10, strike "Provided further," and all that follows through "technologies" on line 20.

AMENDMENT NO. 2245 TO AMENDMENT NO. 1908

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2245 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2245 to amendment No. 1908.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike a provision providing \$3,000,000 for specialty cheeses in Vermont and Wisconsin)

Beginning on page 75, strike line 16 and all that follows through page 76, line 3.

AMENDMENT NO. 2248 TO AMENDMENT NO. 1908

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2248 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2248 to amendment No. 1908.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit no-bid contracts and grants)

At the appropriate place, insert the following:

PROHIBITION ON NO-BID CONTRACTS AND GRANTS

SEC. _____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation;

(2) awarded by grant not subjected to merit-based competitive procedures, needs-

based criteria, and other procedures specifically authorized by law to select the grantee or award recipient; or

(3) spent on a congressionally directed spending item, as defined by Rule XLIV of the Standing Rules of the Senate, not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee to perform the activity to be provided by the congressionally directed spending item.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

Mr. COBURN. I now call for the regular order on amendment No. 2226 and send a second-degree amendment to the desk, ask for its immediate consideration, and ask any consideration be delayed until after the cloture vote and that the second-degree amendment is my amendment No. 2246.

The PRESIDING OFFICER. Was there a unanimous consent request?

Mr. COBURN. Yes, unanimous consent is requested for that.

The PRESIDING OFFICER. Is there objection?

Mr. KOHL. I object and suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor. Objection is heard.

The Senator from Oklahoma.

AMENDMENT NO. 2246 TO AMENDMENT NO. 2226

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2246 be called up.

The PRESIDING OFFICER. Is there objection?

The amendment is drafted as a second-degree amendment to amendment No. 2226.

Mr. COBURN. I will change the drafting.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I call for the regular order on amendment No. 2226, and I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2246 to amendment No. 2226.

The amendment is as follows:

(Purpose: To provide additional transparency and accountability for spending on conferences and meetings of the Department of Agriculture)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7 _____. (a) In this section, the term "conference" means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) Not later than September 30, 2011, the Secretary of Agriculture shall submit to the appropriate committees of Congress and post on the public Internet website of the Department of Agriculture (referred to in this section as the "Department") in a searchable, electronic format, a report on each conference for which the Department paid travel expenses during fiscal year 2010 that includes—

(1) the itemized expenses paid by the Department, including travel expenses and any Department expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference; and

(4) in the case of a conference for which the Department was the primary sponsor, a statement that includes—

(A) a justification of the location selected;

(B) a description of the cost efficiency of the location;

(C) the date of the conference;

(D) a brief explanation of how the conference advanced the mission of the Department; and

(E) the total number of individuals whose travel or attendance at the conference was paid for in part or full by the Department.

(c) Notwithstanding any other provision of this Act, the aggregate amount made available under this Act for expenses of the Department relating to conferences in fiscal year 2010, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed \$12,000,000.

Mr. KOHL. I send to the desk a second-degree amendment to amendment No. 2246.

The PRESIDING OFFICER. Amendment No. 2246 is a second-degree amendment.

Mr. KOHL. I ask unanimous consent that amendment No. 2248 be pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2288 TO AMENDMENT NO. 2248

Mr. KOHL. I send to the desk a second-degree amendment to amendment No. 2248.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 2288 to amendment No. 2248.

The amendment is as follows:

(Purpose: To provide requirements regarding the authority of the Secretary of Agriculture and the Commissioner of Food and Drugs to enter into certain contracts)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7 _____. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture or the Commissioner of Food and Drugs to enter into any Federal contract unless the contract is—

(1) entered into in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)); or

(2) otherwise authorized by law to be entered into without regard to the laws cited in paragraph (1).

Mr. KOHL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2289 TO AMENDMENT NO. 1908

Mr. KOHL. I ask unanimous consent to set aside the pending amendment, and I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. BROWNBACK, proposes an amendment numbered 2289 to amendment No. 1908.

Mr. KOHL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 2289) was agreed to, as follows:

(Purpose: To ensure the compliance of the United States regarding obligations under international trade agreements)

On page 85, line 16, strike "inspections." and insert the following:

inspections: *Provided further*, That this section shall be applied in a manner consistent with United States obligations under international trade agreements.

Mr. KOHL. Madam President, I move to reconsider that vote.

Mr. BROWNBACK. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENTS NOS. 2254 AND 2255 TO AMENDMENT NO. 1908

Mr. BROWNBACK. Madam President, I ask unanimous consent that the

pending amendment be set aside, and I call up amendment No. 2254 on behalf of Senator CHAMBLISS and 2255 on behalf of Senator VITTER en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. CHAMBLISS and Mr. VITTER, proposes amendments en bloc numbered 2254 and 2255.

Mr. BROWNBACK. I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I understand these amendments have been cleared on both sides. I offer them for Senators CHAMBLISS and VITTER. I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2254 and 2255) were agreed to, as follows:

AMENDMENT NO. 2254

(Purpose: To prohibit the use of funds to assess greenbook charges to agencies or to use previously assessed funds)

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available by this Act may be used to pay the salaries and expenses of any employee of the Department of Agriculture to assess any agency any greenbook charge or to use any funds acquired through an assessment of greenbook charges made prior to the date of enactment of this Act.

AMENDMENT NO. 2255

(Purpose: To require the Commissioner of Food and Drugs to conduct a study on imported seafood)

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. The Commissioner of Food and Drugs, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall conduct a study and, not later than 240 days after the date of enactment of this Act, submit a report to Congress on the technical challenges associated with inspecting imported seafood. The study and report shall—

(1) provide information on the status of seafood importation, including—

(A) the volume of seafood imported into the United States annually, by product and country of origin;

(B) the number of physical inspections of imported seafood products conducted annually, by product and country of origin; and

(C) a listing of the United States ports of entry for seafood imports by volume;

(2) provide information on imported seafood products, by product and country of origin, that do not meet standards as set forth in the applicable food importation law, including the reason for which each such product does not meet such standards;

(3) identify the fish, crayfish, shellfish, and other sea species most susceptible to violations of the applicable food importation law;

(4) identify the aquaculture and mariculture practices that are of greatest concern to human health; and

(5) suggest methods for improving import inspection policies and procedures to protect consumers in the United States.

Mr. BROWNBACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2259, AS MODIFIED

Mr. KOHL. I ask unanimous consent to set aside the pending amendment and call up the following amendment, which is at the desk, and ask for its immediate consideration: Landrieu amendment No. 2259, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Ms. LANDRIEU, proposes an amendment numbered 2259, as modified, to amendment No. 1908.

Mr. KOHL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To require a report on increasing the participation of rural small businesses in tourism activities)

On page 85, between lines 16 and 17, insert the following:

SEC. —745. REPORT ON TOURISM FOR RURAL COMMUNITIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Committees on Appropriations of the House of Representatives and of the Senate on developing the tourism potential of rural communities.

(b) CONTENT OF THE REPORT.—The report required by subsection (a) shall—

(1) identify existing Federal programs that provide assistance to rural small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas;

(2) identify existing Federal programs that assist rural small business concerns in obtaining capital for starting or expanding businesses primarily serving tourists; and

(3) include recommendations, if any, for improving existing programs or creating new Federal programs that may benefit tourism in rural communities.

Mr. KOHL. This amendment has been approved by both sides, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 2259, as modified.

The amendment (No. 2259), as modified, was agreed to.

Mr. KOHL. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 1908 to H.R. 2997, the Agriculture Appropriations Act for Fiscal Year 2010.

John D. Rockefeller, IV, Tom Udall, Mark L. Pryor, Edward E. Kaufman, Blanche L. Lincoln, Kent Conrad, Kay R. Hagan, Mark Begich, Byron L. Dorgan, Max Baucus, Ben Nelson, Herb Kohl, Daniel K. Inouye, Michael F. Bennet, Mary L. Landrieu, Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1908 to H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 83, nays 11, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—83

Akaka	Coburn	Inouye
Alexander	Collins	Isakson
Baucus	Conrad	Johnson
Bayh	Cornyn	Kaufman
Begich	Crapo	Kerry
Bennet	Dodd	Klobuchar
Bennett	Dorgan	Kohl
Bingaman	Durbin	Landrieu
Bond	Feingold	Lautenberg
Boxer	Feinstein	Leahy
Brown	Franken	Levin
Brownback	Gillibrand	Lincoln
Burr	Graham	Lugar
Burris	Grassley	Martinez
Cantwell	Hagan	McCaskill
Cardin	Harkin	McConnell
Carper	Hatch	Merkley
Casey	Hutchison	Murkowski
Chambliss	Inhofe	Murray

Nelson (NE)	Schumer	Udall (CO)
Nelson (FL)	Sessions	Udall (NM)
Pryor	Shaheen	Voinovich
Reed	Shelby	Warner
Reid	Snowe	Webb
Risch	Specter	Whitehouse
Roberts	Stabenow	Wicker
Rockefeller	Tester	Wyden
Sanders	Thune	

NAYS—11

Barrasso	Ensign	Kyl
Bunning	Enzi	McCain
Corker	Gregg	Vitter
DeMint	Johanns	

NOT VOTING—6

Byrd	Kennedy	Menendez
Cochran	Lieberman	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 83, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 1910

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided on the McCain amendment No. 1910.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, this amendment eliminates the U.S. Department of Agriculture's High Energy Cost Grant Program which is a \$17.5 million subsidy that is designed to pay for energy generation systems in rural areas.

The 2010 budget from the President of the United States and the Office of Management and Budget have recommended a number of programs be eliminated. Concerning this High Energy Cost Grant Program, it says:

The administration proposes to eliminate the High Energy Cost Grant Program because it is duplicative of and less effective than the Rural Utility Services Electric Loan Program.

This recommendation by the administration to eliminate this program is because it is both duplicative and unnecessary and there is a \$6.6 billion program in electric loans at no cost to the taxpayer.

I recommend we agree with the President of the United States and eliminate this unnecessary \$17.5 million subsidy.

I yield.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I stand in opposition to this amendment. The funds contained within this High Cost Energy Program are designed to improve energy generation, transmission, and distribution. These are designed to do exactly what we are working so hard in this body to do: to improve our energy generation, our transmission facilities, our distribution facilities, and we are doing this through a program where the qualifications in order to comply are you have to serve communities in which the average residential home energy costs are 275 percent of the national average.

There are 14 States across the country that have projects that focus on these very high energy areas. We are trying to reduce our energy costs for renewables and through the standard energy mechanisms but, quite honestly, when your energy costs are 275 percent above the national average, it is pretty darn tough.

So these are funds made available to communities in the State of Alaska, but also communities in Arizona, California, Florida, Hawaii, Idaho, Kentucky, Maine, Massachusetts, Nevada, New Mexico, Washington, and the Marshall Islands, and it allows them to have energy at a more affordable cost.

I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Madam President, this bill includes the programs the amendment would strike. The Senator from Alaska has spoken eloquently and I believe correctly. So I do oppose the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is agreeing to the amendment.

Mr. KYL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—41

Alexander	Enzi	McCain
Barrasso	Feingold	McCaskill
Bayh	Graham	McConnell
Bunning	Grassley	Menendez
Burr	Gregg	Merkley
Cardin	Hutchison	Nelson (NE)
Chambliss	Inhofe	Sessions
Coburn	Isakson	Shaheen
Conrad	Johanns	Thune
Corker	Kaufman	Udall (CO)
Cornyn	Klobuchar	Vitter
DeMint	Kyl	Voinovich
Dorgan	Lugar	Whitehouse
Ensign	Martinez	

NAYS—55

Akaka	Carper	Hatch
Baucus	Casey	Inouye
Begich	Cochran	Johnson
Bennet	Collins	Kerry
Bennett	Crapo	Kohl
Bingaman	Dodd	Landrieu
Bond	Durbin	Lautenberg
Boxer	Feinstein	Leahy
Brown	Franken	Levin
Brownback	Gillibrand	Lincoln
Burris	Hagan	Murkowski
Cantwell	Harkin	Murray

Nelson (FL)	Sanders	Udall (NM)
Pryor	Schumer	Warner
Reed	Shelby	Webb
Reid	Snowe	Wicker
Risch	Specter	Wyden
Roberts	Stabenow	
Rockefeller	Tester	

NOT VOTING—4

Byrd	Lieberman
Kennedy	Mikulski

The amendment (No. 1910) was rejected.

Mr. KOHL. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Madam President, I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WICKER. Madam President, in the ongoing debate on health care reform, it has become clearer and clearer that this is a competition of two very different philosophies of government. On the one hand, there are those who think government ought to be the primary sponsor of almost everything, including our American health care system. These persons basically hope and fervently believe things would be better in this country if only the Federal Government took control of more aspects of our society.

The other approach is one that I have advocated. It is the philosophy held by those of us who look at history and realize that government doesn't run things very well. We believe government can and should set standards, establish goals, and create incentives for the right behavior, but we do not believe the Federal Government should run health care or, for that matter, is capable of running the American health care system.

The debate so far this year has been very instructive for this Congress and for the taxpayers. Here are some things we have already learned as a result of the very thorough process we have gone through.

First, we know instead of saving money for our economy, as we were promised during the 2008 campaign, health care spending will actually go up under the Democrats' proposal. This is true both short term and in the long run.

Second, we have been informed by the nonpartisan Congressional Budget Office that both the House and Senate bills would add to the Federal deficit.

Third, according to a CBO letter, dated July 17, "millions of Americans would lose their private health care coverage if these plans are enacted, and millions more would be forced into a government plan." That is not me talking, it is the nonpartisan Congressional Budget Office.

Fourth, small businesses and other job creators will pay higher taxes, including specifically \$163 billion in penalties and \$543 billion in other taxes if the Democrats' plans are enacted.

Fifth, the provisions of these risky schemes could reduce job creation. Again quoting the nonpartisan CBO:

The play or pay provision could reduce the hiring of low-wage workers.

One has to wonder, if you are a job applicant out there in our economy looking to earn a living, applying for a job, would you rather see a Federal takeover of the health care system or would you rather have a job? I think most American job seekers, given that choice, would say: I want a job. Don't reduce my chances of getting that job.

Then we learned just a few days ago that the Medicaid provisions of these proposals could amount to a massive cost shift to the States. The outcry against this has been loud and it has been bipartisan.

Here is what two-term Democratic Tennessee Governor Phil Bredesen had to say recently. He called the proposal "the mother of all unfunded mandates." Governor Bredesen went on to say:

Medicaid is a poor vehicle for expanding coverage. It is a 45-year-old system originally designed for women and children. It's not health care reform to dump more money into Medicaid.

The words of Democratic Governor Phil Bredesen of Tennessee.

And Governor Bredesen is not an isolated example. At the National Governors Association meeting in Biloxi, Gov. Brian Schweitzer, a Democrat, said the legislation currently making its way through Congress would unfairly burden States. Here is some good advice from Governor Schweitzer:

What we need Congress to do is cost control.

Cost control is something that would actually help in health care reform. I appreciate Governor Schweitzer calling for it. I am grateful to Governor Schweitzer for his honest assessment.

In fact, the American people owe a debt of gratitude to Democratic and Republican Governors for speaking the truth. These Governors may have saved us from a catastrophe by speaking out and telling us what the consequences are, as States struggle to meet their current obligations. Indeed, there is a great deal of bipartisanship emerging on the issue of health care reform, and that bipartisanship is coming in the form of alarm—alarm about what the bill proposes to do to State budgets, to small businesses, to job creation, and to choice in health care.

We are also learning that when it comes to the discussion of the so-called public plan or public option, there is a great amount of bait and switch lurking about. Bait and switch is basically a form of fraud or trickery that, unfortunately, goes on in our economy. It is

such a problem that the U.S. Federal Trade Commission has issued guidelines warning the public about this practice.

Here is a direct quote from 16 CFR part 238 entitled "Guides Against Bait Advertising." The FTC says this:

Bait advertising is an alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised merchandise in order to sell something else. . . .

One thing is advertised and the other is attempted to be sold. I think this is exactly what is going on in the debate over the public option. We are being offered the promise of genuine competition between the public plan and private insurance plans when, in fact, the purpose is to switch Americans to a European-style, single-payer plan down the road.

By now, it is abundantly clear that citizens of the United States do not want to risk putting our country on a path toward a single-payer plan such as the ones in Canada or Great Britain. Americans do not want a single-payer system. The leadership of both parties, House and Senate, understands this fact. The American public does not want a wholesale government takeover of one-sixth of our economy. We do not want waiting lists such as in Canada. We do not want rationing such as in the United Kingdom.

Realizing where public opinion is on this pivotal issue, the advocates of these congressional Democratic plans have gone to great lengths to assure people they do not want a single-payer option either. These reassurances have come from as high as the White House itself. Just last week in North Carolina, President Obama said:

Nobody is talking about some government takeover of health care. . . . These folks need to stop scaring everybody.

I wish that were true. But with due respect to our Chief Executive, there is a reason people are frightened. They are paying attention, and they see that sponsors of this legislation are, in fact, advocating a government takeover.

I found it interesting that just 1 day after the President's remarks, I turned on the news to see one of the most senior Democratic chairmen in the House of Representatives seem to contradict the President. Here is the exact quote from this leading Member of the House on the consequences of a public option. He said:

I think if we get a good public option, it could lead to a single payer and that is the best way to reach single payer.

I wonder what the Federal Trade Commission would say about that type of advertisement. To me, it says: Let's lure people into going along with a public plan when we know it will eventually lead to a single payer down the road. I don't want to take that risk.

Another leading House advocate of the public option had this to say about a path to a single-payer system:

This is a fight about strategy about getting there—

Meaning the single-payer option—and I believe we will.

I think most folks would call this a classic legislative bait and switch.

I recently ran across a blog from Dr. Michael Swickard of New Mexico, cautioning about this very tactic. Here is what Dr. Swickard said:

Given the track record of our government in bait and switch, all of the promises of national health care are just that—promises to be broken. Maybe there will be a few years before the full impact of the bait and switch is felt by citizens. But given the past actions of our government when implementing programs, our future is clear.

I hope we can avoid that future for our country, but the writer's point is this: It may take a while, but the pattern is there. The future he fears includes a single-payer takeover that very few Americans would vote for today.

I say to my colleagues, there is much to be said about the ill effects of the health care proposals being put forward by the House and Senate committees. But among the most troublesome aspects of this so-called reform is the enactment of a public plan which will inevitably lead to a single-payer system Americans don't want and don't need.

Don't take my word for it on the cost, on the loss of choice, and on the effect on small business job creators. Just read the words of the nonpartisan Congressional Budget Office. On the issue of massive, unsustainable cost shifting to State governments, don't take my word for it. Listen to the experienced Democratic Governors pleading with us not to go down this road. And when it comes to whether the goal of this whole exercise is to move us to a European single-payer plan, it is no longer necessary to heed the warnings of the political conservatives. When you listen closely, the leading advocates of the House and Senate legislation, in their unguarded moments, are willing to admit that a single-payer government takeover is their ultimate dream. I hope we do not go down that road.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I yield to my colleague from Vermont.

AMENDMENTS NOS. 2276 AND 2271 TO AMENDMENT NO. 1908

Mr. SANDERS. Madam President, I seek unanimous consent to set aside the pending amendment so that I may call up my amendments Nos. 2276 and 2271.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes amendments numbered 2276 and 2271, en bloc, to amendment No. 1908.

The amendments are as follows:

AMENDMENT NO. 2276

(Purpose: To modify the amount made available for the Farm Service Agency)

On page 24, line 12, strike "\$1,253,777,000" and insert "\$1,603,777,000".

AMENDMENT NO. 2271

(Purpose: To provide funds for the school community garden pilot program, with an offset)

On page 52, lines 22 and (23), strike "\$16,799,584,000, to remain available through September 30, 2011," and insert "\$16,802,084,000, to remain available through September 30, 2011, of which \$2,500,000 shall be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)) and shall be derived by transfer of the amount made available under the heading 'ANIMAL AND PLANT HEALTH INSPECTION SERVICE' of title I for the National Animal Identification program".

Mr. INOUE. Madam President, the Senate is considering the fiscal year 2010 appropriations bill for the Department of Agriculture, rural development, the Food and Drug Administration, and related agencies. I thank our two managers, Senators KOHL and BROWNBACK, for their hard work on this measure.

The bill was reported by the Appropriations Committee more than 3 weeks ago on a bipartisan basis with all members voting in support of the measure.

As my colleagues are aware, as the new chairman of the Appropriations Committee this year one of my goals was to increase transparency and accountability in the appropriations process. In many respects I have followed the lead of former Chairman Senator BYRD in this regard. To this end, the Agriculture bill and report have been available on the Internet and in printed form for several weeks. All Members have had ample time to review the material in this bill.

As the Senate considers this measure it will find a bill that will meet our Nation's critical requirements to support agriculture and related programs which are vital to our economy and, frankly, our Nation's livelihood.

Our Nation has been blessed with a wealth of natural resources which allows us to be the world's leader in agriculture. This bill offered by Senators KOHL and BROWNBACK will help to ensure that we maintain that position.

There is a total funding of \$123.9 billion included in this bill, of which \$23.05 billion is for discretionary programs, the same as the 302(b) allocation. While this represents an 11-percent increase in funding when compared with fiscal year 2009, not including supplemental spending, my colleagues should recognize that for too long funding for our Agriculture and Rural Development Subcommittee has been severely constrained.

Even with this level of funding, the subcommittee has had to find savings

in farm programs to live within this allocation.

I very much thank our two managers for their work in preparing this bill. The Committee on Appropriations has offered its unanimous support. I believe the full Senate should do the same.

MORNING BUSINESS

Mr. DODD. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DODD. Madam President, I thank my colleagues this evening. I am going to momentarily turn to my colleagues from Iowa, Ohio, Vermont, and Rhode Island—all of whom participated with us nearly 3 weeks ago in the markup of our bill, the Affordable Health Choices Act, which took up an inordinate amount of time, longer than I think any markup certainly in the history of our committee, maybe the longest in the history of this body. We actually spent about 56 hours, 23 sessions, and 13 days on this bill. We considered just shy of 300 amendments, of which 161 amendments were offered by our colleagues from the minority and contributed significantly and substantively to the outcome of that bill. They did not support the bill in the end, unfortunately, but any definition of "bipartisan" would have to include whether or not their ideas were incorporated in any significant degree in this bill, and they were. I am appreciative of their efforts.

I am particularly grateful to Senators HARKIN, MURRAY, WHITEHOUSE, and BROWN for their contributions, along with others on the committee: Senator SANDERS, who is here; Senator MIKULSKI played such an important role; Senator CASEY, Senator MERKLEY, Senator BINGAMAN, Senator REED, Senator HAGAN—all of whom contributed to the outcome of that legislation.

We thought it might be worthwhile this evening to talk about exactly what is in this bill. We will be adjourning in a few days. We will be gone for a month. Unfortunately, during that month, nothing will happen on this bill. But I think it is an important month to educate our constituents and people across this country as to what is in this bill, what we are trying to accomplish with our reform efforts.

Senator HARKIN led the effort on prevention in our committee. The Senator was asked by our chairman, TED KENNEDY—who, as we all know, is struggling with his own illness, a brain tumor. We pray and hope he will be back to work with us and to chair his committee. But the distinguished Sen-

ator from Iowa, along with Senators MIKULSKI, BINGAMAN, and MURRAY, worked on various ideas. Prevention was the matter in which Senator HARKIN became an expert. He developed very sound ideas in our legislation to promote the improvement of prevention ideas as part of our health care reform efforts. Senator MIKULSKI worked on quality. Senator BINGAMAN worked on coverage. Senator MURRAY worked on workforce issues, which are all so critically important. Senator HARKIN brought to the committee his more than three decades' long commitment to prevention and wellness. He is no newcomer to this issue. In a minute, I am going to ask him, if he would, to go into detail about the prevention aspects of this bill and what is included.

People ought to know what we have done. I am so sick and tired of hearing about socialized medicine, government takeover—nothing but absolute falsehoods about what is in this legislation and what we are promoting.

I say at the outset, if you like what you have, you get to keep it, choose your doctor, hospital, choose the insurance program you have. What people don't have is a sense of stability and certainty that they are going to have the coverage they deserve if a crisis hits them in health care and that they will get the care they need. That is what people are uncertain about today. So many millions of our fellow citizens worry every night that the coverage they have and the coverage they would like to have is unavailable to them because the costs are rising almost on an hourly basis, and they worry about their families.

Before I turn to my colleague from Iowa and my other colleagues, as well, to share some thoughts with us, I made an announcement last Friday which has become quite well known—the fact that I have been diagnosed with prostate cancer. It is in the very early stages. I am confident the outcomes are going to be great and all is going to work out well. I have known about this since June when I was diagnosed with it and did what I could to learn all about prostate cancer and what treatments and options will be available to me.

The point I want to make is this: When I discovered in June that I had prostate cancer, I didn't lose a moment's sleep over whether I had the coverage to pay for it. I didn't lose a moment's sleep as to whether I have quality care. I am a Member of Congress. I have a great health care plan. I have great coverage. I never lost a moment's sleep over whether or not I would be able to access that coverage.

What bothers me is it should not just be me or Members like me in this body. If every Member in this body had to go through what millions of Americans do every day, and that is wonder whether the quality is going to be there, the

care is going to be there, maybe they would worry. But that is not the case. Our efforts over these days have been to try to bring, at long last, that sense of stability and certainty to our fellow citizens that we have in this body and that the other body has and that thousands and thousands of Federal employees and others who have good health care coverage have.

I am confident everything is going to be fine. That is not the point of bringing this up. The reason I bring it up is because too many of our fellow citizens lack the kind of security and stability that those of us who are here have. I hear my colleagues—some of them—say: Well, we ought to wait a while longer. We can't afford to do this.

We can't afford not to do this. The cost to the average American is rising by the hour.

I had one insurance company in my State of Connecticut, a few weeks ago, announce a 32-percent increase in premiums. They announced it right in the middle of this debate, to jack up those prices. Of course, it goes on all across the country. We have working families who are losing their jobs, losing their homes, and we find that 62 percent of people who are in bankruptcy are there because of a health care crisis. We find 50 percent of the foreclosures that are occurring are occurring because of a health care crisis.

So my interest in raising this is to bring home the point that we have an obligation, it seems to me, in this body, to address this issue; to do it carefully, do it well but to get the job done. We have a President committed to that. Our leadership is committed to it. The members of our committee who have worked so hard are committed to it. All we are missing is some folks willing to come to the table and help us resolve these matters in a way that will allow us to have some votes and decide whether to go forward with accessible, affordable, quality health care.

No one is talking about socialized medicine or talking about big government-run plans. They use those words over and over and over again. You ought to be suspicious when they have nothing else to say about health care but scare tactics and fear. That is what they have done day after day in this debate, and it is a disservice to the American people to suggest that after 70 years, with millions of our fellow citizens uninsured or underinsured tonight, the only answer they have to our health care problems is to wait longer, do nothing, and be scared.

What is more, if they were more serious about some of these issues, we might be engaged in more of a significant debate. As I said, that is not true for the 47 million without health insurance, the 30 million underinsured in our Nation or the 14,000 in America who lost their health insurance today.

Every day we wait, another 14,000 people lose health coverage. Since we marked up our bill—and we finished marking up our bill in that committee back 3 weeks ago this Wednesday—266,000 people in the United States, more than a quarter of a million people, have lost their health insurance. That is what has happened in less than 3 weeks.

My hope would be that while we are going to debate this issue at home over the month of August, we would come back with a renewed sense of commitment to getting this job done. But tonight, my colleagues and I would like to spend a few minutes talking about what is in our bill, what we tried to do with this, how we tried to increase access, quality, as well as affordability.

I have heard my distinguished colleague from Iowa say on so many occasions—and I am confident he will probably say it tonight—we don't have a health care system, we have a sick care system. I think he coined the phrase in talking about it. I have heard him say it so many years in this body, talking about what we need to do to develop sound health care programs. So I wish to thank my colleague and ask if he would share with us his thoughts on this.

Is it not the case that chronic disease accounts for about 75 percent of our health care costs, and these are preventable diseases in our country, such as diabetes and heart disease, among other things? I wonder if my colleague from Iowa could take a moment or two to talk about the cost savings achievable through increased prevention, not to mention what it means to individuals. It can lead to a longer life and a better quality of life. I thank him for his thoughts on the subject matter.

Mr. HARKIN. I thank our chairman, the leader on this issue. Would the Senator yield?

Mr. DODD. I yield to my colleague from Iowa.

Mr. HARKIN. First, I say to Senator DODD, I heard all this talk about socialized medicine. Socialized medicine. These are scare tactics. There are a lot of scare tactics going on.

I was in my State over the weekend, and people were talking about euthanasia in the bill. We hear all this crazy stuff going on out there, and I got to thinking about this. There is a lot of money on the table. We spend \$2.3 trillion a year, if I am not mistaken. There is a lot of money, and a lot of people have a vested interest in not changing the system because they are making a lot of money. Obviously, what they are trying to do is scare people.

People elected us—and I think elected President Obama—to make some changes in the way we do things, but there are a lot of vested interests out there that don't want to change. There are a lot of scare tactics going on out

there. They are unduly scaring people and obviously by people who don't want to change the system. They want the status quo.

The other thing I might say, as to all this talk about socialized medicine, historically, when President Harry Truman first proposed a kind of national health insurance program, that is the issue that was raised in 1951, I think it was. I could be off a year. Maybe 1950 or 1951 it was raised, when he was proposing this. The origins go back to an individual whose name I forget right now, but he was an advertising executive hired by the AMA at that time to stop Harry Truman's program. So he came up and he coined this whole phrase "socialized medicine." It was picked up by then-Senator Robert Taft, and he kept harping on the Truman program was socialized medicine. Well, that was in 1949-1950, I think it was, and here we are, all these many years later, and we hear the same arguments coming up again. It wasn't socialized medicine then and it is not socialized medicine now.

What we are trying to get is a system that is stable, that people can rely on, that they know is going to be there for them and that is affordable and gives them a quality health program—as my colleague, Senator DODD, said—as we have. What we are trying to get for the American people is the same kind of system all Federal employees have. We are on the same system as your local postal employee in a small town in Connecticut or a small town in Iowa or somebody who works for the Farm Service Agency in the Federal Government. We are all on the same plan. We have a lot of choices, don't we? Every year, I think we get 20-some plans to pick from. We sort of have an exchange out there, where every year, if we don't like what we have, we can go to something else. Why shouldn't the rest of the American people have that kind of access?

I spoke with a small businessman in Iowa last week. He has 12 employees and spends 15 percent of his gross revenue on health care. He has 12 employees, and one of his employees had a kidney transplant. Another came down with cancer. In 2 years, his insurance premiums went up 100 percent. In 2 years. He has a \$5,000 deductible, and he said he needs some work done. He wanted to go in for a colonoscopy because he turned 50, but a colonoscopy costs \$3,000. Well, that is out of pocket because he has a \$5,000 deductible.

I am trying to get to my point of prevention. Because we know if he has a colonoscopy and something happens, they can stop it. It is one of the most preventable forms of cancer, this colon cancer, but it is one of the most deadly if you don't get it in time. So I asked Art: Why don't you get a different plan? He said: I can't. We only have one in rural Iowa I can go to.

What we are trying to do is get more plans for people out there in small towns in Iowa, in Connecticut, and everywhere else so they do not have to be stuck with one plan; they can shop around and get other plans.

He asked me if he could get on the public option plan that we have in our bill. I said: Sure. Small businesses such as you? Absolutely. That means he can get in a pool with everybody else around the country and reduce his costs. I just remembered that, and I remembered him talking about trying to get a colonoscopy. This kind of gets to the nexus of what I wanted to talk about, briefly, which is the focus on keeping people healthy.

President Obama said very clearly, when he addressed a joint session of Congress earlier this year, that we have to make a major investment in prevention and wellness because that is the only way we are going to keep people healthy and reduce medical costs. Well, President Obama gets it. He understands we have to make a major new investment. That is what we have done in our bill—our Affordable Health Choices Act—which Senator DODD so greatly led through our committee. We make a major investment in prevention and keeping people healthy.

My colleague is right. I started out saying we have a sick care system instead of health care. I started saying that in 1992; that we have a sick care system, not a health care system. If you get sick, you get care, one way or the other. But there is not much there to try to keep you healthy in the first place and to focus on prevention. Again, our bill has a very strong prevention provision in there.

Some ideas on what we have tried to do. The real health reform starts with prevention, it does. If we don't do prevention and wellness, you can jiggle the payment system all you want and you are not going to save a dime, unless we start focusing on keeping people healthy in the first place. Is there support for that out there? Sure. The American people get it. They understand this. They were asked: Should we invest more or not invest more in prevention and wellness? Well, you can see that 76 percent of the American people said we had to invest somewhat or strongly; invest more, 53 percent; invest somewhat, 76 percent; not invest any more, 10 to 16 percent.

The American people get it. They get it. You can talk to anyone you want about health care and ask them: Would you rather just have something that takes care of you when you get sick or would you rather have more focus on keeping you healthy? I will tell you the response will be: I want to stay healthy. People want to stay healthy. But in a lot of cases, they don't know how. There are not the support systems there to do that.

Again, on saving some money; a lot of times we hear that: Oh, this won't

save money, and the CBO—Congressional Budget Office—doesn't score it. But we asked voters. The poll question was: Will prevention and wellness save us money? Seventy-seven percent said yes. Yes, it will save us money. Again, the American people get it, that we have to focus more on prevention and health.

We have some problems with CBO. That is the Congressional Budget Office, for those who don't understand the jargon around here. The Congressional Budget Office doesn't score us very well. Score means they do not give us much savings when we invest in prevention and wellness. Well, I have gone over that with the Congressional Budget Office, and the problem is they do not give a savings because they do not give savings on what they call secondary savings. Secondary savings is what prevention provides. It saves you money from going to the hospital or getting sick. But they do not give us a good score for that on savings. But do we have data on that? Do we know if it saves money? Sure, we do.

This is from the Trust for America's Health. They did a big survey of community-based interventions and for \$10 per person, in 1 to 2 years, they save \$2.8 billion; 5 years, \$16.5 billion; 10 years, \$18.5 billion. That is just \$10 per person, and that is just community programs. So we address the whole gamut. We address the community-based programs and the clinical-based programs.

For example, what we do in our bill is we set up an investment fund to do a number of different things. Let me give one example. We are going to train health professionals in how to work with prediabetic individuals, people who have tested high, who look like they are prediabetic. We will train them to work with them to manage their condition, to get them on the proper diet, to manage them as they go along. What is so important about that? Well, what is important about that is that right now, for example in Medicare, Medicare will pay \$30,000 to amputate your foot if you have diabetes. They will not reimburse one cent for nutrition counseling before so you don't get diabetes. But they will pay for nutrition counseling after you get diabetes. That doesn't make any sense.

Right now, the cost of diabetes in our society is \$174 billion a year. That is \$174 billion a year on diabetes. Well, it doesn't take a genius to figure out that if we can get hold of people who test prediabetic and get them on a well-managed program so they do not come down with diabetes, we will save money. But the Congressional Budget Office doesn't score that as any savings.

So at the clinical level we will do that. We will reimburse, for example. There will be a reimbursement for cancer screenings, for smoking cessation,

nutrition counseling, colorectal screening. There will be reimbursements for that, and you will not have to pay any deductibles or copays. So for my friend who is now facing \$3,000 for a colorectal screening, this will not cost him anything. No copays, no deductibles, and the insurance company has to reimburse for that.

Again, if we catch these things early, it is just like mammogram screening. We know if we get breast cancer early, it is curable. Again, let me say something that is public. The mayor of Cedar Rapids is a woman. I was in Iowa this weekend, and it was announced she has breast cancer. She went in today for a small surgery, and she will be back to work tomorrow because they got it early.

Mr. DODD. If my colleague will yield at this point, again, because I am exhibit A. I had an annual physical this year. At my annual physical, my PSA score spiked—shot up. That was a signal to the doctors that maybe something more serious was happening.

They decided a biopsy was appropriate. A biopsy showed I had cancer. But I had the annual physical, which my health care plan pays for. If you don't have a health care plan, that physical can be very expensive, so people don't get their annual physical. Prostate cancer is the slowest growing form of cancer, it is the easiest to manage. If you have to have cancer, it is the best one to have. If you have to have one, that is the best one—if you catch it early. A number of our colleagues have had prostate cancer. But the important thing, as my colleague pointed out, is to have an annual physical, get the screening, and detect it early. I will be able to deal with this, and I am told I will have a very healthy life for many more years to come.

If I had gone years without detecting this and it migrated or metastasized into my lymph nodes or bones, I could be in serious trouble. Spark Matsunaga, our former colleague from Hawaii, died of prostate cancer. JOHN KERRY, our colleague, his dad died of prostate cancer. Thirty thousand people a year die of prostate cancer, because they never caught it. That is what screening does. That is why what you are saying has such value.

(Mr. MERKLEY assumed the chair.)

Mr. HARKIN. I appreciate the Senator saying that, and that is why we have to have more focus on this prevention and getting people in for early screenings. If you get it early, you are cured. We know that. So we want to remove any of the obstacles people have going in and getting screening.

Again, the Congressional Budget Office says they cannot figure out the savings. I said: Why don't you go look at Pitney Bowes. It is a big company, 200-some thousand employees, scattered all over the United States—

Mr. DODD. Headquartered in Connecticut.

Mr. HARKIN. I didn't know that. Pitney Bowes, and their CEO, Mike Critelli, went on a big program of wellness and prevention for all their employees. I think they called it Health Care University or something such as that. Here is what they found.

They found, through their wellness and prevention program, they reduced their number of hospitalizations for all their people by 38 percent—38 percent. Think of the savings. They reduced their disability payments and claims by 50 percent, just through their wellness and prevention programs.

Again, this will save us money. It will make people healthier. Not only that, I say to my friend, just the productivity level—people will work harder, they will work better when they are healthy and they are well.

One other thing I wish to mention. We have a fund in the prevention title of the bill that will increase over the years to a significant amount of money. People say: What are you going to use that money for?

Right now at the Centers for Disease Control and Prevention, for cardiovascular disease prevention and heart disease prevention, the current funding is \$50 million for all States. That is barely enough to even print a pamphlet to get information out to people—\$50 million for cardiovascular disease. Yet angioplasties alone and bypasses, we spend over \$90 billion a year—just on those two items. But if they are caught early and if there are prevention programs out there, we can cut those down.

You mentioned diabetes. Right now diabetes costs us \$174 billion a year—for diabetes. So the current funding is \$62 million a year for diabetes prevention and control in the entire United States.

Arthritis, the current funding is \$13 million. For nutrition, physical activity and obesity, right now \$42 million is all we spend through the Centers for Disease Control and Prevention—\$42 million a year.

You get my point. My point is, we are not focusing enough on prevention and wellness. That is what this bill does.

I thank our chairman, I thank Senator DODD for his great leadership. That is what people have to understand. In our bill, we have defined what we want to do on prevention and wellness. Frankly, I think we had good support on both sides of the aisle for that. I think the American people support putting more emphasis on keeping people healthy.

Andrew Weil, Dr. Andrew Weil has come out with a new book, "Why Our Health Matters." One of the things Andrew Weil pointed out to me a while ago—he said the natural state of the human body is to be healthy. It is in our DNA. Our body wants to be

healthy. Yet everything we do lends itself to be unhealthy. We have to do things to make it easier to be healthy and harder to be unhealthy. Right now we do the opposite. It is easy to be unhealthy and hard to be healthy—especially after you find you have to make all these copays and deductibles. There is not much out there if you are prediabetic. Where do you go to get the kind of counseling and help you need so you don't get diabetes? I suppose if you have a lot of money you can probably do it, but for the average person, they have no idea where to go.

The last thing I might mention, I say to Senator DODD, also in our appropriations we have, and we hope we get some more in other bills, but: workplace wellness programs, to buttress what Pitney Bowes and Safeway and others have done in that area.

For this bill, it is key to reducing costs and changing the structure of health care in America. I am grateful for my colleague's leadership in pulling this together and making sure in this bill we have a very strong investment in prevention and wellness.

Mr. DODD. I thank my colleague, Mr. President. Before I turn to Senator BROWN and Senator WHITEHOUSE—and there are a lot of things to talk about in the work Senator HARKIN and the committee did on prevention—one of the great successes in this bill is a matter he worked out with our friend and colleague from New Hampshire, JUDD GREGG. You mentioned Pitney Bowes and Safeway. The Presiding Officer is, of course, a member of our committee as well and will recall this conversation. But the amendment we worked out will allow for companies to reduce by as much as 50 percent the premium costs of employees who decide to take personal responsibility for improving their health care: getting involved in smoking cessation programs; those who can lose weight will go on programs to take that poundage off.

I will never forget Steve Burd, the CEO of Safeway, telling us that for every pound a person who could lose weight loses in a year, it is a \$50 savings in premium costs—for every 1 pound. Think about what that can mean in terms of not only a healthier employee but also bringing down that cost of health care, not to mention, of course, that person is less likely to contract diabetes or related problems.

You get a cost savings, you get a healthier person, you get a more productive worker. That language exists in this bill because of what TOM HARKIN did with JUDD GREGG on a bipartisan basis to make this a better and stronger bill. I commend the Senator and thank him for it.

Mr. DODD. Mr. President, I see our colleagues from Ohio and Rhode Island are here.

Mr. BROWN. I yield to Senator WHITEHOUSE.

Mr. WHITEHOUSE. I ask my distinguished colleague from Iowa a question about prevention because it strikes me, if you are a community health center and you want to invest in a health prevention strategy that will help the community you serve have healthier lives and therefore lower the costs to the system for everyone—you put out the money for that program if you are the community health center, you have to staff it, you take all the risks, you do all the work, and yet the benefit of what you have done doesn't come back to you. It goes to private insurers, it goes to the Federal Government, it goes to patients and better health. But it makes it a very unfortunate business proposition for anybody who is doing this on their own, which suggests this is an important place for the Federal Government to invest because the market, by itself, will not take care of this because you invest and you don't get it back. You invest and it goes to the insurance company. You invest and it goes to Medicare.

I know Senator BROWN wishes to make some statement. I wish to make that point because Senator HARKIN's work has been so important on this, and I think that is an important thread.

Mr. HARKIN. I thank my colleague. I think that is a very good point.

Mr. BROWN. I appreciate the leadership of Chairman DODD and Senator HARKIN on the whole bill. Senator HARKIN has led the way on prevention. Senator WHITEHOUSE and I worked together on writing the public option which provides a choice—not any government mandates, not as the other side would like to create, this fear in the public that it is going to lead to single payer.

Also, I thank the Presiding Officer for his work on tobacco and other issues on the HELP Committee too.

I listened as we began this evening. Before Senator DODD spoke, we heard from a colleague, a Republican colleague from the South, from Mississippi, I believe. We heard over and over all these scare tactics, all the kinds of words they use about single payer, about government takeover, about socialized medicine. It just serves to scare the public, to confuse the public.

What they have done especially is trying to scare senior citizens into thinking we are going to do something to their Medicare, require them to come in and not just have a living will but have a plan on how they are going to die. Some of the things they are saying are absolutely amazing.

I wish to kind of cut through that for a moment because I know we tend to use words—we talk about exclusivity and single payer and the gateway and the exchange, all these words we use around here. I wish to cut through that. I wish to share tonight, as I have

every night we have been in session for the last week or so, some letters I have gotten from people in Ohio. I know the Presiding Officer gets these from Portland, OR, and Eugene and Senator DODD gets these from West Hartford and New London and New Haven and I know Senator WHITEHOUSE and Senator HARKIN get letters such as these from their States. But this is the reason we are doing this health care bill. This is the reason we have worked hard, doing our jobs, as we should, to pass legislation that will protect what works in our health care system and fix what is broken.

We know many people want to keep their health care plans that they have. If they are satisfied and want to keep them, we want to help them keep them, but we want to build some consumer protections so they cannot be denied care when they call their insurer when they need a health care treatment; so they can't be discriminated against; they can't have a community rating system gamed. That is what people have seen. So if you have your own health insurance and are happy with it, we want you to keep that, but we want some consumer protections around it.

This bill is full of assistance for small business that works so very hard to help people, small businesses that want to insure their employees but often cannot afford it. This bill will work so well to encourage and assist people who want health insurance to get that health insurance.

Let me stop talking, except to read a few of these letters I have received in the last few days.

Jon, from Franklin County—central Ohio, Columbus area—writes:

I am a self-employed 28-year-old with Type I diabetes. After being denied coverage by many health insurance companies, the only plan I could find charged outrageous monthly premiums.

After having a policy for 5 months, the insurance company increased my monthly premium by another \$100.

It is vital I have health insurance. I was diagnosed with Type I diabetes at age 12, and I have taken very good care of my health with diet and exercise.

As Senator HARKIN talks about.

I didn't ask for this disease but ask you to vote for reform—especially the public insurance option.

We need realistic premiums and choices without penalties.

That is what the public option does. If you don't have health insurance or you have inadequate insurance or insurance you are dissatisfied with, you can go into what is called this exchange. You have a choice, a menu of options. You can go with Aetna or with an Ohio medical mutual fund, mutual company, or you can go with the public option. Nobody forces you to do anything, but providing you a wide range of options will give you much better insurance than you might now have if you are dissatisfied.

Thomas from Knox County, a Navy veteran—that is about 25 miles from where I grew up, in Mansfield:

I would like to urge you to support health care reform that includes a public insurance option. While private insurance is adequate in many cases—

Thomas, the Navy veteran, writes—there are far too many instances where private insurance is denied or is inadequate to meet the needs of the insured.

A neighbor of mine, a retired minister, was forced to sell his home and move in with his son after battling cancer and having tremendous debt as a result. And he was insured.

We know how often that has happened. As Chairman DODD has pointed out, people who so often have declared bankruptcy because of their illness often had insurance, but their insurance had lifetime caps. One of our consumer protections we are building into the health care system with this bill is no more lifetime caps so people can get the insurance they thought they had, can get the coverage they thought they had.

Why we would allow, in this country, that a retired minister has to sell his house and has to move in with his son because the insurance he had when he got seriously ill would not cover his illness?

What does that say about our failures in the past in enacting health reform?

Thomas from Knox County, a Navy veteran, says:

Please do not vote for any plan that would only fatten the wallets of the insurance and drug industry without significantly fixing the problem for the average American citizen.

What Thomas is talking about is what has happened in this body and what happened in the other body, where I was a Member, 5 years ago when the Bush administration pushed through a Medicare plan that betrayed the middle class. It was a plan that the drug companies wrote, the insurance companies wrote. It was a Medicare plan that simply did not work for the middle class. It worked very well to fatten the wallets, as Thomas said, of the drug and insurance companies.

Let me share a couple more.

Lia from Miami County writes:

Recently our daughter graduated with her masters degree and was ready to join the workforce. Last summer between semesters she had major back surgery. We are so proud that along with her recovery, she managed to carry her full curriculum with great grades. But she developed complications and subsequently endured three surgeries and 2 weeks in the hospital.

Her student health insurance expires at the end of July. During her recovery, she was not able to search for a job and has been denied from multiple insurance carriers due to her preexisting conditions. We are now faced with additional medical expenses and no insurance coverage.

I fully understand the need for healthcare reform to assist those who are facing the same issues that we are with our daughter. Please stand up for those in Ohio and other states that are doing their best to create a

better life. Please support healthcare insurance reform with a public and a private option.

She understands we want both. A public option will, frankly, make private insurance companies more honest. Private options help make the public option work better too. It will make it more flexible, and it will make it respond better to market conditions. Having them compete with each other will work for Lia from Miami County, from Piqua, or Troy, that area of the State north of Dayton.

The last letter I would like to share is from Mary from Cuyahoga, from the Cleveland area:

Please, please, please, do whatever you can to get the healthcare reform bill through Congress this year, and stop the insanity we are experiencing now. My husband and I are retired. He has had diabetes for the past 28 years. Thank God for Medicare. But he is part of the doughnut hole generation.

What that means is, again, what happened 5 years ago when the Bush administration pushed their partial privatization of Medicare through the House and through the Senate, the bill that was written by the drug companies for the drug companies, the bill that was written by the insurance companies for the insurance companies, it simply did not provide senior citizens who had high drug expenses with their drug benefits. There was something called a doughnut hole where people simply lost the coverage for which they were paying.

My husband has now reached the limit of the payments that Medicare will make on his medications. Now he has to spend thousands of dollars out of his pocket to stay healthy. Why would you pay for only a half year of his medications? What is he supposed to do the rest of the year? Hope for the best?

My husband had taken charge of his health through better diet and exercise. Yes, we need to take responsibility for our health, especially a disease such as diabetes, but we need healthcare that will help when all of our efforts fall short and illnesses take over. Please vote for healthcare reform.

All of us get letters like this every day. Thousands of these letters are sent to the Capitol every single day from people who are struggling. Most of these letters, I have found, come from people who have had health insurance, they have lost it because of a pre-existing condition, they have seen it fall far short of what they were promised because they had a very expensive illness, or they have sometimes seen their health insurance go away because they have lost their job.

In every one of these cases I have read tonight, in every letter I have read, the dozen or so, couple dozen letters I have read here on the floor of the Senate, in every single one of these cases the legislation that those of us—Senator WHITEHOUSE and Senators HARKIN and DODD and the Presiding Officer, the Senator from Oregon, Mr. MERKLEY—the legislation we wrote will take care of this. It will protect

what works in our system. It will fix what is broken. It will give people who already have their insurance and are satisfied with it more consumer protection so they can keep their insurance they are satisfied with. It will give those who do not have insurance an opportunity to buy decent health insurance, with a public option, if they so choose, or to go to a private insurance career.

I yield the floor.

Mr. DODD. I thank my colleague and thank him for making that contribution on so many points, particularly on the public option. As our colleague from Ohio has pointed out, and some may find it somewhat alarming—but the whole idea of competition is about as basic in America as any I can think of. The idea that people can have choices out there is something we cherish in this country.

In fact, what exists today in so many cases is the lack of choice. I listened to my colleague from Iowa talk about western Iowa, rural Iowa, where you only get one or two choices. In the State of Virginia, almost 70 percent of all insurance is written by two companies in the entire State—two companies in the entire State of Virginia. That is not untrue in most places. I cannot speak specifically State by State, but it is not uncommon that in many areas the choices are very limited. So today, for most Americans, the ability to shop for the best health care plan that serves their needs and the needs of their families is very limited.

What is being discussed here is not a subsidized plan, not taxpayer subsidized in any way, but a plan that would offer an option, a safety net in many cases, probably for some kind of illness that can afflict someone, which most people worry most about that could ruin them financially. It is a pretty straightforward kind of a plan that would provide some basic coverage, at a competitive price, a non-profit operation that would take the element of profit out. I know that may be intimidating to people, to have someone out there competing with an idea. If it is not a good plan and people don't like it, they will not go to it, in which case it will not work very well. If it is a well-drafted plan that does what many would like it to do, it might just have the effect of bringing down the cost in a competitive environment.

I mean, under a capitalistic system, competition is what contributes to price fairness. If one company controls the whole game, or two do, you get a predictable result—price fixing—and you pay an awful price as a consumer, whether you are buying shoes or automobiles or any other product or service.

So the idea of injecting a level of competition—I find it somewhat ironic that our Republican friends are fright-

ened of this idea. I traditionally think that all of us embrace the free enterprise system as providing the best results for our country throughout 200 years of history. Why in the 21st century should that be any different from the 20th or the 19th century, where competition helped produce the greatness of this country?

I appreciate the Senator from Ohio today raising the point about the value of injecting some competition. We all know ultimately that could have the desired effect of bringing down those costs and making insurance or health care coverage more affordable. At some point, I hope someone might explain to me why competition is a bad idea. I though quite the contrary, and it is almost un-American to suggest that we ought to make this a noncompetitive environment, that everything else ought to be competitive but not health care. It seems to me that quite the opposite ought to be the case.

I see my colleague from Rhode Island here, who made a significant contribution in crafting the public option and the very public option that was praised by the so-called Blue Dogs in the House, the more conservative Democrats in the House who were reluctant to be supportive of that specific health care package. But to their great credit, they took a good look at what we had created in our bill on the public option, and they were so impressed by the work done by our committee—specifically, our colleagues from North Carolina, Senator HAGAN, Senator BROWN from Ohio, and Senator WHITEHOUSE from Rhode Island, who were the principal authors of this provision in our bill—that the House Blue Dogs insisted that this language be incorporated in part of their health care effort in the House. I thank my colleagues from Rhode Island and Ohio and Senator KAY HAGAN from North Carolina for their work in this regard.

Possibly my colleague from Rhode Island would like to talk about that or some other aspect of this bill.

Mr. WHITEHOUSE. I would be delighted to talk about that. But the first thing I would like to do is react to a point the distinguished chairman has just made regarding how ironic it is that some of our friends on the other side are so opposed to increasing competition in the insurance industry. One of the things that is particularly ironic is that a great number of our colleagues on the other side go home to their home States to a health insurance system that already is a public option for their business community, their workers' compensation system.

The two places you get health care are from the general health insurance marketplace and from the workers' compensation marketplace. You can get workers' compensation coverage, and it will cover small workplace injuries, it will cover catastrophic work-

place injuries, it will cover temporary conditions, and it will cover lifetime chronic conditions. It has all of the elements of health insurance coverage and the need for it.

Well, when our colleague from Wyoming, the distinguished ranking member of the HELP Committee, goes home to Wyoming, he goes home to a single-payer public option for workers' compensation health insurance. So it can hardly by anathema to have a choice public option.

The distinguished gentleman, Senator MCCAIN, who was the Republican candidate for President, goes home to Arizona to a competitive public plan providing workers' compensation health insurance in his home State.

The Republican leader himself, Senator MCCONNELL, goes home to Kentucky, to a State where there is a public plan that delivers health insurance, a competitive public plan. And I suspect his employers like it and the people are comfortable with it.

Our colleague, KAY BAILEY HUTCHISON, is shortly to go home to Texas to run for Governor. When she does, she will go home to a State that has a competitive public plan that delivers health care through the workers' compensation system.

Our distinguished friends in Utah, Senator BENNETT and Senator HATCH, who have done so much work on health insurance issues over the years, go home to Utah, where their business community has a competitive public plan for delivering health insurance.

So, in addition to the irony of being against competition, their business communities, I believe, are highly favorable to a public plan that competes in the market to deliver health insurance that the business community funds, the workers' compensation health insurance market. So I guess ironies abound here.

I would also like to compliment Senator BROWN for keeping it real here on the Senate floor and reading those letters and reminding us that when push comes to shove around here, it is not the nametags and the labels that matter, it is not "socialized medicine," it is not "government takeover," it is people who have real problems.

I was struck by a letter that was brought to my attention today. I do not know exactly what day it came in, but I saw it today. A working couple with a son, sort of the ideal American family, doing nothing wrong, doing everything right, playing by the rules, working hard. The son becomes grievously ill, has a very grave illness. Over the years, his condition worsens, and ultimately his disease takes his life. They were insured through this whole period, but the insurance was not enough. There were copays, there were limits, there was cost sharing. As a result of all of this, they are deeply in debt. They had to take time off work

and spend time caring for him, and so they have had employment issues.

Now, this is, again, sort of the ideal American family. They are both working hard. They have a son whom they love. They are doing everything right, and they are playing by the rules. And because he got sick and because our health insurance system is such a nightmare for a family in that situation, they have lost their son, they have lost their savings, and they are about to lose their home. They are about to be put out of the house that has all of the memories of their son.

You know, there are people for whom this is very real, and we have to keep our eye on that ball and not on all of the smoke and all of the fear mongering that is happening around here. A lot of that smoke and fear mongering is happening around our public plan.

Well, it is not that complicated. It is competitive. It is fair. It has no special subsidies for people who are in that plan versus in competing private plans. It has no special advantage. And it honors President Obama's programs and the promise of all of the Presidential candidates that if you like the plan you have, you get to keep it. You are not forced out of anything.

So if it has no special advantages, if it has no special subsidies, why do we support a public option? Why is it better? Well, I would say that there are three reasons we can have some confidence that a public option will make a difference for the kind of people Senator BROWN was talking about, the family I was talking about, people who suffer through our existing health care system.

The first is, a public plan does not need to take profit out of the system.

In 2007, in Rhode Island, one of our insurers, United Health Care, asked permission to remove \$37 million as its profit in that year from Rhode Island back to its home headquarters. My State isn't as big as Ohio. It is not as big as Iowa or Connecticut. It is a small State. It has a million people. In one year to take \$37 million out of that State, when they only had a 16-percent market share, think of that. A 16-percent market share in a State of a million people is about 160,000 folks they cover, assuming that everybody had coverage; \$37 million out of those 160,000 people in 1 year gone for profits.

Stop doing that. Stop paying exorbitant salaries such as United Health Care's chief executive who got \$124 million in salary. That is a lot of money that could go back into other things in health care. That could help families either get better coverage or pay lower premiums. So there is one thing—no profit, no excess cost.

The second is, you could have better dealings between insurers and providers and hospitals than we have right now. Fifteen percent of our health care

costs from the insurance side goes to overhead and administration. Most of that goes to denying claims and making life difficult for providers, doctors, and hospitals, when they submit their bills. There is a war, a claims war going on right now between the insurance industry and doctors and hospitals. And 15 percent of what we pay for health care gets burned up on the insurance company side of that war. The insurance companies are bigger and smarter, and they set the rules. So you can bet that the doctors' side of responding to that costs more than 15 percent.

In fact, the Lewin Group has estimated that 36 percent of a provider's overhead cost goes to fighting with the insurance industry. Everybody in this place has had the experience or somebody they know or love has had the experience of trying to get a claim paid, having it be denied, submitting a bill, having it be denied, having to wait for treatment that you need while your doctor tries to get prior authorization from the insurance company that says: No, we need more papers. All of that is expensive. None of it provides any health care value, zero. It is all administrative overhead and nonsense.

In some cases it is big. I was at the Cranston, RI community health center. It is not a big organization. Rhode Island is not a big State. Cranston is not our capital city, not our biggest town. Its community health center does not have an enormous budget. They spend \$300,000 every year on the consultants who help them try to negotiate this payment claims war they are stuck in—\$300,000 a year. On top of that, 50 percent of their personnel time, half of their personnel time, goes to fighting with insurance companies. So you take a little place such as the Cranston community health center and you can tell them: Half of your personnel costs can go away or can be devoted to prevention, as the Senator from Iowa has suggested, instead of fighting with the insurance industry. That is an improved model. That is something the public option can pursue.

You don't have to fight the providers that way, and the amount of waste that is burned up on all of that warfare for no health care value whatsoever is an opportunity for this public option to achieve.

The third area is to more broadly change the business model. There is a failed private insurance business model right now. It is pretty simple to summarize. No. 1, if they think you are going to get sick, they deny you insurance. You don't even get in the door. No. 2, if they make a terrible mistake and let you in the door and then you have the temerity to get sick, they look for a way to deny coverage. They go through the form and look for a mistake you might have made so they can throw it out. They find something

that might have been a preexisting condition. They look for a loophole. If they are stuck, if they can't find a loophole, then they deny payment. They tell you that the coverage you need isn't what you need or they refuse to honor the doctor's bill when it comes through the door. But a business model for an entire industry of denying insurance to the people who they think will get sick and then denying coverage to the people who actually do get sick and, when they can't dodge their coverage responsibilities, denying payment to doctors or hospitals or trying to have some person who is not even a doctor second-guess the coverage that your doctor tells you you need, that is a terrible business model. It has caused immense pain across the country, and it has been a disaster. There is a better business model. A public option can pursue it.

Mr. DODD. If my colleague will yield on that point, those very fact situations the Senator describes would be totally prohibited under the bill we marked up in our committee nearly 3 weeks ago. Every one of those fact situations would be prohibited under the legislation we sent to the body for its consideration.

Mr. WHITEHOUSE. Yes, it would. And it is an important piece of this legislation that has received far too little attention so far in the debate. It has caused an immense amount of personal pain, human anguish, and suffering that our health care system causes.

The distinguished Senator from Ohio, Senator BROWN, and I wrote an article about this. We wrote: Your health insurer should be your advocate, not your adversary. The community health insurance option will invest in prevention so that when you are healthy, you stay that way. It will invest in care management coordination, if you have a chronic condition, and it will fight for you, not with you, to get you the best possible care with the least possible hassle.

That is what this is all about. The new business model can look in these areas: Quality improvement. We know that improvement in the quality of care in this country can save dollars. But as we were saying earlier in our colloquy, it doesn't save money for the person investing in the quality. It saves it for the system. A public option will have the public purpose necessary to pursue those quality improvements that will drive down cost.

Health information infrastructure. We have the worst health information infrastructure in this country of any industry. The only industry that has worse information infrastructure is the mining industry. It is pathetic. But the same principle applies. The doctor investing in that equipment on their desk puts out all the money, takes all the risk, absorbs all the hassle, and the savings go to the insurance companies.

So we are underinvested. A public option can make those investments in our electronic health record infrastructure.

Prevention strategies. I won't dwell on that because the Senator from Iowa has done such a good job already. Same principle: A public option can pursue the public purpose of protecting public health through prevention in a way that insurers never will because they don't have the financial interest at stake. Finally, you can develop new models of payment to make all those happen, because the way we pay for it now is piecework. Procedure by procedure, the more you do, the more you get paid. Not the healthier your patients are, the more you get paid; the more you do, the more you get paid.

There is enormous hope for the whole system. In fact, it may be the only hope for our whole system is to change that business model to a model that works on quality improvement, prevention, investment, payment reform, and electronic health record infrastructure for everybody. A public option will lead us in that way.

Perhaps you can trust the private insurance industry to do this, although they never have so far. But perhaps now suddenly something will change and you can trust them to start doing this for the first time, when they never did before. But I don't think it is a wise bet to put all of our eggs in that one basket. Give us a public option and let them compete. I think they can help transform this world.

The last thing I will say it is cost control. We have heard a lot about cost control on this subject. There is no better way to have cost control than to get a public option out there doing all these things—stripping the excess profit out of the system, lowering the administrative costs, ending the warfare with providers that provides no value, and working to a business model founded on quality, prevention, electronic infrastructure, and clearer payment signals. That is where we need to go. The public option takes us there.

Nobody cares more about this than the distinguished chairman and particularly the people he has heard from in Connecticut. I would revert back to the chairman to discuss the personal aspects of this on the part of the people he serves.

Mr. DODD. I thank my colleague. There will be many more opportunities for us to go over this, but I want to make some points that are important and are part of the legislation that came out of our committee and that are now available for colleagues and others to consider.

Under our legislation, you can never discriminate again for a preexisting condition. So when someone comes in and says, I am sorry but that condition precludes you from getting coverage, under our legislation, drafted and ap-

proved by our committee, that would not happen. Never again can a pre-existing condition be used to deprive coverage.

No exorbitant out-of-pocket expenses, deductibles, or copays. Insurance companies will have to abide by yearly caps on how much they can charge for out-of-pocket expenses. There will be minimal or no cost sharing for preventive care. The insurance industry would fully cover regular checkups and tests that help prevent illness such as mammograms or eye and foot exams for diabetes, the kind of thing Senator HARKIN talked about. It doesn't make sense to pay \$30,000 to amputate your leg instead of paying for the coverage to determine if you are susceptible to the illness.

No dropping coverage for the seriously ill. Companies would be prohibited from dropping or watering down insurance coverage for those who become seriously ill. No gender discrimination. There has been a problem of tremendous discrimination in the cost of coverage based on gender. Under our legislation, insurance companies would be prohibited from charging you more because of your gender. No annual or lifetime caps on coverage. Again, you have coverage. You have never had to use it. All of a sudden you get that crisis in your family, and then you start reading the fine print and discover all you get are two hospital visits or three doctor visits. You have a serious problem on your hands. That coverage you have been paying for month after month, year after year, all of a sudden might as well not exist at all. Under our bill, the industry would be prevented from placing annual and lifetime caps on coverage that you receive.

Extended coverage for young adults: Children would continue to be eligible for family coverage, not stopping at age 21 but up to 26. That is a huge gap, 21 to 26. Then we have young adult plans that would allow another option. Young people often think they will live forever and never have any problems. We are trying to help out this age group that too often slips through the cracks. This group often doesn't think coverage is that important and, as a result, suffers when they are faced with illnesses or accidents.

Lastly, guaranteed insurance renewal is the point I wanted to raise—when you discover all of a sudden that you are no longer covered. Under our legislation, the industry would be required to renew any policy as long as the policyholder pays premiums in full. The companies wouldn't be allowed to refuse renewal because someone became sick. Every one of these provisions is now written into our legislation. Our bill absolutely makes major reforms that will make a difference on behalf of the citizenry who are counting on a program that would not deprive them of the coverage they deserve.

I see our colleague from Oregon is here. I want to say that RON WYDEN has been a tremendous advocate of health care reform for so long. He has written a bill that has attracted a lot of bipartisan support. He and I have had long conversations about some of his ideas. I have asked him to take a look at what we have done as well. I am confident we will end up with health care reform. And I want to thank RON WYDEN for his energy and passion about this issue and the very creative ideas he has brought to the table.

Mr. WYDEN. Mr. President, I wanted to come tonight as a member of the Finance Committee and particularly highlight the extraordinary contributions that those on the HELP Committee have made in the prevention area. This is going to be a landmark bill. This is going to be an absolute turning point in American history when we finally say that instead of spending loads of money on various health care services, we will start keeping people healthy. You look, for example, at the Medicare Program. Medicare Part A will pay thousands and thousands of dollars on senior citizens' hospital bills. And then Medicare Part B, the outpatient portion, can't do anything to reward somebody for staying healthy. Along comes Senator HARKIN, who has consulted very extensively with the private sector, worked on a bipartisan effort. Senator ENZI and Senator GREGG were very involved. And you found the sweet spot. Prevention.

What you all were able to do in the preventive area is to show that you could give very dramatic incentives to reward people for staying healthy, lowering their cholesterol, lowering their blood pressure, picking up on some of the good work that is being done in the private sector but not getting into where one could, in effect, be said to be discriminating against an individual who would have a lot of health problems and would have difficulty just with an incentive-based system.

That is a very thoughtful approach, in my view, to moving this country forward. I hope we will be able to pick up on it in the Senate Finance Committee. There is a lot of bipartisan support for it. I came to the floor tonight to particularly highlight that.

There is time, perhaps, for one other thought. I was struck—as we talk about the lack of choice in this country—the distinguished Presiding Officer and I woke up this morning to our statewide newspaper, the *Oregonian*, which described, in great detail, our health insurance as Members of Congress. Senator HARKIN and I have talked about this, Chairman DODD as well. It described how Senator MERKLEY and I have access to 23 health care packages, which, by the way, understand the HELP lesson. They cannot discriminate against you if you

have a preexisting condition. You go into a big group so you can play hardball with the insurance companies.

What is striking about this—and Senate MERKLEY and I heard about this on the front page of our newspaper—is most of the country thinks this is some kind of “Cadillac,” gold-plated operation. But, as the newspaper pointed out today, that is what somebody who works for the Forest Service gets in central Oregon, that is what somebody who is a janitor, for example, the paper said, gets at the Bureau of Engraving.

I very much look forward to working with all of you on the HELP Committee, as Chairman DODD and I have talked about, to make sure everybody can have a wide array of choices, have a lot of clout to take on the insurance companies, get reduced administrative costs, which is what you get with the big groups, and, by the way, have a financial incentive to choose one of these Harkin-type packages that reward prevention.

One of the things that is troubling about this debate is if we do not get the choice issue right, a lot of Americans are not going to be able to choose those kinds of packages. I think, under the Senator's leadership, we will be able to do it.

The last point I would make is—and I thank the Senator for all the time—I think working together over the next few months we can close the sale with folks who have insurance. This is going to be the key to getting health reform passed.

Mr. President, 150 million-plus people say: Not only do I want to make sure I am not worse off, I want to be better off. Well, we want to make sure they are going to be able to choose a package such as Senator HARKIN has been able to advance in the HELP Committee, where they get rewarded for prevention. We want to make sure they can choose a package where they can get lower premiums. We want to make sure everybody can keep what they have, but if they do not like what they have they can go somewhere else, which is what we can do as Members of Congress.

So I think tonight's program, particularly focusing on prevention and the incentives you all have laid out—and as Senator WHITEHOUSE has talked about, changing this insurance model, which in many respects is inhumane to reward all this cherry-picking and, in effect, sending the sick people over to government programs more fragile than they are—you all have done some very good work, particularly in prevention and making sure the consumer gets a fair shake with the insurance industry.

Working together, particularly by adding choices, we are going to be able, over the next few months, to show we can close the sale with those who have insurance in this country and come

back in the fall and win bipartisan support to go where this country has not been able to go for 60 years; that is, quality, affordable coverage for all Americans.

We have already made it clear that in any legislative effort we are a part of, we will mandate good health for the Dodd household because we are all thinking about you, and we want you to know how much affection we have for you and how much support both personally and professionally we have for you from all of us in the Senate.

Mr. DODD. I thank the Senator.

Mr. WYDEN. I thank the Senator for giving me all this time.

(Mr. WHITEHOUSE assumed the chair.)

Mr. DODD. I thank my colleague.

Mr. HARKIN. Mr. President, I wish to thank my friend from Oregon, with whom I have had numerous conversations, going back over years, on the whole wellness ethic and how we can kind of get this big ship of health care moving in a different direction. Senator WYDEN has been one of the great leaders in this area, and I have consulted with him often on this issue. I look forward to his work on the Finance Committee.

Of course, on workplace wellness, we have to make sure small businesses are able to help their employees in wellness programs. We know from other businesses and what they have done—some larger businesses but some smaller ones that have done good workplace wellness programs—it pays off immensely in savings but also in productivity. Of course, that is something the CBO does not look at—increased productivity. They do not look at that.

But I say to Senator WYDEN, he is absolutely right. What we have done, what we anticipate will be coming now from the Finance Committee, and in putting these together, we will have a whole new—what is that fancy word called Paradigm—a new paradigm in health care in this country, where people will have a lot of choices. They will be able to shop. They will not be like my friend Art in Storm Lake, IA, who only has one place to go with a \$5,000 deductible.

Now we will be able to take a lot of these small businesses and they will be able to go on these exchanges and they can be in a pool with a lot of other people all over the country. We know a principle of insurance—I say to Senator WYDEN, he knows this very well—one of the basic principles of insurance is: The more people in the pool, the cheaper it is for everybody.

So we set up the bigger pools with our small businesses, my farmers and farm families to get into bigger pools, and not just these small pools that cost them so much money. But the idea behind it, of course, the one big paradigm, is to start focusing on wellness and health promotion, keeping people

healthy. We have to put more incentives in there for people.

You talk to anyone. Go out and talk to anyone and ask them would they like to be healthier or would they like to be sick. That answer is easy. They want to be healthy. What kind of help do you get? When you go to your doctor, when you talk to your doctor and stuff, do they tell you how to be healthy? Well, I do not know. I do not think so. When is the last time you went to a doctor and walked out without getting a prescription? So the doctor gave you a prescription. Go get a drug. We have to change this. In our bill, we do.

Again, part of our prevention package is to focus on medical schools and how we get more people in general practices and family practices and residencies in prevention and wellness so they begin to understand how they can start working with people to keep them healthy.

So this is a way we are going to try to shift this so the person can say: Yes, I want to be healthy. And do you know what, I went to my health care practitioner—maybe a doctor, maybe a nurse practitioner, maybe a physician's assistant, and it could be a host of different people; it could be a chiropractor—and, do you know what, they spent a lot of time with me, and they gave me a program to follow to stay healthy. And guess what. They check up on me and they find out: Are you following your program? Come in. You come in here in 6 months. I am giving you this program to show you how to stay healthy. And they call me up after a month. Someone in the office called me up, asking: Are you doing this? In 6 months, I have to come back in to make sure I am doing it.

No one has ever done that before. But in our bill, you see—in our bill—they will be able to get reimbursed for that. They will be able to get reimbursed for keeping someone healthy and not just taking care of you when you are sick.

I wish to thank my friend from Oregon. He has been a great leader in this area for so many years. I look forward to working with the Senator to get us over that finish line sometime this year.

I thank Senator DODD again for all his great leadership. I say to the Presiding Officer, the Senator from Rhode Island—talking about the public option, to digress for 1 second away from prevention—here is one of the reasons we need a public option: From 2003 to 2007, the combined profits of the five largest health insurance companies went up 170 percent. Their profits went up 170 percent. The CEO compensation for the top seven health insurance companies right now: \$14.2 million a year.

Well, that is why we need a public option out there, to kind of put some brakes on that, to give some competition out there so these health insurance companies know they have to be a

little bit more stringent on maybe what they pay their CEOs, and maybe the profits will not be so high because they will have a public option out there that will act as a check both on their profits but also a check on the quality of care they provide. That is why the public option is so vital and necessary.

Well, again, I say thank you to Senator DODD for having us here tonight, and I thank him again for his great leadership on this health care bill.

I say to my friend from Oregon, we are going to get it done. We are going to make this a wellness society, not a sick society.

Mr. DODD. Mr. President, I thank our colleague from Iowa, and I thank, again, RON WYDEN for his contributions.

I wish to reintroduce a constituent of mine, Kevin Galvin. I spent the morning with Kevin today. He is a true American hero, in many ways. He did not want to become an American hero.

Kevin employs, I think, 13 people. He has a small business in Hartford, CT. He started out in a hardware business about 27 years ago and changed his business model to meet the needs and times of our country. He was never able to provide health insurance for his people, and it bothered him deeply because he did not have enough business, and health care coverage, even years ago, was more expensive than he could afford.

Students sometimes ask: Can one person make a difference? This person—I suppose the legislative leaders in my State would acknowledge this as well—this one person, on his own, over 2 years, organized 19,000 small businesses in my small State to lobby my State legislature about doing something at long last to make a difference for small businesses on health care. They achieved it about a week ago, in no small measure because one guy, who employs about 13 people, got fed up.

The average small business pays 18 percent more for health care than larger businesses and gets a lot less coverage than others do as well for the very reason Senator HARKIN pointed out: pooling, the idea of being able to work together, get together. They can hardly lift up their heads. In a small business, you are struggling every day to survive.

Seventy-five percent of our employers employ fewer than 25 people in our country. The majority of people in our Nation get a job in a small business. Yet they work so hard every day trying to keep that business afloat, particularly in times such as these.

It bothered Kevin Galvin so much, that employees of his, in some cases, had to leave him. They did not want to leave but had to because their spouse lost their job, which is what they were relying on for health insurance. He told us about one fellow today, who I think

was with him 20-some-odd years, who had to go off and find a job that paid 30 percent less in income but because they had a health care plan. He left the job he loved to take a 30-percent pay cut so his family could have health care.

A young man whom we talked to today, an employee, a Hispanic American, in Hartford, CT, is raising a family on his own and has a child with a severe disability and his parents have Alzheimer's and there is no coverage under this guy's plan, Kevin Galvin's plan, in his workplace. But they are doing everything. Kevin does whatever he can to help that family out because he loves that young man who has worked with him. He cares about him. But he cannot afford to do it forever. He cannot survive as a businessperson that way.

So we need to pay attention. Our bill does. We talked about prevention. But one of the things I am most proud of in our bill is providing those credits to small businesses so they can afford coverage, giving them the option of going to those alternative plans out there that may suit their needs the best, which they do not have today, allowing them to come together, so they have an opportunity to drive down those costs when they bargain together for the best cost for their employees, as the Senator from Rhode Island pointed out.

But I wished to point out Kevin Galvin. Today we met in his shop in Hartford, CT. The Secretary of Health and Human Services, Kathleen Sebelius, was there. The new Administrator for the Small Business Administration, Karen Mills, was there. Congresswoman ROSA DELAUNO was there. The speaker of the State house was there. The president of the State senate was there. The head of the small business community was there. They were there to say thank you to Kevin Galvin for what he had done.

If one person like that can make a difference, we ought to listen to them. When the Kevin Galvins of this country—he is a small business guy with 13 employees, struggling every day. He decided he was going to do something about it, and we ought to listen to him. He made a difference in my State. But if we listen to him, we can make a difference with small businesspeople all across this country. If we will take the language we wrote in our bill that can make a difference with small business—13 million people in this country who work for small business every day don't have health insurance. Of that 47 million, 13 million—being able to make a difference in their lives, giving them the kind of coverage, the accessibility and the affordability to health care, can make a huge difference.

One thing we don't mention enough: This week is the 44th birthday of Medicare—this week. It is a great program.

It took the poorest sector of our society out of poverty, the elderly. It also did something else. How many of us in our generation were able to do other things and make investments in other things because in 1965, this Congress, the men and women sitting in this Chamber—mostly men in those days—passed Medicare? All of a sudden, that financial burden children had to look at—the cost of pharmaceutical drugs their parents needed, going to the doctor with their parents—all of a sudden, a lot of it got taken care of. It was a financial benefit to their children.

I don't know if there are any economic models that look around and say: How much did that program not only benefit the elderly who got Medicare, but how did it benefit their children who were then able to make investments in their own children's education and in that better home and that better neighborhood, buying that second car? How much did our economy actually grow and improve because we invested in Medicare? We always talk about what it did for those who receive Medicare, but how about those who didn't receive Medicare but had removed from them—or at least partially removed—the burden of those costs they would otherwise pay?

How many people today, because of the uncertainty about their health insurance, are not making the kinds of investments in other things because they are trying to protect themselves against that crisis that could befall them? We don't talk about that.

All I hear about is how expensive this is. It is going to be expensive, but if we don't do something about it, it will be a lot more expensive—expensive to our economy, expensive to individuals, and expensive to our Nation.

So when we talk about these issues, it isn't just those who benefit as a result of having access; it also is the relief, it is the sense of comfort, that sense of confidence that, Lord forbid, something happens to me and my family, I am protected against catastrophic ruin—catastrophic ruin that can happen. I don't think we talk about that enough here. One of the reasons is because none of us here—none of us here—have to worry for one single second about that. None of us are going to be economically ruined as Members of the U.S. Congress if a health care crisis befalls us. Not one of us. Yet the millions of people we represent worry about it every single day.

That is at the heart of all of this, to be able to establish a system in our country which protects our Nation—the greatest, the wealthiest Nation in the history of mankind—from the absolute and very predictable knowledge that you have either been sick, you are sick, or you are going to get sick. I guarantee you, if you are a human being living in this country, that is going to happen to you. To what extent

does that occasion, that event put you and your family in financial ruin? It happens to millions in this country. So that as much as anything else ought to motivate us to get back here and do the job.

I see my colleague from Oregon is here, Senator MERKLEY of our committee, who has done a great job as well.

Mr. MERKLEY. Mr. President, I thank the Senator very much for his presentation and leadership on health care.

The Senator was just talking about Medicare, and when our HELP Committee was meeting, I heard a very interesting statistic; that is, while Americans spend 17 to 18 percent of our GDP on health care—more than any other country on the planet—our health outcomes overall are significantly less than several dozen other nations in the world. That is part of the puzzle we are addressing. But then I heard another piece of the puzzle; that is, for American citizens who are 65, their health prospects are among the best in the world. The question was posed before the committee: What is the difference? The difference is very simple, as the Senator from Connecticut has so described, and that was the creation of the Medicare Program. All of our citizens 65 and older have health care. If we can take it and make it a nation where all of our citizens 65 and under have health care, wouldn't it make a tremendous difference?

Mr. DODD. My colleague is absolutely correct. This is the point. People probably know, but the younger generation may not realize it. Prior to 1965, the poorest population of our country were our elderly. It was a great tragedy—the generation that grew up and then contributed so much. The 20th century—of course, by 1965, those were the veterans of World War I. They were the people who had lived through the Depression and held us together as a nation time after time, and here they were reaching their retirement years, and, as we all know, when health care problems become pretty routine.

A generation that came before us sitting in this very Chamber decided we could do better than that, and so crafted Medicare. The leadership again began with President Kennedy and culminated with the work of Lyndon Baines Johnson putting a package together with Hubert Humphrey and others, putting together that Medicare Program and taking a substantial portion of our population and giving them the assurance and the confidence that as they grow older and face health care problems, the Nation would be there to back them up and to say thank you as a gesture of gratitude for the contribution they made.

Also, there was a note of selfishness in that it relieved that younger genera-

tion from the burden of financially caring for parents beyond their economic means, in many cases. So it freed up their children to provide for that generation's grandchildren. In so many ways we have benefited from that.

So while we talk about the recipients of Medicare—and that is extremely worthwhile—we all benefited from that. It was a great economic relief to an entire Nation, not just the recipients of Medicare's assistance and support.

Mr. MERKLEY. Mr. President, if I could carry on a second point related to the Senator's comments, and that is simply as you address small business and Kevin Galvin, your constituent, to help organize small business, whereas we did a tremendous job in regard to our seniors 65 and older, we haven't done such a good job for our small businesses.

I know that over the past many years, small business owners have been coming to me and saying: JEFF, we just can't afford these double-digit increases we are getting every year in health care premiums, and we are having to shift some of the cost to our employees. We are having to consider shutting down our insurance program completely. We as small businesses can't get the same good deal the large businesses are able to get. Can't you do something about that?

I think with the bill the Senator from Connecticut has steered through committee, he has done such great work in laying out a plan that will help our small businesses in several different ways.

First is to create a pool where they will have the negotiating power of hundreds of thousands of individuals rather than having to go as a small business of 5 or so or 25 employees to the health care market, because when you go by yourself with 5 or 10 or 25 employees, it is like leading a lamb to slaughter. Now they will be able to go to the health care marketplace where they will be able to be a part of a larger pool and negotiate a much better deal.

The second is, they will have so many options when they get to that health care marketplace, whereas now there may be only one company that will hear them out and give them a possible plan, and then they will have many more to choose from.

So I think those pieces are a tremendous improvement to what I think has been a long neglected part of the health care puzzle.

Mr. DODD. Again, I thank my colleague for mentioning that. He is absolutely correct. As I mentioned earlier, the average small business pays a lot more for insurance than larger businesses do, and they get far less coverage than others do as well. That is why we provide new credits in this bill: \$2,000 per employee, family coverage;

\$1,500 for couples; and \$1,000 for individuals. That may not satisfy all of their health care costs, but it is a major break and an assistance to small businesses and guys such as Kevin Galvin who would like to be able to buy that coverage for his employees out of loyalty to their family.

One thing about small business is it becomes a family. Everybody knows everybody. You know about what their kids are doing. You know what is going on in their homes. There is a far greater deal of flexibility in trying to meet the needs because it is a family in so many ways. So being able to jump in and help them provide, as Kevin has tried to do with his own employees over the years, we open up the insurance gateway to all small businesses to give affordable insurance options to employers.

This gives small businesses the same bargaining leverage as I mentioned earlier, protection from hiking up rates on small businesses, watering down coverage, or denying coverage altogether just because one worker gets really sick—and you heard cases of that. I think Senator HARKIN talked about that small business where one employee contracted a very serious illness and the industry then jacked up the premiums for everyone, thus making it impossible for other employees to get coverage. Our bill, as our colleague from Oregon, Senator MERKLEY, mentioned, bans that case.

We exempt businesses from having to pay any penalty if you employ 25 or fewer employees, and that is a great asset. Again, 75 percent of all employers employ 25 or fewer in our country. We don't count seasonal workers. Our colleague Senator KAY HAGAN offered that amendment in our committee to exclude seasonal workers toward the total size of a small business, which is important in small agricultural communities where seasonal workers become absolutely critical. But if you start adding them all up, it would drive that small business into a larger number category. I assume in Oregon that could be a major problem, I know in the agricultural sector of your State, and it helps self-employed workers by allowing them to purchase health insurance through the gateways.

So a lot of businesses are single employers. They employ themselves. That could be tremendously costly, and by pooling, it makes it possible for those people to drive down those costs.

So a major part of our bill, as Senator MERKLEY has pointed out, is focused on small business—again, the great engine of our economic success in this country, and we pay a lot of attention to their needs in this bill.

Mr. MERKLEY. There is just one last point I wish to make, but I am happy to yield to my colleague.

Mr. HARKIN. I thank my friend from Oregon.

Mr. President, I can't thank Senator DODD enough for getting the information out on what our bill does. A lot of people don't know that we have a very comprehensive bill. This one dealing with small businesses is so important.

Now, it is true we excepted businesses that employ fewer than 25, as we should. However, I just told the story about my friend in Iowa who employs 12 people, and they buy health insurance but they only have one plan, and this would give them more.

I believe that with the bill we have and setting up these exchanges and letting different insurance companies come on the exchange, and with a public option there are a lot of small businesses out there that would like to cover their employees; they just simply can't afford it or the deductible is so high that it is not even worth it. Now I believe they will be able to take, with our bill, after it is fully implemented—it takes about 3 years to phase in, if I am not mistaken—there will be a lot of small businesses out there that employ 10 or 15 people that now will be able to get an insurance policy for their people that will be a heck of a lot more reasonable than what they can get now, and they will be able to shop for that.

So even though we have exempted them, I think a lot of small businesses want to cover their employees. They live in the same community; they go to the same church; they know one another, and they want to buy some health coverage for their employees. They can't now, but I believe under the bill we have through our committee, once we get it fully implemented, we will have that public option out there, we will have the exchange with all of the insurance programs out there, and they will be able to now shop around and find one that can fit their needs. So we will have a lot more support for small businesses that way.

Mr. DODD. Absolutely.

Mr. HARKIN. I thank the Senator.

Mr. MERKLEY. I thank the Senator very much.

The distinguished chair, Senator DODD, mentioned earlier that this bill is not just for the uninsured; this is for the insured because we have a broken health care system for the insured. My colleague from Oregon made this point, that we need to close the deal for insurance in this country.

I can tell you that folks with insurance have been telling us lots of stories about the challenges they face under our current broken status quo health care system. The first is that right now, their insurance is largely tied to their job, so if they should lose their job, it is a huge calamity—not just because they lost their job but also because they lost their insurance. It is a double whammy. This bill would change that for our families who currently have insurance.

Second, our families who currently have insurance, their costs are being

driven up, in part because they are covering the costs of the emergency room treatment for those who don't have insurance. In the last couple of years, we have had more and more people without insurance transferring more costs in the emergency room and, therefore, more costs to the insurer. Therefore, more companies—particularly small ones—are saying we cannot afford health insurance anymore.

This is a downward cycle, a death cycle in insurance that we break with this bill—helping out those who have insurance by taking away the burden of paying for the emergency room for those who don't.

A third factor is that other pieces are driving up health care more than 10 percent a year of health care premiums. That means health care is going to double every 7 years. That is unsustainable in this country for those of us who are fortunate enough to have insurance.

Then, also, citizens have been recognizing that they would like to have portability—to be able to take the insurance they have and, should they change jobs—as Americans do, on average, every 3 years—be able to have the same insurance plan, the same set of choices, the same doctors, the same doctor for themselves and their spouse and their children. That portability becomes an inherent feature of the bill, helping those who have insurance.

The list goes on. Those who currently have insurance sometimes get it at a very poor deal. As the chairman pointed out, it is 18 percent more for an individual than a small business. Now they will be able to be part of a larger pool and get a much better deal.

Finally, many of those who currently have insurance don't have existing conditions covered. If they have a bad back or a heart condition or cancer or diabetes, and they cannot have that fundamental health care issue covered by their insurance, then they don't have any form of health care insurance that matters for the issue they are wrestling with.

So in so many ways, the plan the committee has put together profoundly improves on our broken health care system for those who have insurance today in America.

Mr. DODD. I thank my colleague. There is so much to talk about, and there are so many pieces of this. I was listening to Secretary Sebelius today, and I am sure all of us have mentioned this in our own States, and we hear colleagues talk about this "tax" being imposed as a result of this bill. There is no tax being imposed by this bill. However, there is a tax that exists today, which is \$1,100 for the average family, and that is the amount the average family pays in health care premiums every year to cover the uncompensated care—that is, for those of the 47 million who show up in emergency rooms for health care. We take care of them.

If you show up in a hospital, just walk in, and you have a problem, there is not a hospital in America that doesn't take you into that emergency room. They don't throw you out on the streets and say: I am sorry, you don't have any money, so you are going to have to suffer.

Communities all across the country do this job every day. We need to understand that, of course, it is not free. That care costs. It is the most expensive health care in the country that occurs in an emergency room. The cost of that, on average, is \$1,100 per family in the United States. If that is not a tax, I don't know what is. You are not getting anything for it. You are helping to pick up the cost of the people who don't have coverage who are showing up—usually in a critical state, because they have waited until such a point that it is catastrophic, and they haven't had any prevention, as Senator HARKIN talked about earlier, and they waited forever.

Now it has come down to a crisis, and they show up in the emergency room with the child at 1 or 2 in the morning. It is not just filled with car accidents and violence. People walk in every night because they have a child or a spouse who needs care. They are reaching out in desperation, and that is expensive health care. We are paying a tax of \$1,100, and the average family pays that.

Mr. WYDEN. If the chairman would yield on that point, the reason I wanted to speak at this point is, in fact, today there is an entrepreneurship tax in America. What it means is, if you have a health care problem and you work in a small business and you have a good idea and you would like to go out and set up your own small business, you are not going to be able to do it because you have a preexisting illness. You are locked into your job. What your insurance reforms do in the HELP legislation, and what I think a lot of Senators want to do, is lift that entrepreneurship tax.

This is very appropriate that you talk about taxes because that is what this always comes down to. Your insurance reforms specifically, as a result of making sure that person who has a good idea—perhaps that gentleman's business the Senator just described—they are going to be able to do what makes America great, which is use their ingenuity and talent because when they go to their next job, they are not going to face insurance discrimination.

I appreciate the Senator bringing up the entrepreneurship tax. I am looking forward to working with the chairman over the next few weeks. I think there is additional work we can do on the exchanges. The Senator from Oregon, Mr. MERKLEY, my colleague who is doing such a good job, talked about some of those options. I think we can get additional people more bargaining power,

and in effect build on the good work done in the HELP Committee.

Thanks for all the time tonight. You have done a first-rate job on prevention. Again, I appreciate lifting that entrepreneurship tax. That is why I wanted to take a minute to point that out.

I look forward to working specifically with my colleagues on the HELP Committee. Let's expand those exchanges because that makes the system work for us and Members of Congress.

I checked the other day. My pool—put on the front page of our paper—is 1 million people. That is a lot of folks to spread costs and risk among. Senator HARKIN and I have talked about it. It is not possible to replicate that exactly, for a variety of reasons. We can get close. We can get pretty close because we can build on the good work Senators have done in the HELP Committee, expand the exchanges, and give more people choices and more opportunities to lower their premiums and, in my view, close the sale with the insured people over the next few months.

I thank the Chairman for all the time.

(Mr. MERKLEY assumed the chair.)

Mr. DODD. I thank my colleague from Oregon, a great advocate. We appreciate his involvement this evening with us. As a member of the Finance Committee, it will be critically important that we come together.

Mr. WHITEHOUSE. I wanted to follow up on Senator MERKLEY's discussion of the different ways in which somebody who is watching this, and who is insured, can look forward to some benefit from all of this. A simple one would be to think, in your own experience, how often you have gone into your doctor's office and maybe been referred to a specialist or you brought a family member in and you had to take a clipboard and fill out on paper for the umpteenth time your personal health insurance, your billing information, your Social Security information, and whatever it is they want. You have to fill it out over and over again. That is the experience many people have with our health care system.

Compare that to going online at—pick one—say, Amazon. You log into Amazon and they say: Welcome, SHELTON WHITEHOUSE. Good to have you back. Here are all the books you bought in the last year or so. Based on that, we think here are more books you might like. Choose something you would like, and your billing information is here.

Put those experiences side by side and show where our bill can take the American health care consumer, and what that means for quality of care, and not just for the convenience of not filling out the form, but when you are a pharmacy, it is connected to your laboratory, it is connected to your doc-

tor, it is connected to the hospital, and you are the center of it, and all of it is private and secure. That is a new and better world for everybody, including those who have insurance.

Who has not had somebody they know go into a hospital and come out with a hospital-acquired infection? It has happened over and over. I have had a friend who went in for a simple knee surgery, arthroscopic surgery. He was a big athlete in college, and he needed a simple surgery on his knee. He got a hospital-acquired infection—a strong, big guy—and it nearly killed him. It took him out of work for weeks. Mercifully, he recovered and everything is fine. It was touch and go for a while, and the cost of all of that was tremendous from that hospital-acquired infection. He required weeks of medical care. Everybody has had that experience. About 100,000 people every year—Americans we represent—die every year because of hospital-acquired infections.

Senator HARKIN tells me that it is the fourth leading cause of death—hospital-acquired infections. They don't care if you are insured when it comes to hospital-acquired infections. The insured will get one just as quickly as the uninsured. The quality provisions of this bill will prevent that and diminish that. That number should be under 5,000. It should be a rarity. Instead, it is a commonality. The system has to change for that to happen.

If you have an illness, try to find a prevention program. Ask anybody you know where they can go to find somebody who will support them in getting an appropriate, sensible, supported prevention program for themselves. It is rare to find. It is almost impossible. As I said earlier, when I was talking about the person who had a leg removed for \$30,000 because there was nobody there to prevent them from letting that disease get to that stage, there are big savings there. It is a human consequence. You can have all the insurance in the world, but if it doesn't have a prevention option, you are not helped.

The last thing I will say is that so many of us who feel comfortable right now with our insurance only feel that way because we have had the good luck not to have the experience of having some loved one or ourselves get very sick. People's viewpoints change when they have had that experience. They find the limits of their policy. They see how fast the copays add up. They see the fine print in what they thought was a great policy when times were good and they were healthy, with just a little injury here and there, and everything was taken care of fine; but when they got really sick they found that policy they thought they could count on wasn't there for them.

Now the leading cause of families going into bankruptcy and losing ev-

erything in this country is somebody in the family having a health care disaster that wiped them out. That should not be. It happens over and over and over. It happens to the insured. That is not the uninsured. If you are uninsured and you have medical bills, you know you will have problems, but it is the insured who are caught by surprise. They have their homes, their stock portfolios, perhaps, on the side; they have a nest egg, and maybe they help support their children a little bit. And, boom, comes the illness and suddenly they have all these costs and these bills and it is piling up and they cannot keep up and they start to get behind. Before you know it, they have lost it all, and they are in bankruptcy.

Americans have that experience every day and every one of us have heard from somebody in our State who is right there. So I think the point the chairman has been making, and Senator MERKLEY made, about how important it is for people who have insurance, in terms of improving their lives, their quality, and their care and prospects is very poor. I applaud the Senator for having made that point.

Mr. DODD. I thank my colleagues from Rhode Island, Iowa, Senators WYDEN and MERKLEY, and Senator BROWN who spent a little time talking about this. There is a lot more to talk about, such as the quality issues that Senator MIKULSKI of Maryland spent a long time helping to develop, and Senator MURRAY from Washington on workforce and the coverage questions that JEFF BINGAMAN worked on, as well.

We hope in the few days we have between now and adjournment—and we know a good part of the time will be taken up with the Sotomayor nomination—we will have a chance to talk further about this bill and say to our colleagues: We welcome your comments. There are five committees of Congress charged with the responsibility of health care. Four of the five have met and completed their work. Our committee, the HELP Committee, has completed its work. We know the Finance Committee is working to complete its work. I want to make clear that the HELP Committee product will be very much a part of this effort. We welcome the work of the Finance Committee. But much of health care coverage is the shared purview and responsibility of the Health, Education, Labor, and Pensions Committee, under the leadership of Senator KENNEDY of Massachusetts, as well as the Finance Committee. Senator KENNEDY has championed for four decades this effort. Regrettably, he cannot be with us because of his own struggles with illness. But he has helped frame this. It has been a bipartisan effort over the years.

We are determined as we move forward in this debate that the product

my colleagues have worked on so diligently over these past number of months is going to be very much a part of our health care program.

I express my gratitude to each member of the committee who helped produce this result that took so long. We have taken this time to explain to our fellow citizens what we tried to incorporate in our bill that will get us to the point of increased accessibility, increased quality, and affordable products. That is what we are gaining. That is the purpose we are driving at to get those three goals met.

I think we achieved a good part of it with this bill. More needs to be done, but, obviously, it is a great step in the right direction.

I see another partner of ours in this effort. He played a critical role with community health care centers. I say to my colleague from Vermont, last week I was in New Britain, CT. I have many community health centers in Connecticut. As a result of the stimulus package, several of them received some real help to expand because they are overcrowded. Getting electronic records is critically important. Their patients have greater needs, but they have a medical home now.

I have three volunteer clinics in Connecticut, one in Norwalk, CT, one in Danbury, CT, and one in Bridgeport, CT, under AmeriCares. That program only serves the uninsured. It is completely voluntary.

In Norwalk, I have 60 physicians in the area who volunteer their time to come in and serve the needs of the people of the greater Norwalk area, not to mention retired doctors, nurse practitioners, and others who help.

I say to my colleague, that he has been a tremendous voice—in fact, our bill increases by 400 percent the commitment to community health centers across our country. We can expand community health centers and provide that medical home for so many people. They are a source of prevention, early detection, providing for the needs of families—all of these things that occur in these remarkable facilities called community health centers.

The best champion, other than TED KENNEDY, who helped author the idea to begin with, is our colleague BERNIE SANDERS from Vermont. I thank him for that effort.

Mr. SANDERS. Mr. President, I thank Senator DODD for his kind words and extraordinary efforts over the last several months to lead the fight in health care reform.

Let me pick up on one issue Senator DODD raised. Most Americans do not understand this, but in the midst of a disintegrated health care system, we have 60 million Americans who do not on a regular basis have access to a physician—60 million. What happens when those people get sick? If you are in Vermont and you are kind of stubborn,

you delay going to the doctor when you should go, and you wait and you wait. And 6 months after you first were feeling badly, you go crawling into the doctor's office, and the doctor says: Why weren't you in here 6 months ago?

And the person says: Well, I felt awkward. I didn't have any health insurance. I was embarrassed.

The doctor says: I am getting you to the hospital because you are really sick.

So instead of treating people when they are initially ill, what we end up doing for people who do not have access to a doctor on a regular basis or do not have any health insurance is we wait until they become very ill and then we send them to the hospital and spend tens of thousands of dollars, in some instances, when we could have treated them with much less suffering and at much less cost.

There is another point that is not widely known, and that is, according to the Institute of Medicine, in this country today, we lose about 18,000 Americans every single year who die because they do not go to a doctor when they should go to the doctor. That is six times the number of people who were killed on 9/11 every single year.

What Senator DODD is talking about and what many of us have worked on is significantly expanding the federally qualified health center program, started by Senator KENNEDY four decades ago, widely supported in a bipartisan manner.

What studies tell us is, if, in fact, we can do what is in this legislation and provide a community health center with physicians, with dentists, with low-cost prescription drugs, with mental health counseling, do you know what we would end up doing, amazingly enough? We save money. We save money. We invest over a 5-year period about \$8 billion, and we end up saving money because we keep people out of the emergency rooms, we keep people out of hospitals, we keep people alive. If that is not a good investment, I don't know what is.

So the fight to make sure that every American has access to a doctor, to a dentist, to low-cost prescription drugs is certainly, in my mind, one of the crowning achievements of the Health, Education, Labor, and Pensions Committee piece of health care reform.

A month ago, I asked people on my e-mail list, which is not only Vermont, but all across the country, to write to me and tell me their relationship, how they are dealing with private health insurance companies. Within a week, we had over 4,000 responses. The booklet is available on my Web site, sanders.senate.gov. I urge people to take a look at it. If you want to know what is wrong with health care in America, this booklet will tell you.

People are writing from their hearts, from their own suffering, describing

the health care crisis. I want to read and comment on a few of the statements sent to my office. This is from a fellow in Swanton, VT, a small town in the northern part of Vermont:

My younger brother, a combat decorated veteran of the Vietnam conflict, died three weeks after being diagnosed with colon cancer. He was laid off from his job and could not afford COBRA coverage. When he was in enough pain to see a doctor, it was too late. He left a wife and two teenage sons in the prime of his life at 50 years old. The attending doctor said that if he had only sought treatment earlier, he would still be alive.

People talk about waiting lines in Canada or in Great Britain. Let's talk about over 18,000 Americans dying every year because either they do not have any health insurance or, if they do, they cannot get access to a doctor.

When we talk about the health care crisis in America, it is not just the pain that millions of Americans are experiencing, the fear, or the tens of millions of people who stay at their job today. Do you know why they are staying at their job? Not because they particularly want to stay at their job, but because they have good health insurance and their wife has an illness that needs to be covered. Talk about economic nonsense, absurdity—millions of people staying at work because they do not want to give up their health insurance. What President Obama says, because of the economic crisis, we have to address health care, is absolutely right.

Some of our friends on the other side say what they have always said: Let's do nothing. You want to do nothing? Within 10 years, the amount of money you are paying for health care today will double. If you are a small business person today in Vermont or around the country and having a hard time providing health care to your workers or maybe your family, think about what happens when the cost of health care doubles. Think about large corporations that have to compete with European, Scandinavian countries, and companies where health care becomes a right of all people and not something placed on the employer.

In this year, amazingly enough, when we talk about health care and economics—and Senator WHITEHOUSE was alluding to this a moment ago—there are 1 million people this year, it is estimated, who will go bankrupt because of medically related illnesses. Most of those people have health insurance—1 million Americans. And our friends say: We can't go forward; now is not the time to go forward on health care reform. Tell that to 1 million American families who have suffered bankruptcy.

In my view, the evidence is overwhelming that our current system is extraordinarily wasteful and bureaucratic; that in a very significant way, the function of our current health care system is not to provide quality health care to every man, woman, and child,

but, in fact, to allow people within the industry—the private insurance companies, the drug companies, the medical device suppliers—to make as much money as they possibly can.

Amazingly enough, according to the papers in the last few days, the health care industry has spent over \$130 million in the last quarter on lobbying. There are 100 Members in the Senate and 435 Members of the House—to spend \$130 million?

Where do they get that money? They get that money, if they are a drug company, by charging the American people the highest prices in the entire world. I was the first Member of Congress to take Americans over the Canadian border a number of years ago where women with breast cancer who were fighting for their lives were able to pick up breast cancer medicine at one-tenth the price. The drug companies cannot lower prices in this country—they have to charge us the highest prices in the world—but somehow they do manage to come up with tens and tens of millions of dollars to try to buy Members of the Congress.

While more and more people are losing their health insurance, we are seeing many of these private insurance companies seeing huge increases in their profits. We are seeing the insurance companies, the drug companies paying, in some cases, tens of millions of dollars in compensation packages to their CEOs.

For anybody to suggest that this country does not need health care reform is simply not to understand what is going on from one end of this country to the other. We are a great nation. There is no reason in the world why we should end up spending almost twice as much per person on health care as any other nation and yet have inferior health care outcomes in terms of infant mortality, in terms of life expectancy, in terms of preventable deaths.

We can do better. And right now, despite all of the lobbying money coming in from the health care industry, the moral imperative is for Members of Congress to think about the folks back home, the people who have no health insurance, the people who are underinsured, the people who are going bankrupt, the people who are staying at their work, not because they want to but because they have a decent health insurance program or the small business people who cannot invest in their company because they are busy spending all of their money on health care. We can do better than that. We must do better than that. Now is the time.

I hope the American people work with us in standing up to very powerful special interests and moving us toward real health care reform.

I yield the floor.

Mr. DODD. Mr. President, I want to briefly, before he leaves the floor, com-

mend my friend and colleague from Vermont. He has been a remarkable advocate, and this evening is yet one more example of it. He speaks with that passion I love to hear about these issues and talks about real people and what they go through every day.

I was thinking as he was talking, I say to Senator SANDERS, there is a wonderful small business guy in Connecticut named Penn Ritter. I have known his family a long time. He got up and talked about his business and how difficult it has been to buy health care for his employees. He talked about one particular case which is very moving.

They were laying people off. The economy was down. They didn't need people. One of the people they were going to lay off had terminal cancer. He knew if he laid him off, he would have no access to the kind of health care coverage he would need to go through the difficult period he was about to go through. But the verdict was clear. This small business decided this was not going to happen. So they kept the man on, not because they could afford to keep him on—because they couldn't afford it—but in good conscience they couldn't do that. There are people like that in small businesses all across our country, in every community in which we reside, who make a difference every day. There are wonderful providers and hospitals and places that take in people and treat them every single day. I would like to see us, in this Congress, at least rise to the level of our citizenry who do these things every day—the Penn Ritters of America, the doctors who work at Manchester Memorial Hospital in Connecticut, those people who work at AmeriCare, those volunteer doctors who show up every day. I could go down a long list, and every one of us can talk about what happens in our communities by caring people who help people maneuver and navigate in a difficult time during this health care crisis.

The least we should be able to do is to figure out how to meet the challenges they meet every single day, and my colleague from Vermont is as eloquent as any other Member on this subject matter, and I thank him for his comments.

Mr. SANDERS. I thank my colleague very much.

Mr. DODD. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE—H.R. 2997

Mr. DODD. Mr. President, I ask unanimous consent that on Tuesday, August 4, at 10:30 a.m., the Senate proceed to vote in relation to the following amendments in the order listed; that prior to the second vote, there be 2 minutes of debate equally divided and controlled in the usual form; and that the time for the second vote be limited to 10 minutes: McCain amendment No. 1912 and McCain amendment No. 2030; that no amendment be in order to either amendment prior to the vote; and that following the second vote, the Senate then recess until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING NEVADA ASSOCIATION FOR LATIN AMERICANS, INC.

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 40th anniversary of the Nevada Association for Latin Americans, Inc. NALA is a Las Vegas-based organization that strives to provide low to moderate income families educational and social services to enhance their quality of life. NALA aids the people in the Silver State with exceptional services in education, language immersion, health prevention and immigration.

NALA was established as a nonprofit organization in 1969. As a Hispanic social-service organization, NALA acquired a small daycare center in 1978. At the time it was serving mainly African-American families, but now the center serves all low-income members of the community. The Social Services that NALA offers include emergency rental, utility assistance, food vouchers, and food pantry assistance to individuals who qualify for assistance. During these difficult economic times where many families are in dire need, we are grateful for NALA's excellent services and resources.

The association's affordable preschool/childcare program benefits more than 400 children annually. The preschool program includes an exceptional ESL program and meals for the children. Many of these children become so well versed in English, that most become teachers to their limited-English speaking parents. NALA offers HIV prevention services and outreach to those living with AIDS through counseling, health care, and job training. In addition to their educational and health outreach, NALA offers immigration services through their targeted program that assists with application processing, naturalization preparation and employment referrals.

I praise the Nevada Association for Latin Americans, Inc. for their 40 years of support to the low-income community of Nevada. It is through the hard work of organizations like NALA that low-income families across Nevada and

the United States will be able to overcome the challenges of our current economy.

BURUNDI

Mr. FEINGOLD. Mr. President, Burundi is a country that should receive much greater attention from this Congress and the Obama administration in the months and year ahead. As many of my colleagues will recall, Burundi was devastated by political violence throughout the 1990s, leaving over 100,000 people dead. Yet with the mediation of the late Tanzanian President Julius Nyerere and then South African President Nelson Mandela, and the active engagement of President Clinton, a peace agreement was finally signed in August 2000. Several armed groups refused to accept the agreement, but they were brought into the fold over subsequent years. And in 2005, Burundi held multiparty national and local elections, a major milestone on its transition to peace.

In 2010, Burundi is set to hold its next round of elections. These elections have the potential to be another milestone in Burundi's path toward reconciliation, lasting stability and democratic institutions. Over the last 4 years, Burundi has made significant progress in that direction. However, there are still persistent tensions within Burundian society, which could be strained during this electoral period.

Despite all the progress that has been made, Burundi remains a fragile state and regularly appears on watch lists of countries vulnerable to internal conflict. For example, the Brookings Institution's Weak States Index last year listed Burundi as the fifth weakest state in the world, behind Iraq, the DRC, Afghanistan, and Somalia. Moreover, according to the U.N. Human Development Index, Burundi continues to be one of the poorest countries in the world.

I have been particularly concerned by reports that both the Burundian government and the armed opposition Forces for National Liberation—FNL—continue to resort to violence, intimidation and repression. According to the State Department's "Country Reports on Human Rights Practices," members of the army, the police, and the National Intelligence Service were responsible for killings, torture, and beatings of civilians and detainees in 2008, although there were fewer such reports than in the previous year. Human Rights Watch has documented a number of abuses committed against democratic political opponents by state agents and unofficial proxies in the first few months of 2009. Meanwhile, the FNL reportedly continues to abduct civilians and use violence against local officials.

In the run-up to the 2010 elections, it is quite possible that these abuses and

killings will increase as the parties compete for political power. Therefore, it is critical that the international community speak out now against human rights violations and the importance of maintaining the rule of law. We need to press the Burundian government to ensure it is not participating in any abusive behavior and help it to improve the independence and capacity of its judicial institutions. We also need to engage with and help strengthen the Electoral Commission so it can guard against any manipulation actual or perceived of the electoral process. Finally, we need to continue working with the United Nations Integrated Office in Burundi and the new Partnership for Peace in Burundi to advance disarmament and demobilization, transitional justice, reconciliation and development efforts. Burundi's peace process has come a long way, but the process is far from complete.

The United States has a unique role to play in these efforts. Because of our role in helping to broker the Arusha peace accord, the United States has significant good will in Burundi and is seen by many as a credible arbiter. In the years since, we have continued to work with regional stakeholders in support of peace. In the months leading up to Burundi's election, we need to increase that support and amplify our voice against abuses and political violence. I know President Obama's nominee to be our next ambassador to Burundi, Ambassador Pamela Slutz, understands these challenges and I look forward to working with her. Working together, regional leaders and the international community can help Burundians avert an electoral crisis and keep the peace process on track.

COMMENDING RICHARD "DICK" PEMBROKE

Mr. LEAHY. Mr. President, I would like to salute Richard "Dick" Pembroke, of North Bennington, VT, for his years of service and dedication to the State of Vermont.

Dick has been chosen as this year's honoree at the fourth annual Living History Day that will be held August 9, 2009. Dick's friends and family will pay tribute to him in downtown Bennington, for his many achievements and contributions to Bennington and to the State of Vermont.

I have had the good fortune to have known Dick for many years. Born and raised on a family farm in my hometown of Montpelier, Dick and I also share St. Michael's College in Vermont as our alma mater. He is a good friend and I am delighted for him and the recognition that he is being given.

In honor of Dick Pembroke, I ask unanimous consent that a copy of the Bennington Banner's story, "Pembroke will be honored August 9 as 'Living History,'" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bennington Banner, July 23, 2009]

PEMBROKE WILL BE HONORED AUGUST 9 AS
"LIVING HISTORY"

NORTH BENNINGTON.—Richard "Dick" Pembroke of Harrington Road will be this year's honoree for the fourth annual Living History Day to be held on Aug. 9 in front of Powers Market.

A different resident is chosen each year to be recognized for their achievements and contribution in shaping the local community. The two-hour event offers others a venue to share stories about the honoree and enjoy time with neighbors and friends. In addition to stories, there will be music, Kevin's hot dogs and much more. The event takes place from noon to 2 p.m., is free and open to all ages.

Pembroke has lived a spiritually rich and diversified private and public life. He was the eldest of four children, born and raised in Vermont on the family farm in Montpelier. He attended St. Michael's College in Winooski and subsequently served in the Navy during the Korean War and afterward, from 1951 to 1955. He met and married his wife, MaryAnn, while stationed in Pensacola, Fla. Upon returning to Vermont a short time later, he was employed at the First National Grocery Store Corp.

Pembroke managed several stores before opening one in Bennington in 1962. His love of horticulture and the outdoors was insatiable. To fulfill this passion, he began a landscaping business on the side, which gradually grew. In 1973, he left the grocery business and directed his full attention to Pembroke Landscaping.

Being the father of one daughter and three sons kept him busy and involved with loyal education. Pembroke coached Little League and helped to construct the local Little League park. He was also a member of the Mount Anthony Union High School Booster Club from 1973 to 1980 as well as other school organizations. Pembroke joined the Lions Club in 1957 and was involved with building the current Lions Field. He was a member of the University of Vermont board from 1980 to 1986, director for the American Red Cross and a member of the Knights of Columbus since 1963. He served on the Bennington Zoning Board of Adjustment from 1975 to 1987 and was chairman for 11 years.

In 1986, he discovered another avenue of public service that suited him quite well: He was elected to the Vermont House of Representatives, where he was chairman of the House Transportation Committee for 12 of the 16 years he served. He championed the construction of Route 279 in and around Bennington and worked diligently on many infrastructure projects related to safety and economic development.

In 2006, he was voted chamber of commerce person of the year. "Retirement" is not a word in Pembroke's vocabulary. He continues to keep a foot in the door of Pembroke Landscaping and currently sits on the State Environmental board as well as trustee/director of the Southwestern Vermont Medical Center.

ADDITIONAL STATEMENTS

COMMENDING EDDIE LEE PEPPE

• Ms. CANTWELL. Mr. President, today I honor Mr. Eddie Lee Pepple,

varsity basketball coach at Mercer Island High School, in retiring after 52 years of faithful service to our Nation and our youth. His distinguished career has culminated as varsity coach at Mercer Island High School where he has taught basketball for 42 years, leading the team to win 4 Washington State AAA Championships, and inspiring thousands of young students.

Coach Pepple was born in Denver, CO. He graduated from the University of Utah in 1955 with a bachelor of arts degree, and went on to serve in the Marine Corps from 1956-1957. He was the captain of the Quantico Marine Corps basketball team and Pendleton Marine Corps basketball team, winning a Marine Corps Championship with the Quantico Marines in 1956. He later earned his masters' degree in 1965 at Oregon State University.

He began his coaching career in 1958 as the varsity basketball coach at Fife High School in Washington State, where he led the team to a 4th place finish in the 1961 State Tournament. After 6 years of dedicated service to Fife High School, Coach Pepple went on to be the assistant coach at Meadowdale High School from 1964-1966, and then varsity coach at Mark Morris High School in 1967.

In 1968, Coach Ed Pepple began as varsity coach at Mercer Island High School, where he has led the team to 23 league championship tournaments, 4 final placements as State AAA Champions, and 13 second place finishes in the State championship tournament. His overall winning record during his tenure at Mercer Island High School is 78.8 percent after winning 882 of the 1,119 games he has coached.

During these 52 years of devoted public service, Coach Pepple has been recognized by numerous organizations as an outstanding basketball coach and is nationally renowned for his inspiration, dedication, and success. In 1985, after leading Mercer Island High School to his first State AAA championship, Coach Pepple was awarded his first Coach of the Year Award by both the Kingco Conference, and the Washington State Interscholastic Basketball Association. He has since won the Kingco Coach of the year award five more times, and the Washington State Interscholastic Basketball Association award again in 1993.

In 1986, Coach Pepple was nationally celebrated when he received the Region 7 Coach of the Year award from the National High School Athletic Coaches Association, NHSACA. He received this award once again in 1993 and 1998. In 1998 Coach Pepple was also recognized by the NHSACA as the National Coach of the Year, one of the highest national awards a distinguished coach can receive. He has also served as the prestigious West Head Coach of the McDonald's All American Game, and served on the McDonald's All American Game Selection Committee for 17 years.

In 1997 and 1999, the Washington Interscholastic Basketball Coaches Association also recognized Coach Pepple as the AAA Coach of the Year. He has been the chairman of this organization for the past 26 years. In total, Coach Pepple has been awarded 17 Coach of the Year awards and has been inaugurated into the Puget Sound Hall of Fame, the Washington Interscholastic Activities Association Hall of Fame, the Washington Interscholastic Basketball Coaches Association Hall of Fame, and most recently the National High School Athletic Coaches Association Hall of Fame in 2006.

Upon his retirement Coach Pepple will be inaugurated into the Everett Community College Hall of Fame, and honored by the establishment of the Ed Pepple Coaches' Service Award by the Washington Interscholastic Basketball Coaches Association, as recognition of his service to the Washington State basketball community.

It is through the commitment and sacrifice of Americans such as Eddie Lee Pepple that our young adults are able to thrive and succeed. He has bettered our communities in Washington State, and touched the lives of countless students through his dedication to coaching and teaching. I am proud to thank him, his wife Shirley, and children Terry, Jill, Jody, and Kyle for his honorable service to our Nation as a coach. I congratulate Coach Pepple and give my best wishes as he concludes his distinguished career.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that it has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2510. An act to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes.

H.R. 2728. An act to provide financial support for the operation of the law library of the Library of Congress, and for other purposes.

H.R. 2749. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse".

H.R. 3269. An act to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions.

H.R. 3326. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3435. An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

H.J. Res. 12. Joint resolution expressing support for designation of September 2009 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 171. Concurrent resolution authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance.

The message further announced that it has passed the following joint resolution (S.J. Res. 19) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact, without amendment.

The message also announced that pursuant to section 194 of title 14, United States Code, Mr. OBERSTAR, Chairman of the Committee on Transportation and Infrastructure, appoints the following Members of the House of Representatives to the United States Coast Guard Academy Board of Visitors: Mr. MICHAEL H. MICHAUD of Maine, Ms. MAZIE HIRONO of Hawaii, and Mr. JOHN L. MICA of Florida.

ENROLLED BILLS SIGNED

The message further announced that the speaker has signed the following enrolled bills:

S. 1107. An act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

H.R. 3357. An act to restore sums to the Highway Trust Fund and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2510. An act to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes; to the Committee on Rules and Administration.

H.R. 2728. An act to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

H.R. 2749. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3269. An act to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3326. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

H.J. Res. 12. Joint resolution expressing support for designation of September 2009 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3435. An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 3, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1107. An act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2568. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Es-

tablishment of Suspension and Revocation National Center of Expertise" ((RIN1625-ZA22) (Docket No. USG-2009-0314)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2569. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Event; Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District" ((RIN1625-AA08) (Docket No. USG-2009-0252)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2570. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation, Maggie Fischer Memorial Great South Bay Cross Bay Swim, Great South Bay, New York" ((RIN1625-AA08) (Docket No. USG-2009-0302)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2571. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Summer Marine Events, Coastal Massachusetts" ((RIN1625-AA08) (Docket No. USG-2009-0448)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2572. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Manasquan River, New Jersey" ((RIN1625-AA09) (Docket No. USG-2009-0233)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2573. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Ernest Lyons (SR A1A), Stuart Florida, and Memorial Clearwater Causeway (SR 60), Clearwater Florida" ((RIN1625-AA09) (Docket No. USG-2007-0129)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2574. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; James River, Navy Live Fire and Explosive Training" ((RIN1625-AA00) (Docket No. USG-2009-0568)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2575. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Friends of Fireworks Celebration, Lake Huron, St. Ignace, Michigan" ((RIN1625-AA00) (Docket No. USG-2009-0649)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2576. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant

to law, the report of a rule entitled "Safety Zone; Atlantic Intracoastal Waterway, Oak Island, North Carolina" ((RIN1625-AA00) (Docket No. USG-2009-0565)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2577. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Access Destinations Fireworks Display, San Diego Bay, California" ((RIN1625-AA00) (Docket No. USG-2009-0513)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2578. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Norfolk Tides Post-Game Fireworks Displays, Elizabeth River, Norfolk, Virginia" ((RIN1625-AA00) (Docket No. USG-2009-0274)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2579. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Displays within the Captain of the Port Puget Sound Zone" ((RIN1625-AA00) (Docket No. USG-2009-0532)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2580. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Display at the Craneway Building, Richmond, California" ((RIN1625-AA00) (Docket No. USG-2009-0521)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2581. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Kinnickinnic River Sediment Removal Project, Milwaukee, Wisconsin" ((RIN1625-AA00) (Docket No. USG-2009-0399)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2582. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "2009 Rates for Pilotage on the Great Lakes" ((RIN1625-AB29) (Docket No. USG-2008-1126)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2583. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability—Vessels and Deepwater Ports" ((RIN1625-AB25) (Docket No. USG-2008-0007)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2584. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Amarillo, Texas" ((DA 09-1533) (MB Docket No. 09-70)) received

in the Office of the President of the Senate on July 30, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2585. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Port of Anchorage Marine Terminal Redevelopment Project, Anchorage, Alaska" (RIN0648-AX32) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2586. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Quarterly Listings; District Eight Safety Zones and Special Local Regulation" (Docket No. USG-2009-0677) received in the Office of the President of the Senate on July 30, 2009; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. DODD, Mr. LEAHY, and Ms. MIKULSKI):

S. 1556. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURR:

S. 1557. A bill to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. RISCH, Ms. LANDRIEU, Mr. LEAHY, Mr. TESTER, and Mr. WYDEN):

S. 1558. A bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1559. A bill to consolidate democracy and security in the Western Balkans by supporting the Governments and people of Bosnia and Herzegovina and Montenegro in reaching their goal of eventual NATO mem-

bership, and to welcome further NATO partnership with the Republic of Serbia, and for other purposes; to the Committee on Foreign Relations.

By Mr. BEGICH:

S. 1560. A bill to amend the Outer Continental Shelf Lands Act to provide for the sharing of certain outer Continental Shelf revenues from areas in the Alaska Adjacent Zone; to the Committee on Energy and Natural Resources.

By Mr. BEGICH:

S. 1561. A bill to ensure safe, secure, and reliable marine shipping in the Arctic, including the availability of aids to navigation, vessel escorts, oil spill response capability, and maritime search and rescue in the Arctic, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 1562. A bill to provide for a study and report on research on the United States Arctic Ocean and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 1563. A bill to amend the State Department Basic Authorities Act of 1956 to establish a United States Ambassador at Large for Arctic Affairs; to the Committee on Foreign Relations.

By Mr. BEGICH:

S. 1564. A bill to enhance the readiness of the United States to deal with increased maritime and development activity in the Arctic as a result of climate change, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 1565. A bill to improve Arctic health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH:

S. 1566. A bill to create the American Arctic Adaptation Grant Program to prevent or mitigate effects of Arctic climate change and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWNBACK (for himself and Mr. WHITEHOUSE):

S. 1567. A bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1568. A bill to assist in the establishment of an interpretive center and museum in Bethlehem, Pennsylvania, to protect and interpret the history of the industrialization of the United States; to the Committee on Energy and Natural Resources.

By Ms. STABENOW:

S. 1569. A bill to expand our Nation's Advanced Practice Registered Nurse workforce; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN):

S. Res. 234. A resolution supporting the goals and ideals of National Save for Retirement Week 2009; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. REED, Ms. SNOWE, Mr. INHOFE, Mr. BYRD, Mr. VOINOVICH, Mr. BEGICH, Mr. LEVIN, Mr. KERRY, Mr. BURR, Mr.

CRAPO, Mrs. HAGAN, Mr. ROBERTS, Mr. INOUE, Mrs. MURRAY, Mr. COCHRAN, Mr. CONRAD, Mrs. LINCOLN, Mr. BURRIS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. CARDIN, Mr. REID, Mr. THUNE, Mr. SCHUMER, Mr. CASEY, Mr. MERKLEY, Mr. LIEBERMAN, Mr. BOND, Mr. BROWN, and Mr. CORKER):

S. Res. 235. A resolution designating August 16, 2009, as "National Airborne Day"; considered and agreed to.

By Mr. CARDIN (for himself, Mr. VOINOVICH, Mr. HARKIN, and Mr. BROWNBACK):

S. Res. 236. A resolution commemorating the 175th anniversary of the abolition of slavery in the British Empire on August 1, 1834; considered and agreed to.

ADDITIONAL COSPONSORS

S. 252

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care to veterans, and for other purposes.

S. 301

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 301, a bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

S. 388

At the request of Mr. BENNET, his name was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of

the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 581

At the request of Mr. BENNET, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Virginia (Mr. WEBB), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 671

At the request of Mrs. LINCOLN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from North Dakota (Mr. DORGAN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services

under part B of the Medicare program, and for other purposes.

S. 686

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 693

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 772

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 772, a bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 809

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 809, a bill to establish a program to provide tuition assistance to individuals who have lost their jobs as a result of the economic downturn.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make per-

manent the special rule for contributions of qualified conservation contributions.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 883

At the request of Mr. KERRY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1023

At the request of Mr. WARNER, his name was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1023, supra.

S. 1052

At the request of Mr. CONRAD, the names of the Senator from Montana (Mr. TESTER) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1065

At the request of Mr. BROWNBAC, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1155

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1155, a bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1295

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1295, a bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program.

S. 1320

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1320, a bill to provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes.

S. 1362

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in

the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1382

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1422

At the request of Mrs. MURRAY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1452

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1452, a bill to amend title 38, United States Code, to clarify the meaning of "combat with the enemy" for purposes of service-connection of disabilities.

S. 1518

At the request of Mr. BURR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1542

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. SNOWE), the Senator from New York (Mrs. GILLIBRAND) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1542, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1543

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1543, a bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1554

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1554, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes.

S. CON. RES. 36

At the request of Mrs. LINCOLN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day."

S. CON. RES. 37

At the request of Mr. JOHANNES, the names of the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Con. Res. 37, a concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

S. RES. 210

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 233

At the request of Mr. BROWNBAC, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 233, a resolution commending Russ Meyer on his induction into the National Aviation Hall of Fame.

AMENDMENT NO. 2225

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 2225 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2229

At the request of Mr. BROWNBAC, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of amendment No. 2229 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2236

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2236 intended to be proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself,
Mr. KERRY, Mr. DODD, Mr.
LEAHY, and Ms. MIKULSKI):

S. 1556. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Veteran Voting Support Act of 2009 with Senator KERRY, and our cosponsors: Senators DODD and LEAHY.

This is a straightforward bill that shows our veterans the respect that they deserve. Veterans have supported and served our Nation—many at great risk and sacrifice. It is unacceptable for us to allow barriers to exist that make it more difficult for them to exercise their right to vote.

The bill that Senator KERRY and I are introducing today would require the Department of Veterans Affairs to take steps to assist veterans with voter registration and to make it easier for them to obtain ballots and cast their votes.

The most recent Census data we have—from a 2005 report—indicates that more than 20 percent of our veterans are not registered to vote. That means that almost 5 million veterans do not have an opportunity to cast their ballots.

Yet, we have massive VA programs in place that provide veterans with healing and medical care, and ensure that they thrive on their return from military service.

In total, there are 1,261 total VA facilities. The Veterans Health Administration operates 155 medical centers, 135 nursing homes, 717 ambulatory care and clinic facilities; 45 residential rehabilitation treatment programs, and 209 vet centers.

In those facilities there are as many as 5 million veterans who are not registered to vote. That strikes me as a critical need unmet.

Even more disturbing, in certain cases, the VA has been hostile to calls for it to facilitate voter registration and voting.

More than 2 years ago, I learned that a Department of Veterans Affairs facility in California had been opposing voter registration services since 2004. I began inquiring and received conflicting answers, but what was clear was that there was no cooperation or work to help veterans that used the facility to vote.

In Connecticut, Secretary of State Susan Bysiewicz defied the VA's directive and tried to gain entry to a West Haven VA facility.

She intended to provide nonpartisan voter registration services, as well as to show veterans how to use the new disabled-access voting systems.

Guess what. She was turned away at the door.

As she was standing outside the door, she met a 91-year-old gentleman, a veteran of World War II. Secretary Bysiewicz asked him if he would like to be registered to vote, and he said that he would.

After registering, he made the comment that "I wanted to do this last year—but there was no-one there to help me." That is wholly unacceptable.

Last year, throughout the year, Senator KERRY and I exchanged multiple letters with the VA on this issue. We were told that VA officials believed providing voting support or allowing groups to do so would violate the Hatch Act.

The Hatch Act, however, prohibits partisan political activities from being conducted by Federal employees, on official time. It has not been interpreted to include nonpartisan voter registration by the Office of Special Counsel, which interprets the Hatch Act. Furthermore, the veterans served by VA facilities are generally not Federal employees.

The VA then argued that nonpartisan voter registration services would cause "disruptions to facility operations."

That claim is even more dubious. Unless "Rock the Vote" comes to VA facilities, voter registration drives are about as tame an activity as you can get.

The law allows the Federal Government to choose to assist people with voter registration if the State requests that a federal agency be designated as a registration facility under the National Voter Registration Act and the agency accepts. Several States, including my home State of California, under the leadership of Secretary Bowen, asked the VA designate facilities within their States under the National Voter Registration Act. But they were refused.

Finally, after much negotiation, the VA settled on a new and substantially improved policy that allows state and local election officials, as well as non-

partisan groups, access to VA facilities for voter registration as long as they coordinate with the facility. This is a significant improvement, no doubt.

I believe, however, that Federal law is still necessary to ensure that these voluntary policies are never rolled back, and that enforcement mechanisms are in place.

This is why we are introducing the Veteran Voting Support Act of 2009. The bill would require the VA to provide voter registration forms whenever veterans enroll in the VA health care system, or change their status or address in that system.

It would say that VA facilities must assist veterans who have trouble with their voter registration forms in the same way that they help veterans fill out other forms, and it would say that veterans must be able to access and receive assistance with absentee ballots at VA facilities.

It would allow nonpartisan groups and election officials to provide nonpartisan voter information and registration services to veterans.

And it would allow Attorney General enforcement through civil suits and injunctions and require an annual report to Congress from the Department of Veterans Affairs on progress related to this legislation.

It is a cornerstone of our democracy that every eligible citizen should be registered and able to cast their vote.

This bill recognizes that nonpartisan and civil rights groups have long played a critical role in helping people with the voter registration process.

I believe it is time that we ensure that the Department of Veterans Affairs will provide veterans with the support they deserve to register, cast their vote, and have that vote counted.

I hope my colleagues will join me in supporting the Veteran Voting Support Act of 2009.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veteran Voting Support Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans have performed a great service to, and risked the greatest sacrifice in the name of, our country, and should be supported by the people and the Government of the United States.

(2) Veterans are especially qualified to understand issues of war, foreign policy, and government support for veterans, and they should have the opportunity to voice that understanding through voting.

(3) The Department of Veterans Affairs should assist veterans to register to vote and to vote.

SEC. 3. VOTER REGISTRATION AND ASSISTANCE.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs (in this section referred to as the “Secretary”) shall provide a mail voter registration application form to each veteran—

(1) who seeks to enroll in the Department of Veterans Affairs health care system (including enrollment in a medical center, a community living center, a community-based outpatient center, or a domiciliary of the Department of Veterans Affairs health care system), at the time of such enrollment; and

(2) who is enrolled in such health care system—

(A) at any time when there is a change in the enrollment status of the veteran; and

(B) at any time when there is a change in the address of the veteran.

(b) **PROVIDING VOTER REGISTRATION INFORMATION AND ASSISTANCE.**—The Secretary shall provide to each veteran described in subsection (a) the same degree of information and assistance with voter registration as is provided by the Veterans Administration with regard to the completion of its own forms, unless the applicant refuses such assistance.

(c) **TRANSMITTAL OF VOTER REGISTRATION APPLICATION FORMS.**—

(1) **IN GENERAL.**—The Secretary shall accept completed voter registration application forms for transmittal to the appropriate State election official.

(2) **TRANSMITTAL DEADLINE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), a completed voter registration application form accepted at a medical center, community living center, community-based outpatient center, or domiciliary of the Department of Veterans Affairs shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(B) **EXCEPTION.**—If a completed voter registration application form is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) **REQUIREMENTS OF VOTER REGISTRATION INFORMATION AND ASSISTANCE.**—The Secretary shall ensure that the information and assistance with voter registration that is provided under subsection (b) will not—

(1) seek to influence an applicant's political preference or party registration;

(2) display any such political preference or party allegiance;

(3) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not register has any bearing on the availability of services or benefits.

(e) **LIMITATION ON USE OF INFORMATION.**—No information relating to registering to vote, or a declination to register to vote, under this section may be used for any purpose other than voter registration.

(f) **ENFORCEMENT.**—

(1) **NOTICE.**—

(A) **NOTICE TO THE FACILITY DIRECTOR OR THE SECRETARY.**—A person who is aggrieved by a violation of this section or section 4 may provide written notice of the violation to the Director of the facility of the Department of Veterans Affairs health care system

involved or to the Secretary. The Director or the Secretary shall respond to a written notice provided under the preceding sentence within 20 days of receipt of such written notice.

(B) **NOTICE TO THE ATTORNEY GENERAL AND THE ELECTION ASSISTANCE COMMISSION.**—If the violation is not corrected within 90 days after receipt of a notice under subparagraph (A), the aggrieved person may provide written notice of the violation to the Attorney General and the Election Assistance Commission.

(2) **ATTORNEY GENERAL.**—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this section or section 4.

SEC. 4. ASSISTANCE WITH ABSENTEE BALLOTS.

(a) **IN GENERAL.**—Consistent with State and local laws, each director of a community living center, a domiciliary, or a medical center of the Department of Veterans Affairs health care system shall provide assistance in voting by absentee ballot to veterans residing in the community living center or domiciliary or who are inpatients of the medical center, as the case may be.

(b) **ASSISTANCE PROVIDED.**—The assistance provided under subsection (a) shall include—

(1) providing information relating to the opportunity to request an absentee ballot;

(2) making available absentee ballot applications upon request, as well as assisting in completing such applications and ballots; and

(3) working with local election administration officials to ensure proper transmission of absentee ballot applications and absentee ballots.

SEC. 5. INFORMATION PROVIDED BY NON-PARTISAN ORGANIZATIONS.

The Secretary of Veterans Affairs shall permit nonpartisan organizations to provide voter registration information and assistance at facilities of the Department of Veterans Affairs health care system, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

SEC. 6. ASSISTANCE PROVIDED BY ELECTION OFFICIALS AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) **DISTRIBUTION OF INFORMATION.**—

(1) **IN GENERAL.**—Subject to reasonable time, place, and manner restrictions, the Secretary of Veterans Affairs shall not prohibit any election administration official, whether State or local, party-affiliated or non-party affiliated, or elected or appointed, from providing voting information to veterans at any facility of the Department of Veterans Affairs.

(2) **VOTING INFORMATION.**—In this subsection, the term “voting information” means nonpartisan information intended for the public about voting, including information about voter registration, voting systems, absentee balloting, polling locations, and other important resources for voters.

(b) **VOTER REGISTRATION SERVICES.**—The Secretary of Veterans Affairs shall provide reasonable access to facilities of the Department of Veterans Affairs health care system to State and local election officials for the purpose of providing nonpartisan voter registration services to individuals, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

SEC. 7. ANNUAL REPORT ON COMPLIANCE.

The Secretary of Veterans Affairs (in this section referred to as the “Secretary”) shall

submit to Congress an annual report on how the Secretary has complied with the requirements of this Act. Such report shall include the following information with respect to the preceding year:

(1) The number of veterans who were served by facilities of the Department of Veterans Affairs health care system.

(2) The number of such veterans who requested information on or assistance with voter registration.

(3) The number of such veterans who received information on or assistance with voter registration.

(4) Information with respect to written notices submitted under section 3(f), including information with respect to the resolution of the violations alleged in such written notices.

SEC. 8. RULES OF CONSTRUCTION.

(a) **NO INDIVIDUAL BENEFIT.**—Nothing in this Act may be construed to convey a benefit to an individual veteran.

(b) **NO EFFECT ON OTHER LAWS.**—Nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

By Mr. BEGICH:

S. 1560. A bill to amend the Outer Continental Shelf Lands Act to provide for the sharing of certain outer Continental Shelf revenues from areas in the Alaska Adjacent Zone; to the Committee on Energy and Natural Resources.

Mr. BEGICH. Mr. President, I rise today for the first time on this floor to mark the 50th anniversary of Alaska's statehood and to draw the attention of my colleagues to an urgent issue that affects not only my State but all of our States—the issue of global climate change.

This year, thanks to actions taken in this very Chamber, Alaska is celebrating its golden anniversary of statehood. Acquiring the rights and responsibilities of full citizenship was the culmination of a dream for citizens of the 49th State. Statehood granted us the ability to exercise control over our vast natural resources and gave us a full voice in our national government. In the half century since, Alaska has grown from the Nation's largest supplier of salmon to become the Nation's storehouse of both seafood and energy.

Because of its strategic location near the top of the globe, Alaska plays a critical role in our Nation's defense. During the Cold War, the superpowers stared down each other across the frozen polar ice cap. Thanks to a thaw in the geopolitical climate, the “ice curtain” separating Alaska and Russia

melted some 20 years ago. Today, it is a change in the climate itself that present serious new challenges—and great opportunities—to my State and our Nation.

Alaska is now at Ground Zero for the effects of global climate change. I take this opportunity today to detail how that is affecting the lives of Alaskans. I will describe a package of legislation I am introducing to prepare my State and the Nation for the next 50 years. During that time, the Arctic will play an even larger role in the Nation's commerce, foreign policy, and energy independence.

Mr. President, to me there is no more dramatic illustration of global warming in Alaska than these two pictures taken at Portage Glacier, just about 50 miles south of Anchorage. The top photo, taken by my dad in 1970, shows me and two of my brothers and a sister. The glacier is clearly in view. The bottom photo was taken 35 years later, in 2005. It is of my son, Jacob, standing in the exact same spot at the same time of year. The glacier is nowhere to be seen because it has dramatically receded due to global warming.

Today in the Arctic, the sea is melting so fast that most of it could be gone in 30 years. You can clearly see it in this polar projection of the Arctic. The implications of the loss are enormous. Devastating for species such as the polar bear, walrus, and seals, which depend on ice for their very survival; life-altering for Arctic residents who have depended on marine mammals for their nutritional and cultural needs for thousands of years; literally earth-shattering for entire Alaskan Arctic communities, which are being wiped away by erosion and thawing permafrost.

When this global air-conditioner is knocked off kilter, it accelerates climatic changes we are already witnessing around the globe that neither science nor our political systems can stop.

Consider these examples.

Storms raging over waters that once were frozen solid but which are now ice-free for much of the year are eroding sections of the Alaska shoreline at rates of 45 feet per year or more. This undermines entire coastal villages like Shishmaref and Kivalina.

Thawing permafrost is causing roads and the foundations of homes to buckle.

A recent study by the University of Alaska's Institute of Social and Economic Research estimated that the impacts of climate change will increase the cost of maintaining or replacing just today's public infrastructure in my State by \$6 billion.

The potential release of massive amounts of methane now sealed in the permafrost threaten to accelerate the pace of climate change. That is known to scientists as "Arctic Feedback."

Warming water temperatures are pushing cold water species north and attracting warm water species from the south. Fishermen in Sitka are encountering the giant Humboldt squid from Mexico.

Tuna—whose usual habitat favors the tropics—have been caught near Homer. And invasive species such as green crab are moving steadily northward.

Ocean acidification—the result of absorption of carbon into our marine waters—weakens shellfish, coral, and even plankton, the very first link of the marine food chain.

At the G-8 Summit last month in Italy, developing nations agreed to the principle of limiting the average increase in the Earth's temperature to no more than 2 degrees Celsius above pre-industrial levels.

In the American Arctic, we exceeded that long ago. The diminishing ice creates opportunities in the Arctic, but even these pose new challenges. For example, the Beaufort and Chukchi seas are believed to contain almost twice as much oil as already has been produced from the North Slope.

Arctic oil and gas development has been conducted safely on-shore in Alaska. Alaskans also have the technology to safely produce it off-shore.

But subsistence users who rely on marine mammals for their way of life are legitimately concerned about the special challenges of how to prevent and respond to an oil spill in broken sea ice.

The diminishing Arctic ice pack could open new grounds to commercial fishing, which can create new jobs. This also presents challenges to manage fish stocks in this region as we learn more about the impact of fishing in these previously inaccessible waters.

Opening the Northwest Passage, the Northern Sea Route and eventually the polar sea, will bring an increase in shipping and even tourism to the Arctic. This means new economic development and additional jobs to the northern part of our state.

Our neighbors have taken notice of the warming Arctic, too. This picture of a Russian submersible planting that country's flag on the North Pole's ocean floor was shocking to Americans and other Arctic nations.

The Swedish Foreign Minister, whose nation is president of the European Union this year, demonstrates that Europe understands these changes when he recently said the melting polar sea ice is creating revolutionary new transportation possibilities between the Atlantic and Pacific.

Although Alaskans are well aware of the impacts of climate change in our State, national decisionmakers are just starting to come to grips with its challenges and opportunities.

A proposed American Arctic policy was adopted in the final days of the Bush administration. While not per-

fect, it highlights many areas that need further focus.

Here in the Congress, climate change has risen to a high priority in these Halls and in the Obama administration.

I commend these many initiatives and pledge my cooperation with other Members of this body and the national administration.

To advance that effort, today I am introducing a package of seven bills to address these challenges, almost all of which have been caused by, or made worse by, climate change.

I call this package—Inuvikput. It is a word from the Inupiaq Eskimos of the Alaska North Slope which means "the place where we live."

I can think of no more appropriate term coming from the very people who are being affected every day by climatic changes in America's Arctic, the place they have called home for thousands of years.

Mr. President, my package starts with improving our fundamental understanding of the region. We need to invest in basic science to better understand Arctic oceanography, meteorology, biology of its fish and marine mammals, as well as natural resources and oil and gas potential.

We need a coordinated research plan. It should start with baseline observations and include better science supporting Arctic-specific oil spill prevention and response.

This plan also must include local and traditional knowledge. After all, some of the first and most accurate predictions of Arctic climate change were from Native elders.

My bill calls on the Secretary of Commerce to undertake a comprehensive strategy to coordinate Arctic research, to make recommendations to Congress on a long-term Arctic Ocean research plan and to provide the resources for this vital mission.

We also need to promote Pan-Arctic research, especially with our Russian and Canadian neighbors, to address scientific issues that span international borders.

My second bill would provide the United States equal standing with other Arctic nations when it comes to our participation in the international Arctic Council and other forums.

Other leading Arctic nations—Russia, Canada, Norway—are represented by ambassador-level diplomats on the Council.

I appreciate the dedication of those who have represented us before the Arctic Council and other forums. I also thank Secretary Clinton and other high level diplomats for their interest in the Arctic. But the United States needs a permanent representative on an equal footing with the representatives of other nations in these important forums. Our Ambassador should advocate American interests in

science, sustainable development, transportation and our defense posture.

The third piece of legislation deals with preparedness for the coming expanded use of the Arctic. We must increase our investment in basic infrastructure to maintain a permanent presence in the Arctic, for scientific, economic development and national security missions.

Critical to that is the need to replace our fleet of icebreakers. The *Polar Sea* and the currently idled *Polar Star* have both served beyond their 30-year life. The *Healy* is newer, but designed primarily for scientific research.

That scientific mission is important. But we need an icebreaking fleet to assert our national interests by patrolling our Arctic waters, monitor increased traffic, and respond to search and rescues, oil spills and other incidents.

In addition to their life-saving mission, the Coast Guard is a vital partner with Alaska's commercial fishing industry. This \$4 billion industry is one of our Nation's truly American industries, providing 58,000 jobs. Our Coast Guard needs facilities to serve as a base for aerial surveillance, spill prevention and emergency response capabilities in the Arctic.

Currently, our closest Coast Guard air base is located in Kodiak, a 900-mile commute just to reach the Arctic Coast. That's like patrolling the Gulf of Mexico from air bases in New York.

I applaud the stamina of our Coast Guard crews who have kept our C-130s in the Arctic skies by performing maintenance work on the ramp in sub-freezing conditions. The least we could do is provide them with a heated hangar. My legislation would address that need and other critical infrastructure needs.

Fourth, we must achieve a balance in environmentally responsible resource development in the Arctic. A diminished ice cap may clear the way for more affordable development of the enormous energy reserves the U.S. Geological Service says lie beneath Arctic waters. This region contains an estimated 30 billion barrels of oil and 220 trillion cubic feet of natural gas.

These resources can create thousands of American jobs and help assure our national energy security.

We must get the science right and provide the infrastructure necessary to protect human and animal life and the environment.

To help achieve that, my measure calls on the Coast Guard to assess Arctic development and develop the necessary infrastructure.

It also requires the Secretary of Commerce to direct research to prevent and improve oil spill recovery in Arctic waters.

My fifth bill deals with the benefits of energy development in the Arctic. Most Alaskans support oil and gas ex-

ploration in the Outer Continental Shelf. We can do development there in the right way, as shown here.

Another example is BP's Liberty field, located off Alaska's northern coast. To minimize impacts, directional drilling from this island pad can tap oil reserves 8 miles away in the water.

As a part of this package, my bill extends to Alaskans the same share of Federal revenues that residents of the gulf coast States currently receive. It would direct a portion of those revenues to those most affected—the residents of Alaska's North Slope—where communities have depended on marine mammals from these same waters for thousands of years. I believe the Arctic's resources belong to the people of the Arctic and should be shared among them.

My sixth bill deals with a critical omission from the new Presidential directive on the Arctic—addressing the health problems of Arctic people.

Alaskans and others who live in Northern latitudes experience numerous health problems, including higher rates of alcohol abuse, diabetes, high blood pressure and, tragically death from injury and suicide.

In many cases, it is unclear what causes these problems. More research is necessary into prevention and treatment.

This bill proposes a study of mental and behavioral health issues in the Arctic. It would create an "Arctic desk" at the National Institutes of Health that was called for in Federal legislation in 1984 but has never been established.

Finally, it would institute a health assessment program at the Centers for Disease Control focused on the Arctic. This vital research will not only benefit residents of my State but citizens across the country.

The seventh bill in this package addresses the huge losses of coastal Alaskan territory, as a result of dramatic climate change. A June 2009 Government Accountability Study on this issue says: "most of Alaska's more than 200 Native villages are affected to some degree by flooding and erosion." In some cases, entire Arctic villages in my State are at risk of serious erosion or of being washed into the sea.

To make matters worse, some of the most severe flooding in recent history occurred this spring. Millions of dollars in damage was done to Alaska communities, prompting State and Federal disaster declarations.

To address these issues, I propose creation of an Arctic adaptation fund. This fund would help the State of Alaska, Alaska Native organizations, affected Arctic communities, and the private sector deal with the impacts of climate change. This includes flooding, erosion, permafrost melting, and damage to public transportation systems

and buildings. The fund also would assist in dealing with habitat restoration, clean energy development, and other economic development activities.

Mr. President, I am considering introducing an additional piece of legislation in this package. It focuses on providing the people of Alaska's Arctic with a greater voice in development decisions affecting their lives.

This bill would establish an Arctic Regional Citizens Advisory Council. It would be modeled after similar councils operating successfully in the Prince William Sound and Cook Inlet regions of Alaska.

At the request of North Slope Borough Mayor Edward Itta and our constituents there, I agreed to hold off on this bill for now so we can continue the conversation with the people of the region, along with industry and regulatory stakeholders.

In addition to the legislation I am introducing today, Senate ratification of two treaties would dramatically improve our Nation's ability to address Arctic climate change.

The first is the Convention on the Law of the Sea. Negotiated in 1982, this treaty is designed to settle long-standing disputes over national rights to offshore waters and resources. The Senate's ratification of this treaty would put the United States at the table at a time of great change in the Arctic.

I note support for the Law of the Sea Treaty comes from a broad spectrum of organizations, from environmental groups and oil companies to the U.S. military.

I strongly support ratification of the Law of the Sea Treaty and will be proud to cosponsor this measure.

The second key international agreement the Senate should ratify to address Arctic health issues is the Treaty on Persistent Organic Pollutants, or POPs.

These pollutants—PCBs, DDT, dioxin, and even fire retardants—are carried by wind and sea currents to the Arctic. They are then trapped by the ice and are stored in the fatty tissue of fish and marine mammals that are a main component of the local subsistence diet.

The POPs treaty was adopted in 2001. But like the Law of the Sea, it has never been ratified. It is time that changed. I am honored to be a cosponsor of Senator HARKIN's bill, S. 519, to implement provisions of this treaty.

I look forward to working with the chairman and ranking member of the Foreign Relations Committee and the Obama Administration to bring these treaties forward to the Senate for consideration as soon as possible.

Mr. President, because of Alaska, America is an Arctic nation. My State has over 700 miles of shoreline along the Arctic Ocean, and over 100 million acres above the Arctic Circle. If you define Arctic by temperature, it encompasses an even broader area that

includes the Bering Sea and the Aleutian Islands.

Through the diligent work of many scientists, we have learned much over the past century. But there is much we still do not understand.

This century, and the next 50 years of Alaska statehood, brings great challenges and even greater opportunities. To succeed, we must address the broad policy implications of an ice-diminishing Arctic on the diplomatic, scientific, and national security fronts.

We must make the needed investments to ensure the United States maintains its leadership at the top of our globe. We must listen to and address the needs of the residents of the Arctic.

With this Inuvikput package of legislation, we will take a major step toward achieving these important goals.

As they say in America's Arctic, Qyanaqqak. Thank you.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1568. A bill to assist in the establishment of an interpretive center and museum in Bethlehem, Pennsylvania, to protect and interpret the history of the industrialization of the United States; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor and preserve the industrial legacy of our Nation for the benefit of current and future generations. The bill, which I am introducing along with my Pennsylvania colleague Senator BOB CASEY, would establish a partnership between the Department of Interior and the National Museum of Industrial History; a museum and interpretive center to be located at the site of the former Bethlehem Steel Plant in Bethlehem, PA.

The industrial revolution was a critical period in American history, during which our country and the foundation of our national economy experienced an unprecedented transition. It is important that people, especially children and future generations, have an opportunity to learn about the history of American industrialization and how it shaped our world and our lives. For this opportunity to be realized, the timeless stories and treasured relics of our industrial history must be preserved, interpreted and made available for all to see, study and enjoy. The National Museum of Industrial History will exist for just this purpose.

The Museum will be located at an ideal site to tell the story of America's industrial history because the former tenant of the site was a lead character in the story. The Bethlehem Steel Company was a world-leader in steel production for nearly 150 years and truly epitomized the industrial revolution and expansion throughout the 19th and 20th centuries. Steel produced in

Bethlehem was used to build some of our country's most treasured structures and landmarks, including the Chrysler Building in New York City and the Golden Gate Bridge in San Francisco. Bethlehem Steel was a major contributor to the war effort during the first and second World Wars, building many ships and supplying much of the armored plating and large-caliber guns for our armed forces. Bethlehem Steel began to cease much of its operation in the 1990s and was bought by another steel company in 2001. The closing of Bethlehem Steel marked the end of an era and also created one of the largest brownfield sites in the country. It is on this site, rich in history and industrial heritage, where the National Museum of Industrial History will stand as a monument to industry and as an educational resource to the public.

The legislation I have introduced will establish an agreement between the Department of Interior and the National Museum of Industrial History, wherein the Department will assist in the creation and program development of the Museum. Every dollar provided by the Federal Government would have to be matched by a non-Federal source. The Museum has a long history of working with the Federal Government. The National Museum of Industrial History was the first museum to become affiliated with the Smithsonian Institute. This partnership spawned the Smithsonian Institute's "Affiliates Program," which now has over 150 members around the country.

I urge my colleagues to support this legislation.

By Ms. STABENOW:

S. 1569. A bill to expand our Nation's Advanced Practice Registered Nurse workforce; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce legislation to address our growing workforce shortage. I am pleased to be joining my good friend, Congresswoman LOIS CAPPS, a nurse herself, in introducing this legislation. Our legislation is supported by AARP, the American Academy of Nurse Practitioners, the American Association of Colleges of Nursing, the American Association of Nurse Anesthetists, the American College of Nurse Practitioners, the American College of Nurse-Midwives, the American Nurses Association, the National Association of Pediatric Nurse Practitioners, and the National Organization of Nurse Practitioner Faculties.

Since its creation in 1965, Medicare has provided some support for the costs of nursing education. While relatively small as compared to support for graduate medical education for physicians, \$150 million vs. \$9 billion per year, Medicare has for many years been the largest federal source of funding for nurse training. While nursing edu-

cation and patient care needs have changed tremendously since 1965, Medicare's policy in this area has not kept up to date.

My bill amends Medicare to provide incentives to expand the number of advanced practice registered nurses, APRN, trained and to prepare them to undertake the essential cost-saving reforms to our health care delivery system: an increased focus on primary and preventive care, improved coordination of care, access to primary care and anesthesia services in rural and medically underserved areas, and enhanced efforts to reduce costly medical errors that will lower health care costs and improve patient care. This legislation also focuses on training nurses in community-based settings, such as community health centers, rural clinics and individual health professional offices, arming them with the practical clinical experience they need.

The respected economic analysis firm The Lewin Group has conducted a thorough analysis of this proposal. They found that it would increase the number of APRNs graduating by 25 percent. This is a very significant increase and one that is greatly needed. Additionally, training more APRNs will help us develop more faculty, which are desperately needed to train the next generation of nurses. Every nursing school dean in Michigan has told me that this is a huge issue to them.

This relatively modest investment in APRNs will provide Americans, especially those in rural and other areas of health care shortages, with the primary and preventive care, care coordination, and chronic care management they too often lack today.

At a time when our country faces a shortage of healthcare professionals, funding for the clinical education of APRNs, including nurse practitioners, certified nurse-midwives, certified registered nurse anesthetists, and clinical nurse specialists is vitally important to meet the demand for expanded health care, which is expected under a newly reformed delivery system.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 29, 2009.

Hon. DEBBIE STABENOW,
U.S. Senate,
133 Senate Hart Building, Washington, DC.

DEAR SENATOR STABENOW: On behalf of the undersigned organizations, we would like to express our support for your legislation that will amend Title XVIII of the Social Security Act to provide payment to hospitals for the costs of expanded advanced practice nurse training programs. At a time when our country faces a shortage of healthcare professionals, funding for the clinical education of Advanced Practice Registered Nurses (APRNs), including nurse practitioners, certified nurse-midwives, certified registered

nurse anesthetists, and clinical nurse specialists is vitally important to meet the demand for expanded health care, which is expected under a newly reformed delivery system.

APRNs are ideally suited to help implement delivery system reforms such as an increased focus on primary, transitional, and preventive care, enhancing access for rural and medically underserved populations, improving care coordination, chronic care management, and reducing costly medical errors. Yet in 2008, U.S. nursing schools turned away 6,904 qualified applicants from graduate nursing programs due to insufficient numbers of faculty, clinical sites, classroom space, clinical preceptors, and budget constraints. This Medicare funding would expand the current focus to nursing education at the graduate level. It would also expand clinical education provided through Medicare funding to include home and community-based settings as well as hospitals, using affiliations between accredited schools of nursing and community-based health care settings. The outcome would be a much more robust APRN workforce to meet growing demand especially among the Medicare population and those in underserved areas. In fact, according to a Lewin report commissioned by AARP to investigate this type of proposal, your bill would increase the number of APRNs by 25%.

We applaud your efforts and those of your staff for introducing Graduate Nursing Education legislation, which will benefit future APRNs so they can provide high quality, cost effective care to the most vulnerable populations in all areas across the country. Thank you for your recognition of the role APRNs will play in a reformed healthcare system.

Sincerely,

AARP, American Academy of Nurse Practitioners, American Association of Colleges of Nursing, American Association of Nurse Anesthetists, American College of Nurse Practitioners, American College of Nurse-Midwives, American Nurses Association, National Association of Pediatric Nurse Practitioners, National Organization of Nurse Practitioner Faculties.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAVE FOR RETIREMENT WEEK 2009

Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas people in the United States are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than 3% of workers or

their spouses save for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas saving for retirement is a key component to overall financial health and security during retirement years;

Whereas many workers may not be aware of retirement savings options, or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have access to defined benefit and defined contribution plans to help prepare for retirement, yet many may not take advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans under Federal law;

Whereas many workers saving for retirement through tax-preferred savings plans have experienced declines in account values due to the recent economic downturn and market decline, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from the advantages of tax-preferred savings plans, and from increased awareness of the need to develop personal budgets, and financial plans; and

Whereas October 18 through October 24, 2009, has been designated as "National Save for Retirement Week 2009": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Save for Retirement Week 2009;

(2) supports efforts to raise public awareness of the need to use efficiently the substantial tax revenues, estimated to exceed \$127,000,000,000 for the fiscal year 2009 budget, that subsidize retirement savings;

(3) supports efforts to raise public awareness of the importance of saving adequately for retirement and of the availability of tax-preferred employer-sponsored retirement savings plans; and

(4) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities with the goal of increasing the retirement savings for all the people in the United States.

SENATE RESOLUTION 235—DESIGNATING AUGUST 16, 2009, AS "NATIONAL AIRBORNE DAY"

Ms. MURKOWSKI (for herself, Mr. REED, Ms. SNOWE, Mr. INHOFE, Mr. BYRD, Mr. VOINOVICH, Mr. BEGICH, Mr. LEVIN, Mr. KERRY, Mr. BURR, Mr. CRAPO, Mrs. HAGAN, Mr. ROBERTS, Mr. INOUE, Mrs. MURRAY, Mr. COCHRAN, Mr. CONRAD, Mrs. LINCOLN, Mr. BURRIS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. CARDIN, Mr. REID, Mr. THUNE, Mr. SCHUMER, Mr. CASEY, Mr. MERKLEY, Mr. LIEBERMAN, Mr. BOND, Mr. BROWN, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 235

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the

United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute;

Whereas the United States experiment with airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, the 325th and 327th Glider Infantry, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas the modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, each of which is part of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, airborne units played a pivotal role in the war in Afghanistan, including the unflinching pursuit of the enemies of the United States during the battles of Mazar-i Sharif, Kabul, Qala-i-Jangi, Tora Bora, and Operation Anaconda;

Whereas United States paratroopers, which include the 82d Airborne Division, 75th Ranger Regiment, Special Operations Forces, 173rd Airborne Brigade Combat team, and elements of the 4th Brigade 25th Infantry Division, have demonstrated bravery and honor in an effort to pursue the enemies of the United States, to stabilize Afghanistan, and to strive for calm in a troubled region;

Whereas in the aftermath of the announcement of Operation Iraqi Freedom by President George W. Bush in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade, and the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are, and will continue to be, at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States airborne forces, all have achieved distinction by earning the right to wear the "Silver Wings of Courage" of the United States airborne forces, thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and, in former days, glider troops;

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day; Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2009, as "National Airborne Day"; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 236—COMMEMORATING THE 175TH ANNIVERSARY OF THE ABOLITION OF SLAVERY IN THE BRITISH EMPIRE ON AUGUST 1, 1834

Mr. CARDIN (for himself, Mr. VOINOVICH, Mr. HARKIN, and Mr. BROWNBAC) submitted the following resolution; which was considered and agreed to:

S. RES. 236

Whereas the United States and the United Kingdom have become beacons of freedom and democracy around the world;

Whereas the history of the people of Africa is inextricably tied to the histories of the United States and the United Kingdom;

Whereas, for centuries, millions of people from Africa and their descendants were enslaved in the United States and the territories of the British Empire;

Whereas the slave trade spanned many regions of the world, including Africa, the Caribbean, the United States, and territories of the British Empire;

Whereas the people of Africa forced into slavery were dehumanized, humiliated, abused, and often separated from their families to be sold;

Whereas the institution of slavery, predicated upon racist beliefs, infected and corrupted the social fabrics of the United States and the United Kingdom;

Whereas the Underground Railroad embodied courage, hospitality, and fortitude, and served as an impetus for the abolition of slavery;

Whereas the Underground Railroad provided a means of escape from slavery by incorporating a network of abolitionists, secret routes, and safe houses throughout the United States and the territories of the British Empire;

Whereas the efforts of Harriet Tubman and like-minded abolitionists in the Underground Railroad helped tens of thousands of slaves escape to freedom during the early 19th century;

Whereas Harriet Tubman demonstrated her fearless devotion to liberty during her service as a conductor on the Underground Railroad and was responsible for leading fugitive slaves through the countryside to safe houses;

Whereas Harriet Tubman became known as "Moses" among slaves and abolitionists because her estimated 19 trips in the decade following her emancipation in 1849 to States that permitted slavery led to the liberation of approximately 300 slaves;

Whereas the Fugitive Slave Law of 1850 jeopardized the safety of escaped slaves in the United States;

Whereas the establishment of Underground Railroad safe houses in Canada, a territory of the British Empire, provided a safe haven for escaped slaves;

Whereas the abolition of slavery in the British Empire on August 1, 1834, established a chief terminal for the Underground Railroad and laid the foundation for the eventual abolition of slavery in the United States;

Whereas the Salem Chapel British Methodist Episcopal Church in St. Catharines, Ontario, Canada, served as an important center of abolitionist activity and served as the final destination for many escaped slaves;

Whereas many freed slaves became members of Salem Chapel British Methodist Episcopal Church and settled in the community; and

Whereas the abolition of slavery in the British Empire influenced the United States by setting the precedent that the dehumanizing practice of slavery would not, and could not, be tolerated if a Nation is to conform with the fundamental tenets of democracy and equality for all people; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the fundamental importance of the abolition of slavery in the British Empire in the history of the United States and Canada; and

(2) celebrates the 175th anniversary of the abolition of slavery in the British Empire on August 1, 1834.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2241. Mr. JOHANNIS (for himself, Mr. NELSON of Nebraska, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

SA 2242. Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2243. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2244. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2245. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2246. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2226 proposed by Mr. NELSON of Florida (for himself, Mr. REID, and Mr. MARTINEZ) to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2247. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2248. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2249. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2250. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2251. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2252. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2253. Mr. CHAMBLISS (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2254. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2255. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2256. Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. WHITEHOUSE, Mr. LIEBERMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2257. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2258. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2259. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2260. Mr. FEINGOLD (for himself, Mr. SANDERS, Mr. KOHL, Mr. SCHUMER, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2261. Mr. FEINGOLD (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2262. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2263. Mr. SCHUMER (for himself, Mr. SANDERS, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. MURRAY, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2264. Ms. STABENOW (for herself, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2265. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2266. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2267. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2268. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2269. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2270. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2271. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2272. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2273. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2274. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2275. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2276. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2277. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2278. Mrs. GILLIBRAND (for herself, Mr. SANDERS, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2279. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2280. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2281. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2282. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2283. Mr. DODD (for himself, Mr. WHITEHOUSE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2284. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2285. Mr. NELSON, of Nebraska (for himself, Mr. GRASSLEY, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2286. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2287. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2288. Mr. KOHL proposed an amendment to amendment SA 2248 submitted by Mr. COBURN to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

SA 2289. Mr. KOHL (for himself and Mr. BROWNBAC) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, supra.

TEXT OF AMENDMENTS

SA 2241. Mr. JOHANNIS (for himself, Mr. NELSON of Nebraska, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 19, line 9, before the period, insert the following: “: *Provided further*, That of the amount available under this heading, at least \$17,764,000 shall be used for the tuberculosis program (including at least \$3,000,000 for tuberculosis indemnity and depopulation)”.

SA 2242. Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 8, strike “\$911,394,000” and insert “\$913,394,000, of which \$17,764,000 shall be used for the tuberculosis program (including at least \$3,000,000 for tuberculosis indemnity and depopulation), of which \$2,000,000 shall be derived by reducing the amount available under the heading ‘DEPARTMENTAL ADMINISTRATION’”.

SA 2243. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 7 _____. Notwithstanding any other provision of this Act, each amount provided under the heading "RURAL BUSINESS—COOPERATIVE SERVICE" in title III is reduced by the pro rata percentage required to reduce the total amount provided under that heading by \$124,800,000.

SA 2244. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 51, beginning on line 10, strike "": *Provided further,*" and all that follows through "technologies" on line 20.

SA 2245. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Beginning on page 75, strike line 16 and all that follows through page 76, line 3.

SA 2246. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2226 proposed by Mr. NELSON of Florida (for himself, Mr. REID, and Mr. MARTINEZ) to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7 _____. (a) In this section, the term "conference" means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) Not later than September 30, 2011, the Secretary of Agriculture shall submit to the appropriate committees of Congress and post on the public Internet website of the Department of Agriculture (referred to in this section as the "Department") in a searchable, electronic format, a report on each conference for which the Department paid travel expenses during fiscal year 2010 that includes—

(1) the itemized expenses paid by the Department, including travel expenses and any Department expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference; and

(4) in the case of a conference for which the Department was the primary sponsor, a statement that includes—

(A) a justification of the location selected;

(B) a description of the cost efficiency of the location;

(C) the date of the conference;

(D) a brief explanation of how the conference advanced the mission of the Department; and

(E) the total number of individuals whose travel or attendance at the conference was paid for in part or full by the Department.

(c) Notwithstanding any other provision of this Act, the aggregate amount made available under this Act for expenses of the Department relating to conferences in fiscal year 2010, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed \$12,000,000.

SA 2247. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PROHIBITION ON NO-BID CONTRACTS, GRANTS, AND EARMARKS

SEC. _____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation;

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient; or

(3) spent on a congressionally directed spending item, as defined by Rule XLIV of the Standing Rules of the Senate, not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee to perform the activity to be provided by the congressionally directed spending item.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

SA 2248. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropri-

tions for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

PROHIBITION ON NO-BID CONTRACTS AND GRANTS

SEC. _____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation;

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient; or

(3) spent on a congressionally directed spending item, as defined by Rule XLIV of the Standing Rules of the Senate, not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee to perform the activity to be provided by the congressionally directed spending item.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

SA 2249. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) The Senate finds that—

(1) agriculture is a national security concern;

(2) the United States suffers from periodic disasters which affects the food and fiber supply of the United States;

(3) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) established 5 permanent disaster programs to deliver timely and immediate assistance to agricultural producers recovering from losses;

(4) as of the date of enactment of this Act, of those 5 disaster programs—

(A) none are available, finalized, and implemented to deliver urgently needed assistance for 2009 producer losses; and

(B) only 1 is being implemented for 2008 losses;

(5) Texas producers are suffering from 1 of the worst droughts since the 1920's and need immediate relief; and

(6) the Secretary of Agriculture has previously authorized various forms of disaster assistance by providing funding under section 32 of the Act of August 24, 1935 (7 U.S.C.

612c), and through the Commodity Credit Corporation.

(b) It is the sense of the Senate that the Secretary of Agriculture should use all of the discretionary authority available to the Secretary to make available immediate relief and assistance for agricultural producers suffering losses as a result of the 2009 droughts.

SA 2250. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7 _____. Notwithstanding any other provision of this Act, each amount provided to the Secretary of Agriculture under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) that remains unobligated as of the date of enactment of this Act is reduced by the pro rata percentage required to reduce the total unobligated amount provided to the Secretary by that Act by \$6,475,000,000.

SA 2251. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, provisions of this Act requiring that funds be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act shall have no force or effect.

SA 2252. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7 _____. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by \$234,128,000.

SA 2253. Mr. CHAMBLISS (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. Not later than 60 days after the date of enactment of this Act, the Administrator of the Foreign Agricultural Service shall submit to the appropriate committees of Congress a report that describes the status of the reorganization of the Foreign Agricultural Service and any future plans of the Administrator to modify office structures to meet existing, emerging, and new priorities.

SA 2254. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. None of the funds made available by this Act may be used to pay the salaries and expenses of any employee of the Department of Agriculture to assess any agency any greenbook charge or to use any funds acquired through an assessment of greenbook charges made prior to the date of enactment of this Act.

SA 2255. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. The Commissioner of Food and Drugs, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall conduct a study and, not later than 240 days after the date of enactment of this Act, submit a report to Congress on the technical challenges associated with inspecting imported seafood. The study and report shall—

(1) provide information on the status of seafood importation, including—

(A) the volume of seafood imported into the United States annually, by product and country of origin;

(B) the number of physical inspections of imported seafood products conducted annually, by product and country of origin; and

(C) a listing of the United States ports of entry for seafood imports by volume;

(2) provide information on imported seafood products, by product and country of origin, that do not meet standards as set forth in the applicable food importation law, including the reason for which each such product does not meet such standards;

(3) identify the fish, crayfish, shellfish, and other sea species most susceptible to violations of the applicable food importation law;

(4) identify the aquaculture and mariculture practices that are of greatest concern to human health; and

(5) suggest methods for improving import inspection policies and procedures to protect consumers in the United States.

SA 2256. Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. WHITEHOUSE,

Mr. LIEBERMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that have been considered eligible for funding by the appropriate rural development field office of the Department of Agriculture at some time during the past fiscal year.

SA 2257. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 22 and 23, insert the following:

(c)(1) Section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) is amended by inserting before the period at the end the following: "using, in the case of beef cattle, 3 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 800 pounds, and 800 pounds or more".

(2) Section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)) is amended by inserting before the period at the end the following: "using, in the case of beef cattle, 3 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 800 pounds, and 800 pounds or more".

(3) The amendments made by this subsection take effect on June 18, 2008.

SA 2258. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 22 and 23, insert the following:

(c) In determining the market value of the applicable beef cattle on the day before the death of the beef cattle under section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) and section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)), the Secretary of Agriculture shall use 3 weight

classes for the beef cattle consisting of less than 400 pounds, 400 pounds or more but less than 800 pounds, and 800 pounds or more.

SA 2259. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 745. REPORT ON TOURISM FOR RURAL COMMUNITIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with the Administrator of the Small Business Administration and the Director of the Office of Travel and Tourism Industries of the Department of Commerce, shall report to the Committees on Appropriations of the House of Representatives and of the Senate on developing the tourism potential of rural communities.

(b) CONTENT OF THE REPORT.—The report required by subsection (a) shall—

(1) identify existing Federal programs that provide assistance to rural small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas;

(2) identify existing Federal programs that assist rural small business concerns in obtaining capital for starting or expanding businesses primarily serving tourists; and

(3) include recommendations, if any, for improving existing programs or creating new Federal programs that may benefit tourism in rural communities.

SA 2260. Mr. FEINGOLD (for himself, Mr. SANDERS, Mr. KOHL, Mr. SCHUMER, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. ____. The Secretary of Agriculture shall, to the maximum extent practicable,

collaborate and consult with, and provide technical assistance and data to, other appropriate Federal agencies conducting any oversight, investigation, or other action to improve or ensure fair competition in agriculture and related industries, such as oversight of markets, antitrust examinations, or examinations of disparities between farm and retail prices.

SA 2261. Mr. FEINGOLD (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 20, before the period at the end insert the following: “: *Provided further*, That the Administrator of the Farm Service Agency shall provide appropriate technical assistance and other support (including collaborating on farm loan restructuring criteria) for any expansion of the Home Affordable Modification Program of the Department of the Treasury to cover farm loans or similar new voluntary or mandatory programs for farm loan foreclosure mitigation or restructuring by recipients of funds under the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or commercial lenders in general”.

SA 2262. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, between lines 20 and 21, insert the following:

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses to establish and operate the Office of Advocacy and Outreach within executive operations, \$3,000,000: *Provided*, That the same amount of funds is provided to each of the Socially Disadvantaged Farmers Group and the Small Farms and Beginning Farmers and Ranchers Group: *Pro-*

vided further, That the Director of the Office of Advocacy and Outreach shall not be required to report to any Assistant Secretary or Undersecretary of the Department of Agriculture.

On page 6, line 3, strike “\$41,319,000” and insert “\$38,319,000”.

SA 2263. Mr. SCHUMER (for himself, Mr. SANDERS, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. MURRAY, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 745. MILK IMPORT EQUITY ACT.

(a) SHORT TITLE.—This section may be cited as the “Milk Import Tariff Equity Act”.

(b) IMPOSITION OF TARIFF-RATE QUOTAS ON CERTAIN CASEIN AND MILK CONCENTRATES.—

(1) CASEIN AND CASEIN PRODUCTS.—

(A) IN GENERAL.—The Additional U.S. notes to chapter 35 of the Harmonized Tariff Schedule of the United States are amended—

(i) by striking “Additional U.S. Note” and inserting “Additional U.S. Notes”;

(ii) in note 1, by striking “subheading 3501.10.10” and inserting “subheadings 3501.10.05, 3501.10.15, and 3501.10.20”; and

(iii) by adding at the end the following new note:

“2. The aggregate quantity of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 in any calendar year shall not exceed 55,477,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”.

(B) RATES FOR CERTAIN CASEINS, CASEINATES, AND OTHER DERIVATIVES AND GLUES.—Chapter 35 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 3501.10 through 3501.90.60 and inserting the following new subheadings, with the article descriptions for subheadings 3501.10 and 3501.90 having the same degree of indentation as the article description for subheading 3502.20.00:

“ 3501.10	Casein:			
	Milk protein concentrate:			
3501.10.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.3¢/kg (AU)	12¢/kg
3501.10.15	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, SG) 0.3¢/kg (AU)	12¢/kg
3501.10.20	Other	\$2.16/kg	Free (MX)	\$2.81/kg
3501.10.55	Other:			
	Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	Free		Free
	Other:			

3501.10.60	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.3¢/kg (AU)	12¢/kg	
3501.10.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, SG) 0.3¢/kg (AU)	12¢/kg	
3501.10.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg	
3501.90	Other:				
3501.90.05	Casein glues	6%	Free (A*, CA, CL, E, IL, J, JO, MX) 3% (SG) 4.5% (AU)	30%	
3501.90.30	Other: Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	6%	Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.3¢/kg (AU)	30%	
3501.90.55	Other: Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.3¢/kg (AU)	12.1¢/kg	
3501.90.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, SG) 0.3¢/kg (AU)	12.1¢/kg	
3501.90.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg	”.

(2) MILK PROTEIN CONCENTRATES.—

(A) IN GENERAL.—The Additional U.S. notes to chapter 4 of the Harmonized Tariff Schedule of the United States are amended—

(i) in note 13, by striking “subheading 0404.90.10” and inserting “subheadings 0404.90.05, 0404.90.15, and 0404.90.20”; and

(ii) by adding at the end the following new note:

“27. The aggregate quantity of milk protein concentrates entered under subheading

0404.90.15 in any calendar year shall not exceed 18,488,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”

(B) RATES FOR CERTAIN MILK PROTEIN CONCENTRATES.—Chapter 4 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 0404.90 through 0404.90.10 and inserting the following

new subheadings, with the article description for subheading 0404.90 having the same degree of indentation as the article description for subheading 0404.10 and with the article descriptions for subheadings 0404.90.05, 0404.90.15, and 0404.90.20 having the same degree of indentation as the article description for subheading 0405.20.40:

“ 0404.90	Other:				
0404.90.05	Milk protein concentrates: Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.3¢/kg (AU)	12¢/kg	
0404.90.15	Described in additional U.S. note 27 to this chapter and entered pursuant to its provisions	0.37¢/kg	Free (A*, CA, CL, E, IL, J, JO, SG) 0.3¢/kg (AU)	12¢/kg	
0404.90.20	Other	\$1.56/kg	Free (MX)	\$2.02/kg	”.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the first day of the first month after the date that is 90 days after the date of the enactment of this Act.

(B) TRANSITIONAL PROVISIONS.—

(i) CHAPTER 35.—Notwithstanding the amendments made by paragraph (1), in the case of any calendar year that includes the effective date described in subparagraph (A), the aggregate amount of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 shall not exceed an amount equal to 151,992 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

(ii) CHAPTER 4.—Notwithstanding the amendments made by paragraph (2), in the case of any calendar year that includes the effective date described in subparagraph (A),

the aggregate amount of milk protein concentrates entered under subheading 0404.90.15 shall not exceed an amount equal to 50,652 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

(C) COMPENSATION AUTHORITY.—

(1) IN GENERAL.—If the provisions of subsection (b) require, the President—

(A) may enter into a trade agreement with any foreign country or instrumentality for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and

(B) may proclaim such modification or continuance of any general rate of duty, or such continuance of duty-free or excise treatment, or any quantitative limitation, as the President determines to be required or appropriate to carry out any such agreement.

(2) LIMITATIONS.—

(A) IN GENERAL.—No proclamation shall be made pursuant to paragraph (1) decreasing

any general rate of duty to a rate which is less than 70 percent of the existing general rate of duty.

(B) SPECIAL RULE FOR CERTAIN DUTY REDUCTIONS.—If the general rate of duty in effect is an intermediate stage under an agreement in effect before August 6, 2002, under section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988 or under an agreement entered into under section 2103 (a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002, the proclamation made pursuant to paragraph (1) may provide for the reduction of each general rate of duty at each such stage by not more than 30 percent of such general rate of duty, and may provide for a final general rate of duty which is not less than 70 percent of the general rate of duty proclaimed as the final stage under such agreement.

(C) ROUNDING.—If the President determines that such action will simplify the computation of the amount of duty computed with

respect to an article, the President may exceed the limitations provided in subparagraphs (A) and (B) by not more than the lesser of—

- (i) the difference between such limitation and the next lower whole number, or
- (ii) one-half of 1 percent ad valorem.

SA 2264. Ms. STABENOW (for herself, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, lines 3 through 5, strike “\$233,388,000, to remain available through September 30, 2011: *Provided*,” and insert “\$250,570,000, to remain available through September 30, 2011: *Provided*, That \$180,000,000 of that amount is used to carry out the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86): *Provided further*, That it is the sense of the Senate that the Secretary of Agriculture should use a portion of the funds to expand the commodity supplemental food program to 6 approved but unfunded State programs: *Provided further*,”.

SA 2265. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 7, before the period, insert the following: “: *Provided further*, That each school or institution located in the State of Vermont that is participating in the summer food service program for children, the child and adult care food program, the school lunch program, or the school breakfast program shall be considered eligible to elect commodity letters of credit in lieu of entitlement commodities in accordance with section 18(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(b))”.

SA 2266. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 24, before the semicolon, insert the following: “, of which \$1,000,000 shall be used by the Center to conduct a study of obesity and report the results of the study to Congress”.

SA 2267. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 22, strike “\$2,995,218,000” and insert “\$2,996,218,000, of which \$1,000,000 shall be used by the Center for Food Safety and Applied Nutrition to conduct a study on obesity and report the results of the study to Congress and shall be derived by transfer of the amount made available under the heading ‘ANIMAL AND PLANT HEALTH INSPECTION SERVICE’ of title I for the National Animal Identification program”.

SA 2268. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 24, strike “\$4,369,000” and insert “\$6,369,000”.

SA 2269. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 24, strike “\$4,369,000” and insert “\$6,369,000, of which \$2,000,000 shall be derived by transfer of the amount made available under the heading ‘ANIMAL AND PLANT HEALTH INSPECTION SERVICE’ for the National Animal Identification program”.

SA 2270. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 7, before the period, insert the following: “: *Provided further*, That of the total amount available, \$2,500,000 shall be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3))”.

SA 2271. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, lines 22 and (23), strike “\$16,799,584,000, to remain available through September 30, 2011,” and insert “\$16,802,084,000, to remain available through September 30, 2011, of which \$2,500,000 shall be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)) and shall be derived by transfer of the amount made available under the heading ‘ANIMAL AND PLANT HEALTH INSPECTION SERVICE’ of title I for the National Animal Identification program”.

SA 2272. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 21, add the following:
DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the purposes described in section 1501(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771(c)), \$400,000,000.

SA 2273. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 21, add the following:
DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the purposes described in section 1501 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771), \$400,000,000.

SA 2274. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 21, add the following:
DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the purposes described in section 1501(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771(c)), \$350,000,000.

SA 2275. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 12, strike “\$1,253,777,000” and insert “\$1,653,777,000”.

SA 2276. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 12, strike “\$1,253,777,000” and insert “\$1,603,777,000”.

SA 2277. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, between lines 8 and 9, insert the following:

DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the Secretary to increase the purchase prices under section 1501(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771(c)) of cheddar cheese in blocks, cheddar cheese in barrels, and nonfat dry milk to not less than \$1.40, \$1.37, and \$0.97 per pound, respectively, \$400,000,000.

SA 2278. Mrs. GILLIBRAND (for herself, Mr. SANDERS, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. (a) There is appropriated, out of any funds in the Treasury not otherwise appropriated, such funds as are necessary for the Secretary of Agriculture to carry out the milk income loss contract program under section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) for the period beginning on March 1, 2009, and ending on June 30, 2009, in accordance with this section.

(b) In carrying out the milk income loss contract program during the period described in subsection (a), the Secretary shall use—

(1) the payment rate described in section 1506(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773(c)), except that the percentage in paragraph (3) of that subsection shall be 90 percent; and

(2) the payment quantity described in section 1506(e) of that Act, except that the

pound limitation in paragraph (2)(A) of that subsection shall be the pro rata share of 5,960,000 pounds for each fiscal year.

(c) For purposes of Senate enforcement, this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 2279. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. (a) Section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

“(4) NUTRITION ASSISTANCE BENEFITS DURING PUBLIC HEALTH EMERGENCY.—

“(A) DEFINITIONS.—

“(i) ELIGIBLE CHILD.—The term ‘eligible child’ means a child (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)) who, if not for the closure of the school attended by the child due to a public health emergency, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) at the school.

“(ii) PUBLIC HEALTH EMERGENCY.—The term ‘public health emergency’ means the declaration of a public health emergency by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

“(iii) SCHOOL.—The term ‘school’ has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

“(B) EMERGENCY STANDARDS.—

“(i) IN GENERAL.—The Secretary may, after consultation with the Secretary of Health and Human Services, approve State agency plans for temporary emergency standards of eligibility and levels of benefits under this Act for households with eligible children.

“(ii) RELATION TO OTHER LAW.—The Secretary may promulgate standards under clause (i) without regard to section 4(c) of this Act or section 553 of title 5, United States Code.

“(C) EMERGENCY PLANS.—Plans approved by the Secretary under this paragraph may provide for supplemental allotments to households receiving benefits under this Act, and issuances to households not already receiving benefits, through the EBT card system established under section 7.

“(D) BENEFITS LEVELS.—Assistance provided to a household under this section shall be equivalent to the value of free or reduced price meals that would have been provided to the eligible children of the household under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) at the school attended by the eligible children if the school was not closed as a result of a public health emergency.

“(E) MINIMUM CLOSURE.—The Secretary shall not provide assistance under this paragraph in the case of a school that is closed for less than 5 consecutive days.

“(F) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary may authorize State educational agencies and school food authorities administering a school meal program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information regarding children who are or may be eligible for free or reduced price school meals as may be necessary to carry out this paragraph.

“(G) WAIVERS.—In carrying out this paragraph, the Secretary may approve waivers of the reporting requirements otherwise applicable under subsection (f), limits on certification periods otherwise applicable under section 3(f), and other administrative requirements otherwise applicable to State agencies.

“(H) TERMINATION OF AUTHORITY.—This paragraph shall be effective only for fiscal year 2010.”.

(b) EMERGENCY PURCHASE AUTHORITY.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) is amended—

(1) by striking “Sec. 32. There” and inserting the following:

“SEC. 32. COMMODITY BENEFITS.

“(a) IN GENERAL.—There”; and

(2) by adding at the end the following:

“(b) COMMODITY ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may use funds made available under this section to purchase commodities for emergency distribution in any area of the United States—

“(A) in the event of a declaration of public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

“(B) on receipt of information from State agencies demonstrating that the situation warrants the distribution of the commodities.

“(2) TERMINATION OF AUTHORITY.—This subsection shall be effective only for fiscal year 2010.”.

(c) OFFSET.—The amendments made by subsections (a) and (b) shall be carried out using \$2,000,000 derived from a reduction of the amount made available under the heading “SALARIES AND EXPENSES” under the heading “ANIMAL AND PLANT HEALTH INSPECTION SERVICE” in title I.

SA 2280. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Whereas sudden loss in late 2008 of export-market based demand equivalent to about three percent of domestic milk production has thrown the U.S. dairy industry into a critical supply-demand imbalance; and

Whereas an abrupt decline in U.S. exports was fueled by the onset of the global economic crisis combined with resurgence of milk supplies in Oceania; and

Whereas the U.S. average all-milk price reported by the National Agriculture Statistics Service from January through May of 2009, has averaged \$4.80 per hundredweight below the cost of production; and

Whereas approximately \$3.9 billion in dairy producer equity has been lost since January; and

Whereas anecdotal evidence suggests that U.S. dairy producers are losing upwards of \$100 per cow per month; and

Whereas the Food, Conservation, and Energy Act of 2008 extended the counter-cyclical Milk Income Loss Contract (MILC) support program and instituted a "feed cost adjuster" to augment that support; and

Whereas the Secretary of Agriculture in March transferred approximately 200 million pounds of nonfat dry milk to USDA's Food and Nutrition Service in a move designed to remove inventory from the market and support low-income families; and

Whereas the Secretary on March 22nd reactivated USDA's Dairy Export Incentive Program (DEIP) to help U.S. producers meet prevailing world prices and develop international markets; and

Whereas the Secretary announced on July 31, 2009 a temporary increase in the amount paid for dairy products through the Dairy Product Price Support Program (DPPSP), an adjustment that is projected to increase dairy farmers' revenue by \$243 million; and

Whereas U.S. dairy producers face unprecedented challenges that threaten the stability of the industry, the nation's milk production infrastructure, and thousands of rural communities: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture and the President's Office of Management and Budget should continue to closely monitor the U.S. dairy sector and use all available discretionary authority to ensure its long-term health and sustainability.

SA 2281. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. Section 404 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624) is amended—

(1) by striking "Agricultural Research Service" each place it appears and inserting "Agricultural Research Service and the Forest Service"; and

(2) in subsection (c), by adding at the end the following:

"(3) **AUTHORITY OF SECRETARY.**—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government."

SA 2282. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) The Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall conduct a study on the labeling of personal care products regulated by the Food and Drug Administration for which organic content claims are made. Such study shall include—

(1) a survey of personal care products for which the word "organic" appears on the label; and

(2) a determination, based on statistical sampling of the products identified under paragraph (1), of the accuracy of such claims.

(b) The Commissioner of Food and Drugs shall—

(1) not later than 270 days after the date of enactment of this Act, submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Health, Education, Labor, and Pensions in the Senate and the Committees on Agriculture, Appropriations, and Energy and Commerce in the House of Representatives a report on the findings of the study under subsection (a); and

(2) provide such Committees with any recommendations on the need to establish labeling standards for personal care products for which organic content claims are made, including whether the Food and Drug Administration should have pre-market approval authority for personal care product labeling.

SA 2283. Mr. DODD (for himself, Mr. WHITEHOUSE and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. Notwithstanding any other provision of law, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts in Connecticut, Massachusetts, and Rhode Island that have been previously funded by the Secretary and were under construction as of January 1, 2009.

SA 2284. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for the projects with the appropriate rural development field office of the Depart-

ment of Agriculture prior to August 1, 2009, and were determined by the field office to be eligible for funding.

SA 2285. Mr. NELSON of Nebraska (for himself, Mr. GRASSLEY, and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7 _____. (a) The Senate finds that—

(1) with livestock producers facing losses from harsh weather in 2008 and continuing to face disasters in 2009, Congress wanted to assist livestock producers in recovering losses more quickly and efficiently than previous ad hoc disaster assistance programs;

(2) on June 18, 2008, Congress established the livestock indemnity program under section 531(c) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)) and section 901(c) of the Trade Act of 1974 (19 U.S.C. 2497(c)) as a permanent disaster assistance program to provide livestock producers with payments of 75 percent of the fair market value for livestock losses as a result of adverse weather such as floods, blizzards, and extreme heat;

(3) on July 13, 2009, the Secretary of Agriculture promulgated rules for the livestock indemnity program that separated non adult beef animals into weight ranges of "less than 400 pounds" and "400 pounds and more"; and

(4) the "400 pounds and more" range would fall well short of covering 75 percent market value payment for livestock in these higher ranges that are close to market weight.

(b) It is the sense of the Senate that the Secretary of Agriculture—

(1) should strive to establish a methodology to calculate more specific payments to offset the cost of loss for each animal as was intended by Congress for calendar years 2008 through 2011; and

(2) should work with groups representing affected livestock producers to come up with this more precise methodology.

SA 2286. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agency, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer's or distributor's proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer's distributor for—

(1) the cost incurred by such dealers in acquisition of all parts and inventory in the

dealer's possession as of the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer's distributor is commenced, on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer's distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer's distributor, including, without limitation, franchise agreement or dealer agreements.

(b) **INCLUSION IN TERMS.**—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer's distributor and the Government (or any agency, department, or subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer's distributor to obtain credit under section 364 of title 11, United States Code, unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) **EFFECTIVENESS OF REJECTION.**—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer's distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

SA 2287. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "TARP Recipient Ownership Trust Act of 2009".

SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: ", and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act".

SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.

(a) **FEDERAL ASSISTANCE LIMITED.**—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) **APPOINTMENT OF TRUSTEES.**—

(1) **IN GENERAL.**—The President shall appoint 3 independent trustees to manage the

equity held in the trust, separate and apart from the United States Government.

(2) **CRITERIA.**—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(c) **DUTIES OF TRUST.**—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(d) **LIQUIDATION.**—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "designated TARP recipient" means any entity that has received financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Federal Government holds or controls not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term "Secretary" means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms "director", "issuer", "securities", and "securities laws" have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 2288. Mr. KOHL proposed an amendment to amendment SA 2248 submitted by Mr. COBURN to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture or the Commissioner of Food and Drugs to enter into any Federal contract unless the contract is—

(1) entered into in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10,

United States Code, and the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)); or

(2) otherwise authorized by law to be entered into without regard to the laws cited in paragraph (1).

SA 2289. Mr. KOHL (for himself and Mr. BROWNBACK) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, line 16, strike "inspections." and insert the following:

inspections: *Provided further*, That this section shall be applied in a manner consistent with United States obligations under international trade agreements.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Monday, August 3, 2009, in the Reception Room immediately off the Senate Floor after today's vote at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. KOHL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, August 3, 2009, at 2 p.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY AND SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security and Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Monday, August 3, 2009, at 3 p.m., to conduct a hearing entitled "Eliminating Wasteful Contractor Bonuses."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Rachana

Chhin of my office be granted the privileges of the floor during the remainder of debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KOHL. I ask unanimous consent that Honor Keeler from Senator BINGAMAN's office be granted the privileges of the floor for the pendency of H.R. 2997 and all amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Stephanie Woodward and Jeremy Girtton be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CHILDHOOD CANCER AWARENESS DAY

Mr. DODD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 200 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 200) designating September 12, 2009, as "National Childhood Cancer Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 200) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 200

Whereas childhood cancer is the leading cause of death by disease for children in the United States;

Whereas an estimated 12,500 children in this Nation are diagnosed with cancer each year;

Whereas an estimated 2,300 children in this Nation lose their lives to cancer each year;

Whereas the results of peer-reviewed clinical trials have raised the standard of care and improved the 5-year cancer survival rate in children to greater than 80 percent overall;

Whereas more than 40,000 children and adolescents in the United States currently are being treated for childhood cancers;

Whereas up to ⅓ of childhood cancer survivors are likely to experience at least one life-altering or life-threatening late effect from treatment; and

Whereas childhood cancer occurs regularly and randomly and spares no racial or ethnic

group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2009, as "National Childhood Cancer Awareness Day";

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer;

(3) recognizes the profound toll a diagnosis of cancer has on children, families, and communities and pledges to make its prevention and cure a public health priority; and

(4) urges public and private sector efforts to promote awareness, invest in research, and improve treatments for childhood cancer.

NATIONAL SAVE FOR RETIREMENT WEEK

Mr. DODD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 234, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 234) supporting the goals and ideals of National Save for Retirement Week 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 234

Whereas people in the United States are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅓ of workers or their spouses save for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas saving for retirement is a key component to overall financial health and security during retirement years;

Whereas many workers may not be aware of retirement savings options, or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have access to defined benefit and defined contribution

plans to help prepare for retirement, yet many may not take advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans under Federal law;

Whereas many workers saving for retirement through tax-preferred savings plans have experienced declines in account values due to the recent economic downturn and market decline, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from the advantages of tax-preferred savings plans, and from increased awareness of the need to develop personal budgets, and financial plans; and

Whereas October 18 through October 24, 2009, has been designated as "National Save for Retirement Week 2009": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Save for Retirement Week 2009;

(2) supports efforts to raise public awareness of the need to use efficiently the substantial tax revenues, estimated to exceed \$127,000,000,000 for the fiscal year 2009 budget, that subsidize retirement savings;

(3) supports efforts to raise public awareness of the importance of saving adequately for retirement and of the availability of tax-preferred employer-sponsored retirement savings plans; and

(4) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities with the goal of increasing the retirement savings for all the people in the United States.

NATIONAL AIRBORNE DAY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 235, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 235) designating August 16, 2009, as "National Airborne Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 235) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 235

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air

transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute;

Whereas the United States experiment with airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, the 325th and 327th Glider Infantry, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas the modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, each of which is part of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, airborne units played a pivotal role in the war in Afghanistan, including the unflinching pursuit of the enemies of the United States during the battles of Mazar-i Sharif, Kabul, Qala-i-Jangi, Tora Bora, and Operation Anaconda;

Whereas United States paratroopers, which include the 82d Airborne Division, 75th Rang-

er Regiment, Special Operations Forces, 173rd Airborne Brigade Combat team, and elements of the 4th Brigade 25th Infantry Division, have demonstrated bravery and honor in an effort to pursue the enemies of the United States, to stabilize Afghanistan, and to strive for calm in a troubled region;

Whereas in the aftermath of the announcement of Operation Iraqi Freedom by President George W. Bush in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade, and the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are, and will continue to be, at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States airborne forces, all have achieved distinction by earning the right to wear the "Silver Wings of Courage" of the United States airborne forces, thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and, in former days, glider troops;

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2009, as "National Airborne Day"; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

COMMEMORATING THE 175TH ANNIVERSARY OF THE ABOLITION OF SLAVERY IN THE BRITISH EMPIRE

Mr. DODD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 236, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 236) Commemorating the 175th anniversary of the abolition of slavery in the British Empire on August 1, 1834.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 236) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 236

Whereas the United States and the United Kingdom have become beacons of freedom and democracy around the world;

Whereas the history of the people of Africa is inextricably tied to the histories of the United States and the United Kingdom;

Whereas, for centuries, millions of people from Africa and their descendants were enslaved in the United States and the territories of the British Empire;

Whereas the slave trade spanned many regions of the world, including Africa, the Caribbean, the United States, and territories of the British Empire;

Whereas the people of Africa forced into slavery were dehumanized, humiliated, abused, and often separated from their families to be sold;

Whereas the institution of slavery, predicated upon racist beliefs, infected and corrupted the social fabrics of the United States and the United Kingdom;

Whereas the Underground Railroad embodied courage, hospitality, and fortitude, and served as an impetus for the abolition of slavery;

Whereas the Underground Railroad provided a means of escape from slavery by incorporating a network of abolitionists, secret routes, and safe houses throughout the United States and the territories of the British Empire;

Whereas the efforts of Harriet Tubman and like-minded abolitionists in the Underground Railroad helped tens of thousands of slaves escape to freedom during the early 19th century;

Whereas Harriet Tubman demonstrated her fearless devotion to liberty during her service as a conductor on the Underground Railroad and was responsible for leading fugitive slaves through the countryside to safe houses;

Whereas Harriet Tubman became known as "Moses" among slaves and abolitionists because her estimated 19 trips in the decade following her emancipation in 1849 to States that permitted slavery led to the liberation of approximately 300 slaves;

Whereas the Fugitive Slave Law of 1850 jeopardized the safety of escaped slaves in the United States;

Whereas the establishment of Underground Railroad safe houses in Canada, a territory of the British Empire, provided a safe haven for escaped slaves;

Whereas the abolition of slavery in the British Empire on August 1, 1834, established a chief terminal for the Underground Railroad and laid the foundation for the eventual abolition of slavery in the United States;

Whereas the Salem Chapel British Methodist Episcopal Church in St. Catharines, Ontario, Canada, served as an important center of abolitionist activity and served as the final destination for many escaped slaves;

Whereas many freed slaves became members of Salem Chapel British Methodist Episcopal Church and settled in the community; and

Whereas the abolition of slavery in the British Empire influenced the United States by setting the precedent that the dehumanizing practice of slavery would not, and could not, be tolerated if a Nation is to conform with the fundamental tenets of democracy and equality for all people: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the fundamental importance of the abolition of slavery in the British Empire in the history of the United States and Canada; and

(2) celebrates the 175th anniversary of the abolition of slavery in the British Empire on August 1, 1834.

MEASURE READ THE FIRST TIME—H.R. 3435

Mr. DODD. Mr. President, I understand that H.R. 3435 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 3435) making supplemental appropriations for Fiscal Year 2009 for the Consumer Assistance to Recycle and Save Program.

Mr. DODD. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will have its second reading on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 111-25, announces the appointment of the following individual to serve as a member of the Ronald Reagan Centennial Commission for the life of the commission: the Honorable ROBERT BENNETT of Utah.

ORDERS FOR TUESDAY, AUGUST 4, 2009

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, August 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of Calendar No. 105, H.R. 2997, the Agriculture appropriations bill, with the time until 10:30 equally divided and controlled between the managers and Senator McCain or their designees; further, I ask that the filing deadline for second-degree amendments be 10:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Mr. President, under the previous order, at approximately 10:30 a.m., the Senate will proceed to a series of two rollcall votes. Upon the completion of the second vote, the Senate will recess until 2:15 p.m. for the weekly caucus luncheons.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:50 p.m., adjourned until Tuesday, August 4, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CONSUMER PRODUCT SAFETY COMMISSION

ANNE M. NORTHUP, OF KENTUCKY, TO BE A COMMISSIONER OF THE OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2004, VICE SAUNDRA BROWN ARMSTRONG, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL I. WERFEL, OF VIRGINIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE LINDA MORRISON COMBS, RESIGNED.

DEPARTMENT OF DEFENSE

TERRY A. YONKERS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE WILLIAM ANDERSON, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN A. BLANKENBAKER

JOSE R. BURGOS

JEFFREY M. CARR

ROGER D. COTTON

JENNIFER L. CURRY

JOHN D. CUSHMAN

JOSEPH E. CZARNIK

MANUEL T. DEGUZMAN

RONNIE F. DIX

CHARLES D. DONNELL

ALLAN E. FEY

WILLIAM R. FLORIG

FREDRICK A. FRANCIS

IRENE V. GLAESER

MAE M. GOLDMANN

DAVID W. HARGRAVE

CARYN S. HEARD

RUSSELL A. HENDERSON

JANICE HIGUERA

JOSEPH L. INGIGNOLI

GARY B. JAMES

KEITH S. JAMINET

ROBERT D. JOHNSON

CAROLYN F. KLEINER

TROY D. KOK

LARRY D. MCCOLPIN

GEORGE P. MCDONNELL

ROBERT G. MICHNOWICZ

STEVEN W. MOSS

ROBERT W. NEIBERGER

ROBERT S. ORESKOVIC

THOMAS H. RAHE

MICHAEL J. RECENIELLO

DEBORAH A. RICHARDSON

MICHAEL G. SCHELLINGER

KENNETH W. SCOTT

JAMES L. SEDLAK

DEBRA A. SINNOTT

NATHAN J. STORCK

AARON T. WALTER

JACK A. WAYMAN, JR.

DONALD E. WILLIAMS

ROBERT L. YATES

ROBERT J. YOUNG

STEPHEN E. ZARBO

VIRGINIA R. ZOLLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM L. ABERNATHY, JR.

DORIS J. ACEVEDOSELPA

CHARLES E. ADAMS

ALBERT J. ADKINSON

SUZANNE D. ADKINSON

JAMES W. AINSWORTH, JR.

OSCAR R. ALEJANDRO

JORGE ARIZMENDI, JR.

WILLIAM T. ARRUDA, JR.

RONALD M. BAILEY

JAMES L. BAKER

ERIC W. BARR

TED R. BATES

QUINTIN A. BATTLES

BARRY K. BEACH

STEVEN R. BEACH

STEPHEN J. BENTLEY

KAREN A. BERRY

JAMES B. BISHOP

ESTUS T. BLAIR III

JOHN C. BOYD

JOHN M. BOZARD

CHRISTOPHER L. BRADY

MARTIN L. BREMER

MARK A. BREWER

MONTY L. BRODT

KEITH A. BROTHERS

RANDALL G. BROWN

KEVIN L. BULLARD

JERRY D. BUTLER, JR.

LESLIE B. BUTLER

JOHN R. CALLAWAY, JR.

SYLVESTER CANNON

GREGORY R. CARDENAS

VIRGINIA L. CARLTON

LOUIS E. CARMONA

VIVIAN L. CARUOLO

HENRY C. CASON

GERALD T. CATRETT

PATRICK J. CENTER

DENNIS P. CHAPMAN

NORTH K. CHARLES

GARY CHIQUESANCHEZ

JAMES F. CHISHOLM IV

THOMAS P. CLARK

PHILIP W. CLAYTON

JOSEPH E. CLEBOSKI

JAMES T. COCANOUGHER

PETER W. CONLIN

ABRAHAM S. CONN

JAMES O. CONRAD

DAVID M. COOLEY

MILADA A. COPELAND

RANDALL J. CORDEIRO

JOSEPH B. COWAN

JOHN B. CREECH

JERRY S. CROOKS

ANITA K. CURINGTON

JEFFERY A. CUSHING

LAURA A. CUSHLER

MATTHEW L. DANA

DARRELL D. DARNBUSH

PAULA B. DAYRINGER

MICHAEL K. DENNIS

MICHAEL P. DEVILLE

DAVID D. DEVOY II

NIKKI S. DEWOLF

JOSEPH R. DICKEY

SEAN P. DONAHOE

GREG W. DREISBACH

ROGER J. DRUMM

KRIS E. DURHAM

PATRICK T. DYE

PAUL G. EBHARDT

JOHN H. EDWARDS, JR.

CRAIG R. EKMAN

STEVE D. ELLIOTT

VIRGIL P. ELLIOTT, JR.

LEE M. ELLIS

KEVIN A. ENTWISTLE

KEVIN M. EPPENS

LUIS R. ERES

MELODIE A. ESPOSITO

ROGER D. ETZEL

THOMAS E. EVANS II

EARLY I. FALK

MARTIN D. FALLS

DAVID M. FARLEY

MARK A. FELDERMAN

ROBERT C. FIELD

LEO M. FILIPOWICZ

ALEX U. FINGERS

PETER J. FIRKEY

MATTHEW W. FLEMING

ANDREW R. FLYNN

MICHAEL D. FRANCE

JOHN M. FRUGE

BENEDICT L. FUATA

DANIEL J. FUHR

LARRY R. GANN

TONY F. GATLIN

DAVID R. GAULT

JULIE M. GERETY

KENNY B. GILMORE

CHRISTINE GLOVER

GREGG S. GOLDSMITH

WILLIAM D. GRISWOLD

AUSTIN F. GROGAN

DAVID G. GUYTON

WALLACE A. HALL, JR.

BRIAN H. HAMMERNESS
 GREGORY O. HAPGOOD, JR.
 DAVID E. HARRELL
 STANLEY B. HARRIS
 BOB D. HAYTER, JR.
 MARY C. HENRY
 LARRY J. HERKE
 ISIDORO R. HERNANDEZ
 ROBERT N. HIBBETT
 DONALD P. HOLLIS
 JOHN V. HOLTER
 LEE W. HOPKINS
 PAUL T. HORRY, JR.
 NORMAN G. HORTMAN, JR.
 HOWARD L. HOSTRANDER II
 LAURENCE W. HOWL
 ROBERT A. HYLAND
 DOUGLAS K. JACKSON
 TODD M. JACOBUS
 RUSSELL D. JOHNSON
 THOMAS M. JOHNSON III
 HAROLD B. JONES, JR.
 ERIC T. JUDKINS
 RICHARD J. KALEY
 RICKY N. KAPPUS
 ROBERT L. KAUHANE
 PETER S. KAYE
 STEPHEN G. KENT
 JAY E. KNOX
 KIMBERLY C. KNUR
 RICHARD A. KRANKOTA
 MICHAEL J. KRISTIAN
 BERNARD C. KRUSE
 MICHAEL A. KUEHN
 LANITA R. KUHN
 RICHARD T. KUMLIEN, JR.
 KENNETH R. LAMBRIGHT
 MAJOR W. LAROWE
 TOD M. LARSON
 RONALD M. LATUSZEK
 JOHN E. LEASK, JR.
 MICHAEL T. LEE
 COLLIER H. LIPPLE
 GARY W. LITTLEFIELD
 JOHN J. LONERGAN, JR.
 DONALD A. LOVELACE III
 JOSEPH P. MAASSEN
 WILLIAM L. MAHONEY
 TAMMY E. MANDWELLE
 JEFFREY S. MARK
 WARD E. MARSHALL
 WILLIAM E. MARTIN
 DONALD S. MASON
 GREGORY D. MASON
 JOANE K. MATHEWS
 TED W. MAUZEY
 DAVID E. MAX
 ROBERT J. MAYBERRY, JR.
 TODD A. MAYER
 RICHARD J. MCCONOUGH
 MICHAEL A. MCDONALD
 KERRY M. MCINTYRE
 MICHAEL L. MCKINNEY
 MARK W. MCLEMORE
 EDWARD J. MCNELIS III
 LAURENCE W. MCSHEFFREY
 PETER M. MENICUCCI
 MICHAEL D. MERRITT
 MARSHALL T. MICHELS
 JOSEPH G. MILLER
 RICKY D. MILLER
 RUSSELL D. MILLER
 THOMAS L. MORGAN III
 CLINTON R. MOYER
 ROGER D. MURDOCK
 JAMES E. MURPHY
 SYLVIA J. MURPHY
 CHRISTOPHER P. MYER
 ALLEN L. NELSON
 ADRIAN B. NETTLES
 ARTHUR W. OLIVER
 JOHN F. PACKHEM
 SCOTT A. PANAGROSSO
 ROLAND B. PARTEN
 STEPHEN D. PATE
 ALFRED J. PEREZ
 EMILY S. PERRY
 RONALD E. PETTIT
 TROY R. PHILLIPS
 STEPHAN J. PICARD
 MATTHEW L. PITSTICK
 KEVIN L. PRESTON
 SCOTT B. PURYEAR
 SALE D. RANDLE, JR.
 MICHAEL T. RATLIFF
 STEPHEN D. REDMAN
 EDWARD D. RICHARDS
 JOHN D. RICOTTILLI
 THOMAS J. RITZ
 CARLOS A. RODRIGUEZ
 PAUL D. ROGERS
 JOE M. ROMERO, JR.
 ROBERT C. ROTH
 ROBERT A. RUDOLPH
 SUSAN E. RUSSELLCARLEY
 MATTHEW J. RUSSO
 DAVID J. SACHA
 PHILIP K. SAFAR
 DANIEL T. SALILER
 CURT R. SALVESON
 REGINALD D. SANDERS
 JOHN W. SCANNELL

ANDREW P. SCHUBIN
 MICHAEL J. SCHUH
 JASON E. SCHWABEL
 RANDAL O. SHEARS, JR.
 RONALD B. SHIELDS
 ANGELA F. SHOWELL
 GRANT C. SLAYDEN
 MARK L. SMEDLEY
 DWAIN SMITH
 GRANT R. SMITH
 RONALD L. SMITH
 SCOTT M. SMITH
 TIMOTHY M. SMITH
 KELLY J. SMOTHERS
 OSCAR L. SOMMERS III
 KENNETH E. SOTO
 ROBERT C. SPINELLI
 ROBERT L. SPIRES, JR.
 KEVIN D. STARING
 MICHAEL S. STEENSON
 LAWRENCE P. STEGEMAN
 JAMES F. STENSON
 MARK T. STEVENS
 PATRICK L. STEVENS
 MARJEAN R. STUBBERT
 JOSEPH P. SULLIVAN III
 SEAN P. SULLIVAN
 RUSSELL J. SWEET
 SCOTT R. SWINFORD
 BRADLEY L. TANKSLEY
 BRIAN E. TATE
 CHRISTOPHER W. TAYLOR
 RONALD F. TAYLOR
 TAWNA B. THELEN
 DAVID L. THIELE
 DANNY R. THOMAS
 DANNY E. THOMASSON
 MICHAEL A. THOMPSON
 MICHAEL C. THOMPSON
 TERRALL V. THOMPSON
 PAUL C. THORN
 JEFFERY E. THROWER
 TODD O. THURSBY
 CHARLES R. TILTON
 THOMAS TINTI
 JEFFREY S. TIPTON
 LAWRENCE E. TIPTON
 SHARON R. TOOTELL
 PHILLIP E. TORRANCE
 JOHN P. TRACY
 WILLIAM T. TRAVIS
 KEITH G. TRESH
 WILLIAM B. TYMINSKI
 THERESA L. VANCORT
 DANIEL VAZQUEZROSA
 PETER F. VERSFELD
 ERIC D. WAAGE
 HAROLD J. WALKER II
 ROBERTA B. WALKER
 ROSS E. WALTEMATH
 BARBARA L. WALTHERS
 STEVEN H. WARNSTADT
 ERIC C. WEBER
 RONALD V. WELCH
 MICHAEL N. WELLS
 LESLIE J. WERMERS
 DANIEL A. WEST
 TYRA Y. WHITE
 BRIDGET S. WIDDOWSON
 MICHAEL E. WIECZOREK
 ALEXANDER C. WILLIAMS
 DAVID L. WILLIAMS
 ROBERT B. WILLIAMS
 ZEB C. WILLIAMS III
 JAMES T. WILSON
 KURTIS J. WINSTEAD
 PAUL A. WOLFLEY
 JAMES H. WOODALL
 MARK A. WRIGHT
 WILLIAM E. WYNNS, JR.
 LAURA L. YEAGER
 WILLIAM C. YEARMOOD
 THOMAS J. ZELKO II
 RICHARD D. ZIERATH
 FRANCISCO ZUNIGA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE RESERVE OF THE
 ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GREGORY T. ADAMS
 RONNIE E. AKERS
 DOUGLAS F. ANDERSON
 TRENT M. ANDREWS
 ROBERT E. APPLEBY, JR.
 STEVEN M. ARAKI
 WILLIAM B. ARMSTRONG
 JOSEPH E. ARTIAGA
 THERESA R. BAGINSKI
 JAMES C. BAGLEY
 MICHAEL M. BAKER
 CHADWICK D. BARKLAY
 MARK C. BARTHOLF
 JEFFREY R. BEECHAM
 STEVEN W. BEIN
 BEVAN BENJAMIN
 MICHAEL C. BIRCHFIELD
 JAMES S. BIVENS
 IVRIA L. BLAND
 ROBERT N. BLEVINS
 JAMES A. BRAMBLE

RODERICK W. BRIDGEWATERS
 RICHARD W. BROWN
 RICHARD J. BROWNIGG
 RAPHAEL D. BRUCE
 GEORGE M. BRYAN, JR.
 ANTHONY J. BUCKLEY
 GEORGE A. BURBULES
 ALTRUS D. CAMPBELL
 BRIAN G. CANTEEL
 JAMES V. CAPPARELLI
 RANDALL W. CARLSON
 ROBERT J. CARLSON
 DONALD L. CARMEL, JR.
 DARRYL A. CARNES
 SEAN CASSIDY
 DEAN I. CHANG
 GUS A. CHECKETTS
 KAREN A. CHIPCHASE
 JIMMIE J. CHITTURAS, JR.
 ALAN R. CLARK
 TIMOTHY M. CLARKE
 MICHAEL N. CLAYBOURNE
 ROBERT E. COLLINS, JR.
 MARK A. COOK
 STEPHEN J. COOPER
 MICHAEL R. CORRIVEAULT
 VINCENT D. CRABB
 JOHN W. CREWS
 JEFF P. CZAPIEWSKI
 MARK S. DANIELS
 JEFFREY J. DANTONIO
 EDDIE DAVIS, JR.
 MARK D. DAVIS
 PATRICIA L. DAYMOORE
 PHILLIP G. DEATON
 DANIEL L. DEHAAN
 EDWARD L. DELISSIO
 NICHOLAS R. DEMAS
 DAVID B. DESROCHES
 JOHN M. DIAZ
 HERMAN W. DICK
 IRENE V. DICKERSON
 WILLIAM E. DODD
 JEFFREY A. DOLSEN
 MICHAEL P. DONAHER
 MICHAEL S. DONOVAN
 JOHN J. DOUGHERTY
 PAUL D. DOUGHERTY
 PAUL A. DRISCOLL
 TERRI G. DUENAS
 RANDOLPH J. DUKE
 DAVID H. DUTTON
 DAVID E. ELWELL
 JAMES P. ERDIE
 PETER B. ERICSON
 ERNEST A. ERLANDSON, JR.
 ANDREW P. EWANITZ III
 RODNEY L. FAULK
 ARDIS G. FERGUSON
 CHRISTINEANNE N. FIALA
 JOE R. FOLLANSBEE
 JAMES W. FOLLWEILER
 GEORGE C. FRANK, JR.
 RICHARD A. FRANZIS
 DAVID A. FRISONE
 ELVIA D. GAINESDMOND
 PATRICK E. GALLAGHER
 MARION GARCIA
 J. S. GILHOOLY
 BRUCE M. GILLETTE
 MICHAEL D. GIRONE
 GLENN A. GODDARD
 KENT J. GOFF
 JAMES G. GOODWILLIE IV
 JACKSON C. GRAHAM III
 PATRICK E. GRANNAN
 NORMAN B. GREEN
 JOSEPH E. GROSS IV
 GREGORY L. GUIDRY
 ROBERT E. GUIDRY
 DARRELL J. GUTHRIE
 JEFFREY L. HABERMAN
 JAY A. HAMMER
 KATHRYN L. HARRINGTON
 MONICA A. HARWIG
 WAYNE W. HAUSER
 WILLIAM H. HENSELL
 JOHN C. HERMANN, JR.
 PAUL J. HETTICH
 CONRAD A. HOLBERT
 JOHN C. HOPE
 JOHN F. HUSSEY
 MARK N. JAMMEL
 COLBY D. JEWELL
 OSVALDO J. JIMENEZ
 EDWARD M. KABAT
 JOHN A. KAILLEY III
 ANITA F. KAZMIERCZAK
 DAVID J. KEEFE
 PHILIP A. KELLER
 NORMAN R. KEYES
 KARL S. KIRCHNER
 KEITH A. KUNKEL
 JOSEPH F. LAMPERT
 JOHN P. LANDGRAF
 KARLA O. LANGLAND
 THOMAS R. LANTZY
 OLIVER K. LATTIMORE
 BETH A. LAW
 GARY J. LAW
 EUGENE J. LEBOEUF
 RICHARD D. LEONARD

THOMAS M. LEWIS
 FRED P. LIST, JR.
 THEODORE C. LOCKHART
 NEUMAN LOPEZ
 WILLIAM L. MACKINNON, JR.
 FREDERICK R. MAIOCCO
 LARRY T. MAREK
 RICHARD E. MAYES II
 CHARLES P. MCCORMICK
 MALCOLM H. MCMULLEN
 KEVIN B. MEREDITH
 DOUGLAS W. MILLS
 WILLIAM K. MILLS
 ARTHUR T. MOE
 JAMES H. MOORE
 CHARLES H. MURDOCK
 MARK J. MURPHY
 MICHAEL D. MURRAY
 MATTHEW MYLES
 EDDIE D. NAGEL
 ALAN NALBANDIAN
 DONALD E. NALLS, JR.
 MICHAEL R. NELSON
 KELLY J. NIERNBERGER
 YOLANDA NIETO
 CYNTHIA A. NOBLE
 WOODARD E. NUNIS
 DONALD B. OKURA
 CHARLES J. ONEILL
 TERESA L. ORTIZ
 ROBERT L. OTT
 SHAWNNA C. PAINE
 CYNTHIA A. PALINSKI
 STEPHEN E. PALMER
 PERCY PARKER
 THOMAS E. PARKER, JR.
 BOB E. PARSONS III
 CATHERINE C. PATTERSON
 MICHAEL J. PEFFERS
 DEBORAH M. PELLISSIER
 VIRGIL C. PHILLIPS
 JEFFERY RAGLAND
 DAVID D. RAGUSA
 DAVID N. RAMSEY
 GARY W. RANGEL
 TAMMI A. REILLY
 ROBBIE ROBBINS
 ALBERTO C. ROSENDE
 PHILIP S. ROSSO
 MARTIN D. ROWE
 JEFFERY M. RUCHIE
 DONNA L. SCOTT
 HAROLD C. SHABLUM, JR.
 DAVID G. SIAS
 TRISTAN B. SIEGEL
 MATTHEW T. SIMS
 PRATYA SIRIWAT
 JIMMIE L. SIZEMORE
 ANTHONY J. SKUBI III
 JAMES E. SMITH II
 MARCIA J. SMITH
 NATHAN G. SMITH
 MARTIN B. SPANN
 RAYMOND R. STEELEY
 ROBERT W. STERN
 PEGGY L. STRADFORD
 JAMES L. STRIFE
 NOAH K. STRONG
 JOHN G. SUTTER
 MARK A. SWEENEY
 EMIL THODE, JR.
 DAROLD D. TIPPEY
 COSME C. TORRESSABATER
 SUSAN C. TRAYLOR
 MARIO A. TREVINO
 GABRIEL TROIANO
 MICHAEL A. TROSTER
 RICHARD UNDA
 BECKY S. UPTON
 BRADLEY J. UPTON
 MICHAEL D. UTLEY
 THOMAS J. VACCARO
 GREGORY S. VALLOCH
 DEAN L. VANITER
 DAVID N. VOLKMAN
 GLENN S. VONDERWERTH
 LINDA A. WADE
 KELLY E. WAKEFIELD
 ANATHEA J. WALLACE
 TONY R. WALTERS
 TODD R. WARNER
 PETER R. WATLING
 JESSE C. WHITE
 CARLA W. WIEGERS
 WILLIAM E. WIGGINS
 DARYL W. WILLIAMS
 CURTIS A. WOOD
 RHONDA W. WRIGHT
 KEVIN C. WULFHORST
 STEVEN G. WYMAN
 MARK A. YANAWAY
 MARK S. ZASLAVSKY
 STEVEN R. ZEPHIR
 SCOTT L. ZONIS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ERIK J. MODLO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOSH A. CASSADA
 LARRY R. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MATTHEW J. ACANFORA
 JASON C. ALLEN
 DAVID J. AMBROSE
 MICHAEL R. BAILEY
 MELINDA K. BAKER
 DAVID C. BAUGHMAN
 MICHAEL A. BETHER
 JOSEPH P. BOBROWSKI
 PETER N. BOURAS
 JAMES P. BRENNAN
 DONALD L. BRYANT, JR.
 CHRISTOPHER W. CALVIN
 ANTHONY T. COCCHIARA II
 STEVEN D. COXWELL
 ALEXI N. CUCA
 JASON K. CUMMINGS
 DAVID B. DAMATO
 BRIAN B. DURAND
 DANIEL R. ECKLES
 CHRISTOPHER M. EDWARDS
 HERMAN A. FAHIE
 DONALD C. FERGUSON
 MONTE D. FLETCHER
 JOHN W. FRANKLIN II
 MICHAEL D. FROEMKE
 ANDREW M. GADBOIS
 ALLEN S. GARLOW
 KATIE A. HALL
 STEVEN T. HARDIN
 BRIAN E. HARPUDER
 PAUL G. JOCSON
 DAVID A. JOHNSON
 SUZANNE M. JONES
 DAVID P. KAWESIMUKOOZA
 HAK J. KIM
 MICHAEL G. KING, JR.
 GREGORY R. KIPPE
 MARK A. LEAL
 CHRISTOPHER M. LEPORE
 SHERRIE D. LUCAS
 ROBERT M. MAHONEY
 ANDREW E. MAROCCO
 MATTHEW P. MCDANIEL
 EDWARD A. MCLELLAN III
 DAMON M. MELIDOSSIAN
 CHARLES S. MEYER
 ROMAN C. MILLS
 JEFFREY S. MOLINEUX
 MEDRICK J. MORGAN
 THOMAS E. MORONEY
 MARK B. MUNSON
 KENNETH B. MYRICK
 JASON S. NAKATA
 KRISTENE C. NEWBERRY
 ERIN E. ORLICH
 RICHARD W. PAYNE
 MICHAEL K. PERFINSKI
 SHAWN R. PHILLIPS
 STEPHANIE L. PHILLIPS
 DANIEL R. RAHN
 JONATHAN C. RAIA
 CAROLINE E. ROCHFORD
 STEPHEN G. SANDOVAL
 REBECCA S. SKELTON
 JUSTIN M. SPRAGUE
 TEDDY G. TAN
 ALEXANDER J. TERESHKO
 MICHAEL S. TIEFEL
 JASON C. TURSE
 RONALD L. WIENER
 DENNIS A. WISCHMEIER
 DAVID W. YORK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RON J. ARELLANO
 HEATHER L. BEAL
 STEPHEN W. BISHOP
 JAMES E. BROKAW III
 DENVER L. CAIN
 GEOFFREY D. CHRISTMAS
 SCOTT L. CONE
 SAUNDRA E. COWARD
 PATRICIA L. CREGGER
 THOMAS W. DOBKINS
 ANTHONY J. EVERHART
 ERICH S. FASSETT
 DOROTHY A. FENTON
 MATTHEW T. GRIFFIN
 JOSEPH B. HARRISON II
 LUCAS J. HODGKINS
 JASON B. HOMER
 WILLIAM H. HUBBARD, JR.
 SHANE A. JAEGER
 KENNETH W. KEMMERLY, JR.
 NORMAN J. KENDRICK

JEFFREY S. KENNEY
 GEORGE J. KEUMURIAN
 CARTER L. KNOOP
 JEFFREY M. KUZNIEWSKI
 IAN P. LARSEN
 LEMUEL S. LAWRENCE
 WENONA L. LEMKE
 TIMOTHY E. LOWERY
 ZACHARY D. MCKEEHAN
 DANIEL MORALES
 MICHAEL E. MORTENSON
 ROBERT E. ODOM
 LESLIE A. OHARA
 PETER R. OJINAGA
 JOSEPH S. RAETANO
 ROBERTO RAMOS
 JULIO SANCHEZ
 MICHAEL T. SAVI
 BRIAN L. SCHULZ
 ERIC W. SEARS
 KENNETH G. SMITH
 SHAWN W. SOUZA
 FREDERICK B. STEVES
 JOHN J. TERRY
 YONNETTE D. THOMAS
 FRANCISCO VEGA
 JOSHUA J. VERGOW
 JOEL A. YATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BENJAMIN I. ABNEY
 JOHN J. ANDREW
 KEITH ARCHIBALD
 CARLTON D. BOATRIGHT
 DONALD L. BRITTON
 FRANCIS P. BROWN
 DOUGLAS J. BURRELL, JR.
 JUAN L. CARRASCO
 JAMES M. CARROLL
 DAVID T. CLARK
 ROBERT M. COLLINS
 DELMY M. CORDON
 ANTHONY T. COSBY
 JAMES C. DARKENWALD
 MICHAEL A. GIGLIO
 GARTH H. GIMMESTAD
 ANGELIN M. GRAHAM
 JASON A. GRANT
 RICHARD J. GREENHOE
 KEVIN M. HALFACRE
 LESTER ISAAC
 DOUGLAS M. JOHNSON
 TERRENCE L. JONES
 PETER T. KELLEHER
 KATHLEEN L. KNAPP
 DUQUESNE LOUIDOR
 MIGUEL S. MACIAS
 DEMETRIUS D. MACK
 TERRA A. MCINTYRE
 THOMAS J. MCKEON II
 MARK G. MORAN
 ROBERT L. MORAN
 JOSHUA W. RUPERT
 KAREN J. SANKES
 JOSEPH D. SCOTT
 ANTHONY M. SIMMONS
 MARCO D. SPIVEY
 DWANE E. THOMAS
 GENEVIEVE G. UBINA
 JAY S. VIGNOLA
 MCKINNYA J. WILLIAMSROBINSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHRISTOPHER D. ADDINGTON
 MICHAEL P. AIENA
 JOHN P. BAUER
 BRIAN T. BIALEK
 JESSE H. BLACK
 SARAH F. BOWEN
 RANDALL A. BOYTER
 GARRETT L. BURKHOLDER
 KARL O. BURNETT
 JAMES D. COURVILLE
 KRISTINE M. DESOTO
 JASON R. DEUTSCH
 SUSAN D. FAULKNER
 ERIC D. FELDER
 RANDYLL FERNANDEZ
 NATHAN P. GEISINGER
 JAMES W. HEDDERLY
 MARIANNE S. HOLTPHOENIX
 CLINTON P. HOSKINS
 KATRINA M. HOUSTON
 JAIME E. HYSSONG
 TIMOTHY L. KING
 MICHAEL W. LOOYSEN
 JASON G. MASSEY
 RICHARD M. MATLACK
 BRIAN K. MCCLAIN
 GREGORY R. MITCHELL
 WESLEY S. NEWHAM
 DAVID C. SCHAFFER
 STUART W. SCHNEIDER
 MARK A. SCHUCHMANN

TRACY A. SICKS
SALVADOR M. SUAREZ
JAMES D. SZCZEPANSKI
SCOTT R. THOMPSON
STEPHANIE T. WIDMANN
DAVID M. WOLFE
KURT A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KELLY W. BOWMAN, JR.
STEVEN J. BRYANT
THOMAS M. CLEMENTSON
ANDREW J. COOPER
DANILO S. EVANGELISTA
VICTOR M. FEAL, JR.
DAWN M. FRANK
CARRIE S. GRIBBINS
JOHN D. HARRIS
CHRISTOPHER L. HORTON
DALE R. JAIRAM
DONALD S. MOORE
MICHAEL A. MORGAN
SCOTT A. PORTER
KIMBERLY L. RIECK
TIMOTHY S. RYAN
REBECCA M. SUMMERS
CLAUDE E. TAYLOR III
JOSEPH D. TINDELL
ANTHONY J. WEIDNER
MARC A. WILLIAMS
MICHAEL WINDOM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

HASAN ABDULMUTAKALLIM
EDWIN J. BERRIOSORTIZ
IAN A. BROWN
LAQUIDA R. BROWN
BOBBY T. CARMICKLE
YOLANDA M. CARTER
JESSIE L. CASTILLO
MATTHEW J. CEGELSKE
WILFREDO CRUZBAEZ
ANTHONY W. DAVIS
JONATHAN S. DURHAM
JAY F. ELSON
ALBERICO ESTEVEZ
WILBUR L. HALL II
CHRISTINA M. HICKS
CHRISTINA HINES
DENNIS R. HOLDEN
PEIHUA KU
ANDREW R. LUCAS
KENNETH J. MAROON
GREGORY C. MORRISON
NANCY MOULIS
JAMES A. PAPPAS
JAMES H. PASLEY, JR.
MARVIN J. M. PEREDO
GARY L. RAYMOND
OSCAR W. SIMMONS IV
MICHAEL L. SOUTH II
VICTOR T. TAYLOR, JR.
DAVID C. WEST
MICHAEL R. WIDMANN
KENYA D. WILLIAMSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DENISE G. BARHAM
AMY N. CARMICKLE
LIGIA I. COHEN
CLAYTON B. DOSS III
JOSHUA A. FREY
RICHARD D. HECHT
MICHAEL W. MORLEY
KATHERINE L. RAIA
KYLE A. RAINES
STEVEN C. RUH
JAMES D. STOCKMAN
HERLINDA K. SWEENEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GUILLERMO R. AMEZAGA
CRISTAL C. ARMILJO
KYLE T. BADEN
RICHARD L. DAVIDSON
JAIMILYN D. DAVIS
CHARLES A. DEPALMA II
WILLIAM A. GIRDLER
JEFFREY T. GRESON
PATRICK J. HAVEL
JEREMY W. HOLTON
PAUL M. KUTIA
MARK MURNANE
ANDREA C. ONEILL
JEFFREY M. PALMER
SCOTT W. PARKER

FRANK D. PRICE, JR.
MIKE E. SVATEK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHRISTOPHER W. ANDERSON
MICHAEL S. ANDERSON
ROBERT ARIAS
RONALD M. ASTRINO
TIMOTHY W. BARRY
KELLY L. BAZE
ROBERT E. BEATON
CURTIS R. BEERS, JR.
KELLY E. BISHOP
SEAN H. BLACK
DAVID K. BLAUSER
KIPP C. BOULDIN
SCOTT BROCKMAN
RICKY G. BURNETT
BRIAN C. CANUEL
ABRAHAM CASTOIRE
LISA M. CAULEY
REECO D. CERESOLA
KEVIN D. CHISOM
DARRELL L. CHRISTENSEN
MARY L. CLARK
SHAWN L. CLARK
WALTER B. CLARK
JOSE A. COLON
MARK COLVIN
CLARENCE E. COOK
DAVID J. CUMMINGS
DAVID W. CUTHBERT
ERIC L. DAVIDSON
DENNIS M. DAVIS
SALVATORE M. DENTU
KIRK A. DEVEZIN
BRUCE A. DIVANO
ERICA DOBBS
RICHARD W. DONALDSON
WILLIAM E. DONALS, JR.
GARY R. DONLEY, JR.
PAUL S. DORRIS
DAVID G. DOZIER
JEFFERY N. DUGARD
STEVEN J. DWYER
TOMMY L. EDGEWORTH
JONATHAN B. EDWARDS
DAVID F. ETHERIDGE
ERIC B. FINNEY
JAMES F. FLINT
JOHN J. FORTINO
LANCE C. FOSTER
DAVID N. FOWLER
KEVIN L. FRIEDLY
JEFFERY S. FULSON
RICHARD W. GAINES
DEAN A. GAYLE
STEVEN D. GILBERT
CHRISTOPHER J. GOELZE
RONALD C. GORBY
JOHNNY L. GRAVES
JEFFREY E. GREEN
ALEX W. GRIFFEN
KEITH D. HAINES
VINCENT R. HAMILTON
STEPHEN L. HANEY
JAMES J. HARKIN
RONNIE C. HARPER, JR.
MARVIN D. HARRIS
ROBERT J. HAUCK
WILLIAM HENDERSHOT
GORDON C. HENDERSON
ROY L. HENKLE
SEAN K. HENRY
KERRI L. HOLM
DAVID J. HOOPLE
DEREK S. HUGGINS
RODNEY E. HUNT
GEORGE S. KOONS
ANGELA K. KOSKO
ANTHONY F. KOSLOSKI
VINCENT E. KUBICKO
JOHN J. LALLI III
BRION G. LANGLEY
JOHN R. LEAMAN
RICHARD LOZADANEGRON
DAVID T. MAGEE
THOMAS G. MAROUSEK
MICHAEL A. MARTIN
TIMOTHY E. MARTIN
OMAR G. MARTINEZ
JAMES D. MCCARTNEY
DAVID M. MCCARTY
MICHAEL L. MCDONOUGH
KELVIN B. MCGHEE
MICHAEL S. MCGREGOR
JAMES B. MCCLAUGHLIN
STEVE R. MICHAUD
JEFFREY D. MILLER
JOHN D. MOORE
DONALD K. MORRIS II
ROSALIND D. MORRISON
DAVID L. NICHOLS
TODD M. OAKES
JEFFREY T. OWENS
MARK A. PABON
JASON B. PARMLEY
TERRANCE J. PATTERSON

ALBIN T. PEARSON
LAWRENCE J. PENN
TIMOTHY H. PHENICIE
DARRIN P. PITRE
STEPHAN H. POMEROY
RONALD L. PUGH
WILLIAM T. RAEHER
JAMES W. RAYCRAFT, JR.
BRIAN C. REDNOUR
JAMES R. RHODES
DAVID R. RITTER
JAMES W. ROBB
DAVID H. RODRIGUES
REGINA P. ROGERS
LARRY A. ROSENTHAL
ERIC T. RUIZ
SHAWN T. RUMBLEY
JAMES G. SCALZO
GARY M. SCHOENFELD
CHRISTOPHER SCHREINER
STEVEN J. SCHULTZ
LESLIE C. SCOTT
ALBERT SEARS
JOSEPH A. SHAW
CRAIG V. SHILLINGER
GARY E. SMART, JR.
MARK A. SMIGELSKI
ALMOND SMITH III
CRAIG D. SMITH
DAVID C. SMITH
MICHAEL G. SNYDER
CHARLES C. SPERRY
JOHN S. STEVENS
FOSTER L. STRINGER
RAYMOND SUDDUTH
JEFFREY S. SWAIN
MICHAEL B. TA
DIANA J. TERSAK
MICHAEL P. THERRIEN
RICHARD A. THOUSAND
KARL W. THURLLOW
KEVIN M. WADE
JOHN G. WALLACE
MICHAEL WASHINGTON
LENWARD D. WEAVER
MICHAEL A. WELZ
JAMES L. WILLETT
THOMAS M. WILLIAMS
DONALD V. WILSON
BOBBY L. WOODS
TRAMPAS B. WRIGHT
ALONZO WYNN
COLIN D. XANDER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MATTHEW L. ABBOT
ROBERT E. ADKINS
HOLMAN R. AGARD
CHAD D. ALBOLD
MICHAEL E. ALBRECHT
WILLIAM J. ALCOCER, JR.
ANTONIO ALEMAR
ISMIAL A. ALJIHAD
JAMES M. ALLEN
KEVIN C. ALLEN
RONALD J. ALLEN
WILLIAM J. ALLEN
BENJAMIN AMDUR
MIKE D. AMERINE
MORGAN P. AMES
DAVID K. AMONSON
JASON D. ANDERSON
JOHN K. ANDERSON
NATHANIEL S. ANDERSON
MEGHAN T. ANGERMANN
STEPHEN ANSUINI
JOSHUA A. APPEZZATO
PHILLIP C. ARAMBURU
TIMOTHY D. ARBULU
STEVEN D. ARGROVES
BRIAN C. ARMILJO
JOHN D. ARMSTRONG
ARUN P. ARUMUGASWAMY
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JOEL S. UZARSKI
JASON G. VALDESPINO
HUMBERTO VALENZUELA, JR.
WARREN VANALLEN
ARTHUR L. VEASLEY

MATTHEW T. VENTIMIGLIA
MATTHEW R. VERNON
ANNA E. VILLALPANDO
DENNIS D. VILLENA
JOHN C. VINSON, JR.
MATHIAS J. VORACHEK
JOHN P. WAGGONER
MARK WAGNER
JASON D. WALKER
EMILY M. WALL
MICHAEL R. WALLACE
KENNETH A. WALLER, JR.
JASON J. WARD
MICHAEL D. WARD
ROBERT A. WATERSTON
EDDIE L. WATSON
CHRISTOPHER E. WEAR
ROBERT WEBSTER
DAVID J. WEGMUELLER
THOMAS G. WELER
FRANK J. WEISSER III
MATTHEW S. WELLMAN
JONATHAN B. WELSH
KELLY E. WELSH
RICHARD T. WELTZ
ROBERT J. WHEAT
DAVID W. WHETSTONE
DOUGLAS M. WHITE
LYNDEN D. WHITMER, JR.
SHANNON L. WIENS
TY C. WIESE
RYAN M. WILCOX
WILLIAM H. WILEY
ROBIN V. WILHELM
JASON A. WILKERSON
ROBERT A. WILKERSON
HOWARD W. WILKINSON II
DOUGLAS WILLIAMS
RONALD J. WILLIAMS
STEPHEN L. WILLIAMS
RUSTY J. WILLIAMSON
PAUL R. WILLIS
JASON K. WILSON
BRITTON D. WINDELER
LEONARD A. WISE III
CHADRICK O. WITTHROW
JOHN C. WITTE
GREGORY C. WOODWARD
NICHOLAS F. WOODWORTH
MICHAEL A. WOODY
MATTHEW W. WRIGHT
STACY M. WUTHIER
JARED W. WYRICK
NICHOLAS T. WYZEWSKI
EDWARD P. YANDOC
CHRISTOPHER A. YOUNG
KATHLEEN J. YOUNGBERG
ELIZABETH W. ZDUNICH
MARK E. ZEMATIS
STUART R. ZURN

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, August 4, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 5

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nominations of Alexander G. Garza, of Missouri, to be Assistant Secretary of Homeland Security and Chief Medical Officer, Ernest W. Dubester, of Virginia, to be a Member, and Julia Atkins Clark, of Maryland, to be General Counsel, both of the Federal Labor Relations Authority.

S-216, Capitol

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine proposals to enhance the regulation of credit rating agencies.

SD-538

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Dennis F. Hightower, of the District of Columbia, to be Deputy Secretary of Commerce, and Robert S. Adler, of North Carolina, and Anne M. Northup, both to be a Commissioner of the Consumer Product Safety Commission.

SR-253

Foreign Relations

To hold hearings to examine the nomination of David C. Jacobson, of Illinois, to be Ambassador to Canada, Department of State.

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Kelvin J. Cochran, to be Administrator, United States Fire Administration, Federal Emergency Manage-

ment Agency, Department of Homeland Security.

SD-342

2 p.m.

Commerce, Science, and Transportation

Business meeting to consider S. 1078, to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs, S. 30, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, S. 251, to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities, S. 952, to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events, S. 1538, to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, S. 1539, to authorize the National Oceanic and Atmospheric Administration to establish a comprehensive greenhouse gas observation and analysis system, and the nominations of Christopher P. Bertram, of the District of Columbia, and Susan L. Kurland, of Illinois, both to be Assistant Secretary, and Daniel R. Elliott, III, of Ohio, to be a Member of the Surface Transportation Board, all of the Department of Transportation, Patricia D. Cahill, of Missouri, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Christopher A. Hart, of Colorado, to be a Member of the National Transportation Safety Board, Dennis F. Hightower, of the District of Columbia, to be Deputy Secretary of Commerce, and Robert S. Adler, of North Carolina, to be a Commissioner of the Consumer Product Safety Commission.

SR-253

2:15 p.m.

Foreign Relations

Business meeting to consider pending calendar business.

S-116, Capitol

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine strengthening the federal acquisition workforce, focusing on government-wide leadership and initiatives.

SD-342

AUGUST 6

10 a.m.

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine aviation safety, focusing on the relationship between network airlines and regional airlines.

SR-253

Energy and Natural Resources

To hold hearings to examine the nominations of John R. Norris, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2012, Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy, and Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

SD-366

Environment and Public Works

To hold hearings to examine climate change and clean energy.

SD-406

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the United States Postal Service.

SD-342

Judiciary

Business meeting to consider the nominations of David J. Kappos, of New York, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and Steven M. Dettelbach, of Ohio, to be United States Attorney for the Northern District of Ohio, Carter M. Stewart, of Ohio, to be United States Attorney for the Southern District of Ohio, and David Edward Demag, of Vermont, to be United States Marshal for the District of Vermont, all of the Department of Justice.

SD-226

Small Business and Entrepreneurship

To hold hearings to examine the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration.

SR-428A

Commission on Security and Cooperation in Europe

To receive a briefing to examine Moldova's recent elections.

SVC-202/203

2:15 p.m.

Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by a hearing to examine S. 1011, to express the policy of the United

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

August 3, 2009

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States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.	AUGUST 7	employment-based immigration to propel America's economy while protecting America's workforce.
SD-628	9:30 a.m. Joint Economic Committee To hold hearings to examine the employment situation for July 2009.	SD-226
POSTPONEMENTS		
2:30 p.m. Commerce, Science, and Transportation To hold hearings to examine waste, fraud, and abuse in the SBIR Program.	CANCELLATIONS	AUGUST 5
SR-253	AUGUST 6	4 p.m. Foreign Relations To receive a closed briefing to examine civil nuclear cooperation agreement between the United States and the United Arab Emirates.
	10 a.m. Judiciary Immigration, Refugees and Border Security Subcommittee To hold hearings to examine comprehensive immigration reform, focusing on	SVC-217

SENATE—Tuesday, August 4, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we are grateful for Your mercies renewed every morning and for Your faithfulness every night. As the dew refreshes the Earth morning by morning, let Your spirit restore the faith and energy of our lawmakers. Give them the discernment to understand the challenges of our times and the wisdom to devise ways to meet them. Lord, keep them open and alert to Your providential leading, as You guide them to a destination that will bring glory to Your Name. May the collective talents of our Senators be mobilized in the awesome task of building a better Nation and world. Make their hands ready to lift burdens and their hearts eager to respond in service to humanity.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 4, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, we will resume consideration of the Agriculture appropriations bill, with the time until 10:30 equally divided and controlled between the two managers or their designees. At 10:30, the Senate will proceed to a series of two rollcall votes in relation to the pending McCain amendments. Following the votes, the Senate will recess until 2:15 p.m. to allow for the weekly caucus luncheons. The time will be expanded a little bit today because the Democrats are going to the White House for the caucus today, rather than here in the Mansfield Room. As a reminder to all Senators, the filing deadline for second-degree amendments is 10:15 this morning. We have every belief we can complete the Agriculture appropriations bill today. I hope so because as soon as we finish that we are going to move to the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States.

MEASURE PLACED ON THE CALENDAR—H.R. 3435

Mr. REID. Mr. President, H.R. 3435 is at the desk. It is my understanding it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 3435) making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

Mr. REID. I ask unanimous consent that any further proceedings in this matter not proceed. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

SOTOMAYOR NOMINATION

Mr. REID. Mr. President, a long 10 weeks ago, President Obama made history when he nominated the Nation's first Hispanic to be a Justice of the U.S. Supreme Court, and only the third woman. This week, the Senate will make history when we confirm her.

Judge Sonia Sotomayor is an American of tremendous qualifications. Both her academic record and her career experience are second to none. She graduated summa cum laude from Princeton University and went on to do as well at Yale, where she was a member of the Law Review. She has served

as a prosecuting attorney, a lawyer in private practice; she was on the trial bench and an appellate judge. After she is confirmed, she will be the only Justice in the current Supreme Court with experience as a trial judge—experience that I believe will be valuable to her colleagues.

One of the objections people have had about the makeup of the Court is that people come with basically no experience in the courtroom other than the appellate judges who sit in back rooms and listen to arguments once in a while and not in a courtroom listening to cases being presented, sustaining and overruling objections, and listening to arguments to the jury. They simply have not had that experience. She has. She has developed a 17-year record as a moderate, mainstream judge.

When the judge testified before the Senate Judiciary Committee for 4 grueling days, she respectfully and thoroughly answered questions from both sides of the aisle—Democrats and Republicans. This week, the Senate will debate her nomination. It will be a fair debate. It will be a full debate.

I appreciate the statements from my colleagues on the other side of the aisle who have said they will vote to confirm her to the Supreme Court.

Many Senators have very thoughtfully said they regret how politicized the process of confirming judges has become in recent years. An unsung hero in the battle for the judiciary is LAMAR ALEXANDER, the Senator from Tennessee. Senator ALEXANDER has been Governor of the State of Tennessee. He was in the Cabinet as Secretary of Education. During the very difficult nuclear option, when there was a knockdown, drag-out fight that I felt would have ruined the basic makeup of the Senate and what the Senate stood for, it was he who quietly and in the background came up with the idea of the Gang of 14. Basically, he said to me and to others: Why don't we have an equal number of Democrats and Republicans sit down and try to work this out. He took none of the limelight. He stepped back, and the process he suggested went forward.

He has decided to vote for Sonia Sotomayor. Most of his colleagues are not going to do that. I am sure if you ask LAMAR ALEXANDER why he decided to do that, of course, the qualifications are fine, but I think one reason he wants to do it is he believes in having temperate suggestions on both sides of the aisle to make a better Senate.

So I am very fond of LAMAR ALEXANDER. I appreciate his ability to bring sides together, and I appreciate his

standing up in this instance for this judge, because the process of confirming judges has become in recent years very politicized. Whose fault is it? It is probably the fault of both sides. It is something that just got out of hand. Hopefully, we can bring it back to where it has been in the past.

I have tried during the time I have been the majority leader to allow full and firm debate. There have been limited instances out of necessity where we haven't had full opportunities to amend pieces of legislation. That is the way it used to be when I came here, and that is the way I hope it is going to be in the future.

In light of the battle we have had in the past over the so-called nuclear option, I appreciate the sentiments of a number of Senators. LINDSEY GRAHAM is an example. LINDSEY GRAHAM has had editorials all over the country written on his behalf. Columns have been written in major newspapers in Nevada complimenting the Senator from South Carolina for the statements he made regarding this judicial problem we have now.

I am disappointed that not more of my colleagues on the other side of the aisle are likely to vote for this outstanding nominee, particularly in light of her record and qualifications, but maybe in the future things will get better. I am, however, grateful for the respect my colleagues have shown her throughout this process, even those who have said they are not going to vote for her.

I look forward to voting to confirm Judge Sotomayor as soon as we can so that she can continue her commendable service to our country.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SOTOMAYOR NOMINATION

Mr. MCCONNELL. Mr. President, the Senate will soon begin debate on the nomination of Judge Sonia Sotomayor to be an Associate Justice of the Supreme Court. Before that debate begins, I wish to make a few observations.

First, I thank the chairman and the ranking member of the Judiciary Committee, along with their respective staffs, for conducting what can only be described as a dignified and respectful hearing. I know it was gratifying to them, as it was to me, to hear Judge Sotomayor say that every single Senator who had promised to give her the opportunity to explain her views had kept that promise. It was equally gratifying to hear Senators DURBIN and SCHUMER describe the hearings as respectful and fair.

As I have often said, our goal in the Senate should be to disagree without being disagreeable. I think we hit the mark during the hearings on Judge Sotomayor, and the Judiciary Committee should be commended for it. As we begin final consideration, our goal should be the same: Those who support the nomination will make their case, those who oppose it will make theirs, and then we will vote, fulfilling our constitutional responsibility with the seriousness and the deliberation the American people expect.

Over several weeks, I have outlined my concerns about the nominee in some detail. Once the hearing was over, I said that those concerns had only multiplied. But the primary reason I will not support this nomination, as I have already said, is because I cannot support the so-called empathy standard upon which Judge Sotomayor was selected and to which she, herself, has subscribed in her writings and rulings.

As I have said, the empathy standard is a very fine quality. And I have no doubt that Senator Obama, now President Obama, had very good intentions when he made the case for a so-called empathy standard as a Senator, a candidate, and now as President. But when it comes to judging—when it comes to judging—empathy is only good if you are lucky enough to be the person or group for whom the judge in question has empathy. In those cases, it is the judge, not the law, which determines the outcome. That is a dangerous road to go down if you believe, as I do, in a nation not of men but of laws.

Judge Sotomayor has impressed all of us with her life story, but if empathy is the new standard, then the burden is on nominees such as she who are chosen on that basis to demonstrate a firm commitment to equal justice under the law. On the contrary, Judge Sotomayor has openly doubted the ability of judges to adhere to this core principle, and she has even doubted the wisdom of them doing so.

In her writings and in her speeches, Judge Sotomayor has repeatedly stated that there is no objectivity or neutrality in judging. Let me say that again. Judge Sotomayor has repeatedly stated that there is no objectivity or neutrality in judging. She has said her experiences will affect the facts she chooses to see as a judge. Her experiences will affect the facts she chooses to see as a judge. She has argued that in deciding cases judges should bring their sympathies and prejudices to bear. She has dismissed judicial impartiality as an "aspiration" that cannot be met even in most cases. She has even questioned whether a judge trying to be as fair as possible in applying the law does a disservice both to the law and to society. These statements suggest not just a sense that impartiality is not possible but that it is not even worth the effort.

Nothing could be more important in evaluating a judicial nominee than where they stand on the question of equal justice. As I have said, Americans expect one thing when they walk into a courtroom—whether it is traffic court or the Supreme Court—and that is equal treatment under the law. Americans have accepted serious ideological differences in Supreme Court nominees over the years. But one thing they will never, ever tolerate is a belief that some groups are more deserving of a fair shake than others. Nothing could be more offensive to the American sensibility than that.

Judge Sotomayor is certainly a fine person with an impressive story and a distinguished background. But a judge must be able to check his or her personal or political agenda at the courtroom door and do justice evenhandedly, as the judicial oath requires. This is the most fundamental test. It is a test that Judge Sotomayor does not pass.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2997, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Kohl/Brownback amendment No. 1908, in the nature of a substitute.

Kohl (for Murray/Baucus) amendment No. 2225 (to amendment No. 1908), to allow State and local governments to participate in the conservation reserve program.

Kohl (for Nelson (FL) amendment No. 2226 (to amendment No. 1908), to prohibit funds made available under this act from being used to enforce a travel or conference policy that prohibits an event from being held in a location based on a perception that the location is a resort or vacation destination.

McCain amendment No. 1912 (to amendment No. 1908), to strike a provision relating to certain watershed and flood prevention operations.

McCain amendment No. 2030 (to amendment No. 1908), to prohibit funding for an earmark.

Johanns/Nelson (NE) amendment No. 2241 (to amendment No. 1908), to provide funding for the tuberculosis program of the Animal and Plant Health Inspection Service.

Brownback (for Barrasso) amendment No. 2240 (to amendment 1908), to require the Secretary of Agriculture to conduct a State-by-State analysis of the impacts on agricultural

producers of the American Clean Energy and Security Act of 2009 (H.R. 2452, as passed by the House of Representatives on June 26, 2009).

Coburn amendment No. 2243 (to amendment No. 1908), to eliminate double-dipped stimulus funds for the Rural Business-Cooperative Service account.

Coburn amendment No. 2244 (to amendment No. 1908), to support the proposal of the President to eliminate funding in the bill for digital conversion efforts of the Department of Agriculture that are duplicative of existing Federal efforts.

Coburn amendment No. 2245 (to amendment No. 1908), to strike a provision providing \$3,000,000 for specialty cheeses in Vermont and Wisconsin.

Coburn amendment No. 2248 (to amendment No. 1908), to prohibit no-bid contracts and grants.

Coburn amendment No. 2246 (to amendment No. 2226), to provide additional transparency and accountability for spending on conferences and meetings of the Department of Agriculture.

Kohl amendment No. 2288 (to amendment No. 2248), to provide requirements regarding the authority of the Secretary of Agriculture and the Commissioner of Food and Drugs to enter into certain contracts.

Sanders amendment No. 2276 (to amendment No. 1908), to modify the amount made available for the Farm Service Agency.

Sanders amendment No. 2271 (to amendment No. 1908), to provide funds for the school community garden pilot program, with an offset.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided and controlled between the managers and the Senator from Arizona, Mr. MCCAIN, or their designees.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum and ask that the time be divided equally on both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, what are the proceedings under the unanimous consent agreement?

The ACTING PRESIDENT pro tempore. The time until 10:30 is equally divided.

Mr. MCCAIN. Following that, there would be a vote on two amendments; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the second rollcall vote be vitiated and replaced by a voice vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1912

Mr. MCCAIN. Mr. President, this vote will be on amendment No. 1912. The

amendment eliminates, as recommended by the President of the United States, the USDA Watershed and Flood Prevention Operations Program, also known as the Small Watershed Program.

This program is the perfect example of how reckless earmarking can devastate a well-intentioned government program. Like the previous four Presidents' budgets, this administration has proposed to terminate this account—four previous Presidents—because “Congress has earmarked virtually all of this program in recent years, meaning that the agency is unable to prioritize projects on any merit-based criteria, such as cost-effectiveness.”

According to the Congressional Research Service, the Small Watershed Program was 97 percent earmarked in fiscal year 2009, which severely marginalized the ability of the U.S. Department of Agriculture to evaluate and prioritize projects.

A 2003 Office of Management and Budget study showed this program has a lower economic return than any other Federal flood prevention program, including those in the Army Corps of Engineers and the Federal Emergency Management Agency.

The onslaught of earmarks over the years has most certainly contributed to the current backlog of about 300 unfunded authorized small watershed projects, totaling \$1.2 billion.

As was originally intended, the Small Watershed Program may be a worthwhile program, but by inundating it with so-called “congressionally designated projects,” the program is challenged to function properly to the point where four previous Presidents have recommended its termination. Nevertheless, the Appropriations Committee hasn't given up on plundering it just yet. The bill provides \$24.3 million for this program, including \$16.5 million in earmarks for various unauthorized projects.

I urge my colleagues to support the President's recommendation. Again, I will quote from the President's recommendation—the President of the United States:

The administration proposes to terminate the Watershed and Flood Prevention Operations Program. The Congress has earmarked virtually all of this program in recent years, meaning that the agency is unable to prioritize projects on any merit-based criteria, such as cost-effectiveness.

So it goes on and on. Every analysis is that it has a lower economic return than any other program. Four Presidents have sought to eliminate it. We will probably lose this vote. But if there is ever a graphic example that once a program is established and once you fund it, it acquires a constituency and a powerful special interest and that funding continues on and on—we are proving, and we will continue to prove as we go through the appropri-

tions bills, that there is no program that, once it exists, is going to be eliminated by this body, and that the appropriators continue to defy not only the President of the United States but logic and good sense as we amass deficits of monumental proportions which are mortgaging our children's and grandchildren's futures.

We cannot even stop a program the President wants terminated, that has no value, that the Office of Management and Budget and any objective observer will say deserves termination. It is only \$24.3 million, but the appropriators will join and jawbone others, and we will lose this vote, the same way we lost a vote yesterday that, again, had been recommended for termination by the President of the United States.

I didn't come up with this. It wasn't my idea to terminate it, although I certainly do think we should. It was the idea of the President of the United States. It is also every objective observer's idea. We will prove that not only will we not eliminate that program, but we send the message to the country that this program—even though the President wants it terminated, even though it has a clear record of total inefficiency—we will continue to maintain.

Sooner or later, there will be more tea parties and more protests, and the American people are going to rise up and say: Stop it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, this program provides for cooperation between the Federal Government, State government agencies, and local organizations to prevent erosion, floodwater and sediment damages, and to further the conservation and proper utilization of lands in authorized watersheds.

This program helps communities prepare detailed watershed work plans for flood prevention projects in cooperation with soil conservation districts and other local sponsoring organizations.

Annual natural resource benefits include 90 million tons of soil saved from erosion; 47,000 miles of streams and stream corridors enhanced or protected; more than 1.8 million acre-feet of water conserved; nearly 280,000 acres of wetlands created, enhanced or restored; and over 9 million acres of upland wildlife habitat created, enhanced, or restored.

This is a very important program. I urge Senators to oppose this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I have a lot of sympathy for the comments made by the Senator from Arizona. I think he has accurate points.

My colleague from Wisconsin makes points, as well, about the program overall.

My point in rising is to say that the system is very difficult to change and to get things pulled out. That is why we have to change the system. What I have put forward for years is a proposal to take a BRAC-type process—the military base closing process—and have it looked at and make a recommendation to the Congress and then one vote on the entire package. That is a way we found to eliminate military bases.

When a program like this is started, or others, there are people who say: Wait a minute. This works for my district even if it doesn't work for somebody else. This is a high-priority project, even if it is not for somebody else. That system is such that it is built to spend, not built to cull, where you can cull things out and say this one doesn't look good, but this does, in trying to get it through a body of 100 people. We are trying to get an Agriculture appropriations bill through that we have not been able to get done in 3 years. We haven't had floor time for an Agriculture appropriations bill. We are trying to move this forward.

I think the Senator has some excellent points. We need to pass this sort of BRAC process for the rest of government so we actually do go at a culling process that everybody has faith in, which has worked before on military bases and we now can apply to the rest of government. That is a system where we can eliminate things, which we need to do in a number of areas. It is not going to happen on a one-shot-by-one-shot basis because some people say: This is a program that really works for my area. Then we get hung up on the floor with lengthy battles, and then we are never able to get the bill through.

I urge my colleagues—and I hope some on the majority side will look at this CARFA bill, we call it, to see about putting that in place so we can get at these in a systematic way that everybody is agreeable to.

I yield the floor.

Mr. KOHL. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1912.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 70, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—27

Barrasso	DeMint	Martinez
Bayh	Enzi	McCain
Bunning	Feingold	McCaskill
Burr	Graham	McConnell
Carper	Grassley	Menendez
Coburn	Gregg	Risch
Corker	Johanns	Sessions
Cornyn	Kaufman	Thune
Crapo	Kyl	Webb

NAYS—70

Akaka	Franken	Nelson (FL)
Alexander	Gillibrand	Pryor
Baucus	Hagan	Reed
Begich	Harkin	Reid
Bennet	Hatch	Roberts
Bennett	Hutchison	Rockefeller
Bingaman	Inhofe	Sanders
Bond	Inouye	Schumer
Boxer	Isakson	Shaheen
Brown	Johnson	Shelby
Brownback	Kerry	Snowe
Burr	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Chambliss	Leahy	Udall (NM)
Cochran	Levin	Vitter
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	Lugar	Whitehouse
Dorgan	Merkley	Wicker
Durbin	Murkowski	Wyden
Ensign	Murray	
Feinstein	Nelson (NE)	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 1912) was rejected.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

AMENDMENT NO. 2030

Mr. GRASSLEY. Mr. President, I want to speak in opposition to the amendment of the Senator from Arizona to strike funding for Iowa State University's Rural Vitality Center.

According to the Small Business Administration, Iowa historically has ranked near the bottom nationally in business startups. Small businesses with less than five employees account for 86 percent of Iowa businesses, yet these enterprises increasingly are bypassed by existing entrepreneurial assistance and capital networks, particularly in nonmetro areas. The Iowa Rural Vitality Project is Iowa State University's response to help foster innovation and economic vitality in rural Iowa.

The Vitality Center engages with academic institutions, community leaders, and economic development agencies to leverage resources. The center provides statewide leadership by building community capacity for assisting and supporting entrepreneurs and community foundations.

During the past year, the Vitality Center has led an effort to organize a statewide microloan foundation and complementary community microen-

terprise development initiatives. The program targets low- and moderate-income people and underserved rural areas. The microloan program helps fund businesses that don't quite meet the commercial lenders' requirements for credit, which is even more important during these tight lending times. This initiative is creating two to three new business startups per month that would not otherwise exist.

According to Iowa State University, the funding approved for fiscal year 2010 will be used to encourage the development of 20 community-based entrepreneurial development systems, allow for expanded philanthropic capacity in 10 community foundation projects, and research new strategies for enhancing rural vitality for rural and underserved communities. Their program, with this funding, will help continue their creation of jobs across the State.

The Feds aren't the only ones supporting this center. They have received grants from private sources and the State legislature for their efforts. It also receives a \$1 for \$1 match from each community demonstration project for approximately 10 projects, and approximately a \$2 non-Federal to \$1 Federal match from Iowa State University on the center operations budget.

I urge my colleagues to oppose the amendment to strike the funding for this center.

AMENDMENT NO. 2030

Mr. KOHL. Mr. President, all time is yielded back on McCain amendment No. 2030.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2030) was rejected.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that Senator BROWN be recognized for a period of approximately 8 minutes, followed by Senator SANDERS, to speak until 11:15 a.m., until our recess occurs.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Ohio.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I rise again, as I have every day for the last week or so, to share some letters from Ohioans—from people in Painesville, Findlay, Lima, Springfield, Zanesville, and all over my State—which speak to people and their health care situations.

We hear discussion in this Chamber of market exclusivity and the gateway and the exchanges and all these kinds of Washington terms that people don't necessarily understand, but we don't talk often enough about how this

health care system today is damaging the country. We don't think often enough about the situations people find themselves in.

We are not just enacting health care reform. If we do nothing, if we continue down this road, it means that small businesses, that are so overwhelmed with health care costs, are going to go out of business; that more small businesses are going to have to eliminate their insurance programs; and larger businesses—our biggest companies in the country—are having trouble competing internationally because of health care costs. People are paying huge costs out of pocket for their copays or deductibles, and so they cannot afford health care insurance. This means many people have deferred care, which is no care.

At the same time, we see the Nation's insurance companies all too often using preexisting conditions to deny care; using lifetime caps to deny care. This system is broken. Many parts of the system work, and the point of this bill is to protect what works and to fix what is broken in our health care system.

For 4 or 5 minutes, I wish to share some letters I have received from people around my State of Ohio about the situations they are facing with their health care. This is Debra, from Adams County. Adams County is three counties east of Cincinnati on the Ohio River.

Debra writes:

In October 2003, I discovered I had breast cancer. Luckily we found it early and I was treated with a lumpectomy and radiation treatments. I'm doing fine now. But I had to fight with the insurance companies to pay for the radiation treatments. I had 32 radiation sessions and they were over \$800 per treatment. To 2002 I paid \$218 per month for health insurance. Over the next 3 years my premiums were increased to \$550 per month. Today, the insurance company increased premiums to \$719 per month.

We are not poor but we are not rich, but \$719 per month for insurance is half of what I receive in a month. I cannot afford to pay that amount. No insurance company wants to take me because of my preexisting breast cancer condition. I don't know what I am going to do. If I cancel the insurance and then I come down with cancer again or another serious illness, we will lose everything we worked so hard for all our lives.

I paid for my own insurance since 1985 and have never asked for help, but I can't do this. Please can you help me?

Think about this. This is a woman who was paying \$200 per month for health insurance. She paid for health insurance for almost 25 years. Then she gets sick. Then she had to fight with her insurance to get them to even pay for the treatment. Then they more than tripled the cost of her health insurance.

That is not what health insurance should do. That is not what a functioning good health care system should do. That is why we need this health

care reform, to help people such as Debra in Adams County.

Barbara from Delaware County, an increasingly suburban but somewhat rural county straight north of Columbus, central Ohio. Barbara writes:

I had excellent insurance when employed for many years. Then I was laid off when I turned 63. I went without insurance and tried to find a health insurance policy which I could afford. I was very happy to turn 65 and have Medicare.

After having worked for 30 years, I am very grateful for both Social Security and for Medicare. At the age of 68, I don't mind paying into the system since I am glad to be part of a system that helps all of us who are in our advanced years. The security of knowing that I would be covered if something unforeseen would occur keeps my stress level down.

Barbara lost her job at 63, lost her insurance, fortunately had no catastrophic illness or disease happen between 63 and 65 until she got on Medicare. But when I hear this kind of assessment—when I hear her talk about Social Security and Medicare and how it has been for her—and then last night on this Senate floor I heard one of my colleagues on the other side of the aisle talk about how government cannot do anything right, we don't want government involved in health care, this is all a conspiracy of big government intrusion into our lives—think about Social Security; think about Medicare.

We know government has run Social Security and Medicare pretty darn well. Medicare has an administrative cost of well under 5 percent. Private insurance has administrative costs of 15, 20, 25, sometimes 30 percent. We know this health care system—this is not going to be a single-payer system. People will have choices between the public option and individual insurance plans. That is the way we are going to rebuild this health care system. If you are in health care that you appreciate and you are satisfied with, you can keep it. We are going to put some consumer protections on it to make it better.

Barbara speaks so articulately about why Medicare and Social Security work.

The last couple of letters I will read—this is from Cynthia, from Mercer County, on the Indiana border in western Ohio.

My son had a cyst removed in February that cost \$8,000 and I had hernia surgery in May that cost \$12,000. My insurance company picked up some of the cost but I only make \$31,000 a year. We can't even afford my property taxes. My son also has a learning disability and will likely not go to college this fall; therefore, my insurance company sees fit to drop him from coverage in October when he turns 19. Americans who work hard should be at least granted excellent affordable health care without breaking the bank. Let's get the best care possible, not just a Band-Aid.

Cynthia's son, when he turns 19, gets dropped off the insurance plan. Our leg-

islation says if you choose to, you can stay on your parents' insurance plan until you turn 26. So it gets people through those tough years of school, looking for a job, maybe into the military, coming out of the military—all the things that happen in young lives. Our bill protects people up to age 26.

Today, under the status quo, Cynthia is not protected. Cynthia's son is not protected. Cynthia cannot afford these huge costs, these huge premiums, these huge copays and deductibles. That is why we need a change.

The last letter I will read is from Mike from Ross County. The county seat of Ross County is Chillicothe, a couple of counties south of Columbus. Mike writes:

I am a self-employed small businessman. I am unable to obtain insurance for my wife and one of my two daughters. I live that risk every day, praying that my wife and daughter do not need major medical care. This is America, we can and must do better than that.

One of the things we did in this bill was put together special provisions for small business people so if you are self-employed, if you run a small business, you can get insurance at a more reasonable cost. We know big insurance companies charge small business much more per person than they charge larger businesses. This will allow small business to go with other small businesses in what we call the exchange, and they will get much better rates because the insurance costs and the costs of illness and treatment will be spread over hundreds of thousands of people instead of only 5 or 6 or 10 people in one of these health care plans in a small business.

This also has tax credits, additional tax credits for small businesses. We are going to see a lot of help in this legislation for small business.

I will close again saying our health care bill that was voted out of the Health, Education, Labor, and Pensions Committee protects what works in our health care system and fixes what is broken. If you are happy with your health care insurance, you can keep it. If you are happy with your employer plan, you can keep it. We will build some consumer protections around it.

If you are not happy, you are dissatisfied, or you don't have insurance, you will get insurance under this bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Vermont is recognized.

AMENDMENT NO. 2276

Mr. SANDERS. Madam President, I thank the Senator and applaud his strong efforts in fighting for health care for all Americans. I want to take a few minutes right now to touch on an issue that in fact has not gotten a lot of discussion here in Congress and that is that family-based dairy agriculture

is on the verge of collapse. This is not a regional issue, this is a national issue. From the east coast to the west coast, what we are seeing is prices plummeting for dairy farmers way below the cost of production. If Congress does not act, all over America rural communities are going to be suffering economically. People are going to be losing their jobs. The American people increasingly will not be able to obtain fresh locally produced food.

As we talk about stimulus, as we talk about trying to revive this economy, let's remember rural America and let's remember the dairy farmers throughout this country who are producing an important part of the food we consume. At this moment, dairy farmers across the country are suffering from the lowest milk prices in four decades. Let me repeat that. Dairy farmers across the country are suffering from the lowest milk prices in four decades.

In the last year, the price farmers receive for their milk has plummeted 41 percent, to \$11.30 per hundredweight. To understand how low \$11.30 per hundredweight is, you must understand it takes \$17 or \$18 to produce a hundredweight of milk. In other words, for every cow that is milked, the farmer is losing a substantial amount of money.

As a result of these low prices, many family farms have gone out of business and, if we do not act immediately, you are going to see many more, from one end of this country to the other, close up. I can tell you in the State of Vermont there was a lot of publicity surrounding a farm in the southern part of our State that had been in one family since the Revolutionary War—since the Revolutionary War. But because of these horrendously low milk prices, that farm has gone up for sale.

This is not just an issue for dairy farmers. This is not just an issue for rural communities. This is an issue for every American who wants to gain access to good quality, locally produced food.

All over this country people are saying no, I don't want my food coming in from China, I don't want my food coming in from places all over the world. I want to see the quality food that is produced in my area, in my State, in my region. If we do not act to protect family-based dairy agriculture, we are going to increasingly lose that opportunity.

Let me underline this. I know the people familiar with dairy always say these are great regional fights, the Northeast is fighting the Midwest is fighting the Southeast is fighting the west coast, and every region has its own set of priorities.

This is not a regional issue, this is a national issue. Let me talk a little bit about what is happening, briefly, in various regions around the country. California Farmers Union President

Joaquin Contente spoke about the situation in his State of California. He testified:

In my lifelong history as a dairy farmer, I have never seen prices this far below our cost for this long and I have never seen so many dairy producers so desperate for relief. In my county alone—

This is in California, not Vermont.

In my county alone, 25 dairies have either filed or are in the process of filing for bankruptcy and many more are closer to bankruptcy each day.

Joaquin Contente, California Farmers Union president.

Let me talk about Texas, the Southwest. The executive director of the Texas Association of Dairymen spoke about the situation in his State of Texas. He said:

This is the worst situation I have seen since 1970. Some say it is the worst since the depression.

That is the State of Texas. Let me talk about the Midwest, Wisconsin. A Stanley, WI dairy farmer stated:

In my area, farmers are burning up their equity accumulated over their lifetimes. One farmer in my area had to cash out his wife's IRA just to get crops planted this spring. My parish priest in my small town has had to counsel one or more dairy farmers a week to prevent their suicides. And we know of reports across the country of farm suicides that have already occurred.

These are just a few examples from California and Texas. I can go on and on about what is going on in California and the Northeast.

Last week, after Congress's strong urging, Secretary Vilsack announced that the government would spend \$243 million to raise price supports for dairy farmers, and we very much appreciate the Secretary and the Obama administration's quick response to our needs. That support is important. It is likely to raise milk price supports by about \$1.25 per hundredweight, but that is nowhere near enough of what we need when in fact cost of production is \$17 or \$18 per hundredweight.

This afternoon I will be offering legislation cosponsored by you, Senator GILLIBRAND, cosponsored by Senator SCHUMER, Senator TOM UDALL, Senator SPECTER, and Senator JEANNE SHAHEEN, among others. This amendment will go a long way to help farmers over the short-term crisis.

Long term, obviously we need to do some fundamental rethinking about dairy agriculture, how you bring long-term stability to the dairy industry and end that volatility that has been rampant in that industry for so many years. There are so many ideas out there about how we bring long-term stability for dairy farmers in this country. This is short-term relief to make sure farmers all over this country do not go out of business. What this amendment would do is provide the Secretary of Agriculture with \$350 million in additional funding for milk price supports. That would, again,

bring the price up about another \$1.50 per hundredweight. This short-term help could mean the difference between economic viability or financial disaster for dairy farmers from one end of this country to the other.

Once again, all of us are focused on how we get out of this deep recession. All of us are focused on how we create decent-paying jobs. I urge my colleagues, do not forget about rural America. Rural America, whether it is Vermont, Wisconsin, California, Colorado—rural America is hurting. They need help as well.

Later on this afternoon I will be bringing forth this very important amendment to provide some economic support for rural America and hope to have the support of all my colleagues.

THE CALENDAR

Mr. SANDERS. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of the following postal naming bills en bloc: Calendar Nos. 133 through 144: S. 748, S. 1211, S. 1314, H.R. 774, H.R. 987, H.R. 1271, H.R. 1397, H.R. 2090, H.R. 2162, H.R. 2325, H.R. 2422, and H.R. 2470.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. I ask unanimous consent the bills be read a third time and passed en bloc, the motions to reconsider be laid on the table en bloc, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CESAR E. CHAVEZ POST OFFICE

The bill (S. 748) to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CESAR E. CHAVEZ POST OFFICE.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, and known as the Southeastern Post Office, shall be known and designated as the "Cesar E. Chavez Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Cesar E. Chavez Post Office".

JACK F. KEMP POST OFFICE BUILDING

The bill (S. 1211) to designate the facility of the United States Postal Service located at 60 School Street, Orchard

Park, New York, as the "Jack F. Kemp Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JACK F. KEMP POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, shall be known and designated as the "Jack F. Kemp Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jack F. Kemp Post Office Building".

DR. MARTIN LUTHER KING, JR. POST OFFICE

The bill (S. 1314) to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. MARTIN LUTHER KING, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, shall be known and designated as the "Dr. Martin Luther King, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Martin Luther King, Jr. Post Office".

LIEUTENANT COMMANDER ROY H. BOEHM POST OFFICE BUILDING

The bill (H.R. 2470) to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

KILE G. WEST POST OFFICE BUILDING

The bill (H.R. 2422) to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the "Kile G. West Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

LAREDO VETERANS POST OFFICE

The bill (H.R. 2325) to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office," was considered, ordered to a third reading, read the third time, and passed.

GERALDINE FERRARO POST OFFICE BUILDING

The bill (H.R. 774) to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

JOHN SCOTT CHALLIS, JR. POST OFFICE

The bill (H.R. 987) to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office," was considered, ordered to a third reading, read the third time, and passed.

ELIJAH PAT LARKINS POST OFFICE BUILDING

The bill (H.R. 1271) to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

CAROLINE O'DAY POST OFFICE BUILDING

The bill (H.R. 1397) to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

FREDERIC REMINGTON POST OFFICE BUILDING

The bill (H.R. 2090) to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the "Frederic Remington Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

HERBERT A LITTLETON POSTAL STATION

The bill (H.R. 2162) to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Her-

bert A Littleton Postal Station," was considered, ordered to a third reading, read the third time, and passed.

Mr. SANDERS. I yield to the chairman, Senator KOHL.

Mr. KOHL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

Mrs. MCCASKILL. I rise for a minute to concur with the comments of my colleague from Vermont, Senator SANDERS.

I have spent some time on the phone over the last few weeks with dairy producers in Missouri. What is happening is heartbreaking. And in this economic downturn, it is hard to look everywhere we can be looking. One day, the car sector is grabbing our attention; another day, we are talking about what is going on in terms of utility costs for our constituents; another day, we are back talking about whether people can even afford health care. There are so many places we are trying to look and do what is necessary to get us through this rough patch.

Unfortunately, the independent producers do not have a whole lot of lobbyists out there. A lot of the big, multinational agricultural corporations have plenty of help. But the families I know, the families I have talked to, who are trying to continue to produce dairy products for this Nation in the family way and in the independent way, are really on the ropes.

I ask unanimous consent that I be added as a cosponsor to Senator SANDERS' amendment and that we remember it is not just our car manufactures that are in trouble right now. In almost every sector of our economy, we have trouble, and we cannot neglect one area of our economy in an effort to help another area of our economy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Madam President, I ask that it be in order to make a point of order en bloc on several pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2225, 2226, 2246 2248, AND 2288

Mr. KOHL. Madam President, I make a point of order that the following amendments are not germane postclosure: amendments Nos. 2225, 2226, 2246, 2248, and 2288.

The PRESIDING OFFICER. The point of order is well taken. The amendments fall.

Mr. KOHL. I ask unanimous consent that at 2:15 p.m., the Senate resume consideration of the Coburn amendment No. 2244; that Senator HARKIN be recognized to speak for up to 15 minutes, to be followed by Senator COBURN for as much time as he consumes; that following Senator COBURN's remarks, the Senate then proceed to vote in relation to the Coburn amendment No. 2244, with no amendment in order to the amendment prior to the vote; further, that upon disposition of amendment No. 2244, the Senate then resume the following amendments, with 2 minutes of debate prior to each vote: amendments Nos. 2245, 2243; that no amendments be in order to either amendment prior to a vote; and that no amendments be in order to any of the amendments listed here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 11:22 a.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2244

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of amendment No. 2244 offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, the Senate Agriculture appropriations bill contains \$4.9 million to help public television stations meet the Federal man-

date to provide over-the-air digital signals to rural areas, similar to last year's funding level. Rural public television stations throughout the country are at extreme disadvantage when faced with the task of converting their stations and vast network of translators from analog to digital transmission. Why? Because they are spread over a larger geographic area—private and some of the network stations—and they have a much smaller population base to draw upon when funding system improvements than their urban counterparts. Urban stations have a bigger population base.

To date, most rural stations have focused their resources on converting transmitters to meet the Federal mandate. The funding provided in this Agriculture appropriations bill will be critical to helping stations transmit their signals far enough to reach people in rural areas far from the transmitters. Generally, stations have these transmitters send a signal out over the airwaves, but in a large number of cases they need translators. They take the transmitter signal at a certain point and then they boost the power so they can send it further out. That was also true under the old analog system. Obviously, the analog translators would not work for digital, so we need digital translators. In most cases, for technical reasons, the digital translators cover less of an area, particularly in places that are hilly or mountainous, so additional translators are needed.

At present, we have millions of people living in rural America who simply cannot get the over-the-air digital signal. These funds are allocated on a peer-review process within the Rural Utilities Service of the Department of Agriculture. For example, in my State of Iowa, a large number of people in the Dubuque area are not receiving the Iowa public TV digital over-the-air signal now because of the lack of a digital translator which gets its signal from a Cedar Rapids-Waterloo transmitter. I understand also that the Oklahoma public television system received considerable funding through this program a few years ago. But many other State systems have very real needs that have not been met. Few public TV stations are able to acquire the needed funds to do this. In the current 2009 round, public TV stations requested about three times the available needed funding we have in the USDA program. While it is true that both the Department of Commerce and the Corporation for Public Television do provide equipment for public TV stations, it is also true that these funds are both inadequate to fully meet all the needs they are intended for, and they have not been providing significant funds for translators.

The Corporation for Public Broadcasting provides about \$36 million for public TV and radio stations for equip-

ment. They have provided digital equipment, shifting analog libraries to digital, and power equipment. But they have not focused on digital translators. It is not their mission to focus on the special needs of rural areas such as the Rural Utilities Service must do. Even if they do in the future provide some funding for translators, the total we now need is going to be far more than the funds that will be available in the coming fiscal year. Even if they did have the funds, they asked for three times the amount of funding that we have in this bill to build these translators. The Department of Commerce also has a program which provides equipment, again not focused on translators. They provide equipment such as network operations equipment that allows stations to take signals from a national broadcast and send them out over their transmitters. They provide emergency funding when there is a local equipment failure but, again, they have a very limited amount of money for translators.

Again, there is a considerable need for additional funds for digital TV to reach rural America. The lack of a single translator can mean that 100,000 households are not able to get over-the-air digital signals. These funds are badly needed. I thank my friend from Oklahoma for letting me go first because I have to chair a hearing at 2:30. I wished to make these comments because I have real-time experience with these translators in my State in Dubuque. But there are other places in rural Iowa that are on the fringes of where the transmitters are, and they have to have these translators to get the signal out.

Again, one could say: Well, they charge the people. But there are not that many people. They deserve to have public television also. That is what this money was for, the \$4.9 million, to help them get these translators. It is not only Iowa, any State that has a lot of rural area, especially if it is hilly or mountainous, needs translators. I am not an expert in this area whatsoever, but I know they cost money. I do know the need is there. All I can say is, they had asked for three times more than what we have in this bill. So if there are some other funds in Commerce or in the Corporation for Public Broadcasting, I rather doubt they will be able to anywhere meet the need that is out there, and they will be back again next year asking for more money to get these translators built, as we switch from the analog to digital.

I, respectfully, request that the Senate oppose the Coburn amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am constantly amazed. We have three separate programs, of which this administration says we don't need one penny

from the Department of Agriculture for this. That is what they say. They say we have plenty of money in CPB to do everything that is needed with the translator stations this year. We are 92 percent complete on everything that has been translated. This is similar to every government program. They never die. Not only do we have the Department of Commerce that is going to have additional funding this year for that very same thing, we have the Corporation for Public Broadcasting. The fact is, they want it to go through the Agriculture Department because there is more control. We can direct it. We can have more control.

We are in a crisis. We will have close to a \$2 trillion deficit this year. Here we have \$4.9 million that the administration says isn't needed. They want to get rid of it. They are right. What do we do? Every time we come to approach a program, we decide we can't eliminate it. Every family in America today is eliminating a lot of programs for themselves.

This appropriations bill is an atrocity. I will go through it so everybody can see what it is. In fiscal 2009, the grand total for this was \$128 billion. It is now \$123 billion. Do you know why it is there? They got \$20 billion from mandatory in the stimulus and another \$6 billion in the stimulus. So this isn't a decrease. It is outrageous the amount of money we are spending. We will go through it line by line.

Agriculture programs in 2009, discretionary were \$6.85 billion. They are \$7.22 billion. That is a 6-percent increase. The mandatory spending was \$18 billion. It is now \$22 billion. That is a 21-percent increase. Plus they got \$1 billion in the stimulus. So if you add that to the \$30 billion, we actually have \$31 billion compared to \$24 billion this year. Think about what kind of increase that is. Title II conservation programs was \$969 million in 2009. We gave \$340 million, which hasn't been spent yet; it will be spent this year. Yet we increase it another 4.5 percent to \$1.015 billion.

Rural development, they got \$3 billion this year. In this bill they get 2.7. That is an 11-percent increase. That doesn't count the \$4.36 billion that was given in the stimulus. Domestic food programs went from \$76 million to \$86 million. We need that now, no complaint there. We have a lot of people requiring our help right now, but they also got \$20 billion which hasn't been spent yet in the stimulus. So we have gone from \$76 million to \$106 million, a 45-percent increase. Foreign assistance, we spent \$1.5 billion on foreign assistance in agricultural programs in 2009. This is at \$2 billion, a 33-percent increase. Plus they got \$700 million in the stimulus that has not been spent. So add that together and you have \$2.1 billion versus 1.5.

It is ridiculous the amount of money that is in this appropriations bill. All

these ought to be trimmed back based on what the stimulus was doing rather than growing them at four times the rate of inflation. We are growing government in this bill four times the rate of inflation. We are going to have a \$2 trillion deficit and we are proud of this bill? This bill is a stinker.

FDA Commodities Futures Trading, \$2.1 billion to \$2.527 billion, a 20-percent increase in one year. Let's talk about some of the separate programs. Agricultural research got increased \$200 million. By the time you add in what we did in the stimulus, it goes from \$1.18 to \$1.23 billion. That is where most of the earmarks are stolen from, agricultural research, and most of that money isn't applied to research. It gets directed through an earmark. National Institute of Food and Agriculture Research went from 1.22 billion to 1.3, an \$80 million increase, a 6.76-percent increase; Economic research, up \$3 million, just a 4-percent increase; Statistical service, up 7 percent; Animal health inspection, up 4 percent; Agricultural marketing services, up 5 percent; Grain inspection packers, up about 4 percent; Food safety, where we should be increasing funding because of the problems we have had, is up only 2 percent. Where we have the problems, we are not increasing the appropriations. We are actually barely keeping even with inflation. But on food safety, we don't increase it. Farm service salaries, they increase \$90 million, a 6.5-percent increase, plus we gave \$50 million in the stimulus; Farm service agency loans, if you add in the stimulus, which has not been spent, we get to \$195 million from \$147 million. That is a 33.3-percent increase.

Federal crop insurance: Up \$1 billion, from \$6.5 billion to \$7.5 billion. That is a 12-percent increase.

Conservation programs. Mr. President, \$340 million NRCS was given in the stimulus. It has not been spent yet. And \$962 million is what we had last year. Mr. President, \$1.015 billion, plus the \$340 million, and what you get is a 33-percent increase.

Conservation operations: No money in the stimulus. We go from \$853 million to \$949 million. That is an 8-percent increase.

Watershed and flood prevention is flat. It is flat. We have all these water conservation dams that are falling apart. Kind of like in our highway bill, we fix the earmarks, but we do not take care of the bridges. That is what we are doing on the watershed.

RC&D, the President terminated it. Finally we got one that is going under.

Rural development: Salaries up 8 percent.

Rural housing: Counting the \$330 million we did in the stimulus that has not been spent, you have a \$430 million increase—\$130 million increase over it, about a 7-percent increase.

You can keep going. I will not continue to bore my colleagues. But the

fact is, overall in this bill, we have a tremendous increase in spending when you consider what we did in the stimulus—not a decrease—taking into account for that.

Now back to this amendment. All this amendment does is cut \$4.9 million—\$4.9 million—out of a \$124 billion bill. The reason this amendment is offered is because the administration is doing the right thing. They are eliminating a program that is not needed now. We can say anything we want, but we have three agencies doing the same thing, and what the administration recognized, to their credit, is we do not need three agencies doing the same thing. What we need is one agency accountable. We are 92 percent complete, and let them be responsible for finishing it and save the American taxpayer some money.

That is what the Obama administration wanted to do with this elimination. But, no, it comes right back. Each of the three programs that presently do this work—the USDA, the Commerce Department's PTFP, and the Corporation for Public Broadcasting—is a part of their respective agency's budget. Unless we eliminate it, we are going to spend that money, and it will not be well spent, it will not be wisely spent, it will not be efficiently spent. It will just be spent, and they will ask for more next year. Even when we are at 97 percent or 98 percent complete, we will see the same request to come. The logic was because they asked for three times as much; therefore, \$4.9 million ought to be OK. Well, \$4.9 million is not OK when we need zero out of the Department of Agriculture to begin with.

One of the things the Obama administration wants to do is to streamline this process, not have three agencies going through this. They want to consolidate the current three-pronged effort into one efficient program that is already in existence. And nobody denies that CPB has done a pretty good job with the public television stations and the translator stations through their money.

The USDA received \$14 million in 2004, \$10 million in 2005, \$5 million in each of the years 2006 through 2008. PTFP—which is the Department of Commerce—has gone all the way from 1998, when they got \$12.5 million—and every year, all the way up—to 2002, when they got \$36 million; and then they went back down to \$15 million in 2007. They did not get any money in 2008 because they did not need it.

The Corporation for Public Broadcasting, however, has gotten, on average, over \$35 million a year, and they got \$29 million last year. Plus we spent \$650 million in the stimulus on this program. It has not all been spent. So we are lining up. We have plenty of money in the stimulus package, and then we are going to ask for another \$4.9 million.

This is exactly the reason the American people are disgusted with Congress. This is a bill that is out of its bounds in terms of its spending. It has not recognized what is in the stimulus that has not been spent. So what we are doing is we are actually going to increase the debt through this bill that is going to be spent.

To put that in personal terms, what does that mean? A \$2 trillion deficit is \$6,000 for every man, woman, and child in this country. That is what we are going to do this year: We are going to spend \$6,000 per man, woman, and child more than we take in for every man, woman, and child in this country. And do you know what. We are on course to do exactly the same thing next year with this kind of appropriations bill. There is no check with reality in the Senate as far as when it comes to spending money, and I refuse to apologize for looking out for the next two generations when we do not have the courage to say no to anybody. What we say is: Yes, I will get this bill for you so you can look good at home.

Well, who is looking out for the 2- and 3- and 4- and 5-year-olds in this country who, when they were born, took on almost \$500,000 worth of unfunded liabilities? Our debt is going to double in the next 5 years. It is going to triple in the next 10 years. There is no effort in this bill to make that less burdensome on those children.

With that, I yield the floor on this amendment.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2248

Mr. COBURN. Mr. President, I want to talk about an amendment I offered that has been ruled nongermane by the Parliamentarian. I flatly disagree with that ruling, and I want the American people to understand what we have ruled nongermane.

We offered an amendment that said grants and contracts under this bill should be competitively bid. Think about that. When we go out to spend money—with the six or seven exemptions in the contracting clause, and the fact that maybe for some things only one person can apply to it, which have been accepted in that—we said for American taxpayers to get value, we ought to ask and mandate that competitive bidding take place on grants and contracts in this bill.

Not one of these has ever passed the Senate, and I want to tell you why. It is because we do not want things to be competitively bid. We do not want your

dollars to be spent wisely, efficiently, and effectively because when we do that we take away our political power to say somebody is going to get a contract or somebody is going to get a grant.

So this amendment, which was offered, specifically excluded earmarks because the complaint last week, when I offered the same amendment on the previous bill, was that if they are authorized—and remember, an earmark goes to a specific person, a specific company, those well connected in Washington—I specifically eliminated earmarks from this amendment so we would not have the excuse to say we do not want things competitively bid. But what we were going to find, had this amendment gone to a vote, is that it would have been voted down, too, because the problem is not in America, the problem is right here.

We view political power and incumbency more precious than we view the economic realities and sustenance of this country and the true freedom of the people in this country. We diminish that because we think our positions ought to be enhanced, and we ought to secure our next election by making sure we are the dolers of everything good, and that we can actually connect those who give big campaign contributions to great rewards from the Congress when it comes to appropriations bills. What this amendment would do is require that the contract be competitively bid according to the law. We actually have a law that says contracts have to be competitively bid, except Congress routinely excuses that on appropriations bills.

Just so the American people get this, we don't competitively bid contracts on these appropriations bills. We don't competitively bid the grants. We don't mandate that they are competitively bid, although some grants are competition-based but not based on dollars, based on performance. So Congress wins and the American people lose. Every time one of these bills goes through here without competitive bidding, our children are the real losers.

The President of the United States has said it is his policy that anything over \$25,000 the government buys in this country ought to be competitively bid. Yet routinely it is his supporters who vote against that. President Obama means it, but we can't get it through here. We have \$350 billion a year of documented waste, fraud, and duplication in the discretionary budget, plus Medicare fraud every year. There has been no attempt to accept amendments to eliminate that, to lessen that.

The fact is, we are on idle pilot to grow this government 8 percent this year in spite of the \$787 billion stimulus. If you are sitting at home thinking about that, not very many people have 8 percent more income this year.

So one of two things is going to happen in the next 18 months in this country. Here is what is going to happen. Either we are going to default on our debt because people are going to quit loaning us money or the average middle-income taxpayer is going to see a tax hike because, if we take all the income of the top 5 percent of people in this country, we cut our deficit only in half. If we take all the income—I am talking about a 100-percent tax rate of the top 5 percent earners in this country—we will cut our deficit in half.

So if you are a middle-class American, no matter whether you think some people should pay more than they do—5 percent pays 80 percent of the taxes in this country—you can bet that in the next 18 months, you are going to see a middle-class tax increase go through this body. The reason it is going to go through is because we will not apply any common sense to the appropriations bills.

Most American families are cutting back on their spending; some because they have lost their jobs, others because they are worried and they are fearful. What is the Federal Government doing? I am not talking about the stimulus bill. We are actually increasing spending. We are not making the hard choices about what is a priority and what is not; what is a necessity and what is not. We are not eliminating anything. We are building up everything, just like the last amendment we talked about. There is absolutely zero need for that program in the Department of Agriculture, but next year we will have the same debate again.

I have an amendment on cheeses. I am not going to do it because there is no reason to waste the Senate's time. But we created a demonstration project back in the early 1990s with Wisconsin and Vermont and we have been funding it ever since. They have this outstanding large specialty cheese production in Wisconsin and Vermont. They don't need any money, but we are going to send them more money this year because we did last year. The fact is, the specialty cheeses they make cost two and three times what regular cheese costs and they are luxury items, but we are going to fund that not because they need it, not because they are not competitive, not because they haven't grown their industry, but because we have funded it before.

Now ask yourself, if you read the Constitution, where is it in the Constitution that we are supposed to give two States millions and millions of dollars for an agricultural program that should be funded by the State if they want to do it or funded by the individuals who actually produce the cheese and are making good money. But we are going to continue to do it.

So I am not going to offer that amendment. I am not going to waste

the time of the Senate on it. But there is a real question of why we are in the trouble we are in as a nation today. It is because we ignore what the Constitution tells us to do. We ignore what our oath tells us to do, what we swear to do, which is uphold the Constitution. And within that is the enumerated powers, as well as the 10th amendment. The 10th amendment says whatever is not specifically spelled out—specific—and if you read what Jefferson and Madison had to say about what that meant, you will find that all of those responsibilities are left to the States and to the people. That is what they said.

We have this “cash for clunkers” going on right now, and the Senate is going to vote for an increase in that program. But the reason we are having to do that is because we can’t manage it. We have proven—the Department of Transportation—they don’t even know how many applications they have from people. They don’t even know if they have over the number. What they know is they have approved \$760 million of the money so far, but that doesn’t count all of the applications that have come in from the dealers. Here we are incentivizing the purchase of cars, taking money from our grandkids, and Americans are smart enough to know if they can get 4,500 bucks back from the Federal Government, they will take advantage of that. So we have created this wonderful increase in demand for automobiles. But why not an increase in demand for boats or how about RVs or how about refrigerators? They are more efficient. Why not give somebody a \$500 credit on their refrigerator? Why are we limiting this to the automobile industry that we now as taxpayers have the responsibility of bailing out of debt?

The fact is, we are clueless. We are not plugged in to what the average American family is going through in terms of a budget. We will not apply that same standard to their money up here, and their kids, our kids, and our grandkids are the ones who are going to suffer.

So ask yourself a question: Why would the Senate not allow an amendment on competitively bidding the contracts and grants in this bill? Hundreds of millions of dollars that we are going to pay much too much for, an area where we could save a tremendous amount of money, and if it is grant programs that truly do a great job, we could get more of that great job done if we got it done more efficiently. It is pretty disturbing that we are so far off course with what we are doing and, more importantly, how we are doing it.

With that, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2246

Mr. COBURN. Mr. President, I wish to speak on the pending amendment No. 2246, which caps the amount of money the U.S. Department of Agriculture spends on conferences and requires transparency on the purpose and cost of the conference sponsored or attended by the U.S. Department of Agriculture.

This is a report I issued a year ago on the \$90 million in conference costs the U.S. Department of Agriculture has spent. It is a pretty detailed report. You can go to my Web site and get it. But it tells about the lack of attention to any sort of fiscal discipline.

By the way, the Department of Agriculture is the worst practitioner of all of the agencies of the Federal Government on conferences, in terms of wasteful conferences, in terms of the number of people going to conferences—by far the worst. In 2001, USDA spent \$6 million on conferences. Within 5 years, that went to \$19 million. They tripled.

All this amendment says is, in 2010—9 years later—they can’t spend more than double what they spent in 2001. That allows conferences to grow 11 percent a year. Twelve million dollars for conferences is a lot of money. That is less than the amount they spent this last year. It is less than any amount they have spent since 2001, but it is still double what they have spent in 2001.

This amendment also requires an itemized list of expenses and expenditures by the Department on the conference, who the primary sponsor of the conference is, the location of the conference, a justification of the location, including the cost efficiency of the location, the total number of individuals whose travel to the conference was paid for by the Department, and an explanation of how the agency advanced the mission by attending the conference.

It is about transparency. I have seen it quoted before, and I believe it is true: The greatest pleasure in the world is to spend somebody else’s money. What our agencies are doing in many instances is not being frugal with the tax dollars we give them. The Department of Agriculture is a great example of that, when they are running close to \$20 million a year—not this last year but still above \$12 million—on conferences, and when we have the technology now to eliminate half the conferences.

I don’t have any problem with travel. I don’t have any problem with them going to conferences that are legitimate. But I do have a problem with a

3½-times increase in the amount of conferences they attend, especially given our economic situation today.

So this is fairly straightforward. We should put a cap on it. We should limit it. It is my hope my colleagues will do that.

With that, I yield the floor and note an absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I understand we are in the process of putting together a series of votes, but while we have a moment, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE CARS PROGRAM

Ms. STABENOW. First, I thank our leaders on this important Agriculture bill—the chairman, whom I appreciate so much for all of his hard work; he has a great bill in front of us, along with the ranking member from Kansas.

I wish to speak about legislation the ranking member, Senator BROWNBAC, and I have been working on now for some time. The first piece of it has proven to be extremely effective, despite the naysayers. It has come back even more successful than we thought it would. I thank Senator BROWNBAC for working with me. Making sure this is fully paid for within the recovery package is important to Senator BROWNBAC, and this achieves that. I thank him for partnering with me and understanding the significance of what we have been working to do.

The CARS Program has truly been an incredible success. In only a week, it has proven to be an excellent way to stimulate the economy. Dealers haven’t seen this level of customer excitement in years. I can tell you, as someone who grew up on a car lot—my dad and grandfather had an Oldsmobile dealership when I was growing up. This is important to small towns as well as big cities across the country.

We are not only helping to save the over 160,000 dealership jobs across the country, but it is making our air cleaner and reducing oil consumption. So far, we have seen a 61-percent increase in vehicle fuel economy, which I think is surprising, as we hoped for an increase and we hoped people would turn in vehicles with lower mileage and get a higher mileage vehicle. In fact, we have seen even greater results than we thought we would. They are trading in vehicles averaging 15.8 miles per gallon, and the new vehicles average 25.4

miles per gallon. So this is extremely significant.

What is even more important is that is \$700 to \$1,000 a year in lower gas prices for the average family. At this time, when money is so tight, when people are concerned about saving every penny, this is a good deal for consumers, a good deal for the environment, for the economy, small businesses, as well as, certainly, everyone involved in the auto industry.

It is also significant that 83 percent of the trade-ins are trucks and 60 percent of the new vehicles are small cars. So we are seeing people move away from their clunker truck into a more energy-efficient car. That is good news for the environment and for fuel economy for the average family as well.

This has been a great program, with over 250,000 cars sold. Dealers are packed and sales are booming. At a GM dealership in Ferndale, MI, foot traffic was up 60 percent just last week, according to the general manager.

It is not just dealerships being helped, as I indicated. Steel and aluminum producers have announced that they expect a benefit from the program, as more cars are made to meet demand generated by the program. Scrap recyclers, which supply the steel industry, which have also been hurting lately, are also seeing a pickup in business. The boost to these industries isn't just immediate either. Analysts predict that the benefits will have a lasting impact. So we are talking broadly about manufacturing materials, as well as the small businesses in the communities involved.

Getting people into showrooms and excited again is having a psychological impact on consumers and businesses as well. This is happening all over the country.

The Houston Chronicle reports that more than 70 percent of the clunkers being traded in are SUVs, and 84 percent of the new vehicles are small, fuel-efficient cars.

The Brownsville Herald in Texas quotes Don Johnson, the owner of The Real Don Johnson Chrysler-Jeep-Hyundai, who said:

This is a good deal for the people. It's a good deal for us because we will sell more cars, but it's a good deal for people.

The Daily Record in Dunn, NC, reports strong interest and increased traffic in dealerships. Dan Lowe, from John Hiester Chrysler Jeep Dodge in Lillington, NC, said his dealership is getting 25 to 30 calls a day about the CARS Program. He told the newspaper:

We are excited about anything that gets cars off the lot.

This is certainly doing that.

A Pennsylvania car dealer, Bill Rosado, told the Wall Street Journal:

I can't believe I'm saying this: I need more Chrysler inventory.

Then he said:

My goodness, I've got to rehearse that line a couple times.

This program has been extremely successful in a very short amount of time.

The House, because of its success, as we all know, has acted to add additional dollars by moving from one program in the recovery package into this program. I thank them very much for doing that and for the leadership of my partner in the House, BETTY SUTTON, and the delegation from Michigan, who worked so hard, and also those from Ohio, Indiana, and others as well.

In the Senate, we have had great bipartisan support. Again, I thank my bipartisan cosponsor, Senator BROWNBACK, and I thank Senator VOINOVICH as well. We have been partnering on something that makes sense. This is taking some stimulus dollars and putting them directly into a stimulus that is visible; it is working, it is putting money into the economy, and it is saving people money on gas. It is something I believe is important to continue.

I will close by also thanking our leader, Senator REID, who has once again been extremely supportive of bringing this forward so we have an opportunity to vote. I am hopeful we will see a strong, bipartisan vote on this important stimulus.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2243 WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw amendment No. 2243.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. COBURN. Mr. President, I note that the Senator from Michigan noted everyone who won. Let me tell you who did not win and that is our kids and grandkids. Americans are not stupid. If you give them 4,500 bucks, they are going to find any old car they have that is running and they have held for a long time. All our farmers are going to the barns. That is why you are getting pickups. They haven't been driving the pickups for years. But they are cranking them up to make them run and trading them in so they can get 4,500 bucks.

The people who lose are our kids. It is \$3 billion we are talking about to go to help people buy cars. But where are we going to get the \$3 billion? We are going to steal it from our children. What other part of the economy should we not be incentivizing? How about the appliance makers? How about the television makers?

I also ask unanimous consent—actually, I have discussed this with the chairman. Rather than ask for a recorded vote, we will have a voice vote on amendment No. 2245.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2244

Mr. COBURN. I also note that we will have a vote on the amendment in terms of eliminating \$4.9 million for a duplicative program in the Department of Agriculture.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? At this moment, there is not a sufficient second.

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I inform my colleagues, we are trying to get to a final conclusion on this bill. It is an important bill, but also a number of Members want to speak on the Sotomayor nomination to the Supreme Court. The attempt is to get this bill moving forward. I think we are close to a final UC to get to passage of this bill.

I wish to comment before we move into that sequence about the importance of the agriculture industry. It is a key issue in my State, and it is a key issue in Wisconsin, the State of the leader of this subcommittee. It is an industry that has done better than a number of others have been doing during this recessionary time period. It is one that is a good performer for us on exports. We have one of the best exporting models, as far as business in agriculture, in this country. Because it is very competitive, it has a lot of capital intensity to it, a lot of intellectual brain power put behind it, both at the public and private level.

It is one of those models in which we compete and do well globally. We are also aggressive in our trade policy to push for free trade, but if other countries are going to subsidize, we will back up our guys and say: If you subsidize your agricultural industry, then we are going to do it to fight you back on it. We don't take any guff around the world. We want a free-trade world, but if you are going to attack us, we are going to respond. If you have missiles, we have missiles, and we are going to do it. That model has worked well to create a very competitive, very growth-oriented, very export-oriented business that is globally competitive, high technology, and one I think that is moving well into the future.

We have a lot of things going on in agriculture, and a number of them are funded in this bill. We want to see the industry expand in the energy business. A lot of us are very supportive of ethanol. Some are saying: I am for it, but I want the next generation of ethanol. We are funding that, as far as getting into cellulosic ethanol.

We are looking at other types of fuels. One that is interesting for some people is on algae production into a diesel type of fuel. We are doing something on wind because wind is what generally blows across the Plains in your State, Mr. President, my State and a number of others and harvesting that in such a way that we can get it to other markets—the electric markets—and add a cost-competitive rate so it is not one that drives it up.

All of this does take a lot of effort. I want to acknowledge that some colleagues on my side are saying: I am not satisfied with this bill; I don't like some of the items in this bill. I say to them: I agree. There are provisions in this bill I don't like. But it is part of us getting a process to move an Agriculture appropriations bill through, something we have not been able to get through on the floor for over 3 years in a stand-alone type of bill, on a very important industry that is globally competitive, that has been a good one for us in this recessionary time period we are in.

I note we have a lot of problems with this bill, but I also say I think we have a lot we are doing right with it and looking forward into the future of what we can do to be very supportive.

I note a couple of things that are going on that are important for us as a country in agriculture on which we can get some crosscurrents.

Norman Borlaug, an agronomist from Texas A&M, is known as the father of the green revolution that brought a lot of the new technology to feed the world. This has been over a career. He won the Nobel Peace Prize in 1970 for his contributions to the green revolution.

I mention him because he is a key person in looking to the future of how the world is fed and fed at a good level. He notes it is important for us to do things in an environmentally sensitive and environmentally sound way but that we also need to fund high-yield, disease-resistant wheat varieties. We need to be able to use plant genetics that are in some places around the world. Some are saying: We don't like your alterations on plant genetics. We need to be able to do this. To feed a hungry world, we are going to have to use agricultural pesticides, insecticides, and fertilizer, and that gets into crosscurrents. They say: I want all the agricultural production, but I don't want these inputs brought into it. We don't have a model for that to work yet.

It is important we support organic food markets and organic food production, but we cannot go that way fully. It is the sort of thing we cannot feed a hungry world on on a cost-competitive basis, a globally competitive industry, if you say we are going to pull out all these tools that have made the green revolution work.

I think it is also important that we fund into the next generation of genetics and technology in this area. I was interested in one of my travels across Kansas. Last year, we had a time where some of my corn farmers could not plant for a couple days, and it was not because it was wet. It was because the satellite went down. Their global positioning system on their corn planter would not work, so they could not plant their corn because the satellite was down. I am going: Well, that is an interesting excuse. I haven't heard that one before. But it wasn't an excuse. It was a fact of life. To plant these crops and do the best job—and they apply just the right amount of fertilizer to that soil and that crop in that specific location will take—it takes a global positioning satellite that has had the data read into it and fed back. That is how high tech the industry is.

I don't want us to move away from that level of technology and input; otherwise, I think we are going to lose our edge.

We also have some developments in the environmental field that I think are interesting. We have people in Kansas and other places around the country who are working on things such as green concrete. You ask: What would that be? It is concrete that has soy oil brought into it to help it be an environmentally sound, renewable type of process. They already are making the foam matting in the seat in your car out of soybeans. So when you sit in a new Mustang—in particular, I know that car for sure—the foam rubber is made out of soybeans. I guess if you get caught in a Colorado blizzard and don't have anything to eat for a week or two, you can eat the seat.

I don't think it is edible.

But my point is, that, again, is an investment in the technology we are putting in this Agriculture appropriations bill to make new things that will work.

This bill is an increase in funding. I don't like that because I think we should not be doing those sorts of funding increases. A major portion of that is the WIC Program. When we get into a recession, we get more and more people needing food. They are not able to pay for it themselves, and the government steps up. That is the problem when we have a recession—government costs go up, government receipts go down, and you get caught in this trap.

One of the reasons why I think a program such as Cash for Clunkers is interesting is because it stimulates the economy, not the government. It gets that economy rolling, which is 80 percent of us balancing the budget. It is getting the economy moving. We have to restrain our spending and do a better job of that.

I think we also need to be a lot more targeting of our programs. Programs such as the WIC Program and this Agriculture appropriations bill are a con-

sequence of a bad economy. I don't like it, but I think the key for us is to be an economic stimulus and not a government stimulus.

On the whole, while I think we have problems with this bill, I like the overall trend of what we are doing in the agricultural industry. I like what the chairman has focused on in this bill.

On top of these items, I note for my colleagues, we put a special effort on the food aid program and getting the food aid program updated. To me, the needs of those who are in very difficult circumstances in refugee camps and different places around the world—we spend too much on transportation and administration on food aid. Nearly 60 percent goes into those two. That number has to come down. But we need to get more food on the target because, in many cases, we are what stands between that person and starvation and death. It is the food aid, the generous food aid of the American people, that flows through this appropriations bill that does that.

The Food and Drug Administration is also in this bill, and that is part of the increase. The development and the increasing need for different types of drugs are addressed in this bill as well.

We have to get more innovative on FDA. I would like to see us in the neglected disease categories find more truncated procedures that approve drugs that have narrower, smaller marketplaces. That is in this bill.

While I believe there are a number of things negative about this bill, I think the chairman has put together an overall good bill. I am glad we are getting to the point where we can move this one on through, conference it, and bring it back separately, as well so we can recognize this very important industry. It is important in my State and it is important in the States of all the Members, and we should do this separately instead of rolling it together in some sort of omnibus bill like we too often have done.

I believe we are getting close to getting to a final UC. That would be my hope so we can move this bill forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I will take a few minutes while we are waiting until procedures get lined up to say a few words about an amendment I am offering which is going to come up for a vote fairly soon. This is an amendment which addresses the crisis in dairy all over this country. It is an amendment that is supported by Senator SNOWE, Senator UDALL of New

Mexico, Senator SCHUMER, Senator BENNET of Colorado, Senator SPECTER, Senator MCCASKILL, Senator GILLIBRAND, Senator KLOBUCHAR, Senator SHAHEEN, and Senator CASEY. As you will note, these are people from all over the country. What we are not talking about here is a regional issue, we are talking about a national issue.

I want to pick up on a point for a moment that Senator MCCASKILL made earlier this morning. I think it is important. All of us know that today our country is in a major economic crisis, the deepest recession since the Great Depression. But sometimes what media does, and maybe what we do here in Congress, is focus on that crisis in the areas where there is, if you like, concentrated misery, such as Detroit, which has undergone terrible problems, thousands of people on a given day have lost their jobs, and sometimes, in the midst of the economic crisis facing our country, we forget what is happening in rural areas, in small towns all over this country. Sometimes when farms go out of business, farms that have been owned by a family for generations, when rural communities go into, literally, an economic depression, we don't pay quite as much attention to that. It is not on the front pages of the New York Times. The fact is, right now rural America is in the midst of a very serious economic crisis. Unemployment is extremely high.

One of the particular areas where we are seeing not just a deep recession but, in fact, a depression is within the dairy industry. In the last year, if you can believe it, the price dairy farmers—many of them small, family-based dairy farmers—have received for their milk has plummeted by 41 percent. In the last year, it has gone down by 41 percent. The reality of what that means is that farmers today, for every gallon of milk they are producing, are losing money. It is not that they are making a little bit, they are losing money. What we are seeing, not just in the Northeast, not just in the Midwest, not just in the Southeast, not just in the West, but all over this country, are family farmers going out of business, plunging their rural economies and their communities into depression-type economics.

Let me quote, if I might, from people from different parts of the country.

A Minnesota dairy farmer writes:

This situation is unlike any experienced in the past and the width and depth cannot continue to be ignored. It has not discriminated based on herd size or geographic location. Dairy farmers of all sizes and across all regions of the country are enduring an unprecedented disaster.

That is from Minnesota.

The President of the California Farmers Union—when we talk about dairy, sometimes California is in another world from the rest of the country because their herds are much larger.

By the way, I should say the National Farmers Union is supporting this amendment, and 11 agricultural commissioners and secretaries from States are supporting this amendment as well, as is the DFA, the Dairy Farmers of America, which is the largest dairy farm cooperative in America.

This is what the fellow who is the head of the California Farmer's Union says. His name is Joaquin Contente. He testified:

[I]n my lifetime history as a dairy farmer, I have never seen our prices remain this far below our costs this long and I have never seen so many dairy producers so desperate for relief. In my county alone 25 dairies have either filed or are in the process of filing for bankruptcy and many more are closer to bankruptcy each day.

From Texas, the executive director of the Texas Association of Dairymen said:

This is the worst situation I have seen since 1970. Some say it is the worst since the Depression.

From Wisconsin, a dairy farmer states:

In my area farmers are burning up the equity accumulated over their lifetimes. One farmer in my area had to cash out his wife's IRA just to get his crops planted this spring. My parish priest in my small town has had to counsel one or more dairy farmers a week to prevent their suicides.

Those are just a few examples from Wisconsin, California, and Texas. Trust me, I could tell you many similar stories from the State of Vermont.

Once again, as we attempt to revitalize our economy, let's not forget about rural America. Let's not forget about dairy farmers. Let's support this legislation which will provide \$350 million to increase dairy support prices. I look forward to the support of my colleagues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2284 TO AMENDMENT NO. 1908

Mr. KOHL. I ask unanimous consent that the pending amendment be set aside and the Senate now consider amendment No. 2284.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DODD, proposes an amendment numbered 2284 to amendment No. 1908.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to fund certain projects in communities and municipal districts in Connecticut, Massachusetts, and Rhode Island)

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for the projects with the appropriate rural development field office of the Department of Agriculture prior to August 1, 2009, and were determined by the field office to be eligible for funding.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2284) was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2241; 2280; 2271, AS MODIFIED; 2282, AS MODIFIED; 2249, AS MODIFIED; AND 2266, AS MODIFIED

Mr. KOHL. Mr. President, I now ask unanimous consent that the Senate consider the following amendments en bloc: Nos. 2241 and 2280; that amendments Nos. 2271, 2282, 2249, and 2266 be modified with the changes at the desk; that the aforementioned amendments, as modified, if modified, be agreed to en bloc; and that the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2241) was agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 2280

At the appropriate place insert the following:

Whereas sudden loss in late 2008 of export-market based demand equivalent to about three percent of domestic milk production has thrown the U.S. dairy industry into a critical supply-demand imbalance; and

Whereas an abrupt decline in U.S. exports was fueled by the onset of the global economic crisis combined with resurgence of milk supplies in Oceania; and

Whereas the U.S. average all-milk price reported by the National Agriculture Statistics Service from January through May of 2009, has averaged \$4.80 per hundredweight below the cost of production; and

Whereas approximately \$3.9 billion in dairy producer equity has been lost since January; and

Whereas anecdotal evidence suggests that U.S. dairy producers are losing upwards of \$100 per cow per month; and

Whereas the Food, Conservation, and Energy Act of 2008 extended the counter-cyclical Milk Income Loss Contract (MILC) support program and instituted a 'feed cost adjuster' to augment that support; and

Whereas the Secretary of Agriculture in March transferred approximately 200 million pounds of nonfat dry milk to USDA's food and Nutrition Service in a move designed to remove inventory from the market and support low-income families; and

Whereas the Secretary on March 22nd reactivated USDA's Dairy Export Incentive Program (DEIP) to help U.S. producers meet prevailing world prices and develop international markets; and

Whereas the Secretary announced on July 31, 2009 a temporary increase in the amount paid for dairy products through the Dairy Product Price Support Program (DPPSP), an adjustment that is projected to increase dairy farmers' revenue by \$243 million; and

Whereas U.S. dairy producers face unprecedented challenges that threaten the stability of the industry, the nation's milk production infrastructure, and thousands of rural communities;

Now therefore be it resolved, That it is the sense of the Senate that the Secretary of Agriculture and the President's Office of Management and Budget should continue to closely monitor the U.S. dairy sector and use all available discretionary authority to ensure its long-term health and sustainability.

AMENDMENT NO. 2271, AS MODIFIED

(Purpose: To provide funds for the school community garden pilot program, with an offset)

On page 52, lines 22 and (23), strike "\$16,799,584,000, to remain available through September 30, 2011," and insert "\$16,801,584,000, to remain available through September 30, 2011, of which \$2,000,000 may be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)) and shall be derived by transfer of the amount made available under the heading 'ANIMAL AND PLANT HEALTH INSPECTION SERVICE' of title I for 'SALARIES AND EXPENSES'".

AMENDMENT NO. 2282, AS MODIFIED

(Purpose: To seek recommendations from the Commissioner of Food and Drug regarding the need to establish labeling standards for personal care products for which organic content claims are made)

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) The Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, may conduct a study on the labeling of personal care products regulated by the Food and Drug Administration for which organic content claims are made. Any such study shall include—

(1) a survey of personal care products for which the word "organic" appears on the label; and

(2) a determination, based on statistical sampling of the products identified under paragraph (1), of the accuracy of such claims.

(b) If the Commissioner of Food and Drugs conducts a study described in subsection (a), such Commissioner shall—

(1) not later than 270 days after the date of enactment of this Act, submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Health, Education, Labor, and Pensions in the Senate and the Committees on Agriculture, Appropriations, and Energy and Commerce in the House of Representatives a report on the findings of the study under subsection (a); and

(2) provide such Committees with any recommendations on the need to establish labeling standards for personal care products for which organic content claims are made, including whether the Food and Drug Administration should have pre-market approval authority for personal care product labeling.

AMENDMENT NO. 2249, AS MODIFIED

(Purpose: To express the sense of the Senate relating to the provision of disaster assistance)

On page 85, between lines 16 and 17, insert the following:

SEC. 7 _____. (a) The Senate finds that—

(1) agriculture is a national security concern;

(2) the United States suffers from periodic disasters which affects the food and fiber supply of the United States;

(3) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) established 5 permanent disaster programs to deliver timely and immediate assistance to agricultural producers recovering from losses;

(4) as of the date of enactment of this Act, of those 5 disaster programs—

(A) none are available, finalized, and implemented to deliver urgently needed assistance for 2009 producer losses; and

(B) only 1 is being implemented for 2008 losses;

(5) According to the Drought Monitor the State of Texas is suffering from extreme and exceptional drought conditions, the highest level of severity.

(6) the Secretary of Agriculture has previously authorized various forms of disaster assistance by providing funding under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), and through the Commodity Credit Corporation.

(b) It is the sense of the Senate that the Secretary of Agriculture should use all of the discretionary authority available to the Secretary to make available immediate relief and assistance for agricultural producers suffering losses as a result of the 2009 droughts.

AMENDMENT NO. 2266, AS MODIFIED

On page 61, line 23, after the colon, insert the following:

"*Provided further*, That the Commissioner, through the Center for Food Safety and Applied Nutrition, may conduct a study and, not later than one year after the date of enactment of this Act, submit a report to Congress on the psychological, physiological, and neurological similarities between addiction to certain types of food and addiction to classic drugs of abuse;"

AMENDMENT NO. 2249

Mrs. HUTCHISON. Mr. President, I rise today to talk about a sense-of-the-Senate resolution that I am offering. This sense-of-the-Senate resolution seeks to address drought aid that producers in my home State of Texas desperately need.

Texas is in the throes of one of the worst droughts in 50 years. We are seeing the hottest, driest summer on record over a large portion of the State, but especially in central and south Texas. Lack of rainfall and sustained record triple-digit temperatures for weeks have scorched crops and rangeland throughout parts of Texas causing drought losses to reach \$3.6 billion. The Texas AgriLife Extension Service predicts this total could rise above \$4.1 billion in producer losses if sufficient rainfall isn't received to revive crops and forage.

In the Food, Conservation, and Energy Act of 2008, also known as the farm bill, which I supported, Congress established five permanent disaster programs to deliver timely and immediate assistance to producers recovering from losses. The logic behind establishing the permanent disaster program was to ensure producers who have eligible losses receive timely assist-

ance. I agreed with the inclusion of this provision and I supported it. For too many years, producers had to wait months and even years to receive assistance from USDA. The problem today is USDA has not finalized any of the five disaster programs included in the farm bill. While the Department is working to finalize these programs, farmers and ranchers in Texas are seeing their crops, and livestock herds, diminish due to the excessive heat and drought.

My sense of the Senate simply urges the Secretary of USDA to use any of his discretionary authority to provide immediate assistance for producers who are sustaining losses as a result of this extraordinary drought. The Secretary has authority to provide quick assistance and he has used these authorities in past extraordinary circumstances. Our farmers and ranchers need immediate assistance; they cannot continue to wait for bureaucratic reg. writing. Please join me in encouraging the Secretary to use the tools at his disposal to provide any available assistance as quickly as possible.

AMENDMENT NO. 2240

Mr. KOHL. I will make a point of order that amendment No. 2240 is not germane postcloture.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. KOHL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that after Senator COBURN moves to commit the bill with instructions, that there be 10 minutes of debate equally divided and controlled between Senators KOHL and COBURN or their designees; that upon the use of that time, the motion be set aside and the Senate then resume consideration of the Sanders amendment, No. 2276; that then Senator BROWNBACK or his designee be recognized to raise a budget point of order against the amendment; that after the point of order is raised, then the motion to waive the relevant point of order be considered made; that the Senate then proceed to vote in relation to the Coburn motion to commit; that upon disposition of that motion, the Senate then proceed to vote on the motion to waive the relevant Budget Act point of order; that if the motion to waive is successful, then the amendment be agreed to and the motion to reconsider be laid upon the table; that no further amendments or motions be in order;

that upon disposition of all pending amendments, the substitute amendment, as amended, if amended, be agreed to, the bill then be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with the subcommittee plus Senator INOUE appointed as conferees; further, that if a budget point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions but including any amendments which have been agreed to, and that no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the original substitute amendment remaining in effect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that in the sequence of votes as described above, there be 2 minutes of debate prior to each vote equally divided and controlled in the usual form, and that after the first vote in the sequence, the remaining votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the vote sequence be as follows: Coburn, No. 2244; Coburn, No. 2245; Coburn motion to commit; Sanders motion to waive the Budget Act point of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. With the Republican leader here on the floor now, I ask unanimous consent that upon disposition of H.R. 2997, the Senate proceed to executive session to consider Calendar No. 309, the nomination of Sonia Sotomayor to be Associate Justice of the Supreme Court, and that the first hour of debate be under the control of the chair and ranking member of the committee, Senators LEAHY and SESSIONS, to be followed by 2 hours of debate, with the time equally divided and controlled between the majority and the Republicans.

Mr. President, before I ask whether my friend will accept this, I just want to lay out to the body, I am glad we are going to this. Everyone should understand we have other things to do before we leave here. We are going to do them before we have a final vote on this Supreme Court nominee. We have to work something out on travel promotion, and we have to work something out on the so-called cash for clunkers. The other matters we are going to put over until a subsequent time, but we will at

least have some preconceived idea of what we are going to do when we get back.

I want everyone to be alerted that this is not the end of the work session before us.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not be objecting, I just want to make a point for all of our colleagues. The very important debate on the Supreme Court nominee will commence in a while. It is important for people not to wait until the end. We need to get people on over to make their speeches. I know there are a number of Members on the Republican side of the aisle who do intend to speak to the nomination. I encourage them to begin that sometime soon.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate the statement of my friend. Everything relating to this nomination has been very civil, fair. Senator LEAHY, the chairman of the committee, and the ranking member, Senator SESSIONS, have done an outstanding job of setting an example of how the debate should be handled here on the floor.

There are strong feelings regarding this nomination. That is the way it should be. I was told last night that there are as many as 28 Republicans who wish to speak on this matter. Of course, a lot of Democrats will also want to speak.

I want to lay out, as my friend, the Republican leader, did, we are going to be working into the evenings. People should not wait around here until tomorrow saying, I will put it off until tomorrow, or maybe I will wait until Thursday. There may not be a Thursday. We need to get these speeches done. They are all important. They are important for the RECORD this body makes.

I would hope people would work with the floor staff to set up a way to proceed. What we are going to do is if at all possible, have a Democrat speak, a Republican speak, go back and forth. If there is not one of the other party here, we are not going to wait around until a Republican or Democrat shows up. If there is someone here ready to speak, that person will be recognized and the person who was supposed to be here can wait until some subsequent time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time will now be equally divided on the Coburn amendment No. 2244.

Who yields time?

MOTION TO COMMIT

Mr. COBURN. I have a motion to commit at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] moves to commit the bill H.R. 2997 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate making the following changes:

(1) Amend the amounts appropriated in the bill so as to report back a bill with an aggregate discretionary level of appropriations for fiscal year 2010 at an amount that is 2 percent greater than the \$20,662,300,000 enacted for fiscal year 2009, excluding funds made available for any discretionary or mandatory direct food assistance program, as is appropriate given—

(A) the minimal growth of the budgets of families of the United States due to the fiscal challenges of the United States; and

(B) the \$2,000,000,000,000 deficit and \$11,500,000,000,000 debt of the United States.

Mr. COBURN. Mr. President, the reason for this motion to commit is what we see on the discretionary side of this budget—not the food stamps, not the food support, not the areas in this budget that actually help people get through the tough times—a 15-percent increase in discretionary spending.

We are going to have near a \$2 trillion deficit this year. We spent \$20 billion last year. But then we spent another \$6 billion in the stimulus which still has not been spent. So if you were to add the stimulus to it, you would see a 50-percent increase in the Agriculture discretionary budget. That is entirely too much money.

All this motion to commit says is, bring it back to us with a realistic expectation of what families are having to do. Again, I would caution my colleagues, this has nothing to do with food. We do not eliminate or lessen those mandatory requirements.

But in the operation of the USDA and the Department of Agriculture, let's have the government live within the same parameters that the rest of us are living within now which is—actually we are going to have a negative rate of inflation this year and incomes that are not going to grow significantly.

What we are asking for is still a rate higher than inflation but some fiscal responsibility that says we should live within our means. So when we spent \$20 billion last year, through the end of this month, then we gave another \$6 billion with the stimulus, and now we come forward with a budget that says we are going to spend \$23 billion, a full 15-percent, 14-some-percent increase in the discretionary programs at the Department of Agriculture.

I find it obscene. I find it irresponsible. I find it almost elite that we will not relate to what the rest of the American people are going through, and we have bill after bill after bill, and in a time when our country is on its back and our budget deficits have never been so high, we are going to increase discretionary spending at a rate we have not seen in 10 years in this country. There is no call for it. There is no excuse for it. There is no defending it.

I would note that, in fact, on every amendment I have stood up on, other

than the one Senator HARKIN defended, we have not had anyone defend this bill. Let's hear a defense of the 15-percent increase for this bill in discretionary spending. The idea is, let's not defend it, let's just not answer the charge.

But the fact is, we are growing the discretionary portion of the Federal Department of Agriculture by 15 percent this year. It ought not to be.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, as I stated at the outset of this bill, it does reflect an increase in spending over the previous year. But let's be clear, 90 percent of the discretionary increase is for WIC, food and drug safety, humanitarian food assistance, and rural rental housing. These four items are among the most important things that government does.

To put it a little more in context, the largest overall increases in this bill are not in discretionary programs at all. The largest single increase in the bill is for nutrition programs such as the Supplemental Nutrition Assistance Program. That program, and programs combined with other programs, are together funded at \$9.1 billion higher than last year. These are mandatory programs that reflect the state of our economy and serve as a very basic human safety net.

Other mandatory increases involve farm support and crop insurance programs and funding \$3.4 billion higher than last year. These programs operate as they are authorized, and this spending is what is required to pay farmers and ranchers the benefits they are entitled to receive under the law.

The Senator is correct that the spending in this bill is higher than last year. But much of that increase is attributable to mandatory programs that do not change through an appropriations bill. With regard to overall spending, Congress has spoken on that question through the budget resolution and the allocations that are made to each subcommittee for discretionary spending. This bill is about how we apportion that discretionary spending to best serve the American people and the people throughout the world. This bill has a proper priority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. The honorable chairman noted that most of the increase in spending is in mandatory. This motion to commit does not say anything about mandatory. This is about discretionary. This is about the things we get to decide on. This is about the discretionary side of this bill, not the mandatory side. So we are not confused. This is not about those substantive items that are mandated through the farm bill. This is about what we have discretion to control, and we have indiscretion with this bill because we are going to allow it to grow by 15 percent.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that both sides yield back their time and I ask for the yeas and nays.

Mr. KOHL. No objection.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent to speak for up to 5 minutes in support of the Sanders amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2276

Mr. SPECTER. Mr. President, the dairy farmers in Pennsylvania and the Nation are receiving record low prices for their products, prices that we have not seen since the late 1970s.

From January through June of this year, the price received by farmers was 37 percent below that of a year earlier. Feed costs, by comparison, have fallen by 11 percent. In this year, the U.S. Department of Agriculture expects the all-milk price to average between \$11.85 per hundredweight and \$12.15 per hundredweight, down from \$18.29 last year, and 18 to 20 percent below the 10-year average.

Exports, which have driven much of the recent growth in the dairy industry, have fallen from 11 percent of production last year. According to the Pennsylvania Department of Agriculture, these losses are translated into losses as high as \$1,000 per cow per year, so that a farmer milking 100 cows will lose as much as \$100,000 this year.

This amendment provides the U.S. Department of Agriculture with \$350 million in additional funds to enable it to increase the level at which the government buys surplus dairy products off the market.

This funding would allow the Secretary to raise the support price on three different types of dairy products. That is a brief statistical summary of the problems which the dairy farmers are facing, not only in the my State, Pennsylvania, but across the country.

I recently convened a session in my office to hear in some detail the plight

of the dairy farmers. I have traveled the State. Before August is finished, I will have visited all of Pennsylvania's 67 counties, which is a practice I make, covering virtually every county every year.

I have seen firsthand the desperate plight of the farmers of our State. We had been considering a number of amendments to this bill, but they have been ruled not germane. For those who may be watching this program—this session; it is really a program, but it is a session of the Senate—that means technically we could not offer other legislation.

But I compliment the distinguished Senator from Vermont who has structured this amendment in a way which will enable the Department of Agriculture to meet this pressing problem.

Recently about a dozen Senators met with the Secretary of Agriculture, and the conclusion was that the Department of Agriculture, the Obama administration, wanted to help farmers by raising price supports, but they lacked the money to do so. So this amendment, if adopted—and I urge my colleagues to adopt it—and there is pretty widespread concern about milk prices covering virtually every section of the United States. I urge my colleagues to adopt this amendment to give some very much needed relief to the dairy farmers.

I yield the floor.

AMENDMENT NO. 2285

Mr. KOHL. Mr. President, notwithstanding the previous order, I ask unanimous consent that amendment No. 2285 be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2285) was agreed to, as follows:

(Purpose: To express the sense of the Senate regarding the livestock indemnity program)

At the appropriate place, insert the following:

SEC. 7 _____. (a) The Senate finds that—

(1) with livestock producers facing losses from harsh weather in 2008 and continuing to face disasters in 2009, Congress wanted to assist livestock producers in recovering losses more quickly and efficiently than previous ad hoc disaster assistance programs;

(2) on June 18, 2008, Congress established the livestock indemnity program under section 531(c) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)) and section 901(c) of the Trade Act of 1974 (19 U.S.C. 2497(c)) as a permanent disaster assistance program to provide livestock producers with payments of 75 percent of the fair market value for livestock losses as a result of adverse weather such as floods, blizzards, and extreme heat;

(3) on July 13, 2009, the Secretary of Agriculture promulgated rules for the livestock indemnity program that separated non adult beef animals into weight ranges of "less than 400 pounds" and "400 pounds and more"; and

(4) the "400 pounds and more" range would fall well short of covering 75 percent market value payment for livestock in these higher ranges that are close to market weight.

(b) It is the sense of the Senate that the Secretary of Agriculture—

(1) should strive to establish a methodology to calculate more specific payments to offset the cost of loss for each animal as was intended by Congress for calendar years 2008 through 2011; and

(2) should work with groups representing affected livestock producers to come up with this more precise methodology.

AMENDMENT NO. 2280, AS MODIFIED

Mr. KOHL. I ask unanimous consent that the previously agreed-to amendment No. 2280 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, was agreed to, as follows:

At the appropriate place, insert the following:

Findings:

Sudden loss in late 2008 of export-market based demand equivalent to about three percent of domestic milk production has thrown the U.S. dairy industry into a critical supply-demand imbalance; and

An abrupt decline in U.S. exports was fueled by the onset of the global economic crisis combined with resurgence of milk supplies in Oceania; and

The U.S. average all-milk price reported by the National Agriculture Statistics Service from January through May of 2009, has averaged \$4.80 per hundredweight below the cost of production; and

Approximately \$3.9 billion in dairy producer equity has been lost since January; and

Anecdotal evidence suggests that U.S. dairy producers are losing upwards of \$100 per cow per month; and

The Food, Conservation, and Energy Act of 2008 extended the counter-cyclical Milk Income Loss Contract (MILC) support program and instituted a 'feed cost adjuster' to augment that support; and

The Secretary of Agriculture in March transferred approximately 200 million pounds of nonfat dry milk to USDA's food and Nutrition Service in a move designed to remove inventory from the market and support low-income families; and

The Secretary on March 22nd reactivated USDA's Dairy Export Incentive Program (DEIP) to help U.S. producers meet prevailing world prices and develop international markets; and

The Secretary announced on July 31, 2009 a temporary increase in the amount paid for dairy products through the Dairy Product Price Support Program (DPPSP), an adjustment that is projected to increase dairy farmers' revenue by \$243 million; and

U.S. dairy producers face unprecedented challenges that threaten the stability of the industry, the nation's milk production infrastructure, and thousands of rural communities;

The Senate states that the Secretary of Agriculture and the President's Office of Management and Budget should continue to closely monitor the U.S. dairy sector and use all available discretionary authority to ensure its long-term health and sustainability.

VOTE ON AMENDMENT NO. 2244

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 2244.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—37

Alexander	Ensign	Lugar
Barrasso	Enzi	Martinez
Bayh	Feingold	McCain
Bennett	Graham	McCaskill
Bunning	Grassley	McConnell
Burr	Gregg	Risch
Carper	Hatch	Sessions
Chambliss	Hutchison	Thune
Coburn	Inhofe	Udall (CO)
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	Lieberman	

NAYS—60

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Roberts
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Brownback	Klobuchar	Shaheen
Burr	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Casey	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lincoln	Udall (NM)
Conrad	Menendez	Voinovich
Dodd	Merkley	Warner
Dorgan	Murkowski	Webb
Durbin	Murray	Whitehouse
Feinstein	Nelson (NE)	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 2244) was rejected.

VOTE ON AMENDMENT NO. 2245

The PRESIDING OFFICER. The question occurs on Coburn amendment No. 2245.

Mr. LEAHY. Mr. President, I yield back the time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2245) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BEGICH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO COMMIT

The PRESIDING OFFICER. There is 2 minutes, equally divided, on the motion by the Senator from Oklahoma.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a motion to commit.

The discretionary portion of this appropriations bill grows 15 times faster than the rate of inflation. This is a motion that says it ought to come back to

us growing two times the rate of inflation.

There is no excuse for us to pass this kind of spending in this type of climate. I would ask for the support of this motion.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KOHL. Mr. President, I oppose the motion to commit.

The PRESIDING OFFICER. Is all time yielded back? All time is yielded back.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—32

Barrasso	Enzi	Martinez
Bayh	Graham	McCain
Bunning	Grassley	McCaskill
Burr	Gregg	McConnell
Chambliss	Hatch	Risch
Coburn	Hutchison	Sessions
Corker	Inhofe	Snowe
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kyl	Wicker
Ensign	Lugar	

NAYS—65

Akaka	Feingold	Nelson (NE)
Alexander	Feinstein	Nelson (FL)
Baucus	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bennett	Harkin	Roberts
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Brownback	Klobuchar	Shelby
Burr	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Murkowski	Wyden
Durbin	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The motion was rejected.

Mr. FEINGOLD. Mr. President, I move to reconsider the vote.

Mrs. MCCASKILL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 2276

Mr. BROWNBACk. Mr. President, parliamentary inquiry: What is the next item of business?

The PRESIDING OFFICER. Amendment No. 2276.

Mr. BROWNBACk. Mr. President, with the Sanders amendment being the issue now, I will raise to my colleagues a point of order.

I understand the difficulty the dairy industry is in. We have dairy industry in Kansas, and it is an important business. Certainly, prices are difficult and they are having trouble.

However, the Sanders amendment would provide the Farm Service Agency with an additional \$350 million. Unfortunately, even if we could agree that additional funding was necessary, the amendment was put in such a way that it cannot work; it is not drafted appropriately. There is no mechanism to move the funding from the FSA salaries and expenses account to the Dairy Product Price Support Program.

For these reasons, regrettably, I cannot support the amendment. The pending amendment, No. 2276, offered by the Senator from Vermont, increases spending by \$350 million. This additional spending would cause the underlying bill to exceed the subcommittee's section 302(b) allocation.

Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of this act for purposes of the pending amendment.

This amendment is supported by a number of Senators, not just from the east coast or Midwest or Southwest or the West but from all over the country—among others, Senators SNOWE, UDALL of New Mexico, SCHUMER, BENNETT, COLLINS, FRANKEN, CASEY, UDALL of Colorado, SPECTER, McCASKILL, GILLIBRAND, KLOBUCHAR, and SHAHEEN.

We are united from every section of the country to make the point that when we talk about the deep recession we are facing, this is a recession that is impacting rural America very severely, and we cannot forget about rural America.

Right now, at this moment, dairy farmers across the country are suffering from the lowest milk prices in four decades. In the last year, the price farmers received for milk has plummeted 41 percent. I ask for support on the amendment.

Mr. BROWNBACk. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 37, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—60

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Grassley	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Carper	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The point of order is rendered moot.

The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 2276) was agreed to.

NATIONAL ANIMAL DISEASE CENTER FUNDING

Mr. HARKIN. Mr. President, I thank the chairman and ranking member of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Subcommittee, along with the chairman and ranking member of the Appropriations Committee, for agreeing to work with me to secure in this bill an additional \$3.4 million per year in conference, above the baseline funding level, for research addressing emerging animal disease threats at the National Animal Disease Center, NADC, in Ames, IA. NADC is a world class research facility that provides vital research to identify emerging animal dis-

eases and develop effective methods to prevent and treat emerging threats to animal agriculture, our food supply and human health.

Over the past few years we have seen the emergence of a number of threats to the livestock industry in the United States such as the avian influenza and H1N1 virus. Not only do these diseases pose a threat to animal health, but they also represent a threat to human health. Work at NADC is vitally important to protecting animal and human health and improving the lives of millions of people worldwide.

Additional resources provided in this bill for ongoing research at NADC on emerging animal disease are vital to the livestock industry. In the early days of the H1N1 outbreak misinformation cost pork producers in the United States an estimated \$7.2 million a day, even though H1N1 was never found in pigs in the United States. Developing additional capacity for vaccine discovery and rapid detection of emerging animal disease is important in protecting human health and animal agriculture.

I thank you again for working to provide this needed, continuing, research funding for emerging animal disease at NADC.

Mr. KOHL. Mr. President, I thank my friend from Iowa for his comments. The impacts of emerging animal diseases are felt in many far-ranging sectors of the economy and human health. The impact of threats to the health of livestock can have a devastating impact on producers. Misleading information about an emerging disease can also spread across the country rapidly. This underscores the importance of rapid detection and diagnosis of emerging animal diseases.

I am pleased to work with you to include in the final version of the fiscal year 2010 agriculture spending bill \$3.4 million in additional resources, above the baseline, to continue NADC's role as one of the preeminent research institutions on emerging animal diseases. This is intended to be additional funding that will be part of the base funding for NADC in future years.

Mr. BROWNBACk. Mr. President, I would like to also thank the Senator from Iowa for his comments. I agree with Chairman KOHL and Senator HARKIN on this need and will work hard towards accomplishing this goal in conference. The recent H1N1 scare also illustrates the dangers of zoonotic diseases to the human and animal populations. If we know how to stop these diseases soon after they are diagnosed, we can help stop the spread of the disease in animals, and possibly the transmission to humans. The reverse is also true; the H1N1 scare also taught us that humans can also pass diseases to the animals. The more knowledge that can be discovered about emerging animal diseases, the more likely it is that

we can address them before they become a significant problem. Ongoing funding provided for the NADC will be vitally important in protecting human and animal health.

Emerging animal diseases, like the H1N1 virus, can have a devastating impact on animal agriculture in the form of reduced exports and slaughter of infected herds and flocks. Additional ongoing resources provided in this bill will make sure the livestock industry is in a safe and secure place.

Mr. INOUE. Mr. President, I would like to echo my colleagues' comments. A recent Agriculture Research Service report indicated, "Because swine are also susceptible to infection with avian and human influenza viruses, genetic re-assortment between these viruses and/or swine influenza viruses can occur." The potential for swine to develop novel viruses that can impact human health highlights the importance of the additional ongoing resources in this bill for the NADC. It is my intention to support the subcommittee's efforts as enunciated to provide the specific resources noted above in fiscal year 2010 and over the long term.

Mr. COCHRAN. Mr. President, I agree with my colleagues regarding the additional funding provided for NADC. Providing additional resources in this bill for ongoing research at NADC on emerging animal diseases will help protect animal and human health.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Ms. STABENOW. Mr. President, I would like to engage Senator KOHL in a colloquy concerning funding for the Commodity Supplemental Food Program.

It is my understanding that this bill provides the budget request and will meet current demand according to USDA. I know that the House-passed measure includes additional funding to add caseload and bring new States into this critically important program. I strongly support the level of funding provided in the House-passed measure and expanding the program into the six States USDA has approved: Arkansas, Oklahoma, Delaware, Utah, New Jersey, and Georgia.

I hope that as this bill goes to conference we can work together to reconcile those differences.

Mr. KOHL. I can assure Senator STABENOW that we will do all that we can to continue to improve this important program.

Ms. STABENOW. I appreciate Chairman KOHL's assurance. This program is critically important to thousands of seniors in Michigan and nationwide who cannot afford to buy the foods they need to meet their special dietary needs.

EMERALD ASH BORER

Mr. KOHL. I would like to enter into a colloquy with my colleague from New York.

Mrs. GILLIBRAND. I thank the Chairman for entering into a colloquy with me and for his hard work on this bill. I wanted to quickly discuss the need to add New York to the list of States threatened by the emerald ash borer—an invasive insect that has destroyed over 50 million ash trees in the U.S. to date.

Originally found in Michigan, the emerald ash borer has been steadily making its way eastward and is now threatening to decimate the 900 million ash trees across New York State. This invasive species threatens a billion dollar timber industry that supplies furniture makers, hardware stores, and the wood for Louisville Slugger baseball bats.

The emerald ash borer larvae burrow through trees, preventing them from receiving essential nutrients and water, eventually causing the tree to die. Thousands of traps have been set in Cattaraugus and Chautauqua Counties, but more funding will be needed to stop the spread and ensure that New York's forests are not forever altered.

The current committee report lists 12 States which are affected by this invasive pest. I would ask that New York be added to that list during conference.

Mr. KOHL. I would like to thank my colleague for bringing this to my attention and I will certainly address this issue during conference.

Mrs. GILLIBRAND. I thank the Chairman for his help and leadership.

FOOD AND AGRICULTURE POLICY INSTITUTE

Mr. BROWNBAC. Mr. President, I would like to raise an issue that has been brought to my attention by the Senator from Georgia, Mr. ISAKSON. The Senator was mistakenly credited with having requested funding for the Food and Agriculture Policy Research Institute in Senate Report 111-39. I want to assure him that this will be corrected during the conference negotiations on the Agriculture appropriations bill.

Mr. KOHL. I thank Senator BROWNBAC for raising this issue. I, too, want Senator ISAKSON to know that this will be corrected during conference.

SOUTHERN PLAINS RANGE RESEARCH STATION

Mr. INHOFE. Mr. President, as a neighboring agriculture State, it is a pleasure to work with the Senator from Kansas, in fact both Senators from Kansas, on numerous issues that provide for important research, relief, and aid to our States. I ask that language be included in the conference report indicating the urgent need for additional scientific personnel at the Southern Plains Range Research Station in Woodward, OK, near our joint borders, through the Agricultural Research Service in order to establish a Center for Warm-Season Grasses Research at the station in fiscal year 2010.

The Southern Plains Range Research Station is a research unit of the

USDA's Agricultural Research Service. It has a mission to conduct research that addresses the challenges and opportunities associated with managing America's rangelands through innovative production practices and improved plant germplasm. The current research program at the station includes a team of three scientists: a ruminant nutritionist for range-livestock production research, a research agronomist for germplasm evaluation, and a geneticist for breeding improved plants. The goal of establishing and developing a Center for Warm Season Grasses Research would be improved plant materials management alternatives for rangelands and pastures in the southern plains. This center would provide a focused effort in native and introduced warm-season grass research to address issues with biofuels and feedstock production which is a critical issue to farmers and ranchers throughout the country. Additional personnel are needed to accomplish this mission. The addition of these two essential scientists will assist the Southern Plains Range Research Station in working towards its goal of establishing itself as the Center for Warm-Season Grasses Research in the south central United States.

Mr. BROWNBAC. I appreciate working with the Senator from Oklahoma on various agriculture issues, and can address this issue in the conference report.

OFFICE OF ADVOCACY AND OUTREACH

Mr. FEINGOLD. I rise to discuss a new and relatively small office within USDA that will help ensure the Department adequately addresses the needs of all farmers and ranchers. For too long, USDA has not had adequate focus on policy, programs, and outreach for small farms, beginning farmers and ranchers, and minority farmers and ranchers. A provision in the Food, Conservation and Energy Act of 2008, the farm bill, which was partially based on a proposal I made with Senator HARKIN is intended to reverse that situation by creating the Office of Advocacy and Outreach. The farm bill provision places the new office within executive operations at the Department to ensure that it has overarching coordination functions across all of the mission areas of USDA and that the director of the office is not within any of the under or assistant secretariats so he or she can have a higher profile and be better able to analyze and improve access to the functions and activities of USDA across the entire Department. The office will have two divisions—the socially disadvantaged farmers and ranchers group and the small and beginning farmers and ranchers group.

The socially disadvantaged farmers group includes a new Advisory Committee on Minority Farmers established under section 14009 of the farm bill, and a new farmworker coordinator

established in section 14013 of the farm bill. The existing functions of the current Office of Outreach and Diversity that serve socially disadvantaged producers and minority serving institutions are also transferred to the Office of Advocacy and Outreach.

The small and beginning farmers and ranchers group is given responsibility for continuing and building upon the functions for the existing Office of Small Farms Coordination, the existing Small Farms and Beginning Farmer and Rancher Council, and the existing Advisory Committee for Beginning Farmers and Ranchers, plus a consultative role on the administration of the Beginning Farmer and Ranchers Development Program administered by CSREES.

The new office builds upon the recommendations made to Congress by the Government Accountability Office. The new office will establish departmental goals and objectives, measure outcomes, and provide input into programmatic and policy directions and decisions. The office will also improve outreach and assistance to these farm communities in order to help make the goals and objectives a reality.

It is very important this new office receive an appropriation so it can begin its important and historic mission. It is my understanding the administration's request for \$3 million is provided for in the House bill. I would ask Chairman KOHL if it is his intent to try to find a way to secure funding for the new office during conference.

Mr. KOHL. I thank my colleague from Wisconsin. He has been a leader in this effort and I always appreciate his input and counsel. The Department has under consideration a number of reorganization options that affect a range of departmental functions. My hope is that between now and the time conference negotiations are complete we can have a little more clarity on all these proposals and find a way to make progress in the areas my colleague outlines. Our very able Secretary of Agriculture is trying to make the pieces fit together and I will do likewise during conference negotiations.

Mr. FEINGOLD. I am also concerned with information coming from the Department of a possible plan to move the Office out of Executive Operations and to place it elsewhere. This is very troubling. Congress was very clear about where the office was to be situated and I believe it is the responsibility of USDA to follow the law in this regard. I would like to ask the Senator from Iowa, the chairman of the Committee on Agriculture, Nutrition and Forestry, if he agrees with my assessment.

Mr. HARKIN. I thank my friend from Wisconsin for his hard work to ensure beginning farmers and minority farmers have adequate representation within USDA programs. The Senator is cor-

rect. The 2008 farm bill contains statutory language that establishes the Office of Advocacy and Outreach within the executive operations of the Department of Agriculture's organizational structure.

I would also like to stress the vital importance of USDA moving forward to establish this office as quickly as possible. It has now been more than a year since the farm bill was enacted into law and it is time for USDA to move forward in establishing the office so that it can begin to carry out its mission of ensuring that the needs of small and beginning farmers, as well as socially disadvantaged farmers, are effectively addressed by the Department of Agriculture throughout its various programs and activities.

Mr. FEINGOLD. I thank the Senator for that assurance.

Let me make one final point. As I mentioned, the law creates two divisions within the OA&O. Both areas are extremely important. It is my firm belief that any funding provided for this office should be equally divided between the two divisions, after accounting for the funds to establish the overall Director of the office.

Mr. DURBIN. Mr. President, this important program, administered by the Natural Resource Conservation Service within USDA, provides for cooperation between the Federal Government, State government agencies, and local organizations to prevent erosion, floodwater, and sediment damages. The program also promotes the conservation and proper utilization of land in authorized watersheds. WFPO helps communities prepare detailed watershed work plans for flood prevention projects in cooperation with soil conservation districts and other local sponsoring organizations.

As a result of this program, over 11,000 flood protection and water conservation structures have been built across the United States. Each year, these structures provide over \$292 million of flood damage prevention to agricultural land and over \$399 million of flood damage is prevented to roads, bridges, homes and other structures.

There are other benefits as well—these projects protect and restore natural resources. Annually, 90 million tons of soil are saved from erosion. Forty-seven thousand miles of streams and stream corridors are enhanced and protected. More than 1.8 million acre-feet of water are conserved. Nearly 280 thousand acres of wetlands are created, enhanced or restored. Over 9 million acres of upland wildlife habitat is created, enhanced or restored.

In Illinois, DuPage County has been working to rebuild the watershed around various branches of the DuPage River. The county wishes to reduce the incidence of flooding and damage to homes, businesses, and wildlife habitat. This program will allow for enhanced

flood protection of the Meacham Grove reservoir and provide vital flood control for homes and businesses downstream.

This effort is supported by a number of communities in DuPage County including the Roselle, Bloomingdale, Itasca, Wood Dale and Addison. Operation of the reservoir will be optimized by allowing storm water to enter the reservoir at a lower elevation. This will provide storm water storage for smaller, more frequent rainfall events. It will also improve the water quality of surrounding communities by allowing pollutants and sediment to settle out in the reservoir instead of being transported downstream.

This program has been very successful in Illinois, and I know many of my colleagues have similar stories from their States. I do not believe we should wait for a flood before we identify a problem. Federal investment in these types of projects can help reduce the Federal investment necessary in the event of a flood disaster. Watershed projects prevent flooding and the damage floods cause to public facilities, roads, bridges, homes, and businesses. They conserve water, improve water quality, reduce soil erosion, and create wildlife habitats. We should reduce the vulnerability of our population to flood damage and improve our stewardship of the natural and beneficial functions of our floodprone areas. I oppose the amendment by my colleague from Arizona, and ask that others do the same.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, first, I compliment the managers of this bill, Senator KOHL and Senator BROWNBACK. They have done a remarkably good job. We completed this major appropriations bill in a couple of days. One day was pretty short. They have done very good work.

We are going to vote on final passage, and then we are going to go to the debate on the Supreme Court nominee. Senator MCCONNELL and I said earlier today we have a lot of Senators who wish to speak on this nomination. We don't want anyone to feel they do not have time to speak. But we are going to go in this order: We will have a Democrat and Republican. The cloakrooms have to be notified that you want to come and speak. If people wait until Wednesday night or Thursday to speak, there may not be an opportunity to speak on this nomination.

We know we have at least 28 Republicans who wish to speak and there is probably a like number of Democrats who wish to speak on this nomination who have not already spoken. We hope Senators will indicate to staff how much time they need, and then when they tell Senators they need to be available at a certain time, I hope all Senators will try to do that.

If there is not a Democrat available when it is the Democrats' turn, then

we will move to another Republican, and vice versa.

The debate in the committee has been outstanding. I think Senator LEAHY and Senator SESSIONS have done a very good job on an issue that people feel very strongly about on both sides. There is no reason the debate that is going to be on the Senate floor should not be as dignified as it was in the Judiciary Committee.

We are going to move to the nomination as soon as we finish final passage. This will be the last vote of the night. We will try to work out a program so we can finish this week. We have a little bit of work to do. I think there has been an agreement between Senator MCCONNELL and me on what needs to get done. We have a few problems explaining what our desire is to some of the Senators. We will do that as quickly as we can.

Mr. LEAHY. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see my friend, the distinguished Senator from Alabama, on the floor. We have also discussed this. Senator SESSIONS and I will open the debate, as the leader has said. I suggest everybody on this side check with the staff to set up a list.

Again, I urge people to come at the time they said. I agree with the leader, if they do not, we go to the next person and finish it up. I hope it will not be the case we will be in long quorum calls and then everybody says let's talk. I think the leaders have set a fair schedule, and we should go forward.

The PRESIDING OFFICER. The substitute amendment, as amended, is agreed to.

The amendment (No. 1908), as amended, is agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. KOHL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—80

Akaka	Gillibrand	Nelson (NE)
Alexander	Grassley	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Hatch	Reid
Bennett	Hutchison	Risch
Bingaman	Inouye	Roberts
Bond	Johanns	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Brownback	Kerry	Shaheen
Burr	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Martinez	Voinovich
Dodd	McCaskill	Warner
Dorgan	McConnell	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wicker
Feinstein	Murkowski	Wyden
Franken	Murray	

NAYS—17

Barrasso	Corker	Inhofe
Bayh	DeMint	Isakson
Bunning	Ensign	Kyl
Burr	Enzi	McCain
Chambliss	Graham	Sessions
Coburn	Gregg	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The bill (H.R. 2997), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. BROWNBACK. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I want to take a minute to thank Senator BROWNBACK, with whom I have worked extremely well on this bill. He has made great contributions to the bill, and he has a wonderful staff—Fitz Elder, Stacy McBride, and Katie Toskey—who also made great contributions. On my side, Galen Fountain, Jessica Frederick, Dianne Nellor, and Bob Ross made great contributions.

We are all very proud of the product, we are pleased with the vote, and we are happy it is over.

Mr. BROWNBACK. Mr. President, I, too, want to take a moment to thank my colleague Senator KOHL who has worked on this for some period of time. I thought this was one of the smoothest appropriations bill we have had flow through the floor. I congratulate our colleague and particularly his work and that of the staff to make this happen: Galen Fountain, Jessica Frederick on his staff, Bob Ross, Dianne Nellor; on mine, Fitz Elder, Stacy McBride, Katie Toskey, and then Riley Scott and Melanie Benning were also key on it.

There is an item about which I have some consternation at the end where we broke the 302(b) allocation. My hope

is in conference we can get that worked back down because clearly we have a huge budget crisis on our hands and we have to hit these numbers. I know it was an important issue to the chairman on dairy funding and that is an important issue; particularly if you are from Wisconsin, that is an important issue. It is my hope we can work that down.

I do think it shows a lot of support and strength when you have a major bipartisan vote on this bill at the end. My hope is that is the way we will operate in the body, in a bipartisan way so we can move things through for the good of the country.

We are in the minority, obviously, but there is no reason we cannot work these issues together as much as we possibly can. Senator KOHL was excellent to work with. I appreciate that chance to do it.

I look forward to us getting this through on a stand-alone basis, not rolled together in an omnibus package if at all possible. I think it is an important package, one we should be able to do that with. I think we have the ability to get that done.

I yield the floor.

Mr. KOHL. Mr. President, I thank Senator BROWNBACK for his kind words. I would also like to not end the proceedings without mentioning an individual on my staff, Phil Karting, who did a tremendous job and was an important part of the product that was finally put forth.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair appoints the follow conferees.

The PRESIDING OFFICER appointed Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Mr. NELSON of Nebraska, Mr. REED, Mr. PRYOR, Mr. SPECTER, Mr. INOUE, Mr. BROWNBACK, Mr. BENNETT of Utah, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Ms. COLLINS, and Mr. SHELBY conferees on the part of the Senate.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF SONIA
SOTOMAYOR TO BE AN ASSO-
CIATE JUSTICE OF THE SU-
PREME COURT OF THE UNITED
STATES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Under the previous order, the first hour will be under the control of the chair and the ranking member of the committee.

Mr. LEAHY. I thank the distinguished Presiding Officer, also himself a member of the Judiciary Committee. He sat through and participated in all of the hearings on Judge Sotomayor.

When the Judiciary Committee began the confirmation hearing on the nomination of Judge Sotomayor to the Supreme Court, in my opening statement I recounted an insight from Dr. Martin Luther King, Jr. I did this because it is often quoted by President Obama, the man who nominated her. The quote is:

Let us realize the arc of the moral universe is long, but it bends towards justice.

Each generation of Americans has sought that arc toward justice. Indeed, that national purpose is inherent in our Constitution. In the Constitution's preamble, the Founders set forth to establish justice as one of the principal reasons that "We the people of the United States" joined together to "ordain and establish" the Constitution. This is intertwined in the American journey with another purpose for the Constitution that President Obama often speaks about. We all admit it is the unfinished goal of forming "a more perfect Union." Our Union is not yet perfected, but we are making progress with each generation.

That journey began with improvements upon the foundation of our Constitution through the Bill of Rights and then it continued with the Civil War amendments, the 19th amendment's expansion of the right to vote for women, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the 26th amendment's extension of the vote to young people. These actions have marked progress along the path of inclusion. They recognize the great diversity that is the strength of our Nation.

Judge Sotomayor's journey to this nomination is truly an American story. She was raised by a working mother in the Bronx after her father died when she was a child. She rose to win top honors as part of one of the first classes of women to graduate from Princeton. She excelled at Yale law school.

She was one of the few women in the Manhattan District Attorney's Office in the mid-1970s. She became a Federal trial judge and then the first Latina judge on a Federal appeals court when she was confirmed to the second circuit over a decade ago.

I might note on a personal basis, I am a member of the bar of the second circuit, as well as the Federal District Court of Vermont. That is the circuit I belong to as a member of the Vermont bar. I know how excited we were in the second circuit when she became a judge.

She is now poised to become the first Latina Justice and actually only the third woman to serve on the U.S. Supreme Court. She has broken barriers along the way. She has become a role model to many. Her life journey is a reminder to all of the continuing vitality of the American dream.

Judge Sotomayor's selection for the Supreme Court also represents another step toward the establishment of justice. I have spoken over the last several years about urging Presidents—I have done this with Presidents of both political parties—to nominate somebody from outside the judicial monastery to the Supreme Court. I believe that experience, perspective, an understanding of how the world works and how people live—how real people live and the effect decisions will have on the lives of people—these have to be very important qualifications.

One need look no further than the Lilly Ledbetter and the Diana Levine cases to understand the impact each Supreme Court appointment has on the lives and freedoms of countless Americans.

In the Ledbetter case, five Justices on the Supreme Court struck a severe blow to the rights of working families across our country. In effect, they said we can pay women less than men for the exact same work. Congress acted to protect women and others against discrimination in the workplace more than 40 years ago, yet we still struggle to ensure that all Americans, women and men, receive equal pay for equal work. It took a new Congress and a new President to strike down the immunity the Supreme Court had given to employers who discriminate against their workers and successfully hide their wrongdoing.

The Supreme Court had allowed them to do that. We changed that again. I remember the pride I had when I stood beside President Obama when he signed his first piece of legislation into law, the Lilly Ledbetter law, which says something that every one of us should know instinctively in our heart and soul: that women should be paid the same as men for the same kind of work.

But for all the talk about "judicial modesty" and "judicial restraint" with the nominees of a Republican President

at their confirmation hearings, we have seen a Supreme Court these last 4 years that has been anything but modest and restrained.

I understand decrying judicial activism when judges have simply substituted their judgment for that of elected officials. That is what we have seen these last few years from the conservative members of the Supreme Court.

When evaluating Judge Sotomayor's nomination, I believe Senators should consider what kind of Justice she will be. Will she be in the mold of these activists who have gutted legislation designed to protect Americans from discrimination in their jobs and in voting, laws meant to protect the access of Americans to health care and education, and laws meant to protect the privacy of all Americans from an overreaching government? I think not and I hope not.

The reason I think not and hope not is I have been looking at what kind of judge she has been for the last 17 years and that is not the kind of judge she has been for 17 years. Keep in mind, this is a nominee who has had more experience on the Federal court than any nominee to the Supreme Court in decades. What we see is she has applied the law to the facts of the cases she has considered. She has done that while understanding the impact of her decisions on those before the court.

Those who struggle to pin the label of judicial activist on Judge Sotomayor are met by her very solid record of judging based on the law. She is a restrained, experienced, and thoughtful judge who has shown no bias in her rulings.

The charge of some Senate Republican leaders that they fear she will show bias is refuted over and over again in her record of 17 years. In fact, her record as a judge is one of rendering decisions impartially and neutrally. No one has pointed to decisions that evidence bias. No one has shown any pattern of her inserting her own personal preferences into her judicial decisions. No one can because that does not exist. That is not who she is nor is it the type of judge she has been.

As her record demonstrates and her testimony before the Judiciary Committee reinforced, she is a restrained and fair and impartial judge who applies the law to the facts to decide cases—the kind of judge that any one of us who practiced law would want to appear before, whether we were plaintiff or defendant, government or respondent, rich or poor. Ironically, the few decisions for which she has been criticized are cases in which she did not reach out to change the law or to defy judicial precedent; in other words, cases in which she refused to "make law" from the bench.

In her 17 years on the bench there is not one example, let alone a pattern, of

her ruling based on bias or prejudice or sympathy. She has been true to her oath. She has faithfully and impartially performed her duties under the Constitution.

As a prosecutor—a distinguished prosecutor—and then as a judge, she has administered justice without favoring one group of persons over another. In fact, she testified directly to this point. She said:

I have now served as an appellate judge for over a decade, deciding a wide range of constitutional, statutory and other legal questions. Throughout my 17 years on the bench, I have witnessed the human consequences of my decisions. Those decisions have not been made to serve the interest of any one litigant, but always to serve the larger interests of impartial justice.

About 12 years ago in a case called *City of Boerne v. Florida*, the Supreme Court struck down the Religious Freedom Restoration Act, a law that Congress had passed to protect religious freedom. Since then, an activist conservative group of Justices has issued a number of rulings that further restricted the power of Congress under section 5 of the 14th amendment.

They have limited other important Federal statutes such as the Violence Against Women Act, and they have done this by using a test created out of whole cloth, without any root in either history or in the text of our Constitution. Scholars across the political spectrum have criticized the Supreme Court's rulings in this line of cases, including Judge Michael McConnell and Judge John Noonan, Jr., both Republican appointees to the Federal bench.

Let's have some history. Hundreds of thousands of Americans lost their lives fighting a civil war to end the enslavement of millions of Americans. After the war, we transformed our founding charter, the Constitution, into one that embraced equal rights and human dignity through the reconstruction amendments by not only abolishing slavery but also by guaranteeing equal protection of the law for all Americans and prohibiting the infringement of the right to vote on the basis of race.

But these reconstruction amendments to our Constitution are not self-implementing. Both the 14th and 15th amendments to the Constitution contain sections giving Congress the power to enforce the amendments. Congress acts to secure Americans' voting rights when it passes statutes like the Voting Rights Act pursuant to its authority to implement the 14th and 15th amendment's guarantees of equality. Congress acts to ensure the basis for our democratic system of government when we provide for implementation of this principle.

In contrast to the resistance that met the initial enactment of the Voting Rights Act of 1965—something that brought about enormous debate in this country—3 years ago, Republicans and Democrats in the Senate and House of

Representatives came together to reauthorize key expiring provisions of the Voting Rights Act. This overwhelmingly bipartisan effort sought to preserve the rights of all Americans to equal access to the democratic process.

I stood with President George W. Bush when he proudly signed that restoration. But earlier this year, I attended the oral argument in a case challenging the constitutionality of the reenacted Voting Rights Act.

It appeared from the questions posed by the conservative Justices that they were ready to apply the troubling line of rulings in which they have second guessed Congress in order to strike down a key provision of the Voting Rights Act, one of this country's most important civil rights laws. Lacking a fifth vote for such a seismic shift, the constitutional ruling was avoided. But I remain concerned that the Supreme Court nonetheless remains poised to overturn other decisions made by Congress in which we decide how best to protect the rights and well-being of all American people.

I believe Judge Sotomayor will be a Justice who will continue to do what she has done as a judge for the last 17 years. I believe she will show appropriate deference to Congress when it passes laws to protect the freedoms of Americans.

I also believe she will have an understanding of the real world impact of the Supreme Court's decisions, which will be a welcome addition. When she was designated by the President, Judge Sotomayor said:

The wealth of experiences, personal and professional, have helped me appreciate the variety of perspectives that present themselves in every case that I hear. It has helped me to understand, respect and respond to the concerns and arguments of all litigants who appear before me, as well as the views of my colleagues on the bench. I strive never to forget the real-world consequences of my decisions on individuals, businesses, and government.

Well, it took a Supreme Court that understood the real world to see that the seemingly fair-sounding doctrine of "separate but equal" was in reality a straitjacket of inequality and it was offensive to the Constitution.

We had "separate but equal." For years in this country, we had segregation. We had segregation in our schools. It was a blight on the idea of a colorblind Constitution. And all Americans have come to respect the Supreme Court's unanimous rejection of racial discrimination and inequality in *Brown v. Board of Education*. That was a case about the real-world impact of a legal doctrine.

But just 2 years ago, in the Seattle school desegregation case, we saw a narrowly divided Supreme Court undercut the heart of the landmark *Brown v. Board* decision, a decision that was unanimous. The Seattle school district valued racial diversity and was volun-

tarily trying to maintain diversity in its schools. By a five-to-four vote, the conservative activists on the Court said that program was prohibited. That decision broke with more than half a century of equal protection jurisprudence, and I believe it set back the long struggle for equality in this country.

Justice Stevens wrote that the Chief Justice's opinion twisted *Brown v. Board* in a "cruelly ironic" way.

I think most Americans understand that there is a crucial difference between a community that does its best to ensure that schools include children of all races and one that prevents children of some races from attending certain schools. I mean, real-world experience tells us that. Those of us who are parents, grandparents, we know this.

Justice Breyer's dissent criticized the Chief Justice's opinion as applying an "overly theoretical approach to case law, an approach that emphasizes rigid distinctions . . . in a way that serves to mask the radical nature of today's decision. Law is not an exercise in mathematical logic."

Actually, I might say, if it were, we could just have computers on our Supreme Court.

Chief Justice Warren, a Justice who came to the Supreme Court with real-world experience as a State attorney general and Governor, recognized the power of a unanimous decision in *Brown v. Board*.

The Roberts Court, in its narrow desegregation decision 2 years ago, ignored the real-world experience of millions of Americans and chose to depart from the most hallowed precedents of the Supreme Court.

I am hopeful and confident that when she serves as a Justice on the Supreme Court of the United States, Sonia Sotomayor, a woman from the South Bronx who has overcome so much, will be mindful of the real-world experiences of Americans.

Those critics who devalue her judicial record and choose to misconstrue a few lines from speeches, ignore the aspiration behind those speeches. In fact, Judge Sotomayor begins the part of the speech so quoted by critics with the words "I would hope." She would "hope" that she and other Latina judges would be "wise" in their decision-making and that their experiences would help inform them and help provide that wisdom. I hope so, too. Just as I hope that Justices Thomas' early life leads him to, as he testified in his confirmation hearing, "stand in the shoes of other people." And I hope that Justice Alito's immigrant heritage, as he too discussed in his confirmation hearing, helps him understand the plight of the powerless in our society.

Judge Sotomayor also said in her speeches that she embraced the goal that: "[J]udges must transcend their personal sympathies and prejudices and aspire to achieve a greater degree of

fairness and integrity based on the reason of law." I am going to be saying more about this as we go along, but I would note that her critics missed that Judge Sotomayor was pointing out a path to greater fairness and fidelity to the law by acknowledging that despite the aspirations of impartiality she shares with other judges, judges are human. Her critics seem to ignore her modesty in claiming not to be perfect. I would like to know which one of the 100 U.S. Senators could claim to be perfect. There are some who could; I am not one of them.

By acknowledging that judges come to the bench with experiences and personal viewpoints, they can be on guard against those views influencing judicial outcomes. By striving for a more diverse bench drawn from judges with a wider set of backgrounds and experiences, we can better ensure that the decisions of the Court will be freer of limited viewpoints or narrow biases.

All Supreme Court nominees have talked about the value they will bring to the bench from their backgrounds and experiences. That diversity of experience is a strength, not a weakness, in achieving an impartial judiciary. A more diverse bench with a better understanding of the real world impact of decisions can help avoid the pitfalls of the Supreme Court's decisions these last years.

Let me point to just one example because judges—just as Senators bring their experience to this body—judges do, too.

Judge Sotomayor sat on a three-judge panel that heard a case involving strip searches of adolescent girls in a juvenile detention center. The parents of two female children challenged Connecticut's blanket strip search policy for all those admitted to juvenile detention centers as a violation of the fourth amendment's prohibition against unreasonable searches. Two of the male judges on the Second Circuit upheld the strip searches of the young girl.

In dissent, Judge Sotomayor cited controlling circuit precedent describing what is involved in the strip searches of these girls who had never been charged with a crime—keep in mind that they had never been charged with a crime—and without any basis for individual suspicion. She said that courts "should be especially wary of strip searches of children, since youth is a time and condition of life when a person may be most susceptible to influence and to psychological damage." She also emphasized that since many of these girls had been victims of abuse and neglect, they may be more vulnerable mentally and emotionally than other youths their age.

The Supreme Court recently decided a similar case, the Redding case. They found that school officials violated the fourth amendment rights of a young

girl by conducting an intrusive strip search of her underclothes while looking for the equivalent of a pain reliever many of us have in our medicine cabinet. During oral arguments in that case, one of the male Justices compared the search to simply changing for gym classes. Several of the other Justices answered with laughter—not the reaction I would have if that was my adolescent daughter. And Justice Ginsburg, the lone female Justice on the Supreme Court, described the search as humiliating to young girls. She spoke out. She did not join in that laughter.

Ultimately, the Supreme Court decided that case by a vote of 8 to 1. Justice Souter, the Justice whom Judge Sotomayor is nominated to replace, wrote the opinion for the Court. Of course, that position mirrored that of Judge Sotomayor. I suspect that it was Justice Ginsburg's understanding of the intrusiveness of the strip search of the young girl that ultimately prevailed. Can we say our life experience bears no weight in what we do?

Among the very first purposes of the Constitution is "to establish justice." It is a purpose that has animated the improvements we have made over generations to our Constitution. It is a purpose engraved in the words over the entrance of the Supreme Court. These words are in Vermont marble, and they say, "Equal Justice Under Law." All the dozens and dozens of times I have walked into the Supreme Court, up those steps straight out across from this Chamber, I have always paused to read those words, "Equal Justice Under Law." Is that not what we should stand for?

I hope and believe Judge Sotomayor understands the critical importance of both fairness and justice. A decade ago, she gave another speech in which she spoke about the meaning of justice. She said, "Almost every person in our society is moved by that one word. It is a word embodied with a spirit that rings in the hearts of people. It is an elegant and beautiful word that moves people to believe that the law is something special."

I believe Judge Sotomayor will live up to those words when she is confirmed, as she will be confirmed to the U.S. Supreme Court. The senior Senator from Vermont will vote for that confirmation.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Alabama is recognized.

Mr. SESSIONS. I appreciate the opportunity to speak. Before I do, I want to say that we had some disagreements as we went along about how to conduct the hearings. But Chairman LEAHY made a commitment that we would have a fair hearing, that every Senator would have an opportunity to question

the witnesses and have the time to follow up, and he complied with that. I think we had a good hearing.

Judge Sotomayor was voted out of the committee, and I appreciate her kind words to me and to our colleagues on how she felt she was treated. I think the hearings were fair and effectively discussed the important issues raised by this nomination.

Our confirmation process began with the President indicating that empathy was a standard that he believes should be applied to selecting judges. There is some disagreement about that. I am one of those who do not believe that is a legal standard. It is a kind of standard that is closer to a political standard, and we need to be careful that politics do not infect the judiciary.

I certainly do not profess to be able to say with certainty how Judge Sotomayor will perform if confirmed to the Supreme Court.

History shows that Justices, once confirmed, often surprise. I have previously expressed my evaluation and decision in this matter. I will just say I hope I am wrong. But I have concluded that the nominee has a fully formed judicial philosophy, one that is held by quite a few other lawyers and judges, but it is a philosophy contrary to the classical underpinnings of the American legal system, a system that has blessed us so much. Edmond Burke, in his famous speech "On Conciliation with the Colonies," urged the King to avoid war, noting that the Colonies were simply asserting the rights to which they had become accustomed. He observed that almost as many copies of Blackstone's Commentaries on the Laws were being sold in America as in England.

From the beginning, Americans have honored law because, I suspect, it was the arena in which the poor individual citizen could and often did prevail against the powerful. Even before the Revolution, judges, juries, and English law decided cases. It was a people's power controlled by law that would prevail even over the political wishes of the powerful. Laws, Burke noted, were to be created by the people through their elected representatives, not judges. Law in the new Republic was not an abstract. It was concrete. The laws meant what they said. If by some loophole even an evil act was not covered by criminal law, the prisoner was to go free.

Importantly, our system rested upon a near universally held belief that law and order were necessary for freedom and progress to occur. It further rested on the firm belief that there was such a thing as objective truth and that if a real effort was put forth, truth could be ascertained. For most, this was an easy concept, since a belief in God, the ultimate truth, was widespread. Thus, the legal system was arranged to best discover truth. Rules of evidence, cross-

examination, and the adversarial system were parts of the design to discover truth. Many nations have tried to replicate it without success. It is a national treasure, our legal system.

I believe our Federal courts are the greatest dispensers of justice the world has ever known. For 15 years, I practiced full time as a Federal attorney before Federal judges. I saw the system operate. I have seen State and local judges, Republicans and Democrats, serve faithfully day after day, adhering to the ideal of objectivity, fairness, and law. But many intellectuals in recent decades look upon such an approach as anti-intellectual. They conclude such thinking that judges actually do in an ideal way, they find this is hopelessly naive. They think it is unrealistic. The brilliant jurist and intellectual Jerome Frank, quoted favorably by Judge Sotomayor in a law review article, said as much in the early part of the last century.

Since then, many theorists have gone even further, moral relativists, postmodernists, deconstructionists, critical legal studies adherents, they all come from the same pond. They don't believe—some don't—that there is an ascertainable truth. They believe these ideals actually confuse thinking and mislead. They believe it is results that count.

I don't agree. The American people don't agree. Ideals are important. High standards can be reached. Not every time, I am sure, but most times. If the ideal is not ardently sought, it will be reached less and less. The American people are not cynics who settle for less than the ideal of impartiality and equal justice for the poor and the rich under the Constitution and the laws of this country. Each judge operates under the Constitution and laws of this country. They expect, rightly, that every judge will be fully committed to the heritage of law and the judicial oath they take to follow it.

That is why I have expressed the view since this process has begun, that we are at a fork in the road, perhaps. Will we continue to adhere to the classical ideal of American jurisprudence, or will we follow results-oriented judging, where judges cease to be committed to the law and equal justice because they know it is not possible. Do they believe words are just words? Do they believe the Constitution can be made to say what one wants it to say? In this world, the Constitution cannot bind a judge to what the judge considers an unwise result. Instead, we should see the Constitution as a flexible, living document. Under this view, judges are not just umpires. Judges are more powerful. Judges can make the Constitution and law say what they would prefer it to say. Judges can ensure that the right team wins. Judges can make policy. That is the seductive siren call of judicial activism, and judi-

cial activism is an impropriety that can be embraced by conservatives as well as liberals.

Our former chairman, Senator HATCH, has often said: Activism is a tendency in a judge to allow their personal and political views and values to override the law and the facts of a case to achieve a result they think is desirable. That is what is not acceptable in our system.

That is why, at the most fundamental level, many have a problem with this nominee. It seems clear from her writings and speeches that she is a devotee of the new philosophy of judging. Her speeches, over the years, are quite clear on this matter, although her hearing testimony backtracked from it in a somewhat confusing manner.

Regrettably, I was not able to support her nomination in committee, nor will I support her nomination before the full Senate. I would like to discuss in greater detail a few of the reasons that lead me to that conclusion. There are more things that will be discussed later as we go along, but let me say a few things now.

Even before the nomination of Judge Sotomayor, I made clear what my criteria would be for assessing a Supreme Court nominee: impartiality, commitment to the rule of law, integrity, legal experience, and judicial temperament. Judge Sotomayor possesses the well-rounded resume I like to see in a Supreme Court Justice. She has a wonderful personal story. She was a prosecutor. She was a private practitioner. She was a trial judge, and she was an appellate judge. Those are good experiences for a judge on the Supreme Court. However, her speeches and cases she has decided are troubling because they reflect the lack of a proper sense of the clearly stated constitutional rights that are guaranteed to American citizens. Her testimony was her opportunity to convince us she would be the type of Justice we could vote for. Instead her answers lacked clarity, the consistency and courage of conviction one looks for in a nominee to the Supreme Court.

In many instances, she raised more questions through her testimony than she answered. Judge Sotomayor's expressed judicial philosophy rejects openly the ideal of impartial and objective justice. Instead, her philosophy embraces and accepts the impact that background, personal experience, gender, sympathies, and prejudices—these are her words—have on judging. A fair and plain reading of these speeches—read in context—calls into question Judge Sotomayor's commitment to impartiality and objectivity. When given an opportunity to explain this philosophy, as was reflected in speech after speech, year after year, Judge Sotomayor dodged and deflected. In many cases, her answers could not be squared with the facts.

It has been suggested we should disregard those speeches. It has been suggested they are just words, that they are merely meant to inspire. In short, it has been suggested the words of the speeches simply do not matter. But words do matter. Words are important. They must have meaning or the result is chaos. No one should know this more than a judge. Her speeches and academic writings were not offhand comments delivered without the aid of notes. They were carefully crafted to dispute the notion that impartiality is realistic, or even possible. These were not the musings of a second-year law student. They were all delivered after she was a Federal judge. They were delivered to a number of different audiences, a number of different forums, including a bar association.

In her speeches and academic articles, Judge Sotomayor describes other approaches to judging and her approach to the law. She describes the factors judges should consider when reaching decisions. She describes her fully formed judicial philosophy. She challenges the mainstream concept of judging.

Make no mistake, judicial philosophy matters. It guides judges. It tells them what to consider. Importantly, it tells them what not to consider. Judicial philosophy is quite different from a judge's personal, political, moral or social views that a judge is to set aside when they decide a case. That is what blindfolded justice means. When a judge puts on that robe, they are, in effect, saying to everyone in that courtroom that their personal biases and prejudices and so forth will not impact the fairness of the ruling they are called upon to make.

Judges in trial and appellate courts, of course, are constrained by precedent. Even if a trial or appellate judge harbors a radical approach to the law, the threat of reversal restricts that judge's ability to employ that philosophy. But on the Supreme Court, however, these restrictions are removed. On the Supreme Court, there is no additional review. On the Supreme Court, a judicial philosophy that is fully formed is permitted to reach full bloom. As a liberal law dean recently said in the Los Angeles Times: "There's a huge difference between being a court of appeals judge who is bound by precedent and a Supreme Court justice who can rewrite those precedents."

That is why judicial philosophy matters. Frankly, after reviewing her consistent speeches in preparation for the confirmation hearing, I expected Judge Sotomayor to defend her views. I expected her to defend her statement that "[t]he law that lawyers practice and judges declare is not a definitive, capital 'L' law that many would like to think exists."

I expected her to defend the notion that the court of appeals is where “policy is made.” I expected her to defend her statements in favor of using foreign law to interpret American statutes and her statement that there is “no objective stance, but only a series of perspectives.”

However, during her testimony, many of Judge Sotomayor’s answers were inconsistent with her record and others were evasive and not adequate. On several occasions, Judge Sotomayor appeared to run away from the philosophy she had so publicly articulated. Other answers, I concluded, were not plausible.

It has been repeatedly suggested that Judge Sotomayor’s words and speeches are being taken out of context. I have read the speeches in their entirety. Her words are not taken out of context. In fact, when one reads her speeches in their entirety, in context, the impact is more troubling, not less.

For example, Judge Sotomayor said, on repeated occasions, that she “willingly accept[s] that . . . judge[s] must not deny the differences resulting from experience and heritage but attempt . . . continuously to judge when those opinions, sympathies and prejudices are appropriate.”

When I asked whether there was “any circumstance in which a judge should allow prejudices to impact decision-making,” she replied: “Never their prejudices.”

This is quite the opposite of what her speeches said. In the hearing, she said her speeches discussed “the very important goal of the justice system . . . to ensure that the personal biases and prejudices of a judge do not influence the outcome of a case.” Well said. But that is not what her speeches said—in context or line by line. She was not urging that judges guard against their prejudices, as their oath calls on them to do. She was accepting that a judge’s prejudices may influence their decisions.

Similarly, Judge Sotomayor repeatedly stated she accepts that who she is will “affect the facts I choose to see” as a judge—the facts she chooses to see as a judge. She accepts this. When I asked her about this statement, she said: “It’s not a question of choosing to see some facts or another, Senator. I didn’t intend to suggest that.”

But that is what she said repeatedly. She accepts the fact that who she is will “affect the facts I choose to see” as a judge. The context of her speech states a clear philosophy. Judge Sotomayor was contrasting her own views with that of Judge Cedarbaum and Justice O’Connor, two women judges of prominence. Of course, Justice O’Connor was a former member of the Supreme Court. The context was her view that “[i]n short . . . the aspiration”—I am quoting her—“the aspiration to impartiality . . . is just that,

an aspiration.” Such a statement evidences a lack of the kind of firm commitment to fairness and to the judicial oath of impartiality that is expected, in my opinion.

We have heard again and again that our concerns are based on three words: The “wise Latina woman.” That is not the case. We are talking about a judicial philosophy, as reflected in speech after speech, year after year. That is what is causing the problem here.

Senator COBURN, at the hearing, made a point that I think is worthy of emphasizing: that her refusal to effectively defend her own speeches and statements was almost as troubling as the philosophy contained within those speeches.

As the Washington Post, in endorsing her, on July 19, in their editorial, said:

Judge Sotomayor’s attempts to explain away and distance herself from [the “wise Latina” statement] were unconvincing and at times uncomfortably close to disingenuous, especially when she argued that her reason for raising questions about gender or race was to warn against injecting personal biases into the judicial process. Her repeated and lengthy speeches on the matter do not support that interpretation.

In Judge Sotomayor’s opening statement, she said that her philosophy is “fidelity to the law.” But her record demonstrates that, if true, her view is far different than mine. For example, she has advocated for the use of foreign law by American judges. Once again, we are left with statements made at the hearing, though, that were in direct conflict with statements made before she was nominated.

As Judge Sotomayor noted in her April 2009 speech—April of this year—before the Puerto Rico American Civil Liberties Union, the current debate regarding the use of foreign law in the courts, she noted, pits two distinct views against one another. On one side sit Justices Scalia and Thomas, who believe that foreign law should not be used in interpreting the U.S. Constitution. That is correct, in my view. On the other side is Justice Ginsburg, who believes that courts should be more aggressive in their use of foreign law.

In this speech in April, Judge Sotomayor clearly indicated who she thinks has the better view of the issue, stating that she “share[s] more the ideas of Justice Ginsburg . . . in believing, that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world.”

Moreover, Judge Sotomayor talked approvingly about two recent Supreme Court cases in which Justices did look to foreign law precisely to interpret our Constitution. That is a very clear position. I think it is incorrect, but it is a clear one. Others adhere to it.

When she came before the Judiciary Committee, however, Judge Sotomayor articulated a very different view of foreign law, stating:

Foreign law cannot be used as a holding or a precedent or to bind or to influence the outcome of a legal decision interpreting the Constitution or American law that doesn’t direct you to that law.

Well, that is quite a different position from the theme and statements in her April speech.

So I agree with my colleagues who lamented Judge Sotomayor’s tendency to avoid answering questions, with one colleague noting her “extreme caution” in answering. I do not think many would dispute that she was less forthcoming than Judges Alito and Roberts, our latest confirmations to the Court just a few years ago.

In addition to her stated judicial philosophy, I am also quite concerned regarding how Judge Sotomayor has approached the most important constitutional cases that have come to her court. Most of the cases a court of appeals judge considers are routine, fact dominated, and do not offer novel questions or require substantial legal discussion. Still, a few important cases that present new and critical issues do periodically come before the courts of appeals. These cases can give insight into how the nominee will handle the many such cases that regularly come before the Supreme Court.

Within the last 3 years, Judge Sotomayor has heard three monumentally important cases at the circuit level: the constitutional right to be free of racial discrimination, the right to keep and bear arms, and the fifth amendment right to keep one’s own property.

In all three of these cases, Judge Sotomayor joined or authored very brief opinions—very brief opinions, oddly brief opinions—that avoided the kind of careful analysis we would expect of an appellate judge. In all three cases, individuals went to court with the plain text of the Constitution on their side. In each case, Judge Sotomayor reached conclusions that denied individual Americans their rights that they were asserting against governmental power.

When confronted with an appeal based on fundamental notions of equal protection of the laws, Judge Sotomayor, to be charitable, took a pass. By now we are familiar with the basic facts of the New Haven firefighters, the Ricci case. Eighteen firefighters brought suit against the city of New Haven after the city threw out the results of a promotional exam. It was thrown out because not enough of certain minorities did well enough on the exam. Judge Sotomayor’s decision in the case is troubling. Her curious one-paragraph summary order, and the Supreme Court’s subsequent reversal, are the starting points. But there is more. And there is a reason that so much attention has been focused on this case.

Her initial attempted disposal of the case by summary order was, quite simply, unacceptable and an embarrassment. A summary order is, by circuit rule, only for cases in which there is no legal principle worthy of discussion. In the end, every Supreme Court Justice concluded she applied the wrong legal standard in granting a judgment against the firefighters and for the city before a trial occurred, and a majority of the Supreme Court found that the firefighters' case was so strong that they were entitled to a verdict for their side on the evidence that already existed without a trial.

The Supreme Court understood the importance of this case—why we care about it as Americans. As they said of Judge Sotomayor's logic:

Allowing employers to violate the disparate-impact liability would encourage race-based action at the slightest hint of disparate impact. . . . That would amount to a de facto quota system. . . .

That is the Supreme Court language. I was struck by something one firefighter, Lieutenant Vargas, said to us—that his testimony before the Senate was the first opportunity he had to tell his story because the district court threw out the case before he even had a trial. On appeal, Judge Sotomayor initially dismissed the case by summary order, meaning that a hard copy of her order was never even delivered to the other judges on the court. Had one of her colleagues, Judge Cabranes, apparently, independently, not heard about the case and sought a full review—a rehearing en banc is what he sought through the whole Second Circuit—it is likely the Supreme Court would never have even known the case existed or considered the case. It is also likely Lieutenant Vargas would never have had the opportunity to tell his story, to explain to his children his profound hope that, as a result of his efforts, they would be judged on their merit and not on their race or their ethnicity.

In response to my questions, Judge Sotomayor also claimed that her Ricci decision was controlled by "established" Supreme Court precedent, saying "a variety of different judges on the appellate court were looking at the case in light of established Supreme Court and Second Circuit precedent." But the Supreme Court did not see it that way. The Supreme Court noted that "few, if any, precedents in the Court of Appeals" discuss this issue.

As noted commentator Stuart Taylor has recently confirmed, even if Judge Sotomayor had believed her panel was bound by Second Circuit precedent, review and rehearing by the whole Second Circuit would have provided the opportunity to review those previous cases afresh and to overrule them if they were unsound. But Judge Sotomayor cast the deciding vote against rehearing this case by the full

circuit. She defended her ruling and defended whatever authority existed at the time in the Second Circuit.

The case is also troubling to me because Judge Sotomayor had pledged to me during her confirmation, in 1997, that she would follow the Supreme Court's decision in *Adarand*—a well-known case—and subject any preference for one race over another race to the Court's established standard of strict judicial scrutiny. When I asked her about this promise she had made, I, once again, found her answer to be dismaying. She stated that the cases I asked about, the seminal equal protection cases—*Adarand* and so forth—"were not what was at issue in this decision." She was talking about the Ricci case.

But that is not right. There were two very clear claims made by the firefighters in this case—one based on a statutory right and one based on the equal protection clause of the Constitution.

One need only look at—

The PRESIDING OFFICER. The Chair wants to advise the Senator that his initial 30 minutes has been used, and so the Senator would be moving into the next period of debate.

Mr. SESSIONS. Madam President, I ask unanimous consent to have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, we will discuss some of the other cases in more detail later. But one need only look at the papers filed in the district court and the court of appeals to see that the *Adarand* issue and the constitutional question were central issues in this case. Look at Judge Cabranes' decision, where one of the first cases he cites is *Adarand*. One does not expect this type of mistake or a lack of accuracy from a Supreme Court nominee in a case of this importance, when she understands she will have to discuss before the Judiciary Committee.

Judge Sotomayor repeatedly stated, including in her opening statement, that litigants deserve explanations; that she looks into the facts, delves into the record, and explains to litigants why she rules for or against them. I have read the one-paragraph Ricci opinion. Judge Sotomayor did not afford the firefighters the respect they deserved.

I have also considered very carefully Judge Sotomayor's views regarding the Second Amendment, and I am troubled by her record and not reassured by the answers she gave during the hearing.

In sum, she effectively held that the Second Amendment—the right to keep and bear arms—does not bind the States, and that means any city or any State in America, if her opinion is upheld, can ban all guns in those jurisdictions. If her opinion is not reversed, that is what will happen in America. I

would note the Supreme Court, in ruling on the Heller case, held clearly for the first time that the Second Amendment is an individual right that applied to the District of Columbia, which effectively banned firearms in the District of Columbia. They said that was not constitutional, that the citizens of the District of Columbia have a constitutional right to keep and bear arms and it cannot not be eliminated.

So if the Sotomayor opinion is upheld, I can only say the Second Amendment might be viable in the District of Columbia but not in the other cities and States throughout the country.

With regard to the takings case, one of the most significant takings cases in recent years, she ruled against a private landowner who had his property taken. He intended to build one kind of pharmacy on it. A developer who was working with the city utilized the powers of the city to attempt to extort money from that individual so he could build another private drugstore on that lot. When the owner refused, the city condemned the man's property, gave it to the developer, who then built his own kind of drugstore there. I believe this is in violation of the constitutional protection that private property can only be taken for public use.

So words have meaning. The Constitution and laws of the United States have meaning. People come to courts to assert their rights under the Constitution and laws. In these three cases I have mentioned, the litigants did not have their rights properly listened to nor protected, in my opinion. Is it because she would have preferred different results from the promotional exam for firefighters? Is it because she did not believe in the rights protected by the Second Amendment as set forth in the Constitution? Is it because she favors redevelopment?

We are left to wonder because the cases were certainly not decided based on the plain language of the Constitution, and she did not openly and thoroughly in any one of these cases engage in a serious discussion of issues raised. Each was just a page or two or three.

One of the most important tools of a judge is words. The meaning of words is obviously where the power of our Constitution and laws is found. When a judge feels empowered to redefine the meaning of words in our Constitution, they feel empowered to amend our Constitution. If they don't like the death penalty, maybe they will call it unconstitutional. If they don't like the right to keep and bear arms, maybe they will say the Second Amendment doesn't apply to States and cities.

In a recent speech before this nomination, Professor Allen C. Guelzo, a two-time winner of the Lincoln Prize, wisely noted that a constitutional system resides on a bedrock of shared assumptions. While it may seem to be a

collection of laws and statutes, the most important thing is that "those laws and statutes depend first on a reverence for words, for reason, and for orderliness."

He adds that "reverence must grow . . . from the confidence that words, reasons . . . really do protect" the rights of citizens.

Citizens must know their rights, when clearly stated in the Constitution, will be steadfastly protected by the courts. It is here that I have significant qualms. The ease by which the nominee reconciled or attempted to reconcile fundamentally different statements in speeches at our hearing evidences a lack of respect for the meaning of words. Her explanation of controversial decisions lacked clarity, a very serious shortfall indeed for a Supreme Court Justice.

So I came to this process with an open mind regarding Judge Sotomayor. She has many wonderful qualities, and I truly mean that. And I like her. She was ever graceful in her testimony. But certain aspects of her record troubled me—whether, for example, she has the kind of deep commitment to the ideal of objectivity and impartiality that I believe necessary. I had hoped those concerns would be addressed effectively. Unfortunately, many of the answers did little to ease my concerns but, instead, reinforced them and led to more unanswered questions. Regrettably, I cannot support her nomination to a lifetime appointment to the U.S. Supreme Court.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, it should be no surprise that my views are not those of the distinguished ranking member of our Judiciary Committee but somewhat different. I have served on this committee for over 16 years now. I have sat through the confirmation hearings of four Supreme Court Justices. I am very proud to say I believe the President made an excellent choice, and I enthusiastically support this nominee.

Judge Sotomayor is a warm and intelligent woman. More importantly, though, she is a solid, tested, and mainstream Federal judge. Her personal story is one of hard work. She has risen above all kinds of obstacles, and she has perseverance. She is a role model for women in the law, and I cannot help but feel a sense of enormous pride in her achievements, her nomination, and, hopefully, before the end of the week, her confirmation to be a Supreme Court Justice.

As I said at the confirmation hearings, a Supreme Court Justice should possess at least five qualities.

One, broad and relevant experience. So how does she stand? You can't find a nominee with better experience than Judge Sotomayor.

She has 29½ years of relevant legal experience, and she has seen the law from all sides.

For 4½ years she was a prosecutor in New York City. She prosecuted murders, robberies, and child pornography cases as an assistant district attorney. She worked with law enforcement officers and victims of crime, and she sent criminals to jail.

We heard from the distinguished New York City District Attorney, Mr. Morgenthau, who said he looked for bright young people, and he found her and he heard her story and she had been to Princeton. She graduated summa cum laude. She went to Yale Law School. She was editor of the Law Review.

She came to his attention, and he went to recruit her as a prosecutor in New York City. For 8 years after that, she practiced business law as a litigator in a private firm. She worked on complex civil cases involving real estate law, banking law, contracts, and intellectual property law.

Then, she was appointed by George Herbert Walker Bush—as we might fondly say "Bush 41"—as a U.S. district court judge for 6 years. She heard roughly 450 cases in the district court up close and personal, where litigants come before the judge and the judge gains a sense of what the Federal court means to an individual.

I think that is important to know on the Supreme Court. She saw there firsthand the impact of the law on people before her.

Then she was appointed by President Clinton. For 11 years she has been a Federal appellate court judge on the Second Circuit Court of Appeals. She has been on the panel for more than 3,000 Federal appeals, and she has authored opinions in more than 600 cases. These 11 years were rigorous and appropriate training ground for the Supreme Court.

Judge Sotomayor will be the only sitting Justice with experience on both the Federal trial and appellate courts, and she has more Federal judicial experience than any Supreme Court nominee in the last 100 years. That is a substantial qualification.

Secondly, a Supreme Court Justice should have deep knowledge of the law and the Constitution. I believe her broad experience gives her firsthand knowledge of virtually every area of the law.

As a prosecutor she tried criminal cases—homicides, assaults, pornography cases—those crimes that destroy lives.

As a business lawyer, she examined contracts, represented clients in complex civil litigation, and tried intellectual property disputes.

As a district court judge she presided over criminal and civil jury trials; she sentenced defendants; she resolved complicated business disputes; and she reached decisions in discrimination

and civil tort cases where people had been unfairly treated, injured, or harmed.

Finally, as an appellate judge, she has grappled with the difficult and critical questions that arise when people disagree about what our Constitution and our Federal statutes mean today. So she certainly has ample experience.

Third, a Supreme Court Justice should have impeccable judicial temperament and integrity. Anyone who watched Judge Sotomayor at her confirmation hearings has seen her temperament and demeanor firsthand. She is warm, she is patient, and she is extremely intelligent. She sat at that table with a broken ankle up on a box hour after hour and day after day in a hot room listening to members of the Judiciary Committee pepper her with questions. Not at any time did she lose her presence, lose her cool, or show anger. She showed determination and patience and perseverance. I think that means a great deal.

At times, the hearings became quite heated, but she would remain calm even in the face of provocative questioning.

So I am not surprised the American Bar Association and the New York City Bar Association gave her their highest rating.

As one of her Republican-appointed colleagues on the Second Circuit said: "Sonia Sotomayor is a well-loved colleague on our court. Everybody from every point of view knows she is fair and decent in all her dealings. The fact is, she is truly a superior human being."

What greater compliment could there be for a prospective Supreme Court nominee?

After spending time with her during our one-on-one meeting and participating in her confirmation hearings, I agree. She is a walking, talking example of the very best America can produce. She has overcome adversity. Here is a woman—a child—the product of a poor Puerto Rican family living in a housing project in New York. She is 8 years old, she finds herself with juvenile diabetes. She is 9 years old, her father dies. She goes to school. She struggles with the language. She overcomes it. She graduates from high school. She goes to Princeton. She succeeds in every way, shape, and form, as I said, summa cum laude, and then on to Yale and a member of the Yale Law Review. She overcame adversity and she kept going.

She has given back to her country and her community, and she is now on track to become the first Latina Justice of the U.S. Supreme Court and only the third woman ever appointed to that Court.

I not only will vote for her, I will do so with great pride.

Finally, a Supreme Court Justice should exhibit mainstream legal reasoning and a firm commitment to the

law. I have heard people say that they don't believe she will follow the law.

I sat in the room during those 4 days of hearings. There was never an instance that I saw where she moved away from legal precedent and the law.

I have said before, and I say today, I am somewhat concerned about the current Supreme Court. As I see it, conservative activists have succeeded in moving our Court to the right of mainstream American thought.

In just the last 2 years, this has been abundantly clear. The Justices have disregarded precedent at an alarming rate, and they have rewritten the law in ways that make clear that they are not just "calling balls and strikes."

In 2007, the Court held that a school district cannot consider race when it assigns students to schools—even to ensure any amount of racial diversity. This is *Parents Involved in Community Schools v. Seattle School District*, 551 U.S. 701, 2007.

It held that women who were paid less than men had to sue within 180 days—even when they had no way of knowing they were paid less, or they lost their right to back pay. This is *Lily Ledbetter v. Goodyear Tire & Rubber Co. Inc.*, 550 U.S. 618, 2007. The occupant of the chair is new to the Senate. One of the first things we did was pass the Lily Ledbetter law to overcome that Supreme Court decision.

The Court held for the first time since 1911 that manufacturers could fix minimum prices for their products. This is *Leegin Creative Leather Products Inc. v. PSKS, Inc.*, 551 U.S. 877, 2007.

It held that the Endangered Species Act did not apply to certain Federal actions—even though the Court, in 1978, said the Act had "no exception." This is *National Association of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 2007.

And it held that Congress could pass a law restricting access to OB/GYN services for women without including an exception for when a woman's health is at risk. This is *Gonzales v. Carhart*, 550 U.S. 124, 2007.

That last decision was not only dangerous to a woman's health, it is also contrary to the Court's opinions in *Roe*, in 1973; in *Ashcroft*, in 1983; in *Casey* and *Thornburgh*, both in 1992; in *Carhart I* in 2000; and in *Ayotte*, in 2006. So this Court of conservative activists cast aside precedent and "super-precedent" to do essentially what they believe—not to follow the precedent, which was simply thrust aside.

The Supreme Court's shift to the right and discarding of precedent is not just an ivory tower issue either. These decisions have real-life impact.

Last week, *USA Today* reported that older white men, 55 years or older, are losing jobs at the highest rate since the Great Depression. This is *Dennis Cauchon*. In this Recession, Older

White Males See Jobs Fade, *USA Today*, July 30, 2009.

This is troubling. We have a law—the Age Discrimination in Employment Act—that is supposed to protect workers from being laid off because of their age. But 2 months ago, the Supreme Court changed the burden of proof under that law, making it harder for older workers to get protection when they are fired, demoted, or not given a job because of their age. This is *Jack Gross v. FBL Financial Services, Inc.*, 129 S. Ct. 2343, 2009.

Let me be clear, in my view, after 16 years on this committee: The Justices on the Supreme Court are not umpires; they do not just call balls and strikes. And they are not computers. It matters who sits on our Supreme Court, and it matters whether they will respect precedent and follow the law.

Judge Sotomayor is a nominee with a 17-year record of following the law. She has faithfully applied the law to the facts in case after case.

We have a research service called the Congressional Research Service. It is a neutral, respected adjunct to what we do in the Senate and the House. It carries out significant research. They took a look at her record, examined it, and this is what they said:

Her decisions do not fall along any ideological spectrum. The most consistent characteristic of her approach as an appellate judge has been an adherence to the doctrine of stare decisis—the upholding of past judicial precedents.

When her record is objectively researched by the number one objective research service we have, she has been found to abide by court precedent. They have essentially said she is not an activist, she follows legal precedent. When her confirmation hearing ended, even one Senator who is now voting against Judge Sotomayor said this:

I actually agree that your judicial record strikes me as pretty much in the mainstream of judicial decisionmaking.

This is Senator JOHN CORNYN, Confirmation Hearings for Judge Sonia Sotomayor, July 16, 2009.

Judge Sotomayor's mainstream record, her respect for precedent, and her commitment to the law have earned her the support of groups that cut across party lines.

She has been endorsed by law enforcement groups, such as the International Association of Chiefs of Police; civil rights groups, such as the Leadership Conference for Civil Rights; business groups, such as the U.S. Chamber of Commerce—yes, they have endorsed her; former officials from both parties, including conservative lawyer Kenneth Starr; and legal groups, such as the American Bar Association.

This is a nominee with a solid record, with more Federal judicial experience than any nominee in a century, and with widespread support.

There are those who oppose her because of a line from a speech she made—one line in 29½ years of legal experience.

Second, there are those who oppose her because of one case. It is the *Ricci* case—the New Haven case involving firefighters. But Judge Sotomayor was squarely in the mainstream in that case. She followed established precedent. That is what the district court said in an almost 50-page opinion. This is *Ricci v. DeStefano*, 2006 U.S. Dist. LEXIS 73277, 2006, unpublished opinion. Her Second Circuit panel unanimously agreed. This is *Ricci v. DeStefano*, 530 F.3d 87, 2007.

At about the same time, in the U.S. District Court in Tennessee, a judge held that in a nearly identical situation, the Memphis Police Department could replace a promotional exam that it feared was discriminatory.

Last year, a three-judge circuit court panel on the Sixth Circuit—including one judge appointed by President George W. Bush—agreed. This is *Oakley v. City of Memphis*, No. 07-6274, 6th Cir. 2008, unpublished opinion. So there was agreement on the courts.

It is true that five Justices, in a 5-to-4 opinion on the Supreme Court, disagreed, and their decision is now the law of the land. This is *Ricci v. DeStefano*, 129 S. Ct. 2658, 2009. I was a mayor for 9 years of a difficult city going through a number of affirmative action cases. I can tell you that this ruling has placed cities in what Justice Souter called a "damned if you do, damned if you don't situation."

I agree with that. If a city has to prove that it would lose in court before replacing a civil service exam it believes is discriminatory, this jeopardizes virtually any exam they might choose.

Finally, and most important, there is the third point of opposition, and that is the National Rifle Association. The NRA actively opposes Judge Sotomayor. They say they are scoring her confirmation vote. They will tell their members that any Senator who votes to confirm Judge Sotomayor has voted against the NRA's priorities. So let's look at that for a minute.

The NRA says Judge Sotomayor erred in the case of *United States v. Sanchez-Villar*, a 2004 case. In this case, an illegal immigrant named Jose Sanchez-Villar was caught dealing crack cocaine and carrying a gun in New York City. This is *United States v. Sanchez-Villar*, 99 Fed. Appx. 256, 2004.

Those are the facts of the case. A jury convicted. On appeal, the defendant argued, among other things, that to prohibit him from carrying a gun in New York City violated the second amendment.

Judge Sotomayor and her colleagues unanimously rejected his argument and upheld the conviction. The NRA is apparently upset that Judge

Sotomayor and her colleagues did not agree with Mr. Sanchez-Villar's second amendment argument.

But in 2004, when this case was decided, the law had been clear for 65 years. The Supreme Court had said in 1939 that the second amendment only related to militia service and judges all across our country had followed that decision for decades. This is *United States v. Miller*, 307 U.S. 174, 1939.

Would the NRA have preferred that Judge Sotomayor rule against 65 years of settled law and hold that an undocumented drug dealer had a constitutional right to carry a gun in New York City? Do you want that, Mr. President? Do I want that in my State? The answer is absolutely no.

The NRA also says Senators should oppose Judge Sotomayor's nomination because of another case, *Maloney v. Cuomo*. This is *Maloney v. Cuomo*, 554 F.3d 56, 2009. There, Judge Sotomayor and her colleagues unanimously upheld a New York law banning a particular Japanese martial arts weapon called nunchakus.

The unanimous decision said the second amendment limits only the Federal Government, not the States. Why would Judge Sotomayor and her colleagues say that? Because it was binding Supreme Court law. Look at the decisions:

In 1876, the Supreme Court held that the second amendment only applies to the Federal Government. That was *United States v. Cruikshank*, 92 U.S. 542 1876. It said it again in 1886, in *Presser v. Illinois*, 116 U.S. 252, 1886, and again, in 1894, in *Miller v. Texas*, 153 U.S. 535, 1894.

The Fourth Circuit followed that law and said in 1995 that the second amendment only applies to the Federal Government. That case was *Love v. Pepersack*, 47 F.3d 522, 1995. The Sixth Circuit agreed in 1998, in *People's Rights Organization v. City of Columbus*, 152 F.3d 522, 1998. Judge Sotomayor's own court, the Second Circuit, agreed in 2005, in *Bach v. Pataki*, 408 F.3d 75, 2005.

Then last year, Justice Scalia wrote in footnote 23 of the famous *Heller* opinion:

[Our] decisions in *Presser v. Illinois* and *Miller v. Texas* reaffirmed that the Second Amendment only applies to the Federal Government.

That case was *District of Columbia v. Heller*, 128 S.Ct. 2783, 2008. Justice Scalia is not exactly a liberal Supreme Court Justice, and that is his view:

Presser v. Illinois and *Miller v. Texas* reaffirm that the second amendment only applies to the Federal Government.

Finally, just 2 months ago, three Republican appointees on the Seventh Circuit agreed that the second amendment only applies to the Federal Government. They said anyone who doubts this need only read Justice Scalia's opinion. And that case was the Na-

tional Rifle Association v. City of Chicago, 567 F.3d 856, 2009.

So once again Judge Sotomayor's decision was squarely in agreement with court after court after court.

Some of my colleagues have said that the Ninth Circuit disagreed. It is true that three of its judges did. But last week, the full Ninth Circuit voted to review these three judges' decision and to rehear it as a full court en banc. And that case is *Nordyke v. King*, No. 07-15763, En Banc Order, Ninth Circuit, July 29, 2009.

The NRA tried its case before the Seventh Circuit and lost. They lost in front of three Republican-appointed judges.

Let me summarize. Judge Sonia Sotomayor has 29½ years of relevant legal experience. She has a 17-year record of following the law. She has experience, temperament, and knowledge. She will be, in my view, a fine Supreme Court Justice.

Supreme Court Justices do not merely call balls and strikes; they make decisions that determine whether acts of Congress will stand or fall. They decide how far the law will go to protect the safety and rights of all of us. They have the power to limit or expand civil rights protections. They have great leeway to interpret the laws protecting or limiting a woman's right to choose. And they can expand or limit child pornography laws and campaign finance laws and so many more.

I believe Judge Sotomayor is an exceptional person who brings a rich background as a prosecutor, a business lawyer, a trial judge, and appellate court judge. And her 17-year record of judicial temperance shows she will faithfully apply the law. I cannot tell you how proud I will be to vote to confirm her as an Associate Justice on the Supreme Court. I sincerely hope that a dominant majority of my colleagues will do the same.

I yield the floor.

THE PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from New Jersey.

MR. MENENDEZ. Mr. President, I rise in proud support of the confirmation of Judge Sonia Sotomayor. We are not only about to cast a vote this week that will make history, but we are about to stand witness in some small way to the coming age of America.

The great Founders of this democracy built a nation on an idea and an ideal. They devised the unique experiment in a new form of government built on tolerance, equal rights, justice, and a constitution that protected us from the mighty sword of tyranny. They forged a community from shared values, common principles, yet preserved the freedom of every citizen to pursue happiness and reach for the stars no matter their position, no matter their circumstance at birth.

It was a revolutionary notion that in America one is not bound by his or her

social or economic status; that if we work hard, reach further, aim higher, everything—anything—is possible.

Unlike other nations united by common history, common language, and common culture, America prides itself on its motto: *E pluribus unum*—out of many, one. In our blind rush to one side of the political spectrum or the other, we too often forget those words. We too often forget that we are united in our differences in a vast melting pot forged from common values and an ideal of freedom that is the envy of the world.

Today, as we prepare to confirm Judge Sotomayor, the full realization of that ideal is closer than it has ever been. I know it, I feel it, for I have lived it. I stand here, someone who himself came from humble beginnings, raised in a tenement building in a neighborhood in Union City, NJ, a son of immigrants, first in my family to go to college, and now in a nation of 300 million people, 1 of 100 Members of the U.S. Senate.

I never dreamed growing up that one day I would have the distinct honor to come to the floor of the Senate to rise in favor of the confirmation of an eminently qualified Hispanic woman who grew up in the Bronx across the river from the old tenement I lived at in Union City. I never dreamed that as a U.S. Senator of Hispanic heritage, I would have the privilege of standing in the well of this Chamber to cast a historic vote for the first Hispanic woman on the highest Court in the land. So for me personally, my vote for Judge Sonia Sotomayor will be a proud moment, one I will always remember as a highlight of my time in the Senate.

When Judge Sotomayor takes her seat on the U.S. Supreme Court, America will have come of age. We will need only to look at the portrait of the Justices of the new Supreme Court to see how far we have come as a nation, who we really are as a people, what we stand for, and what our Founders intended us to be. It will be a striking portrait—one of strength, diversity, spirit, and wisdom, the portrait of a nation united by common concerns, yet still too often divided by deeply held individual beliefs.

There are those in this Chamber who, because of those deeply held beliefs, will vote for Judge Sotomayor and those who will not, each for their own reasons, each in part because of who they are, where they grew up, how their perspective has been uniquely shaped by their individual circumstances and experiences. Their vote will be based on their own logic, their own reasoning, how they interpret the facts and the testimony before them. Each of us will analyze and debate those facts from our own perspective. We will hold to our own intellectual positions. We will disagree. Some will find fault with Judge Sotomayor's

choice of words. Some will interpret her statements and rulings differently than she may have clearly intended. Some will question her temperament, her judgment, the details of her decisions. But in this debate and, ultimately, in the final analysis, none of us can deny the role our experience will play in our decision. None of us can deny our backgrounds, our upbringing, the seminal events that shaped our life. We cannot deny who we are. All we can ask of ourselves—of any of us—is that wisdom, intelligence, reason, and logic will always prevail in the decisions we make.

Those who would say a U.S. Senator or a Justice of the U.S. Supreme Court does not carry something with them from their experience are simply out of touch with reality. But let us remember that who we are is not a measure of how we judge; it is merely the prism through which we analyze the facts. The real test is how we think and what we do.

Let's be clear. Given the facts, given the evidence before us, Sonia Sotomayor is one of the most qualified and exceptionally experienced nominees to come before the Senate. I am proud to stand in favor of her confirmation, not because of where she came from, not because we share a proud ethnicity, but because of Judge Sotomayor's experience and vast knowledge of the law. I am proud to stand in favor of her nomination not because she is a Hispanic woman but because of her commitment to the rule of law and her respect for the Constitution; not because of the depth of her theoretical knowledge and respect for precedent but because of her practical experience fighting crime; not because of one statement she may have made years ago outside the courtroom but because of a career-long, proven record of dedication to equal justice under law. Nothing—I repeat nothing—should be more important to any nominee than a dedication to those simple words chiseled above the entrance to the Supreme Court: "Equal Justice Under Law."

These are the reasons I am proud to stand in support of her confirmation, and these are the reasons I believe Judge Sotomayor should be unanimously confirmed by the Senate. But I know that will not be the case. I know there will be few on the other side of the aisle who will cast their vote in support of her. I know some of my colleagues have suggested that Judge Sotomayor may not have the judicial temperament necessary to serve on the Supreme Court. To those Senators who get up and say that, I say watch the hearings again. Watch them closely. Listen to what was asked, watch her responses, take note of the depth, the dignity, and clarity of her answers. Be aware of the deference she showed every Senator on the committee, her

tone, the tenor of her responses, her rebuttals, and then tell me she does not have the proper judicial temperament.

I think most Americans who watched her, who listened to her, would respectfully disagree. Most Americans do not care about one specific statement out of hundreds of statements. They care about the person. They care about the experience. They care about honor and decency and dignity and fairness. They care about who she is and what she has accomplished in her long judicial career. Put simply, they care about the record, and the record is clear. It shows she has a deep and abiding respect for the Constitution. It shows that the leaders of prominent legal and law enforcement organizations who know her best, those who have actually seen her work, say she is an exemplary, fair, and highly qualified judge. It shows a crime fighter who as a prosecutor put the "Tarzan murderer" behind bars. It shows a judge who has upheld the convictions of drug dealers, sexual predators, and other violent criminals. And it highlights a deep and abiding respect for the liberties and protections granted by the Constitution, including the first amendment rights of those with whom she strongly disagrees.

Judge Sotomayor's credentials are impeccable. Set aside for a moment the fact that she graduated at the top of her class at Princeton. Set aside her tenure as editor of the Yale Law Review, her work for Robert Morgenthau in the Manhattan District Attorney's Office, her successful prosecution of child abusers, murderers, and white-collar criminals. Set aside her courtroom experience and practical hands-on knowledge of all sides of the legal system. Even set aside her appointment by George H.W. Bush to the U.S. District Court in New York and her appointment by Bill Clinton to the U.S. Court of Appeals and the fact that she was confirmed by both a Democratic majority Senate and a Republican majority Senate, which alone tells this Senator, if she was qualified then, she must be qualified now. Set all that aside, and you are still left with someone who would bring more judicial experience to the Supreme Court than any Justice in the last 70 years, more Federal judicial experience than anyone nominated to the Court in the last century. Her record clearly shows that someone so experienced, so skilled, so committed, so focused on the details of the law can be an impartial arbiter who follows the law and still has a deep and profound understanding of the effect her decisions will have on the day-to-day lives of everyday people.

With all due respect to my colleagues who plan to vote against this nominee, what speaks volumes about Judge Sotomayor's temperament, what speaks volumes about her experience, what speaks volumes about her record

is that the worst—the very worst—her opponents can accuse her of is an accident of geography that gave her the unique ability to see the world from the street view, from the cheap seats. I know that view very well. I grew up in it. I can tell you that certainly it gives you a unique perspective on life. It engenders compassion. It engenders pathos. It focuses a clear lens on the lives of those whose struggles are more profound than ours, and whose problems run far deeper. Yes, I know that view well, and it remains with me today, and it will remain with me all of my life.

I daresay there may be no greater vantage point from which to view the world—to see the whole picture—than a tenement in Union City or a housing project in the Bronx. Thomas Jefferson, in his first inaugural address said:

I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground.

Judge Sonia Sotomayor surely commands a full, wide expansive view of the whole ground. It is a strength, not a weakness. It is who she is, not what she will do or how she will judge. It is the long view, and it gives her an edge where she may see what others cannot. And that is a gift that will benefit this Nation as a whole.

I ask my colleagues to take the long view and see what this nomination means in the course of this Nation's glorious history. For me, the ideal, the idea of America, the deep and abiding wisdom of our Founders, will have come of age when Judge Sonia Sotomayor raises her right hand, places her hand on the Bible, and takes the solemn oath of office. With it, the portrait of the Justices of the U.S. Supreme Court will more clearly reflect who we are as a nation, what we have become, and what we stand for as a fair, just, and hopeful people. Let that be our charge. Let that be our legacy. Let someone who is committed to the Constitution, to the rule of law, to precedent—and who has exhibited that over a lifetime of work—be our next Supreme Court Justice.

I am proud and honored to support the confirmation of Judge Sonia Sotomayor as the next Justice of the U.S. Supreme Court.

And finally, numerous civil rights, Latino, and law enforcement organizations join me in supporting Judge Sotomayor's nomination. I ask unanimous consent to have printed in the RECORD letters of support from the following organizations: Mexican American Legal Defense and Education Fund, the National Hispanic Leadership Agenda, the National Puerto Rican Coalition, the National Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, Federal Hispanic Law Enforcement Officers Association, the

United States Hispanic Chamber of Commerce, the Arizona Hispanic Chamber of Commerce, and the Fort Worth Hispanic Chamber of Commerce, to name a few.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND,

Los Angeles, CA, July 7, 2009.

Hon. PATRICK J. LEAHY,
*Chairman, Committee on the Judiciary, U.S.
Senate, Washington, DC.*

Hon. JEFF SESSIONS,
*Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), I write to express our support for the confirmation of Judge Sonia Sotomayor to the United States Supreme Court. Judge Sotomayor is an outstanding choice to replace retiring Justice David Souter. She has an impeccable record of accomplishment that is worthy of serving on the highest court in the nation. She possesses all of the credentials and experience that make her highly qualified to sit on the Supreme Court. Significantly, she is one of the most qualified candidates to be considered for Associate Justice in recent history.

The American Bar Association has unanimously rated Judge Sotomayor "well qualified" for the Court, its highest rating. She has broad and bipartisan support. She has been endorsed by eight national law enforcement groups. She has the support of Former President Herbert Walker Bush and former Supreme Court Justice Sandra Day O'Connor.

Judge Sotomayor has extensive experience as a trial attorney having worked in both the public and private sectors. She was an Assistant District Attorney in New York for five years where she tried dozens of criminal cases including murders, robberies, police misconduct, and fraud. Former New York District Attorney Robert Morgenthau described her as a "fearless and effective prosecutor." She was a corporate litigator in private practice for eight years as a partner at the law firm of Pavia & Harcourt where she handled cases in real estate, employment, banking, contracts, and intellectual property law.

She has served as a federal judge for 17 years. She was the youngest judge appointed to the federal bench in the Southern District of New York where she served for six years and heard over 450 cases. She has been on the U.S. Court of Appeals for the Second Circuit—one of the most demanding circuits in the country—for 11 years. As a federal appellate judge she has participated in over 3000 panel decisions and authored approximately 400 published decisions. She has handled complex legal and constitutional matters. Her decisions are faithful to both legal doctrines and factual details.

If confirmed, Judge Sotomayor would bring more federal judicial experience to the Supreme Court than any justice in 100 years and more overall judicial experience than anyone confirmed to the Court in the past 70 years. She also would be the only Justice with experience as a trial judge.

Judge Sotomayor's educational accomplishments demonstrate her strong work ethic and clarity of focus starting from a young age. She graduated summa cum laude from Princeton University and is a graduate

of Yale Law School where she was an Editor on the Law Review, a distinction reserved for only the top law students.

Judge Sotomayor has a demonstrated commitment to the community. She has been a lecturer at Columbia Law School and an adjunct professor at NYU Law School. She served on the board of the Development School for Youth whose mission is to develop work skills for inner city young people. She has served on the Boards of Directors of the New York Mortgage Agency, the New York City Campaign Finance Board and the Puerto Rican Legal Defense and Education Fund.

The Latino community shares in the pride of the nation at President Obama's nomination of this exceptional jurist. The diversity she will add to the Court is a strength that will enhance respect and dignity for the judicial system. MALDEF respectfully requests the opportunity to testify in support of Judge Sotomayor's confirmation.

Judge Sotomayor is an individual of exceptional talent, experience and commitment to justice. We urge her swift confirmation.

Very truly yours,

HENRY L. SOLANO,
Interim President & General Counsel.

JUNE 9, 2009.

Hon. PATRICK LEAHY,
*Chairman, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building,
Washington, DC.*

DEAR SENATOR LEAHY: The National Hispanic Leadership Agenda (NHLEA), comprised of thirty-one of the leading national and regional Hispanic civil rights and public policy organizations, representing a diverse Latino community and millions of members nationwide, would like to request a meeting regarding the nomination of Judge Sonia Sotomayor to become the next United States Supreme Court Justice. As community advocates with a vested interest in serving the public good, members of our coalition would like to meet with you and discuss Judge Sotomayor's nomination. NHLEA represents a vast array of constituencies that include veterans, academics, legal experts, labor activists, federal employees, elected officials, medical professionals and members of the media, among many other community leaders who unequivocally support the nomination of Judge Sotomayor based on the merits of her judicial record and overall experience.

The NHLEA mission and objectives call for providing a clearinghouse of information to the Hispanic community; providing a unified voice on relevant issues; and providing a much needed voice on legislative issues that have direct implications for our members nationwide. The composition of NHLEA includes groups with Mexican, Puerto Rican, Dominican, and Cuban leadership, as well as the membership of countless other Hispanic and Latin-American interests. The common issues of education, civil rights, immigration, economic empowerment, health, and government accountability transcend ethnic origin and racial identity, as evidenced by the breadth of these different groups. The Hispanic community is larger and more diverse than ever, numbering close to 50 million persons and making up over 16% of the combined population of the United States, Puerto Rico, and the United States territories.

We look forward to your response as we would like to schedule meetings for the week of June 15th–19th. Should you have any questions, please contact Alma Morales Riojas, Secretary/Treasurer of the National Hispanic Leadership Agenda and President and CEO of

MANA, A National Latina Organization or James Albino, Director, Hispanic Federation.

Sincerely,

DR. GABRIELA D. LEMUS,
*Chair, Board of Directors,
National Hispanic Leadership Agenda.*

NATIONAL PUERTO RICAN COALITION, INC.,
Washington, DC, July 13, 2009.

Hon. PATRICK J. LEAHY,
*Chairman, Committee on the Judiciary, U. S.
Senate, Russell Senate Office Building,
Washington, DC.*

Hon. JEFF SESSIONS,
*Ranking Member, Committee on the Judiciary,
U.S. Senate, Russell Senate Office Building,
Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: On behalf of the National Puerto Rican Coalition Inc. (NPRC), representing the interests of over 8 million U.S. citizens in the states and Puerto Rico, I would like to express our full and enthusiastic support for the confirmation of the Honorable Judge Sonia Sotomayor to the United States Supreme Court. Her personal and professional experiences make her uniquely sensitive and qualified to address the concerns of all Americans in our nation's highest court.

Judge Sotomayor's personal story of growing up as a daughter of Puerto Rican parents in a Bronx housing project, and eventually going on to study in Princeton and Yale, is an authentic reflection of the power for motivated and talented people in our society to overcome hardship and achieve success. This experience allows her a profound sensitivity to the challenging conditions of life which are the reality for a significant portion of the U.S. population and will provide her with a unique perspective on how to justly and equally apply our nation's laws.

In her professional life Judge Sotomayor's legal career has included not only criminal prosecution and commercial litigation, but also academia and appointment to the federal bench. For the past ten years, her intellect, integrity, and consensus-building have made her a highly respected jurist on the Second Circuit. This followed a distinguished career as a federal trial judge, during which Judge Sotomayor's pragmatism and resolve brought the national baseball strike to an end that satisfied all parties. She then taught for over nine years at the New York University School of Law and at Columbia Law School and has been a mentor to hundreds of attorneys and students as well as a member of the Puerto Rican and the Hispanic National Bar Associations. This wealth of experience has impressed upon her both the law's potential, as well as its limits. Since her nomination was announced she has received endorsements and praise from across the country.

As the Senate holds confirmation hearings, NPRC will be watching carefully to ensure that the Senate treats Judge Sotomayor fairly. Our organization firmly believes that Judge Sotomayor is the best choice for our country's next Supreme Court Justice. Therefore, NPRC will include her confirmation vote as part of our NPRC Community Accountability Rating. I hope and trust that you and your colleagues will enthusiastically support her nomination.

Sincerely,

RAFAEL FANTAUZZI,
President & CEO.

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, June 9, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S.
Senate, Washington, DC.

Hon. JEFFERSON B. SESSIONS III,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR SESSIONS: I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for the nomination of Judge Sonia M. Sotomayor to join the Supreme Court of the United States.

Following her graduation from Yale Law School, Judge Sotomayor joined the District Attorney's office in Manhattan, where she tried dozens of cases during her tenure, including winning a conviction of the "Tarzan murderer". She worked closely with rank-and-file law enforcement officers during her time as a prosecutor, and, as described by the legendary Manhattan District Attorney Robert Morgenthau as a "fearless and effective prosecutor."

After spending some time in private practice, Judge Sotomayor returned to public service and was nominated by President George H. W. Bush for a seat on the U.S. District Court for the Southern District of New York. The Committee on the Judiciary unanimously approved her nomination, and she was confirmed in the Senate by unanimous consent. Upon confirmation, Judge Sotomayor became the youngest sitting judge in the Southern District of New York.

Her first high profile case involved a labor issue—*Silverman v. Major League Baseball Player Relations Committee, Inc.* By issuing an injunction preventing the owners from imposing a new collective bargaining agreement, it can be argued that Judge Sotomayor helped save baseball, and certainly baseball fans, from a long, drawn out labor dispute.

In 1998, she was named to the U.S. Court of Appeals for the Second Circuit, one of the most demanding circuits in the country, by President William J. Clinton. As an appellate judge, she has participated in over 3000 panel decisions and authored roughly 400 opinions, handling difficult issues of constitutional law, complex procedural matters, and lawsuits involving complicated business organizations. Over the course of her career, she has demonstrated herself to be a sharp and fact-driven jurist, analyzing each case on its merits and weighing the facts before rendering any decision.

While her ruling in *Ricci v. Destefano* has been getting most of the media attention, we would like to bring another case to your attention, *Pappas v. The City of New York*, et al. New York City Police Officer Thomas Pappas was fired for distributing through the U.S. mail racially offensive material from his home. While the Second Circuit upheld the termination of Officer Pappas, Judge Sotomayor dissented noting that his First Amendment rights took precedence because he did not occupy a high-level supervisory, confidential or policymaking role within the department.

In other cases which came before her, both civil and criminal, Judge Sotomayor has often sided with law enforcement officers acting in good faith by upholding convictions on appeal. It is clear that she weighs the facts in evidence and makes her rulings based on the merits of the case. She is a model jurist—tough, fair-minded, and mindful of the constitutionally protections afforded to all U.S. citizens.

I believe that the President has made an excellent choice in naming Judge Sonia S.

Sotomayor to the Supreme Court of the United States and, on behalf of the more than 327,000 members of the Fraternal Order of Police, I am proud to endorse her nomination. If I can be of any additional support on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington, D.C. office.

Sincerely,

CHUCK CANTERBURY,
National President.

NATIONAL ORGANIZATION OF
BLACK LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, June 8, 2009.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATORS LEAHY AND SESSIONS: The National Organization of Black Law Enforcement Executives (NOBLE), an organization of approximately 3,000 primarily African American law enforcement CEOs and command level officials writes to express its support for President Barack Obama's nomination of U.S. District Court Judge Sonia Sotomayor as Associate Justice of the U.S. Supreme Court.

It is critically important to NOBLE, that a Supreme Court justice exercises the ability to interpret the Constitution in a manner that respects the fundamental rights of all people, and that is fair. Judge Sotomayor has credible service; her transition from local prosecutor, to U.S. District Court judge, to U.S. Appeals Court jurist has afforded her the opportunity to experience the breadth of criminal, civil and administrative law issues. The critical issues involving the dialectical contradictions of inequities and fairness across the spectrum of employment, education, housing, the status of juvenile offenders and the enforcement of law are of deep concern to us and are issues that we believe she will be sensitive to.

Furthermore, as the cases before the Court become more challenging, and with science and technology related issues advancing at such a rapid pace, we believe that Judge Sotomayor is imminently qualified to look at our 200-year-old Constitution in a manner that is relevant to today's world. It is interesting to note a recent White House Press Office statistic, "If confirmed, Sotomayor would bring more federal judicial experience to the Supreme Court than any justice in 100 years, and more overall judicial experience than anyone confirmed for the Court in the past 70 years".

Law enforcement is a profession that is constantly evolving and we believe that there is a seat among the top of that criminal justice system for this great American. We trust that the Senate will look at her character and act quickly on her confirmation.

Respectfully,

JOSEPH A. McMILLAN,
National President.

FEDERAL HISPANIC LAW ENFORCEMENT OFFICERS ASSOCIATION,
Tampa, FL, July 16, 2009.

Hon. PATRICK LEAHY,
Chairman,

Hon. JEFF SESSIONS,
Ranking Member,
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND SESSIONS, The Federal Hispanic Law Enforcement Officers

Association (FHLEOA) is pleased to join the myriad of other law enforcement groups and associations throughout our nation in support of the president's nomination of Judge Sonia Sotomayor to serve as associate justice of the United States Supreme Court.

Judge Sotomayor's personal story, educational achievements, prosecutorial history, and overall common sense approach and commitment to the law and law enforcement are indeed impressive. But more impressive is the fact that if confirmed, she will bring more federal judicial experience to our highest court than any justice in the last hundred years.

Her record as a public servant is simply outstanding, and her court rulings are indicative of a clear understanding of the law. We believe our nation will be well served with Judge Sotomayor as an Associate Justice of the Supreme Court.

FHLEOA is proud to endorse the nomination of Judge Sotomayor to the U.S. Supreme Court and we look forward to her quick confirmation by the Senate.

Respectfully,

SANDALIO GONZALEZ,
National President.

UNITED STATES HISPANIC
CHAMBER OF COMMERCE,
Washington, DC, June 23, 2009.

Hon. PATRICK LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: On behalf of the United States Hispanic Chamber of Commerce (USHCC)—the national representative for almost 3 million Hispanic-owned businesses—and the undersigned organizations, we write to express our support for the confirmation of Judge Sonia Sotomayor as Associate Justice of the Supreme Court of the United States. In her seventeen years of service to date as a federal trial and appellate judge, and throughout the course of her entire career, Judge Sotomayor has strongly distinguished herself through her outstanding intellectual credentials and her deep respect for the rule of law, establishing herself beyond question as fully qualified and ready to serve on the U.S. Supreme Court.

Judge Sotomayor will be an impartial, thoughtful, and highly-respected addition to the Court. Her unique personal background is compelling, and will be both a tremendous asset while serving on the Court and a historic inspiration to others. Her legal career further demonstrates her qualifications to serve in this position. After graduating from Yale Law School, where she served as an editor for the *Yale Law Journal*, Judge Sotomayor spent five years as a criminal prosecutor in Manhattan. She then spent eight years as a corporate litigator with the firm of Pavia and Harcourt, where she gained expertise in a wide range of civil law areas such as contracts and intellectual property. In 1992, on the bipartisan recommendation of her home-state Senators, President George H.W. Bush appointed her District Judge for the Southern District of New York. In recognition of her outstanding record as a trial judge, President Bill Clinton elevated her to the U.S. Court of Appeals in 1998.

During her long tenure on the federal judiciary, Judge Sotomayor has participated in thousands of cases, and has authored approximately 400 opinions at the appellate level. She has demonstrated a thorough understanding of a wide range of highly complicated legal issues, and has a strong reputation for deciding cases based upon the

careful application of the facts to the law. Her record and her inspiring personal story indicate that she understands the judiciary's role in protecting the rights of all Americans, in ensuring equal justice, and respecting our Constitutional values—all within the confines of the law. Moreover, her well-reasoned and pragmatic approach to cases will allow litigants to feel, regardless of the outcome, that they were given a fair day in court.

Given her stellar record and her reputation for fairness, Judge Sotomayor has garnered broad support across partisan and ideological lines, earning glowing praise from colleagues who know her best in the judiciary, law enforcement community, academia, and the legal profession. Her Second Circuit colleague (and also her former law professor) Judge Guido Calabresi describes her as "a marvelous, powerful, profoundly decent person. Very popular on the court because she listens, convinces and can be convinced—always by good legal argument. She's changed my mind, not an insignificant number of times." Judge Calabresi also discredited concerns about Judge Sotomayor's bench manner, explaining that he compared "the substance and tone of her questions with those of his male colleagues and his own questions. And I must say I found no difference at all." Judge Sotomayor's colleague Judge Roger Miner, speaking of her ideology, argued that "I don't think I'd go as far as to classify her in one camp or another. I think she just deserves the classification of outstanding judge." And New York District Attorney Robert Morgenthau, her first employer out of law school, hailed her for possessing "the wisdom, intelligence, collegiality, and good character needed to fill the position for which she has been nominated."

We urge you not to be swayed by the efforts of a small number of ideological extremists to tarnish Judge Sotomayor's outstanding reputation as a jurist. These efforts have included blatant mischaracterizations of a handful of her rulings, as well as efforts to smear her as a racist based largely on one line in a speech that critics have taken out of context from the rest of her remarks. The simple fact is that after serving seventeen years on the federal judiciary to date, she has not exhibited any credible evidence whatsoever of having an ideological agenda, and certainly not a racist one. We hope that your committee will strongly reject the efforts at character assassination that have taken place since her nomination.

In short, Judge Sotomayor has an incredibly compelling personal story and a deep respect for the Constitution and the rule of law. Her long and rich experiences as a prosecutor, litigator, and judge match or even exceed those of any of the Justices currently sitting on the Court. Furthermore, she is fair-minded and ethical, and delivers thoughtful rulings in cases based upon their merits. For these reasons, the undersigned organizations strongly urge you to swiftly confirm Judge Sotomayor to the Supreme Court.

Sincerely,

USHCC

ARIZONA HISPANIC
CHAMBER OF COMMERCE,

June 29, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: As the new President and CEO

of the Arizona Hispanic Chamber of Commerce, I write to express our organization's support for the confirmation of Judge Sonia Sotomayor as Associate Justice of the Supreme Court of the United States. In her seventeen years of service to date as a federal trial and appellate judge, and throughout the course of her entire career, Judge Sotomayor has strongly distinguished herself through her outstanding intellectual credentials and her deep respect for the rule of law, establishing herself beyond question as fully qualified and ready to serve on the Supreme Court.

Judge Sotomayor will be an impartial, thoughtful, and highly-respected addition to the Supreme Court. Her unique personal background is compelling, and will be both a tremendous asset to her on the Court and a historic inspiration to others. Her legal career further demonstrates her qualifications to serve on our nation's highest court.

During her long tenure on the federal judiciary, Judge Sotomayor has participated in thousands of cases, and has authored approximately 400 opinions at the appellate level. She has demonstrated a thorough understanding of a wide range of highly complicated legal issues, and has a strong reputation for deciding cases based upon the careful application of the facts of cases to the law.

Judge Sotomayor has garnered broad support across partisan and ideological lines, earning glowing praise from colleagues in the judiciary, law enforcement community, academia, and legal profession who know her best.

I urge you not to be swayed by the efforts of a small number of detractors who only wish to tarnish Judge Sotomayor's outstanding reputation as a jurist. These efforts have included blatant mischaracterizations of a handful of her rulings, as well as efforts to smear her as a racist based largely on one line in a speech that critics have taken out of context from the rest of her remarks. We hope that your committee will strongly reject the efforts at character assassination that have taken place since her nomination.

In short, Judge Sotomayor has an incredibly compelling personal story and a deep respect for the Constitution and the rule of law. Her long and rich experiences as a prosecutor, litigator and judge match or even exceed those of any of the Justices currently sitting on the Court. Furthermore, she is fair-minded and ethical, and delivers thoughtful rulings in cases based upon their merits. For these reasons, I strongly urge you to vote to confirm Judge Sotomayor.

Respectfully,

ARMANDO A. CONTRERAS,
President and CEO,
Arizona Hispanic Chamber of Commerce.

FORT WORTH HISPANIC
CHAMBER OF COMMERCE,
17 July 2009.

Hon. PATRICK J. LEAHY,
Senator of the United States of America, Chair-
man, Committee on the Judiciary, U.S. Sen-
ate, Washington, DC.

Subject: Judge Sonia Sotomayor confirmation recommendation.

DEAR SENATOR LEAHY: The Fort Worth Hispanic Chamber of Commerce's Board of Directors and membership are writing on behalf of Judge Sonia Sotomayor's confirmation as the next United States Supreme Court Justice. We recommend your committee's most favorable and highest recommendation possible to the Senate in favor of her confirmation.

The Fort Worth Hispanic Chamber of Commerce, including experienced federal and state court attorneys, have reviewed Judge Sotomayor's education, experience and her opinions as a jurist; it is our consensus she is eminently qualified, talented and possesses the desire to be an excellent Supreme Court justice. It is clear from an early age she has been driven to excel; a 1976 Princeton University summa cum laude graduate and a graduate of the Yale University School of Law. While at Yale Law School, she was selected to serve as an editor of the Yale Law Journal. Her legal experience includes serving as a New York County Assistant District Attorney, and partner with the law firm of Pavia & Harcourt focusing on intellectual property, international litigation and complex export trading cases. Judge Sotomayor has distinguished herself as a U.S. District Court Judge for the Southern District of New York and now as judge with the United States Court of Appeals for the Second Circuit.

Her proven record on a variety of topics, issues and legal reasoning make her an excellent nomination. It is our firm belief Judge Sotomayor will apply and interpret the legal precedents under the law and will uphold the law with equal justice. We highly endorse Judge Sotomayor's confirmation and urge your vote of approval at your earliest convenience.

Sincerely,

ROSA NAVEJAR,
President/CEO.

Mr. MENENDEZ. Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am honored to join my distinguished colleague from New Jersey here today on the Senate floor to speak in support of the confirmation of Judge Sonia Sotomayor as the next Associate Justice of the U.S. Supreme Court.

I had the privilege to sit on the Judiciary Committee for her confirmation hearing, and I join all of my committee colleagues on both sides of the aisle who have complimented Chairman LEAHY for a very well-run hearing. I was proud to vote for Judge Sotomayor in the Judiciary Committee, and I will be proud to vote for her confirmation here on the Senate floor.

Judge Sotomayor's remarkable education and professional qualifications, her commitment to public service, her uncontroversial 17-year record on the Federal bench—longer than any nominee in 100 years—her responsiveness and patient judicial temperament at the hearing, all confirm to me her pledge that she will respect the role of Congress as representatives of the American people; that she will decide cases based on the law and the facts before her; that she will not prejudge any case but listen to every party that comes before her; and that she will respect precedent and limit herself to the issues that the Court must decide; in short, that she will use the broad discretion of a Supreme Court Justice wisely.

I applaud those of my colleagues who have acknowledged that Judge

Sotomayor falls well within the mainstream of the American legal profession. At the same time, it is disappointing that so few Republican colleagues have been willing to recognize her clear qualifications for our highest Court. The nearly unanimous party-line opposition offered by Republicans in committee and here on the floor raises serious concerns whether some of my colleagues would ever be willing to vote for anyone outside of the Federalist Society. To my Republican colleagues in opposition, I ask: What Democratic nominee would you vote for, if not Judge Sotomayor, with her vast experience, her commitment to the rule of law, proven indisputably over 17 years, her remarkable credentials, and her extraordinary moving American life story?

Unfortunately, Judge Sotomayor seems to be walking proof that conservative political orthodoxy is now their confirmation test, masked as concerns about judicial activism. Many of my Republican colleagues unfairly ignore her long record to base criticisms on strained interpretations of a few routine and appropriate circuit court opinions and a few remarks taken out of context. Those criticisms feel, quite frankly, like the criticisms of someone who is determined to find fault with a nominee.

Take, for example, the New Haven firefighters case. The *per curiam* opinion in *Ricci* was based on controlling second circuit and Supreme Court precedent. The sixth circuit took the same approach in a similar case arising in Memphis. The role of a circuit court is to follow existing precedence of the Supreme Court and the circuit court. That is what the *Ricci per curiam* did. The Supreme Court may have reversed, but it did so 5 to 4 on the basis of an entirely new test it created. It is absurd to call Judge Sotomayor an activist for following existing precedent. If you want a judicially conservative opinion, the *Ricci per curiam* is just that.

The decision in *Maloney* was also properly conservative in a judicial sense. It approaches with caution a newly minted and narrowly enacted constitutional right whose extension to the States would upset generations of practice and experience by sovereign States regulating guns within their borders. A seventh circuit panel, with two very prominent conservative judges on it, correctly did exactly the same thing. A ninth circuit panel reached a different conclusion, and then that decision was vacated by the circuit to reconsider that case *en banc*.

Rather than engaging in a serious inquiry of Judge Sotomayor's fitness for the Supreme Court, many of my colleagues have made this nomination into a referendum on whether the newly minted right to bear arms should be incorporated against the

States for the first time in our Nation's history. This is doubly unfair. First, Judge Sotomayor could not answer questions at her hearing that would suggest how she would rule in later cases. That is inappropriate. Second, it is inappropriate to try to force on a judge a particular political view as the price of admission to her judicial office.

Criticisms of a few stray lines in Judge Sotomayor's various speeches are equally perplexing. Judge Sotomayor's long and noncontroversial 17-year judicial record should allay any concerns about those remarks, but so should the context of those speeches themselves. The "wise Latina" comment we have heard so much about came in a speech that argued how important it is for judges to guard against bias and to be aware of their own prejudices. Is it not better and truer to admit that we all have prejudices we must manage than to pretend that White males form some sort of ideal cultural baseline that has no biases?

Senator SPECTER said it well at the committee vote. "There is nothing wrong with a little ethnic pride and a desire to encourage her law student audience." Maybe we should try to put ourselves in their shoes. Perhaps, with a little empathy ourselves, it might be easier to understand how a profession and a judiciary dominated by White males might look to those young law students, and how important a little encouragement to them might be that their experiences might give them something valuable to contribute; that they are not the exception; that they are welcome and fully a part of our society, and that they bring something valuable not only to the profession but, one day, perhaps, even to the judiciary.

In sum, my Republican colleagues' criticisms of Judge Sotomayor appear to be grounded in conservative political ideology rather than legitimate concern that Judge Sotomayor is not fit to serve on the Supreme Court, grounded in a desire for more of the rightwing Justices who in recent years have filled out a conservative wing on the Supreme Court. That wing has marched the Court deliberately to the right in the last few years, completely discrediting the Republican claim that judges are mere "umpires."

Jeffrey Toobin is a well-respected legal commentator, particularly focusing on the Supreme Court. He has recently reported:

In every major case since he became the Nation's 17th Chief Justice, Roberts has sided with the prosecution over the defendant, the State over the condemned, the executive branch over the legislative, and the corporate defendant over the individual plaintiff. And is it a coincidence that this pattern has served the interests and reflected the values of the contemporary Republican Party?

Some coincidence. Some umpire.

The phrase "liberal judicial activism" is now conservative speak for any outcome the far right dislikes. They did not use it when the conservative block of the Court announced, by the barest of a 5-to-4 margin, an individual right to bear arms that had gone unnoticed by the Supreme Court for the first 220 years of its history. If that is not an activist decision, the term has no meaning. It is just activism that conforms with a deliberate Republican strategy of many years duration to pack onto America's courts proven conservative judges who will deliver the political goods they seek.

Setting aside all this politics, we should also never forget, never overlook the historic role that judges play in protecting the less powerful among us. We should always appreciate how a real-world understanding of the real-life impact of judicial decisions is a proper and necessary part of the process of judging.

Judge Sotomayor's wide experience, I hope, will bring her a sense of the difficult circumstances faced by the less powerful among us—the woman on the phone, shunted around the bank from voice mail to voice mail for hours as she tries to find someone to help her avoid foreclosure for her home; the family struggling to get by in the neighborhood where the police only come with raid jackets on; the couple up late at night at the kitchen table after the kids are in bed sweating out how to make ends meet that month; or the man who believes a little differently or looks a little different or thinks things should be different. If Justice Sotomayor's wide experience gives her empathy for those people so that she gives them a full and fair hearing and seeks to understand the real-world impact of her decisions on them, she will be doing nothing wrong—nothing wrong by the measure of history, nothing wrong by the measure of justice.

Experience, judgment, wise use of discretion, and a willingness to stand against oppression have always been the historic hallmarks of a great judge.

As to experience, Justice Oliver Wendell Holmes famously explained:

The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men have had a good deal more to do than the syllogism in determining the rules by which men should be governed. The law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics.

As to judgment, Justice John Paul Stevens has observed:

[T]he work of federal judges from the days of John Marshall to the present, like the work of the English common-law judges, sometimes requires the exercise of judgment—a faculty that inevitably calls into

play notions of justice, fairness, and concern about the future impact of a decision.

As to discretion, Justice Benjamin Cardozo wrote:

The judge, even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight-errant, roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment, to vague and unregulated benevolence. He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to "the primordial necessity of order in the social life." Wide enough in all conscience is the field of discretion that remains.

And, as Alexander Hamilton explained in the Federalist Papers, courts were designed to be our guardians against "those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people . . . and which . . . have a tendency . . . to occasion . . . serious oppressions of the minor party in the community." Those oppressions tend to fall on the poor and voiceless. But as Hamilton noted, "[c]onsiderate men, of every description ought to prize whatever will tend to beget or fortify that temper in the courts: as no man can be sure that he may not be tomorrow the victim of a spirit of injustice, by which he may be a gainer to-day." We should not discard the wisdom of centuries.

Experience, judgment, discretion, and protection from oppression—the standard for judges of Hamilton, Holmes, Cardozo, and Stevens. History stands with them. And thoughtful people will note that empathy is a common thread through each of these characteristics.

Why might empathy matter? When might it make a difference? Take, for example, the history of the Colfax massacre.

Go back to Sunday, April 13, 1873 when a gang of White men murdered more than 60 Black freedmen in Colfax, LA. Some were burned in a courthouse where they had taken refuge; others were shot as they fled the burning courthouse; others were taken prisoner and then executed. U.S. Attorney James Roswell Beckwith determined to prosecute white citizens involved in the Colfax Massacre—not a popular call in those days. The case was tried before a U.S. District Judge William B. Woods, who determined that rule of law should prevail in his district. Predictably, polite White society was outraged. It took notable human empathy in that place and time to see the massacre of the Black freedmen as a crime, and to contemplate trying White men for the murder of Black men. The case was brought as one of the first applications of the Federal Enforcement Act, implementing the Constitution's new 14th amendment, so there was wide room for judicial discretion in that un-

charted area of law—no "balls and strikes" here. District Judge Woods assured a fair trial, but he also was prepared to honor Congress's desire that outrages upon the Black community should be punished as crime. He had sufficient empathy with the widows and children of the slain freedmen to take seriously their need for vindication, and he had sufficient courage to face the scorn and anger of the White community.

Another judge was involved, U.S. Supreme Court Justice Joseph P. Bradley, who under the procedural rules of the time "rode circuit" for Louisiana, and could sit in on trials. And sit in he did. He had no sympathy for the former slaves, and little regard for Congress's intent to punish the abuse of freedmen. Disagreeing from the trial court bench with Judge Woods, Justice Bradley found repeated technical faults with the indictments, took a restricted view of the authorities of the 14th amendment, dismissed the charges, and released the defendants to flee, on low bail, pending an appeal.

The U.S. Supreme Court upheld its colleague Bradley's opinions, thereby gutting the 14th amendment and the Enforcement Act for a generation, and a wave of murder and violence by Klansmen and White League members, emboldened by de facto immunity from prosecution, swept the South. Reconstruction was vitiated in those weeks. Justice, for the murder of a Black man by a White, departed the South for nearly a century.

History and the law ultimately proved district Judge Woods correct, but how much turned on the character of two judges: one who had the empathy to see Black men as victims of crime, and the courage to outrage White opinion by allowing the trial of White community leaders, before a mixed jury no less; the other a judge who valued the status quo, and recoiled from any shock to proper White opinion and authority; indeed, who was the reflection of that proper opinion.

That is what we mean by empathy, and while the divisions in our society are less today, there are still people who feel voiceless, whose voices a judge must be attuned to hear; there are still Americans who come to court bearing disadvantages that have nothing to do with the merits of their case. Empathy to look through those disadvantages to see the real merits of the case, even when it is unpopular or offends the power structure is the hallmark of a great judge. The words of Hamilton, Holmes, Stevens, and Cardozo I have quoted display it as history; the contrasting approaches of the two judges after the Colfax massacre display it as justice.

My Republican colleagues' misunderstanding of judicial history has led to a missed opportunity for bipartisan support of a highly qualified and moderate

judge who falls well within the mainstream of American legal thought. We could be celebrating the first Latina justice of the Supreme Court as a great American achievement. Instead we are having to defend basic principles of American history from assault from the right. I hope that, as the future looks back on this day, it will be the historic nature of this nomination that will be remembered, not the strange and strained efforts to impose right-wing political orthodoxy on the courts that defend our constitutional rights.

I look forward to Judge Sotomayor's service as an excellent Supreme Court Justice. I will vote proudly for her confirmation.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter of support of Justice Sotomayor from New York City's mayor, Michael Bloomberg.

I also ask to have printed in the RECORD a letter of support for Judge Sotomayor from former FBI Director Louis Freeh.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY. July 7, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Judiciary Committee, U.S. Senate
Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Judiciary Committee,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SESSIONS: As Mayor of the largest city in the country and the place where Judge Sonia Sotomayor has spent her career, I strongly support President Barack Obama's nomination of Judge Sotomayor to serve as an Associate Justice of the United States Supreme Court.

One of my responsibilities as Mayor is to appoint judges to New York's Family and Criminal Courts, which gives me the opportunity to assess the qualifications of many judicial candidates. Over the past seven and half years, I have interviewed candidates for more than 40 judicial seats and have, like you, developed a strong sense of the qualities that will strengthen our justice system. Based on this experience, I have great confidence that Judge Sotomayor's rulings demonstrate her knowledge of the law, objectivity, fairness, and impartiality, which are essential qualities for any judge. Just as important, she possesses the character, temperament, intelligence, integrity, and independence to serve on the nation's highest court, and her well-respected record of interpreting the law and applying it to today's world is perhaps the best indication of her exceptional ability as a judge.

Judge Sotomayor's impressive 30-year career has given her experience in nearly all areas of the law. As an Assistant District Attorney in Manhattan, she earned a reputation as an effective prosecutor. As a Judge in the Southern District of New York, she established a record that amply supported her appointment to the Second Circuit. And in her current role as a Judge in the U.S. Court of Appeals for the Second Circuit, she is admired for her knowledge and understanding

of legal doctrine, having taken part in over 3,000 panel decisions and authored close to 400 opinions. In each role, she has served the public with integrity and diligence.

Judge Sonia Sotomayor is an outstanding choice for the United States Supreme Court, and I stand firmly behind her candidacy.

Sincerely,

MICHAEL R. BLOOMBERG,
Mayor.

—
FREEH SPORKIN & SULLIVAN, LLP,
July 9, 2009.

Hon. PATRICK LEAHY,
Chairman, U.S. Senate Judiciary Committee,
Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, U.S. Senate Judiciary Committee,
Washington, DC.

DEAR SENATORS: It is with tremendous pride in a former colleague that I write to recommend wholeheartedly that you confirm Sonia Sotomayor to be an Associate Justice of the Supreme Court. Judge Sotomayor has the extensive experience and the judicial qualities that make her eminently qualified for this ultimate honor and I look forward to watching her take her place on the Nation's highest Court.

I first met Judge Sotomayor in 1992 when she was appointed to the United States District Court for the Southern District of New York. As the then newest judge in the storied Courthouse at Foley Square in lower Manhattan, we followed the tradition of having the newly-minted judge mentored by the last-arriving member of the bench. Despite the questionable wisdom of this practice, I had the privilege of serving as Judge Sotomayor's point of contact for orientation and to help her get underway as she took on a full, complex civil and criminal case docket.

A few weeks of "New Judges School" sponsored by the Administrative Office of the Courts does not in any meaningful way begin to prepare a new District Judge for the unrelenting rigor of conferences, motions, hearings, applications, trials and other miscellaneous duties—including appeals from the Bankruptcy Court—which instantly construct what often appears to be an overwhelming schedule for a new judge. To make matters more challenging, when I was a new judge the Court followed the tradition of allowing the active judges to select a fixed number of their pending cases for reassignment to the new arrival.

Into this very pressurized and unforgiving environment, where a new judge's every word, decision, writing and question is scrutinized and critiqued by one of the harshest, professional audiences imaginable, Judge Sotomayor quickly distinguished herself as a highly competent judge who was open-minded, well-prepared, properly demanding of the lawyers who came before her, fair, honest, diligent in following the law, and with that rare and invaluable combination of legal intellect and "street smarts."

As I spent a lot of time reading her opinions, observing her in the courtroom conducting the busy, daily docket of a trial judge, and discussing her cases and complex legal issues, I was greatly impressed with how quickly she mastered and employed the critical skills of her new position.

To me, there is no better measure by which to evaluate a judge than the standards of the former Chief Judge of the U.S. District Court of Minnesota and nationally renowned American jurist, Edward J. Devitt. A former Member of Congress and World War II Navy hero, Judge Devitt was appointed to the federal

bench by President Eisenhower and became one of the country's leading trial judges and teacher of judges. A standard Jury Instruction textbook (Devitt and Blackmun) as well as the profession's most coveted award recognizing outstanding judges, the Devitt Award, bears his name.

I recently had the honor of participating in the dedication of a courtroom named for Judge Devitt. The judges and lawyers who spoke in tribute to Judge Devitt very ably and insightfully described the critical characteristics which define and predict great judges. But rather than discuss Judge Devitt's many decisions, particular rulings or the "sound bite" analyses which could have been parsed from the thousands of complex and fact specific cases which crossed his docket, they focused on those ultimately more profound and priceless judicial qualities which ensure that Article Three judges with lifetime tenure uphold the Rule of Law with fairness, courage and justice for all.

Teaching hundreds of new American judges over several decades, Judge Devitt liked to use a "nutshell version" for emphasis and because he always got right to the heart of things. So he offered three rules:

1. "Judging takes more than mere intelligence;
2. Always take the bench prepared. Listen well to all sides, stay open as you are listening and recognize any pre-conceptions that you may bring to the matter. Then, make a decision and never look back;
3. Call them as you see them."

Sonia Sotomayor would have gotten an "A plus" from the "Judge from Central Casting," as Judge Devitt was often called by his peers.

A great part of Judge Devitt's legacy is his famous "Ten Commandments to Guide the New Federal Judge," which he gave me, and which I passed on to Judge Sotomayor:

1. "Be Kind;
2. Be Patient;
3. Be Dignified;
4. Don't Take Yourself Too Seriously;
5. Remember That a Lazy Judge Is a Poor One;
6. Don't Be Dismayed When Reversed;
7. Remember There Are No Unimportant Cases;
8. Don't Impose Long Sentences;
9. Don't Forget Your Common Sense; and
10. Pray For Divine Guidance."

In my brief role as Judge Sotomayor's "second seat" on the Southern District trial bench, I probably spent more time with her in those first months than any other member of our great Court. And I was delighted to observe and conclude that she exhibited all the desired characteristics that Judge Devitt prescribed for his "students."

Since 1992 I have followed Judge Sotomayor's career on the bench both as a trial judge and later as a member of our Second Circuit Court of Appeals. Along with my former colleague judges and lawyers, we have seen her grow and mature into a truly outstanding judge, who embodies all of Judge Devitt's wise counsel and the most prized characteristics of judicial courage, integrity, intelligence and fair adjudication of the Rule of Law.

Judge Sotomayor's early demonstration of judicial restraint, appropriate deference to the other two Branches of government and her fidelity to upholding the rule of law can perhaps best be seen in a 1998 case. Sitting as a District Judge, she carefully heard a minimum wage lawsuit and, in recognition of the limits of judicial power, she relied on the statutory text and precedent to reach her de-

cision: "The question of whether such a program should be exempted from the minimum wage laws is a policy decision either Congress or the Executive Branch should make."

Judge Sotomayor will bring great legal as well as judicial experience to the Supreme Court and will serve there with distinction in the fine tradition of Judge Devitt. As the only "trial judge" on the current Court, she will import an immense wealth of experience which comes uniquely from judges who preside over cases with witnesses, juries, real time procedural and evidence rulings and the challenging (and unpredictable) dynamics of a trial courtroom. It will also be a very valuable asset for the Court to have a former criminal prosecutor (it has only one now) who was widely respected by judges, defense attorneys and law enforcement officers.

Most importantly, Judge Sotomayor will continue to exemplify the "Devitt Rules" we want all our judges to follow, and the courage, integrity and experience required to protect the Rule of Law. The efforts by some to discredit the Judge are far afield from the eminent jurist whom I know, and I hope that no Senator will be misled or motivated by partisan rancor to vote against someone who so fully fits the measure of what we should want in a Supreme Court justice. I hope you will consider her nomination expeditiously so she is confirmed and prepared to participate in the Court's first session on September 9, 2009.

Sincerely,

LOUIS J. FREEH.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I enjoyed my colleague's remarks. I don't agree with him, but he is certainly a great colleague and we appreciate him.

Mr. President, I rise today to explain why I cannot support the nomination of Judge Sonia Sotomayor to be an Associate Justice of the Supreme Court. I do so with regret because the prospect of a woman of Puerto Rican heritage serving on the Supreme Court says a lot about America. Judge Sotomayor has achieved academic and professional success, and I applaud her public service. But in the end, her record creates too many conflicts with fundamental principles about the judiciary in which I deeply believe.

It did not have to be this way. President Obama could have taken a very positive step for our country by choosing a Hispanic nominee whom all Senators could support. President Obama could have done so and I regret that he did not.

I commend the distinguished chairman and ranking member of the Judiciary Committee, Senators LEAHY and SESSIONS, for conducting a fair and thorough confirmation hearing. Judge Sotomayor herself said that the hearing was as gracious and fair as she could have asked for.

I evaluate judicial nominees by focusing on qualifications, which include not only legal experience but, more importantly, judicial philosophy. Judge Sotomayor's approach to judging is more important to me than her resume. I ask unanimous consent to have

printed in the RECORD following my remarks an article that I published earlier this year in the Harvard Journal of Law & Public Policy. It is titled "The Constitution as the Playbook for Judicial Selection" and explains more fully the principles I will mention here.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. HATCH. President Obama has described the kind of judge he intends to appoint. As a Senator, he said that judges decide cases based on their "deepest values . . . core concerns . . . broader perspectives . . . and the depth and breadth of [their] empathy." As a presidential candidate, he pledged to appoint judges who indeed have empathy for certain groups. And as President, he has said that a judge's personal empathy is an essential ingredient in judicial decisions.

This standard is seriously out of sync with mainstream America. By more than 3 to 1 Americans believe that judges should decide cases based on the law as written, rather than on their own sense of fairness or justice. The American people reject President Obama's standard for the kind of judge we need on the Federal bench.

At the Judiciary Committee hearing, Judge Sotomayor said that her judicial philosophy is simply fidelity to the law. While some of my Democratic committee colleagues said that they wanted to avoid slogans, codewords, and euphemistic phrases, they apparently accepted this one at face value. Unfortunately, it begs rather than answers the important questions.

Some Senators on the other side of the aisle try to confine concerns about Judge Sotomayor's record to a single case and a single phrase. That political spin, I will admit, makes for a quotable sound-bite. But even a casual observer of this process knows that this political spin is simply not true.

Ironically, those who would narrowly characterize the case against confirmation want us to confine our examination of Judge Sotomayor's record only to her cases while ignoring her speeches and articles. A partial review, however, cannot provide a complete picture. Appeals court decisions that are bound by Supreme Court precedent are not the same as Supreme Court decisions freed from such constraints. Taking Judge Sotomayor's entire record seriously not only gives us more of the information we need, but also gives her the respect she deserves.

Debates over judicial nominations are debates over judicial power, and America's founders gave us solid guidance about the proper role of judges in our system of government. Judges interpret and apply written law to decide cases. While judges cannot change the words of our laws, they can still control statutes and the Constitution by controlling the meaning of those

words. That would result in the rule of judges, not the rule of law. To borrow Judge Sotomayor's phrase, judges would not have fidelity to the law, but fidelity to themselves.

In September 2001, Judge Sotomayor introduced Justice Antonin Scalia when he spoke at Hofstra Law School. She repeated a legend about Justice Oliver Wendell Holmes and Judge Learned Hand. Like Judge Sotomayor, Judge Hand served on both the Southern District of New York and the Second Circuit. As they departed after having lunch, Judge Hand called out: Do justice, sir, do justice. Justice Holmes replied: That is not my job, my job is to apply the law.

Is it a judge's role to do justice or to apply the law? President Obama says that a judge's personal empathy is an essential ingredient for doing justice. At the hearing on Judge Sotomayor's nomination, one of my Democratic colleagues invoked what he called "America's common law inheritance" to describe Federal judges with broad discretion to decide cases based on their personal notions of justice or fairness.

That may be the judiciary some of my colleagues would prefer, but it is not the judiciary America's Founders gave us. Federal judges are not common-law judges. They may not decide cases based on subjective feelings they find inside themselves, but only on objective law they find outside themselves. Thankfully, the American people overwhelmingly say today what America's Founders said, that judges must follow the law rather than their personal empathy to decide cases.

The question is which kind of Supreme Court Justice Sonia Sotomayor will be. In one speech that she gave several times over nearly a decade while she was on the bench, she spoke directly about how judges should approach deciding cases. In this speech, she said that factors such as race and gender affect how judges decide cases and, as she put it, "the facts I choose to see." She embraced the notion that there is no objectivity or neutrality in judging, and that impartiality is merely an aspiration which judges probably cannot achieve, and perhaps should not even attempt. She said that judges must decide when their personal sympathies and prejudices are appropriate in deciding cases.

Judge Sotomayor and her advocates have tried unsuccessfully to blunt this speech's more controversial edges. Their claim that she used the speech solely to inspire young lawyers or law students, even if true, is irrelevant because the speech is controversial for its content, not its audience.

My concern only grew after discussing this speech with Judge Sotomayor during the hearing. Rather than adequately defend or disavow these views, she presented a different, and contradictory, picture. I am not

the only one who noticed. The Washington Post editorialized that Judge Sotomayor's attempts to explain away or distance herself from past statements "were unconvincing and at times uncomfortably close to disingenuous, especially when she argued that her reason for raising questions about gender or race was to warn against injecting personal biases into the judicial process. Her repeated and lengthy speeches on the matter do not support that interpretation."

In another speech just a few months ago, Judge Sotomayor addressed whether judges may use foreign law to interpret and apply American law in deciding cases. The distinguished ranking member of the committee mentioned this as well. She said that foreign law "will be very important in the discussion of how we think about the unsettled issues in our own legal system." She endorsed the idea that judges may, as they interpret American law, consider anything, from any source, that they find persuasive.

Once again, Senators discussed this issue with Judge Sotomayor at her hearing. And once again, she neither defended nor disavowed these controversial statements but presented a different, contradictory picture. In her speech, she hoped that judges would continue to consult what others have said, including foreign law, to "interpret our law in the best way we can." But in the hearing, she said that "I will not use foreign law, to interpret the Constitution or American statutes." In her speech, she said that judges may use ideas from any source that they find persuasive. But in the hearing, she said that foreign law cannot be used to influence a legal decision. These different versions are clearly at odds with each other.

Judge Sotomayor took a different tack in answering post-hearing questions. She said that decisions of foreign courts may not serve as "binding or controlling precedent" in deciding cases. The issue, however, is not whether a decision by the Supreme Court of France literally binds the Supreme Court of the United States. Of course it does not. The issue is whether that foreign decision may influence our Supreme Court in determining what our statutes and the Constitution mean. And in her answers to post-hearing questions, Judge Sotomayor once again said that decisions of foreign courts can indeed be "a source of ideas informing our understanding of our own constitutional rights."

In these speeches, Judge Sotomayor described how such things as race, gender, life experience, personal sympathies, or prejudices affect judges and their decisions. That is certainly possible. But I waited for her to say that judges have an obligation to eliminate the influence of these factors. I wanted her to say that because these things

undermine a judge's impartiality, judges must be vigilant to prevent their influence. That would have given me more solace about what Judge Sotomayor's phrase, fidelity to the law, really means. But she never said it. Instead, she endorsed the notion that judges may look either inside themselves to their empathy, or outside to foreign law, for ideas and notions to guide their decisions.

Turning to her cases, the Supreme Court has disagreed with Judge Sotomayor in nine of the ten cases it has reviewed, three of them in the most recent Supreme Court term alone. That is nine of her ten cases they reviewed. And these were not close decisions, either. The total vote in the cases reversing Judge Sotomayor was a lopsided 52-19.

In one case, Judge Sotomayor had held that the Environmental Protection Agency could not consider cost-benefit analysis when adopting a regulation. The Supreme Court reversed her, citing its own precedents extending back more than 30 years and holding that the EPA's use of cost-benefit analysis was well within the bounds of its statutory authority.

In another case, Judge Sotomayor had reopened part of a bankruptcy proceeding that had closed more than 20 years ago to resurrect a tort suit. Justice Souter, whom Judge Sotomayor would replace, wrote the opinion for the Supreme Court's 7-2 decision reversing her.

In another case, Judge Sotomayor declared unconstitutional a State law providing for political party election of judges because she felt the law did not give people what she called a "fair shot." The Supreme Court unanimously reversed her, saying that traditional electoral practice "gives no hint of even the existence, much less the content," of the fair-shot standard Judge Sotomayor had invented.

In one case, the Supreme Court affirmed Judge Sotomayor's result but rejected her reasoning because her reading of the relevant statute "flies in the face of the statutory language."

And in the one case where the Supreme Court affirmed both Judge Sotomayor's result and reasoning, it did so by the slimmest 5-4 margin. This is a very shaky record on appeal.

The *Ricci v. DeStefano* case, which has been mentioned quite a lot around here, is one of the cases in which the Supreme Court reversed Judge Sotomayor. The Court reversed her result by a 5-4 vote but unanimously rejected her reasoning. In this case, Judge Sotomayor affirmed the city of New Haven's decision to throw out the results of a fairly designed and administered firefighter promotion exam because too few racial minorities passed it.

This case presents troubling questions of both process and substance.

Judge Sotomayor initially used a summary order that did not have to be circulated to the full Second Circuit. That bothered me a great deal, because judges know when they issue a summary order, the rest of the judges are not going to see it. She then converted it to a per curiam opinion that is permissible only when the law is entirely settled. The summary order and the per curiam opinion were each a mere single paragraph and neither appears to be an appropriate vehicle for deciding this challenging case.

On the merits, Title VII of the 1964 Civil Rights Act prohibits two kinds of discrimination. It prohibits disparate treatment, which is intentional, and disparate impact, which may be unintentional. Disparate treatment focuses on the motivation of an employment decision, while disparate impact focuses on its effect. While discrimination cases typically involve one or the other, the *Ricci* case involved both. In this case, the city claimed it had to engage in disparate treatment of those who passed the promotion exam because it feared a disparate impact lawsuit by those who failed the exam.

I point out that this case involved both disparate treatment and disparate impact because Judge Sotomayor and her advocates claim that her decision was based squarely on settled and longstanding Second Circuit and Supreme Court precedent. We have heard some of that here on the floor tonight. Contrary to her statement to me at the hearing, however, her one-paragraph opinion cited no precedent at all. The only case she cited was the district court opinion in that very case. But the district court actually acknowledged that this case was the opposite of the norm. Rather than those failing an employment test challenging the use of the results, in this case those who passed the test challenged the refusal to use the results. None of the precedents cited by the district court involved this kind of case.

For this reason, six of Judge Sotomayor's Second Circuit colleagues believed that the full circuit should have reviewed her decision, arguing that the case raised important questions of first impression in the Second Circuit and the entire Nation. When it reversed Judge Sotomayor, the Supreme Court similarly observed that there were few, if any, precedents in any court even discussing the issue in this case.

In a column published today in *National Journal*, the respected legal analyst Stuart Taylor carefully analyzed whether Judge Sotomayor's decision in *Ricci* was indeed compelled by precedent. We have all read Stuart Taylor over the years. He is one of the most prescient commentators and journalists with regard to the law. He concludes: "The bottom line is that Circuit precedents did not make

Sotomayor rule as she did. Supreme Court precedent favored the firefighters. Sotomayor's ruling was her own." I ask unanimous consent that Mr. Taylor's column appear in the *RECORD* following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. HATCH. In addition to claiming that her decision in *Ricci* was grounded in either Second Circuit or Supreme Court precedent, Judge Sotomayor offered at the hearing that the Sixth Circuit had addressed a similar issue in the same way. I can only assume she did so to imply that if the Sixth Circuit independently came to the same conclusion in a parallel case, then it would be difficult to say that Judge Sotomayor's decision in *Ricci* is controversial.

I would first note that in *Oakley v. City of Memphis*, the Sixth Circuit actually analyzed the case, applied the law to the facts, and issued a real opinion. I wish Judge Sotomayor had done that in her case. But more importantly, Judge Sotomayor failed to mention that the Sixth Circuit case was issued 3 months after hers and, in fact, relied upon her decision as persuasive authority. That is no evidence that her decision was procedurally or substantively sound.

Neither are her decisions on the Second Amendment right to keep and bear arms. Last year, in *Dist. of Columbia v. Heller*, the Supreme Court clearly identified the proper analysis for deciding whether the Second Amendment binds States as well as the Federal Government. Several months later, Judge Sotomayor ignored that directive and clung to her previous insistence, following a different analysis the Supreme Court had discarded, that the right to bear arms does not apply to the States. She also held that the right to bear arms is so insignificant that virtually any conceivable reason is sufficient to justify a weapons restriction.

When I asked her about these decisions at the hearing, she refused to acknowledge that the Supreme Court's so-called rational basis test is its most permissive legal standard. Yet this is practically a self-evident truth in the law, one that Judge Sotomayor herself cited and applied just last fall to uphold a weapons restriction in *Maloney v. Cuomo*.

She likewise gave short shrift to the fundamental right to private property. In *Didden v. Village of Port Chester*, Judge Sotomayor affirmed dismissal of a property owner's lawsuit after the village condemned his property and gave it to a developer. The Supreme Court, incorrectly in my view, had previously held in *Kelo v. City of New London* that economic development can constitute the public use for which the Fifth Amendment allows the taking of private property. In *Didden*,

however, the village had only announced a general plan for economic development. No taking of anyone's property had occurred. Mr. Didden sued only after the village actually took his property.

In yet another cursory opinion that for some reason took more than a year to produce, Judge Sotomayor denied Mr. Didden even a chance to argue his case. She said that the 3-year period for filing suit began not when the village actually took his property, but when the village earlier had merely announced its general development plan. In other words, Mr. Didden should have sued over the taking of his property before his property had been taken. But had he done so then, he would certainly have been denied his day in court because his legal rights had not yet been violated. This catch-22 amounts to a case of dismissed if he did, and dismissed if he did not. Once again, Judge Sotomayor gave inadequate protection to a fundamental constitutional right.

In another effort to blunt the impact of such controversial decisions, Judge Sotomayor's supporters attempt to portray her as moderate by observing that on the Second Circuit, she agreed with Republican-appointed colleagues 95 percent of the time. On the one hand, this is one of several misguided attempts to defend her by suggesting that a calculator is all it takes properly to evaluate a judicial record. On the other hand, however, this claim comes from the same Democratic Senators who voted against Justice Samuel Alito just a few years ago. On the Third Circuit, he had agreed with his Democratic-appointed colleagues 99 percent of the time over a much longer tenure. It shows how specious some of the arguments are.

Let me return to where I began. I believe that Judge Sotomayor is a good person. I respect her achievements and applaud her service to her community, the judiciary, and the country. While appointment of the first Puerto Rican Justice says a lot about America, however, I believe that appointing a Justice with her judicial philosophy says the wrong thing about the power and role of judges in our system of government.

A nominee's approach to judging is more important than her resume, especially on the Supreme Court where Justices operate with the fewest constraints. Judge Sotomayor has expressed particular admiration for Justice Benjamin Cardozo. His book on the judicial process contains a chapter titled "The Judge as a Legislator" in which he compares judges to legislators who decide difficult cases on the basis of personal reflections and life considerations. That sounds very much like President Obama's appointment standard and Judge Sotomayor's expressed judicial philosophy. I believe it is inconsistent with the limited role

that America's founders prescribed for judges in our system of government.

My colleagues know that I take a generous approach to the confirmation process and I believe some deference to the President of the United States and his choice is appropriate. I have rarely voted against any judicial nominee and took very seriously the question of whether to do so now. To that end, I studied her speeches, articles, and cases. I spoke with experts and advocates from different perspectives. I participated in all three question rounds during the Judiciary Committee hearing.

But in the end, neither general deference to the President nor a specific desire to support a Hispanic nominee could overcome the serious conflicts between Judge Sotomayor's record and the principles about the judiciary and liberty in which I deeply believe.

I was the one who started the Republican Senatorial Hispanic Task Force and ran it for many years, bringing Democrats, Independents, and Republicans together in the best interest of the Hispanic community to try to give them more of a voice. I feel pretty deeply about Hispanic people, as I do all people.

I just want everybody to know that this took a lot of consideration on my part to come to the conclusion I have. I wish President Obama had taken a different course, but this is the decision I have to make in this case. As I say, I like Judge Sotomayor. I particularly like her life story and her wonderful family. I did not want to vote against her but I think I have explained here some of the serious concerns I have.

EXHIBIT 1

THE CONSTITUTION AS THE PLAYBOOK FOR JUDICIAL SELECTION

Orrin G. Hatch*

The Federalist Society plays an indispensable role in educating our fellow citizens about the principles of liberty, a task that is both critical and challenging. It is critical because, as James Madison put it, "a well-instructed people alone can be permanently a free people."¹ The ordered liberty we enjoy is neither self-generating nor self-sustaining, but is based on certain principles that require certain conditions. Knowledge and defense of those principles and conditions will be the difference between keeping and losing our liberty.

This educational challenge, however, has perhaps never been more daunting. We live in a culture in which words mean anything to anyone, celebrities substitute for statesmen, and people are no longer well instructed. Forty-two percent of Americans do not know the number of branches in the federal government, and more than sixty percent cannot name all three.² Four times as many Americans say that a detailed knowledge of the Constitution is absolutely necessary as say they actually have such knowledge.³ Twenty-one percent of Americans believe the First Amendment protects the right to own a pet.⁴

A few factors contribute to this state of affairs. Most people get their information

about the legal system only from television. Unless people sue each other or commit crimes—habits we really should not encourage—they will likely have no firsthand knowledge or experience to draw from. Furthermore, people hold lawyers in low esteem. If you plug the term "lawyer joke" into Yahoo, it returns a whopping 25.7 million hits, a number on the rise almost as fast as the national debt. The problem with lawyer jokes is that most lawyers do not think they are funny and most other people do not think they are jokes. This low view of lawyers means people have little motivation to learn more about what lawyers and judges really do.

The media do not help this state of affairs. The Harvard Journal of Law & Public Policy recently published an excellent article by Michigan Supreme Court Justice Stephen Markman,⁵ who served as my chief counsel when I chaired the Senate Judiciary Subcommittee on the Constitution in the early 1980s. He describes how the media's penchant for focusing on winners and losers significantly shapes and distorts how people understand what judges actually do, often for the worse.⁶

Nonetheless, the timing of this Essay is auspicious in several respects. First, I write in the wake of two very relevant Federalist Society student symposia, last year's about the people and the courts⁷ and this year's about the separation of powers.⁸ Second, President Obama has been particularly clear from the time he was a candidate about his intention to appoint judges who will exercise a strikingly political version of judicial power.⁹ Third, he has already started acting on that intention by making his first judicial nominations.¹⁰ New Presidents typically make their first judicial nominations in July or even August, yet the Senate Judiciary Committee has already held a hearing on the President's first nominee to the U.S. Court of Appeals, and the President sent two more nominees to the Senate just a few days ago.

Mark Twain popularized the notion that there are three kinds of lies: lies, damned lies, and statistics.¹¹ I prefer Senator Daniel Patrick Moynihan's comment that you may be entitled to your own opinion, but not your own set of facts.¹² Either way, I will statistically describe two macro and two micro factors of the judicial confirmation process to show its recent transformation before turning to how it should be conducted going forward.

The two macro factors are hearings and confirmations. The Judiciary Committee held hearings for fewer judicial nominees during the 110th Congress than any Congress since before I entered the Senate. This lack of hearings is not the result of the Judiciary Committee's inability to multitask. Instead, it is the result of a political choice, one that has been reversed since the last election. The Judiciary Committee has already held a hearing on President Obama's first appeals court nominee, just two weeks after that nominee arrived in the Senate.¹³ Under a Republican President, Judiciary Committee Chairman Patrick Leahy waited an average of 197 days to give an appeals court nominee a hearing.¹⁴ The last election amounted to the political equivalent of Drano, as the confirmation pipes are now wonderfully unobstructed and flowing freely once again.

Some might assume that Republicans demonstrate such strong partisan preference, but they would be wrong. Since I was first elected, Democrats running the Senate have granted hearings to forty-one percent more Democratic than Republican judicial nominees. When Republicans run the Senate, the partisan differential is less than five percent.

Moving from the Judiciary Committee to the Senate floor, the second macro factor is confirmations. In the last eight years, President Bush had the slowest pace of judicial confirmations of any President since Gerald Ford. Last year, the Senate confirmed fewer judicial nominees than in any President's final year since 1968, the end of the Johnson Administration. By comparison, when I chaired the Judiciary Committee during President Clinton's last year in office, the Senate confirmed twice as many appeals court nominees as it did last year.

As with hearings, the picture is not the same when Republicans are in charge. When Democrats run the Senate, they confirm forty-five percent more Democratic than Republican judicial nominees. When Republicans run the Senate, the differential is only nine percent.

At the ground level, the two micro factors in the confirmation process are votes and filibusters. The Senate has traditionally confirmed most unopposed lower court nominees by unanimous consent rather than by time-consuming roll call votes. From 1950 to 2000 the Senate confirmed only 3.2 percent of all district and appeals court nominees by roll call vote. During the Bush presidency, that figure jumped to nearly sixty percent. The percentage of roll calls without a single negative vote nearly tripled. And under President Bush, for the first time in American history, the filibuster was used to defeat majority-supported judicial nominees.¹⁵ With all due respect to Mark Twain, I think these numbers accurately give you at least a taste for the partisan division and conflict that now characterize the judicial confirmation process. It has become, to edit Thomas Hobbes just a bit, quite nasty and brutish.

Turning from what has been to what should be, I believe we can get on a better path by, as Madison emphasized in *The Federalist* No. 39, "recurring to principles."¹⁶ The judicial selection process has changed because ideas about judicial power have changed. My basic thesis is this: Our written Constitution and its separation of powers define both judicial power and judicial selection. They define the judicial philosophy that is a necessary qualification for judicial service, and they counsel that the Senate defer to the President when he nominates qualified individuals.

Consider a judicial nomination as a hiring process based on a job description. The job description of a judge is to interpret and apply law to decide cases. This job description does not mean whatever a President, political party, or Senate majority wants it to mean. Our written Constitution and its separation of powers set the judicial job description. Interpreting written law must be different than making written law. Because law written in statutes or the Constitution is not simply words, but really the meaning of the words, only those with authority to make law may determine what the words of our laws say and what those words mean. Judges do not have authority to make law, so they do not have authority to choose what the words of our laws say or what they mean. In other words, judges apply the law to decide cases, but they may not make the law they apply. Judges and the law they use to decide cases are two different things. Judging, therefore, is about a process that legitimates results, a process by which the law made by the people and those they elect determines winners and losers.

The Constitution and its separation of powers compel this judicial job description. This kind of judge is consistent with limited

government and the ordered liberty it makes possible. Justice Markman's article describes what he calls a "traditional jurisprudence—one that views the responsibility of the courts to say what the law 'is' rather than what it 'ought' to be."¹⁷ Such a philosophy of judicial restraint—an understanding of the limited power and role of judges—is a qualification for judicial service. This is the kind of judge a President should nominate.

Our written Constitution and its separation of powers also define how the confirmation stage of the judicial selection process should operate. The Constitution gives the power to nominate and appoint judges to the President, not to the Senate. The best way to understand the Senate's role is that the Senate advises the President whether to appoint his nominees by giving or withholding its consent. I explored this role in more detail in the *Utah Law Review* a few years ago in the context of showing that the use of the filibuster to defeat majority-supported judicial nominees is inconsistent with the separation of powers.¹⁸ One basis on which the Senate may legitimately withhold its consent to a judicial nominee, however, is that the nominee is not qualified for judicial service. Qualifications include more than information on a nominee's resume. And with all due respect to the American Bar Association, their rating does not a qualification determine. Instead, qualifications for judicial service include whether a nominee's judicial philosophy—his understanding of a judge's power and role—is in sync with our written Constitution and its separation of powers.

Judges, after all, take an oath to support and defend the Constitution of the United States. To be qualified for judicial service, a nominee must believe there is such a thing, that the supreme law of the land is not simply in the eye of the judicial beholder, and that judges need something more than a legal education, a personal opinion, and an imagination to interpret it.

I propose looking to the basic principles of our written Constitution and its separation of powers to guide the judicial selection process. For the President, those principles require nominees with a restrained judicial philosophy. For the Senate, they require deference to a President's qualified nominees. Senators, of course, must decide how to balance qualifications and deference. Our written Constitution and its separation of powers, however, provide normative guidance for the judicial selection process. Presidents and Senators will have to decide, and be accountable for, how they use or reject that guidance.

No matter how philosophically sound this proposal may be—and I believe it is philosophically rock solid—it may nevertheless be politically controversial. We have traveled a long way from Alexander Hamilton describing the judiciary as the weakest and least dangerous branch.¹⁹ We have traveled a long way from the Supreme Court saying in 1795 that the Constitution is "certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature, and can be revoked or altered only by the authority that made it."²⁰ We have traveled a long way from the Senate Judiciary Committee saying in 1872 that giving the Constitution a meaning different from what the people provided when adopting it would be unconstitutional.²¹

For a long time now, we have instead labored under Chief Justice Charles Evans Hughes's notion that the Constitution is whatever judges say it is.²² It has become

fashionable to suppose that the only law judges may not make is law we do not like. Legal commentator Stuart Taylor correctly observes that "[l]ike a great, ever-spreading blob, judicial power has insinuated itself into every nook and cranny."²³ One of my predecessors as Senator from Utah who later served on the Supreme Court, George Sutherland, described the transformation in 1937 as it was literally under way. He warned that abandoning the separation of powers by ignoring the distinction between interpreting and amending the Constitution would convert "what was intended as inescapable and enduring mandates into mere moral reflections."²⁴ Less than two decades later, Justice Robert Jackson described what he saw as a widely held belief that the Supreme Court decides cases based on personal impressions rather than impersonal rules of law.²⁵

Judicial power and judicial selection are inextricably linked. Sometimes the Senate can appear to produce a lot of activity but take very little action. To some, that means the Senate is the world's greatest deliberative body. To others, it means that it produces a lot of sound and fury signifying nothing. But I hope that the debate over President Obama's judicial nominees will really be a debate over the kind of judge our liberty requires. The debate should be about whether judges should decide cases by using enduring mandates and impersonal rules of law or by using their own moral reflections and personal impressions.

President Obama has already taken sides in this debate. When he was a Senator, he voted against the nomination of John Roberts to be Chief Justice, stating that judges decide cases based on their deepest values, their core concerns, and the content of their hearts.²⁶ On the campaign trail, he pledged that he would select judges according to their empathy for certain groups such as the poor, African Americans, gays, the disabled, or the elderly.²⁷ The real debate is about whether judges may decide cases based on empathy at all, not the groups for which they have empathy. It is about whether judges may make law at all, not about what law judges should make. Conservatives as well as liberals often evaluate judges and judicial decisions by their political results rather than by their judicial process. But a principle is just politics unless it applies across the board. Professor Steven Calabresi, one of the *Federalist Society's* founders, wrote last fall that "[n]othing less than the very idea of liberty and the rule of law are at stake in this election."²⁸ He was right, and they remain at stake in the ongoing selection of federal judges.

Judges have no authority to change the law, regardless of whether they change it in a way I like. I am distinguishing here between judicial philosophy, which relates to process, and political ideology, which relates to results. Senators often reveal their view of judicial power when participating in judicial selection, proving once again that the two are inextricably linked. During the debate over Chief Justice Roberts's nomination, for example, one of my Democratic colleagues wanted to know whether the nominee would stand with families or with special interests. She said the American people were entitled to know how he would decide legal questions even before he had considered them.²⁹ Another Democratic Senator similarly said that the real question was whose side the nominee would be on when he decided important issues.³⁰ Would he be on the side of corporate or consumer interests, the

side of polluters or Congress when it seeks to regulate them, or the side of labor or management?

In this activist view of judicial power, the desired ends defined by a judge's empathy justify whatever means he uses to decide cases. This activist view of judicial power is at odds with our written Constitution and its separation of powers and, therefore, with ordered liberty itself. The people are not free if they do not govern themselves. The people do not govern themselves if their Constitution does not limit government. The Constitution cannot limit government if judges define the Constitution.

Terry Eastland aptly described the result of judicial activism in a 2006 essay titled *The Good Judge*: "The people's text, whether made by majorities or, in the case of the Constitution, supermajorities, would be displaced by the judges' text. The justices became lawmakers."³¹ This quotation highlights one of the many differences between God and federal judges. God, at least, does not think He is a federal judge. And it brings up the question of how many federal judges it takes to screw in a light bulb. Only one, because the judge simply holds the bulb as the entire world revolves around him.

There is perhaps some reason for optimism. One poll found last year that, no matter for whom they voted, nearly three-quarters of Americans said they wanted judges "who will interpret and apply the law as it is written and not take into account their own viewpoints and experiences."³² This debate is indeed the one we should be having, whether judges have the power to make law. When judges apply law they have properly interpreted rather than improperly made, their rulings may have the effect of helping or hurting a particular cause, of advancing or inhibiting a particular agenda. They may, at least by the political science bean counters, be considered liberal or conservative. The point, therefore, is not which side wins in a particular case, but whether the winner is decided by the law or by the judge. When judges interpret law, the law produces the results. Thus, the people can choose to change the law. When judges make law, judges produce the results and the people are left with no recourse at all. That state of affairs is the antithesis of self-government.

Let me close by saying that the effort to defend liberty never ends. Andrew Jackson reminded us as he left office in 1837 that "eternal vigilance by the people is the price of liberty; and that you must pay the price if you wish to secure the blessing."³³ The approach I outline actually joins an effort that began long ago and reminds me of a resolution passed by the Senate Republican Conference in 1997:

Be it resolved, that the Republican Conference opposes judicial activism, whereby life-tenured, unaccountable judges exceed their constitutional role of interpreting already enacted, written law, and instead legislate from the bench by imposing their personal preference or views of what is right or just. Such activism threatens the basic democratic values on which our Constitution is founded.³⁴

There you have it. Our written Constitution and its separation of powers define both judicial power and judicial selection. They require judicial restraint as a qualification for judicial service and require Senate deference to a President's qualified nominees. The weeks and months ahead will provide opportunities to debate these principles and their application. Nothing less than ordered liberty is at stake. I know the Federalist So-

ciety will be right in the thick of that debate.

ENDNOTES

* United States Senator (R-Utah); J.D., University of Pittsburgh School of Law, 1962; B.A., Brigham Young University, 1959. This Essay was delivered as a speech to the Harvard Law School Federalist Society and Harvard Journal of Law & Public Policy at the Union Club in Boston, Massachusetts, on April 4, 2009.

1. James Madison, Second Annual Message, in 8 *The Writings of James Madison* 123, 127 (Gaillard Hunt ed., 1908).

2. Press Release, Nat'l Constitution Ctr., Startling Lack of Constitutional Knowledge Revealed in First-Ever National Poll (1997).

3. Steve Parkas et al., *Knowing it by Heart: Americans Consider the Constitution and its Meaning* 16 (2002), available at http://www.publicagenda.org/files/pdf/knowing_by_heart.pdf.

4. Christopher Lee, *Noted with Interest*, Wash. Post, Mar. 3, 2006, at A15; see also McCormick Tribune Freedom Museum, *Americans' Awareness of First Amendment Freedoms*, Forum for Education and Democracy, Mar. 1, 2006, <http://www.forumforeducation.org/node/147>.

5. Stephen J. Markman, *An Interpretivist Judge and the Media*, 32 Harv. J.L. & Pub. Pol'y 149 (2009).

6. *Id.* at 151-52.

7. Symposium, *The People & The Courts*, 32 Harv. J.L. & Pub. Pol'y 1 (2009).

8. Symposium, *Separation of Powers in American Constitutionalism*, 33 Harv. J.L. & Pub. Pol'y (forthcoming 2010).

9. See *infra* notes 26-27.

10. President Obama has nominated David Hamilton to the U.S. Court of Appeals for the Seventh Circuit, Gerard Lynch to the Second Circuit, and Andre Davis to the Fourth Circuit. Michael A. Fletcher, *Obama Names Judge to Appeals Court*, Wash. Post, Mar. 18, 2009, at A4; Jerry Markon, *Obama Taps 2 for Key Appellate Courts*, Wash. Post, Apr. 3, 2009, at A6. Each is currently a U.S. District Judge.

11. Mark Twain, *Chapters from My Autobiography*-XX, 186 N. Am. Rev. 465, 471 (1907) (quoting Benjamin Disraeli).

12. Timothy J. Penny, *Facts Are Facts*, Nat'l Rev. Online, Sept. 4, 2003, http://www.nationalreview.com/nrof_comment/comment-penny090403.asp.

13. President Obama nominated David Hamilton to the Seventh Circuit on March 17, 2009. Fletcher, *supra* note 10. His hearing was on April 1, 2009. U.S. Senate Judiciary Comm., *Official Hearing Notice* (Apr. 1, 2009), <http://judiciary.senate.gov/hearings/hearing.cfm?id=3757>.

14. This statistic, like those that follow, was compiled by Senator Hatch's staff from sources including the Congressional Record; Federal Judicial Center, *Biographical Directory of Federal Judges*, <http://www.fjc.gov/public/home.nsf/hisj>; The Library of Congress, *Legislative Information Service Databases*, <http://thomas.loc.gov/>; and the records of the Senate Judiciary Committee and Senator Hatch's staff. The statistics are on file with Senator Hatch's staff.

15. See Orrin G. Hatch, *Judicial Nomination Filibuster Cause and Cure*, 2005 Utah L. Rev. 803, 819-23.

16. *The Federalist* No. 39, at 240 (James Madison) (Clinton Rossiter ed., 1961).

17. Markman, *supra* note 5, at 149.

18. See Hatch, *supra* note 15, at 82631.

19. *The Federalist* No. 78 (Alexander Hamilton).

20. *Vanhorne's Lessee v. Dorrance*, 2 U.S. 304, 308 (1795).

21. See Raoul Berger, *Original Intention in Historical Perspective*, 54 Geo. Wash. L. Rev. 296, 297-98 (1986) (citing S. Rep. No. 21, 42d Cong., 2d Sess. 2 (1872)).

22. Charles Evans Hughes, Speech before the Elmira Chamber of Commerce, May 3, 1907, in *Addresses and Papers of Charles Evans Hughes* 133, 139 (Robert H. Fuller & Gardner Richardson eds., 1908).

23. Stuart Taylor Jr., *Imperial Judges Could Pick the President—Again*, 36 Nat'l J. 2877, 2877 (2004).

24. *West Coast Hotel Co. v. Parrish*, 300 U.S. 379, 404 (1937) (Sutherland, J., dissenting).

25. *Brown v. Allen*, 344 U.S. 443, 535 (1953) (Jackson, J., concurring in the result).

26. 151 Cong. Rec. S10366 (daily ed. Sept. 22, 2005) (statement of Sen. Obama).

27. Posting of Mark Murray to First Read, <http://firstread.msnbc.msn.com/archive/2007/07/17/274143.aspx> (July 17, 2007, 16:21 EDT) (report by Carrie Dann).

28. Steven G. Calabresi, *Obama's "Redistribution" Constitution*, Wall St. J., Oct. 28, 2008, at A17.

29. 109 Cong. Rec. S10641 (daily ed. Sept. 29, 2005) (statement of Sen. Stabenow).

30. Interview by Matt Lauer with Senator Edward Kennedy, available at <http://www.tedkenedy.com/journal/165/senator-kennedy-nbc-today-show-interview>.

31. Terry Eastland, *The "Good Judge": Antonin Scalia's two decades on the Supreme Court*, Wkly. Standard, Nov. 13, 2006.

32. Press Release, *The Federalist Society*, *Key Findings from a National Survey of 800 Actual Voters* (Nov. 5, 2008), available at http://www.fed-soc.org/publications/pubid.1183/pub_detail.asp.

33. Andrew Jackson, *Farewell Address*, in 2 *The Statesman's Manual: The Addresses and Messages of the Presidents of the United States* 947, 957 (Edwin Williams ed., New York, Edward Walker 1846).

34. On file with Author.

EXHIBIT 2

[From the National Journal, Aug. 4, 2009]

(By Stuart Taylor Jr.)

DID PRECEDENT MAKE SOTOMAYOR RULE AGAINST RICCI?

Judge Sonia Sotomayor has not defended her most widely criticized decision—the one rejecting a discrimination lawsuit by 17 white firefighters, and one Hispanic, against the city of New Haven, Conn.—as a just or fair result.

That would have been an uphill battle: Polls in June showed that huge majorities of the public wanted the Supreme Court to reverse Sotomayor's decision.

And as I've explained elsewhere, although the Supreme Court split 5-4 in ruling for the firefighters in *Ricci v. DeStefano*, all nine justices rejected the specific legal rule applied by Sotomayor's three judge panel. That rule would allow employers to deny promotions after the fact to those who did best on any measure of qualifications—no matter how job-related and racially neutral—on which blacks or Hispanics did badly.

Instead of defending her panel's quota-friendly rule and its harsh impact on the high-scoring firefighters, Sotomayor and her supporters have argued that she essentially had no choice. The rule that her panel applied had been dictated, they say, by three precedents of her own court, the U.S. Court of Appeals for the 2nd Circuit.

Some critics have expressed skepticism about this claim, but the media have shed little light on its plausibility. I seek to shed some below.

Because some of this gets technical, I'll begin with critics' simplest rebuttal to Sotomayor's precedent-made-me-do-it claim:

Even assuming for the sake of argument that the Sotomayor panel's decision was dictated by the three 2nd Circuit precedents, it is undisputed that the full 2nd Circuit could have modified or overruled them if Sotomayor had voted to rehear the case en banc, meaning with all active 2nd Circuit judges participating. Instead, Sotomayor cast a deciding vote in the 7-6 decision not to rehear the case, suggesting she was satisfied with the ruling.

There is also ample reason to doubt that any of the three 2nd Circuit precedents actually required the Sotomayor panel to rule as it did, as some politicized professors have pretended.

Sotomayor fleshed out her vague testimony about the issue in answers to senators' written questions. She quoted her 2nd Circuit colleague Barrington Parker's concurrence, which she and three other judges had joined, in the 7-6 vote not to rehear Ricci. Judge Parker wrote:

There was controlling authority in our decisions—among them, *Hayden v. County of Nassau* [in 1999] and *Bushey v. N.Y. State Civil Serv. Comm'n* [in 1984]. These cases clearly establish for the circuit that a public employer, faced with a *prima facie* case of disparate-impact liability under Title VII, does not violate Title VII or the Equal Protection Clause by taking facially neutral, albeit race-conscious, actions to avoid such liability.

To unpack the legal language: Title VII is the employment discrimination portion of the 1964 Civil Rights Act. Title VII disparate-impact lawsuits are typically brought by blacks or Hispanics who challenge as discriminatory employers' use of objective tests on which those minorities do poorly. New Haven's ostensible reason for denying promotions to the white and Hispanic firefighters who had done well on qualifying exams was fear of being hit with a disparate impact lawsuit by blacks who had done poorly. And any black plaintiffs would indeed have had a *prima facie* disparate-impact case, which is legalese for proof that blacks had done much worse on the tests than whites.

But Judge Parker gave short shrift to the fact that even when plaintiffs have a *prima facie* case, an employer such as the city "could be held liable for disparate-impact discrimination only if the examinations were not job related and consistent with business necessity, or if there existed an equally valid, less-discriminatory alternative," as the Supreme Court stressed in Ricci.

In addition, Parker's reading of both *Hayden* and *Bushey* is conspicuously overbroad. Their facts (especially *Hayden*'s) were quite different from those of Ricci. And *Bushey* has been undermined by subsequent Supreme Court precedents and legislation.

That's why Judge Jose Cabranes, in the main dissent from the 2nd Circuit's 7-6 denial of rehearing en banc, began:

"This appeal raises important questions of first impression"—meaning questions not controlled by precedent—"in our circuit and, indeed, in the nation, regarding the application of the Fourteenth Amendment's Equal Protection Clause and Title VII's prohibition on discriminatory employment practices."

The question at the core of the case, Cabranes said, was: "May a municipal employer disregard the results of a qualifying examination, which was carefully constructed to ensure race neutrality, on the

ground that the results of the examination yielded too many qualified applicants of one race and not enough of another?"

This and other questions raised by the case, Cabranes continued, were "indisputably complex and far from well-settled" and "not addressed by any precedent of the Supreme Court or our Circuit," including *Hayden* and *Bushey*.

Ricci differed from *Hayden* in three critical respects. First, as Cabranes explained, *Hayden* had approved Nassau County's "race-conscious design of an employment examination," which was achieved mainly by eliminating tests of cognitive skills. Ricci, on the other hand, involved "race-based treatment of examination results" (emphasis added) to override local civil service laws under which promotions are virtually automatic for the firefighters with the best scores on job-related oral and written tests.

Second, *Hayden* stressed that the white plaintiffs "cannot establish that they were injured or disadvantaged" by the Nassau County test's race-conscious design. The Ricci plaintiffs were very clearly injured: They were denied promotions that they had done everything possible to earn under New Haven's civil service laws, and thus were "deprived of the pursuit of happiness on account of race," in the words of Washington Post columnist Richard Cohen.

Third, *Hayden* upheld the Nassau County exam's black-friendly design in part "to rectify prior discrimination" by the county against blacks seeking police jobs. Ricci involved no claim of prior discrimination by New Haven against blacks.

Bushey was a lawsuit by whites challenging New York State's race-norming of scores—by substantially raising each minority applicant's score—on a qualifying exam to become a correction captain. The 2nd Circuit's mixed ruling in the case was entitled to little or no weight as a precedent in Ricci for at least four reasons:

While *Bushey* held that the state could use unspecified "race-conscious remedies" to avert a lawsuit by minorities who had done badly on a test, the 2nd Circuit ordered further proceedings to determine whether the race-norming remedy chosen by the state went too far, and violated Title VII by "trammel[ing] the interests of nonminority candidates." In Ricci, the Sotomayor panel gave no weight at all to the interests of non-minority candidates.

In a key provision of the 1991 Civil Rights Act, Congress banned the sort of race-norming that the state had used in *Bushey*. This provision stated broadly that employers may not "adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race." Indeed, by throwing out ("altering"?) the results of its test, New Haven arguably violated the 1991 provision, as well as others, in Ricci itself.

Bushey noted that the white plaintiffs' initial claims that their constitutional rights had been violated "are not before us," because on appeal they had relied solely on their Title VII claims. In Ricci, "significant constitutional claims . . . of first impression [were] at the core of this case," as Cabranes wrote. The Sotomayor panel completely ignored them.

The high-scoring firefighters' constitutional claims in Ricci were especially strong because landmark Supreme Court decisions in 1989 and 1995 had washed away the foundations of *Bushey* and another 2nd Circuit decision cited by Sotomayor defenders, *Kirkland v. New York State Department of Correc-*

tional Services (1980). The 1989 and 1995 decisions held for the first time that (respectively) state and federal favoritism toward blacks is just as suspect under the Constitution as favoritism toward whites. "Any preference based on racial or ethnic criteria must necessarily receive a most searching examination" and be struck down unless "narrowly tailored" to serve a "compelling" governmental interest, according to the 1995 decision, *Adarand Constructors v. Peña*.

The justices' constitutional rulings seem quite contrary to the 2nd Circuit's approach not only in *Bushey* but also in Ricci, in which—Cabranes suggested—Sotomayor and her allies "took the city's justifications at face value," ignoring strong evidence that its decision to dump the test scores was driven by racial politics, not legal principle. The result, Cabranes said, was that "municipal employers could reject the results of an employment examination whenever those results failed to yield a desired racial outcome—i.e. failed to satisfy a racial quota."

Later, in the Supreme Court's June 29 majority opinion in Ricci, Justice Anthony Kennedy said it was unnecessary to address the firefighters' constitutional claims because their Title VII claims alone were sufficient to win the case. But Kennedy stressed that there were "few, if any, precedents in the courts of appeals discussing the issue."

The bottom line is that 2nd Circuit precedents did not make Sotomayor rule as she did. Supreme Court precedent favored the firefighters. Sotomayor's ruling was her own.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me confess that I feel totally inadequate standing here tonight and talking about the subject of the confirmation of Judge Sotomayor. I am not a lawyer. I am amidst these brilliant lawyers. I listened to Senator HATCH and Senator SESSIONS. They have the kind of background where they can really get into this and look constitutionally and legally and evaluate, and I am not in that position.

I would like to speak on this nomination for the following reasons. I want to reaffirm my opposition to her confirmation.

I was the first Member of the Senate on the day she was nominated who announced I would not be supporting her. I recognize, as Senator HATCH said, that she will be confirmed. We know that.

I remember what Senator SCHUMER, the senior Senator from New York, said shortly after she was first nominated. He made the statement that Republicans are going to have to vote for her because they don't want to vote against a woman, vote against a Hispanic. He was right. But I would suggest that after the hearing, that statement is not nearly as true as it was before the hearings because of some of the extreme positions she has taken.

I have to say that from a nonlawyer perspective, I look at it perhaps differently than my colleagues who are learned scholars in the legal profession. A lifetime appointment to the Supreme Court requires not only a respect for

the rule of law but also for the separation of powers and an acknowledgment that the Court is not a place where policy is made. The Court is about the application of the law and not where judges get to make the world a place they want it to be. I saw that all throughout the hearings I watched with a great deal of interest.

In May of 2005, Judge Sotomayor asserted that the “court of appeals is where policy is made.” She also wrote in a 1996 law review article that “change—sometimes radical change—can and does occur in a legal system that serves a society whose social policy itself changes.”

The Constitution is absolutely clear: Policy is made in the Halls of Congress, right here—that is what we do for a living—not in the courtroom. Legislators write the laws. Judges interpret them. We understand that. Even those of us who are nonlawyers remembered that all the way through school. Sotomayor is correct that societies change, but the policies that are made to reflect these changes are done through Members of Congress who are elected to represent the will of the people.

Obviously, we are talking about a lifetime appointment. There is no accountability after this point. When judges go beyond interpreting the laws and the Constitution and legislate from the bench, they overstep their jurisdiction and their constitutional duty. Allowing judges who are not directly elected by the people and who serve lifelong terms to rewrite laws from the bench is dangerous to the vitality of a representative democracy. Simply put, judicial activism places too much power in the hands of those who are not directly accountable to the people. That is what we are talking about, a lifetime appointment.

Judge Sotomayor has overcome significant adversity to achieve great success, and I agree with Senator HATCH in his comments that we admire her for her accomplishments under adverse conditions. However, while her experiences as a Latina woman have shaped who she is as a person, they should not be used, as she affirms, to affect her judicial impartiality and significantly influence how she interprets the law and the Constitution.

In 2001, Judge Sotomayor gave a speech at the University of California, Berkeley in which she stated:

I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

She has on several occasions conveyed the same idea. Between 1994 and 2003, she delivered speeches using similar language at Seton Hall University, the Woman's Bar Association of the State of New York, Yale University, the City University of New York School of Law. It is not a slip of the

tongue once; this is a statement that has been reaffirmed and reaffirmed. Quite frankly, that was the reason for my opposition back in 1998 when she was nominated to be on the circuit court of appeals. The statements she made show a very biased opinion that someone who is not a lawyer sees and thinks should disqualify someone for the appointment.

She further stated in 1994, in a presentation in Puerto Rico, that:

Justice O'Connor has often been cited as saying that “a wise old man and a wise old woman reach the same conclusion” in deciding cases . . . [however] I am also not sure that I agree with that statement . . . I would hope that a wise woman with the richness of her experience would, more often than not, reach a better conclusion.

That is pretty emphatic. There is no other way you can interpret that. She thinks that a woman with her experience can make a better conclusion than a White male. I consider that racist. Sotomayor not only suggests the possibility of judicial impartiality but also that gender and ethnicity should influence a judge's decision.

Furthermore, President Obama said that in choosing the next Supreme Court nominee, he would use an empathy standard. While judges may and should be empathetic people, they must be impartial judges first. If empathy was a guiding standard, with whom should a judge empathize? Should more empathy be shown to one race, one gender, one religion, one lifestyle? True justice does not see race, gender, or creed. We are all equal in the eyes of the law, and the law must be applied equally. That is why she wears a blindfold. It is supposed to be blind justice.

Rather than looking to factors beyond the law, judges must solely examine the facts of the case and the law itself. Their ability to equally apply justice under the law is the standard by which we should select judges. So we have two different standards right now with which I disagree. One is that judges should make policy and, secondly, that gender and ethnicity should influence decisions.

Another belief on which Judge Sotomayor and I fundamentally disagree is that American judges should consider foreign law when deciding cases. This probably concerns me more than any of the rest of them—the fact that we have this obsession in these Halls, in this Senate, that nothing is good unless it somehow comes from the United Nations or is coming from some multinational origin.

In 2007, in the forward to a book—and I read this myself—titled, “The International Judge,” Sotomayor wrote:

[T]he question of how much we have to learn from foreign law and the international community when interpreting our Constitution is not the only one worth posing.

This past spring, Judge Sotomayor gave an alarming speech at the ACLU which addressed this topic. She said:

[T]o suggest to anyone that you can outlaw the use of foreign or international law is a sentiment that is based on a fundamental misunderstanding, what you would be asking American judges to do is to close their minds to good ideas. . . .

No, Judge Sotomayor, it is sovereignty that we are talking about. Statements like these make it clear that President Obama has nominated a judge to our highest Court who believes our courts should rely on foreign decisions when interpreting our Constitution. And I have to say, whatever happened to sovereignty? This obsession with multinationalism has to come to an end. I believe America will reject this type of thought. Americans do not want the rest of the world interpreting our laws, and neither do I.

Finally, Mr. President, Judge Sotomayor's record on the second amendment is constitutionally outrageous. Maybe it is because I come from Oklahoma, but that is the thing I hear about more than anything else down there, and my own kids, I might add.

I do not believe Judge Sotomayor can be trusted to uphold the individual freedom to keep and bear arms if future second amendment cases come before her. I have received no assurances from her past decisions or public testimony that she will be willing to fairly consider the question of whether the second amendment is a fundamental right and thus restricts State action as it relates to the second amendment. It is incomprehensible to me that our Founding Fathers could have intended the right to keep and bear arms as non-binding upon the States and instead leave the right to be hollowed out by State and local laws and regulations. History and common sense do not support this.

I have to tell you, this has been more of a concern in my State of Oklahoma than anything else. I cannot confirm a nominee who believes the second amendment is something other than a fundamental right and instead treats it as a second class amendment to the Constitution. I do not know what a second class amendment to the Constitution is. This is not in line with my beliefs and not in line with the beliefs of the majority of Americans—certainly from my State of Oklahoma.

Today, I am persuaded the confirmation hearings served only to highlight many of my concerns. The numerous inconsistencies of her testimony with her record have persuaded not only me but the American people that Judge Sotomayor is not qualified to serve as a Justice on the highest Court, the U.S. Supreme Court. I say that because a recent Zogby Poll—and as several other polls have also consistently confirmed—following the confirmation hearings revealed that only 49 percent of Americans support Judge Sotomayor's confirmation, with an equal number opposing it. This is significant because she played the race

card all the way through this thing and was talking about the Hispanic effect. But the same poll showed that among Hispanic voters, only 47 percent say they are in favor of her confirmation.

In other words, there are fewer people in the Hispanic community who are favoring her confirmation than in the non-Hispanic. These numbers are evidence of the fact that Judge Sotomayor has not gained the approval of the American people during her confirmation hearings, and she certainly has not gained mine.

I was the first Member of the Senate to publicly announce my opposition to Judge Sotomayor after her nomination to the Supreme Court on May 26. On that date, I stated I could not confirm her. In addition to all the above, there is another reason. While I do not often agree with Vice President BIDEN, I do agree with his statement that once you oppose a Federal court nominee, you cannot support that nominee for a higher court because the bar is higher. I think that is very significant to point out here because there are several who are still serving today, as I am, who opposed her to the circuit court in 1998. I think Vice President BIDEN is correct. As the standard goes up, once you get to the U.S. Supreme Court, that is the end. So that should be the very highest standard. So it is unconceivable that anyone who would have opposed her in 1998 could turn around and support her now.

I have to say there are a lot of reasons I have pointed out. One is judges making policy. I object to that; I find that offensive. Gender and ethnicity should be a consideration; that is wrong. The international thing, that we have to go to the international community to see that we are doing the right thing in interpreting our Constitution; that is a sovereignty issue. The second amendment, that is a concern.

So even though Judge Sotomayor will be confirmed, it will be without my vote. I would have to say for the sake of my 20 kids and grandkids that I will oppose Judge Sotomayor's nomination to the U.S. Supreme Court.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I believe there are a few minutes left on this side of the aisle. I would just like to share a few thoughts. I see Senator BROWN is here and would also like to speak tonight. I think some others may also.

One of the things that has been discussed tonight from my Democratic

colleagues is the great American ideal of equal justice under law. Those words are indeed chiseled on the face of the Supreme Court across the street, and it has been invoked as a reason to support this nominee. But I would suggest that at its most fundamental level that is one of the serious objections and concerns we have.

Lawsuits have parties. If you have empathy for one party, if you have a sympathy for one party, if you have a prejudice that favors one party, then that is not equal justice. In her own speeches and statements, Judge Sotomayor has said: I accept the fact that my background, my sympathies, even my prejudices—those are her words—will affect the facts, affect how I decide cases—that her background will “affect the facts I choose to see.” These were not just speeches given one time but repeated over a period of a decade.

So it raises real questions about that because the oath that a judge takes is a powerful thing. The oath reflects the ideal of American justice. And the oath says a judge will not be a respecter of persons. The oath says a judge shall do equal justice to the poor and the rich alike. The oath says a judge will be impartial; that they will carry out their duties under the Constitution and under the laws of the United States—not above the laws of the United States. A judge is not above the law. They are not empowered to utilize any of their personal views, politics, morals, or values in the process of their judging to manipulate the law, to carry out an agenda they may believe is the greatest thing for all of America. They are not entitled to do that.

So from her speeches and her approach to the law, there is a great concern to the extent of which I have not seen before in speeches and expressions, in Law Review articles by this nominee that suggests an acceptance of the fact that her background and experiences, opinions, sympathies, and prejudices will affect her rulings.

She goes on to say: I accept the fact that my background will “affect the facts I choose to see.” For a lawyer like myself who has practiced a good bit in Federal court, tried quite a few cases, this is a stunning development that a judge is going to tell me: Well, I may not see those facts because of my background, my sympathies, and my prejudices. That is what a judge puts on that robe for. The robe is to symbolize they pull themselves apart from the everyday pressures that are on them, the everyday biases and prejudices; that they will be a neutral, fair, objective umpire and will call the balls and strikes, call the game without taking sides, without trying to achieve a given result. This is the ideal of American justice.

One of our colleagues said he objected because some of us were advo-

cating a strange and strained conservative orthodoxy, that we would not vote for anybody who did not agree with some sort of philosophy like that. What I said at the opening of the hearing was that I would not vote for her, and no Senator should vote for any nominee, whether liberal or conservative, who was not committed—committed—as their oath commits them, to setting aside personal values, opinions, and so forth, and rendering true justice based on the law and the facts, whether they like the law or not.

So I think this is a big deal. They say: Well, you never confirmed a liberal Democrat, SESSIONS. You are a conservative Republican. But I would. And I voted for quite a number of them under President Clinton. I expect I will vote for quite a number under President Obama. I voted for 95 percent of President Clinton's nominees in the time I was in the Senate. It is not their politics. It is not the church they belong to. It is not whether they go to church. It is not what their moral values are. It is when they get on that bench and they decide cases, are they going to follow the law and the facts? That is the question, and that is what we are looking for.

It is sort of surprising to see a nominee express repeatedly over a period of years a contrary view. And to suggest that, well, it may be an aspiration to be unbiased, but it is just a mere aspiration—and to explicitly reject the classical formulation of a judge's role as expressed by Justice O'Connor, when she said: A wise old woman and a wise old man should reach the same conclusion—well, that is what we always have believed in America. Now we have this new theory that, well, you can bring to bear your background, and you might reach a better conclusion because you have different experiences you can bring to bear. That is not our goal in America, in my view.

Our legal system is built on a belief that there is a right answer to even the most difficult cases, and judges ought to give their absolute best effort to find that right answer. It is based on law and the facts and not what their personal views and values are. That is what we are all about. I think it is an important issue. And the activist, whether liberal or conservative, the activist judge allows those values and prejudices and political views and ideology to affect their rulings. It causes them to find some way to achieve a result that furthers an agenda they believe in. That is not justice, that is politics.

When President Obama says he wants a judge who will show empathy, I ask: Whom does he show empathy for? If you show empathy for one party, haven't you had a bias against the other? Who got empathy in the firefighters case? Was that equal justice under law—under law?

The Constitution says no one shall be deprived of equal protection of the laws on account of their race. But the firefighters who passed the test—a test that was never found to be defective, and the Supreme Court found it was not found to be defective—they had that test thrown out because they didn't like the racial results of it. Isn't that discriminating against the people who worked hard and studied and passed the test?

Lieutenant Vargas testified before our committee. I asked him, and he said if everybody had studied as hard as he had, a lot more of them would have passed. It was just a question of the commitment to learn the things necessary to be a leader in a fire department where you send people into life-and-death situations. This is not a little matter. You need to know things.

So I don't want anybody to think that what we are doing is some strange or strained approach to the law. I believe we are asking fundamental questions about law and justice in America and the Supreme Court of the United States. Aren't we entitled to expect that this nominee, such as every other judge who has ever taken the bench in any Federal court in America, should be not mildly committed to the oath but absolutely committed to the oath; committed to not being a respecter of persons; committed to equal justice for the poor and the rich; committed to impartiality; committed to conducting their office under the Constitution and under the laws of the United States and not above it.

I think that is what we need to be looking for. I am afraid this nominee, based on several important cases and a plethora of speeches over a decade, doesn't meet the standard. I wish it weren't so. I thought things would get better at the hearing. I don't think they did. That is my best judgment. So that is why I have concluded I cannot support her nomination.

I thank the Chair and yield the floor.

Mr. BROWN. Mr. President, I am a father of daughters who were raised with the belief that the United States is only as strong as its commitment to combating prejudice and promoting equality under the law. It is something I learned from my own mother. I am also a husband of a woman whose parents' sacrifice allowed her to be the first in her family to go to college, opening a world of possibility grounded in the basic American values of hard work and opportunity for all. It is with them in mind and with appreciation for the confidence Judge Sonia Sotomayor inspires that I am proud to support her to be the next Associate Justice of the U.S. Supreme Court.

Judge Sotomayor has cleared hurdle after hurdle to achieve the promise of the American dream. She has earned the admiration of her peers by demonstrating again and again her respect

for the law, her respect for the rule of law, and her dedication to its impartial interpretation. For more than three decades, as we have heard on the floor and we heard in committee, as a district attorney in New York, a civil litigator in private practice, a Federal judge in the Second Court of Appeals, Judge Sotomayor has shown that she is tough and she is fair and she is a thoughtful arbiter of justice. She will be an outstanding Associate Justice of the U.S. Supreme Court.

During her confirmation hearings, Judge Sotomayor responded thoughtfully and thoroughly to a wide range of questions. In fact, she answered more questions in depth than any nominee in recent history. Combined with first-class legal reasoning and disciplined intellect, Sonia Sotomayor's life experiences will make her a valuable addition to the Court.

She was raised in public housing in the Bronx. At age 9, she lost her father, a factory worker. Raised by her mother, a nurse, she battled childhood diabetes while excelling at every level in school. My best friend also suffered from childhood diabetes. He lived with diabetes for some 40 years. I know how it made him more disciplined, it made him more compassionate, and if I could use the word, it made him more empathetic toward those around him. It made him an all-around better person, it made him a better judge of character, and it made him more fair.

After graduating from our Nation's finest universities, Sonia Sotomayor reached the heights of the legal profession. Each of these experiences exposed her to the array of the American experience.

Current and former Supreme Court Justices from across the ideological spectrum have described how their personal experiences informed their judicial perspective. Judge Sandra Day O'Connor, nominated by President Reagan, once said:

We're all creatures of our upbringing. We bring whatever we are as people to a job like the Supreme Court. We have our life experiences.

Empathy, perhaps?

Justice Samuel Alito, a conservative nominated by President Bush, said during his confirmation hearings:

When I get a case about discrimination, I have to think about people in my own family who suffered discrimination because of the ethnic background or because of religion or because of gender. And I do take that into account.

Empathy, perhaps?

I don't recall when Judge Alito appeared in front of the Judiciary Committee that people questioned his empathy and questioned his ability to do his job because of his background. Similarly, Judge Sotomayor's background and life experiences will impart a new sense of perspective to the Court.

As I hear this discussion of empathy and I hear this accusation of Judge

Sotomayor being an activist judge, I think about who has sat on the Supreme Court through much of this Nation's history. Most of the people who sat on the Supreme Court were people of privilege. Most of the people who sat on the Supreme Court were people who were born into privilege. We have seen the Supreme Court, the highest Court in the land, particularly in recent years, side in case after case with the wealthy over the poor. We have seen them side with large corporations over workers. We have seen them side with the elite of our society over others in our society. Maybe they decided that way because the Justices came from privileged backgrounds themselves and that is the way they saw the world around them. I don't hear those discussions on the floor. I didn't hear those discussions in the Senate Judiciary Committee from those who oppose Judge Sotomayor's nomination.

Similar to Presidents Reagan and Bush and every President before, President Obama chose Sonia Sotomayor because he felt her views and her interpretations of our Nation's law reflect the way forward for our Nation. On issues ranging from criminal justice and labor and employment, Judge Sotomayor has an extraordinary record of following, defending, and upholding the rule of law as a Federal prosecutor, as a trial judge, and as an appellate judge. Nearly every major law enforcement organization in this Nation, ranging from the Fraternal Order of Police to the National Sheriff's Association to the National District Attorneys Association, has endorsed her. The American Bar Association awarded its highest ratings when evaluating Judge Sotomayor's judicial temperament and her treatment of all litigants. And the Judiciary Committee has received a letter of support for Judge Sotomayor's nomination from the American Hunters and Shooters Association, an organization that advocates for second amendment rights. The association told us some in the firearm community have leveled a number of charges against Judge Sotomayor that do not pass the truth test. They also wrote:

Conservatives should applaud Judge Sotomayor as a model of judicial restraint on the Circuit Court, even if that restraint has frustrated gun rights outcomes in the immediate cases.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follow

AMERICAN HUNTERS
& SHOOTERS ASSOCIATION,
June 29, 2009.

Senator PATRICK LEAHY,
Chairman, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: In 1991, President George H.W. Bush appointed Judge

Sotomayor to the U.S. District Court for the Southern District of New York. Senator Al D'Amato (R-NY) led the fight for her initial Senate confirmation, which was approved by unanimous consent. Her later nomination to the U.S. Appeals Court (Second Circuit) was made by President Bill Clinton and also moved along by then Senator Al D'Amato. She received strong bi-partisan support with a vote of 67-29.

Some in the firearm community have leveled a number of charges against Judge Sotomayor that do not pass the truth test. In the recent case of *Maloney v. Cuomo*, a unanimous Second Circuit panel, which included Judge Sotomayor acknowledged that the landmark ruling in *District of Columbia v. Heller* confers an individual right of citizens to keep and bear arms.

The *Maloney* court also explained, as the Heller majority had, that earlier Supreme Court precedents had held that the Second Amendment "is a limitation only upon the power of congress and the national government and not upon that of the state." The panel noted that while Heller raises questions about those earlier Supreme Court decisions, the Second Circuit was obligated to follow direct precedent "leaving to the Supreme Court the prerogative of overruling its own decisions." While we are disappointed that the Supreme Court has not yet extended this right to the states, we note that Conservative Judge Frank Easterbrook of the 7th Circuit agreed with Sotomayor's ruling as being consistent with precedent. Judge Sotomayor has established herself as a model jurist in terms of respecting precedent. We suspect that her critics from the leadership of several well-known gun organizations are just as interested in supporting precedent as she is, now that the precedent to be protected is clearly enshrined within the Heller decision.

As the President of the American Hunters and Shooters Association, I am eager to see the Supreme Court take up the incorporation issue of the Second Amendment to the states. As a gun owner in Maryland, it is my fervent hope that the Supreme Court will extend the protections guaranteed by the Second Amendment, as defined in the Heller decision, to the citizens of the United States of America who reside outside the District of Columbia, as it has with the First and Fourth Amendments.

Our own views on gun ownership notwithstanding, it is the role of the President, who was elected by a rather impressive majority, to nominate and the Senate's duty to advise and consent. The Senate would be wise to consent to this nomination.

Conservatives should applaud Judge Sotomayor as a model of judicial restraint on the Circuit Court, even if that restraint has frustrated gun rights outcomes in the immediate cases. As moderate progressives, we hope that the nominee views the settled law in *Heller* as ripe for an activist expansion by incorporation to the states in harmonizing the different Circuit Court decisions.

On behalf of the American Hunters and Shooters Association, we extend our strong support for the confirmation of Judge Sotomayor to the U.S. Supreme Court. We fervently hope you and your fellow Judiciary Committee members will see fit to support this nomination.

Most respectfully submitted,

RAY SCHOENKE,

President.

Mr. BROWN. Mr. President, Judge Sotomayor is a groundbreaking Supreme Court nominee, who unfortunately

is facing gratuitous, groundless mischaracterizations. She is to be commended for her exemplary conduct in the face of critical and vicious personal attacks. Unfortunately, we have seen it all too many times. Judge Sotomayor is a woman and she is Puerto Rican. She is also a beloved daughter, sister, and aunt. She is a highly respected judge, with more relevant experience than any member of the current Supreme Court—than any member of the current Supreme Court.

Louis Brandeis, confirmed in 1916 as the Court's first Jewish nominee, faced massive distortions and mischaracterizations. Justice Thurgood Marshall, confirmed in 1967 as the Court's first African-American Justice, faced extraordinary personal attacks. Both Justice Brandeis and Justice Marshall made lasting legacies on the Court that ensured our Nation's progress to meet the very Democratic ideals enshrined in our Constitution. I would offer that their background perhaps made them even better Justices.

President Obama was elected in a historic election, where the American people turned pages of history to forge a new path for our Nation. It is a new path shaped by common sense and compassion and belief in the potential of our people and the greatness of our Nation. The Supreme Court is a vital part of this path forward.

Exercising one of his most important powers, President Obama nominated someone who will help ensure that our Supreme Court honors the Constitution and that every American is protected by it.

President Obama said:

What she will bring to this court is not only the knowledge and experience acquired over the course of a brilliant legal career, but the wisdom accumulated from an inspiring life journey.

I congratulate Judge Sotomayor, her mother Celina, and the rest of the Sotomayor family. I also congratulate Justice David Souter on his well-earned retirement. Justice Souter's probing intellect and brilliant legal mind deserve our Nation's sincere thanks and gratitude.

Commitment to the rule of law is the foundation of our Nation, where democratic values are enshrined in the Constitution that preserves and strengthens our basic freedom. As Senators, one of our most important Constitutional responsibilities is to confirm a Justice of the Supreme Court. I urge my Senate colleagues to join me in confirming Judge Sonia Sotomayor as the next Associate Justice of the U.S. Supreme Court.

Thank you. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FLOODING IN LOUISVILLE

Mr. McCONNELL. Mr. President, I wish to make a few short observations about a severe storm that hit my hometown and dumped 6 inches of rain in 75 minutes in Louisville just today, causing major flooding and trapping people in their cars and in their neighborhoods. The Louisville Police and Fire and Rescue have been working nonstop since early this morning to assist those in need. I wish to commend them for the courageous and outstanding work they have been performing throughout the day.

Not surprisingly, I have heard from a number of my constituents. I appreciate very much their calls to keep me informed on the latest developments. We are going to continue to monitor the situation back home. In the meantime, our thoughts and prayers go out to everyone in Louisville today.

COMMENDING THE SIMPSON COUNTY HISTORICAL SOCIETY

Mr. McCONNELL. Mr. President, I rise today to pay tribute to the accomplishments of the Simpson County Historical Society, which is celebrating its 50th anniversary in September, making it one of the oldest continuously operating historical societies in Kentucky.

The society's half century of promoting research and knowledge of history makes it one of south-central Kentucky's treasures. At the society's very first meeting in 1959, 37 individuals met in a private home to discuss the creation of the organization.

For many years the society maintained a small collection at the Goodnight Library until members convinced the county to let them use the old county jail and jailer's house as a headquarters. The facility now serves as the Simpson County Archives and Museum. Their collection contains thousands of items, including books, manuscripts, original documents and papers, pictures, county records, tapes, CDs, microfilm, microfiche, computers, and more.

The research materials, librarians and volunteers at the archives have

helped thousands of visitors connect to their past and learn about their genealogy.

The dedicated staff and volunteers at the society have made it very successful. In 2006, Mary Garrett, Nancy Neely, Sarah Richardson, Sarah Smith, Beatrice Snider, Margaret Snider, and Dorothy Steers received the Lifetime Presidential Volunteer Service Awards for over 4,000 hours of volunteer service.

The group not only preserves history, but gives much to the community, for instance by supporting several historical markers in Simpson County and providing grants for schools and groups interested in preserving history. They also offer scholarships for students who want to study history.

Mr. President, I ask my colleagues to join me in honoring, as listed below, the society and their officers for their hard work and dedication to the preservation and research of Kentucky's and Simpson County's history over the past 50 years and for many more years to come:

SIMPSON COUNTY HISTORICAL SOCIETY
OFFICERS—2009

President Dr. James Henry Snider, Vice-President Jean Almand, Secretary Jason Herring, Assistant Secretary Bonnye Moody, Treasurer Commie Jo Hall, Librarian Kenny Lynn Scott, Directors Katherine McCutchen, Emily Mayes, Sarah Jernigan, Past President and Business Manager Sarah Jo Cardwell, Gayla Coates, Nancy Thomas, Commie Jo Hall, Morris Hester, Betty Nolan, Elizabeth Wakefield, Allison Cummings, Helen Cardwell, and Stacie Goosetree

SIMPSON COUNTY HISTORICAL SOCIETY
VOLUNTEERS

Myrtle Alexander, Kathy Allen (Dinning), David Forrest Almand, Jean Almand, Margaret Beach, Roxanne Boyer, Lucille Brown, Jean Burton, Barry Byrd, Bill Byrd, Helen Cardwell, Ruth Cardwell, Sarah Jo Cardwell, Pattye Caudill, Billy Jeff Cherry, Ruth Cherry, Liz Chisholm, Jim Clark, Gayla Coates, Sue Cooper, Irene Harding Cornett, Joe Craft, Nettie Craft, Mary Crow, Allison Cummings, Elizabeth Dinning, Elizabeth Dunn, Ruth Forshee, Jackie Forshee, Kathy Forshee, Larry Forshee, Mary Garrett, Paul Garrett, Addie Gillespie, Nora Belle Gillespie, Cheryl Goodlad, Stacie Goosetree, Kay Gregath, John Gregory, Commie Jo Hall, Janet Head, Jason Herring, Jimmy Jennett, Tracy Jennett, Dorothy Jent, Earl Jent, Amy Kopley, Ricky Kopley, Donna Laser, Mary Malone, Emily Martin, Emily Mayes, Charles McCutchen, Katherine McCutchen, Hallie McFarland, Mary Rose Meador, Lowrie Mervine, Peggy Mervine, Betty Milliken, Edna Milliken, Thomas N. Moody, Anne Mullikin, Nancy Neely, Tom Scott Neely, Dorothy Newbold, Mary Ogles, Olaine Owen, Mildred Perry, Jo Ann Phillips, Marian Phillips, Ruth Richards, Mozelle Richardson, Sarah Richardson, Wendell Richardson, Mattie Lou Riggins, Janet Roark, Betty Rogers, Lou Ella Rutherford, Edna Earl Scott, Kenny Lynn Scott, Ellen Smith, Henry Price Smith, Sarah Smith, Billy Briggs Snider, Beatrice Snider, James D. Snider, Margaret Snider, Lori Snider, James Henry Snider, D. B. Snider, Pearl Snider, Dorothy Steers, Geraldine "Jerri" Stewart, Rowena Sullivan, Robert E. Taylor,

Nancy Thomas, Jane Truelove, L. L. Valentine, Dan Ware, Bessie Watwood, Alisha Westmoreland, Michelle Willis, Christine Wilburn, Geraldine Wright, Joan Yorgason.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I was unable to participate in the rollcall vote on the motion to invoke cloture on the Kohl substitute amendment, No. 1908, to H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010 and on the rollcall vote on amendment No. 1910 introduced by Senator McCain. Both rollcall votes took place yesterday.

Had I been present, I would have voted yea in support of the motion to invoke cloture and yea in support of Senator McCain's amendment. The McCain amendment would have cut \$17.5 million set aside for the Rural Utilities Service, High Energy Cost Grant Program—a program that was eliminated in President Obama's fiscal year 2010 budget.

I commend the chairman of the subcommittee, Senator KOHL, and the ranking member, Senator BROWNBACK, for their bipartisan work on this important bill that will fund agriculture priorities, nutrition assistance programs, and food and drug safety measures that are critical for my State of Connecticut and the rest of the country.

HEALTH CARE REFORM

Mr. DODD. Mr. President, last night I rose to speak on health care reform.

Today, another 14,000 Americans lost their health insurance.

That is 14,000 Americans who had health insurance when I spoke on the floor last night, but tonight each will go to bed fearing that if something happens to them or their family, they could lose everything—their home, their life savings, their economic security, gone.

Tomorrow, it will be another 14,000.

Another 14,000 the day after that.

And another 14,000 every single day until we finally pass real health care reform.

Between now and when we return from recess, half a million Americans will lose their insurance. Some will have preexisting conditions that, under our current system, will prevent them from ever finding coverage again. Some will have medical issues requiring expensive treatments that they will no longer be able to afford. Some will end up in bankruptcy. Some will end up on public assistance. And some will end up in the emergency room with a sick child whose illness could have been prevented with a simple doctor's visit.

The tragedy caused by our broken health care system is ongoing. It is

happening right now. And when we come back from recess, I have every hope and expectation that we will be ready to work together to stop it.

I take my Republican colleagues at their word when they say they don't want to stall this effort to death, they simply want bipartisanship.

The Affordable Health Choices Act, passed in the HELP Committee, didn't win bipartisan support, but it is a bipartisan bill. It incorporates 161 Republican amendments, and reflects a spirited and robust debate with participation from all sides—exactly the sort of debate I expect we can have when we come back from recess.

We are not going to agree on every detail, and there will be times when we have to have a simple up-or-down vote and live with the results. But surely we can all agree that the status quo isn't just unacceptable—it is unsustainable. That is why doctors and nurses, insurance companies and drug companies, Democrats and Republicans—all say we need reform.

Well, it is time for us to make that happen.

I believe that our bipartisan approach has yielded a good bill.

If you don't have health insurance, the Affordable Health Choices Act will put it within reach by giving you a range of affordable options to choose from. It forever banishes the term "preexisting conditions" from the American vocabulary.

If you have health insurance, the Affordable Health Choices Act will make it less expensive by investing in preventive care to bring down the long-term cost of keeping our citizens well, not to mention eliminating waste and fraud from our system.

And if you like your doctor and your insurance plan, and you are worried about keeping it, the worst thing in the world you could do would be to stand in the way of reform. The Affordable Health Choices Act guarantees that you won't see your insurance be taken away at the moment you need it most or watch as it is priced out of your family's budget.

Whether you have insurance or not, whether you like your health care options or not, whether you are sick or healthy, Democrat or Republican, working-class or a small business owner, reform is for you.

Let us take action on behalf of the 14,000 Americans who will lose insurance tomorrow. Let us take action on behalf of the 45 million uninsured and the 30 million underinsured. Let us take action on behalf of the American people who are looking to us to succeed.

Mr. JOHANNES. Mr. President, I rise today to bring attention to the unique health care challenges faced by the 62 million Americans who live in rural America.

If you took a snapshot of rural America, you would see a population that is

older, poorer, and has less access to health care than other places in the country. Because many rural residents are elderly, they need more health care services.

However, rural residents have greater transportation difficulties reaching health care providers and often have to travel long distances to reach a doctor or hospital. Very few public transportation systems are available, and so many folks wait until they are very sick before turning to the health care system. This makes the already challenging job of managing chronic conditions even more difficult. Rural areas report higher rates of chronic conditions, including heart disease and cancer. One contributing factor to these chronic conditions is the higher obesity and smoking rates of children and adults who reside in rural areas.

Compounding the problem, rural residents also tend to be poorer and make on average \$7,000 less per year than their urban counterparts. Nearly 24 percent of children who live in rural America are in poverty. Poverty affects the types of foods being offered at the dinner table as the price of fruits and vegetables can often bust a tight food budget.

It can also force people to put off medical care. According to a recent study, rural residents are more likely than their urban counterparts to report having deferred care because of cost. It can be a vicious cycle.

While health coverage is vitally important to these rural residents, the greatest crisis is access to care. We could give health insurance to everyone, but if your county has no doctor or hospital, the best insurance will make little difference. This is a simple concept, but an important one.

In rural America, the cornerstone of the health care delivery system is the critical access hospital. These hospitals, made up of 25 beds or less, provide the most basic access to medical services and serve as a rural safety net for emergency services. Of the 90 hospitals in Nebraska, 65 of them are critical access hospitals. Clearly their importance in rural America cannot be overstated.

However, it is difficult for many rural hospitals to keep their doors open. One reason is that there is less patient volume than in many urban settings. In addition, Medicare payments to rural hospitals and physicians are dramatically less than those to their urban counterparts for equivalent services. This correlates closely with the fact that more than 470 rural hospitals have closed in the past 25 years.

Rural areas also struggle to keep other aspects of their health care infrastructure in place. For example, 20 percent of counties in Nebraska do not have a local pharmacist who can fill prescription medications for their residents. I could go on and on with a simi-

lar story on home health services, long term care, durable medical equipment, and other critical health care services.

However, one of the biggest challenges facing rural America is difficulty recruiting and retaining health care professionals. Medical professionals sometimes do not want to set up practice where doctors are few and major metropolitan hospitals require hours of travel. Currently, 50 million Americans who live in rural America face challenges in accessing health care. There are too few providers to meet their basic primary care needs. According to the U.S. Department of Health and Human Services, while a quarter of the population lives in rural areas, only ten percent of physicians practice there. There are over 2,000 health professional shortage areas in rural and frontier areas of all States and U.S. territories compared to 910 in urban areas. Ninety out of 93 Nebraska counties are facing health care profession shortages in one or more areas of practice.

Unless something is done to address this problem, the situation will almost surely become a crisis. This scenario is quickly appearing on the horizon as rural America has a higher percentage of physician generalists who are nearing retirement than urban areas.

Fewer doctors and lack of health care access could decimate rural residents and their rural communities. Young families will not move to a place where they cannot access health care for their children, and older residents will be forced to move to places where they can find care.

This potential rural reality has major implications for the rest of the country and will affect the health and well being of everyone. For example, rural America produces the food and the fiber that our country needs to survive. Young farmers and their families will not come back to live and work in an area where they cannot receive health services should an accident or sickness occur. The farming profession is already a gamble and not having access to health care is something most people aren't willing to risk. If people are forced to leave rural America due to lack of health care, then a whole new set of challenges will arise that we are not currently prepared to address. Any health care solutions or reforms must account for current rural health care system realities and future challenges.

I have long said that the best solutions originate outside the beltway, the same holds true with health care. Blanket policies crafted from within the DC beltway do not always meet the needs of Nebraskans. In fact, they often add additional burdens onto the current system and compromise the ability to access quality health care.

That is why I encourage my colleagues crafting health care reform

legislation to incorporate the solutions offered in the Craig Thomas Rural Hospital and Provider Equity Act. I am a sponsor of this legislation and look forward to a number of its provisions being enacted.

Additionally, I hope any health care reform will offer critical access hospitals flexibility in determining their bed count to account for seasonal and emergency situations which might affect admissions rates. Any comprehensive legislation must address the unique payment issues facing rural hospitals like reimbursing them for lab services provided in nursing homes and rural health clinics, and increasing Medicare payment rates for rural health clinics. Finally, legislation should extend the rural community hospital demonstration project and provide incentives to encourage providers to practice in physician scarcity areas.

The health care delivery system in rural America is already stressed. We cannot afford a big mistake with health care reform, because if we get it wrong, the fragile rural health care delivery system may never recover. Mark my words; if we enact policies that drive providers and facilities out of business, no one is waiting in the wings to take their place. Therefore, I urge caution and thorough debate of all health care reform proposals as unintended consequences must be minimized.

COMMENDING SENATOR NORM COLEMAN

Mr. ENSIGN. Mr. President, I rise today to pay tribute to our former colleague, Norm Coleman.

Norm once said, "It is easy to criticize, particularly in a political season. But to lead is something altogether different. The leader must live in the real world of the price that might be paid for the goal that has been."

Norm Coleman is a leader. Norm or, more importantly, his character endured one of the most difficult elections in the history of the Senate, and came out standing taller in the eyes of many. It is not easy to lose. But it is so much harder to maintain your dignity in the face of defeat, which Norm has done.

Having spent most of his life as a Democrat, Norm is what we would call a "late bloomer." I also started out as a Democrat and voted for Jimmy Carter in 1976. In 1996, Norm realized that the path of the Democrat Party was paved for other people, not him. He joined the Republican Party to share in our vision to keep taxes low, reform education, and grow jobs.

Norm more than adhered to this vision while in the Senate; he became a powerful voice on these issues. He also established himself as a fierce advocate for renewable energy. Norm fought for

tax incentives that would strengthen the development of renewable energy across our country. He saw renewable energy as the key to greater national security and economic stimulus.

Norm also introduced legislation that would wean our Nation off our dangerous reliance on Middle Eastern oil by placing a greater emphasis on increasing renewable fuel infrastructure and alternative fuel technologies. His legacy will continue to thrive as we move our country closer to energy independence, through innovation, not government handouts.

Norm's leadership did not end at the shores of our Nation. He established himself as a true voice in foreign policy issues by exposing the corruption that was rife throughout the U.N.'s Oil for Food program and becoming a fierce advocate for our servicemen and women.

However, all of this pales in comparison to the legacy that he will leave in Minnesota. Throughout his entire Senate career, he never lost track of the voices of his constituents and the promises he made to them on the campaign trail.

His greatest legacy, perhaps, will be bringing hockey back to Minnesota. Minnesota will enjoy the fruits of his labor for years to come.

I consider Norm a friend and someone whom I respect and admire.

Norm, we will miss you dearly. I wish you much success in the future knowing that great things lie ahead of you.

COMMENDING BILL ANTON

Mr. ENSIGN. Mr. President, today I wish to recognize a brave American, William Anton. As a man of remarkable courage, strength, and conviction, Bill is receiving an extraordinary honor in the U.S. Army Ranger community by being inducted into the Ranger Hall of Fame. Bill will go down in the history books as the first Nevadan to ever receive this recognition.

As the son of an Army officer, Bill found his choice to continue the family tradition quite natural, but fate was needed to further solidify his commitment.

An ROTC scholarship to the University of Nebraska put Bill on the football team, but a football-ending knee injury put Bill right where he was supposed to be, as a fulltime Army cadet. Bill was soon promoted to cadet major general, making him the highest ranking ROTC cadet in the United States with over 20,000 cadets under his command.

According to Bill, life has been a constant pursuit of challenging endeavors saying, "In everything I've done, I always wanted to challenge myself to see if I could accomplish the most demanding tasks or courses—whether it was in the Army or in my academic pursuits."

And challenge himself he did. As a defender of our Nation's freedom in the

Vietnam war, Bill guided the most decorated combat Ranger unit in Vietnam, Company H, Ranger, 75th Infantry, Airborne. While Vietnam was seen as a controversial war back home, Bill's role to defend freedom was never a doubt in his mind.

Bill joined the Rangers because they are one of the toughest military organizations in our Nation's history, and as a member of the Ranger Hall of Fame, history will remember Bill as one of our greatest warriors. For it was the Rangers that accomplished some of the most demanding and impossible tasks, and as a member of this elite group of soldiers, Bill exemplified their requirements of high intellect, physical strength, stamina, and bravery.

Bill's own words describe him the best: "My entire career was full of fond memories. I sought demanding assignments to challenge myself. Serving my country as a professional soldier and Officer is the highest form of public service. It is full of selfless duty and devotion to our nation—defense of our people and the supreme document—the Constitution. When we take our oath, it is to the Constitution first, then the President, and then to the other officers appointed over us. This is not lost on any Officer or soldier."

When asked what Bill would like the world to remember about his fallen comrades, he had this to say: "The American military fights only when diplomacy fails. We enforce the policies of our great nation. Our fallen comrades do not die in vain. They are remembered by their comrades, families, and most of the citizens of our great nation."

We all know that Bill Anton is an extraordinary soldier, but now America will know that above all else, he is an American that truly embodies the spirit and freedom of this great Nation.

REMEMBERING JAMES O. "JIM" INGRAM

Mr. COCHRAN. Mr. President, this morning I was saddened by the news that my friend Jim Ingram, who served so well and courageously as commissioner of the Department of Public Safety of Mississippi, had passed away. He lost a long battle with cancer.

Jim was a retired FBI agent who was in charge of the civil rights unit that supervised the investigation and assisted in the prosecution of crimes by Klansmen and others who were charged with violence and murder in our State during the civil rights movement. He was a man of great courage, with a strong sense of purpose, whose warm and friendly personality make him easy to like and respect. The people of my State will long remember and appreciate his valuable contributions to peace and public safety.

I ask unanimous consent that a copy of his obituary, as it appeared in to-

day's Clarion-Ledger, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

James O. "Jim" Ingram, retired FBI agent and former Commissioner of the Department of Public Safety, passed away at Hospice Ministries in Ridgeland, Mississippi on Sunday, August 2, 2009, after a long battle with cancer.

Visitation will be held at Christ United Methodist Church in Jackson, Mississippi on Wednesday, August 5, 2009, from 5 pm until 7 pm and from 9 am until 10:30 am on Thursday, August 6, 2009. Reverend Vicki Landrum will officiate over the service, which will be held at Christ United Methodist Church on Thursday at 10:30 am. The burial service will follow at Parkway Memorial Cemetery on Highland Colony Parkway in Ridgeland, Mississippi.

Wright and Ferguson Funeral Home is assisting with the arrangements. Born January 22, 1932, in Henryetta, Oklahoma, Jim Ingram was a long time resident of the Jackson Metro area. Jim Ingram joined the FBI in 1953, and was with the FBI for over thirty (30) years in several capacities, such as Deputy Assistant Director in Washington, with duties supervising all FBI criminal investigations. He also was Special Agent in Charge (SAC) of the New York and Chicago FBI offices. Mr. Ingram traveled worldwide for the FBI to places such as France, Canada, Mexico, and most of Central and South America. Some famous FBI cases which he commanded were: The Guyana Jim Jones case where over 1,000 people committed suicide at the request of their leader, Jim Jones, and the investigation into the assassination of Federal Judge John H. Woods in Texas, where a hired assassin killed the federal judge. Drug lords were arrested for this crime.

Jim Ingram was also in charge of the FBI's Mississippi Civil Rights Unit in the 1960's, supervising the investigation and assisting in the successful prosecution of Edgar Ray Killen and other Klansmen who killed the three civil rights workers in the "Mississippi Burning Case" in Neshoba County, Philadelphia, Mississippi. Mr. Ingram also supervised the investigation and assisted in the prosecution of James Ford Seale for violent deaths committed in Mississippi. In June 1996, Mr. Ingram represented Mississippi in a meeting at the White House hosted by the President and Vice President on church burnings.

After retiring from the FBI, he served ten (10) years as Senior V.P., Director of Security for Deposit Guaranty National Bank. He served as Commissioner of Public Safety for eight years commanding the Mississippi Highway Patrol, Mississippi Bureau of Narcotics, and six other divisions. He served the State's second longest tenure in this capacity and said "these were some of the happiest times of my life." He was well known throughout the U.S. in law enforcement receiving several awards such as being honored with the Civil Rights Award in September 2006 in Boston, Massachusetts by the International Association of Chiefs of Police for the solution of the "Mississippi Burning Case" and was appointed as a Member by the Harvard University Associates in Police Science. Jim was active in the business community having served as President of the Jackson Rotary Club, the largest civic club in Mississippi.

Jim Ingram is survived by his loving wife, Marie, of 58 years; his three sons, Steven W.

Ingram and his wife, Brenda, Madison, Mississippi, Stanley T. Ingram and wife, Terri, Edwards, Mississippi, and James M. Ingram and wife, Janice, Madison, Mississippi, and fifteen (15) grandchildren and great grandchildren, all of whom have given him the love of his life.

His three sons, Steve, Stan and Jim, stated their dad enjoyed helping others. They have been amazed over the years of the caliber of people across the U.S. that sought his advice and wisdom. Their dad would tell them "Kindness is something you cannot give away. It always keeps coming back."

Before his death, Jim Ingram stated that he could never repay the kindness shown to him, his wife Marie, and family from neighbors, Peter DeBeukelaer and wife, Mireille, Dr. Greg Fiser and wife, Robin, Billy Powell and his wife, Barbara, Rusty Fulton and his wife, Sandy, Bob Lunardini and his wife, Susan, and Federal Judge Neal O'Lack and his wife, Rebecca.

Mr. Ingram gives special thanks to Dr. Cindy Wright and her husband Sam Wright for their kindness and support. Special thanks to the men and women of the FBI across the country and to former SAC Joe Jackson, Col. Mike Berthay and Charlie Saums and the men and women of the Mississippi Highway Patrol who have made his life so enjoyable.

Memorials may be made to Christ United Methodist Church Youth Ministry Program, 6000 Old Canton Road, Jackson, Mississippi 39211, or Hospice Ministries of Ridgeland, 450 Towne Center Boulevard, Ridgeland, Mississippi 39157.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE TILLAMOOK COUNTY CREAMERY ASSOCIATION

• Mr. WYDEN. Mr. President, today I pay tribute to the 100th anniversary of an Oregon icon the Tillamook County Creamery Association, makers of Tillamook Cheese.

Since 1909, this world-famous, farmer-owned cooperative has been dedicated to producing the highest quality cheeses and other products from local dairies that have thrived in the lush coastal valleys around the community of Tillamook, OR. Tillamook Cheese is not just a commercial enterprise. It is the proud symbol of a way of life that has been passed on for generations.

The members of the Tillamook County Creamery Association have been mainstays of the local and state dairy industries and committed stewards of the environment. They employ more than 600 people at two factories in Oregon and have annual sales of nearly \$400 million.

With all due respect to my colleagues from the great State of Wisconsin, Tillamook is cheese. Over the years, the Tillamook County Creamery Association has won hundreds of awards, including six at the 2009 Oregon Dairy Industries products contest and six at the 2008 National Milk Producers Association. It has also been recognized by the Portland Business Journal for the third

year in a row as one of Oregon's "Most Admired Companies."

For decades, the Tillamook Cheese Factory has been a must-see stop for millions of tourists who travel highway 101. In recent years, the creamery association has expanded to other parts of the State, but its traditions are deeply rooted in the pastures and dairies that make Tillamook County and Tillamook Cheese what it is.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

In executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Energy and Natural Resources.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3435. An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1572. A bill to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2587. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pasteuria usgae; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8429-1) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2588. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Sodium salts of N-alkyl (C8-C18)-beta-iminodipropionic acid; Exemption from the Requirement of a Tolerance" (FRL No. 8425-5) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2589. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "N-alkyl (C8-C18) Primary Amines and Acetate Salts; Exemption from the Requirements of a Tolerance" (FRL No. 8428-9) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2590. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methyl Poly(Oxyethylene)C8-C18 Alkylammonium Chlorides; Exemption from the Requirement of a Tolerance" (FRL No. 8424-4) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2591. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl Alcohol Alkoxylate Phosphate and Sulfate Derivatives; Exemption from the Requirement of a Tolerance" (FRL No. 8424-6) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2592. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Bruce E. MacDonald, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-2593. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, a Uniform Resource Locator (URL) for a document entitled "RCRA 7003 and CERCLA 106(b)(1) civil penalty policies" received in the Office of the President of the Senate on July 29, 2009; to the Committee on Environment and Public Works.

EC-2594. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions" (FRL No. 8937-8) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Environment and Public Works.

EC-2595. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, West Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units, Plan Revision" (FRL No. 8938-6) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Environment and Public Works.

EC-2596. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Clean Air Interstate Rule" (FRL No. 8939-7) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Environment and Public Works.

EC-2597. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides" (FRL No. 8939-4) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Environment and Public Works.

EC-2598. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Liquor Dealer Recordkeeping and Registration, and Repeal of Certain Special (Occupational) Taxes" (RIN1513-AB63) received in the Office of the President of the Senate on June 30, 2009; to the Committee on Finance.

EC-2599. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "The Year in Trade 2008"; to the Committee on Finance.

EC-2600. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's third FY 2009 quarterly report; to the Committee on Foreign Relations.

EC-2601. A communication from the President and Chief Scout Executive, Boy Scouts of America, transmitting, pursuant to law, the organization's 2008 annual report; to the Committee on the Judiciary.

EC-2602. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, West Virginia; Control of Emissions from Hospital/Medical/Infectious Waste Incinerator Units, Plan Revision" (FRL No. 8938-8) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 212. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes (Rept. No. 111-64).

S. 380. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes (Rept. No. 111-65).

By Mr. HARKIN, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3293. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-66).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1275. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes (Rept. No. 111-67).

H.R. 2938. A bill to extend the deadline for commencement of construction of a hydroelectric project (Rept. No. 111-68).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*John M. McHugh, of New York, to be Secretary of the Army.

*Joseph W. Westphal, of New York, to be Under Secretary of the Army.

*Juan M. Garcia III, of Texas, to be an Assistant Secretary of the Navy.

*J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*James J. Markowsky, of Massachusetts, to be an Assistant Secretary of Energy (Fossil Energy).

*Warren F. Miller, Jr., of New Mexico, to be an Assistant Secretary of Energy (Nuclear Energy).

*Warren F. Miller, Jr., of New Mexico, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

*Anthony Marion Babauta, of Virginia, to be an Assistant Secretary of the Interior.

*Jonathan B. Jarvis, of California, to be Director of the National Park Service.

By Mr. KERRY for the Committee on Foreign Relations.

*Ertharin Cousin, of Illinois, for the rank of Ambassador during her tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

*Kerri-Ann Jones, of Maine, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

*David Killion, of the District of Columbia, for the rank of Ambassador during his tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

*Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

*Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

*Aaron S. Williams, of Virginia, to be Director of the Peace Corps.

*Michael Anthony Battle, Sr., of Georgia, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Michael Anthony Battle.

Post: Ambassador to the African Union.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$100, 09/13/2007, Barack Obama; \$100, 01/28/1008, Barack Obama; \$100, 08/25/2008, Barack Obama; \$50, 11/03/2009, Barack Obama. I can not recall the details of other on-line contributions.

2. Spouse: Linda Ann Battle: unsure but less than \$200 to the Obama Campaign.

3. Son and Spouse: Michael A. Jr. and Shawna Battle: none. Son and Spouse: Martin and Melissa Battle: none. Daughter: Lisa A. Battle: none.

4. Parents: Jesse Battle Sr., Father—deceased; Mary Ann Battle, Mother—deceased.

5. Grandparents: Paternal: Nathan and Mary Battle—deceased; Maternal: William and Mary Lee Evans—deceased.

6. Brothers and Spouses: Jesse Jr. and Denise Battle: did not share amount but contributed to Gerald Ford, Ronald Reagan, William Clinton, and Barack Obama; David and Linda Battle: none; Philip Battle: unable to contact.

7. Sisters and Spouses: Bobbie Jean and Arlington Alexander: none; Bettye and Fred Turner: Bettye was a volunteer Lawyer for the MO. Obama Team; Carol Battle Barnes (Husband John Barnes deceased): no monetary contribution but worked as a Neighborhood volunteer for the Obama Team; Brenda Battle: \$500 to the Obama Campaign; Deborah Battle Bland (Husband John Bland deceased): none; Regina and Craige Fowler: none; Patricia and Robert Walker: none.

Martha Larzelere Campbell, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

Nominee: Martha Larzelere Campbell.

Post: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: \$25.00, 2008, Virginia Dollars for Democrats.

3. Children and Spouses: None.

4. Parents:—Henry Earle Larzelere—deceased; Annabel Studebaker Larzelere: none.

5. Grandparents: John Henry Larzelere—deceased; Georgia Baldwin Larzelere—deceased; Herbert Arthur Studebaker—deceased; Nora Miller Studebaker—deceased.

6. Brothers and Spouses: John Herbert Larzelere: None; Mary Anne Rhodes Larzelere: \$150 yearly '04-08 Emily's List.

7. Sisters and Spouses: Mary Larzelere Dygert: None.

*John R. Bass, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

Nominee: John R. Bass.

Post: Georgia.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Lisa Hardy-Bass—Deceased No contributions in reporting period prior to death.

3.—Children and Spouses: None.

4. Parents: Father: John R. Bass—Deceased; Mother: Dianne K. Klinger: Tracey Brooks, Via Friends of Tracey Brooks, \$250.00, 08/01/2008; \$250.00, 08/27/2008; Kirsten Gillibrand, Elizabeth Mrs via Gillibrand for Senate, \$200.00, 04/01/09; \$50.00, 1/12/08; \$100.00, 7/12/08; \$175.00, 8/23/08; \$125.00, 9/24/08; \$100.00, 12/08/07; \$100.00, 6/10/06; \$100.00, 8/04/06; \$200.00, 10/27/06; Democratic Congressional Campaign Committee, \$15.00, 2008; Emily's List, \$50.00, 2/2/08; \$50.00, 1/05/07; \$100.00, 7/29/07; \$100.00, 3/11/06; Eleanor Roosevelt Legacy Committee, \$175.00, 9/6/08; \$175.00, 9/09/07; \$175.00, 10/16/06; \$150.00, Sept. or Oct. 2005. These are the Final Recipients of Joint Fundraising Contributions: Kirsten Elizabeth Gillibrand, Mrs via Gillibrand for Senate, \$100.00, 09/23/2008.

5. Grandparents: Deceased.

6. Brothers and Spouses: N/A. Names: none

7.—Sisters and Spouses: Sister: Kristin Bass: Gillibrand, Kirsten Elizabeth Mrs via Gillibrand for Senate, \$250.00, 03/27/2007; Johnson, Nancy L. via Johnson for Congress Committee, \$250.00, 12/30/2005; Collins, Susan M via Collins for Senator, \$500.00, 03/24/2007; National Republican Senatorial Committee, \$300.00, 01/31/2005.

*James B. Foley, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Nominee: James B. Foley.

Post: Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self—
2. Spouse
3. Children and Spouses Names
4. Parents Names
5. Grandparents Names
6. Brothers and Spouses Names
7. Sisters and Spouses Names
Contributions, amount, date, and donee:
1. Father: \$50, 2008, Democratic Senatorial Campaign Committee; \$25, 2008, Hillary Clinton for President; \$25, 2007, Democratic Senatorial Campaign Committee; \$30, 2006, Democratic Senatorial Campaign Committee.
2. Mother: \$25, 2008, Democratic Senatorial Campaign Committee.
3. Brother: \$1250, 2008, Obama for America; \$2300, 2007, Hillary Clinton for President; \$2300, 2008, Friends of Hillary—2012 Senate Primary Campaign Fund; \$1000, 2004, Democratic National Committee; \$5000, 2004, National Republican Congressional Committee.
4. Sister-in-law: \$2300, 2007, Hillary Clinton for President; \$2300, 2008, Friends of Hillary—2012 Senate Primary Campaign Fund; \$2100, 2006, Friends of Hillary; \$2100, 2006, Friends of Hillary; \$15,000, 2005, Democratic Senatorial Campaign Committee; \$250, 2004, John Kerry for President.

*Kenneth E. Gross, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Nominee: Kenneth E. Gross, Jr.

Post: Dushanbe, Tajikistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: Kenneth E. Gross Jr.
2. Minoo Rasoolzadeh
3. Spouse: Children and Spouses: None.
4. Parents: Not living.
5. Grandparents: Not living.
6. Brothers and Spouses: None.
7. Sister: Marsha G. Martin: None.

*Teddy Bernard Taylor, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu

Nominee: Teddy Bernard Taylor

Post: Papua New Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$100, 2008, Obama for Pres.
2. Spouse: \$50, 2008, MoveOn.org.
3. Children and Spouses: Tina B. Taylor, none; Ashton C. Taylor, none.
4. Parents: Sara B. Taylor (deceased); Bennie Taylor (deceased).
5. Grandparents: Blanche Taylor (deceased); John Taylor (deceased); Emma Buck (deceased); William Buck, Sr. (deceased).
6. Brothers and Spouses: Terri. R. Taylor, \$100, 2008, Obama for Pres; Alycia Dougans-Taylor, none.
7. Sisters and Spouses: N/A.

*John Victor Roos, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

Nominee: John Victor Roos.

Post: U.S. Ambassador to Japan.

(The following is a list of all members of immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$1,000, 10/31/07, Iowa Democratic Party; \$2,300, 7/14/08, Hillary Clinton For President; \$1,500, 2/06/08, Kennedy for Senate 2012; \$2,300, 3/31/07, Obama For America; \$12,300, 8/25/08, Obama Victory Fund; \$1,000, 3/02/08, Gillibrand for Congress; \$2,300, 10/20/07, Anna Eshoo for Congress; \$1,000, 6/28/05, Whitehouse '06.
2. Spouse: Susan Roos: \$1,000, 10/23/08, Brown for Congress, Progressive Patriots PAC; \$1,000, 3/31/07, (Sen. Russell Feingold);

\$500, 10/18/05, Brown for Congress; \$333*, 7/17/06, Haden for Congress; \$333*, 7/05/06, McNerney for Congress; \$333*, 6/30/06, Cranley for Congress, Committee to Bring Back Baron; \$333*, 6/30/06, (Rep. Baron Hill); \$333*, 6/30/06, Courtney for Congress; \$333*, 6/30/06, Phyllis Busansky for Congress; \$333*, 6/30/06, Committee to Elect Chris Murphy; \$333*, 6/30/06, Welch for Congress; \$333*, 6/30/06, Lucas for Congress; \$333*, 6/30/06, Ellsworth for Congress; \$333*, 6/30/06, Darcy Burner for Congress; \$333*, 6/30/06, Harry Mitchell for Congress; \$333*, 6/30/06, Jill Derby for Congress; \$333*, 6/30/06, Lois Murphy for Congress; \$2,300, 5/24/07, John Kerry for Senate; \$4,600, 3/31/07, Obama for America.

*Intermediary Democratic Congressional Campaign Committee.

3. Children and Spouses: Lauren Roos: None; David Roos: None.

4. Parents: Bettye and Jacques Roos: \$100, 2004, Kerry for President; \$25, 11/1/08, Obama for America; \$25, 10/7/08, Obama for America; \$25, 9/15/08, Obama for America; \$30, 6/30/08, Obama for America; \$25, 4/30/08, Obama for America; \$50, 3/5/08, Obama for America.

5. Grandparents: N/A

6. Brothers and Spouses: Brad Roos: \$100, 8/08, Obama for America.

Michael and Julianne Roos: \$25, 4/30/08, Obama for America; \$25, 5/10/08, Obama for America; \$250, 5/15/08, Obama for America; \$25, 7/14/08, Obama for America; \$1,000, 10/1/08, Obama for America.

7. Sisters and Spouses: N/A.

*Judith Gail Garber, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

Nominee: Judith Gail Garber.

Post: Riga, Latvia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Paul Randall Wisgerhof: \$100.00, 08/11/2008, John S. McCain.
3. Children and Spouses: David Kevin Wisgerhof (stepson): None. Jennifer Wisgerhof (spouse): None. Amy Elaine Archibald: None. Joshua Archibald (spouse): \$1,000, 2/10/2008, Glenn Nye; Douglas Tracy Wisgerhof: None. Elizabeth Rachel Wisgerhof: None. Ryan Daniel Wisgerhof: None.

4. Parents: Seymour Garber: None. Evelyn Fay Garber (deceased): None.

5. Grandparents: Bess Farb (deceased): None. Julius Farb (deceased): None. Ethel Garber (deceased): None. Samuel Garber (deceased): None.

6. Brothers and Spouses: Stephen Garber: \$200, 3/26/2005, Dianne Feinstein, Feinstein for Senate; \$100, 6/4/2005, Hillary Clinton, Friends of Hillary; \$150, 9/17/2005, Democratic Congressional Campaign Cmte; \$100, 9/24/2005, Dianne Feinstein, Feinstein for Senate; \$100, 3/9/2006, Dianne Feinstein, Feinstein for Senate; \$150, 4/15/2006, Democratic Congressional Campaign Cmte; \$200, 4/29/2006, Democratic National Committee; \$50, 5/6/2006, Lois Murphy for Congress; \$50, 5/6/2006, Stabenow for Senate; \$250, 6/15/2006, Dianne Feinstein, Feinstein for Senate; \$150, 8/26/2006, Democratic National Campaign Committee; \$200, 9/9/2006, Democratic Senatorial Campaign

committee; \$150, 9/25/2006, Democratic Congressional Campaign Committee; \$230, 1/31/2007, Democratic Congressional Campaign Committee; \$250, 5/7/2008, Democratic National Committee; \$230, 9/29/2008, Democratic Congressional Campaign Committee; \$250, 9/29/2008, Barack Obama, Obama For America; \$100, 4/13/2009, Democratic Senatorial Campaign Committee. Rena Pasick (spouse): \$100, 10/9/2008, Barack Obama, Obama For America.

7. Sisters and Spouses: Linda Risha Thompson: None. Earl Thompson (spouse): None.

*James Knight, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Nominee: James Knight.

Post: Embassy Cotonou.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. \$200, Mar 08, Barack Obama; \$200, Mar 08, Hillary Clinton; \$200, Mar 08, John McCain; \$200, Sep 08, Barack Obama; \$200, Sep 08, John McCain.

On behalf of Self and Spouse:

2. Spouse: Amelia Bell Knight: (See item 1).

3. Children and Spouses: James Davis Knight, on behalf of self and spouse: \$50, Feb 08, John Edwards; \$100, Apr 08, Barack Obama; \$100, Jul 08, Barack Obama; \$50, Apr 06, Dan Fields. James Lee Knight: 0. Norma Knight: 0. Richard Adrian Walker III: 0. Mary Amelia Lowery: 0. Christopher P. Alvarez: 0 (Cohabitant in spouse-like relationship).

4. Parents: Kimo C.V. Courtenay: 0; Perry Nell Jones (mother): Deceased; Roy Arthur Knight (stepfather): Deceased.

5. Grandparents: Perry W. Caraway (maternal grandfather): Deceased; Bessie Mae Caraway (maternal grandmother): Deceased; James Crosby Little (paternal grandfather): Deceased; Marjorie Elder Little (paternal grandmother): Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Kathryn Marie Harris: 0; Hugh G. Harris: 0.

*Karen Kornbluh, of New York, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Nominee: Karen Kornbluh.

Post: OECD.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$1,000, 2/6/04, John Kerry.

2. Spouse: James Halpert: \$250, 2/28/2009, DLA Piper PAC; \$500, 9/22/08, DSCC; \$500, 4/23/08, Bob Goodlatte; \$500, 2/21/08, Ed Markey; \$250, 4/30/07, Byron Dorgan; \$500, 5/17/06, Maria Cantwell; \$250, 9/30/06, Deborah Pryce; \$1,000, 1/25/06, Orrin Hatch; \$250, 6/20/05, Patrick Leahy; \$1,500, 7/15/05–12/31/05, DLA Piper PAC; \$500, 12/30/05, Longhorn PAC; \$500, 6/17/04, Chris Cox.

3. Children and Spouses: Sam Halpert & Daniel Halpert: N/A.

4. Parents: Beatrice Braun: \$2,000, 03/24/2004, John Kerry; \$250, 10/19/2004, Barbara Boxer; \$250, 03/02/2005, Emily's List; \$250, 03/06/2006, Emily's List.

David Kornbluh: N/A.

5. Grandparents: Miriam Cogan—deceased; Max Kornbluh—deceased; Gertrude Kornbluh—deceased.

6. Sisters and Spouses: Rebecca Kornbluh: \$250, 09/09/2008, Obama for America.

Andre Wakefield: N/A.

Felicia Kornbluh: \$300, 08/29/2006, Larry Kissell.

*Bruce J. Oreck, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Nominee: Bruce J. Oreck.

Post: Ambassador to the Republic of Finland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, date, amount, and donee:

1. Self: 10/15/08, \$5,000, Democratic Congressional Campaign Cmte; 10/14/08, \$2,300, Markey, Betsy; 9/30/08, \$1,000, Merkley, Jeff; 9/30/08, \$443, CO Party Victory Fund; 9/30/08, \$1,314, FL Party Victory Fund; 9/30/08, \$695, GA Party Victory Fund; 9/30/08, \$646, IN Party Victory Fund; 9/30/08, \$213, IA Party Victory Fund; 9/30/08, \$978, MI Party Victory Fund; 9/30/08, \$659, MO Party Victory Fund; 9/30/08, \$59, MT Party Victory Fund; 9/30/08, \$210, NV Party Victory Fund; 9/30/08, \$131, NH Party Victory Fund; 9/30/08, \$127, NM Party Victory Fund; 9/30/08, \$887, NC Party Victory Fund; 9/30/08, \$65, ND Party Victory Fund; 9/30/08, \$1,213, OH Party Victory Fund; 9/30/08, \$1,166, PA Party Victory Fund; 9/30/08, \$737, VA Party victory Fund; 9/30/08, \$314, WI Party Victory Fund; 9/15/08, \$2,300, Landrieu, Mary L; 7/31/08, \$1,000, Clinton, Hillary; 7/23/08, \$1,845, Udall, Mark; 6/30/08, \$2,300, Polis, Jared; 7/30/07, \$2,300, Baucus, Max; 5/29/07, \$28,500, Democratic Senatorial Campaign Cmte; 3/31/07, \$4,600, Obama, Barack; 3/31/07, \$2,300, Obama, Barack; 3/31/07, \$2,300, Obama, Barack; 3/31/07, \$1,000, Salazar, Ken; 3/21/07, \$2,300, Udall, Mark; 12/8/06, \$200, Salazar, Ken; 9/28/06, \$1,000, Lamm, Peggy; 8/25/06, \$200, Salazar, Ken; 8/24/06, \$1,500, Paccione, Angie; 7/31/06, \$15,000, Democratic Congressional Campaign Cmte; 7/19/06, \$500, Fawcett, Jay; 7/13/06, \$1,000, Lamm, Peggy; 6/16/06, \$200, Salazar, Ken; 3/31/06, \$1,000, Cantwell, Maria; 3/4/06, \$200, Salazar, Ken; 1/17/06, \$2,100, Paccione, Angie; 12/1/05, \$200, Salazar, Ken; 11/30/05, \$2,100, Udall, Mark; 10/21/05, \$200, Salazar, Ken; 9/16/05, \$2,100, Lamm, Peggy; 7/28/05, \$2,100, Salazar, John.

2. Spouse: Charlotte D. Oreck: 10/9/08, \$2,300, Udall, Mark; 6/12/08, \$28,500, DNC Services Corp; 11/7/07, \$2,500, Democratic Senatorial Campaign Cmte; 3/31/07, \$2,300, Obama, Barack; 3/21/07, \$2,300, Udall, Mark; 6/26/06, \$500, Lamm, Peggy (D); 10/30/05, \$2,100, Udall, Mark.

3. Brother and Spouse: Thomas and Toni Oreck: 9/30/08, \$2,300, Obama, Barack; 9/29/08, \$7,700, DNC Services Corp; 8/31/07, \$2,300, Obama, Barack; 9/30/08, \$443, CO Party Victory Fund; 9/30/08, \$1,314, FL Party Victory Fund; 9/30/08, \$695, GA Party Victory Fund; 9/30/08, \$646, IN Party Victory Fund; 9/30/08, \$213, IA Party Victory Fund; 9/30/08, \$978, MI Party Victory Fund; 9/30/08, \$659, MO Party

Victory Fund; 9/30/08, \$59, MT Party Victory Fund; 9/30/08, \$210, NV Party Victory Fund; 9/30/08, \$131, NH Party Victory Fund; 9/30/08, \$127, NM Party Victory Fund; 9/30/08, \$887, NC Party Victory Fund; 9/30/08, \$65, ND Party Victory Fund; 9/30/08, \$1,213, OH Party Victory Fund; 9/30/08, \$1,166, PA Party Victory Fund; 9/30/08, \$737, VA Party Victory Fund; 9/30/08, \$314, WI Party Victory Fund; 9/29/06, \$2,100, Carter, Karen R; 9/29/06, \$2,100, Carter, Karen R.

4. Brother and Spouse: Steven and Kaaren Oreck: 8/14/08, \$500, McCain, John; 6/4/08, \$500, McCain, John; 4/1/08, \$250, McCain, John; 1/26/08, \$250, McCain, John; 1/8/08, \$250, McCain, John.

5. Mother: Paula Oreck: 9/30/08, \$500, Obama, Barack; 9/4/08, \$250, Democratic Senatorial Campaign Cmte; 8/28/08, \$250, Clinton, Hillary; 8/3/08, \$250, Clinton, Hillary; 7/31/08, \$300, Obama, Barack; 6/29/08, \$250, Democratic Congressional Campaign Cmte; 6/24/08, \$250, Democratic Senatorial Campaign Cmte; 6/16/08, \$250, DNC Services Corp; 4/30/08, \$1,000, Clinton, Hillary; 3/20/08, \$250, Democratic Senatorial Campaign Cmte; 1/6/08, \$250, Edwards, John; 6/28/07, \$1,000, Obama, Barack; 6/14/07, \$250, Edwards, John; 11/1/06, \$250, DNC Services Corp; 10/30/06, \$500, Democratic Congressional Campaign Cmte; 10/27/06, \$250, DNC Services Corp; 10/20/06, \$400, Democratic Congressional Campaign Cmte; 9/1/06, \$1,000, Lowey, Nita M.

6. Father: David Oreck: None.

7. Daughter: Rachel Oreck: 6/12/08, \$28,500, DNC Services Corp; 3/31/07, \$2,300, Obama, Barack.

8. Daughter: Jessica Oreck: 9/5/07, \$2,300, Obama, Barack.

*Jon M. Huntsman, Jr., of Utah, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Nominee: Jon M. Huntsman, Jr.

Post: United States Ambassador to China.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: \$1000, 2/13/2006, Thomas Campbell; \$2000, 6/26/2007, Gordon Smith; \$2300, 3/8/2007, John McCain.

2. Spouse: Mary Katharine Huntsman: \$1000, 8/25/2008, Jason Chaffetz; \$2300, 3/8/2007, John McCain.

3. Children: Mary Anne: \$2300, 3/8/2007, John McCain; Abby: \$2300, 3/8/2007, John McCain; Elizabeth: \$2300, 3/8/2007, John McCain.

4. Parents: Jon M. Huntsman, Sr.: \$5000, 3/15/2005, Leadership Circle PAC; \$26700, 3/28/2005, Nat Democratic Senatorial; \$2000, 3/31/2005, Orrin Hatch-primary election; \$2000, 3/31/2005, Orrin Hatch-general election; \$26700, 4/6/2005, Nat Republican Senatorial; \$3000, 5/11/2005, Nat Republican Congressional; \$5000, 02/27/2006, Carl Griffith; \$50000, 03/03/2006, Commonwealth PAC-Iowa; \$50000, 03/03/2006, Commonwealth PAC-Michigan; \$5000, 03/03/2006, Commonwealth PAC-New Hampshire; \$3500, 03/03/2006, Commonwealth PAC-South Carolina; \$2500, 03/03/2006, Robert Wortham; \$2300, 1/30/2007, Mitt Romney; \$28500, 1/31/2007, Nat Democratic Senatorial; \$28500, 3/9/2007, Nat Republican Senatorial; \$2300, 8/28/2007, Max Baucus; \$2300, 8/28/2007, Max Baucus; \$5000, 11/14/2007, Ralph Becker; \$5000, 1/9/2008, Nevada State Democratic; \$2300, 2/22/2008, John McCain; \$2300, 3/25/2008, Charles Rangel; \$2300, 5/6/2008, Elizabeth Dole; \$2300, 5/19/2008,

Gordon Smith; \$2400, 2/4/2009, Harry Reid; \$2400, 2/4/2009, Harry Reid; \$30400, 2/4/2009, Nat Democratic Senatorial; \$30400, 2/5/2009, Nat Republican Senatorial; \$3500, 3/13/2009, Henry McMaster. Karen Huntsman: \$26700, 3/28/2005, Nat Democratic Senatorial; \$2000, 3/31/2005, Orrin Hatch; \$2000, 3/31/2005, Orrin Hatch; \$26700, 4/6/2005, Nat Republican Senatorial; \$8000, 5/11/2005, Nat Republican Congressional; \$1000, 10/19/2005, Straight Talk America; \$2300, 1/30/2007, Mitt Romney; \$28500, 1/31/2007, Nat Democratic Senatorial; \$2300, 3/2/2007, John McCain; \$28500, 3/9/2007, Nat Republican Senatorial; \$2300, 8/28/2007, Max Baucus; \$2300, 8/28/2007, Max Baucus; \$5000, 1/9/2008, Nevada Democratic Party; \$2300, 3/25/2008, Charles B. Rangel; \$1300, 4/21/2008, McCain-Palin Fund; \$2300, 5/6/2008, Harry Reid; \$2300, 5/19/2008, Gordon Smith; \$2400, 2/4/2009, Harry Reid; \$2400, 2/4/2009, Harry Reid; \$30400, 2/4/2009, Nat Democratic Senatorial; \$30400, 2/25/2009, Nat Republican Senatorial; \$2300, 5/5/2009, Elizabeth Dole.

5. Grandparents: Alonzo Blaine Huntsman—deceased, Kathleen Robison Huntsman—deceased, David B. Haight—deceased, Ruby Haight—deceased.

6. Brothers and Spouses: Peter Huntsman: \$2000, 3/31/2006, Orrin Hatch; \$2000, 3/31/2005, Orrin Hatch; \$9000, 5/11/2005, Nat Republican Congressional; \$28500, 1/31/2007, Nat Democratic Senatorial; \$2300, 8/28/2007, Max Baucus; \$2300, 8/28/2007, Max Baucus; \$4600, 1/30/2008, John McCain; \$2300, 12/16/2008, John McCain. Brynn Huntsman: \$25000, 6/15/2006, Nat Republican Senatorial; \$28500, 1/31/2007, Nat Democratic Senatorial; \$2300, 8/28/2007, Max Baucus. James Huntsman: \$2500, 5/11/2005, Nat Republican Congressional; \$2100, 1/17/2006, Thomas Campbell; \$25000, 6/15/2007, Nat Republican Senatorial; \$2300, 8/31/2007, Max Baucus; \$2300, 8/31/2007, Max Baucus; \$2300, 2/6/2008, Barack Obama-primary election; \$2300, 2/20/2008, Barack Obama-general election; \$2300, 2/20/2008, Barack Obama-general election. Marianne Huntsman: \$2300, 8/31/2007, Max Baucus; \$2300, 8/31/2007, Max Baucus; \$2300, 2/20/2008, Barack Obama-general election. David Huntsman: \$25000, 6/15/2006, Nat Republican Senatorial; \$2000, 10/10/2006, David Buhler; \$2300, 1/8/2007, Mitt Romney; \$1000, 1/16/2007, Jason Chaffetz; \$500, 2/2/2007, David Buhler; \$2000, 2/11/2007, David Buhler; \$2300, 8/31/2007, Max Baucus; \$500, 9/3/2008, Jeff Morrow. Michelle Huntsman: \$2300, 3/27/2007, Mitt Romney; \$2300, 8/31/2007, Max Baucus. Paul Huntsman: \$5000, 3/07/2006, Commonwealth PAC; \$2300, 4/28/2008, John McCain. Cheryl Huntsman: none. Mark Huntsman: \$25000, 9/28/2006, Nat Republican Senatorial; \$2300, 8/31/2007, Max Baucus; \$2300, 2/22/2008, John McCain.

Sisters and Spouses: Christena Durham: \$2100, 1/8/2007, Mitt Romney; \$2300, 11/14/2007, Max Baucus; \$2300, 11/14/2007, Max Baucus. Richard Durham: \$1000, 11/18/2005, Robert Bennett; \$1250, 2/23/2006, EnergySolutions PAC; \$1000, 2/28/2006, Mitch McConnell; \$1000, 7/10/2006, Robert Bishop; \$1000, 9/6/2006, Orrin Hatch; \$1250, 12/8/2006, Lindsey Graham; \$2100, 1/9/2007, Mitt Romney; \$2300, 11/14/2007, Max Baucus; \$2300, 11/14/2007, Max Baucus. Jennifer Parkin: \$2300, 8/31/2007, Max Baucus. David Parkin: \$25000, 5/11/2005, Nat Republican Congressional; \$2000, 1/29/2006, Thomas Campbell; \$25000, 6/15/2006, Nat Republican Senatorial; \$2300, 8/31/2007, Max Baucus. Kathleen Huffman: none.

*Douglas W. Kmiec, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Nominee: Douglas W. Kmiec.

Post: Ambassador to the Republic of Malta.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$50, July 2008, Obama '08; \$170, Jan. 2009, Obama Inaugural Cmte.

2. Spouse: Carolyn: \$170, Jan. 2009, Obama Inaugural Cmte.

3. Children and Spouses: Keenan (son): \$250, Jan. 2008, Obama, '08; \$250, Sep. 2008, Obama '08.

*Jonathan S. Addleton, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Nominee: Jonathan Addleton.

Post: Mongolia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$100, Spring 2008, Senator Jeff Merkley*; \$250, Summer 2006, Nancy White, City Council**.

*Senator Merkley (D-Oregon) and I were fellow interns at the Carnegie Endowment for International Peace during 1979-1980, after college and before graduate school.

**In 2006, my sister Nancy White ran for a seat on the Macon, Georgia city council. I made a small financial contribution (\$250) to her successful campaign.

2. Spouse: Fiona, none.

3. Children: Catriona (age 14), none; Cameron (age 16), none; and Iain (age 18), \$100, Spring, Summer, Fall 2008, President Obama*.

*As a high school senior at Mount de Sales Academy in Macon, Georgia and college freshman at Davidson College in Davidson, North Carolina, our son Iain made many phone calls and house canvassing visits on behalf of Presidential candidate Barack Obama, both during the primaries and the general election that followed; he estimates that he also made small internet contributions totaling around \$80-\$100 intermittently throughout 2008.

4. Parents: Hubert Franklin Addleton, none; and Bettie Rose Addleton, none.

5. Grandparents: Ben Addleton—deceased; Bessie Addleton—deceased; Melton Simmons—deceased; and Bennie Simmons—deceased.

6. Brothers: David Addleton, none.

7. Sisters: Nancy White, \$300, 2006-2008, Local City Council*.

*My sister Nancy White is a member of the Macon, Georgia city council. She reports that ever since she joined in 2006, she has made small contributions to the political campaigns of other city council members running for office. In her estimation, the total contributions over the years do not exceed \$300.

*Matthew Winthrop Barzun, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Nominee: Matthew Barzun.

Post: Ambassador to Sweden.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, donee, date, and amount:

Matthew Barzun: DNC Services Corporation/Democratic National Committee, 2/23/2009, \$215.00; Kentucky State Democratic Central Executive Committee, 11/21/2007, \$7,500.00; John Kerry for Senate, 2/13/2007, \$2,300.00; John Kerry for Senate, 2/13/2007, \$200.00; John Kerry for Senate, 2/13/2007, \$2,300.00; John Kerry for Senate, 2/13/2007, \$200.00; Paul Hodes for Congress, 12/31/2007, \$2,000.00; Kentucky forward PAC (Rep. Ben Chandler, D-KY), 6/18/2008, \$2,300.00; Yarmuth for Congress, 1/12/2007, \$2,100.00; Yarmuth for Congress, 6/30/2007, \$2,300.00; Yarmuth for Congress, 6/30/2007, \$2,300.00; Obama for America, 1/16/2007, \$2,100.00; Obama for America, 3/14/2007, \$2,500.00; Obama for America, 3/14/2007, (\$2,300.00); Obama for America, 3/14/2007, \$2,300.00; Hillary Clinton for President, 7/14/2008, \$2,300.00; Steve Black for Congress Committee, 12/6/2007, \$1,000.00; Ben Chandler for Congress, 6/23/2008, \$2,300.00; Hoosiers for Hill, 6/23/2008, \$2,300.00; Hoosiers for Hill, 6/23/2008, \$2,300.00; Kentucky Victory 2007, 11/5/2007, \$10,000.00; Democratic Senatorial Campaign Committee, 10/31/2007, \$1,500.00; Friends of Jared Polis Committee, 2/13/2008, \$500.00; Friends of Mark Warner, 11/13/2007, \$2,300.00; Friends of Mark Warner, 11/2/2007, \$2,300.00; Jeanne Shaheen for Senate, 1/7/2008, \$2,300.00; Doug Denny for Congress, 3/14/2008, \$250.00; Andrew Rice for U.S. Senate Inc, 10/24/2008, \$250.00; Democratic White House Victory Fund, 5/31/2008, \$28,500.00; Committee to Elect David Boswell to Congress, 9/16/2008, \$2,300.00; Fischer for U.S. Senate, 1/23/2008, \$2,300.00; Fischer for U.S. Senate, 1/23/2008, \$2,300.00; Fischer for U.S. Senate, 5/11/2008, \$2,300.00; Committee for Change, 7/23/2008, \$6,000.00; Campaign for Our Country (formerly Keeping America's Promise) (Sen. John Kerry, D-MA), 3/7/2005, \$5,000.00; Ben Chandler for Congress, 2/28/2005, \$2,000.00; Friends of Kent Conrad, 8/25/2005, \$1,000.00; Yarmuth for Congress, 3/27/2006, \$2,100.00; Yarmuth for Congress, 3/30/2006, \$2,100.00; Campaign for Our Country (formerly Keeping America's Promise) (Sen. John Kerry, D-MA), 4/7/2006, \$5,000.00; Lucas for Congress, 5/14/2006, \$1,000.00; Weaver for Congress 2006, 5/4/2006, \$1,000.00; Weaver for Congress 2006, 5/31/2006, \$2,100.00; Lucas for Congress, 9/15/2006, \$1,000.00; Ben Chandler for Congress; 10/10/2006, \$1,000.00; McCaskill for Missouri; 9/29/2006, \$2,100.00, Democratic Senatorial Campaign Committee; 9/20/2006, \$5,000.00, Democratic Senatorial Campaign Committee; 9/15/2006, \$12,500.00, Democratic Congressional Campaign Committee; 9/25/2006, \$25,000.00, Democratic Congressional Campaign Committee; 11/7/2006, \$1,700.00, Actblue Iowa; 12/28/2007, \$0.00, Actblue Iowa; 12/28/2007, \$750.00.

Brooke B. Barzun: John Kerry For Senate, 2/13/2007, \$2,300.00, John Kerry For Senate; 2/13/2007, \$2,300.00, John Kerry For Senate; 7/19/2007, (\$100.00), John Kerry For Senate; 2/13/2007, \$2,300.00, John Kerry For Senate; 2/13/2007, \$2,300.00, Yarmuth For Congress; 1/12/2007, \$2,100.00, Yarmuth For Congress; 6/16/2008, \$2,300.00, Obama For America; 3/14/2007, \$2,500.00, Obama For America; 1/16/2007, \$2,100.00, Obama For America; 3/14/2007, (\$2,300.00), Obama For America; 3/14/2007, \$2,300.00, Hillary Clinton For President; 7/14/2008, \$2,300.00, Ben Chandler For Congress; 6/23/2008, \$2,300.00, Hoosiers For Hill; 6/23/2008, \$2,300.00, Kentucky Victory 2007; 11/5/2007,

\$10,000.00; Friends Of Mark Warner; 5/19/2008, \$2,300.00.— Democratic White House Victory Fund, 5/31/2008, \$28,500.00; Fischer for U.S. Senate, 1/22/2008, \$2,300.00; Fischer for U.S. Senate, 5/12/2008, \$2,300.00; Committee for Change, 7/23/2008, \$20,000.00; Committee for Change, 8/31/2008, \$4,500.00; Ben Chandler for Congress, 8/21/2005, \$500.00; Ben Chandler for Congress, 10/8/2005, \$1,500.00; Yarmuth for Congress, 4/25/2006, \$2,100.00; Yarmuth for Congress, 4/25/2006, \$2,100.00; Democratic Senatorial Campaign Committee, 9/15/2006, \$12,500.00; Kentucky State Democratic Central Executive Committee, 10/31/2006, \$10,000.00.

Owsley Brown III, Kentucky State Democratic Central Executive Committee, 12/14/2007, \$10,000.00; Nevada State Democratic Party, 9/30/2008, \$262.00; Nevada State Democratic Party, 9/30/2008, \$262.00; Yarmuth for Congress, 5/20/2008, \$2,300.00; Yarmuth for Congress, 10/9/2008, \$2,300.00; Obama for America, 3/6/2007, \$2,500.00; Obama for America, 3/7/2007, \$2,100.00; Obama for America, 3/6/2007, \$2,300.00; Obama for America, 3/6/2007, (\$2,300.00); Hillary Clinton for President, 3/31/2007, \$2,300.00; Minnesota Senate Victory 2008, 10/28/2008, \$1,000.00; Obama Victory Fund, 6/30/2008, \$28,500.00; Fischer for U.S. Senate, 5/12/2008, \$2,300.00; Committee for Change, 9/30/2008, \$12,500.00; Friends of Hillary, 7/13/2005, \$2,100.00; Friends of Hillary, 7/13/2005, \$1,100.00; Yarmuth for Congress, 3/27/2006, \$2,100.00; HILLPAC (Sen. Hillary Clinton, D-NY), 3/31/2006, \$2,500.00; Yarmuth for Congress, 4/19/2006, \$2,100.00; Democratic Senatorial Campaign Committee, 3/21/2006, \$2,000.00; HILLPAC (Sen. Hillary Clinton, D-NY), 4/28/2006, \$2,500.00; Forward Together PAC (Sen. Mark R. Warner, D-VA), 5/3/2006, \$1,000.00; Democratic Congressional Campaign Committee, 6/30/2006, \$20,000.00; McCaskill for Missouri, 9/29/2006, \$2,100.00; Democratic Senatorial Campaign Committee, 9/20/2006, \$25,000.00; Democratic Congressional Campaign Committee, 11/9/2006, \$6,000.00.

Christy Brown: Fischer for U.S. Senate, 1/30/2008, \$2,300.00; Fischer for U.S. Senate, 1/30/2008, \$2,300.00; Fischer for U.S. Senate, 5/12/2008, \$4,600.00; Fischer for U.S. Senate, 5/23/2008, \$2,300.00; Kentucky State Democratic Central Executive Committee, 7/5/2007, \$10,000.00; Emily's List, 1/24/2007, \$1,000.00; Friends of Max Baucus, 4/15/2008, \$1,000.00; Yarmuth for Congress, 3/16/2007, \$2,300.00; Yarmuth for Congress, 6/30/2007, \$2,300.00; Obama for America, 3/7/2007, \$2,300.00; Obama for America, 3/14/2007, \$2,300.00; Obama for America, 3/14/2007, (\$2,300.00); Obama for America, 3/9/2007, \$2,300.00; Hillary Clinton for President, 7/14/2008, \$2,300.00; moveon.org Political Action, 3/28/2008, \$500.00; Ben Chandler for Congress, 6/23/2008, \$2,300.00; Hoosiers for Hill, 6/23/2008, \$2,300.00; Powers for Congress, 7/13/2007, \$250.00; Kentucky Victory 2007, 11/5/2007, \$20,000.00; Martin for Senate Inc, 11/21/2008, \$2,300.00; Democratic White House Victory Fund, 5/31/2008, \$28,500.00; Committee to Elect David Boswell to Congress, 9/20/2008, \$2,300.00; Strengthen Our Senate Majority, 5/29/2008, \$2,300.00; Committee for Change, 8/28/2008, \$5,500.00; Ben Chandler for Congress, 8/26/2005, \$2,100.00; Yarmuth for Congress, 2/17/2006, \$2,100.00; Yarmuth for Congress, 2/17/2006, \$2,100.00; Democratic Senatorial Campaign Committee, 9/15/2006, \$12,500.00; Democratic Congressional Campaign Committee, 9/25/2006, \$25,000.00.

Serita Winthrop: Obama for America, 3/31/2007, \$4,600.00; Obama for America, 3/31/2007, (\$2,300.00). Obama for America, 3/31/2007, \$2,300.00; Hillary Clinton for President, 7/14/2008, \$2,300.00; Obama Victory Fund, 9/24/2008, \$10,000.00; Gillibrand for Congress, 3/22/2006,

\$2,000.00; Democratic Senatorial Campaign Committee, 5/16/2006, \$250.00.

Roger Barzun: Obama for America, 4/29/2008, \$500.00; Obama for America, 11/19/2007, \$500.00; Obama for America, 1/31/2008, \$250.00; Obama for America, 3/5/2008, \$250.00; Obama for America, 3/31/2008, \$500.00; Obama for America, 5/28/2008, \$300.00; Obama for America, 8/1/2008, \$250.00; Obama for America, 8/1/2008, (\$250.00); Obama for America, 8/1/2008, \$250.00; Obama Victory Fund, 9/29/2008, \$250.00; Obama Victory Fund, 10/16/2008, \$250.00.

Charles Barzun: Obama for America, 2/21/2007, \$4,600.00; Obama for America, 2/21/2007, (\$2,300.00); Obama for America, 2/21/2007, \$2,300.00; Hillary Clinton for President, 7/14/2008, \$500.00; Perriello for Congress, 10/20/2008, \$250.00; Committee for Change, 9/18/2008, \$1,000.00.

Lucretia Barzun: Obama for America, 2/21/2007, \$2,300.00; Obama for America, 9/10/2008, \$250.00.

Owsley Brown: Friends of Max Baucus, 4/10/2008, \$1,000.00; Yarmuth for Congress, 3/27/2007, \$2,300.00; Yarmuth for Congress, 6/30/2007, \$2,300.00; Obama for America, 3/7/2007, \$2,300.00; Obama for America, 3/14/2007, \$2,300.00; Obama for America, 3/14/2007, \$2,300.00; Obama for America, 3/14/2007, (\$2,300.00); Hillary Clinton for President, 7/14/2008, \$2,300.00; Brown-Forman Corporation Non-Partisan Committee for Responsible Government, 8/7/2007, \$5,000.00; Ben Chandler for Congress, 6/22/2007, \$1,000.00; Ben Chandler for Congress, 6/23/2008, \$2,300.00; Friends Of Mark Warner, 5/14/2008, \$1,000.00; Friends Of Mark Warner, 10/23/2008, \$1,300.00; Martin for Senate Inc., 11/24/2008, \$2,300.00; Democratic White House Victory Fund, -6/30/2008, \$28,500.00; Committee to Elect David Boswell To Congress, 9/20/2008, \$2,300.00; Fischer for U.S. Senate, 5/12/2008, \$4,600.00; Fischer for U.S. Senate, 5/23/2008, (\$2,300.00); Strengthen Our Senate Majority, 5/29/2008, \$2,300.00; Committee for Change, 7/23/2008, \$12,000.00; Committee for Change, 10/24/2008, \$4,000.00; Yarmuth Victory Fund 2008, 6/16/2008, \$5,000.00; Ben Chandler for Congress, 8/25/2005, \$2,100.00; Friends of Kent Conrad, 8/16/2005, \$2,000.00; Brown-Forman Corporation Non-Partisan Committee for Responsible Government, 8/8/2005, \$5,000.00; Yarmuth for Congress, 2/17/2006, \$2,100.00; Yarmuth for Congress, 2/17/2006, \$2,100.00; Brown-Forman Corporation Non-Partisan Committee for Responsible Government, 6/21/2006, \$5,000.00; Louisville-Jefferson County Democratic Executive Committee, 10/26/2006, \$10,000.00; Friends of Sherrod Brown, 9/22/2006, \$2,100.00; Nelson 2006, 9/21/2006, \$2,100.00; McCaskill for Missouri, 9/15/2006, \$2,100.00; Weaver for Congress 2006, 8/7/2006, \$1,000.00; Brown-Forman Corporation Non-Partisan Committee for Responsible Government, 10/31/2006, \$1,500.00; Democratic Congressional Campaign Committee, 9/25/2006, \$25,000.00; Bob Casey for Pennsylvania Committee, 9/18/2006, \$2,100.00; Ben Cardin for Senate, 9/22/2006, \$2,100.00; Montanans for Tester, 9/25/2006, \$2,100.00.

Victoire Honoree Reynal: Yarmuth for Congress, 10/9/2008, \$2,300.00; Obama Victory Fund, 7/1/2008, \$28,500.00; Fischer for U.S. Senate, 3/27/2008, \$2,300.00; Fischer for U.S. Senate, 3/27/2008, \$2,300.00; Fischer for U.S. Senate, 5/12/2008, \$2,300.00; Yarmuth for Congress, 8/30/2006, \$2,100.00; Yarmuth for Congress, 9/29/2006, \$2,100.00.

Augusta Brown Holland: Committee to Elect David Boswell to Congress, 9/24/2008, \$1,000.00; Kentucky State Democratic Central Executive Committee, 7/15/2007, \$10,000.00; Yarmuth for Congress, 1/17/2007, \$2,100.00; Yarmuth for Congress, 6/22/2008,

\$2,300.00; Obama for America, 3/14/2007, \$2,300.00; Obama for America, 3/14/2007, \$2,300.00; Obama for America, 3/14/2007, (\$2,300.00); Obama for America, 3/14/2007, \$2,300.00; Hillary Clinton for President, 7/14/2008, \$2,300.00; Kentucky Victory 2007, 11/7/2007, \$10,000.00; Bocchieri for Congress, 5/27/2007, \$2,300.00; Bocchieri for Congress, 5/27/2007, \$2,300.00; Democratic White House Victory Fund, 6/18/2008, \$28,500.00; Committee to Elect David Boswell to Congress, 9/24/2008, \$1,000.00; Fischer for U.S. Senate, 2/7/2008, \$2,300.00; Fischer for U.S. Senate, 2/7/2008, \$2,300.00; Fischer for U.S. Senate, 5/12/2008, \$2,300.00; Committee for Change, 10/24/2008, \$5,000.00; Yarmuth for Congress, 6/26/2006, \$2,100.00; Democratic Senatorial Campaign Committee, 9/15/2006, \$20,000.00; John Gill Holland, Jr.: Yarmuth for Congress, 1/17/2007, \$2,100.00; Yarmuth for Congress, 6/22/2008, \$2,300.00; Democratic White House Victory Fund, 6/30/2008, \$28,500.00; Yarmuth for Congress, 1/17/2007, \$2,100.00; Yarmuth for Congress, 6/22/2008, \$2,300.00; Obama for America, 3/14/2007, \$2,300.00; Obama for America, 3/14/2007, (\$2,300.00); Obama for America, 3/14/2007, \$2,300.00; Democratic White House Victory Fund, 6/30/2008, \$28,500.00; Fischer for U.S. Senate, 2/7/2008, \$2,300.00; Fischer for U.S. Senate, 2/7/2008, \$2,300.00; Fischer for U.S. Senate, 5/12/2008, \$2,300.00.

*William Carlton Eacho, III, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Nominee: William Carlton Eacho, III.

Post: Ambassador to Austria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$1,000.00, 04/14/2009, Forward Together PAC; \$1,000.00, 04/14/2009, Whitehouse for Senate; \$28,500.00, 07/29/2008, Obama Victory Fund (DNC); 2,300.00, 07/29/2008, Patrick Murphy for Congress; 35,500.00, 07/14/2008, Committee for Change; 1,000.00, 6/25/2008, Collins for Senator; 1,000.00, 06/11/2008, Ameripac; 2,300.00, 04/17/2008, Andrew Price for US Senate; 2,300.00, 04/16/2008, Patrick Murphy for Congress; 1,500.00, 03/11/2008, Berkowitz For Congress; 500.00, 02/29/2008, Berkowitz For Congress; 4,600.00, 01/31/2008, Chris Van Hollen for Congress; 1,000.00, 01/09/2008, Friends of Jay Rockefeller, Inc.; 1,000.00, 02/04/2008, Democratic Party of Virginia; 500.00, 12/29/2007, NH Democratic Party; 800.00, 10/18/2007, Senator Susan Collins; 2,280.00, 09/21/2007, Citizens for Harkin; 1,000.00, 09/17/2007, Romney for President, Inc.; 4,600.00, 09/14/2007, Friends of Mark Warner; 10,000.00, 09/07/2007, Moving Virginia Forward; 500.00, 07/30/2007, Senator Susan Collins; 2,300.00, 07/21/2007, Tom Davis for Congress; 1,000.00, 05/24/2007, McConnell Senate Committee; 1,000.00, 04/16/2007, Friends of Mary Landrieu; 4,600.00, 03/09/2007, Obama for America; 500.00, 10/18/2006, Whitehouse '06; 1,000.00, 10/13/2006, Harold Ford Jr. for Tennessee; 1,000.00, 10/10/2006, Friends Of Martin O'Malley; 1,000.00, 09/28/2006, Kellam for Congress; 2,100.00, 09/28/2006, Ford for Senate; 2,100.00, 09/01/2006, Webb for Senate; 2,100.00, 06/29/2006, Boswell for Congress; 1,000.00, 06/29/2006, Claire McCaskill Campaign; 1,000.00, 05/24/2006, Tom Davis for Congress; 1,000.00, 05/01/2006, Van Hollen for Congress; 5,000.00, 03/13/2006, Forward Together PAC; 1,000.00, 3/01/2006, Senator Susan

Collins; 2,100.00, 02/22/2006, Miller for Senate; 500.00, 02/04/2006, New Hampshire Democratic Party; 1,000.00, 11/16/2005, Tom Davis for Congress; 2,100.00, 10/10/2005, Rales for U.S. Senate; 5,000.00, 09/27/2005, Forward Together PAC; 250.00, 05/31/2005, Gilchrest for Congress.

2. Spouse: Donna Williams Eacho; \$500.00, 03/06/2006, David Yassky for Congress; 2,300.00, 01/11/2009, Hillary Clinton Committee; 28,500.00, 07/29/2008, Obama Victory Fund (DNC); 5,000.00, 02/03/2006, Forward Together PAC; 2,100.00, 10/10/2005, Rales for U.S. Senate; 5,000.00, 09/27/2005, Forward Together PAC; 2,300.00, 10/18/2007, Senator Susan Collins; 250.00, 1/4/05, Yassky for NY; 4,600.00, 3/12/07, Obama for America; 4,600.00, 9/14/07, Friends of Mark Warner; 1000.00, 9/14/08, Collins for Senator; 596.47, 10/13/08, Gifts in kind, Committee For Change; 1,000.00, 10/23/08, Patrick Murphy for Congress; 2,300.00, 9/24/08, Hagan Senate Committee Inc.

3. Children and Spouses: Douglas C. Eacho, Obama for America, 10/24/07, \$23.00; Obama for America, 2008 (est), \$150.00; Gregory W. Eacho, Obama for America, 2008 (est), \$25.00; David W. Eacho, None.

4. Parents: William C. Eacho, Jr., Deceased; Nancy R. Eacho, Deceased; Linda A. Eacho (stepmother), None.

5. Grandparents: W. Carlton Eacho, Deceased; Hilda B. Eacho, Deceased; Roland R. Reutlinger, Deceased; Margaret Reutlinger, Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Peggy E. Fechnay, None; John Scott Fechnay (spouse), Forward Together PAC; 12/07/05, \$5,000.00; Md Republican State Central Committee, 11/23/05, \$5,000.00; Pamela E. Clark, None; J. Jeffrey Clark (spouse), None.

*Philip D. Murphy, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

Nominee: Philip Dunton Murphy.

Post: Ambassador to the Federal Republic of Germany.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$2,100.00, 03/28/05, Conrad, Kent for Senate; \$2,100.00, 03/28/05, Conrad, Kent for Senate; \$2,000.00, 03/28/05, Lautenberg, Frank for Senate via 20 Years Committee; \$2,000.00, 03/28/05, Lautenberg, Frank for Senate via 20 Years Committee; \$1,000.00, 03/28/05, Nelson, Bill for Senate; \$5,000.00, 03/28/05, Lautenberg, Senator Frank via New Jersey First PAC; \$1,000.00, 06/28/05, Holt, Rush for Congress; \$2,100.00, 07/28/05, Mfume, Kweisi for Senate; \$2,000.00, 09/14/05, Byrd, Robert for Senate; \$2,100.00, 09/30/05, Pallone, Frank for Congress; \$1,000.00, 10/28/05, Bingaman, Jeff for Senate; \$25,000.00, 12/22/05, Democratic Congressional Campaign Committee (DCCC); \$1,100.00, 05/16/06, Holt, Rush for Congress; \$900.00, 05/16/06, Holt, Rush for Congress; \$26,700.00, 06/12/06, Democratic National Committee (DNC); \$1,000.00, 07/18/06, Cranley, John for Congress; \$2,100.00, 08/07/06, Brown, Sherrod for Senate; \$2,100.00, 08/07/06, Stender, Linda for Congress; \$2,100.00, 09/12/06, Ford, Harold for Senate via Tennessee Senate 2006; \$1,000.00, 09/18/06, Klein, Ron for Congress; \$2,100.00, 09/21/06, Ford, Harold for Senate; \$2,100.00, 10/12/06, Menendez, Bob for Senate; \$4,700.00, 10/30/06, New Jersey State Democratic Committee;

*The Dates noted in this Table are based on my records of the contributions and may not match the precise dates for the contributions reflected on the Federal Election Commission's Web site. \$1,000.00, 10/31/06, Aronsohn, Paul for Congress; \$2,100.00, 10/31/06, McCaskill, Claire for Senate; \$2,100.00, 10/31/06, Webb, Jim for Senate; \$26,700.00, 01/05/07, Democratic National Committee (DNC); \$1,800.00, 01/25/07, Democratic National Committee (DNC); \$600.00, 03/09/07, Lautenberg, Frank for Senate \$2,300.00, 03/09/07, Pallone, Frank for Congress; \$10,000.00, 05/18/07, National Jewish Democratic Council (NJDC) (NY); \$2,300.00, 06/12/07, Kerry, John for Senate; \$1,000.00, 08/06/07, Holt, Rush for Congress; \$2,300.00, 08/06/07, Stender, Linda for Congress; \$4,600.00, 10/13/07, Warner, Mark for Senate; \$2,300.00, 10/22/07, Himes, Jim for Congress; \$28,500.00, 01/02/08, Democratic National Committee (DNC); \$2,300.00, 02/13/08, Gillibrand, Kirsten for Congress; \$2,300.00, 02/14/08, Holt, Rush for Congress; \$500.00, 02/15/08, Polis, Jared for Congress; \$2,300.00, 04/07/08, Gillibrand, Kirsten for Congress; \$1,000.00, 04/07/08, Skelly, Michael for Congress; \$2,300.00, 06/13/08, Clinton, Hillary for President; \$4,600.00, 06/13/08, Obama, Barack for President; \$2,300.00, 06/27/08, Neuhardt, Sharen for Congress; \$8,500.00; 08/20/08; Democratic National Committee (DNC) via Committee for Change with allocations including the following: Colorado Democratic Party via Committee for Change (allocation of \$376.00, 08/28/08); Michigan Democratic State Central Committee via Committee for Change (allocation of \$831.00, 08/28/08); Missouri Democratic State Committee via Committee for Change (allocation of \$560.00, 08/28/08); North Carolina Democratic Party via Committee for Change (allocation of \$753.00, 08/28/08); Pennsylvania Democratic Party via Committee for Change (allocation of \$991.00, 08/28/08); Democratic Party of Virginia via Committee for Change (allocation of \$626.00, 09/30/08); Georgia Federal Elections Committee via Committee for Change (allocation of \$590.00, 09/30/08); Indiana Democratic Congressional Victory Committee via Committee for Change (allocation of \$549.00, 09/30/08); Ohio Democratic Party via Committee for Change (allocation of \$1031.00, 08/28/08); \$2,300.00, 09/19/08, Franken, Al for Senate; \$2,300.00, 09/26/08, Stender, Linda for Congress; \$2,300.00, 10/20/08, Martin, Jim for Senate; \$500.00, 10/21/08, Merkley, Jeff for Senate; \$12,300.00, 11/20/08, Franken, Al for Senate via Recount Fund (Does Not Count Against Federal Limits).

2. Spouse: Tammy S. Murphy; \$2,100.00, 12/05/05, Clinton, Hillary for Senate; \$2,100.00, 03/28/05, Conrad, Kent for Senate; \$2,000.00, 03/28/05, Lautenberg, Frank for Senate via 20 Years Committee; \$2,000.00, 03/28/05, Lautenberg, Frank for Senate via 20 Years Committee; \$5,000.00, 03/28/05, Lautenberg, Senator Frank via New Jersey First PAC; \$2,100.00, 07/28/05, Mfume, Kweisi for Senate; \$2,100.00, 12/05/05, Clinton, Hillary for Senate; \$2,100.00, 03/28/05, Conrad, Kent for Senate; \$26,700.00, 08/29/06, Democratic National Committee (DNC); \$2,500.00, 11/06/06, Republican Majority for Choice; \$5,000.00, 11/06/06, Republicans for Environ. Protection; \$250.00, 11/06/06, Republicans for Environ. Protection; \$28,500.00, 02/01/07, Democratic National Committee (DNC); \$600.00, 03/09/07, Lautenberg, Frank for Senate; \$2,300.00, 03/11/07, Durbin, Friends of Dick; \$2,300.00, 03/11/07, Pallone, Frank for Congress; \$5,000.00, 03/11/07, Lautenberg, Frank for Senate via NJ First Committee; \$2,300.00, 12/12/07, Stender, Linda for Con-

gress; \$28,500.00, 01/02/08, Democratic National Committee (DNC); \$2,300.00, 06/13/08, Clinton, Hillary for President; \$4,600.00, 06/13/08, Obama, Barack for President; \$3,500.00, 08/20/08, Democratic National Committee (DNC) via Committee for Change with allocations including the following: Democratic Party of North Carolina via Committee for Change (allocation of \$310.00, 08/21/08); Democratic Party of Ohio via Committee for Change (allocation of \$424.00, 08/21/08); Michigan Democratic State Central Committee via Committee for Change (allocation of \$342.00, 08/21/08); Missouri Democratic State Committee via Committee for Change (allocation of \$230.00, 08/21/08); Pennsylvania Democratic Party via Committee for Change (allocation of \$408.00, 08/21/08); Democratic Party of Virginia via Committee for Change (allocation of \$257.00, 09/30/08); Georgia Federal Elections Committee via Committee for Change (allocation of \$243.00, 09/30/08); Indiana Democratic Congressional Victory Committee via Committee for Change (allocation of \$226.00, 09/30/08); \$2,300.00, 09/30/08, Johnson, Tim for Senate; \$2,300.00, 09/30/08, Murphy, Patrick for Congress; \$2,300.00, 09/30/08, Richardson, Bill for President; \$2,300.00, 09/30/08, Stender, Linda for Congress; \$2,300.00, 09/30/08, Zeitz, Josh for Congress; \$2,300.00, 10/19/08, Shaheen, Jeanne for Senate; \$2,300.00, 10/20/08, Adler, John for Congress; \$2,300.00, 10/20/08, Hagen, Kay for Senate; \$2,300.00, 10/20/08, Himes, Jim for Congress; \$2,300.00, 10/20/08, Holt, Rush for Congress; \$700.00, 10/20/08, Lunsford, Bruce for Senate; \$2,300.00; 10/20/08, Martin, Jim for Senate; \$2,300.00, 10/20/08, Merkley, Jeff for Senate; \$2,400.00, 02/18/09, Pallone, Frank for Congress.

3. Children and Spouses: Joshua Walter Murphy, Son, none; Emmanuelle Medway Murphy, Daughter, none; Charles Dunton Murphy, Son, none; Samuel Snyder Murphy, Son, none.

4. Parents: Walter Francis Murphy, Sr., Father, none; Dorothy Dunton Murphy, Mother, none.

5. Grandparents: Helen Veronica Connors, Maternal Grandmother, none; John Alfred Dunton, Maternal Grandfather, none; Eleanor Murphy, Paternal Grandmother, none; John William Murphy, Paternal Grandfather, none.

6. Brothers and Spouses: Walter Francis Murphy, Jr., Brother, none; Charlene Ryan Murphy, Sister-In-Law, none.

7. Sisters and Spouses: Dorothy Murphy Egan, Sister, none; Brendan Francis Egan, Brother-In-Law, none; Janet Murphy Brown, Sister, none.

By Mr. DODD for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Francis S. Collins, of Maryland, to be Director of the National Institutes of Health.

*James A. Leach, of Iowa, to be Chairperson of the National Endowment for the Humanities for a term of four years.

*Rocco Landesman, of New York, to be Chairperson of the National Endowment for the Arts for a term of four years.

*Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Ms. CANTWELL, Mrs. FEINSTEIN, and Mr. SANDERS):

S. 1570. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1571. A bill to provide for a land exchange involving certain National Forest System land in the Mendocino National Forest in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEMINT:

S. 1572. A bill to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care; read the first time.

By Mr. WYDEN:

S. 1573. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the city of Hermiston, Oregon, water recycling and reuse project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself and Mr. LUGAR):

S. 1574. A bill to establish a Clean Energy for Homes and Buildings Program in the Department of Energy to provide financial assistance to promote residential-, commercial-, and industrial-scale energy efficiency and on-site renewable technologies; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1575. A bill to amend title 10, United States Code, to ensure that excess oil and gas lease revenues are distributed in accordance with the Mineral Leasing Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. SHAHEEN (for herself, Ms. SNOWE, Ms. COLLINS, Mr. SANDERS, Mr. MERKLEY, Mr. LEAHY, Mr. WYDEN, and Mr. SCHUMER):

S. 1576. A bill to require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emission reductions on private forest land of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER:

S. Res. 237. A resolution commending Blue Star Families for supporting military families and increasing awareness of the unique challenges of military life; to the Committee on Armed Services.

By Mr. DEMINT:

S. Res. 238. A resolution to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care; to the Committee on Rules and Administration.

By Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. CARDIN, Mr. LIEBERMAN, Ms. MURKOWSKI, Mr. SESSIONS, and Mrs. SHAHEEN):

S. Res. 239. A resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. HATCH, Mr. DORGAN, and Mr. SPECTER):

S. Res. 240. A resolution designating September 9, 2009, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 252

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 324

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 324, a bill to provide for research on, and services for individuals with, postpartum depression and psychosis.

S. 354

At the request of Mr. WEBB, the names of the Senator from Delaware (Mr. KAUFMAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a co-

sponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 566

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 566, a bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 627

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 627, a bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs.

S. 634

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 676

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 676, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 878

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which

can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 952

At the request of Ms. SNOWE, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Illinois (Mr. BURRIS), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 952, a bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events.

S. 972

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 972, a bill to amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1034

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1034, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a co-

sponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1230

At the request of Mr. ISAKSON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 1261

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1261, a bill to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents, and for other purposes.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1375

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1375, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1401

At the request of Mr. MARTINEZ, the names of the Senator from Maine (Ms. SNOWE), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1401, a bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

S. 1482

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1482, a bill to reauthorize the 21st Century Nanotechnology Research and Development Act, and for other purposes.

S. 1492

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1554

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1554, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes.

S. 1567

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1567, a bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

S. CON. RES. 36

At the request of Mrs. LINCOLN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

AMENDMENT NO. 2238

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2238 intended to be proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2249

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 2249 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2276

At the request of Mr. BINGAMAN, his name was added as a cosponsor of

amendment No. 2276 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of amendment No. 2276 proposed to H.R. 2997, *supra*.

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Mexico (Mr. UDALL), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Minnesota (Mr. FRANKEN), the Senator from Maine (Ms. COLLINS), the Senator from Colorado (Mr. UDALL), the Senator from Pennsylvania (Mr. CASEY), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of amendment No. 2276 proposed to H.R. 2997, *supra*.

AMENDMENT NO. 2277

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of amendment No. 2277 intended to be proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2285

At the request of Mr. NELSON of Nebraska, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2285 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Ms. CANTWELL, Mrs. FEINSTEIN, and Mr. SANDERS).

S. 1570. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation to eliminate from the Federal tax code the "Percentage Depletion Allowance" for hardrock minerals mined on Federal public lands. I want to thank Senators CANTWELL, FEINSTEIN, and SANDERS for joining me in introducing this legislation.

The Elimination of Double Subsidies for the Hardrock Mining Industry Act

of 2009 would result in estimated savings of at least \$250 million over 5 years, according to the Joint Committee on Taxation. Under this legislation, half of these savings would be returned to the Federal treasury and half would help address the serious contamination at the thousands of abandoned mines throughout the U.S.

Percentage depletion allowances were initiated by the Corporation Excise Act of 1909. That's right, these allowances were initiated 100 years ago. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the tax code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration, and output. The problem, however, is that percentage depletion also makes it possible to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of its capital investment: cost depletion and percentage depletion. Cost depletion allows for the recovery of the actual capital investment—the costs of discovering, purchasing, and developing a mineral reserve—over the period during which the reserve produces income. Under the cost depletion method, the total deductions cannot exceed the original capital investment.

Under percentage depletion, however, the deduction for recovery of a company's investment is a fixed percentage of "gross income," namely, sales revenue from the sale of the mineral. Under this method, total deductions typically exceed the capital that the company invested. The set rates for percentage depletion are quite significant. Section 613 of the Internal Revenue Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 to 22 percent.

There is no restriction in the tax code to ensure that over time companies do not deduct more than the capital that they have invested. Furthermore, a percentage deduction allowance makes sense only so long as the deducting company actually pays for the investment for which it claims the deduction.

The result is a double subsidy for hardrock mining companies: first they can mine on public lands for free under the General Mining Law of 1872, and then they are allowed to take a deduction for capital investment that they have not made for the privilege to mine on public lands. My legislation would eliminate the use of the Percentage Depletion Allowance for mining on public lands, while continuing to allow companies to use the reasonable cost depletion method for determining tax deductions.

My bill would also create a new fund, called the Abandoned Mine Reclamation Fund. Half of the revenue raised by the bill, or approximately \$125 million dollars, would be deposited into an interest-bearing fund in the Treasury to be used to clean up abandoned hardrock mines in states that are subject to the 1872 Mining Law. Though there is no comprehensive inventory of abandoned mines, estimates put the figure at upwards of 100,000 abandoned mines on public lands.

There are currently no comprehensive Federal or State programs to address the need to clean up old mine sites. Reclaiming these sites requires the enactment of a program with explicit authority to clean up abandoned mine sites and the resources to do it. My legislation is a first step toward providing the needed authority and resources.

In today's budget climate, we are faced with the question of who should bear the costs of exploration, development, and production of natural resources: the taxpayers, or the users and producers of the resource? For more than a century, the mining industry has been paying next to nothing for the privilege of extracting minerals from public lands and then abandoning its mines. Now those mines are adding to the Nation's environmental and financial burdens. We face serious budget choices this fiscal year, and one of those choices is whether to continue the special tax breaks provided to the mining industry.

The measure I am introducing is straightforward. It eliminates the Percentage Depletion Allowance for hardrock minerals mined on public lands while continuing to allow companies to use the reasonable cost depletion method for determining tax deductions.

Though at one time there may have been an appropriate role for a government-driven incentive for enhanced mineral production, the arguments in favor of a more reasonable depletion allowance that is consistent with depreciation rates given to other businesses are overwhelming. This corporate subsidy is simply not justified.

I thank the following organizations for endorsing this legislation: EARTHWORKS, Environmental Working Group, Friends of the Earth, Na-

tional Wildlife Federation, Pew Environment Group, Taxpayers for Common Sense, Theodore Roosevelt Conservation Partnership, Trout Unlimited, and the Western Organization of Resource Councils.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1571. A bill to provide for a land exchange involving certain National Forest System land in the Mendocino National Forest in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Deafy Glade Land Exchange Act. This legislation would authorize a land exchange between the U.S. Forest Service and Solano County to help ensure the continued operation of the juvenile correctional facility and add nearly 80 acres of wilderness quality land to the Mendocino National Forest.

Nearly 10 years ago at the suggestion of the Forest Service, Solano County purchased more than 160 acres of wilderness quality land within the Mendocino National Forest—known as Deafy Glade—with the intention of exchanging the land for the Fouts Springs Ranch. This legislation would facilitate that exchange, so that the counties could own the land beneath the facility they operate, and in exchange, the Forest Service would acquire a wilderness quality inholding.

Solano County currently operates a youth correctional facility under a Special Use Permit issued by the Forest Service on the Fouts Springs Ranch, which covers approximately 82 acres within the boundaries of the Mendocino National Forest. Solano County owns the infrastructure but leases the land from the Forest Service.

Solano County has operated the Fouts Springs Youth Facility pursuant to a joint powers agreement with Yolo and Colusa counties since 1959. The program includes counseling and education, with the goal of giving juveniles the skills to successfully reenter their communities.

More than 20 California counties have placed juvenile offenders at Fouts Springs for 6 month, 9 month, or one year periods. The program is viewed as a last resort for youth before being referred to a State prison.

Specifically, the legislation I am offering today would authorize the transfer of Fouts Springs Ranch—approximately 82 acres—from the Forest Service to Solano County; and the transfer of more than 160 acres of the Deafy Glade area in Mendocino National Forest from Solano County to the Forest Service.

The Fouts Spring youth correctional facility is in need of substantial upgrades, including the replacement of

the main water line, electrical system improvements, and renovation of one of the dormitories. However, the County has postponed investing in facility upgrades until the land exchange is finalized and ownership of the Fouts Springs Ranch is transferred to the County.

Given the substantial investment already made by Solano County and the importance of the youth rehabilitation services provided by Fouts Springs, I believe the time has come to finalize this land exchange.

This legislation would not only help ensure the continued operation of the Fouts Spring youth correctional facility but it would also add nearly 80 acres of wilderness quality land to the Mendocino National Forest.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deafy Glade Land Exchange Act".

SEC. 2. LAND EXCHANGE, MENDOCINO NATIONAL FOREST, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Solano County, California.

(2) FEDERAL LAND.—The term "Federal land" means the parcel of approximately 82 acres of land (including any improvements to the land) that is—

(A) in the Forest;

(B) known as the "Fouts Springs Ranch"; and

(C) depicted on the map.

(3) FOREST.—The term "Forest" means the Mendocino National Forest in the State of California.

(4) MAP.—The term "map" means the map entitled "Fouts Springs-Deafy Glade Federal and Non-Federal Lands" and dated July 17, 2008.

(5) NON-FEDERAL LAND.—The term "non-Federal land" means the 4 parcels of land comprising approximately 160 acres, as depicted on the map.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) LAND EXCHANGE REQUIRED.—If the County conveys to the Secretary all right, title, and interest of the County in and to the non-Federal land, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal land.

(c) MAP.—

(1) AVAILABILITY.—The map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(2) CORRECTIONS.—With the agreement of the County, the Secretary may make technical corrections to the map and legal descriptions of the land to be exchanged under this section.

(d) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange under this section.

(e) SURVEY; ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—The exact acreage and legal description of the land to be exchanged under subsection (b) shall be determined by a survey satisfactory to the Secretary.

(2) COSTS.—The costs of the survey and any administrative costs relating to the land exchange shall be paid by the County.

(f) CONDITION ON USE OF CONVEYED LAND.—As a condition of the conveyance of the Federal land to the County under subsection (b), the County shall agree to continue to use the Federal land for purposes consistent with the purposes described in the special use authorization for the Fouts Springs Ranch in effect as of the date of enactment of this Act.

(g) EASEMENT AUTHORITY.—The Secretary may grant an easement to provide continued access to, and maintenance and use of, the facilities covered by the special use authorization referred to in subsection (f) as necessary for the continued operation of the Fouts Springs Ranch.

(h) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Forest; and

(2) managed in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) the laws (including regulations) applicable to the National Forest System.

(i) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to any additional terms and conditions that the Secretary and the County may agree on.

By Mr. WYDEN:

S. 1573. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the city of Hermiston, Oregon, water recycling and reuse project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am introducing legislation to provide more clean water for the City of Hermiston, for irrigators in the area and for the Umatilla River. It is good for farmers, fish and in-stream flows.

My legislation amends the Reclamation Wastewater and Groundwater Study and Facilities Act—P.L. 102-575—to authorize the City of Hermiston, OR, to participate in what is known as the Title XVI water reclamation program. This long-standing U.S. Bureau of Reclamation program encourages the reclamation and use of municipal, industrial and agricultural waste water. In this case, the City of Hermiston will treat municipal waste water and deliver it to a local irrigation district—the West Extension Irrigation District—for agricultural use. My bill is a companion bill to legislation already introduced for this same purpose in the House of Representatives by Representative GREG WALDEN, H.R. 2714. As with other Title XVI projects, this legislation would authorize the Bureau to assist the City in developing this project and provide a cost-share of 25 percent for the project.

The current Hermiston Water Plant discharges “Class C” water that can be

used only for a limited amount of off-project pastureland irrigation or discharged into the Umatilla River. Beginning in December 2010, a new National Pollutant Discharge Elimination System limit will go into effect, changing the water temperature and pollutants requirements of treated water being put back into the river. Although the city is currently in compliance, once the new limits take effect, the city’s current plant will not allow the city to meet the new requirements. As a result, the city will need to construct a new treatment plant, but it would still have difficulty meeting the water temperature requirements.

An upgrade of the plant would not only bring the city into compliance with the new discharge requirements, but it would increase the quality of the recycled water output from “Class C” water to “Class A” water, making it suitable for all irrigation needs, not just pastureland. Further, the proposed new plant would be configured to discharge its treated water to the West Extension Irrigation District, a Bureau of Reclamation-supported irrigation project. This will significantly increase the amount of water available to the District and will have a beneficial, long-term impact on a regional farming community that faces dwindling water supplies. Acreage available to utilize the city’s recycled water discharge would increase from roughly 550 acres to nearly 11,000 acres.

Finally, by ending the discharge of warmer, lower quality water into the Umatilla River, the project will improve the habitat for wildlife and fish in the River, especially for endangered and threatened species. I am pleased that the Confederated Tribes of the Umatilla Indian Reservation, which has fishing rights in the Umatilla River, supports the city’s efforts in this regard.

By Mr. MERKLEY (for himself and Mr. LUGAR):

S. 1574. A bill to establish a Clean Energy for Homes and Buildings Program in the Department of Energy to provide financial assistance to promote residential-, commercial-, and industrial-scale energy efficiency and on-site renewable technologies; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clean Energy for Homes and Buildings Act of 2009”.

SEC. 2. FINDINGS.

Congress finds that—

(1) homes and commercial or industrial buildings in the United States consume significant quantities of energy, including energy for electricity and heating, the generation or combustion of which creates significant quantities of greenhouse gas emissions;

(2) in most cases, energy efficiency is the most cost-effective and rapidly deployable strategy for reducing greenhouse gas emissions, energy demand, and the need for long-distance transmission of energy;

(3) on-site renewable energy generation reduces greenhouse gas emissions, demand on the electricity transmission grid, and the need for long-distance transmission of energy;

(4) many energy efficiency measures and on-site renewable energy generation systems produce a net cost savings over the course of the useful life of the measures and systems, and often over a shorter time frame, but the initial expense required to purchase and install the measures and systems is often a significant barrier to widespread investment in the measures and systems;

(5) financial products, financing programs, and other programs that reduce or eliminate the need for the initial expense described in paragraph (4) can permit building owners to invest in measures and systems that reduce total energy costs and realize net cost savings at the time of the installation of the measures and systems, defer capital expenditure, and enhance the value, comfort, and sustainability of the property of the owners; and

(6) State and local governments, utilities, energy efficiency and renewable energy service providers, banks, finance companies, community development organizations, and other entities are developing financial products and programs to provide financing assistance for building owners to encourage the use of the measures and systems described in paragraph (4), including programs that allow repayment of loans under programs described in paragraph (5) through utility bills, or through property-based assessments, taxes, or charges, to facilitate loan repayment for the benefit of building owners and lenders or program sponsors.

SEC. 3. PURPOSE.

The purpose of this Act is to encourage widespread deployment of energy efficiency and on-site renewable energy technologies in homes and other buildings throughout the United States through the establishment of a self-sustaining Clean Energy for Homes and Buildings Program that can—

(1) encourage the widespread availability of financial products and programs with attractive rates and terms that significantly reduce or eliminate upfront expenses to allow building owners (including homeowners, business owners, owners of multifamily housing, owners of multi-tenant commercial properties, and owners of other residential, commercial, or industrial properties) to invest in energy efficiency measures and on-site renewable energy systems with payback periods of up to 25 years or the useful life of such a measure or system by providing credit support, credit enhancement, secondary markets, and other support to originators of the financial products and sponsors of the financing programs; and

(2) help building owners invest in measures and systems that reduce energy costs, in many cases creating a net cost savings that can be realized in the short-term, and may also allow building owners to defer capital expenditures and increase the value, comfort, and sustainability of the property of the owners.

SEC. 4. DEFINITIONS.

In this Act:

(1) **COST.**—The term “cost” has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(2) **DIRECT LOAN.**—The term “direct loan” has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(3) **LOAN GUARANTEE.**—The term “loan guarantee” has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(4) **PROGRAM.**—The term “Program” means the Clean Energy for Homes and Buildings Program established by section 6.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(6) **SECURITY.**—The term “security” has the meaning given the term in section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

(7) **STATE.**—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

SEC. 5. CLEAN ENERGY FOR HOMES AND BUILDINGS GOALS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and publish for review and comment in the Federal Register near-, medium-, and long-term goals (including numerical performance targets at appropriate intervals to measure progress toward those goals) for—

(1)(A) a minimum number of homes to be retrofitted through energy efficiency measures or to have on-site renewable energy systems added;

(B) a minimum number of other buildings, by type, to be retrofitted through energy efficiency measures or to have on-site renewable energy systems added; and

(C) the number of on-site solar energy, wind energy, and geothermal heat pump systems to be installed; and

(2) as a result of those retrofits, additions, and installations—

(A) the quantity by which use of grid-supplied electricity, natural gas, home heating oil, and other fuels will be reduced;

(B) the quantity by which total fossil fuel dependence in the buildings sector will be reduced;

(C) the quantity by which greenhouse gas emissions will be reduced;

(D) the number of jobs that will be created; and

(E) the estimated total energy cost savings for building owners.

(b) **ESTIMATES BY ORIGINATORS OR SPONSORS.**—The Secretary may rely on reasonable estimates made by originators of financial products or sponsors of financing programs for tracking progress toward meeting the goals established under this section instead of requiring building owners to monitor and report on the progress.

SEC. 6. CLEAN ENERGY FOR HOMES AND BUILDINGS PROGRAM.

(a) **ESTABLISHMENT.**—There is established in the Department of Energy a program to be known as the Clean Energy for Homes and Buildings Program.

(b) **ELIGIBILITY CRITERIA.**—

(1) **IN GENERAL.**—In administering the Program, the Secretary shall establish eligibility criteria for applicants for financial assistance under subsection (c) who can offer financial products and programs consistent with the purposes of this Act.

(2) **CRITERIA.**—Criteria for applicants shall—

(A) take into account—

(i) the number and type of buildings that can be served by the applicant, the size of the potential market, and the scope of the program (in terms of measures or technologies to be used);

(ii) the ability of the applicant to successfully execute the proposed program and maintain the performance of the proposed projects and investments;

(iii) financial criteria, as applicable, including the ability of the applicant to raise private capital or other sources of funds for the proposed program;

(iv) criteria that enable the Secretary to determine sound program design, including—

(I) an assurance of credible energy efficiency or renewable energy generation performance; and

(II) financial product or program design that effectively reduces barriers posed by traditional financing programs;

(v) such criteria, standards, guidelines, and mechanisms as will enable the Secretary, to the maximum extent practicable, to communicate to program sponsors and originators, servicers, and sellers of financial obligations the eligibility of loans for resale;

(vi) the ability of the applicant to report relevant data on program performance; and

(vii) the ability of the applicant to use incentives or marketing techniques that are likely to result in successful market penetration; and

(B) encourage—

(i) use of technologies that are either well-established or new, but demonstrated to be reliable;

(ii) applicants that can offer building owners payment plans generally designed to permit the combination of energy payments and assessments or charges from the installation or payments associated with financing to be lower than the energy payments prior to installing energy efficiency measures or on-site renewable energy technologies;

(iii) applicants that will use repayment mechanisms convenient for building owners, such as tax-increment financing, special tax districts, on-utility-bill repayment, or other mechanisms;

(iv) applicants that can provide convenience for building owners by combining participation in the lending program with—

(I) processing for tax credits and other incentives;

(II) technical assistance in selecting and working with vendors to provide energy efficiency measures or on-site renewable energy generation systems;

(v) applicants the projects of which will use contractors that hire within a 50-mile radius of the project, or as close as is practicable;

(vi) applicants that will use materials and technologies manufactured in the United States;

(vii) partnerships with or other involvement of State workforce investment boards, labor organizations, community-based organizations, State-approved apprenticeship programs, and other job training entities; and

(viii) applicants that can provide financing programs or financial products that mitigate barriers other than the initial expense of installing measures or technologies, such as unfavorable lease terms.

(3) **DIVERSE PORTFOLIO.**—In establishing criteria and selecting applicants to receive financial assistance under subsection (c), to the maximum extent practicable, the Secretary shall select a portfolio of investments that reaches a diversity of building owners, including—

(A) individual homeowners;

(B) multifamily apartment building owners;

(C) condominium owners associations;

(D) commercial building owners, including multi-tenant commercial properties; and

(E) industrial building owners.

(c) **FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—For applicants determined to be eligible under criteria established under subsection (b), the Secretary may provide financial assistance in the form of direct loans, letters of credit, loan guarantees, insurance products, other credit enhancements or debt instruments (including securitization or indirect credit support), or other financial products to promote the widespread deployment of, and mobilize private sector support of credit and investment institutions for, energy efficiency measures and on-site renewable energy generation systems in buildings.

(2) **FINANCIAL PRODUCTS.**—The Secretary—

(A) in cooperation with Federal, State, local, and private sector entities, shall develop debt instruments that provide for the aggregation of, or directly aggregate, programs for the deployment of energy efficiency measures and on-site renewable energy generation systems on a scale appropriate for residential, commercial, or industrial applications; and

(B) may insure, guarantee, purchase, and make commitments to purchase any debt instrument associated with the deployment of clean energy technologies (including subordinated securities) for the purpose of enhancing the availability of private financing for the deployment of energy efficiency measures and on-site renewable energy generation systems.

(3) **APPLICATION REVIEW.**—

(A) **IN GENERAL.**—To the maximum extent practicable and consistent with sound business practices, the Secretary shall seek to expedite reviews of applications for credit support under this Act in order to communicate to applicants in a timely manner the likelihood of support so that the applicants can seek private capital in order to receive final approval.

(B) **MECHANISMS.**—In carrying out this paragraph, the Secretary shall consider using mechanisms such as—

(i) a system for conditional pre-approval that informs applicants that final applicants will be approved, if established conditions are met;

(ii) clear guidelines that communicate to applicants what level of performance on eligibility criteria will ensure approval for credit support or resale;

(iii) in the case of an applicant portfolio of more than 300 loans or other financial arrangement, an expedited review based on statistical sampling to ensure that the loan or other financial arrangement meets the eligibility criteria; and

(iv) in the case of an applicant with a demonstrated track record with respect to successfully originating eligible loans or other financial arrangements and who meets appropriate other criteria determined by the Secretary, a system for delegating responsibility for meeting eligibility criteria that includes appropriate protections such as buy-back mechanisms in the event criteria are determined not to have been met.

(C) **DISPOSITION OF DEBT OR INTEREST.**—The Secretary may acquire, hold, and sell or otherwise dispose of, pursuant to commitments or otherwise, any debt associated with the deployment of clean energy technologies or interest in the debt.

(D) PRICING.—

(i) IN GENERAL.—The Secretary may establish requirements, and impose charges or fees, which may be regarded as elements of pricing, for different classes of applicants, originators, sellers, servicers, or services.

(ii) CLASSIFICATION OF APPLICANTS, ORIGINATORS, SELLERS AND SERVICERS.—For the purpose of clause (i), the Secretary may classify applicants, originators, sellers and servicers as necessary to promote transparency and liquidity and properly characterize the risk of default.

(E) SECONDARY MARKET SUPPORT.—

(i) IN GENERAL.—The Secretary may lend on the security of, and make commitments to lend on the security of, any debt that the Secretary has insured, guaranteed, issued or is authorized to purchase under this section.

(ii) AUTHORIZED ACTIONS.—On such terms and conditions as the Secretary may prescribe, the Secretary may—

- (I) give security;
- (II) insure;
- (III) guarantee;
- (IV) purchase;
- (V) sell;
- (VI) pay interest or other return; and
- (VII) issue notes, debentures, bonds, or other obligations or securities.

(F) LENDING ACTIVITIES.—

(i) IN GENERAL.—The Secretary shall determine—

(I) the volume of the lending activities of the Program; and

(II) the types of loan ratios, risk profiles, interest rates, maturities, and charges or fees in the secondary market operations of the Program.

(ii) OBJECTIVES.—Determinations under clause (i) shall be consistent with the objectives of—

(I) providing an attractive investment environment for programs that install energy efficiency measures or on-site renewable energy generation technologies;

(II) making the operations of the Program self-supporting over the long term; and

(III) advancing the goals established under this Act.

(G) EXEMPT SECURITIES.—All securities issued, insured, or guaranteed by the Secretary shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the United States, be considered to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission.

SEC. 7. GENERAL PROVISIONS.

(a) PERIODIC REPORTS.—Not later than 1 year after commencement of operation of the Program and at least biannually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes a description of the Program in meeting the purpose and goals established by or pursuant to this Act.

(b) AUDITS BY THE COMPTROLLER GENERAL.—

(1) IN GENERAL.—The programs, activities, receipts, expenditures, and financial transactions of the Program shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) ACCESS.—The representatives of the Government Accountability Office shall—

(A) have access to the personnel and to all books, accounts, documents, records (including electronic records), reports, files, and all

other papers, automated data, things, or property belonging to, under the control of, or in use by the Program, or any agent, representative, attorney, advisor, or consultant retained by the Program, and necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians;

(C) be authorized to obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to the audit without cost to the Comptroller General; and

(D) have the right of access of the Comptroller General to such information pursuant to section 716(c) of title 31, United States Code.

(3) ASSISTANCE AND COST.—

(A) IN GENERAL.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes.

(B) REIMBURSEMENT.—

(i) IN GENERAL.—On the request of the Comptroller General, the Secretary shall reimburse the General Accountability Office for the full cost of any audit conducted by the Comptroller General under this subsection.

(ii) CREDITING.—Such reimbursements shall—

(I) be credited to the appropriation account entitled “Salaries and Expenses, Government Accountability Office” at the time at which the payment is received; and

(II) remain available until expended.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$2,000,000,000.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1575. A bill to amend title 10, United States Code, to ensure that excess oil and gas lease revenues are distributed in accordance with the Mineral Leasing Act, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Naval Oil Shale Reserve Mineral Royalty Revenue Allocation Act. It is a bill designed to release mineral royalty receipts to Colorado where the receipts were generated from gas development within this reserve on the western slope near Rifle, Colorado.

By way of background, in 1997, Congress transferred the federal Naval Oil Shale Reserve lands in western Colorado from the U.S. Department of Energy, DOE, to the U.S. Bureau of Land Management, BLM, and directed the BLM to begin leasing the oil and gas resources under these lands. The Transfer Act also directed that the royalties recouped from this leasing program be set aside and the state portion not disbursed to Colorado until the Interior Department and the DOE certified that enough money from the

royalty receipts accrued to satisfy two purposes.

The first was to provide funding to clean up the Anvil Points site on these lands. Anvil Points was an oil shale research facility that operated within the Naval Oil Shale Reserve for about 40 years. The facility was operated by DOE at one point, and private industry performed research there under contract. Waste material was produced at this facility from oil shale mining and processing. That waste accumulated in a pile of about 300,000 cubic yards of spent oil shale and other material—including arsenic and other heavy metals—which rests on slopes below the facility.

The second purpose was for the reimbursement of certain costs related to the transfer.

Following the transfer to the BLM, this area experienced significant natural gas leasing and, as a result, significant royalty revenue was generated.

On August 8, 2008, the DOI and DOE certified that adequate funds had accrued to accomplish the goals of clean-up and cost reimbursement and subsequently allocated all royalty revenue generated after this date according to the Mineral Leasing Act, which establishes that Colorado receive a proportionate share.

However, considerably more revenue accrued than was necessary to accomplish the clean-up and cost reimbursement goals. This bill would direct that this additional royalty revenue be allocated to Colorado according to the formulas and processes established for the disbursement of federal mineral royalties under the Mineral Leasing Act.

The bill also directs that the Colorado share of this remaining royalty revenue be allocated to the two Counties directly impacted by oil and gas leasing on the Naval Oil Shale Reserve lands—specifically, Garfield and Rio Blanco Counties. The bill further requires that the royalties be used to address these impacts through activities such as land and water restoration, road repair, and other capital improvement projects.

Based on figures provided by the BLM, there remains approximately \$17 million in these accounts for Colorado's royalty revenue share. This bill would make Colorado whole and provide it with its rightful share of the remaining royalty revenue to address critical local needs and impacts from the very leasing that produced the royalty revenue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF OIL SHALE RESERVE RECEIPTS.

Section 7439(f) of title 10, United States Code, is amended by adding at the end the following:

“(3)(A) The moneys deposited in the Treasury under paragraph (1) that exceed the amounts described in subparagraphs (A) and (B) of paragraph (2) shall be transferred by the Secretary of the Treasury in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191) to the State of Colorado for use in accordance with subparagraph (B).

“(B) Amounts transferred to the State of Colorado under subparagraph (A) shall be used by the State and political subdivisions of the State for—

“(i) conservation, restoration, and protection of land, water, and wildlife resources affected by oil or gas development activities in Garfield and Rio Blanco Counties in the State;

“(ii) repair, maintenance, and construction of State and county roads in each of those counties; and

“(iii) the conduct of capital improvement projects (including the construction and maintenance of sewer and water treatment plants) that are designed and carried out to address the impacts of oil and gas development activities in each of those counties.”.

By Mrs. SHAHEEN (for herself, Ms. SNOWE, Ms. COLLINS, Mr. SANDERS, Mr. MERKLEY, Mr. LEAHY, Mr. WYDEN, and Mr. SCHUMER):

S. 1576. A bill to require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emission reductions on private forest land of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. SHAHEEN. Mr. President, I rise today to introduce legislation that will establish a Forest Carbon Incentives Program to help America's family forest owners slow climate change by increasing carbon sequestration and storage on private forestland. This will be critical for our national climate change response, and will create important economic opportunities for landowners across America. I want to thank my colleagues, Senators SNOWE, COLLINS, SANDERS, MERKLEY, WYDEN, LEAHY and SCHUMER, with whom I have worked closely to draft this bill. I also want to acknowledge Senator STABENOW, who has long provided leadership on this issue of carbon sequestration.

This legislation is driven by a simple fact: we cannot achieve our greenhouse gas reduction goals without comprehensive and effective utilization of U.S. forests for carbon sequestration. The U.S. Environmental Protection Agency estimates that U.S. forests currently sequester a remarkable 10 percent of our annual U.S. carbon emissions. Even more remarkably, the EPA estimates that we could double this sequestration capacity to 20 percent of emissions with the right management and conservation.

Unlike some of our emerging energy technologies, forest carbon sequestra-

tion is a climate strategy that is ready to go to work right now on meeting our emissions reduction goals. We can immediately put forest owners to work on their lands undertaking activities to help move us to that 20 percent sequestration goal, and create new revenue streams for those small and family landowners to help them navigate through these troubled economic times.

One important pathway to achieve these forest carbon sequestration goals will be through carbon offset markets. For those able to participate, carbon offset programs will provide important financial incentives for projects that reduce greenhouse gas emissions while, at the same time, helping to keep the costs of a climate program low. The opportunity to earn offset credits will create a financial incentive for large forest landowners to undertake activities that increase carbon sequestration and storage on their lands and that can be measured and verified with the precision necessary to meet rigorous environmental integrity requirements.

However, offset markets will not be easily accessible to the many family forest owners and other smaller landowners who do not have the necessary economies of scale to effectively participate in offset markets. Offset projects come with many upfront and ongoing transactional expenses that will undermine financial gains and constrain the flexibility that family forest owners and other smaller scale landowners will require to participate.

Furthermore, there are some important types of carbon sequestration and storage activities, such as permanent conservation easements, that produce real carbon gains over the long term but are hard to quantify with the precision necessary for offset markets.

We also need to engage the full range of carbon strategies to meet our carbon sequestration goals, even if they cannot conform to the requirements of offsets.

Engaging family forest owners in sequestration is no small piece of the forest carbon equation—America's family forest owners control more than half of all U.S. private forestland, with 119 million acres in ownerships of 100 acres or less. We must create new tools to engage these individuals in efforts to sequester carbon and provide economic opportunities to gain financial incentives for doing that work.

In my home State of New Hampshire, our forests embody this diverse ownership pattern and the unique opportunity to address climate change through forest carbon incentives. New Hampshire is the second most forested state in the Nation, and more than 80 percent of that forestland is in private hands. We do have some large private ownerships, including large blocks of working forestland. But most of our privately owned forestland is in small

ownerships—averaging 37.5 acres. According to the U.S. Forest Service, 49 percent of New Hampshire's forestland, 2,358,000 acres, is in family ownership, with 124,000 family forest owners in the Granite State.

If these landowners could aggregate their capacity to store carbon on the 2 million acres they own, they could make a significant contribution to needed reductions in the presence of carbon dioxide in our atmosphere. Each year New Hampshire forests already take up by photosynthesis 25 percent of the total CO₂ emitted by the State from man-made sources.

But we can capture even more carbon in our Nation's forests with the right incentives like those in our proposed program. Creating incentives for forest carbon would represent a win-win for New Hampshire and a win-win in every State in the Nation that has privately owned forested landscapes.

Simply, the Forest Carbon Incentives Program will provide financial incentives for small private forest owners to engage in carbon sequestration activities and help our country meet its desired carbon reduction goals. The Forest Carbon Incentives Program will be run through the U.S. Forest Service and State forestry agencies. These experienced forest professionals will work with interested private forest owners to develop a “climate mitigation contract” for undertaking forest management activities that will increase carbon absorption and storage. Incentives will be awarded on a straightforward “practices per acre” basis, giving landowners a clear and simple agreement and reliable incentive payments. Carbon reductions achieved through these practices are not required to be permanently stored, so landowners will retain more flexibility with future management decisions. This simple and efficient program structure will enable landowners at any scale to participate, especially family forest owners holding smaller parcels that are unlikely to participate in carbon offset markets.

The program will create additional incentive opportunities for interested landowners to protect carbon gains achieved through a climate mitigation contract. Landowners can gain “bonus” incentive payments for also undertaking management that addresses pests, fire, and other threats that could damage forests and release the carbon that has been stored there. Landowners can also be paid for a permanent conservation easement that will assure that their lands in the program will never be developed, thereby protecting the carbon in those forests.

This legislation already enjoys support from a broad spectrum of national organizations that care about America's forests, such as the American Forest Foundation, the National Association of State Foresters, The Trust for

Public Land, the National Wildlife Federation, and The Nature Conservancy among many others. Of equal importance, it has earned broad support from local, state, and regional interest groups, including the Society for the Protection of New Hampshire Forests, New Hampshire Timberland Owners Association, Northland Forest Products, Appalachian Mountain Club, and a host of other leading forest organizations in my home state.

America must use every tool available to address climate change, and should especially favor strategies that are ready to go now and that create new economic opportunities. This legislation will provide both a meaningful climate mitigation strategy and create real jobs in the woods. I encourage my fellow Senators to consider it carefully.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Forest Carbon Incentives Program Act of 2009”.

SEC. 2. CARBON INCENTIVES PROGRAM TO ACHIEVE SUPPLEMENTAL GREENHOUSE GAS EMISSION REDUCTIONS ON PRIVATE FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) AVOIDED DEFORESTATION AGREEMENT.—The term “avoided deforestation agreement” means a permanent conservation easement that—

(A) covers eligible land that—

(i) is enrolled under a climate mitigation contract; and

(ii) will not be converted for development; and

(B) is consistent with the guidelines for—

(i) the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act (16 U.S.C. 2103c); or

(ii) any other program approved by the Secretary for use under this section to provide consistency with Federal legal requirements for permanent conservation easements.

(2) CLIMATE MITIGATION CONTRACT; CONTRACT.—The term “climate mitigation contract” or “contract” means a contract of not less than 15 years that specifies—

(A) the eligible practices that will be undertaken;

(B) the acreage of eligible land on which the practices will be undertaken;

(C) the agreed rate of compensation per acre; and

(D) a schedule to verify that the terms of the contract have been fulfilled.

(3) ELIGIBLE LAND.—The term “eligible land” means forest land in the United States that is privately owned at the time of initiation of a climate mitigation contract.

(4) ELIGIBLE PRACTICE.—The term “eligible practice” means a forestry practice, including improved forest management that produces marketable forest products, that is determined by the Secretary to provide measurable increases in carbon sequestration and

storage beyond customary practices on comparable land.

(5) PROGRAM.—The term “program” means the carbon incentives program established under this section.

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) SUPPLEMENTAL GREENHOUSE GAS EMISSION REDUCTIONS IN THE UNITED STATES.—

(1) IN GENERAL.—The Secretary shall establish a carbon incentives program to achieve supplemental greenhouse gas emission reductions on private forest land of the United States.

(2) FINANCIAL INCENTIVE PAYMENTS.—

(A) IN GENERAL.—The Secretary shall provide to owners of eligible land financial incentive payments for—

(i) eligible practices that measurably increase carbon sequestration and storage over a designated period on eligible land, as specified through a climate mitigation contract; and

(ii) subject to subparagraph (B), permanent avoided deforestation agreements on eligible land covered under a climate mitigation contract.

(B) NO AGREEMENT REQUIRED.—Eligibility for financial incentive payments under a climate mitigation contract described in subparagraph (A)(i) shall not require an avoided deforestation agreement.

(c) PERFORMANCE OF SUPPLEMENTAL REDUCTIONS.—In carrying out the program, the Secretary shall report under subsection (f) on progress toward reaching the following levels of carbon sequestration and storage through climate mitigation contracts:

(1) 100,000,000 tons of carbon reductions by 2020.

(2) 200,000,000 tons of further carbon reductions by 2030.

(d) PROGRAM REQUIREMENTS.—

(1) CONTRACT REQUIRED.—To participate in the program, an owner of eligible land shall enter into a climate mitigation contract with the Secretary.

(2) PROGRAM COMPONENTS.—In establishing the program, the Secretary shall provide that—

(A) funds provided under this section shall not be substituted for, or otherwise used as a basis for reducing, funding authorized or appropriated under other programs to compensate owners of eligible land for activities that are not covered under a climate mitigation contract;

(B) emission reductions or sequestration achieved through a climate mitigation contract shall not be eligible for crediting under any federally established carbon offset program; and

(C) compensation for activities under this program shall be set at such a rate so as not to exceed the net estimated benefit an owner of eligible land would receive for similar practices under any federally established carbon offset program, taking into consideration the costs associated with the issuance of credits and compliance with reversal provisions.

(3) REVERSALS.—

(A) IN GENERAL.—In developing regulations for climate mitigation contracts, the Secretary shall specify requirements in accordance with this paragraph to address intentional or unintentional reversal of carbon sequestration during the contract period.

(B) INTENTIONAL REVERSALS.—If the Secretary finds an owner of eligible land violated a climate mitigation contract by intentionally reversing a practice or otherwise intentionally failing to comply with the contract, the Secretary shall terminate the con-

tract and require the owner to repay any contract payments in an amount that reflects the lost carbon sequestration.

(C) UNINTENTIONAL REVERSAL.—If the Secretary finds an eligible practice has been unintentionally reversed due to events outside the control of the owner of eligible land, the Secretary shall reevaluate and may modify or terminate the climate mitigation contract, after consultation with the owner, taking into consideration lost carbon sequestration and the future carbon sequestration potential of the contract.

(e) INCENTIVE PAYMENTS.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations that specify eligible practices and related compensation rates, standards, and guidelines as the basis for entering into climate mitigation contracts with owners of eligible land.

(2) SET-ASIDE OF FUNDS FOR CERTAIN PURPOSES.—

(A) IN GENERAL.—Not less than 35 percent of program funds made available under this program for a fiscal year shall be used—

(i) to provide additional incentives for owners of eligible land that carry out activities and enter into agreements that protect carbon reductions and otherwise enhance environmental benefits achieved under a climate mitigation contract; and

(ii) to develop forest carbon monitoring and methodologies that will improve the tracking of carbon gains achieved under the program.

(B) USE.—Of the amount of program funds made available for a fiscal year, the Secretary shall use—

(i) at least 25 percent to make funds available on a competitive basis to compensate owners for entering avoided deforestation agreements on land subject to a climate mitigation contract;

(ii) not more than 10 percent to provide incentive payments for additional management activities that increase the adaptive capacity of land under a climate mitigation contract; and

(iii) not more than 2 percent for the Forest Inventory and Analysis Program of the Forest Service to develop improved measurement and monitoring of forest carbon stocks.

(f) PROGRAM MEASUREMENT, MONITORING, VERIFICATION, AND REPORTING.—

(1) MEASUREMENT, MONITORING, AND VERIFICATION.—The Secretary shall establish and implement protocols that provide monitoring and verification of compliance with climate mitigation contracts, including both direct and indirect effects and any reversal of sequestration.

(2) REPORTING REQUIREMENT.—At least annually, the Secretary shall submit to Congress a report that contains—

(A) an estimate of annual and cumulative reductions achieved as a result of the program, determined using standardized measures, including measures of economic efficiency; and

(B) a summary of any changes to the program that will be made as a result of program measurement, monitoring, and verification.

(3) AVAILABILITY OF REPORT.—Each report required by this subsection shall be available to the public through the website of the Department of Agriculture.

(4) PROGRAM ADJUSTMENTS.—At least once every 2 years the Secretary shall adjust eligible practices and compensation rates for future climate mitigation contracts based on the results of monitoring under paragraph (1) and reporting under paragraph (2).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—COM-MENDING BLUE STAR FAMILIES FOR SUPPORTING MILITARY FAMILIES AND INCREASING AWARENESS OF THE UNIQUE CHALLENGES OF MILITARY LIFE

Mr. WARNER submitted the following resolution; which was referred to the Committee on Armed Services.

S. RES. 237

Whereas more than 1,000,000 United States troops have served in ongoing operations in Iraq and Afghanistan, including members of the National Guard and Reserve,

Whereas the millions of immediate family members of United States servicemembers, including spouses, children, and parents, have contributed and sacrificed as well;

Whereas the families of each servicemember contribute vitally to the strength of the United States Armed Forces;

Whereas military families, often facing significant challenges such as long separations from loved ones and frequent household moves, are civilians who serve in support of United States servicemembers;

Whereas Blue Star Families is an organization of family members of active duty, National Guard, and Reserve members of the Armed Forces serving during war time, and connects military families with civilian communities, increases awareness of the unique challenges of military life, and provides morale and support for military families; and

Whereas, in order for military families to continue to support servicemembers during this extended period of conflict, the Senate and people of the United States should support military families: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the sacrifices made by Blue Star Families as members of military families and as an organization dedicated to all military families and improving the welfare of the United States;

(2) commends the patriotic efforts of Blue Star Families;

(3) commends, and offers sincere thanks to, all servicemembers and military families; and

(4) urges the people of the United States to acknowledge the inspirational sacrifices of military families.

SENATE RESOLUTION 238—TO PROVIDE FOR A POINT OF ORDER AGAINST ANY LEGISLATION THAT ELIMINATES OR REDUCES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR OR THAT DECREASES THE NUMBER OF AMERICANS ENROLLED IN PRIVATE HEALTH INSURANCE, WHILE INCREASING THE NUMBER OF AMERICANS ENROLLED IN GOVERNMENT-MANAGED HEALTH CARE

Mr. DEMINT submitted the following resolution; which was referred to the

Committee on Rules and Administration:

S. RES. 238

Resolved,

SECTION 1. POINT OF ORDER ON LEGISLATION THAT ELIMINATES OR REDUCES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that—

(1) eliminates or reduces the ability of Americans to keep their health plan;

(2) eliminates or reduces the ability of Americans to keep their choice of doctor; or

(3) decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

(b) SUSPENSION OF POINT OF ORDER.—A point of order raised under subsection (a) shall be suspended in the Senate upon certification by the Congressional Budget Office that such bill, joint resolution, amendment, motion or conference report does not—

(1) eliminate or reduce the ability of Americans to keep their health plan;

(2) eliminate or reduce the ability of Americans to keep their choice of doctor; or

(3) decrease the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

(c) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SENATE RESOLUTION 239—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL PURPLE HEART RECOGNITION DAY”

Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. CARDIN, Mr. LIEBERMAN, Ms. MURKOWSKI, Mr. SESSIONS, and Mrs. SHAHEEN) submitted the following resolution; which was considered and agreed to:

S. RES. 239

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President to a member of the Armed Forces who is wounded in a conflict with an enemy force or is wounded while held by an enemy force as a prisoner of war, and is awarded posthumously to the next of kin of a member of the Armed Forces who is killed in a conflict with an enemy force or who dies of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of the birth of George Washington, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Purple Heart Recognition Day”;

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

SENATE RESOLUTION 240—DESIGNATING SEPTEMBER 9, 2009, AS “NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY”

Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. HATCH, Mr. DORGAN, and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas the term “fetal alcohol spectrum disorders” includes a broader range of conditions and therefore has replaced the term “fetal alcohol syndrome” as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was \$5,400,000,000 in 2003, and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between \$1,500,000 and \$3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked “What if ... a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol ... would the rest of the world listen?”; and

Whereas on the ninth day of the ninth month of each year since 1999, communities

around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2009, as “National Fetal Alcohol Spectrum Disorders Awareness Day”; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2009, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2290. Mr. REED submitted an amendment intended to be proposed to amendment SA 2284 proposed by Mr. DODD to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2291. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2240 proposed by Mr. BARRASSO (for himself, Mr. VITTER, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. THUNE, and Mr. JOHANNES) to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2292. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2276 submitted by Mr. SANDERS to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2293. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2276 submitted by Mr. SANDERS to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2294. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2295. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2296. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 2257 submitted by Mr. NELSON of Nebraska and intended to be proposed to the amendment SA 1908 proposed by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2297. Mr. NELSON, of Nebraska submitted an amendment intended to be pro-

posed to amendment SA 2258 submitted by Mr. NELSON of Nebraska and intended to be proposed to the amendment SA 1908 proposed by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2298. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table.

SA 2299. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3435, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2290. Mr. REED submitted an amendment intended to be proposed to amendment SA 2284 proposed by Mr. DODD to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that previously were determined by the appropriate rural development field office of the Department of Agriculture to be eligible for funding, if the applications for the projects were received prior to August 1, 2009.

SA 2291. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2240 proposed by Mr. BARRASSO (for himself, Mr. VITTER, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. THUNE, and Mr. JOHANNES) to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7. (a) Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall complete—

(1) a State-by-State analysis of the impacts on agricultural producers of the American Clean Energy and Security Act of 2009 (H.R. 2454, as passed by the House of Representatives on June 26, 2009) (referred to in this section as “H.R. 2454”); and

(2) a State-by-State analysis of the adverse impacts of rapid climate change on agricultural producers and consumers.

(b) In conducting the analysis under subsection (a), the Secretary shall consider the impacts of H.R. 2454, the benefits of H.R.

2454, and the adverse impacts of rapid climate change on a range of fishing, aquaculture, livestock, poultry, and swine production and a variety of crop production, including specialty crops.

(c) Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall—

(1) complete a State-by-State analysis of the adverse impacts of rapid climate change on agriculture and forestry, including, at a minimum, an assessment of the impacts of invasive species and disease, drought, and flooding; and

(2) identify the benefits to agriculture and forestry of the full implementation of H.R. 2454.

SA 2292. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2276 submitted by Mr. SANDERS to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 12, strike “\$1,253,777,000” and insert “\$1,603,777,001”.

SA 2293. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2276 submitted by Mr. SANDERS to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, line 2, strike “\$1,603,777,000” and insert “\$1,603,777,001”.

SA 2294. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 22 and 23, insert the following:

(c)(1) In determining the market value of the applicable beef cattle on the day before the death of the beef cattle under section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) and section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)), the Secretary of Agriculture shall use 4 weight classes for the beef cattle consisting of less than 400 pounds, 400 pounds or more but less than 700 pounds, 700 pounds or more but less than 1,000 pounds, and 1,000 pounds or more.

(2) To carry out paragraph (1), \$4,000,000 shall be derived by transfer from the amount under the heading “RISK MANAGEMENT AGENCY” of title I.

SA 2295. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 22 and 23, insert the following:

(c)(1) Section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) is amended by inserting before the period at the end the following: "using, in the case of beef cattle, 4 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 700 pounds, 700 pounds or more but less than 1,000 pounds, and 1,000 pounds or more".

(2) Section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)) is amended by inserting before the period at the end the following: "using, in the case of beef cattle, 4 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 700 pounds, 700 pounds or more but less than 1,000 pounds, and 1,000 pounds or more".

(3) To carry out the amendments made by this subsection, \$4,000,000 shall be derived by transfer from the amount under the heading "RISK MANAGEMENT AGENCY" of title I.

(4) The amendments made by this subsection take effect on June 18, 2008.

SA 2296. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2257 submitted by Mr. NELSON of Nebraska and intended to be proposed to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c)(1) Section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) is amended by inserting before the period at the end the following: "using, in the case of beef cattle, 4 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 700 pounds, 700 pounds or more but less than 1,000 pounds, and 1,000 pounds or more".

(2) Section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)) is amended by inserting before the period at the end the following: "using, in the case of beef cattle, 4 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 700 pounds, 700 pounds or more but less than 1,000 pounds, and 1,000 pounds or more".

(3) To carry out the amendments made by this subsection, \$4,000,000 shall be derived by transfer from the amount under the heading "RISK MANAGEMENT AGENCY" of title I.

(4) The amendments made by this subsection take effect on June 18, 2008.

SA 2297. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2258 submitted by Mr. NELSON of Nebraska and

intended to be proposed to the amendment SA 1908 proposed by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c)(1) In determining the market value of the applicable beef cattle on the day before the death of the beef cattle under section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) and section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)), the Secretary of Agriculture shall use 4 weight classes for the beef cattle consisting of less than 400 pounds, 400 pounds or more but less than 700 pounds, 700 pounds or more but less than 1,000 pounds, and 1,000 pounds or more.

(2) To carry out paragraph (1), \$4,000,000 shall be derived by transfer from the amount under the heading "RISK MANAGEMENT AGENCY" of title I.

SA 2298. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agency, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer's or distributor's proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer's distributor for—

(1) the cost incurred by such dealers during the 9-month period preceding the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer's distributor is commenced, in acquisition of all parts and inventory in the dealer's possession on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer's distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer's distributor arising during that 9-month period, including, without limitation, franchise agreement or dealer agreements.

(b) INCLUSION IN TERMS.—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer's distributor and the Government (or any agency, department, or subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer's distributor to obtain credit under section 364 of title 11, United States Code,

unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) EFFECTIVENESS OF REJECTION.—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer's distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

SA 2299. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ TARP RECIPIENT OWNERSHIP TRUST.

(a) AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: "and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act".

(b) CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.—

(1) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, or to carry out the Advanced Technology Vehicles Manufacturing Incentive Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013), on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(2) APPOINTMENT OF TRUSTEES.—

(A) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(B) CRITERIA.—Trustees appointed under this paragraph—

(i) may not be elected or appointed Government officials;

(ii) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(iii) shall serve without compensation for their services.

(3) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this subsection shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(A) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(B) select the representation on the boards of directors of any designated TARP recipient; and

(C) have a fiduciary duty to the American taxpayer for the maximization of the return

on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(c) **LIQUIDATION.**—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

(d) **CIVIL ACTIONS AUTHORIZED.**—

(1) **IN GENERAL.**—Any person who is aggrieved by a violation of the fiduciary duty established by subsection (b)(3) may bring a civil action in any appropriate United States district court.

(2) **LIMITED INDEMNIFICATION.**—In any case brought under paragraph (1), the court may provide for limited indemnification with respect to a trustee, for actions taken in good faith, with the sole objective of meeting the fiduciary duty to maximize value for the American taxpayer.

(e) **DEFINITIONS.**—As used in this section—
(1) the term “designated TARP recipient” means any entity that has received, or will receive, financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Federal Government holds or controls, or will hold or control at a future date, not less than a 17 percent ownership stake in the company as a result of such assistance;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on August 4, 2009, at 9:30 a.m., to conduct a hearing entitled “Strengthening and Streamlining Prudential Bank Supervision.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on August 4, 2009, at 2:30 p.m., to conduct a hearing entitled “Rail Modernization: Getting Transit Funding Back on Track.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of

the Senate on Tuesday, August 4, 2009, at 2:45 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, August 4, 2009, at 10 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, August 4, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Climate Change Legislation: Allowance and Revenue Distribution.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during session of the Senate on Tuesday, August 4, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, August 4, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, August 4, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Protecting Patients from Defective Medical Devices” on Tuesday, August 4, 2009. The hearing will commence at 2:30 p.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on August 4, 2009, at 2:30 p.m. in room SD-

226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Performance Rights Act and Parity among the Music Delivery Platforms.”

The PRESIDING OFFICER. Without objection, it is so ordered.

ADHOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. KOHL. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, August 4, 2009, at 10:30 a.m., to conduct a hearing entitled “Focusing on Children in Disasters: Evacuation Planning and Mental Health Recovery.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Liz Dunn and Erik Peterson of my staff be granted floor privileges for the duration of today’s session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that Mike Gerhardt, a consultant on Senator LEAHY’s Judiciary Committee staff, be granted the privilege of the floor during the floor debate of Sonia Sotomayor to be Associate Justice of the Supreme Court.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that Chan Park, a detailee on Senator LEAHY’s Judiciary Committee staff, be granted the privilege of the floor for the remainder of the 111th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Becky Moylan and Maeshal Abid of my staff be granted the privileges of the floor for the duration of today’s session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Christa McDermott, Ashley McCabe, and Joia Starks, legislative fellows in my office, be granted the privilege of the floor for the remainder of the debate on the confirmation of Judge Sonia Sotomayor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE— EXECUTIVE CALENDAR NO. 309

Mr. BROWN. Mr. President, I ask unanimous consent that at 10 a.m.,

Wednesday, August 5, the Senate proceed to executive session to resume consideration of Calendar No. 309, with the debate time until 2 p.m. divided in 1-hour alternating blocks of time, with the majority controlling the first hour; further, that the time from 2 to 3 p.m. be equally divided and controlled, with the majority controlling the first 30 minutes and the Republicans controlling the final 30 minutes; that at 3 p.m., the Senate stand in recess until 5 p.m.; that upon reconvening at 5 p.m., the Senate resume for 1-hour alternating blocks of time, with the Republicans controlling the first hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 316, 317, 318, 320, 321, 322, 323, 324, 325, 326, 327, and 328; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; and that any statements relating thereto be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Patricia A. Butenis, of Virginia, A Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Charles Aaron Ray, of Maryland, A Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Gayleatha Beatrice Brown, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Pamela Jo Howell Slutz, of Texas, A Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Patricia Newton Moller, of Arkansas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Jerry P. Lanier, of North Carolina, A career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Alfonso E. Lenhardt, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Samuel Louis Kaplan, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

James B. Smith, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Miguel Humberto Diaz of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Fay Hartog-Levin, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Stephen J. Rapp, of Iowa, to be Ambassador at Large for War Crimes Issues.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MILITARY SPOUSES RESIDENCY RELIEF ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 108, S. 475.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 475) to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 475) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Spouses Residency Relief Act".

SEC. 2. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking "For" and inserting the following:

"(a) IN GENERAL.—For";

(2) by adding at the end the following new subsection:

"(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section

301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State."; and

(3) in the section heading, by inserting "**AND SPOUSES OF MILITARY PERSONNEL**" before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

"Sec. 705. Guarantee of residency for military personnel and spouses of military personnel."

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

SEC. 3. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking "A servicemember" and inserting the following:

"(1) IN GENERAL.—A servicemember"; and

(B) by adding at the end the following:

"(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

"(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders."; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting "or the spouse of a servicemember" after "The personal property of a servicemember"; and

(B) in paragraph (2), by inserting "or the spouse's" after "servicemember's".

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section

511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 4. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting “or the spouse of such servicemember” after “a servicemember in military service”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

RECOGNIZING THE NONCOMMISSIONED OFFICERS OF THE UNITED STATES ARMY

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Armed Service be discharged from further consideration of H. J. Res. 44, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 44) to recognize the service, sacrifice, honor and professionalism of the Noncommissioned Officers of the United States Army.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed; that the motion to reconsider be laid upon the table; that the preamble be agreed to; further, that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 44) was ordered to a third reading, was read the third time and passed.

The preamble was agreed to.

NATIONAL PURPLE HEART RECOGNITION DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 239, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 239) supporting the goals and ideals of “National Purple Heart Recognition Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I rise today to thank two of my colleagues, Senators LINCOLN and CRAPO for intro-

ducing the Senate resolution designating August 7, 2009, as National Purple Heart Recognition Day.

I am proud to support the commemoration of our Nation's Purple Heart recipients by granting them and their families a much deserved day of recognition. More than one and a half million Americans have earned the Purple Heart Medal, and this is just one more way we can honor their service.

The Purple Heart Medal is awarded in the name of the President, and it designates those servicemembers who have been wounded in the service of our Nation during combat or an act of terrorism. Many recipients have paid the ultimate sacrifice, and it is a symbol of true selflessness. The brave men and women of the U.S. Armed Forces today volunteer knowing full well the hazards of their chosen profession. On August 7, 2009, all Americans should be encouraged to learn about the significance of the Purple Heart, honor those selfless citizens who wear the award and bear the proud scars earned in service protecting and defending our Nation.

Today, there are approximately 550,000 Purple Heart recipients still living in the United States. I am sure that each Member of this body knows someone in their respective States who is a Purple Heart recipient, the family member of a recipient, or the friend of a recipient. A day of recognition is the least we can do to honor those who have been awarded this medal for serving our country.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 239

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President to a member of the Armed Forces who is wounded in a conflict with an enemy force or is wounded while held by an enemy force as a prisoner of war, and is awarded posthumously to the next of kin of a member of the Armed Forces who is killed in a conflict with an enemy force or who dies of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary

War, but was revived in 1932, the 200th anniversary of the birth of George Washington, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Purple Heart Recognition Day”;;

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 240, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 240) designating September 9, 2009, as “National Fetal Alcohol Spectrum Disorders Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 240

Whereas the term “fetal alcohol spectrum disorders” includes a broader range of conditions and therefore has replaced the term “fetal alcohol syndrome” as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was \$5,400,000,000 in 2003, and it is estimated that each individual with fetal alcohol syndrome

will cost taxpayers of the United States between \$1,500,000 and \$3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked "What if ... a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol ... would the rest of the world listen?"; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2009, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2009, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

MEASURE READ THE FIRST TIME—S. 1572

Mr. BROWN. Mr. President, I understand that S. 1572, introduced earlier today by Senator DEMINT, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1572) to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

Mr. BROWN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, AUGUST 5, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, August 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each; further, I ask that following morning business, the Senate proceed to executive session and resume consideration of the nomination of Sonia Sotomayor, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, as a reminder, the Senate will recess from 3 p.m. to 5 p.m. tomorrow to allow for a special Democratic caucus.

ORDER FOR ADJOURNMENT

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask that following the remarks of Senator GRASSLEY, it adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. GRASSLEY. Mr. President, I want to discuss the nomination of Judge Sotomayor to be Associate Justice. I want to begin by saying that I have a lot of respect for her. I think she is an incredibly talented individual who has worked very hard and has had an extraordinary life story. I am impressed with the way Judge Sotomayor was able to beat the odds and reach new heights. Unfortunately, as I voted in committee, I vote on the floor. I cannot support her nomination because of my concerns with her judicial philosophy.

There are a number of qualifications a Supreme Court nominee should have: a superior intellect, distinguished legal experience, integrity, proper judicial demeanor, and temperament. But the

most important qualification of a Supreme Court nominee is truly understanding the proper role of a Justice as envisioned by our great Constitution. In other words, a Justice must have the capacity to faithfully interpret the law and Constitution without personal bias or prejudice.

It is critical that judges have a healthy respect for the constitutional separation of power and the exercise of judicial restraint. Judges must be bound by the words of the Constitution and legal precedent. Because the Supreme Court has the last word as far as what the lower court says, Justices are not constrained like judges in the district and appellate courts. In other words, the Supreme Court and its Justices have the ability to make precedent. Because there is no backstop to the Supreme Court, Justices are accountable to no one. That is why we must be certain these nominees will have the self-restraint to resist interpreting the Constitution to satisfy their personal beliefs and preferences. A nominee to the Supreme Court must persuade us that he or she is able to set aside personal feelings so he or she can blindly and dispassionately administer equal justice for all.

That is what I was looking for when I reviewed Judge Sotomayor's record. That is what I was looking for when I asked Judge Sotomayor questions both at the hearing and in writing. Unfortunately, I now have more questions than answers about Judge Sotomayor's judicial philosophy. I am not convinced that the judge will be able to resist having her personal biases and preferences dictate her judicial methods when she gets to the Supreme Court.

I find it very troubling that President Obama is changing the standard by which our country's Federal judges are selected. Instead of searching for qualified jurists who can be trusted to put aside their personal feelings in order to arrive at a result required by the law, President Obama has said he is looking for a judge who has "empathy," someone who will embrace his or her personal biases instead of rejecting them.

This concept represents a very radical departure from the normal criteria for selecting Federal judges and Supreme Court Justices. In his statement opposing the confirmation of Chief Justice John Roberts, then-Senator Obama compared the process of deciding tough cases in the Supreme Court—can you believe it—comparing it to a marathon. He said:

That last mile can only be determined on the basis of one's deepest values, one's core concerns, one's broader perspective on how the world works and the depth and breadth of one's empathy. . . . Legal process alone will not lead to you a rule of decision. . . . [i]n those difficult cases the critical ingredient is supplied by what is in the judge's heart.

That is the end of the quote from then-Senator Obama.

Until now, judges have always been expected to apply law evenhandedly and to reach the result that the law requires. When speaking about the law, lawyers and judges often talk about what the law is or what the law requires, instead of what the law should be. We expect judges not to confuse the two. We expect judges not to bend the law in order to reach a result that they would want personally instead of what the law requires. We expect judges not to decide cases in favor of a particular litigant because he or she may be more worthy of compassion. We don't ask what the judge's heart says about a particular case of a legal issue. We ask what the law says.

A mandate of judicial empathy turns that traditional legal concept on its head in favor of a lawless standard. If empathy for a litigant's situation becomes a standard for deciding cases, then there is no limit to the effect on American jurisprudence. If a judge's decision in the hard cases is supplied by the content of his or her heart, then that decision cannot be grounded upon objective legal principles. If the last mile that then-Senator Obama referred to is determined by a judge's deepest feelings instead of legal precedent, then the outcome will differ based on which judge hears the case. Predictably and consistently, hallmarks of the American legal system will be sacrificed on the altar of judicial persuasion and compassion.

When a judge improperly relies on his or her personal feelings instead of relying solely on the law, it leads to creation of bad precedent. If a judge's decision is affected by his or her empathy or sympathy—whatever you want to say—for an affected party or group, then the law of unintended consequences dictates that others will be affected in the future, beyond the present case, and they will be judged by a standard that should not be applied to them because of what a previous judge did about personal sympathy instead of what the law says.

Justice is blind. Empathy is not. Empathetic judges take off the blindfolds and look at the party instead of merely weighing the evidence in light of what the law is. Empathetic judges put their thumbs on the scales of justice, altering the balance that is delicately crafted by the law. Empathetic judges exceed their role as part of the judicial branch and improperly take extraneous, nonlegal factors into consideration. That is why President Obama's judicial standard of empathy is problematic, and why we should be cautious in deferring to his choices for the judicial branch.

Judge Sotomayor's speeches and writings reveal a judicial philosophy that bestows a pivotal role to personal preferences and beliefs in her judicial method—although Judge Sotomayor attempted to spin away her state-

ments. At her confirmation hearing I had difficulty reconciling what she said at the hearing with statements she has repeated so often throughout the years. That is because the statements made at the hearing and those speeches and law review articles outside the hearing cannot be reconciled.

Since 1994, the judge has given a number of speeches where she responded to a remark by Justice O'Connor that a judge's gender should be irrelevant to judicial decisionmaking process. Judge Sotomayor said that she "hope[d] that a wise Latina woman . . . would more often than not reach a better conclusion than a white male who hasn't lived that life."

This statement suggests, very contrary to the Constitution, that race and gender influence judicial decisions and that some judges can reach a "better conclusion" solely on the basis of belonging to a particular demographic.

When questioned about this issue, Judge Sotomayor initially stood by her words, saying that they were purposefully chosen to "inspire the students to believe that their life experience would enrich the legal system," and that it was merely their context that "ha[d] created a misunderstanding."

Even if that were the case, repeatedly misrepresenting to her audience one of the most fundamental principles of our judicial system demonstrates inappropriate and irresponsible behavior for a judge. However, Judge Sotomayor proceeded to contradict those very words by saying that she "does not believe that any ethnic, racial, or gender group has an advantage in sound judging," and claimed that her criticism was actually agreeing with Justice O'Connor's argument, saying the words she used "agree[d] with the sentiment that Justice Sandra Day O'Connor was attempting to convey." I fail to see how Judge Sotomayor can reconcile her views with those of Justice O'Connor because it is clear that they stand in direct contradiction to each other.

The judge continued to confuse us, claiming that hers and Justice O'Connor's words "literally made no sense in the context of what judges do." Assuming that Judge Sotomayor truly does agree with Justice O'Connor, then I find it troubling that she doesn't recognize that it is important for judges to understand their gender and ethnicity should have no bearing on their judicial decisions.

Moreover, the judge contradicted herself again when she later attempted to brush aside these remarks, claiming that they were a "rhetorical flourish" and "can't be read literally." However, if she truly believed that these words "fell flat," why would she continue to use the same words on at least four more separate occasions?

Some of my colleagues claim that the significance of Judge Sotomayor's "wise Latina" statement has been ex-

aggerated. Unfortunately, we are not concerned with just one statement. The judge has a record of freely articulating a judicial philosophy at odds with the fundamental principles of our legal system.

Justice Story once said that, without justice being impartially administered:

Neither our persons nor our rights nor our properties can be protected.

That is the end of Justice Story's quote.

In her opening testimony Judge Sotomayor appeared to agree with Justice Story, saying she seeks to strengthen "faith in the impartiality of our justice system." However, that statement is contradicted by her long history of expressing skepticism toward judicial neutrality and impartiality. In at least four separate speeches Judge Sotomayor said that "the aspiration to impartiality is just that—it's an aspiration."

It is easy for a nonlawyer like me to become very cynical when I hear that. But when questioned about that statement, Judge Sotomayor argued that she "wasn't talking about impartiality [being] impossible" and tried to reconcile her views as "talking about academic question."

In other speeches, the judge also expressed skepticism with Judge Cedarbaum's belief that judges must transcend their personal sympathies and prejudices, saying that she "wonder[ed] whether achieving that goal is possible in all, or even most cases."

That is enhancing my cynicism.

At the hearing, Judge Sotomayor failed to sufficiently explain those troubling remarks. Instead, she departed from the clear meaning of her words, arguing that they were actually intended "to make sure that one understood that a judge always has to guard against those things affecting the outcome of a case."

Once again, her contradictory interpretation of her own words makes me question her sincerity and candor with our committee.

In another speech in a law journal article, Judge Sotomayor declared that she "willingly accept[s]" that judges "must not deny the differences resulting from experiences and heritage, but attempt, as the Supreme Court suggests, continuously to judge when those opinions, sympathies and prejudices are appropriate."

So I am concerned that these words radically depart from the bedrock principle of judicial impartiality that judges swear to uphold when they take their oath of office.

When questioned about these words, Judge Sotomayor made the far-fetched claim that her words were actually "talking about the very important goal of the justice system to ensure that personal biases and prejudices of a judge do not influence the outcome of

the case." Once again, I fail to see how Judge Sotomayor can reconcile both of those statements.

Furthermore, her statement is especially concerning within the context of other ideas she expressed in the same "Raising the Bar" speech. That is her title of her speech, "Raising the Bar."

For example, Judge Sotomayor openly questioned whether "ignoring our differences as women, men or even people of color, will do a disservice both to the law and to society." Reason to be cynical, once again. This is yet another example of an out-of-the-mainstream judicial philosophy. The majority of Americans understand that allowing physiological differences to influence judging is a disservice to the law and demonstrates a blatant lack of regard for the principle of blind justice.

At the hearing, the judge attempted to justify her words as simply part of an "academic discussion." Contrary to the plain meaning of her words, she claimed that she was not encouraging or attempting to encourage the belief that "personal characteristics" and "experiences" should drive the result.

These excuses ring hollow and contradict other parts of the same speech where she declared, "I accept there will be some differences in my judging based on my gender and my Latina heritage."

Similarly and even more concerning, she expressed in that speech on at least five other occasions that "I accept the proposition that a difference there will be by the presence of men and women, people of color on the bench, and that my experiences affect the facts I choose to see as a judge."

When explaining those remarks at the hearing, the judge continued to display troublesome evasiveness, claiming that she "did not intend to suggest that it is a question of choosing to see some facts or another."

Taken together, I remain unconvinced that Judge Sotomayor's history of freely delivered speeches demonstrates an appropriate understanding of the importance of approaching the law neutrally and upholding judicial impartiality. I am also concerned that over the past 13 years the judge has articulated that judges play a role as a policymaker.

At a Duke University panel discussion she claimed that, "The court of appeals is where policy is made."

Likewise in her Suffolk University law review article, the judge embraced the notion that judges should encroach on the constitutional power of legislatures by changing the law to adapt to social needs. She lamented that "our society would be straitjacketed were not the courts, with the able assistance of the lawyers, constantly overhauling the law and adapting to the realities of ever-changing social, industrial and political conditions."

And in the same article, the judge noted that "a given judge or judges

may develop a novel approach to a specific set of facts or legal framework that push the law in a new direction."

I thought that was part of our checks and balances system of government. That is why we had a separate legislature, to make policy. Because if a Supreme Court Justice makes policy, they have got a lifetime position. You cannot vote them out of office, whereas if we make wrong policy, our constituents have an opportunity at every election to put us out on the street.

So not understanding the proper role of a Justice is a problem for me. Even more alarming is that the judge has, on multiple occasions, expressed her own personal role in shaping policy in the bench. When describing the role of judges in a November 2000 speech before the Litigators Club, the judge stated, "Our decisions affect not only the individual cases before us, but the course of litigation and the outcomes of many similar cases pending. This fact has made me much more aware of the policy impact of the decisions I have drafted or worked on."

In at least two other speeches, the judge told her audience, "I wake up each morning excited about the prospects of engaging in the work that fulfills me and gives me the chance to have a voice in the development of the law."

These statements demonstrate either a lack of understanding or a blatant disregard for the proper constitutional role of judges. Rather than seriously addressing this aspect of her judicial philosophy at her confirmation hearing, the judge capriciously changed her views. She appeared to retract all of her previous statements by telling Senator COBURN that "judges do not make law," and in responding to my questions about vacuums in the law by saying that judges are "not creating law."

I find these statements disingenuous because in her posthearing written responses, the judge endorsed her previous views by justifying judges who "apply broadly written statutes by filling in gaps in the laws according to their personal common sense."

This is troubling because judges who fail to uphold their constitutional role and impose their own policy preferences undermine democracy and undermine our checks and balances system of government.

Also, I was disturbed by Judge Sotomayor's general lack of candor at the hearing. Throughout her testimony, she repeatedly contradicted statements she had openly and unequivocally expressed on numerous occasions from her own bench. Even the Washington Post characterized Judge Sotomayor's hearing testimony as "less than candid," and "uncomfortably close to disingenuous."

That is not a Republican Senator making the statement, that is the Washington Post, one of the guardians

of democracy, as the first amendment allows newspapers to be.

For example, despite her 7-year history of telling at least six different audiences that "my experiences affect the facts I choose to see as a judge," and, "I accept there will be some differences in judging based on my gender and my Latina heritage," she also told us, "I do not permit my sympathies, personal views, or prejudices to influence the outcome of my cases."

Likewise, when I questioned her about whether it was ever appropriate for judges to allow their own identity politics to influence their judgment, the judge answered "absolutely not."

While I agree with her answer, it is still troubling and significant that it completely contradicts her previously expressed views. I find it interesting that she appears to have had a sudden confirmation conversion.

I am also concerned about Judge Sotomayor's involvement with the Puerto Rican Legal Defense and Education Fund and her denials that she did not work on matters in a substantive or policy role relative to controversial issues during her tenure at that organization.

During her supervision of this Defense and Education Fund, the organization took a number of radical positions on abortion, including the view that abortions on demand could not be restricted for any reason; that taxpayers should be required to pay for abortions; and that parents did not have the right to even be notified if their minor daughter was going to get an abortion.

I find it hard to believe that the chair of the litigation committee of the organization had no substantive or policy involvement in the formulation of these legal briefs.

Even when asked whether these positions were extreme and allowed an opportunity to disavow them, Judge Sotomayor refused to do that.

I also was dismayed that the judge was not straightforward about her philosophy toward the use of foreign law. In a recent speech before the ACLU of Puerto Rico, the judge advocated and justified American judges using such foreign law. She told her audience that, "International law and foreign law will be very important in the discussion of how to think about the unsettled issues in our own legal system."

She went on to say, "To suggest to anyone that you can outlaw the use of foreign or international law is a sentiment that's based on a fundamental misunderstanding . . . nothing in the American legal system stops us from considering those ideas."

As examples of using foreign law to strike down American statutes, she favorably cited *Roper v. Simmons* and *Lawrence v. Texas*, saying the courts were using foreign law to "help us understand whether our understanding of

our own constitutional rights fell into the mainstream of human thinking.”

However, at the hearing, Judge Sotomayor contradicted herself saying, “Foreign law cannot be used . . . to influence the outcome of a legal decision interpreting the Constitution or American law.”

Which Sotomayor, comparing those two quotes, is going to judge from the bench of the Supreme Court? In that same speech, Judge Sotomayor also openly disapproved criticisms by Justice Scalia and Justice Thomas on the use of foreign law saying she shared the ideas of Justice Ginsburg that, “Unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, then we are going to lose influence in the world,” and, “foreign opinions . . . can add to the story of knowledge relevant to the solution of a question.”

However, at the hearing, Judge Sotomayor reversed herself, claiming that she “actually agreed with Justice Scalia and Thomas on the point that one has to be very cautious even in using foreign law with respect to things American law permits you to.”

So, once again, comparing those two statements, which Sotomayor view is going to be used on the bench of the Supreme Court? Once again, either Judge Sotomayor’s beliefs were extremely short lived, or she failed to openly present her true opinions during her hearings.

A few days after testifying that, “Foreign law could not be used to interpret the Constitution and the statutes,” Judge Sotomayor advocated her previous beliefs that, “Decisions of foreign courts can be a source of ideas in forming our understanding of our own constitutional rights” and “to the extent that the decisions of foreign courts contain ideas that are helpful to that task, American courts may wish to consider those ideas.”

Supporters of Judge Sotomayor discount her controversial statements and writings made over the years as a sitting judge and urge us to look at her judicial record. So I have had the opportunity to do that, and am still not convinced. I participated in the confirmation hearing and listened to her discuss her cases. For the most part, Judge Sotomayor refused to give a clear answer to our questions and in the end left us with more questions than we had before the hearing started.

Most lawyers understand that hard cases say the most about a judge. And as we all know, the Supreme Court only takes hard cases. Yet those are the kinds of cases that raise the most concerns about the judge and what she will do if she is confirmed to the highest Court.

Statements she made at the hearing raise concerns that she will inappropriately create or expand rights under the

Constitution. Further, some of her cases raise questions about whether she will impose her personal policy decisions instead of those of the legislative or executive branch.

Moreover, Judge Sotomayor’s record with the Supreme Court is unimpressive. When the Supreme Court reviewed her work, it rejected her outcome 8 out of 10 times and disagreed with her analysis on another one of those cases. I am not sure a 1 in 10 record warrants elevation to the Nation’s highest Court.

What is troubling to me is how Judge Sotomayor has handled cases of first impression or important constitutional issues that have appeared before her on the Second Circuit Court of Appeals. I am concerned that she dismisses cases with cursory analysis in order to obtain a politically desired result.

The firefighters case *Ricci v. City of New Haven* is a case that should not be overlooked in an examination of Judge Sotomayor’s judicial philosophy. Judge Sotomayor admittedly is opposed to and has litigated against standardized tests because she believes they are racially biased. This is the background she brought to the *Ricci* case, which she dismissed without writing an opinion. But the fortunes of the firefighters changed when Judge Cabrenas discovered the case by reading the local newspaper. Judge Cabrenas recognized that a detailed analysis of this case would serve a jurisprudential purpose and wanted the Second Circuit to reconsider it. The Second Circuit voted 7-6 not to reconsider this important case, with Judge Sotomayor casting the deciding vote. One has to question whether Judge Sotomayor allowed her personal biases against standardized test to seep into her decisionmaking process. Although Judge Sotomayor continued her efforts to sweep this case under the rug, the firefighters, because Judge Cabrenas highlighted the importance of the case in a dissenting opinion, were able to justify appealing to the Supreme Court.

The Supreme Court issued an opinion which held that there was no “strong basis in evidence” to support the ruling made by Judge Sotomayor. All nine Justices rejected the legal reasoning applied by Judge Sotomayor’s three judge panel. Justice Alito summarized the case best in his concurring opinion, where he stated “a reasonable jury could easily find that the City’s real reason for scrapping the test results was not a concern about violating the disparate impact provision of Title VII, but a simple desire to please a politically important racial constituency.” As such, “Petitioners were denied promotions for which they qualified because of the race and ethnicity of the firefighters who achieved the highest scores on the City’s exam.” As to Judge Sotomayor’s expressed empathy for ruling against the firefighters, Justice Alito wrote:

the dissent grants that petitioners’ situation is “unfortunate” and that they “understandably attract this Court’s sympathy.” But “sympathy” is not what petitioners have a right to demand. What they have a right to demand is evenhanded enforcement of the law—of Title VII’s prohibition against discrimination based on race. And that is what, until today’s decision, has been denied them.

At the hearing, I wasn’t persuaded by Judge Sotomayor’s claims that she followed precedent in reaching her decision. I also was not convinced with Judge Sotomayor’s explanation about why she dismissed this case with no legal analysis. I was left with the impression that Judge Sotomayor either she didn’t understand the importance of the claims before her, or she issued a ruling based on her own personal biases.

Some colleagues argue that her criticisms can only point to one controversial case over a 17-year career on the Federal bench. That is not quite accurate, because there are several of her decisions that raise concerns.

For example, Judge Sotomayor issued another troubling decision in *Didden v. Village of Port Chester*, where Mr. Didden presented evidence that local government officials attempted to extort him in exchange for not seizing his property. When Mr. Didden refused to be extorted, the Village took his property and gave it to another private developer. This case was on the heels of the Supreme Court’s decision in *Kelo v. City of New London*, which held that the government is not “allowed to take property under the mere pretext of a public purpose, when its actual purpose is to bestow a private benefit.” Yet Judge Sotomayor dismissed Mr. Didden’s claim with a one paragraph opinion.

I asked Judge Sotomayor about the *Didden* case, but wasn’t satisfied with her answers. First, she inaccurately characterized the Supreme Court’s holding in *Kelo*. I was also troubled with her failure to understand that her decision expanded the ability of State, local, and Federal governments to seize private property under the Constitution. Further, she told me that she had to rule against Mr. Didden because he was late in filing his claim. Mr. Didden had 3 years to file his claim. He filed it January 2004, 2 months after he was approached with what he classified as an extortion offer. Judge Sotomayor told us that Mr. Didden should have filed his claim in July 2002, before he was extorted and before he knew the city was going to take his property in November 2003. This is simply not a believable outcome, especially in a one paragraph opinion, where it was never explained to Mr. Didden why the government could take his property. I specifically asked her how Mr. Didden could have filed his claim before he knew he had a claim. Judge Sotomayor did not answer this question directly, but the net

result is, as Professor Somin stated, property owners in this situation will never be able to have their day in court:

the panel's ruling that [the plaintiffs] were required to file their claims before their property was actually condemned creates a cruel Catch-22 dilemma . . . If [the plaintiffs] had filed a Takings Clause claim before their property was condemned, it would have been dismissed because it was not yet "ripe". . . It is surely both perverse and a violation of elementary principles of due process to rule that the government can immunize unconstitutional condemnations from legal challenge simply by crafty timing.

There might not be a decision more disturbing than Judge Sotomayor's summary dismissal in *Maloney v. Cuomo*. If this summary dismissal is allowed to stand, the right to bear arms as provided for in the second amendment will be eviscerated. Instead of carefully considering whether the *District of Columbia v. Heller* case properly left open the question of whether owning a gun is a fundamental right, Judge Sotomayor in one paragraph held that it is settled law that owning a firearm is not a fundamental right. The Supreme Court noted in *Heller* that it declined to address the issue of whether owning a firearm was a fundamental right. At the hearing, I was concerned with Judge Sotomayor's explanation of her holding that the second amendment is not "fundamental" and her refusal to affirm that Americans have a right of self-defense. In my mind, and I think anyone who reads the second amendment, when the Supreme Court does consider this issue, we will find that Judge Sotomayor was once again on the wrong side of an opinion.

So based on her answers at the hearing and her decisions, writings and speeches, I am not convinced that Judge Sotomayor has the right judicial philosophy for the Supreme Court. I am not convinced that she will be able to set aside her personal biases and prejudices and decide cases in an impartial manner based upon the Constitution. I am concerned about Judge Sotomayor's dismissive handling of claims raising fundamental constitutional rights—I am not convinced that she will protect those rights, nor am I convinced that she will refrain from creating new rights. For these reasons, I must vote against her nomination.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 9:56 p.m., adjourned until Wednesday, August 5, 2009, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF THE INTERIOR

MARCIA K. MCNUTT, OF CALIFORNIA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, VICE MARK MYERS, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, August 4, 2009:

DEPARTMENT OF STATE

PATRICIA A. BUTENIS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-

ISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

CHARLES AARON RAY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

GAYLEATHA BEATRICE BROWN, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

PAMELA JO HOWELL SLUTZ, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

PATRICIA NEWTON MOLLER, OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

JERRY P. LANIER, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

ALFONSO E. LENHARDT, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

SAMUEL LOUIS KAPLAN, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

JAMES B. SMITH, OF NEW HAMPSHIRE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

MIGUEL HUMBERTO DIAZ, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

FAY HARTOG-LEVIN, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

STEPHEN J. RAPP, OF IOWA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

SENATE—Wednesday, August 5, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, holy, powerful, loving, good, thank You for expressing Your love to us with generous gifts. We are grateful for the gift of Your mercy, which delivers those bruised and battered by life. Thank You also for the peaceful satisfaction You give us as we strive to do Your will. Lord, You have sustained our families and loved ones and nourished us with the blessings of faithful friends. You also have honored us with the privilege of being called your children. You have showered our land from Your bounty with freedom, justice, strength, and resilience.

Thank You for our lawmakers, who work to keep America strong, and for our military men and women and their families, who daily sacrifice to keep us free. Lord of hosts, we lift to You this day our gratitude and praise. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 5, 2009.

To the Senate:

Under the provisions of rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Following that morning business, the Senate will resume consideration of the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States. Debate will be controlled at alternating times, with the majority controlling the first hour, starting at 11 o'clock, and the time between 2 and 3 p.m. will be equally divided and controlled, with the majority controlling the first 30 minutes and the Republicans controlling the final 30 minutes.

Because of the special caucus the Democrats are having, we will be in recess from 3 until 5 p.m. When the Senate reconvenes, the Senate will resume the 1-hour alternating blocks of time, with the Republicans controlling the first hour.

In addition to the Supreme Court nomination that we need to deal with, there are two major items we need to complete before we leave for the August recess. First, we have to have some way of moving forward on the travel promotion and on the cash for clunkers. If we don't work something out on cash for clunkers, I will file a cloture motion this evening, which means we will have to have a cloture vote on Friday. If people want to use the 30 hours, it goes over until Saturday. I don't think that is the case. I have had a number of very good conversations with the Republican leader, and we all acknowledge that a significant majority want to move forward with this legislation that has resulted in the sales, in a period of days, of almost 300,000 vehicles. For us, the taxpayers, it creates jobs, helps our manufacturing base and helps the taxpayers, in effect, who loaned money to these two manufacturers. This will help them repay that money. It has been stimulative, and we recognize that.

That having been said, some people still don't like the program. So we have to figure a way to move through that. It is my understanding that the Democrats have one amendment. I have explained it to the Republicans. The Republicans have a long list of amendments. They are going to have to whittle that down to a reasonable number so we can deal with them soon. I hope we can work something out so that we can meet our responsibilities.

We also have a number of nominations that have been held up as a result of the Supreme Court nomination. We

hope all of that can be taken care of as soon as she is confirmed.

MEASURE PLACED ON CALENDAR—S. 1572

Mr. REID. Mr. President, I am told that S. 1572 is due for a second reading and is now at the desk.

The ACTING PRESIDENT pro tempore. The majority leader is correct.

The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1572) to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

Mr. REID. Mr. President, I object to further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Florida is recognized.

SEARCH FOR CAPTAIN SCOTT SPEICHER

Mr. NELSON of Florida. Mr. President, I want to call to the attention of the Senate, and thank the Pentagon for its dogged pursuit in finding the evidence of CPT Scott Speicher, U.S. Navy, the pilot of the F-18 Hornet who was shot down on the first night of the gulf war back in 1991.

This saga has evolved over the last 18 years. The Pentagon became lax in the 1990s and did not pursue the finding of evidence, and there were all kinds of reports that Captain Speicher may have been alive and held in a prison. You can imagine the trauma, the emotional ups and downs, that occurred to the family, which included the children who were quite young at the time and are now at the age that they are in college. Fortunately, the Pentagon, about

8 or 9 years ago, got serious about the search. When we invaded Iraq in 2003, they even created a search team. Again, there were all of these false leads that there had been the sighting of a pilot. An Iraqi refugee said he saw an American pilot in a prison. It went on and on.

Of course, the hopes of the family were that CPT Scott Speicher was going to be found alive.

Our Pentagon even went so far—and I commend them—that one of the first sets of questions on the debriefing of any Iraqi detainee—and especially the high-value detainees—the question would be asked, “Do you know about an American pilot?” All of these leads turned out to be false or they led to nothing. So it was that we expected that what would happen to find the final evidence would be a Bedouin tribe that would have been in the area of the Iraqi desert at the time Captain Speicher punched out, or ejected, from his jet that was hit.

The irony was that Scott was not even supposed to fly that first attack wave, but another member of the squadron got sick and he filled in. Either he was hit with a ground-to-air missile or somehow in the aerial combat of the darkness of that night, and he ejected from his airplane. The rest has been a mystery until a Bedouin, thought to have been a younger child at the time, in 1991, remembered a pilot being buried. He could not identify the location, but knew of another Bedouin who was an adult at the time, and that Bedouin ultimately led the marines to the site and an extensive investigation and excavation that occurred on the Iraqi desert floor.

So all who have participated—the Army Reserve, Major Eames, who led the Scott Speicher search party, and who extended his duty voluntarily for an additional 6 weeks way back in 2003, because he was absolutely intent that he was going to find this downed pilot. For all of those, including the Chairman of the Joint Chiefs and the CNO, who have now brought this to closure, because last weekend they found the remains of Captain Speicher, with a positive identification through one of his jawbones with his military dental records, to be confirmed even further by DNA evidence. We know now that Captain Speicher can be brought home and his family can have final closure.

I will conclude by saying that a mistake was made that we never want to repeat. Because of him being mistakenly declared dead at a press conference the next morning after that first night attack in the first gulf war—he was mistakenly declared dead by the Secretary of Defense—we did not send a search and rescue mission. Every military pilot has to have the security of knowing that if he has to eject, a search and rescue mission is coming after him. That is the mistake we will not make again.

For the family, and on behalf of them, I want to say to the Pentagon and to the other Senators who have participated in this 18-year quest on behalf of Scott's family in Florida, thank you from the bottom of their hearts.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

BANKRUPTCY REFORM

Mr. DURBIN. Mr. President, if you look at the root cause of our economic crisis today, most people would agree that it started in the housing industry. People across America signed up for these new mortgages—adjustable rate mortgages—with terms that some people had never seen before. Sometimes they were terms that turned out to be unrealistic for the person's income and the value of the property; and at the end of a reset period, what was an affordable mortgage became unaffordable. People were then faced with the grim reality that they could not stay in their homes.

Some of the folks who entered into these mortgages signed up for bad mortgages. Others were misled into them. Some signed up for a mortgage and lost their jobs. The net result of it, though, was that we saw foreclosures across America in record numbers.

About 2 years ago, I started a legislative effort to change the Bankruptcy Code. The Bankruptcy Code is a set of laws for those who declare bankruptcy, and those who go into it try to restructure their debts and emerge from bankruptcy in a solid financial position.

When they go to court, virtually any secured asset, that is, a debt which has a security of the thing that is borrowed against, can be restructured by the court. If it is a vacation home, a mortgage on a vacation home, a mortgage on a ranch or a farm, a secured debt on a boat, a car—things such as these can be restructured by the court to try to come down to terms that are affordable based on the reality of the income of the person filing bankruptcy. There is one exception to this: the court cannot restructure the mortgage on a primary residence. Of all of the things we own, maybe the most important thing is our home, and the law specifically precludes the bankruptcy court from restructuring the mortgage. So, facing bankruptcy, you go in with your mortgage in foreclosure, and the court says: There is nothing we can do. We might be able to do something about your vacation home, your farm, or your ranch, but nothing about your home. So people end up having their homes foreclosed upon.

It struck me that we needed to change this because there was a time when people would borrow money for their home, take out a mortgage from

a bank down the street, from a banker they knew, and they would make their payments to that bank. That world changed when banks started selling the paper off to other banks and institutions, and then it went wild. It went beyond another bank or institution into groups of investors who bought a piece of a share of your mortgage. Someone may have bought an interest in the interest payments you were going to make in the fifth year of your mortgage. So what started off as a bank down the street that you knew personally at a closing turned out to be a group of financial institutions you didn't even know and never heard of and may never, ever learn the identity of. So when time came for foreclosure, you had to herd in all of these financial cats and try to get everyone to agree with what would happen next, and it became impossible.

Well, my idea 2 years ago was to change the Bankruptcy Code to allow the bankruptcy court to restructure and rewrite the mortgage terms so that a person could stay in their home just as they could continue to own a vacation home. It seemed to me a modest suggestion but one of value because it gave the court a voice in saying to all of these different lenders that had a piece of your mortgage: You all better come together and gather around the table because we are going to make a decision in this court, and you just can't ignore it.

I introduced this almost 2 years ago. It had staunch opposition from the banking industry. They did not want to give that power to the bankruptcy court, and they said: You anticipate only 2 million foreclosures in America, so we don't see the need for a change in the Bankruptcy Code.

Really? A recent study by the Boston Federal Reserve found that, in 2007 and 2008, just 3 percent of homeowners at risk of foreclosure received modifications that reduced their monthly payments. Just 3 percent of troubled homeowners received any real help.

Another study found that more mortgage modifications increased the mortgage balance than decreased the balance.

I called the bill on the floor, and I lost. Well, today, we are facing over 9 million foreclosures in bankruptcy. The banking industry is still vehemently opposed to any type of change in the bankruptcy law, and when it comes to foreclosures in America, the situation is going from bad to worse.

This morning's New York Times business section has a headline: “U.S. Effort Aids Only 9 Percent of Eligible Homeowners.” The article is about the voluntary efforts of mortgagors to renegotiate the terms of mortgages for people facing foreclosure. If a person is facing foreclosure because of a reset in mortgage terms and the foreclosure goes through, it is a disastrous result

for the family—they lose their home; it is a disastrous result for the neighborhood because every time a home goes into foreclosure, the neighbors' home values go down—this year alone, foreclosures will drain more than \$500 billion from neighboring home values; and it is a disastrous result for the bank. Banks don't win in foreclosure. I have heard estimates that they lose up to \$50,000 for every foreclosure. So it would seem to me that the avoidance of foreclosure is a good thing for everyone involved: the homeowner, other people who own property in the neighborhood, as well as the bank. Yet it turns out that when we turn to the banks and say: So do something about it voluntarily, their response to it is meager and disappointing.

The Treasury Department said on Tuesday that only a small number of homeowners—235,247, or 9 percent of those eligible—had been helped by the latest government program created to modify home loans and prevent foreclosures. A report released by Treasury officials identified lenders who had made slow progress in offering more affordable mortgages, naming Bank of America and Wells Fargo as among those failing to reach large numbers of eligible borrowers. While 15 percent of eligible homeowners have been offered help through the mortgage modification program, the low rate of actual mortgage reductions has frustrated administration officials.

In a hearing two weeks ago in the Senate Judiciary Committee, we heard testimony from the National Consumer Law Center that I found troubling. Housing counselors from all over the country have told stories of violations of the Administration plan by the servicers. Homeowners have been asked to pay fees to apply for a trial modification and to waive their legal rights. Servicers have told homeowners that homeowners need to skip payments to become eligible, which puts them even farther behind. Servicers have refused to offer eligible homeowners a modification, and have offered modifications that do not comply with the program guidelines—and that is for the homeowners lucky enough to get someone at the servicers' call centers to answer the phone. Worst of all, servicers continue to pursue foreclosures even as they are supposedly working with homeowners on a mortgage modification.

This has to end. Whether the bankers and mortgage servicers are failing because of intransigence or incompetence doesn't matter. Our economy is hanging in the balance. They have to do much better.

The Times article goes on to note that some banks have done better than others. Where Bank of America has modified only 4 percent of eligible mortgages and Wells Fargo, 6 percent, CitiMortgage, a unit of Citigroup, fared

better at 15 percent, and JPMorgan Chase is among the most successful, modifying loans for 20 percent of eligible borrowers.

In the previous administration, the Secretary of the Treasury, Hank Paulson, called me and told me what they were going to do to try to rescue the banks.

I said: Hank, you have to get to the heart of this. It is the foreclosure crisis. What are you going to do about the people losing their homes?

He said that they were not going to do anything except a voluntary program.

The voluntary program of the Bush administration didn't work and now the voluntary program of this administration is not working. There are not enough people who are facing foreclosure who realistically have an option of renegotiating the terms of their mortgages.

I credit President Bush and President Obama with offering the opportunity to lead to the industry. Frankly, they have failed. A few of these banks have done reasonably well, if you consider 20 percent of those eligible being offered mortgage modification something to brag about, but others are terrible.

So yesterday I along with Senator REED and Senator WHITEHOUSE sent a letter to the heads of the 38 banks and mortgage service companies that have signed up for the Administration's Home Affordable Modification Program. We are asking them a series of pointed questions that will help us understand what each servicer is doing to help homeowners avoid preventable foreclosures.

Most importantly, I am asking the servicers to make a commitment that they will avoid scheduling a foreclosure on any homeowner who is actively working in good faith to work out a loan modification that is fair, reasonable, and sustainable.

Let me mention one other element that should be noted here. Two weeks ago in Chicago, a group known as NACA—I believe that stands for the Neighborhood Assistance Corporation of America—held an opportunity at McCormick Place for those facing foreclosure to come in and try to work out new mortgage terms. I was at another meeting, they invited me to come over, and I was stunned as I walked into this huge hall filled with literally thousands of people on a Saturday morning, thousands of people facing mortgage foreclosure. On one side of the room sat a large group, about 1,000 people, and they were from Hispanic families; on the other side of the room, another 1,000 people, by and large African American, with others—Asians, Whites, and others, but primarily African American.

It is clear to me, as you look at the nature of the foreclosure crisis, that many people in lower income and mid-

dle-income categories, particularly those who have been the targets of predators in the past, who were preyed upon with these mortgages and now face foreclosure, are also people who are most likely to lose their jobs. They are in marginal employment, and a slowing economy is going to hurt them first, which goes to my point: Not enough is being done. For those who are still working and have a chance to pay on their mortgage, these banks should be stepping up, showing a lot more commitment to renegotiating the terms of their mortgage than they currently are.

When I offered this change in the Bankruptcy Code to try to move this process forward, the banking associations—all of them—opposed it. Only one bank, Citigroup, supported my efforts.

In fact, an interesting thing is that at one point in the negotiations, we said to the independent community bankers, the hometown bankers we all know: We will exempt you. Because you have such a small part of this problem portfolio, we will exempt you and just go after the large banks that are responsible for this.

The so-called independent community banks said: No, we don't want any part of it. We are going to stick with our friends, the large banks.

That leads me to conclude that the independent community banks should drop the word "independent" from their title. They are now part of the larger bank operation when it comes to dealing with this foreclosure crisis.

Much the same can be said for credit unions. Given an opportunity to avoid being even part of this change in bankruptcy modifications, they refused to support us as well.

So the entire financial industry has stood back and said: We are not going to support—with the exception of Citigroup—any change in the Bankruptcy Code, and quite honestly, we are not going to do much when it comes to renegotiating the mortgages.

I don't think this economy is going to get well until we deal with this issue. I can take you to neighborhoods in Chicago and surrounding communities and tell you that they are flat on their backs because of mortgage foreclosures. It is very difficult, if not impossible, for these communities to come back, these neighborhoods to come back.

There are things we need to do.

First, Congress should consider passing legislation to give homeowners who can't afford their mortgage payments the right to remain in their homes for a period of time by paying fair market rent to a bank. Why not let a family stay in a home rather than let it get run down and become a haven for criminal activities and other things when it is vacant? It is certainly no good assignment for a bank to be told:

You now have a foreclosed home, cut the grass and take care of the weeds and put plywood on the windows and try to keep the bad guys out. That is what most of them face.

Second, Congress should consider providing matching funds for cities and States to create mandatory arbitration programs. They have done it in Philadelphia with some success; we ought to do it here and across the Nation so that we move this toward arbitration, negotiation, and agreements for new modifications on mortgages.

Third, if these servicers of mortgages, some of which have taken billions of dollars in taxpayer bailouts, refuse to meet the foreclosure reduction standards and goals they have signed up for under this administration, they should be facing penalties. We gave them taxpayers' money to save the banks. Some of them used it for bonuses for their employees, and now they won't turn around and give a helping hand to people who are about to lose their homes? I am sorry, but if there is any justice in America, that has to change.

Will I come back with bankruptcy modification? Well, let's see what happens in the next few months. I want to be able to come to my colleagues in the next 2 or 3 months and say: Alright, whether you support or oppose bankruptcy changes, when it comes to these mortgage modifications, let's be honest about where we are today and where we need to go. That is absolutely essential.

So I hope this situation starts to resolve itself. I hope some of these banks that hold these mortgages get serious about helping people facing foreclosure. It is the only way we are going to stabilize this economy and get it moving forward.

I might add, the blip in the housing market we saw just a few weeks ago is likely just that. There had been a temporary moratorium on many mortgage foreclosures, leading many people to believe there was a turnaround in the housing industry. But a new wave of mortgage resets is coming. This time it's the so-called "option ARMs" or "pick-a-payment" adjustable rate mortgages.

These are the ultimate exploding mortgages. They gave homebuyers the option of not even covering the interest some months, but after two or three years, the monthly mortgage payment can skyrocket, often by 50 percent or more. An estimated 2.8 million option ARMs are scheduled to reset over the next 2½ years.

So I am looking for a turnaround in the housing industry. I don't think we have quite seen it yet. I hope it comes soon.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF SONIA SOTOMAYOR TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 2 p.m. will be equally divided in 1-hour alternating blocks of time, with the majority controlling the first hour.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, we began debate yesterday on this historic nomination of Judge Sonia Sotomayor to the Supreme Court. Senator REID, Senator FEINSTEIN, Senator MENENDEZ, Senator WHITEHOUSE, and Senator BROWN gave powerful statements—powerful statements—in support of Judge Sotomayor's long record, a record that makes her a highly qualified nominee and a record that brought about her receiving the highest qualification possible from the American Bar Association. I thank those Senators for their statements.

In the course of my opening statement yesterday, I spoke about the value of real-world judging. Among the cases I discussed were two involving the strip searches of adolescent girls. I spoke about how Judge Sotomayor and Justice Ginsburg properly—properly—approached those decisions in their respective courts.

Judge Sotomayor is certainly not the first nominee to discuss how her background has shaped her character. Many recent Justices have spoken of their life experiences as an influential factor in how they approach cases. Justice Alito, at his confirmation hearings, described his experience as growing up as a child of Italian immigrants saying:

When I get a case about discrimination, I have to think about people in my own family who suffered discrimination because of their ethnic background or because of religion or because of gender. And I do take that into account.

He was praised by every single Republican in the Senate for that.

Chief Justice Roberts testified at his confirmation hearing:

Of course, we all bring our life experiences to the bench.

Again, every single Republican voted for him.

Justice O'Connor echoed these statements when she said recently:

We're all creatures of our upbringing. We bring whatever we are as people to a job like the Supreme Court. We have our life experiences . . . So that made me a little more pragmatic than some other justices. I liked to find solutions that would work.

Justice O'Connor explained recently:

You do have to have an understanding of how some rule you make will apply to people in the real world. I think that there should be an awareness of the real-world consequences of the principles of the law you apply.

Just as all Democrats voted for Justice O'Connor, so did all Republicans.

I recall another Supreme Court nominee who spoke during his confirmation hearing of his personal struggle to overcome obstacles. He made a point of describing his life as:

One that required me to at some point touch on virtually every aspect, every level of our country, from people who couldn't read or write to people who were extremely literate, from people who had no money to people who were very wealthy.

And added:

So what I bring to this Court, I believe, is an understanding and the ability to stand in the shoes of other people across a broad spectrum of this country.

That is the definition of empathy. That nominee, of course, was Clarence Thomas. Indeed, when President George H.W. Bush nominated Justice Thomas to the Supreme Court, he touted him as:

A delightful and warm, intelligent person who has great empathy and a wonderful sense of humor.

Let me cite one example of a decision by Justice Thomas that I expect was informed by his experience. In *Virginia v. Black*, the Supreme Court, in 2003, held that Virginia's statute against cross burning, done with an attempt to intimidate, was constitutional. However, at the same time, the Court's decision also rejected another provision in that statute. Justice Thomas wrote a heartfelt opinion, where he stated he would have gone even further.

He began his opinion:

In every culture, certain things acquire meaning well beyond what outsiders can comprehend. That goes for both the sacred . . . and the profane. I believe that cross burning is the paradigmatic example of the latter.

He went on to describe the Ku Klux Klan as a "terrorist organization,"

while discussing the history of cross burning, particularly in Virginia, and the brutalization of racial minorities and others through terror and lawlessness. Would anyone deny Justice Thomas his standing or seek to belittle his perspective on these matters? I trust not. Who would call him biased or attack him as Judge Sotomayor is now being attacked? I trust no one would. Real-world experience, real-world judging, and awareness of the real-world consequences of decisions are vital aspects of the law. Here we have a nominee who has had more experience as a Federal judge than any nominee in decades and will be the only member of the U.S. Supreme Court with experience as a trial judge.

I look forward to this debate. One of the Judiciary Committee's newest members is now on the floor, Senator KLOBUCHAR, the senior Senator from Minnesota. She has been a leader in support of this nomination. I see beside her the former Governor of my neighboring State of New Hampshire, then-Governor Shaheen, now Senator SHAHEEN. Both of them are going to speak, so I will take no more time.

I yield the floor, first, to Senator KLOBUCHAR.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I thank the chairman. I thank him for those strong remarks on behalf of Judge Sotomayor, strong remarks for a very strong nominee.

More importantly, as chairman of the Senate Judiciary Committee, I thank Senator LEAHY, and Senator SESSIONS, for the way they conducted the confirmation hearing, the dignity that was shown to the nominee in that hearing. I think that was very important to the process. We may not have agreed with the conclusions that some of our colleagues reached, but no one can dispute the hearing was conducted civilly and with great dignity. This is a nominee who shows great dignity every step of the way.

Today I will be speaking in support of Judge Sotomayor's nomination, but first I am going to be joined by several of my esteemed fellow women Senators, including Senator SHAHEEN of New Hampshire, who is here already, Senator STABENOW of Michigan, Senator GILLIBRAND of New York, and Senator MURRAY of Washington State.

We all know this nomination is history making for several reasons but one of them, of course, is that Judge Sotomayor will be only the third woman ever to join the Supreme Court of the United States of America.

We know she is incredibly well qualified. She has more Federal judicial experience than any nominee for the past 100 years. That is something that is remarkable. But I do think it is worth remembering what it was like to be a

nominee for this Court as a woman even just a few years ago.

It is worth remembering, for example, that when Justice O'Connor graduated from law school, the only offers she got from law firms, after graduating from Stanford Law School, was for legal secretary positions. Justice O'Connor, who graduated third in her class in law school, saw her accomplishments reduced to one question: Can she type?

Justice Ginsburg faced similar obstacles. When she entered Harvard Law School, she was 1 of only 9 women in a class of more than 500. The dean of the law school actually demanded she justify why she deserved a seat that could have gone to a man. Later, she was passed over for a prestigious clerkship, despite her impressive credentials.

Nonetheless, both of these women persevered and they certainly prevailed. Their undeniable merits triumphed over those who sought to deny them opportunity. The women who came before Judge Sotomayor—all those women judges—helped blaze a trail. Although Judge Sotomayor's record stands on her own, she is also standing on those women's shoulders.

I am pleased to recognize several women Senators who are here today to speak in support of Judge Sotomayor. The first is my great colleague from New Hampshire, Senator SHAHEEN.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am delighted to be here to join the senior Senator from Minnesota, Ms. KLOBUCHAR, and to speak also after the senior Senator from Vermont, my neighbor, Senator LEAHY, in support of Sonia Sotomayor.

This week, we have the opportunity to make history by confirming the first Hispanic and only the third woman to the U.S. Supreme Court. Senator KLOBUCHAR spoke eloquently about the challenges women have faced, and I am pleased to say I had the honor as Governor of appointing the first woman to the New Hampshire Supreme Court.

I come to the floor to speak in support of Sonia Sotomayor's nomination; however, not because of the historic nature of that nomination but because she is more than qualified to sit on the Supreme Court. I am somewhat perplexed by why the vote on her nomination will not be unanimous.

Judge Sotomayor is immensely qualified. The nonpartisan American Bar Association Standing Committee on the Federal Judiciary, which has evaluated the professional qualifications of nominees to the Federal bench since 1948, unanimously—rated Judge Sotomayor as “well qualified” to be a Supreme Court Justice after carefully considering her integrity, professional competence, and judicial temperament.

Her decisions as a member of the Second Circuit Court of Appeals are well within the judicial mainstream of our country. A Congressional Research Service analysis on her opinions concluded she eludes easy ideological categorization and demonstrates an adherence to judicial precedent, an emphasis on facts to a case, and an avoidance of overstepping the circuit court's judicial role. Described as a political centrist by the nonpartisan American Bar Association Journal, she has been nominated to the Federal courts by Presidents of both political parties.

When President George H.W. Bush, in 1992, nominated Sonia Sotomayor to the U.S. District Court for the Southern District of New York, this Senate approved her nomination by unanimous consent. When President Clinton, in 1998, nominated her to the Second Circuit Court of Appeals, this Senate voted 67 to 29 to confirm her on an overwhelmingly bipartisan vote.

Her now-familiar personal story is no less impressive. The confirmation of Judge Sonia Sotomayor to the highest Court of our country will inspire girls and young women everywhere to work hard and to set their dreams high.

Americans look to lawmakers to work together to make the country stronger. They expect us to put partisanship aside to advance the interests of the American people. If there is one issue we should be able to come together on, to put aside our differences on, it is the confirmation of Judge Sonia Sotomayor to the U.S. Supreme Court.

I look forward to having the opportunity to vote in support of her confirmation with the majority of my colleagues.

I thank Senator KLOBUCHAR. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, having looked at Judge Sotomayor's whole record, as Senator SHAHEEN has pointed out, her 17 years on the bench and the fairness and integrity she will bring to the job, I am proud to support her nomination.

When Judge Sotomayor's nomination was first announced, I was impressed by her life story, as was everyone else, which all of us know well by now. She grew up, in her own words, “in modest and challenging circumstances,” and she worked hard for everything she got.

Her dad died when she was 9 years old, and her mom supported her and her brother. One of my favorite images, as a member of the Judiciary Committee, from the hearing was her mother sitting behind her every moment of that hearing, never leaving her side, the mother who raised her on a nurse's salary, who saved every penny she had to buy an Encyclopedia Britannica for

her family. That struck me because I know in our family we also had a set of Encyclopedia Britannica that had a hallowed place in our hallway, and that is what I used to write all my reports.

Judge Sotomayor went on to graduate from Princeton summa cum laude and Phi Beta Kappa before graduating from Yale Law School.

Since law school, she has had a varied and interesting legal career. She has worked as a private civil litigator, she has been a district court and an appellate court judge, and she has taught law school classes.

But one experience of hers, in particular, resonates with me. Immediately after graduating from law school, she spent 5 years as a prosecutor at the Manhattan District Attorney's Office.

I want to talk a little about that because it is something she and I have in common. I was a prosecutor myself, Mr. President. You know what that is like, to have that duty. I was a prosecutor for Minnesota's largest county. As a prosecutor, after you have interacted with victims of crime, after you have seen the damage that crime does to individuals and to our communities, after you have seen defendants who are going to prison and you know their families are losing them, sometimes forever, you know the law is not just an abstract subject. It is not just a dusty book in the basement. The law has a real impact on the real lives of real people.

It also has a big impact on the individual prosecutor. No matter how many years may pass, you never forget some of the very difficult cases. For Judge Sotomayor, we know this includes the case of the serial burglar turned killer—the Tarzan murderer. For me, there was always the case of Tyesha Edwards, an 11-year-old girl with an unforgettable smile, who was at home doing her homework when a stray bullet from a gang shooting went through the window and killed her.

As a prosecutor, you don't have to just know the law, you have to know the people, the families, and you have to know human nature.

Judge Sotomayor's former supervisor said she is "an imposing and commanding figure in the courtroom, who could weave together a complex set of facts, enforce the law, and never lose sight of whom she was fighting for."

As her old boss, Manhattan District Attorney Robert Morgenthau said: She is a "fearless and effective" prosecutor.

Mr. President, before I turn this over to my colleague, the Senator from Michigan, who has just arrived, I thought it would be interesting for people to hear a little more about Judge Sotomayor's experience as a prosecutor, so you can hear firsthand from her own colleagues.

This was a letter that was sent in from dozens of her colleagues who ac-

tually worked with her when she was a prosecutor. They were not her bosses necessarily but her colleagues who worked with her. This is what they said in the letter.

We served together during some of the most difficult years in our city's history. Crime was soaring, a general sense of disorder prevailed in the streets, and the popular attitude was increasing violence was inevitable. Sonia Sotomayor began as a "rookie" in 1979, working long hours prosecuting an enormous caseload of misdemeanors before judges managing overwhelming dockets. Sonia so distinguished herself in this challenging assignment, that she was among the very first in her starting class to be selected to handle felonies. She prosecuted a wide variety of felony cases, including serving as co-counsel at a notorious murder trial. She developed a specialty in the investigation and prosecution of child pornography cases. Throughout all of this, she impressed us as one who was singularly determined in fighting crime and violence. For Sonia, service as a prosecutor was a way to bring order to the streets of a city she dearly loves.

Her colleagues go on in this letter:

We are proud to have served with Sonia Sotomayor. She solemnly adheres to the rule of law and believes that it should be applied equally and fairly to all Americans. As a group, we have different world views and political affiliations, but our support for Sonia is entirely nonpartisan. And the fact that so many of us have remained friends with Sonia over three decades speaks well, we think, of her warmth and collegiality.

Mr. President, I see that my colleague from Michigan has arrived. I will continue my statement when she has completed hers, but I am proud to have Senator STABENOW, the Senator from Michigan, here to speak on behalf of Judge Sotomayor, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first I am so pleased to be here with the senior Senator from Minnesota, and I have appreciated her wonderful words about Judge Sotomayor, as well as her advocacy on behalf of Minnesota. We have a lot in common, Minnesota and Michigan, and so it is always a pleasure to be with the Senator from Minnesota.

I rise today to strongly support the confirmation of Judge Sonia Sotomayor as the next Justice of the Supreme Court. Over 230 years ago, Alexander Hamilton called experience "that best oracle of wisdom." His words continue to ring true today. Judge Sotomayor has over 17 years of experience on the Federal bench. She will be the most experienced Supreme Court Justice in over 100 years—a lifetime.

But it isn't just her years of experience that will make her a great Justice. It will be the experience of a uniquely American life—the American dream. She was raised in a South Bronx housing project where her family instilled in her values of hard work and sacrifice. At the age of 9, her fa-

ther—a tool-and-die worker—died tragically. After that, her mother—a nurse—raised her the best she could. I would say she did a pretty good job.

Her mom urged her to pay attention in school. She pushed Sonia to work hard and to get good grades, which she did. She studied hard and graduated at the top of her class in high school. It was through education that doors opened for Judge Sotomayor, as they have opened for millions of other Americans.

After law school, she went to work as an assistant district attorney in New York, prosecuting crimes such as murders and robberies and child abuse. She later went into private practice as a civil litigator, working in parts of the law related to real estate, employment, banking, and contract law.

In 1992, she was nominated by President George H.W. Bush and confirmed by the Senate unanimously to serve as a district court judge. She performed admirably, and President Clinton—having been nominated first by a Republican and then again by a Democrat—elevated her to the Second Circuit Court of Appeals.

It is in part due to this enormous breadth of experience as a prosecutor, a lawyer in private practice, as a trial judge, and as an appeals court judge that the American Bar Association has given her their highest rating of "well qualified."

Judge Sotomayor's story is the American story—that a young person born into poverty can work hard, take advantage of opportunities, and then succeed brilliantly and rise to the very top of their profession. Judge Sotomayor is really an inspiration to all of us. She is a role model for millions of young people of every race, class, creed, and background living in America today.

Last November, we demonstrated that every child in America really can grow up to be President of the United States. Judge Sotomayor proves that with hard work and dedication they can be a Supreme Court Justice too.

Mr. President, I strongly urge my colleagues to vote to confirm Judge Sotomayor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Michigan for her strong words in favor of this very strong nominee.

I was talking earlier about the experience that Judge Sotomayor brings to the bench as a prosecutor. For me, it means she meets one of my criteria for a nominee because I am looking for someone who deeply appreciates the power and the impact that laws and the criminal justice system have on real people's lives. From her first day in the Manhattan DA's office, Judge Sotomayor talked about and understood how it was important to view the

law as about people and not just the law.

But when you talk about people, it means you have to look at their cases, it means you have to look at the law, and you have to look at the facts. One of the things we learned in the hearings was that sometimes Judge Sotomayor had to make very difficult decisions. When she was a prosecutor, she had to turn down some cases. Although she was, by all accounts, more aggressive than other prosecutors and took on cases many wouldn't, when she was a judge she sometimes had to turn down cases, turn away victims, as in the case involving the crash of the TWA flight. She actually disagreed with a number of other judges and said as much as she found the victims' families and their case to be incredibly sympathetic, the law took her somewhere else; that the facts and the law meant something else.

You could see that in a number of her cases, which is part of the reason people who have looked at her record don't think of her as a judicial activist. They think of her as a judicial model—someone who, in her own words, has a fidelity to the law.

What are we looking for in a Supreme Court Justice? Well, I think actually one of Sonia Sotomayor's old bosses, Robert Morgenthau, said it best. He came and testified on her behalf, and he quoted himself from many years ago when speaking about what he was looking for when he tried to find prosecutors for his office. He said:

We want people with good judgment, because a lot of the job of a prosecutor is making decisions. I also want to see some signs of humility in anybody that I hire. We're giving young lawyers a lot of power, and we want to make sure that they're going to use that power with good sense and without arrogance.

These are among the very same qualities I look for in a Supreme Court Justice. I, too, am looking for a person with good judgment, someone with intellectual curiosity and independence but who also understands that her decisions affect the people before her.

With that, I think comes a second essential quality—the quality of humility. I am looking for a Justice who appreciates the awesome responsibility they will be given if confirmed, a Justice who understands the gravity of the office and who respects the very different roles the Constitution provides for each of the three branches of government—something Judge Sotomayor was questioned on extensively in the hearing and made very clear she respects those three different roles for the three different branches of government.

Finally, a good prosecutor knows their job is to enforce the law without fear or favor. Likewise, a Supreme Court Justice must interpret the laws without fear or favor. I am convinced that Judge Sotomayor meets all of these criteria.

She has been a judge for 17 years, 11 years as an appellate judge and 6 years as a trial judge. President George H.W. Bush gave her the first job she had as a Federal judge in the Southern District of New York. Her nomination to the Southern District was enthusiastically supported by both New York Senators—Democratic Senator Daniel Patrick Moynihan and Republican Senator Alfonse D'Amato. So she was first nominated by George H.W. Bush, supported by a Republican Senator, and as Senator SHAHEEN noted, confirmed unanimously by this Senate.

Judge Sotomayor, as I noted before, has more Federal judicial experience than any nominee in the past 100 years. I think the best way to tell what kind of a Justice she will be is to look at what kind of a judge she has been. One person who knows a little something about Sonia Sotomayor as a judge is Louie Freeh, the former Director of the FBI, who served as a judge with her before he was the Director of the FBI. He actually came—again, a Republican appointee—and testified for her at her hearing. He didn't just testify based on a review of her record, he testified based on his own personal experience. He was actually her mentor when she arrived as a new judge. I want to read from the letter he submitted to the Judiciary Committee.

Louis Freeh writes:

It is with tremendous pride in a former colleague that I write to recommend wholeheartedly that you confirm Sonia Sotomayor to be an Associate Justice of the Supreme Court. Judge Sotomayor has the extensive experience and the judicial qualities that make her eminently qualified for this ultimate honor and I look forward to watching her take her place on the Nation's highest court.

Freeh goes on to say:

I first met Judge Sotomayor in 1992 when she was appointed to the United States District Court for the Southern District of New York. As the newest judge in the storied Courthouse at Foley Square in lower Manhattan, we followed the tradition of having the newly-minted judge mentored by the last arriving member of the bench. Despite the questionable wisdom of this practice, I had the privilege of serving as Judge Sotomayor's point of contact for orientation and to help her get underway as she took on a full, complex civil and criminal case docket.

Into this very pressurized and unforgiving environment, where a new judge's every word, decision, writing and question is scrutinized and critiqued by one of the harshest, professional audiences imaginable, Judge Sotomayor quickly distinguished herself as a highly competent judge who was open-minded, well-prepared, properly demanding of the lawyers who came before her, fair, honest, diligent in following the law, and with that rare and invaluable combination of legal intellect and "street smarts."

Louis Freeh, a Republican-appointed judge, goes on to say:

To me, there is no better measure by which to evaluate a judge than the standards of the former Chief Judge of the U.S. District Court of Minnesota—

Mr. President, I like this part—

—and nationally renowned American jurist, Edward J. Devitt. A former Member of Congress and World War II Navy hero, Judge Devitt was appointed to the federal bench by President Eisenhower and became one of the country's leading trial judges and teacher of judges. A standard Jury Instruction textbook (Devitt and Blackmun) as well as the profession's most coveted award recognizing outstanding judges, the Devitt Award, bears his name.

I recently had the honor of participating in the dedication of a courtroom named for Judge Devitt. The judges and lawyers who spoke in tribute to Judge Devitt very ably and insightfully described the critical characteristics which define and predict great judges. But rather than discuss Judge Devitt's many decisions, particular rulings or the "sound bite" analyses which could have been parsed from the thousands of complex and fact specific cases which crossed his docket, they focused on those ultimately more profound and priceless judicial qualities.

He goes on to talk about those qualities of a good judge.

1. Judging takes more than mere intelligence;
2. Always take the bench prepared. . . .
3. Call them as you see them.

He then goes on to say:

Sonia Sotomayor would have gotten an "A plus" from the "Judge from Central Casting," as Judge Devitt was often called by his peers.

I think that says it all. You have Louis Freeh here testifying in behalf of Judge Sotomayor. As I read earlier, you have dozens of her former colleagues, Republicans, Democrats, Independents, writing about what kind of prosecutor she was. Every step of the way she impressed people.

I see we are now being joined by the Senator from New York, my distinguished colleague, who also will be speaking in favor of Judge Sotomayor.

Senator GILLIBRAND had the distinguished honor to introduce Judge Sotomayor when she so eloquently spoke at the hearing. I am very honored to have her join us here today.

I will turn this over to Senator GILLIBRAND.

Mrs. GILLIBRAND. Mr. President, I am grateful to the senior Senator from Minnesota for her kind words and thank her for her extraordinary advocacy on behalf of Judge Sonia Sotomayor. The Senator's words and real belief in her contribution is extremely important.

I thank the Senator.

I stand today to speak on behalf of Judge Sonia Sotomayor and lend my strong support to her nomination to the U.S. Supreme Court.

Judge Sotomayor will bring the wisdom of all her experiences to bear as she applies the rule of law, and will grace the Supreme Court with the intelligence, judgment, clarity of thought and determination of purpose that we have come to expect from all great Justices on the Court.

Much has been made of Judge Sotomayor's remarkable personal story. There has been great import afforded to the characterization of a "wise Latina." Clearly, the life lessons and experiences of Justices inform their decisions as has been noted during the confirmation process time and time again.

Justice Antonin Scalia discussed his being a racial minority, in his understanding of discrimination. Justice Clarence Thomas indicated that his exposure to all facets of society gave him the "ability to stand in the shoes of other people across a broad spectrum of this country."

Justice Samuel Alito described his parents growing up in poverty as a learning experience and his family's immigration to the United States as influencing his views on immigration and discrimination.

As Americans, we honor the diversity of our society. As our esteemed jurists have noted, the construct of the court is shaped by the diverse experiences and viewpoints of each of its Justices. However, Sonia Sotomayor's ethnicity or gender alone does not indicate what sort of Supreme Court Justice she will be. Rather, it is Judge Sotomayor's experience and record that more fully informs us.

The breadth and depth of Judge Sotomayor's experience makes her uniquely qualified for the Supreme Court. Her keen understanding of case law and the importance of precedent is derived from working in nearly every aspect of our legal system—as a prosecutor, corporate litigator, civil rights advocate, trial judge and appellate judge. With confirmation, Judge Sotomayor would bring to the Supreme Court more Federal judicial experience than any justice in 100 years and more overall judicial and more overall judicial experience than any justice in 70 years.

As a prosecutor, Judge Sotomayor fought the worst of society's ills—from murder to child pornography to drug trafficking. Judge Sotomayor's years as a corporate litigator exposed her to all facets of commercial law including, real estate, employment, banking, contracts and agency law. Her pro bono work on behalf of the Puerto Rican Legal Defense Fund demonstrates her commitment to our constitutional rights and the core value that equality is an inalienable American right.

On the U.S. District Court for the Southern District of New York, Judge Sotomayor presided over roughly 450 cases, earning a reputation as a tough, fair and thoughtful jurist.

As an appellate judge, Sonia Sotomayor has participated in over 3,000 panel decisions and authored roughly 400 published opinions. As evidence of the integrity of her decisions and adherence to precedence, only 7 cases were brought up for review by the

Supreme Court, of reversing only 3 of her authored opinions, 2 of which were closely divided.

In an analysis of her record, done by the Brennan Center for Justice, the numbers overwhelmingly indicate that Judge Sotomayor is solidly in the mainstream of the Second Circuit.

Judge Sotomayor has been in agreement with her colleagues more often than most—94 percent of her constitutional decisions have been unanimous.

She has voted with the majority in over 98 percent of constitutional cases.

When Judge Sotomayor has voted to hold a challenged governmental action unconstitutional, her decisions have been unanimous over 90 percent of the time.

Republican appointees have agreed with her decision to hold a challenged governmental action unconstitutional in nearly 90 percent of cases.

When she has voted to overrule a lower court or agency, her decisions have been unanimous over 93 percent of the time.

Republican appointees have agreed with Judge Sotomayor's decision to overrule a lower court decision in over 94 percent of cases.

Judge Sotomayor's record is a testament to her strict adherence to precedence—her unyielding belief in the rule of law and the Constitution. I strongly support Judge Sotomayor's nomination and firmly believe she will prove to be one of the finest justices in American history. I urge my fellow Senators to join me in voting for her confirmation.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from New York for her fine remarks. As she was talking, I was realizing she is a pioneer of sorts, being the first woman Senator from New York who took over as Senator having two very small children. I have seen them and they are small—babies—and she has been able to manage and do a fine job in her role of Senator while being a pioneer as a mother at the same time in the State of New York.

With that, it is a good segue to introduce my colleague from the State of Washington, PATTY MURRAY, one of the first women to serve in the Senate. I love her story because when Patty started running for office she was working on some school issues and she went to the legislature. One of the elected legislators actually said to her: How do you think you are ever going to get this done? You are nothing but a mom in tennis shoes.

She went on to wear those tennis shoes and wear them right to the floor of the Senate. I am proud to introduce to speak on behalf of Judge Sotomayor my colleague from the State of Washington, PATTY MURRAY.

Mrs. MURRAY. I thank the senior Senator from Minnesota for all her

work helping to move this very critical and important nomination through the Senate. I am here to join her in support of the nomination of Judge Sonia Sotomayor to the U.S. States Supreme Court.

The U.S. Supreme Court is the final arbiter of many our nation's most important disputes.

And as the Constitution provides for a lifetime appointment to the Court, a Supreme Court Justice has an opportunity to have a profound effect on the future of the law in America. That is why the Constitution directs that the Senate is responsible for providing advice and consent on judicial nominees.

Naturally, I take my responsibilities in the nomination and confirmation process very seriously.

But I take a special, personal interest in Supreme Court nominations.

It was watching Supreme Court confirmation hearings many years ago that inspired me to challenge the status quo and run for the Senate.

I was deeply frustrated by the confirmation hearings of then-nominee Clarence Thomas. I believed that average Americans did not have a voice in the process.

There were important questions—questions that needed to be answered—that were never even raised to the nominee.

So, I have worked for years to be a voice for those average Americans when it comes to judicial appointments—and make sure those questions are asked.

I have had the opportunity to meet in person with Judge Sotomayor and ask her the questions that will most affect all Americans, including working families in Washington State.

I have examined her personal and professional history, and studied her 17-year record on the Federal bench.

I have followed her progress through the Senate Judiciary Committee and watched her answer a number of difficult questions.

And with all of this information and her answers in mind, I am pleased to support her nomination.

By now, many Americans have heard the remarkable life story of Judge Sonia Sotomayor. Judge Sotomayor is truly the embodiment of the American dream.

Though many Americans by now have heard Judge Sotomayor's story, some points bear repeating.

Judge Sotomayor is the daughter of Puerto Rican parents. Her father died when she was 9, and she and her brother were raised by her mother in a public housing project in the Bronx.

Sotomayor's mother, a nurse, worked extra hours so that she could pay for schooling and a set of encyclopedias for her children.

After graduating from high school, Judge Sotomayor attended college at Princeton and law school at Yale.

She spent five years prosecuting criminal cases in New York, 7 years in private law practice, and 17 years as a Federal judge on the U.S. District Court and Court of Appeals.

Judge Sotomayor's story is an inspiring reminder of what is achievable with hard work and the support of family and community.

Of course, a compelling personal story of triumph in tough circumstances is not itself enough.

I have long used several criteria to evaluate nominees for judicial appointments: Are they ethical, honest, and qualified? Will they be fair, independent, and even-handed in administering justice? And will they protect the rights and liberties of all Americans?

I am confident that Judge Sotomayor meets these criteria.

She has 17 years of Federal judicial experience and unanimously received the highest rating of the American Bar Association—which called her “well qualified” based on a comprehensive evaluation of her record and integrity.

And she has directly answered questions about her personal beliefs—and prior statements.

She has been clear with me, the Judiciary Committee and the American people that her own biases and personal opinions never play a role in deciding cases. More importantly, her 17 years on the bench stand as the testament to this fact.

Judge Sotomayor has demonstrated her independence. She was nominated to the Federal district court by President George H.W. Bush and appointed to the U.S. court of appeals by President Clinton.

Judge Sotomayor has received rave reviews from her fellow judges on the Second Circuit, both Republicans and Democrats, as well as strong support from a diverse cross section of people and organizations from across the political spectrum.

Finally, it is clear to me that Judge Sotomayor is committed to protecting the rights and liberties of all Americans. She understands the struggle of working families. She understands the importance of civil rights. Her record shows a strong respect for the rule of law and that she evaluates each case based on its particular facts.

Having followed the criteria by which I measure judicial nominees, I am confident Judge Sotomayor will be a smart, fair, impartial, and qualified member of the U.S. Supreme Court.

I believe any individual or group from my home State could stand before her and receive fair treatment and that she will well serve the interests of justice and the public as our next Supreme Court Justice.

I wish to come to the floor to join with many of my women colleagues in the Senate and let the people of Washington State know that, after review-

ing her qualifications and her record and reviewing her testimony, I am very proud to stand and support this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. I wish to first thank the Senator from Washington for her excellent remarks on Judge Sotomayor.

During this hour, we have heard from several of my colleagues, all strongly supporting Judge Sotomayor. I have talked about, first of all, her growing up and her difficult circumstances. I spoke about her work as a prosecutor and the support she has received from her prosecutorial colleagues.

I have talked about her work as a judge and read extensively from a letter from Louis Freeh, the former Director of the FBI and former Federal judge, about her work as a judge. Now, in the final part of my talk, I wish to address some of the other issues that have been raised with respect to Judge Sotomayor.

I have to say, I woke up this morning to the radio on my clock radio and heard one of my colleagues who decided he was not going to support her, in his words, because of the “empathy standard.”

I kind of put the pillow over my head. I thought: He must not have been sitting in the hearing because she was specifically asked by one of the other Senators about how she views the cases. They specifically asked her if she agreed with President Obama when he said: You should use your heart as well as the law.

She said: Actually, I do not agree with that. I look at the law and I look at the facts.

So people can say all kinds of things about her, if they would like, but I suggest they look at her record.

My colleagues in the Senate are entitled to oppose her nomination, if they wish; that is their prerogative. But I am concerned some people keep returning again and again to some quotes in the speeches, a quote she actually said, a phrase, that she did not mean to offend anyone and she should have put it differently.

When have you 17 years of a record as a judge, what is more important—those 17 years of the record of a judge or one phrase which she basically said was not the words she meant to use. What is more important?

In the words of Senator Moynihan: You are entitled to your own opinion, but you are not entitled to your own facts. So let's look at the facts of her judicial record. This nominee was repeatedly questioned, and I sat there through nearly all of it. She was questioned for hours and days about whether she would let bias or prejudice infect her judgment.

But, again, the facts do not support these claims. In race discrimination

cases, for example, Judge Sotomayor voted against plaintiffs 81 percent of the time. She also handed out longer jail sentences than her colleagues as a district court judge. She sentenced white-collar criminals to at least 6 months in prison 48 percent of the time; whereas, her other colleagues did so only 34 percent of the time.

In drug cases, 85.5 percent of convicted drug offenders received a prison sentence of at least 6 months from Judge Sotomayor, compared with only 79 percent in her colleagues' cases.

A few weeks ago, I was in the Minneapolis airport and a guy came up to me, he was wearing an orange vest. He said: Are you going to vote for that woman?

At first, I did not know what he was talking about. I said: What do you mean?

He said: That judge.

I said: Actually, I want to meet her first. This is before I had met her. I said: I want to ask her some questions before I make a decision.

He said: Oh, I do not know how you are going to do that because she always lets her feelings get in front of the law.

This guy needs to hear these statistics. He needs to hear the statistics Senator GILLIBRAND was talking about, the statistics that when she had served on the bench with a Republican colleague, 95 percent of the time they made the same decision on a case.

So then I guess you must believe that these same Republican-appointed judges are letting their feelings get in front of the law if you take that logic to its extreme. So 95 percent of the time she sided with her Republican-appointed judge colleagues.

During her hearing, Judge Sotomayor was questioned about issues ranging from the death penalty to her use of foreign law. That was repeatedly mentioned that she might use foreign law to decide a death penalty case.

What do we have as the facts? What do we have as evidence? There was one case she decided when the death penalty came before her, and she rejected the claim of someone who wanted to say the death penalty would not apply when she was a district court judge.

She never cited foreign law. There was no mention of France or any kind of law anywhere in that decision. Those are the facts in her judicial record. In no place has she ever cited foreign law to help her interpret a provision of the U.S. Constitution.

I believe that everything in a nominee's professional record is fair game to consider. After all, we are obligated to determine whether to confirm someone for an incredibly important lifetime position. That is our constitutional duty and I take it seriously.

But that said, when people focus on a few items in a few speeches that Judge Sotomayor has given, phrases which she has basically said she would have

said differently if she had another opportunity, you have to ask yourself again: Do those statements—are they outweighed by the record? Are they outweighed by the facts?

Check out all these endorsements of people who have actually looked at her record, have looked at how she has come out on decisions. You have an endorsement from the National District Attorneys Association supporting her; you have the support from the Police Executive Research Forum; you have support from the National Fraternal Order of Police, not exactly a raging liberal organization; you have the support of the National Sheriffs Association. Again, these are the facts.

These are the facts my colleagues should be looking at. You have the support from the International Association of Chiefs of Police. You have the support of the Major Cities Chiefs Association; she has the support of the National Association of Police Organizations; she has the support of the Association of Prosecuting Attorneys; we have letters supporting her from the Detectives Endowment Association; from the National Black Prosecutors Association; from the National Organization of Black Law Enforcement Executives. The list goes on and on and on.

Those are the facts: Unanimous top rating from the ABA, the American Bar Association. Those are the facts. I believe, if we want to know what kind of a Justice Sonia Sotomayor will be, our best evidence is to look at the kind of judge she has been.

I wish to address one more matter that I mentioned at the Judiciary hearing, when we voted for Judge Sotomayor, and that has been a point that irritated me. There have been some stories and comments, mostly anonymous, about Judge Sotomayor's judicial temperament.

According to one newspaper story about this topic, Judge Sotomayor developed a reputation for asking tough questions at oral arguments and for being sometimes brisk and curt with lawyers who were not prepared to answer them. Well, where I come from, asking tough questions, having very little patience for unprepared lawyers is the very definition of being a judge. As a lawyer, you owe it to the bench and to your clients to be as well prepared as you possibly can be.

When Justice Ginsburg was asked about these anonymous comments regarding Judge Sotomayor's temperament recently, she rhetorically asked: Has anybody watched Scalia or Breyer on the bench?

Surely, we have come to a time in this country when we can confirm as many to-the-point, gruff female judges as we have confirmed to-the-point, gruff male judges. We have come a long way, as you can see from my colleagues who came here during the last hour.

We know that when Sandra Day O'Connor graduated from law school 50-plus years ago, the only offer she got was from a law firm for a position as a legal secretary. Justice Ginsburg faced similar obstacles. We have come a long way.

But I hope my colleagues in this case will also come a long way and look at the record and look at the facts. As I have said, people are entitled to their own opinions, but they are not entitled to their own facts.

In short, I am proud to support Judge Sotomayor's nomination. I believe she will make an excellent Supreme Court Justice. She knows the law, she knows the Constitution, but she knows America too.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. I ask unanimous consent that the Republican time for the next hour be allocated as follows: 15 minutes to myself, 15 minutes to Senator MARTINEZ, 10 minutes to Senator BOND, and 20 minutes to Senator CORNYN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I rise to express my thoughts on the nomination of Judge Sonia Sotomayor to be a U.S. Supreme Court Justice.

Votes on Supreme Court nominees are among the most important cast by a Senator. These nominations warrant a full and in-depth debate. We are, after all, considering a lifetime appointment to the highest Court in the land.

I will not spend much time this morning going through the impressive background of Judge Sotomayor because I think all Members agree that her experience and her academic credentials meet the threshold of what the American people expect in a Supreme Court Justice.

As an alumnus of two of the most prestigious schools in the Nation with a lengthy judicial record, Judge Sotomayor is certainly a quality nominee for the post. I am also sure she has inspired many throughout her noble career.

More important than the Ivy League schools and the length of public service, however, is the judicial record of a nominee and the decisions she has made during her tenure on the bench.

While many see a lengthy judicial record as something that could only be considered a positive factor in determining a nominee's suitability to serve on the highest Court in the land, others, including myself and many of my

constituents, see it as an opportunity for a panoramic view into the decision-making process of a nominee.

Just as I looked into the background and experience of Judge Roberts and Judge Alito, I did the same thing with Judge Sotomayor. With all the years she has served on the Federal bench, she has plenty of case material to examine and consider.

Among the most important factors in determining one's suitability for the High Court is the nominee's understanding and appreciation for the role they are about to take on. Other than having the ultimate say in the judicial branch's analysis of the case at hand, the proverbial last word, it is no different than a judge's role on any lower court.

I believe a judge's role is to adhere to the longstanding case precedent and to apply the law according to a strict interpretation of the Constitution. Let me say that again because I believe it is too important to go unheard.

I believe a judge's role is to adhere to the longstanding case precedent and apply the law according to the strict interpretation of the U.S. Constitution.

That is my understanding of the judge's role in our country. Others may have different views, and they certainly are entitled to them. As I have said, I am troubled by her decisions in cases where she has appeared to rely on something other than well-settled law to come to a decision. My fear is that she was unable to separate her personal belief system from that of the letter of the law.

In our one-on-one meetings, Judge Sotomayor gave me her assurances that she would stick to the letter of the law. Her judicial record indicates otherwise, particularly in a couple of very significant places and recent occurrences. While my colleagues have mentioned both of them prior to me stating them again, today I think they bear repeating. Both cases highlight how Judge Sotomayor adheres to applicable case precedent.

First is the Ricci case. I think it is important to take a close look at her decision in *Ricci v. DeStefano*. This is a case where she dismissed the claims of 19 White firefighters and one Hispanic firefighter who alleged reverse discrimination based on the New Haven, CT, decision not to use the results of a promotional exam because not enough minorities would be eligible for promotion. In the Ricci case, she rejected the firefighters' claim in a one-paragraph opinion. When questioned about it in the confirmation hearing, she maintained she was bound by precedent. A potentially and ultimately legal landmark case warranting a careful and thorough review of the facts at hand and the law to be interpreted, and Judge Sotomayor dismissed the claim in one paragraph. Clearly, a

case with issues involving race and discrimination deserved more than a one-paragraph explanation and analysis.

Even the Obama Justice Department could not defend her actions and submitted a brief to the Supreme Court on the matter. In it, they agreed that the decision by Judge Sotomayor should be vacated and that further proceedings on the case were warranted. This is the Justice Department of the Obama administration.

When the Supreme Court issued their opinion in the case, they stated that the precedent relied on for her decision did not exist. When pressed in the confirmation hearing about her decision, she avoided citing the particulars and simply explained that she was following established Supreme Court and Second Circuit precedent. The most troubling thing for me to grasp about this response is the Supreme Court says, in their reversal of her decision, that precedent for Ricci did not exist at all. It was a 5-to-4 decision by the Supreme Court, but all nine Justices disagreed with her reasoning—a unanimous rejection of her argument by the Supreme Court. The Supreme Court said precedent did not exist.

Maloney v. Cuomo, a second amendment case, is another decision of Judge Sotomayor that troubles my impression of her ability to separate her own beliefs from that of the letter of the law. It was just decided this year—so recently, in fact, that it has not even had a chance to be reviewed by the Supreme Court.

Not to rehash the facts of the case in too much detail, but in *Maloney v. Cuomo*, Judge Sotomayor was faced with determining whether an individual right—in this case, the right to bear arms—could also be enforced against a State. She decided the *Maloney* case after the historic *Heller* decision specifically concluded, without any explanation, that the right to bear arms is, in fact, not a fundamental right—a conclusion no other court has ever reached. As a matter of fact, I co-sponsored an amicus brief which supported the argument that the right to bear arms is a fundamental right and one that could not be taken away by government without the highest standard of review. This was the argument that ultimately favored the Supreme Court in their decision.

To me, a nonlawyer, her decision in *Maloney* stands directly contrary to what the Supreme Court had just concluded in the *Heller* case. So not only did the Supreme Court set the precedent, she ignored the precedent of *Heller* in the ruling of the *Maloney* case. How could Judge Sotomayor so distinctly and openly come to the conclusion that bearing arms was not, in fact, a fundamental right when the Supreme Court, just months before, ruled the opposite way? Where did her reasoning come from? I am troubled by the lack

of deference and adherence to the High Court's decision, and it leads me to call into question the commitment she made to me in a one-on-one meeting.

Actions, in this case—actually, decisions—speak much louder than rhetoric. These are just two recent, clear examples of where her record as a judge, while lengthy, caused me to call into question her ability to apply case precedent to come to a decision that would affect the lives of North Carolinians and the whole Nation.

These two decisions I have cited are not examples of missteps early in her career or decisions based on lack of experience. These are decisions Judge Sotomayor made after 17 years of experience on the Federal bench. These are decisions made within the last year or so by a seasoned Federal judge who is being considered for a lifetime appointment to the Supreme Court of the United States.

My esteemed colleague from North Carolina mentioned in her speech supporting Judge Sotomayor that the late Senator Jesse Helms, who was a dear friend of mine, supported the nomination of Judge Sotomayor to be a judge on the Second Circuit Court of Appeals. What Senator Helms did not have when he reviewed her nomination, however, was the benefit of Judge Sotomayor's judicial record during her decade of service on the appellate court.

It is imperative that all Members of the Senate look at the cases judges have decided and not just say they have been through the confirmation process in the Senate, therefore it should be automatic the second time. Their decisions weigh on the relevance of their nomination and on their confirmation.

I am sure her impressive academic and professional resume influenced Senator Helms, and I am sure he gave her the benefit of the doubt without any reason to question how she might rule on the bench. I have, and the Senate has, the benefit of reviewing Judge Sotomayor's actual decisions as a circuit judge, in addition to her statements to the record. I have the benefit of seeing if she stuck to the letter of the law as she stated she would do in testimony when nominated for the appellate court in 1998. She has not stuck to the letter of the law.

In 1998, she said, in response to a question from the current ranking member of the Judiciary Committee:

Sir, I do not believe we should bend the Constitution under any circumstance. It says what it says. We should do honor to it.

Quite frankly, I believe she bent the Constitution when she ruled in the *Maloney* case that the right to bear arms was not a fundamental right of the American people.

I have repeatedly said that the decisions made by the Supreme Court affect the lives of every American. After taking into consideration Judge

Sotomayor's answers to my questions, reviewing her decisions that appear to have departed from the normal principles of jurisprudence, I find little predictability in her decisions and the implications they might have. I am concerned by the several examples where I believe Judge Sotomayor strayed from the rules of strict statutory construction and legal precedence and went with her own deeply-held beliefs, while providing little in the way of explanations. Therefore, I am unable to support her nomination to the Supreme Court.

I realize, at the conclusion of the next several days, Judge Sotomayor has the votes to be a Justice. I will continue to watch the decisions she makes based upon the answers she provided to me. But as most, if not all, have stated, this is a lifetime appointment. The debate that happens over the next 48 hours will determine, in many cases, whether a change might happen in this nomination. We cannot end this debate without the realization that we will live for generations to come with the decisions of this Court, the next Court, and the next Court. It will be just as incumbent on Members of the Senate in the future to make sure that those nominees are debated thoroughly, that their records are reviewed in great detail, and that their pledge to protect the Constitution and to follow it as a Justice is upheld. My hope is that I am incorrect about how Judge Sotomayor will, in fact, use the Constitution. Today, I announce that I will vote against her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak on the nomination of Judge Sotomayor to the Supreme Court. I am happy to have this opportunity, for I view it as a historic moment in many ways.

The confirmation of a Supreme Court nominee is one of the most solemn and unique duties in our constitutional system of government. The Framers, recognizing the risk of abuse inherent in a lifetime judicial appointment, created a process that brings together all three branches of the Federal Government. The Constitution, article II, section 2, requires that a nominee to the Federal court must be selected by the President and then "with the advice and consent of the Senate." These moments must be appreciated and approached with a great deal of thoughtfulness and respect. This is all the more true when the appointment is to our highest Court, the Supreme Court.

There was a time when Members of the Senate seemed to better understand their role, when Senators expected a President of the other party to pick a judge who would likely be different from someone they would have picked. There are a couple of examples I would like to use.

Justice Ginsburg, a very talented person who served as general counsel to the ACLU, was not likely to have been someone selected by a Republican President. But yet she was confirmed with 95 votes. Republicans knew she would be a liberal Justice, but she was also well qualified for the job.

There is another example; that is, Justice Antonin Scalia. He was picked by a Republican President and received 98 votes. Every Democrat knew or probably should have known that they were voting for a conservative, but they also understood that then-Judge Scalia was incredibly qualified and should be serving on the Supreme Court, given that he had been nominated by a President and had the requisite qualifications, which is really the essence of what this confirmation process is and should be about.

But things have changed since those votes. They have changed from what is historically acceptable and what has been the long historic tradition of the Senate when it comes to Senate confirmations of judicial nominees. Over the past decade, I believe the Senate has lost sight of its role to advise and consent.

I notice another example. The nominations of Miguel Estrada, Chief Justice Roberts, and Justice Alito—all three of these illustrate how partisan politics have been permitted to overwhelm the fundamental question posed to the Senate, which is, Is this nominee qualified? Do you give your advice and your consent?

My colleagues will recall that Mr. Estrada was first nominated by President George W. Bush to the DC Circuit in May of 2001. He was unanimously rated "well-qualified" for the bench by the American Bar Association.

Mr. Estrada was someone who had a very impressive history and personal story and resume. He was a native of Honduras. Mr. Estrada immigrated to this country at age 17, graduated magna cum laude and Phi Beta Kappa from Columbia University. He received his law degree from Harvard in 1986, where he was a member of the Harvard Law Review, and went on to clerk on the Supreme Court for Justice Kennedy.

Mr. Estrada then entered private practice and was a very well-respected lawyer working in a New York law firm and served as an assistant U.S. attorney in the Southern District of New York, where I believe our nominee also served. But then Mr. Estrada took a job in the George H.W. Bush administration as an Assistant Solicitor General. What does an Assistant Solicitor General do? They prepare and argue cases before the Supreme Court. What could be a better training ground, in addition to having a prior clerkship for a Court member, than to be an Assistant Solicitor General? As a longtime attorney, I always admire greatly

those who have served in that office because they are the very best of the very best.

But politics intervened. He was branded a conservative. Through the course of an unprecedented seven cloture votes, Democrats in this body filibustered his nomination. Time and again, they filibustered his nomination. It lingered for 28 months, until he finally withdrew—exhausted, wanting to get on with his life, knowing he needed to be able to continue to do work for clients, that he could not continue to be in this limbo where he had been for 28 months because of the misguided notion that he was just too conservative and so it was OK to filibuster him. For 28 months he was hanging, dangling in the wind. That was not right. It was not to the Supreme Court, but some feared that someday he might be a Supreme Court candidate, he might have been the first Hispanic serving in the Supreme Court, nominated, perhaps, by a Republican President.

So while the nominations of Chief Justice Roberts and Justice Alito ended quite differently from Mr. Estrada's, the record is, frankly, equally disturbing.

During the debates on both Roberts and Alito, then-Senator Barack Obama declared each man to be qualified to sit on the Supreme Court. Of then-Judge John Roberts, Senator Obama said, right here on the Senate floor:

There is absolutely no doubt in my mind Judge Roberts is qualified to sit on the highest court in the land.

To which I would then say: So why won't you vote for him?

He then said of then-Judge Alito:

I have no doubt that Judge Alito has the training and qualifications necessary to serve. He's an intelligent man and an accomplished jurist. And there's no indication he's not a man of great character.

But despite these emphatic statements of confidence, then-Senator Obama voted against confirmation. Why? Because of his perception that their philosophy would not allow him to vote for them.

Given this record, some of my colleagues conclude that what is good for the goose is good for the gander; that because of these recent precedents, and despite her qualifications, they may still vote against Judge Sotomayor's confirmation. I could not disagree more heartily.

It is my hope that starting today, we will no longer do what was done to Miguel Estrada; that beginning today, no Member will pursue a course and come to the floor of this Chamber to argue against the confirmation of a qualified nominee.

So what about our current nominee? What makes her qualified? Well, first, I think we do have in Judge Sotomayor a very historic moment, an opportunity. It will be the first Hispanic to

serve on the highest Court of this land. It is a momentous and historic opportunity.

But that is not good enough. What makes her qualified? Well, I think experience, knowledge of the law, temperament, the ability to apply the law without bias—these qualifications should override all other considerations when the Senate fulfills its role to advise and consent to the President's nominee, as dictated by the constitutional charge we have. These are really the standards by which we as a body should determine who is qualified to serve on any Federal court, including the highest Court of the land. These are the standards I have used in evaluating Judge Sotomayor's nomination to the Supreme Court. She has the experience. She knows the law. She has the proper temperament.

Here is something that is very important: Her 17-year judicial record overwhelmingly indicates she will apply the law without bias. That is very important because we could find someone who really is facially qualified but whose views might be, for some reason, so outside the mainstream, so different from what the norm of our jurisprudence would be, that it might render them, while facially qualified, truly unqualified—that they really could not be relied on to look at a case and apply the facts and the evidence and apply the law to the evidence presented, that they would not follow the law, that they would not be faithful to their oath because their views would be so extreme, so outside the mainstream, so completely beyond what would be the norm or considered to be the norm. But here in this person we have a 17-year record. She has written thousands of opinions. These opinions provide the body of law of what she does as a judge—not what she said to a group of students one day, trying to encourage them in their lives and what they might be doing, not what someone might gain from reading an opinion that perhaps they would not agree with. It is not about whether we agree with her outcomes, it is whether her opinions were reasoned, whether they had a foundation in law, whether they were reasonable decisions, whether she reached them on the basis of law and evidence that are supported by sound legal thinking. Her worst critics cannot cite a single instance where she strayed from sound judicial thinking.

I believe she will serve as an outstanding Associate Justice to the U.S. Supreme Court, and she will be a terrific role model for many young people in this country.

Were I to have had my opportunity to pick, I may have chosen someone different than Judge Sotomayor. But that is not my job. I do not get to select judges. I get to give advice and consent. We sometimes confuse the role of the Senate. Elections have their

consequences. Some of her writings and her statements indicate that her philosophy might be more liberal than mine, but that is what happens in elections.

When I was campaigning for my colleague and dear friend JOHN MCCAIN, I knew it was going to be important because there would be vacancies to the Court. I knew I would be much more comfortable with a nominee whom JOHN MCCAIN would nominate than one my former colleague and friend, President Barack Obama, might nominate. The President has the prerogative, the obligation, the responsibility to choose his own nominees. Our job is to give advice and consent.

The President has chosen a nominee, and my vote for her confirmation will be based solely and wholly on relevant qualifications. Judge Sotomayor is well qualified. She has been a Federal judge for 17 years. She has the most experience of any person—on-the-bench judicial experience of any person—nominated for the Court in a century. In 100 years, there has not been anyone who has been on the bench with such a distinguished record for such a long period of time. That is why, by the way, her record is really her judicial decisions. We do not have to wonder. We do not have to sit around and try to divine whether someday she will answer the siren call to judicial activism, as I have heard someone say on the floor of the Senate. You do not have to wonder. You can wonder, and it might give you an excuse to vote against someone who is otherwise qualified, but the fact is, with a 17-year record, you should have a pretty good idea whether that siren call would have been answered by now. To my estimation, it has not been.

She received the highest possible rating from the American Bar Association for a judicial candidate—equal to that of Miguel Estrada, equal to that of Chief Justice Roberts, and equal to that of Justice Alito. She has been a prosecutor. She has been, throughout her career, an outstanding lawyer. As a prosecutor, she was a pretty tough one too. With less than a handful of exceptions, her 17-year judicial record reflects that while she may be left of center, she is certainly well within the mainstream of legal thinking.

Her mainstream approach is so mainstream that it has earned her the support of the U.S. Chamber of Commerce as well as the endorsement of several law enforcement and criminal justice organizations. She has been endorsed by the National Fraternal Order of Police, the National Sheriffs' Association, and the International Association of Chiefs of Police. I daresay she will be a strong voice for law and order in our country.

I disagree with Judge Sotomayor about several issues. I would expect to have disagreements with many judicial nominees of the Obama administration

but probably fewer with her than some I might see in the future. Although I might disagree with some of her rulings, we know she has a commitment to well-reasoned decisions—decisions that seek, with restraint, to apply the law as written. I do believe she will rule with restraint. That has been her judicial history and philosophy. For instance, I believe her view as expressed in her panel's *Maloney v. Cuomo* opinion of whether the second amendment applies against State and local governments is too narrow and contrary to the Founders' intent. But I also know there is significant and well-reasoned disagreement among the Nation's appellate courts on this issue. In other words, it is not out of the mainstream. On this issue, I accept the idea that reasonable people may differ.

This debate raises critical and difficult issues regarding the role of federalism in the application of fundamental constitutional rights. But the confirmation process is not the proper place to relitigate this question, nor is Judge Sotomayor's judicial record on this issue outside the mainstream.

I believe her statements on the role of international law in American jurisprudence reflect a view that is too expansive. Yet her judicial record indicates that, in practice, she has given only limited, if any, weight to foreign court decisions. For example, in *Croll v. Croll*, a 2000 international child custody case involving the Hague Convention on International Child Abduction, Judge Sotomayor wrote a dissenting opinion in which she concluded that the holdings of the courts of foreign nations interpreting the same convention were "not essential" to her reasoning.

I believe some of the statements she has made in her speeches about the role of one's personal experience are inconsistent with the judicial oath's requirement that judges set aside their personal bias when making those decisions. There are several of my colleagues who say these statements demonstrate that Judge Sotomayor is a judicial activist in hiding. This assertion, however, is not supported by the facts. We can throw it out there, but it is not supported by the facts. The relevant facts—her 17-year judicial record—show she has not allowed her personal biases to influence her jurisprudence. They can talk about her speeches, but they cannot talk about a single solitary opinion in 17 years on the bench where that type of a view has been given life, where that type of a view has found itself into the pages of a single one of her opinions. I would rather put my trust and my expectations for the future on her 17-year record of judicial decisions than I would on one or two speeches she might have given over 10 or 15 years.

Those who oppose Judge Sotomayor have yet to produce any objective evi-

dence that she has allowed her personal bias to influence her judicial decision-making. Moreover, in her testimony before the Judiciary Committee, she reiterated her fidelity to the law, that as a Justice she would adhere to the law regardless of the outcome it required.

So based on my review of her judicial record and her testimony before the Judiciary Committee, I am satisfied Judge Sotomayor is well qualified to sit on our Nation's highest Court. I intend to vote for her confirmation. I intend to also be very proud of her service on the Supreme Court of the United States where I think, again, she will serve a very historic and unique role to many people in this Nation who I know will look to her with great pride.

Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I rise today to speak on the nomination of Judge Sonia Sotomayor to the Supreme Court of the United States.

Few positions carry more honor, or solemn duty, than becoming a Justice of the highest court of the greatest democracy.

Also, few duties carry more honor, or solemn responsibility, than giving advice and consent on who should become a Justice on the highest Court of the greatest democracy.

The walls of that Supreme Court form the vessel that holds the great protections of our liberty.

Those black robes give life to the Constitution's freedoms and the flourishing of our ideas and beliefs.

If the Congress is the heart of our democracy, walking to the drumbeat of the people, then the Supreme Court is our soul guiding us on what is right and what is wrong.

In my role as a Senator voting to fill that vessel, issuing those robes, I have always looked to the Constitution to guide my obligation to give advice and consent.

It is an obligation separate and apart from my role as a legislator, when I vote for or against legislation before this body.

Indeed, if the Constitution meant for us merely to vote on nominees, by simple or super majorities, it could easily have said so.

If we were meant to do nothing more than cast a vote based on whether we agreed or disagreed with a nominee, where would we be then?

Would the halls of government be empty every time a President faced a Congress of the opposite party?

Would the Cabinet sit empty because of partisan divide?

Would vacancies to the Supreme Court go unfilled, because a majority of one party simply disagreed with the President of another?

Of course, that could not have been the intent of the Framers.

What kind of Justices would we have, with nothing more than partisan majority divides?

Would a Senate controlled by the opposite party allow only the most moderate of voices, or justices with no voice at all?

Would it approve only judges that said nothing, or wrote nothing with which the majority disagreed?

If some are saying that a Democratic President should not have a liberal Justice, does that mean a Republican President should not have conservative Justices?

That is not something I could support, for I surely supported judicially conservative Justices such as Roberts and Alito, Thomas and Bork—Scalia certainly if I had been in the Senate at the time.

That is the kind of Justice I support, a judge that calls balls and strikes like an umpire, not letting their own personal views bias the outcome of the trial.

The statue of justice is blindfolded for a reason, so that she cannot tip the scales of justice with the prejudice of bias or belief.

But I have supported Justices with whom I disagreed on this philosophy. Justices Breyer and Ginsberg come to mind.

They take a more active role in shaping their decisions, to fit an ideal of their own vision.

I supported these nominees of a Democratic President, as did 86 of my colleagues for Justice Breyer, and 95 of my colleagues for Justice Ginsberg.

I hope those votes do not reflect a time that has slipped away, when partisanship did not infect every facet of our political life.

I could forget that time, as President Obama did when he was a Senator.

I could easily say, as Senator Obama said, that I disagree with a nominee's judicial approach, and that allows me to oppose the nominee of a different party.

Luckily for President Obama, I do not agree with Senator Obama.

I reject the Obama approach to nominees.

While I reject the way Senator Obama approached nominations, that does not mean that I support the way Judge Sotomayor approaches judging.

I disagree that the civil rights of a firefighter mean so little that they do not deserve even a full opinion before an appeals court.

I disagree that we should inspire with suggestions that wisdom has anything to do with the sex of a person or the color of their skin.

I disagree that judges should ever consider foreign law when looking for meaning in U.S. statutes or the U.S. Constitution.

I disagree that the second amendment's protection of an individual's right to bear arms does not apply to States.

But I do agree that Judge Sotomayor has proven herself a well qualified jurist.

I do agree that she has proven herself as a talented and accomplished student, Federal prosecutor, corporate litigator, Federal trial judge, and Federal appeals court judge.

She has the backing of many in the law enforcement community including the Fraternal Order of Police, the National Sheriffs Association, and the National Association of District Attorneys.

I do agree that Judge Sotomayor has proven herself as a leader of her community, who inspires the pride and hopes of a large and growing portion of our American melting pot.

I do agree that Judge Sotomayor has proven herself as a symbol of breaking through glass ceilings.

And I do agree that my choice for President did not win the last election, and that our people's democracy has spoken for the change and they are getting it. Elections do have consequences.

Now, hearing the call of that decision of our democracy does not mean that I support the President in everything he has proposed.

I did not agree with a stimulus that has meant only more government spending and national debt as the unemployment continues to rise.

I do not agree with cap and trade legislation that will raise energy taxes and kill millions of lost jobs without even changing the climate because China and India refuse to act the same.

I do not agree with a government takeover of health care that forces millions of Americans off their current health care, drives health care costs even higher for families, rations care, restricts access to the latest cures and treatments, and puts health care decisions in the hands of government bureaucrats rather than doctors and patients.

But I do agree that the country is tired of partisanship infecting every debate. The country is tired of every action by the Congress becoming a political battle.

And so, I will not follow the hypocrisy of many of my Democratic colleagues who refused to support Justices Roberts and Alito because they disagreed with their judicial philosophy and now suggest that Republicans not do the same.

I respect and agree with the legal reasoning of my colleagues who will vote no, but I will follow the direction of the past, and my hope for the future,

with less polarization, less confrontation, less partisanship.

My friends in the party can be assured that I will work as hard as anybody to ensure that the next Presidential election has consequences in the opposite direction.

For my conservative friends, the best way to ensure that we have conservative judges on the bench is work to see that we elect Presidents who will nominate them.

Then we can resume filling the bench with more judges like Justice Roberts.

For my liberal friends I hope they remember this day when another qualified nominee is before the Senate who is conservative. The standard set by Senator Obama should not govern the Senate.

As for Judge Sotomayor, she has the accomplishments and qualities that have always meant Senate confirmation for such a nomination.

The Senate has reviewed her nomination and has asked her its questions. There have been no significant findings against her. There has been no public uprising against her.

I do not believe the Constitution tells me I should refuse to support her merely because I disagree with her.

I will support her. I will be proud for her, the community she represents and the American dream she shows possible.

I will cast my vote in favor of the nomination of Judge Sotomayor, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to address the nomination of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court as well. I have spoken about this nomination several times, both here on the Senate floor and on the Senate Judiciary Committee on which I serve. I have shared what I admire about Judge Sotomayor, including her long experience as a Federal judge, her academic background, which is stellar, and her record of making decisions that for the most part are within the judicial mainstream. I have also explained before why I will vote against this nomination and I wish to reiterate and expand on some of those comments here today as all of us are stating our intentions before this historic vote which I suspect will be held sometime tomorrow.

First, I cannot vote to confirm a nominee to the U.S. Supreme Court who restricts several of the fundamental rights and liberties in our Constitution, including our Bill of Rights. Based on her decision in the Maloney case, Judge Sotomayor apparently does not believe that the second amendment right to keep and bear arms is an individual right. Indeed, she held in that case that the second amendment did not apply to the States and local jurisdictions that might impose restrictions

on the right to keep and bear arms. Then based on her decision in the *Didden v. The Village of Port Chester* case, she apparently does not believe that the takings clause of the fifth amendment protects private property owners when that private property is taken by government for the purpose of giving it to another private property owner, in this case a private developer. I am very concerned when the government's power to condemn property for a private purpose conflicts with the stated intention of the Framers of the Constitution that the right of condemnation of private property only extend to public uses and then, and only then, when just compensation is paid.

Then based upon her decision in the *Ricci* case—this is the New Haven firefighter case—which calls into question her commitment to ensure that equal treatment applies to all of us when it comes to our jobs or promotions without regard to the color of our skin. Indeed, in that case, because of her failure to even acknowledge the seriousness and novelty of the claims being made by the New Haven firefighters, she gave short shrift to those claims in an unpublished order and denied Frank Ricci, Ben Vargas, and other New Haven firefighters an opportunity for a promotion, even though they excelled in a competitive, race-neutral examination, because of the color of their skin.

Fortunately, the Supreme Court of the United States saw fit to overrule Judge Sotomayor's judgment in the New Haven firefighter case. Millions of Americans became aware, perhaps for the first time, of this notorious decision and what a morass some of our laws have created when, in fact, distinguished judges like Judge Sotomayor think they have no choice but to allow people to be denied a promotion based upon the color of their skin for fear of a disparate impact lawsuit, even when substantial evidence is missing that such a disparate lawsuit would have merit or likely be successful.

I cannot vote to confirm a nominee who has publicly expressed support for many of the most radical legal theories percolating in the faculty lounges of our Nation's law schools.

We heard this during the confirmation hearings and, frankly, Judge Sotomayor's explanations were unconvincing. Previously, she said there is no such thing as neutrality or objectivity in the law—merely a series of perspectives, thus, I think undermining the very concept of equal justice under the law. If the law is not neutral, if it is not objective, then apparently, according to her, at least at that time, the law is purely subjective, and outcomes will be determined on which judge you get rather than what the law says.

She has said in one notorious YouTube video that it is the role of

judges to make policy on the court of appeals. She has said that foreign law can get the “creative juices flowing” as judges interpret the U.S. Constitution, and she has said, as we know, ethnicity and gender can influence a judge's decision and judges of a particular ethnicity or gender can actually make better decisions than individuals of a different gender or ethnicity.

Third, I cannot vote to confirm a judicial nominee who testified before the Judiciary Committee that her most controversial decisions were guided by precedent, when her colleagues on the Second Circuit, and indeed the Justices of the U.S. Supreme Court who reversed her, said just the opposite; or who testified that she meant the exact opposite of what she said—every time she said something controversial and was trying to explain that; or a person who testified that she had no idea what legal positions the Puerto Rican Legal Defense and Education Fund was taking—even when she chaired the litigation committee of its board of directors.

The hearings before the Senate Judiciary Committee have a very important purpose, and that purpose is informed by article II of the U.S. Constitution that provides for advice and consent on nominations. It is not to serve as a rubberstamp. I have heard colleagues say that elections have consequences, and the President won. Well, it is obvious and evident that elections have consequences and that President Obama won. But that doesn't negate or erase the obligation each Senator has under the same clause and article of the Constitution to provide advice and consent based on our best judgment and good conscience.

In the case of Judge Sotomayor, the question becomes: What will she do with the immense power given to a member of the U.S. Supreme Court? What impact will she have on our rights and liberties over the course of a lifetime? Of course, this appointment is for life. In short, the question is, what kind of Justice will she be on the Supreme Court, where her decisions are no longer reviewed by a higher court as they were as a Federal district court or a court of appeals justice. The question is, will she be the judge she has been as a lower court judge, making decisions which, by and large, have been in the mainstream, with some notable exceptions, which I have talked about, or will she be untethered? Will she be the Judge Sotomayor of some of her radical speeches and writings, which cause me concern?

The answers to these questions, I regret, are no clearer after the hearings than before. The stakes are simply too high for me to confirm someone who could redefine “the law of the land” from a liberal, activist perspective.

I respect different views of Senators on this nomination, and I have no

doubt that Judge Sotomayor will be confirmed. But I am unwilling to abdicate the responsibility I believe I have as a Senator when it comes to voting my conscience and expressing my reservations. The Senate developed our confirmation process for a very important purpose: to learn more about the individual nominees. But over the last several weeks, I think we have also learned more about a rising consensus with regard to what we should expect from a judge. I will highlight two important lessons we have learned.

One is encouraging to me and one is worrisome. Let's start with the good news. I believe Republicans and Democrats on the Judiciary Committee, and indeed Judge Sotomayor herself, seem to say the appropriate judicial philosophy for nominees to the Federal bench is one that expresses fidelity to the law and nothing else. Over years, we have been debating whether we have an original understanding of the Constitution or some evolving Constitution, even though it can be interpreted in different ways, even though the words on the paper read exactly the same. We went back and forth on the merits, or lack of merits, of judicial activism—judges taking it upon themselves to impose their views rather than the law in decisions. On many occasions, our disagreements over judicial philosophy were anything but civil and dignified.

I think of the nomination of Miguel Estrada to the District of Columbia Court of Appeals, which some have said is the second highest court in the land. Miguel Estrada, although an immigrant from Honduras who didn't speak any English when he came to the United States, graduated from a top university and law school in this country. He was filibustered seven times and denied an up-or-down vote. One member of the Judiciary Committee, disparaging Mr. Estrada's character, called him a “stealth missile, with a nose cone, coming out of the right wing's deepest silo.”

Samuel Alito, an Italian-American who is proud of his heritage, had to defend himself against false charges of bigotry—accusations that left his wife in tears.

Then there was Clarence Thomas—perhaps the one we remember the best—an African American nominee to the Supreme Court who described his experience before the Judiciary Committee this way:

This is a circus. It's a national disgrace. And from my standpoint as a black American, it is a high-tech lynching for uppity blacks.

These nominees were accused at various times of certain offenses, even though the real crime, as we all know, was a crime of conscience. They dared to be judicial conservatives—a philosophy that the nominee we are talking about today and Senate Democrats now appear to embrace.

I hope the days of the unfair and uncivil and undignified Judiciary Committee hearings are behind us. I hope our hearings are more respectful of the nominees, as was this hearing for Judge Sotomayor. She herself proclaimed that she could not have received fairer treatment. I appreciated her acknowledging the fairness and dignity of the process.

I hope the "thought crimes" of yesterday have now become the foundation for a new bipartisan consensus, including the views that Judge Sotomayor affirmed at her hearing and that we affirmed as both Republicans and Democrats, and the views that Judge Sotomayor rejected at her hearings and we rejected as both Republicans and Democrats.

Let me give a few examples of our new bipartisan consensus on the appropriate judicial philosophy for a nominee to the U.S. Supreme Court. Judge Sotomayor, at her hearing, put it this way:

The intent of the Founders was set forth in the Constitution. . . . It is their words that [are] the most important aspect of judging. You follow what they said in their words, and you apply it to the facts you're looking at.

I cannot think of a better expression of a modest and judicially restrained philosophy that I embrace than what Judge Sotomayor said at her hearing. Both Republicans and Democrats appeared to be pleased with that statement.

We agreed that foreign law has no place in constitutional interpretation. Notwithstanding her earlier statements, Judge Sotomayor said at the hearing:

Foreign law cannot be used as a holding or a precedent, or to bind or influence the outcome of a legal decision interpreting the Constitution or American law.

As I said, notwithstanding her earlier statements, I agree with that statement she made at the hearing. I believe both Republicans and Democrats were satisfied with that statement as well.

We agreed that "empathy" or "what's in a person's heart"—to borrow a phrase from then-Senator Obama—should not influence the decisions of a judge. I think we were all a little surprised when Judge Sotomayor, at the hearing, rejected President Obama's standard. She said:

I wouldn't approach the issue of judging the way the President does. . . . Judges can't rely on what's in their heart. They don't determine the law. Congress makes the law. The job of a judge is to apply the law. And so it's not the heart that compels conclusions in cases—it is the law.

I agree with that statement, and indeed Republicans and Democrats alike appeared to embrace that statement of an appropriate judicial philosophy. No one defended the statement that then-Senator Obama made with regard to empathy or what is in a person's heart. I was encouraged to see that.

Mr. President, supporters of Judge Sotomayor appear willing to accept her statements that I have just quoted at the Judiciary Committee at face value. I hope they are right; I really do. I certainly intend to take my colleagues' agreement with these statements at face value. I expect future nominees to the Federal judiciary to conform to this new consensus articulated by Judge Sotomayor at her hearing and embraced in a bipartisan fashion by the members of the Judiciary Committee.

Mr. President, I have no question about the outcome of this vote on Judge Sotomayor. I regret, for the reasons I have stated, that I cannot vote for her because I cannot reconcile her previous statements with her testimony at the Judiciary Committee hearing. Also, I wish Judge Sotomayor well as she serves on the Supreme Court. The concerns that I raised here, and the uncertainty I have about regarding what kind of Justice she will be—I hope she will prove those concerns unjustified by the way she distinguishes herself as a member of the U.S. Supreme Court. I hope her tenure will strengthen the Court, as well as its fidelity to the plain meaning of the Constitution. I congratulate her and her loved ones on her historic achievement.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that the hour of Democratic speaking time be divided 30 minutes under my control, 15 minutes for Senator LAUTENBERG, and 15 minutes for Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to comment about the confirmation of Judge Sotomayor for Associate Justice to the Supreme Court and to comment on other subjects directly related to the confirmation process and comment about the reality of judicial legislation, about the emerging standard on rejecting the tradition of deference to the President, with Senators' ideology being the determinant, the Court's reduced workload, the failure to decide major cases, the lack of public understanding of what the Court does, the need for accountability and transparency, and the strong case to be made for televising the Supreme Court.

For me, the confirmation of Judge Sotomayor is an easy one. During the 11 confirmation proceedings I have participated in and others I have studied, I know of no one who brings a stronger

record than Judge Sotomayor: *summa cum laude* at Princeton, Yale Law School, Yale Law Journal, prestigious New York firm, assistant district attorney with DA Morganthau who sings her praises, 17 years on the Federal bench.

The criticisms which were made against her, my judgment is they were vacuous. A great deal of time in committee was spent on her comment about "a wise Latina woman." My view is that she should have been commended for that statement, not criticized. Why do I say "commend"? Why shouldn't a woman stand up for women's capabilities? In a society which did not grant women the right to vote until 1920, in a society which still harbors the tough glass ceiling limiting women, in a society where only two women have served on the Supreme Court, in a Senate where only 17 of the 100 Senators are women, I would expect a woman to proudly speak up for women's competency.

To talk about being a Latino, well, what is wrong with a little ethnic pride? And isn't it about time that we had some greater diversity on the Supreme Court? Isn't it surprising, if not scandalous, that it took until 1967 to have an African American on the Court, Thurgood Marshall, and it took until 1981 to have the first woman on the Court, Sandra Day O'Connor?

Judge Sotomayor is a role model and will be a broader role model if confirmed. The conventional wisdom is that she will be confirmed. Isn't there a greater assurance in a society as diverse as ours to have someone on the Court to represent that kind of diversity, all within the rule of law?

A criticism was made of her with respect to the New Haven firefighters case—very complex, very subtle, very nuanced on disparate impact. The Supreme Court divided 5 to 4. So what is there to criticize on Judge Sotomayor's standing for joining a *per curiam* opinion?

I asked a question of the New Haven firefighters who appeared: Do you have any reason to believe that Judge Sotomayor operated in anything but good faith? Both of the young firefighters candidly said they had no opinion on that subject.

Then there is the criticism about her conclusion, her judgment that second amendment rights are not incorporated within the 14th amendment due process clause to be applied to the States. That is the precedent of the Supreme Court of the United States. It is not up to a certain court to rule differently when they are bound by the Supreme Court, even if it is an old case.

The distinguished seventh circuit agreed with Judge Sotomayor. The argument was made well. The ninth circuit has said second amendment rights are applicable to the States.

Since the hearing, the court en banc in the ninth circuit has granted review

of a decision by the three-judge panel with every indication that the three-judge panel in the ninth circuit will be reversed.

So when you add up all of the comments and all of the criticism, nothing, in my judgment, is left standing.

The issue of judicial legislation is one which occupied the thinking and consideration of a number of those who were opposed to Judge Sotomayor. But there is nothing in her record to suggest she will engage in judicial legislation.

When you take a look at the Supreme Court of the United States, that has become the rule of the era, as opposed to rule of law where the Court is supposed to interpret the Constitution and statutes and leave to the Congress and the State legislatures the job of establishing public policy.

During the era of the Warren Court, there was a vast expansion of constitutional rights. I was in the Philadelphia district attorney's office at the time and literally saw the Constitution change day by day. In 1961, *Mapp v. Ohio* came down applying the fourth amendment protection on search and seizure to the States. In 1963, *Gideon v. Wainwright*, right to counsel; 1964, *Escobedo v. Illinois*; 1966, *Miranda*. Those were constitutional rights and changing values as articulated by Justice Cardozo in *Palko*.

But in more recent times, there has been a vast expansion of the Supreme Court, in effect, legislating. I refer specifically to the case *United States v. Morrison* which involved the issue of the legislation protecting women against violence. Chief Justice Rehnquist handed down an opinion saying that the "method of reasoning" of the Congress was deficient. The dissents on that 5-to-4 opinion laid out the vast record which supported the legislation.

The Supreme Court has adopted a standard of judging constitutionality as to whether the statute satisfies congruence and proportionality, a standard which has emerged very recently. It defies understanding to quantify or figure out what congruence and proportionality means, except to give the Supreme Court carte blanche, in effect, to legislate.

Two cases interpreting the Americans with Disabilities Act went 5 to 4 in opposite directions between Titles I and II—one case holding one of them constitutional and the other was unconstitutional. Justice Scalia, dissenting in one case, characterized congruence and proportionality to be a flabby standard which, in effect, allowed the Court to legislate.

When Chief Justice Roberts appeared before the Judiciary Committee in response to questions from Senator DeWINE and myself, he said it was up to the Congress to make findings of fact, that that was a peculiarly legisla-

tive function because it is the Congress which has the hearings, the ability to develop facts, and it is congressional responsibility.

Yet when the Voting Rights Act case was heard earlier this year, although decided on narrower grounds, every indication is being given that Chief Justice Roberts' assurances to the Judiciary Committee are being reversed and that the Court, from all indicators, is on the verge of declaring the Voting Rights Act as unconstitutional, notwithstanding the voluminous record which was created and the great care the Senate operated to come down with the voting rights legislation.

So when you have a criticism of the problem of judicial legislation, it is my view that you ought to look at what Judge Sotomayor has done in 17 years on the bench. And there is no indication at all of her substituting her values. But when you come to the Supreme Court of the United States, there is good reason to question what they are doing.

There is, simply stated, a lack of understanding as to what goes on in the Court.

The one comment I do have, other than full support for Judge Sotomayor, was her reluctance to answer questions. One question which I asked her is illustrative. Chief Justice Roberts, in his confirmation hearing, when confronted with the light workload of the Court, said that he thought the Court could take on more responsibility. I asked Judge Sotomayor if she agreed with that conclusion. Judge Sotomayor would not answer the question. She said she would have to be more fully familiarized, even though the statistics which I quoted to her about the Court's workload contrasted with 1886 when the Supreme Court decided 451 cases; in 1985, there were only 161 written opinions; in 2007, only 67 written opinions.

It seemed to me plain that the Court could undertake more work, as Chief Justice Roberts had agreed, during his confirmation hearings. But there has developed an attitude among nominees who appear before the Judiciary Committee that it is unsafe to answer questions because of what happened to Judge Bork.

As I have pointed out in committee, and it is worth repeating, it is a myth that Judge Bork was defeated because he answered too many questions. In the context of his writings and in the context of his record where he advocated original intent, it was necessary for Judge Bork to speak up. Judge Bork was rejected because he had a view of the Constitution which was totally outside the constitutional continuum or outside the constitutional mainstream.

For example, in his testimony, he said that the equal protection clause applied only to race and ethnicity, but would not be extended to women,

aliens, indigents, illegitimates, or others, in line with the decisions of the Supreme Court of solid precedents on the application of the equal protection clause. Judge Bork disagreed with the clear and present danger standard, established as far back as Justice Oliver Wendell Holmes.

When it came to his doctrine on original intent, he was at a loss to explain how you could desegregate the District of Columbia schools. On the same day that *Brown v. Board of Education* was decided, there was a companion case captioned *Bolling v. Sharpe* applicable to the District of Columbia. Judge Bork was of the view that there was no application of the due process clause; that you couldn't incorporate any of the 10 amendments and you couldn't incorporate the equal protection clause. But the Supreme Court desegregated the DC schools on the basis of holding that the equal protection clause was part of due process and due process did apply to the District of Columbia. Judge Bork was at a loss to answer that.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of an op-ed I wrote for the New York Times, dated October 9, 1987, which sets forth in some greater detail—which I do not have the time to go into now—the reasons why I voted against Judge Bork and I think the reasons why Judge Bork's nomination was defeated by the margin of 58 to 42 when it came before the Senate for a vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 9, 1987]

WHY I VOTED AGAINST BORK
(By Arlen Specter)

From the day in mid-July when Judge Robert H. Bork stopped by for a courtesy call until I telephoned him last week to say I would oppose his nomination, my goal was to figure out what impact Judge Bork would have on the people who came to the Supreme Court in search of their constitutional rights. At the end, having come to like and respect Judge Bork, I reluctantly decided to vote against him, because I had substantial doubts about what he would do with fundamental minority rights, about equal protection of the law and freedom of speech.

From the beginning, it was evident that this nomination process would be different from most. The traditional courtesy call turned out to be much more because Judge Bork was willing—really anxious—to discuss his judicial philosophy. Unlike other nominees who had barely given name, rank and serial number, he enjoyed the exchange and doubtless figured that his extensive writings were so unusual that he would have to talk if he were to have any chance at confirmation.

Our first hour and a half meeting was interrupted by a Senate vote, so he returned a few weeks later for a similar session. In those discussions, I found a man of intellect and charm, who said, in essence, that his writings were academic and professorial and not necessarily indicative of what he would do on the Court.

During the August recess, when I had a chance to read many of his approximately 80 speeches, 30 law review articles and 145 circuit court opinions, I found a scholar and jurist whose views and opinions were vast and complex. In voting to confirm Chief Justice William H. Rehnquist and Justice Antonin Scalia last year, I had already decided that a nominee's judicial philosophy need not agree with mine. But I also believed that a nominee's views should be within the tradition of our constitutional jurisprudence. With that in mind, I compared Judge Bork's views with those of other conservative justices.

On freedom of speech, I was surprised to find that Judge Bork in his writings rejected Justice Oliver Wendell Holmes's standard of a "clear and present danger." Chief Justice Warren Burger's notion of constitutional protection for commercial speech and Justice (now Chief Justice) Rehnquist's Court opinion protecting a sexually explicit (as distinguished from an obscene) movie from censorship.

In Judge Bork's earliest views, only political speech was to be protected. He later modified that to include literature and art that involved political discussion. In the confirmation hearings, I was even more surprised to find him change his position and commit himself to apply the Holmes test even though he continued his strong philosophical disagreement.

Judge Bork's views on equal protection of the law also underwent a major change at the hearings. He committed himself to apply current case law after having long insisted that equal protection applied only to race and, more recently, to ethnicity. His narrow position had put him at odds with Chief Justice Rehnquist and Justices Sandra Day O'Connor and Scalia, as well as 101 years of Supreme Court decisions that had applied equal protection to women, aliens, indigents, illegitimates and others.

These significant shifts raised questions about Judge Bork's motives and the depth of his convictions. But I felt he should have a full opportunity to explain his new positions because a person is entitled to change.

During a long Saturday session, I had an unusual opportunity to explore at length some troubling aspects of Judge Bork's jurisprudence. I was particularly concerned with his writings on "original intent." He had maintained that judges had to base their opinions on the Framers' original intentions. Without adherence to original intent, he said, there was no legitimacy for judicial decisions. And without such legitimacy, there could be no judicial review.

But Judge Bork conceded during the hearings that original intent was often difficult, perhaps impossible, to discern. I feared that this approach could jeopardize the fundamental principle of constitutional law—the supremacy of judicial review. Although Judge Bork himself never went so far, some prominent political figures have suggested that the Supreme Court should not be the ultimate arbiter of constitutionality. Their cause—with which I deeply disagree—could be aided by a Justice who questioned the legitimacy of judicial review.

I had also been concerned by Judge Bork's insistence on "Madisonian majoritarianism," the idea that, in the absence of explicit constitutional limits, legislatures should be free to act as they please. Conservative justices had traditionally protected individual and minority rights even without a specifically enumerated right or proof of original intent where there were fundamental values rooted in the tradition of our people.

Just this year, for example, Chief Justice Rehnquist and Justices O'Connor and Scalia had found a right in the Constitution for a prisoner to marry. But Judge Bork, at his confirmation hearing, could still find no acceptable rationale for the decision desegregating the District of Columbia schools 33 years ago.

I was further troubled by his writings and testimony that expanding rights to minorities reduced the rights of majorities. While perhaps arithmetically sound, it seemed morally wrong. The majority in a democracy can take care of itself, while individuals and minorities often cannot. Moreover, our history has demonstrated that the majority benefits when equality helps minorities become a part of the majority.

Despite these concerns, I was genuinely undecided—perhaps leaning a little toward Judge Bork—when he finished his impressive testimony at the end of the first week. He had conceded that there was a "powerful argument from a strong tradition" to find rights rooted in the conscience of the people, although not specified in the Constitution. He had also yielded to the "needs of the nation" on some constitutional matters that did not fall within the Framers' original intent. Perhaps his writings were only professorial theorizing.

As I listened to the other witnesses during the second and third weeks, and considered the implications of Judge Bork's total approach, my doubts grew about the application of his changed positions. For example, in Judge Bork's former view, which he last expressed 20 days before his nomination, equal protection should have been kept to concerns like race and ethnicity. Considering the many subtle and discretionary judgments involved, I felt it would be unfair to people who sought equal protection in the Supreme Court to have their cases decided by someone who had so long thought their claims unprotected by the Constitution under standards that were so elusive to apply.

Similarly, the hearings showed the great difficulty, if not impossibility, of Judge Bork's applying the "clear and present danger" standard to free speech cases. If there was a critical turning point, it was Judge Bork's responses regarding two cases.

The "clear and present danger" standard was restated by the Court in 1969, in *Brandenburg v. Ohio*, and again in 1973, in *Hess v. Indiana*. When Judge Bork committed himself to accepting *Brandenburg*, I pressed as to how we could be confident that he would apply that test to the next case, which obviously would be different on the facts. He promised he would, but then promptly insisted that he was not committed to *Hess* because it was an "obscenity" case.

Judge Bork's disagreement on *Hess*, a "clear and present danger" case, cast substantial doubt on his ability to apply cases he philosophically opposed and had long decided.

The hearings brought a record 140,000 calls and letters to my office. Wherever I went, it seemed that everyone had a strong opinion. The pressure was pervasive. On the afternoon the hearings ended, I talked again with Judge Bork for more than an hour, and met later that evening with Lloyd Cutler, the former adviser to Jimmy Carter, who had been a principal supporter. My substantial doubts persisted, so I decided to vote no.

Mr. SPECTER. Moving on to another subject, which perhaps is of the greatest importance of what we see emerging from these hearings and the con-

firmation proceeding, is an emerging standard on rejecting the traditional deference to the President, with Senators substituting their own ideology in order to make the decision.

In the article I referred to on Bork, in the op-ed piece, I noted that in voting as to Chief Justice Rehnquist and Justice Scalia, I decided the judicial philosophy of a nominee need not agree with mine. When the hearings came up as to Justice Clarence Thomas, I made the observation that there might be an occasion, one day, when there would be a partnership between the Senate and the President with respect to looking at ideology. It has become accepted that elections do matter when the President moves to the nominating process. They are active parts in the Presidential campaigns, and the tradition has been to make the deference to the President's ideology.

I suggest we are seeing, in the confirmation process of Judge Sotomayor, in conjunction with the nomination process of Justice Alito, that there is a shift in that standard and that judgment. The issue was framed by the comments of then-Senator Barack Obama now President Barack Obama when he was commenting about his judgment on the Alito nomination and then Senator Obama had this to say:

There are some who believe that the President, having won an election, should have complete authority to appoint his nominee and the Senate should only examine whether the Justice is intellectually capable.

Senator Obama went on to say:

I disagree with this view. I believe it calls for meaningful advice and consent, and that includes an examination of the judge's philosophy, ideology.

In the Alito hearings, there is no doubt that in terms of academic, professional, and judicial competence, Justice Alito was well qualified—a Yale law graduate with a distinguished career in private practice, serving as a U.S. attorney for New Jersey, with 15 years on the circuit court. Some concerns were expressed as to his ideology on his view of a woman's right to choose; his dissenting opinion in *Planned Parenthood v. Casey* in the Third Circuit. Only four Democrats crossed the aisle to vote for Justice Alito. Today, according to the announcements that have been made, about that many Republicans are going to cross the aisle to vote for Judge Sotomayor.

Some of those who have announced their intention to vote against Judge Sotomayor have long records for not having opposed any judicial nominee. It is a complex issue. There is a question of pressure from the far right, from those who might be looking at primary opposition. There is a question of partisanship, which has gripped this body with such intensity. But there is an overwhelming view that the approach of Judge Sotomayor and what

she is likely to do on the Supreme Court is something which is contrary to their views as to when the matters ought to be decided.

It has long been accepted that you can't ask a Supreme Court nominee how he or she will decide a specific case, but there is an opportunity to glean from many factors the disposition or inclination of the nominees. And although many in this body had, for a long time, as I view it, made decisions based upon their own ideology, contrasted to what they accepted the nominee to do on the Court, I think that view has become crystallized and, as articulated by then-Senator Obama, is a view which has perhaps added weight now that it is President Obama.

Certainly, there are nominees whom I have voted for, if I were to have been the President and made the selection, it would have been different. If I were to have applied my own philosophy or ideology on the vote to confirm or not, it would have been different. When Judge Bork was so far out of the mainstream and had views so totally antithetical to the continuum of constitutional law—being out of the mainstream—it was different. But I think it is worth noting what is happening to the confirmation process, as Senators are moving to utilize their own ideology in deciding how to vote—illustrated, as I say, by Alito and the confirmation which we currently have—and not giving the traditional and customary deference to the President.

Moving on to the subject of the Court's reduced workload and the failure to decide major cases, in the context of the statistics which I cited—451 cases decided in 1886, 161 written opinions in 1985; the year 2007, only 67 signed opinions; the Supreme Court having decided not to hear the case involving the terrorist surveillance program, which posed a dramatic conflict between congressional authority under article I to enact the Foreign Intelligence Surveillance Act, with the President's asserted authority under article II as Commander in Chief to have warrantless wiretaps; the district court in Detroit declared the terrorist surveillance program unconstitutional. The Sixth Circuit reversed 2 to 1 on the grounds of standing—with the dissent being much better reasoned—a doctrine to avoid deciding the case and the Supreme Court denying cert. Similarly, on the conflict which was posed by litigation brought by the survivors of victims of 9/11 against Saudi Arabian princes, where the Congress had legislated in the Foreign Sovereign Immunities Act to exclude torts, as when you fly an airplane into the World Trade Center, the executive branch intervened. The Department of State objected through the Solicitor General to the court hearing the case, and that case was not decided. Many circuit splits, which are detailed in a series of

letters which I am going to ask to be admitted into the RECORD, letters which I sent to Judge Sotomayor, dated July 7, June 15, and June 25, detailing a great many circuit splits which the Court has not decided.

Mr. President, I ask to have printed in the RECORD the letters I referred to.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 7, 2009.

Hon. SONIA SOTOMAYOR,
c/o The Department of Justice,
Washington, DC.

DEAR JUDGE SOTOMAYOR: As noted in my letters of June 15 and June 25, I am writing to alert you to subjects which I intend to cover at your hearing. During our courtesy meeting you noted your appreciation of this advance notice. This is the third and final letter in this series.

The decisions by the Supreme Court not to hear cases may be more important than the decisions actually deciding cases. There are certainly more of them. They are hidden in single sentence denials with no indication of what they involve or why they are rejected. In some high profile cases, it is apparent that there is good reason to challenge the Court's refusal to decide.

The rejection of significant cases occurs at the same time the Court's caseload has dramatically decreased, the number of law clerks has quadrupled, and justices are observed lecturing around the world during the traditional three-month break from the end of June until the first Monday in October while other Federal employees work 11 months a year.

During his Senate confirmation hearing, Chief Justice John G. Roberts, Jr., said the Court "could contribute more to the clarity and uniformity of the law by taking more cases." The number of cases decided by the Supreme Court in the 19th century shows the capacity of the nine Justices to decide more cases. According to Professor Edward A. Hartnett: "... in 1870, the Court had 636 cases on its docket and decided 280; in 1880, the Court had 1,202 cases on its docket and decided 365; and in 1886, the Court had 1,396 cases on its docket and decided 451." The downward trend of decided case is noteworthy since 1985 and has continued under Chief Justice Roberts' leadership. The number of signed opinions decreased from 161 in the 1985 term to 67 in the 2007 term.

It has been reported that seven of the nine justices, excluding Justices Stevens and Alito, assign their clerks to what is called a "cert. pool" to review the thousands of petitions for certiorari. The clerk then writes and circulates a summary of the case and its issues suggesting justices' reading of cert. petitions is, at most, limited.

At a time of this declining caseload, the Supreme Court has left undecided circuit court splits of authority on many important cases such as:

- (1) The necessity for an agency head to personally assert the deliberative process privilege;
- (2) Mandatory minimums for use of a gun in drug trafficking;
- (3) Equitable tolling of the Federal Tort Claims Act's statute of limitations period;
- (4) The standard for deciding whether a Chapter 11 bankruptcy may benefit from executory contracts;
- (5) Construing the honest services provisions of fraud law; and

(6) The propriety of a jury consulting the Bible during deliberations.

One procedural change for the Court to take more of these cases would be to lower the number of justices required for cert. from four to three or perhaps even to two.

Of perhaps greater significance are the high-profile, major constitutional issues which the court refuses to decide involving executive authority, congressional authority and civil rights. A noteworthy denial of cert. occurred in the Court's refusal to decide the constitutionality of the Terrorist Surveillance Program which brought into sharp conflict Congress' authority under Article I to establish the exclusive basis for wiretaps under the Foreign Intelligence Surveillance Act with the President's authority under Article II as Commander in Chief to order warrantless wiretaps.

That program operated secretly from shortly after 9/11 until a New York Times article in December 2005. In August 2006, the United States District Court for the Eastern District of Michigan found the program unconstitutional. In July 2007, the Sixth Circuit reversed 2-1, finding lack of standing. The Supreme Court then denied certiorari.

The dissenting opinion in the Sixth Circuit demonstrated the flexibility of the standing requirement to provide the basis for a decision on the merits. Judge Gilman noted, "the attorney-plaintiffs in the present case allege that the government is listening in on private person-to-person communications that are not open to the public. These are communications that any reasonable person would understand to be private. After analyzing the standing inquiry under a recent Supreme Court decision, Judge Gilman would have held that, "[t]he attorney-plaintiffs have thus identified concrete harms to themselves flowing from their reasonable fear that the TSP will intercept privileged communications between themselves and their clients. On a matter of such importance, the Supreme Court could at least have granted certiorari and decided that standing was a legitimate basis on which to reject the decision on the merits."

On June 29, 2009, the Supreme Court refused to consider the case captioned *In re Terrorist Attacks on September 11, 2001*, in which the families of the 9/11 victims sought damages from Saudi Arabian princes personally, not as government actors, for financing Muslim charities knowing those funds would be used to carry out Al Qaeda jihads against the United States. The plaintiffs sought an exception to the sovereign immunity specified in the Foreign Sovereign Immunities Act of 1976. Plaintiffs' counsel had developed considerable evidence showing Saudi complicity. Had the case gone forward, discovery proceedings had the prospect of developing additional incriminating evidence.

My questions are:

(1) Do you agree with the testimony of Chief Justice Roberts at his confirmation hearing that the Court "could contribute more to clarity and uniformity of the law by taking more cases?"

(2) If confirmed, would you favor reducing the number of justices required to grant petitions for certiorari in circuit split cases from four to three or even two?

(3) If confirmed, would you join the cert. pool or follow the practice of Justices Stevens and Alito in reviewing petitions for cert. with the assistance of your clerks?

(4) Would you have voted to grant certiorari in the case captioned *In re Terrorist Attacks on September 11, 2001*?

(5) Would you have voted to grant certiorari in *A.C.L.U. v. N.S.A.*—the case challenging the constitutionality of the Terrorist Surveillance Program?

Sincerely,

ARLEN SPECTER.

U.S. SENATE,

Washington, DC, June 15, 2009.

Hon. SONIA SOTOMAYOR,
c/o The Department of Justice,
Washington, DC.

DEAR JUDGE SOTOMAYOR: When we concluded our meeting which lasted more than an hour, I commented that I would be writing to you on other subjects which I intended to cover at your hearing, and I appreciated your response that you would welcome such advance notice.

In the confirmation hearing for Chief Justice Roberts, there was considerable discussion about the adequacy of congressional fact finding to support legislation. This issue is again before the Supreme Court on the reauthorization of the Voting Rights Act where the legislation is challenged on the ground that there is an insufficient factual record. At our hearing, I would like your views on what legal standards you would apply in evaluating the adequacy of a Congressional record. In the 1968 case *Maryland v. Wirtz*, Justice Harlan's rationale would uphold an act of Congress where the legislature had a rational basis for reaching a regulatory scheme. In later cases, the Court has moved to a "congruence and proportionality standard."

In advance of the hearing for Chief Justice Roberts by letter dated August 8, 2005, I wrote him in part: "members of Congress are irate about the Court's denigrating and, really, disrespectful statements about Congress's competence. In *U.S. v. Morrison*, Chief Justice Rehnquist, speaking for five members of the Court, rejected Congressional findings because of 'our method of reasoning'. As the dissent noted, the Court's judgment is 'dependent upon a uniquely judicial competence' which implicitly criticizes a lesser quality of Congressional competence." In *Morrison*, there was an extensive record on evidence establishing the factual basis for enactment of the Violence Against Women legislation. In dissent, Justice Souter noted "... the mountain of data assembled by Congress here showing the effects of violence against women on interstate commerce," and added: "The record includes reports on gender bias from task forces in 21 states and we have the benefit of specific factual finding in eight separate reports issued by Congress and its committees over the long course leading to its enactment."

In a subsequent letter to Chief Justice Roberts dated August 23, 2005, I wrote concerning *Alabama v. Garrett* where Title I of the Americans with Disabilities Act was based on task force field hearings in every state attended by more than 30,000 people including thousands who had experienced discrimination with roughly 300 examples of discrimination by state governments.

Notwithstanding those findings, the Garrett Court concluded in a five to four decision: "The legislative record of the Americans with Disabilities Act, however, simply fails to show that Congress did in fact identify a pattern of irrational state discrimination in employment against the disabled."

In another five to four decision, the Court in *Lane v. Tennessee* concluded Title II of the Americans with Disabilities Act met the "congruence and proportionality standard". There, Justice Scalia dissented attacking

the "congruence and proportionality standard" calling it a "flabby test" and an "invitation to judicial arbitrariness and policy driven decision making" adding: "Worse still, it casts this Court in the role of Congress's taskmaster. Under it, the courts (and ultimately this Court) must regularly check Congress's homework to make sure that it has identified sufficient constitutional violations to make its remedy constitutional and proportional. As a general matter, we are ill-advised to adopt or adhere to constitutional rules that bring us into conflict with a coequal branch of Government."

During the confirmation hearing of Chief Justice Roberts, he testified extensively in favor of the Court's deferring to Congress on fact finding. In response to questions from Senator DeWine, he testified: "... The reason that congressional fact finding and determination is important in these cases is because the courts recognize that they can't do that. Courts can't have, as you said, whatever it was, the 13 separate hearings before passing particular legislation. Courts—the Supreme Court can't sit and hear witness after witness after witness in a particular area and develop that kind of a record. Courts can't make the policy judgments about what type of legislation is necessary in light of the findings that are made" ... "We simply don't have the institutional expertise or the resources or the authority to engage in that type of a process. So that is sort of the basis for the deference to the fact finding that is made. It's institutional competence. The courts don't have it. Congress does. It's constitutional authority. It's not our job. It is your job. So the defense to congressional findings in this area has a solid basis."

In response to my questioning, Chief Justice Roberts said: "And I appreciate very much the differences in institutional competence between the judiciary and the Congress when it comes to basic questions of fact finding, development of a record, and also the authority to make the policy decisions about how to act on the basis of a particular record. It's not just disagreement over a record. It's a question of whose job it is to make a determination based on the record" ... "as a judge that you may be beginning to transgress into the area of making a law is when you are in a position of re-evaluating legislative findings, because that doesn't look like a judicial function."

The Supreme Court heard oral argument in *Northwest Austin Municipal Utility District v. Holder* on April 29, 2009 involving the sufficiency of the Congressional record on reauthorizing the Voting Rights Act. While too much cannot be read into comments by justices at oral argument, Chief Justice Roberts' statements suggested a very different attitude on deference to Congressional fact finding than he expressed at his confirmation hearing. Referring to the argument that "... action under Section 5 has to be congruent and proportional to what it's trying to remedy," Justice Roberts said that: "... one-twentieth of 1 percent of the submissions are not precleared. That, to me, suggests that they are sweeping far more broadly than they need to, to address the intentional discrimination under the Fifteenth Amendment." Chief Justice Roberts went on to say: "Well, that's like the old—you know, it's the elephant whistle. You know, I have this whistle to keep away the elephants. You know, well, that's silly. Well, there are no elephants, so it must work. I mean if you have 99.98 percent of these being precleared, why isn't that reaching far too broadly."

As a factual basis for the 2007 Voting Rights Act, Congress heard from dozens of witnesses over ten months in 21 different hearings. Applying the approach from Chief Justice Roberts' continuation hearing, that would appear to satisfy the "congruence and proportionality standard".

My questions are:

1. Would you apply the Justice Harlan "rational basis" standard or the "congruence and proportionality standard"?

2. What are your views on Justice Scalia's characterization that the "congruence and proportionality standard" is a "flabby test" and "an invitation to judicial arbitrariness and policy driven decision making"?

3. Do you agree with Chief Justice Rehnquist's conclusion that the Violence Against Women legislation was unconstitutional because of Congress's "method of reasoning"?

4. Do you agree with the division of constitutional authority between Congress and the Supreme Court articulated by Chief Justice Roberts in his responses cited in this letter to questions posed at his hearing by Senator DeWine and me?

Sincerely,

ARLEN SPECTER.

U.S. SENATE,

COMMITTEE ON THE JUDICIARY,

Washington, DC, June 25, 2009

Hon. SONIA SOTOMAYOR,
c/o The Department of Justice,
Washington, DC.

DEAR JUDGE SOTOMAYOR: As noted in my letter to you dated June 15, 2009, I am writing to alert you to another subject which I intend to cover at your hearing. I appreciate your comment at our meeting that you welcome such advance notice.

In an electronic era where the public obtains much, if not most, of its news and information from television, there is a strong case in my judgment that the Supreme Court of the United States should have its public proceedings televised just as the United States House of Representatives and United States Senate are televised.

It is well established that the Constitution guarantees access to judicial proceedings to the press and the public. In 1980, the Supreme Court relied on this tradition when it held in *Richmond Newspapers, Inc. v. Virginia*, that the right of a public trial belongs not just to the accused but to the public and the press as well. The Court noted that such openness has "long been recognized as an indisputable attribute of an Anglo-American trial."

The value of transparency was cogently expressed by Chief Justice William Howard Taft who said: "Nothing tends more to render judges careful in their decision and anxiously solicitous to do exact justice than the consciousness that every act of theirs is subject to the intelligent scrutiny of their fellow men and to candid criticism."

In the same vein, Justice Felix Frankfurter said: "If the news media would cover the Supreme Court as thoroughly as it did the World Series, it would be very important since 'public confidence in the judiciary hinges on the public perception of it.'"

To give modern-day meaning, the term "press" used in *Richmond Newspapers* would include television. Certainly Justice Frankfurter's use of the term "media" would include television in today's world. Televising the Supreme Court's public proceedings would provide the "scrutiny" sought by Chief Justice Taft.

Justices of the Supreme Court have been frequently televised, including Chief Justice

Roberts and Justice Stevens appearance on "Prime Time" ABC TV, Justice Ruth Bader Ginsburg's interview on CBS by Mike Wallace, Justice Breyer's participation in Fox News Sunday and the debate between Justice Scalia and Justice Breyer filmed and available for viewing on the web.

Many of the justices have commented favorably on televising the Court. Justice Stevens, in an article by Henry Weinstein on July 14, 1989 said he supported cameras in the Supreme Court and told the annual Ninth Circuit Judicial Conference at about the same time that, "In my view, it is worth a try." During Justice Breyer's confirmation hearing in 1994, he indicated support for televising Supreme Court proceedings. He has since equivocated, but noted that it would be a wonderful teasing device.

In December 2000, Marjorie Cohn's article noted Justice Ruth Bader Ginsburg's support of camera coverage so long as it was gavel to gavel. Justice Alito in his Senate confirmation hearing said that as a member of the Third Circuit Court of Appeals he voted to admit cameras; but added that it would be presumptive of him to take a final position before he had consulted with his colleagues, if confirmed, promising to keep an open mind. Justice Kennedy, according to a September 10, 1990 article by James Rubin, told a group of visiting high school students that cameras in the Court were "inevitable." He has since equivocated, stating that if any of his colleagues raise serious objections, he would be reluctant to see the Court televised. Chief Justice Roberts said in his confirmation hearing that he would keep an open mind on the subject.

Recognizing the sensitivity of justices to favor televising the Court in the face of a colleague's objection, there may be a new perspective with Justice Souter's retirement since he expressed the most vociferous opposition: "I can tell you the day you see a camera come into our courtroom, it is going to roll over my dead body."

In the 109th and 110th Congresses, with several bipartisan co-sponsors, I introduced legislation providing for televising public Supreme Court proceedings. Both bills were reported favorably out of the Judiciary Committee, but were never taken up by the full Senate. Sensitive to separation of powers and recognizing the authority of the Supreme Court to invalidate any such legislation, it should be noted that there are analogous directives from Congress to the Court on procedural/administrative matters such as setting the first Monday of October as the beginning of the Court's term, requiring six sitting justices to form a quorum and establishing nine as the number of Supreme Court justices. In May 2007, Associate Professor Bruce Peabody of the Political Science Department of Fairleigh Dickinson wrote an article in the *Journal on Legislation* concluding the proposed legislation was constitutional.

There is obviously enormous public interest in Supreme Court proceedings. When the case of *Bush v. Gore* was argued, streets around the Supreme Court building were filled with television trucks, although no camera was admitted inside the chamber. Shortly before the argument, Senator Biden and I wrote to Chief Justice Rehnquist urging that the proceedings be televised and received a prompt reply in the negative; but the Supreme Court did break recede by releasing an audiotape when the proceedings were over and the Court has since intermittently made audiotapes available. Such audiotapes are obviously no substitute for

television, but are a step in the right direction.

The keen public interest is obvious since the Supreme Court decides the cutting-edge questions of the day such as: who will become president; congressional power; executive power; defendants' rights—habeas corpus—Guantanamo; civil rights—voting rights—affirmative action; abortion.

In 1990, the Federal Judicial Conference authorized a three-year pilot program allowing television coverage of civil proceedings in six federal district courts and two federal circuit courts. The program began in July 1991 and ran through December 31, 1994. The Federal Judicial Center monitored the program and issued a positive final evaluation. The Judicial Center concluded: "Overall attitudes of judges toward electronic media coverage of civil proceedings were initially neutral and became more favorable after experience under the pilot program." The Judicial Center also said: "Judges and attorneys who had experience with electronic media coverage under the program generally reported observing small or no effects of camera presence on participants in the proceedings, courtroom decorum, or the administration of justice."

I am especially interested in your experience when a trial was televised in your courtroom under the pilot program.

My questions are: (1) Do you agree with Justice Stevens that televising the Supreme Court is "worth a try"? (2) Do you agree with Justice Breyer that televising judicial proceedings would be a wonderful teaching device? (3) Do you believe, as expressed by Justice Kennedy, that televising the Supreme Court is "inevitable"? (4) What effect, if any, did televising the trial in your Court have on the lawyers, witnesses, jurors and you? (5) Do you think that televising the trial in your Court was useful to inform the public on the way the judicial system operates?

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, when the *Federalist Papers* were written, the authors said that the Supreme Court was the least dangerous branch. I think if the Framers had seen the status of events in the year 2009, they might have written that the Supreme Court, the Supreme Court especially, was the least accountable branch—the least transparent branch.

For many years, I have urged that the Supreme Court be televised. Legislation which I have introduced has twice been voted out of committee, and it is pending again. I think this is an especially good time to take up the issue. The Congress has the authority to establish when the Supreme Court sits—the first Monday in October; what it takes to have a quorum; how many members there will be on the Court—contrast that to what President Roosevelt tried to do to expand the number to 15. We have authority on the timetable, under the Speedy Trial Act, to set time limits on habeas corpus, and it is my legal judgment that we have the authority to call on the Supreme Court to be televised.

The Supreme Court has the final word on that subject, as they do on all others, and could invalidate legislation

on the grounds of separation of power. But in light of what is happening and the demand for greater transparency, the televising of the House, the televising of the Senate; the fact that recently the highest court in Great Britain has admitted television cameras, it is time that should occur.

With the departure of Justice Souter, assuming the confirmation of Judge Sotomayor, the major opponent to televising the Court will no longer be there. Justice Souter made the famous statement that the television cameras would roll in over his dead body. When the nominees have been questioned repeatedly, they have always been very concerned, almost to a person, about being solicitous of the views of others. I concede that Justice Souter's strong views might have been a considerable obstacle. Justice Stevens has said it is worth a try. Justice Ginsburg said it would be fine if it were gavel to gavel. Other Justices have been televised. It is worth noting that the Federal Judicial Conference authorized a 3-year pilot program for six Federal district courts and two Federal circuit courts of appeals. The Judicial Center concluded:

Overall, attitudes of judges toward electronic media coverage of civil proceedings were initially neutral and became more favorable after experience under the pilot program. Judges and attorneys who had experience with electronic media coverage under the program generally reported observing small or no effects of camera presence or participants in the proceedings, courtroom decorum, or the administration of justice.

It is my suggestion it would be very healthy for our country to have a little sunshine come into the Supreme Court.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I think it would be very beneficial to have a little sunlight to come into the Supreme Court so there could be a public understanding as to how far the Supreme Court is going now on judicial legislation—that they are going beyond constitutional rights, that they are reaching into statutes such as the statute protecting women against violence, to declare it unconstitutional notwithstanding a voluminous record but based on the method of reasoning of Congress, as if our method of reasoning was deficient to theirs; or on the standard of congruence and proportionality, which is simply not understandable; or in the context of a workload which defies explanation, with so many circuit splits going undecided.

It may surprise people to know that it was not until 1981 that the Judiciary Committee proceedings on nominations were televised. Seeing what a great appearance it is today, and of how much value—this is really our

only opportunity to speak to the Court, to speak to Chief Justice Roberts. Are you going back on your commitment that it is up to the Congress to decide facts on a congressional record? Why are you doing congruence and proportionality when no one understands it?

So while the judgment on Sonia Sotomayor, as I said initially, was easy for me to vote aye, there are many more perplexing issues that have emerged, especially what I perceive to be an institutional change here, with Senators substituting their own judgments and ideology for the traditional deference allotted to the President.

Before I yield the floor, Mr. President, I have been asked to read an addendum statement, if I may? It is an introduction for a letter from members of the Supreme Court bar in favor of Judge Sotomayor:

The Committee recently received a letter of support for Judge Sotomayor's nomination from over 45 regular practitioners at the Supreme Court including a number of former Solicitors General and Assistants to the Solicitor General. Among those who joined this letter are a number of highly respected Republican appointees such as Charles Fried, nominated by President Reagan to be Solicitor General; John Gibbons, the former Chief Judge for the Third Circuit Court of Appeals who was nominated by President Nixon; and Tim Lewis, nominated by President George H.W. Bush and confirmed as a Judge for the Third Circuit Court of Appeals.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. PATRICK J. LEAHY,

Chairman, U.S. Senate Committee on the Judiciary, Russell Senate Office Building, Washington, DC.

Hon. JEFFERSON B. SESSIONS,

Ranking Member, U.S. Senate Committee on the Judiciary, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: As members of the Supreme Court Bar including those of us who have had the honor to represent the United States in the Court, as Solicitor General or members of the Solicitor General's professional staff—we respectfully support confirmation of Judge Sonia Sotomayor as an Associate Justice of the United States Supreme Court.

Judge Sotomayor would bring to the Court an impressive background in the law. As an Assistant District Attorney in New York for five years, she earned a reputation as a focused prosecutor. In her seventeen years as a federal judge, she demonstrated impartiality, clear thinking, and careful attention to the facts and issues before her. Her legal rulings are typically tailored to the facts and are respectful of precedent and the rule of law. Throughout her legal career, Judge Sotomayor has distinguished herself.

Judge Sotomayor's strong legal background and impressive career make her an extremely well-qualified nominee for the Supreme Court. We urge her speedy confirmation.

Sincerely,

Donald B. Ayer, Jones Day LLP; Deputy Attorney General, 1989-90; Principal Deputy Solicitor General, 1986-88.

Timothy S. Bishop, Mayer Brown LLP.

Richard P. Bress, Latham & Watkins LLP; Assistant to the Solicitor General, 1994-1997.

Louis R. Cohen, WilmerHale LLP; Deputy Solicitor General, 1986-88.

Drew S. Days III, Yale Law School; Solicitor General, 1993-96.

Walter Dellinger, O'Melveny & Myers LLP; Acting Solicitor General, 1996-97.

Samuel Estreicher, NYU School of Law; Jones Day LLP.

Bartow Farr, Farr & Taranto; Assistant to the Solicitor General, 1976-1978.

Meir Feder, Jones Day LLP.

Jonathan S. Franklin, Fulbright & Jaworski LLP.

David C. Frederick, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Assistant to the Solicitor General, 1996-2001.

Andrew L. Frey, Mayer Brown LLP; Deputy Solicitor General, 1973-1986.

Charles Fried, Harvard Law School; Solicitor General, 1985-1989.

Kenneth S. Geller, Mayer Brown LLP; Deputy Solicitor General, 1979-1986.

John J. Gibbons, Gibbons PC; former Chief Judge, U.S. Court of Appeals for the Third Circuit.

Jamie S. Gorelick, WilmerHale LLP; Deputy Attorney General.

Jeffrey T. Green, Sidley Austin LLP.

Caitlin J. Halligan, Weil, Gotshal & Manges LLP; New York Solicitor General, 2001-2007.

Pamela Harris, Georgetown University Law Center.

George W. Jones, Jr., Sidley Austin LLP; Assistant to the Solicitor General, 1980-1983.

Pamela S. Karlan, Stanford Law School.

Michael K. Kellogg, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Assistant to the Solicitor General, 1987-1989.

Douglas W. Kmiec, Pepperdine Law School.

Jeffrey A. Lamken, Baker Botts LLP; Assistant to the Solicitor General, 1997-2004.

Timothy K. Lewis, Schnader Harrison Segal & Lewis LLP; Judge, U.S. Court of Appeals for the Third Circuit, 1992-1999.

Rory K. Little, U.C. Hastings College of Law.

Robert A. Long, Covington & Burling LLP; Assistant to the Solicitor General, 1990-1993.

Deanne E. Maynard, Morrison & Foerster LLP; Assistant to the Solicitor General, 2004-2009.

Patricia Millett, Akin Gump Strauss Hauer & Feld, LLP; Assistant to the Solicitor General, 1996-2007.

Randolph D. Moss, WilmerHale LLP.

Carter G. Phillips, Sidley Austin LLP; Assistant to the Solicitor General, 1981-1984.

Andrew J. Pincus, Mayer Brown LLP; Assistant to the Solicitor General, 1984-1988.

E. Joshua Rosenkranz, Orrick, Herrington & Sutcliffe LLP.

Charles A. Rothfeld, Mayer Brown LLP; Assistant to the Solicitor General, 1984-1988.

Gene C. Schaerr, Winston & Strawn LLP.

Joshua Schwartz, George Washington University Law School; Assistant to the Solicitor General, 1981-1985.

Virginia A. Seitz, Sidley Austin LLP.

Stephen M. Shapiro, Mayer Brown LLP; Deputy Solicitor General, 1981-1983.

Paul M. Smith, Jenner & Block LLP.

Jerold S. Solovy, Jenner & Block LLP.

Kathleen M. Sullivan, Quinn Emanuel Urquhart Oliver & Hedges LLP & Stanford Law School.

Richard Taranto, Farr & Taranto; Assistant to the Solicitor General, 1986-1989.

Laurence H. Tribe, Harvard Law School.

Alan Untereiner, Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP.

Seth P. Waxman, WilmerHale LLP; Solicitor General, 1997-2001.

Christopher J. Wright, Wiltshire & Grannis LLP; Assistant to the Solicitor General, 1984-1994.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, today is an auspicious day. I have had 25 years of service now to the Senate. This is one of those moments when what we do will be recorded in history forever—the opportunity to nominate a distinguished jurist to the highest judicial post in this country.

I rise to express my strong support for President Obama's nomination of a distinguished jurist, Sonia Sotomayor, to become a Supreme Court Justice of the United States, confirming the continuity of our duty to the Constitution and to fairness to all the people in our country, and that obedience to the law continues uninterrupted.

In Newark, NJ, there exists a venerated courthouse that bears my name. On the entrance to this courthouse there is an inscription that says:

The true measure of a democracy is its dispensation of justice.

That summarizes my feeling about our beloved country. I authored that quote after considerable thought, and I truly believe it reflects a principal value upon which our Nation was founded. We must scrupulously insist that these values endure throughout our government and our legal system and particularly in our Nation's highest Court.

Based on her history, my meeting with Judge Sotomayor, and her testimony before the Senate Judiciary Committee, I have no doubt that if confirmed, Judge Sotomayor will pursue the fair, wise, and unbiased dispensation of justice. That is why I believe we must confirm Judge Sotomayor's appointment without delay.

When I had a private meeting with her, she confirmed her unwavering commitment to the equity of our American justice system, her knowledge of the law, and her recognition of the enormous responsibility she has to fulfill to our country.

I conveyed to her the excitement we are hearing in my State of New Jersey that President Obama's nominee grew up in a poor urban environment, in the Bronx—a close neighbor geographically with New Jersey with a similar tradition of a people starting at the bottom and succeeding through determination, education, and hard work.

We also discussed a shared admiration for Justice Benjamin Cardozo, who was renowned for his integrity and his diligence in applying precedent. I served for several years on the board of a law school bearing Justice Cardozo's name, where I saw the achievements of renowned legal scholars. I feel so deeply that Sonia Sotomayor will be remembered one day as an outstanding

member of the most revered and respected Court in the world.

During our meeting, Judge Sotomayor and I came to realize we had a common thread through our personal histories. The phrase “only in America” truly applies to Judge Sotomayor, and I can say that with a special understanding. Humble beginnings were the touchstones that enabled each of us to achieve beyond any parent’s dream.

I grew up in Paterson, NJ, a hard-scrabble mill town. My family lacked resources but left an inheritance of values with no valuables. My parents were brought to America by my grandparents seeking an opportunity to be free and to make a living. We were taught that we were obligated, if we had the opportunity, to make sure we gave something back to the community in which we lived.

Judge Sotomayor’s family moved here from Puerto Rico, and she grew up in a housing project where she saw, up front and close, the struggles of people living in poor areas. Like my father, Judge Sotomayor’s dad died at a very young age, and her mother, like mine, became a widow at a very young age. She became a single mother, like mine. Judge Sotomayor’s mother had to raise her and her brother in the face of racial, social, and financial adversity. In fact, her mother worked two jobs to support her children.

Despite the many difficulties, Judge Sotomayor has reached the highest rung of our society. At Princeton and also at Yale Law School, she achieved academic honors, and then she worked in the Manhattan District Attorney’s Office. As a district attorney, she prosecuted murder, robbery, and assault cases, among others. From the DA’s office she became a corporate litigator and rose to partner at a prestigious New York law firm. While there, she threw herself into her job and became an expert on trademark and intellectual property law. Her career then led her to the bench, where she has been a Federal judge for the last 17 years. That is a pretty good time for testing.

The truth is, Judge Sotomayor comes to this nomination process with more judicial experience than any Supreme Court nominee in a century. Think about it when the detractors try to find ways to sully her reputation. But before she became a judge and long before she appeared before the Judiciary Committee, where she demonstrated a remarkable command of the law and comfort with her knowledge, Judge Sotomayor carved out a reputation as a brilliant legal mind.

Yet, in one of the most scurrilous campaigns against a judicial nominee I have ever witnessed, the partisan attack mills begin to churn out piles of distortions and half-truths about Judge Sotomayor right after the President picked her to be his nominee. They had

their gunsights settled on whoever it might be. But in this instance, we have one of the more distinguished scholars of the law to be able to be honored and to honor us at the same time. They tried to paint her as a radical. They even tried to paint her as a bully. They even tried to paint her as lacking intelligence. But there was absolutely no place in her judicial record to use anything serious against her. They went down the path of personal destruction; it has become a habit around here. They picked through her speeches. They zeroed in on one sentence here and another there to try to discredit her as nothing more than an affirmative-action choice.

I want to get one thing straight. Judge Sotomayor represents the best this country has to offer. She is a role model for all Americans, and she is, deservedly so, a source of great pride for the Latino community. By any standard, Judge Sotomayor is exceptionally well qualified to serve as an Associate Justice of the Supreme Court. With 17 years of judicial experience and 12 of those on the Second Circuit Court of Appeals, she is well equipped for the task of Supreme Court Justice.

If confirmed, she will be the only member of the Supreme Court who has previously worn a trial judge robe. The experience should not be overlooked. Right now, Justice Souter, whom Judge Sotomayor would replace on the Court, is the only Justice with a trial court background.

Earlier this year, before Justice Souter had even announced his retirement, Chief Justice Roberts said that the Court’s dearth of trial bench knowledge was, here I quote, “an unfortunate circumstance” and a “flaw.” Trial court judges handle civil and criminal cases and they see firsthand the impact of the law on ordinary Americans.

While on the trial bench, Judge Sotomayor handled 450 cases. Put directly, her experience is varied, multifaceted. What is more, she was appointed to the bench by both Democratic and Republican Presidents. Did they have bad judgment? I think not. I think not. Her record proved that. On any fair examination of her judicial record, including more than 400 published opinions as a Federal appellate court judge, it shows she is balanced in her approach, takes in all the facts, and follows precedent. Her legal reasoning has been consistently admired for applying the law fairly, and her opinions reveal nothing more than a strict adherence to the rule of law.

The American Bar Association has given her its highest rating, calling her “well qualified.”

That is a distinction of significant importance.

This nomination is an incredibly important moment for our country. The Supreme Court makes decisions that

determine the very contours of our country’s future. It has a direct say on the rights or lack of rights that our children and grandchildren will have.

The Court decides whether big corporations have a stronger claim to justice than the little guy. The Court sets the table for government power, whether it goes unchecked or is responsible to the people. That is the domain. Critical. The rulings of the Court affect everyday people from New Jersey and everyday Americans.

The Framers of the Constitution created a system of checks and balances with three coequal branches. No one understands that better than Judge Sotomayor, who said during her confirmation hearings, “The task of a judge is not to make law, it is to apply the law.”

After consideration, careful consideration, I conclude that I must vote “yes” on the confirmation of Judge Sotomayor. Judge Sotomayor has consistently shown judicial restraint and she will prove to be a strong and independent voice on that Court.

Like many Americans, I am sure I will not always agree with every decision she makes. But I have the comfort of knowing, of believing, that she will resolve legal questions with an open mind, will put the rule of law above any personal beliefs.

Her judicial record is unparalleled. Her professional and academic credentials are impeccable, and her story is inspiring. I watched and listened carefully to what she had to say during her confirmation hearings and when we met in person.

Her life has been one of breaking down barriers. I look forward to seeing her break one more. For those reasons I am honored to support Judge Sotomayor’s breakthrough nomination.

I hope my colleagues will step up and vote their conscience and vote their beliefs and not inject any of the insignificant things we have seen discussed all over the place until this. I hope they will confirm her in an overwhelming majority, which is what she and the country deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I rise in strong support of the nomination of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

I wish to thank PAT LEAHY, my seatmate here in the Senate, the Chairman of the Judiciary Committee, for his leadership. Let me also thank JEFF SESSIONS, who is the ranking Republican on the committee, and all members of the committee.

Those are pretty important jobs they have. Obviously they are considering nominees for the district court, the appellate court. But moments when you consider a nominee to the Supreme Court do not happen every day and are pretty significant moments.

I commend the committee for the speed with which they handled this. A lot of time these matters can get tied up for weeks on end, as we have seen in prior years. But I particularly commend PAT LEAHY, who does a great job chairing the Judiciary Committee, and all members for their work in this area.

Article II of the Constitution gives the Senate an awesome responsibility for providing advice and consent on judicial nominations. Those who we confirm are in a lifetime position as one of the nine men and women who will have the ability to literally shape every phase of American law and society.

Other than authorizing war or amending the U.S. Constitution, this body has no more important power than the one we exercise when we choose to confirm a nominee to sit on the U.S. Supreme Court.

Clearly, then, the Constitution demands that we subject nominees to very close scrutiny. But it does not tell us how. Each Senator must determine for himself or herself the appropriate criteria.

Over the years I have been here, I have had the privilege of listening, not as a member of the Judiciary Committee, but as a Member of this body, to debates, and there have been some tremendous ones over the years on various nominees. Most have been confirmed, some have not. But it is usually a robust debate, an important debate, and the scrutiny of these nominees is the highest any nominee for any office receives.

I have always relied on a three-part test.

The first test I apply, and have done this across the board over the years: Does the nominee have the technical competence and legal skills to do the job?

Second: Does the nominee have the proper character and temperament to serve on the highest Court of our land?

And, third: Does the nominee's record demonstrate respect for and adherence to the principle underlying our legal system—that is, equal justice for all?

I am convinced, without any doubt or hesitation, that Judge Sotomayor passes all three tests with distinction.

As to Judge Sotomayor's competence: Her résumé is that of experi-

enced and accomplished jurist, one who will take her seat with more bench experience, I might point out, as I am sure others have, than any other Justice currently serving on the U.S. Supreme Court.

She graduated from Yale Law School in my home State of Connecticut, has been a prosecutor and private attorney, and spent 17 years on the Federal bench as both a district court judge and an appellate court judge.

As to Judge Sotomayor's character: Her long list of enthusiastic recommendations and her terrific performance before the Judiciary Committee revealed her to be a remarkable woman of deep integrity. Her incredible life story, rising from a housing project in the Bronx to the height of American jurisprudence, is truly an inspiration. And, of course, as someone who would be the first Latina and third woman to serve on the Court, Judge Sotomayor is an historic figure.

As to Judge Sotomayor's legal philosophy: Her writings and her thoughtful answers to difficult questions raised by our colleagues on the Judiciary Committee make it clear that Judge Sotomayor is committed to the principle of equality that forms the foundation of America's system of jurisprudence.

For Judge Sotomayor, as for any nominee, that is enough to earn my vote, regardless of what I think about any particular decision. I voted to confirm Chief Justice Roberts, much to the consternation of people in my own party and others who felt we should object because we did not agree with Judge Roberts' decisions in a number of cases. But I applied my three-part test and Justice Roberts passed. I have applied that test over the years.

So while I have not agreed with every decision that the Chief Justice has taken during his tenure on the bench, I would still tell you it was a good choice, despite my disagreement with some of his decisions. It is the kind of quality you want on the Supreme Court.

I worry deeply in this body that if we start taking standards to apply to the nominees for the Supreme Court, such as we appear to be doing, I think we do damage to the tradition we must uphold in this body of applying standards that go far beyond our particular concerns about decisions here and there, or to listen to constituency groups to such a degree that they dominate the vote patterns here in the Senate.

Frankly, I do not think I am telling any of my colleagues anything they do not know already. I do not think anybody in this Chamber believes that she is incompetent or temperamentally unsuited for the job, or that she does not believe in equal justice under the law.

The actual debate, however, has focused not on the nominee's enormous body of exemplary work but a few ex-

amples from her career, selected for their ability to create controversy.

Out of thousands of decisions—and that is not hyperbole; she has been involved in thousands of decisions—if it were not amusing to me it would be disturbing to me. There are eight cases that were the subject of debate in her nomination, eight cases out of thousands in which she rendered an opinion either as a joint participant in the opinion or as the sole decider in the case.

So out of thousands of cases, eight items were brought up. Frankly, you could do that with anybody. But someone who has had 17 years on the bench, going through thousands of cases, if that is the basis for being against this nominee, I do not know if anyone can ever pass the test here if that were the case, if you are looking for people with experience and temperament and ability to judge.

She should not be confirmed just because of her ethnicity. As someone who is proud that he speaks the Spanish language, served the Peace Corps in Latin America, in the Dominican Republic, and knows the area where Judge Sotomayor grew up in the Bronx, her nomination should not rest solely on ethnicity. And she would be offended if she thought it were the case.

But it also is a moment of celebration as well, that we in this country respect diversity of our population. Many have said this is a remarkable story, and I appreciate the point they are trying to make. But it is not terribly remarkable, it is America. And in America that story is not remarkable. That is the great brilliance of our country. We have a President of the United States who was raised by a single mother under difficult circumstances. Bill Clinton, whom we are talking about today because of his heroic efforts to help release the two women who were held in North Korea, had an equally compelling story. Ronald Reagan had a compelling story.

There are many people who have risen to incredible heights in our country in success in the private and public sector who have come from similar circumstances as Judge Sotomayor. It is a great tribute to our country that people such as Judge Sotomayor can achieve the success she has because we celebrate it in our country.

So it is more a reflection I think of today's political climate than it is on this terrific nominee who we have the privilege of voting for. The legal and political issues raised during her confirmation hearings are complex and interesting, as they should be. But the decision currently facing the Senate is not a hard call, in my view. I have been here when there have been hard calls. This is not a hard call. This ought to be an easy call for Members here.

She is a brilliant jurist. She is a remarkable American. And she is going

to make a fantastic Justice on the U.S. Supreme Court. I could not be prouder, when the time arrives, to cast my vote in favor of this nominee.

The Judiciary Committee has received letters of support from several State and local bar associations, including the New York City Bar, the Women's Bar Association of the State of New York, and the Connecticut Hispanic Bar Association.

The Connecticut Hispanic Bar Association, which honored Judge Sotomayor in 1998 with its Achievement Award at its Annual Awards Dinner, wrote:

Since being appointed to the bench, Judge Sotomayor has compiled an exemplary and distinguished record. She has earned a stellar reputation as a defender of the rule of law and praise for her thoughtful and thorough written opinions.

I ask unanimous consent these letters be printed in the RECORD.

EXHIBIT 1

WOMEN'S BAR ASSOCIATION
OF THE STATE OF NEW YORK,
New York, NY, July 1, 2009.

Senator PATRICK J. LEAHY,
*U.S. Senate, Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR: As president of the Women's Bar Association of the State of New York (WBASNY), I am pleased to present the attached statement in support of the confirmation of Judge Sonia Sotomayor—a WBASNY member—to the United States Supreme Court. Her outstanding experience, her philosophy of judicial moderation, and her distinctive perspective, as demonstrated by her legal opinions, make her superbly qualified for this service.

I respectfully request that WBASNY be given the opportunity to testify about Judge Sotomayor during the U.S. Senate confirmation hearings.

Sincerely,

CYNTHIA SCHROCK SEELEY.

WOMEN'S BAR ASSOCIATION OF THE
STATE OF NEW YORK

STATEMENT IN SUPPORT OF JUDGE SONIA
SOTOMAYOR
June 30, 2009

INTRODUCTION

The Women's Bar Association of the State of New York ("WBASNY"), representing more than 3,800 attorneys, judges, and law students from across the State of New York, is honored and proud to support President Obama's nomination of Second Circuit Judge Sonia Sotomayor—a WBASNY member—to the United States Supreme Court. Judge Sotomayor's wealth of experience, keen intelligence, and moderate judicial philosophy make her extremely well-qualified to serve as an Associate Justice of the Supreme Court.

OUTSTANDING EXPERIENCE

Judge Sotomayor has superb educational credentials and more than sixteen years' experience as a federal judge. After graduating *summa cum laude* from Princeton University, she served as an editor of *The Yale Law Journal* while pursuing her law degree at Yale Law School. For the first five years of her career, Judge Sotomayor was an assistant district attorney for the County of New York, prosecuting such crimes as murder, robbery, child abuse, police misconduct, and

fraud. New York District Attorney, Robert M. Morgenthau, calls her a "fearless and effective prosecutor," who "believes in the rule of law." After leaving the district attorney's office, Judge Sotomayor worked for a private law firm as a corporate litigator, where she handled complex commercial cases, both international and domestic. Her work focused on the areas of intellectual property, real estate, employment, banking, contracts, and agency law.

In October 1992, Judge Sotomayor was appointed to the U.S. District Court for the Southern District of New York by President Bush and became the youngest judge on the Court. In her six years as a district court judge, Judge Sotomayor presided over approximately 450 cases, earning a reputation as a "sharp" and "fearless" jurist. She was elevated to the U.S. Court of Appeals for the Second Circuit in 1998 by President Clinton, where she has participated in more than 3000 appeals and written approximately 400 published opinions. Her colleagues on the Second Circuit bench have praised her as "a brilliant lawyer and a very sound and careful judge" who is "fair and decent in all her dealings."

JUDICIAL PHILOSOPHY—A PASSION FOR MODERATION

Judge Sotomayor's judicial opinions faithfully adhere to applicable legal precedents, defer to legislative and regulatory decision-making, and carefully examine the facts of each case. Because she applies the same principled analysis to each matter she reviews, her conclusions do not fall into superficially predictable categories. Judge Sotomayor's application of the law hews closely to established law and precedents. Hers is a clear and consistent voice for moderation that demonstrates an appreciation for the far-reaching implications of appellate decisions. Essentially limiting the scope of her own power, Judge Sotomayor is a model of judicial restraint.

In dissenting from the Second Circuit's reversal of a district court decision that dismissed an age discrimination claim brought by a seventy-year-old clergyman, Judge Sotomayor wrote that the majority opinion "violate[d] a cardinal principle of judicial restraint by reaching unnecessarily the question of [the Religious Freedom Restoration Act]'s constitutionality" when the question had not been presented to the Court." Similarly, upon reviewing an immigration asylum case that addressed China's restrictive family planning policies, Judge Sotomayor wrote that the majority opinion "mark[ed] an extraordinary and unwarranted departure from our longstanding principles of deference and judicial restraint."

Judge Sotomayor's awareness of the long-range effects of judicial decisions undergirds her passion for judicial restraint. Addressing an immigration asylum claim brought by three women who had been subjected to female genital mutilation in their native Guinea, Judge Sotomayor wrote that a colleague's analysis of continuing persecution claims was "unnecessary . . . may never need to be decided, . . . [and] . . . could have far reaching implications in other types of cases." Reviewing a Fourth Amendment claim of illegal search in the context of a plaintiff's suit for money damages, Judge Sotomayor reminded her colleagues of the Supreme Court's articulation of the applicable law: "[T]he Supreme Court has struck a careful balance between the vindication of constitutional rights and government officials' ability to exercise discretion in the performance of their duties. Our case law, in

subtle but important ways, has altered this balance . . . In the vast majority of cases, including this one, the particular phrasing of the standard will not alter the outcome . . . [y]et the effect in future cases may not always be so benign. . . . It is time to . . . reconcile our . . . analysis with the Supreme Court's most recent, authoritative jurisprudence."

DISTINCTIVE COMMON-SENSE PERSPECTIVE

Judge Sotomayor brings a distinctive common-sense perspective to the Court, and an appreciation of the differences among litigants' individual attributes and experiences. In 2007, then-Senator Obama might have been describing Judge Sotomayor when he said, "Part of the role of the Court is . . . to protect people who may be vulnerable in the political process, the outsider, the minority, those who are vulnerable, those who don't have a lot of clout." While always adhering to established law and precedent, her opinions and decisions reveal a special sensitivity to challenges facing those whom WBASNY seeks to protect: women and other groups for whom the equal administration of justice has been elusive, such as immigrants, children, and the disabled.

Judge Sotomayor is eminently qualified for the Supreme Court without regard to gender. However, the members of WBASNY believe that her gender enhances her other stellar qualifications. Supreme Court Justice Ruth Bader Ginsburg recently stated that the Supreme Court needs another woman: "[T]here are perceptions that we have because we are women. . . . Women belong in all places where decisions are being made. I don't say (the split) should be 50-50. It could be 60% men, 40% women, or the other way around. It shouldn't be that women are the exception." Similarly, Justice Sandra Day O'Connor stated, "Despite the encouraging and wonderful gains and the changes for women which have occurred in my lifetime, there is still room to advance and to promote correction of the remaining deficiencies and imbalances." Addressing an audience of WBASNY members in 1999, Judge Sotomayor discussed the impact of her gender on her own jurisprudence: "Each day on the bench, I learn something new about the judicial process and its meaning, about being a professional woman in a world that sometimes looks at us with suspicion. . . . I can and do . . . aspire to be greater than the sum total of my experiences but I accept my limitations. I willingly accept that we who judge must not deny the differences resulting from experience and gender but attempt . . . continuously to judge when those opinions, sympathies and prejudices are appropriate."

Judge Sotomayor's decisions reflect an understanding of "women's issues" and how they are essentially human issues. Dissenting from an immigration decision, Judge Sotomayor wrote, "The majority concedes that both spouses suffer a 'profound emotional loss' as a result of a forced abortion or sterilization, but it never sufficiently explains why the harm of sterilization or abortion constitutes persecution only for the person who is forced to undergo such a procedure and not for that person's spouse as well. . . . [T]he majority's conclusion disregards the immutable fact that a desired pregnancy . . . necessarily requires both spouses to occur, and that the state's interference with this fundamental right 'may have subtle, far reaching and devastating effects' for both husband and wife. The termination of a wanted pregnancy under a coercive population control program can only be devastating to any couple, akin, no doubt, to the killing of a child."

In the same case, Judge Sotomayor addressed the Court's obligation to consider the differences between Chinese asylum seekers and U.S. citizens when making assumptions about parties' actions: "We simply have no foundation on which to conclude that all couples have the financial resources to escape at the same time, and as the government stated at oral argument, it is not uncommon for Chinese couples to separate and have one spouse go abroad in order to amass the necessary resources to bring over the other spouse. I believe the majority here is opining on a subject—imbued with potentially significant cultural differences—with which it has no expertise or empirical evidence."

Judge Sotomayor has also demonstrated an understanding of the particular difficulties women and girls face in our society. In a case alleging discriminatory failure to promote and retaliatory discharge, Justice Sotomayor held that the plaintiff had failed to establish that she was discriminated against on either basis.¹ However, addressing the same employee's claim of sexual harassment, Judge Sotomayor held that testimony that the woman's supervisor repeatedly commented that "women should be barefoot and pregnant . . . [and that he] would stand very close to women when talking to them and would 'look[] at [them] up and down in a way that's very uncomfortable'" was sufficient to entitle the plaintiff to a jury trial on the question of whether she had been subjected to a hostile work environment.

In a case involving strip searches of young girls admitted to juvenile detention centers, Judge Sotomayor wrote that the majority failed adequately to consider "the privacy interests of emotionally troubled children," most of whom "have been victims of abuse or neglect, and may be more vulnerable mentally and emotionally than other youths their age." She cautioned, "We should be especially wary of strip searches of children, since youth 'is a time and condition of life when a person may be most susceptible to influence and to psychological damage.'"

Dissenting from a dismissal of a claim that a school district had discriminated against an African American child in demoting him from first grade to kindergarten, Judge Sotomayor wrote, "I consider the treatment this lone black child encountered . . . to have been . . . unprecedented and contrary to the school's established policies." She found it "crucial" that the student as "the only black child in this classroom and one of the very few black students in the entire school."

Addressing a claim brought by a father who was investigated by the Vermont Department of Social and Rehabilitation Services after his estranged wife accused him of sexually abusing his three-year-old son, Judge Sotomayor first noted that the U.S. Supreme Court has afforded constitutional protection to parents' interest in the care, custody and management of their children, then addressed the "compelling governmental interest in the protection of minor children, particularly in circumstances where the protection is considered necessary as against the parents themselves." Carefully analyzing the actions of the social workers sued by the father, and the applicable law available to guide the actions of those social workers, Judge Sotomayor ultimately held that despite problems with the investigation, "we conclude that defendants had a reasonable basis for their substantiation determination and that they there-

fore did not violate plaintiffs' constitutional rights." However, she also provided clear guidance to child protection workers: "[F]rom this day forward, these and other case workers should understand that the decision to substantiate an allegation of child abuse on the basis of an investigation similar to but even slightly more flawed than this one will generate a real risk of legal sanction."

Judge Sotomayor has also thoughtfully applied the law governing the rights of disabled persons. In holding that the court below had inaccurately formulated a jury charge in an employment discrimination case, Judge Sotomayor wrote, "Taken as a whole, the charge suggests that an employer may offer any accommodation that does not cause an undue hardship, including reassignment to an inferior position, and that the plaintiff is required to accept The district court . . . erred."

As a district judge for the Southern District of New York, Judge Sotomayor considered a claim brought by a woman with a learning disability who sought reasonable accommodations in taking the New York State Bar Examination. Judge Sotomayor conducted a total of twenty-five days of trial, reviewed thousands of pages of exhibits and briefs, and heard testimony from eight experts, finally concluding that the plaintiff was entitled to accommodations of her disability in taking the bar examination, and \$7,500 in damages. Her detailed and respectful treatment of the parties and witnesses in a decision on a matter involving less than ten thousand dollars in damages is testament to her commitment to the fair and equal administration of justice to all who come before her.

In another case, Judge Sotomayor considered a district court's dismissal of the claim of a former employee who alleged that he was discharged after he suffered a disabling back injury. In a clear and erudite decision, Judge Sotomayor addressed the interplay of three different disability statutes, evaluated complex procedural issues, and analyzed the potential liability of a parent corporation and a sister corporation for employment discrimination. Her succinct conclusion reinstated the employee's claim against his employer, affirmed the dismissal of the claim against the sister corporation, and resolved the procedural issues.

CONCLUSION

Judge Sotomayor's jurisprudence defies easy categorization because each of her decisions is characterized by careful consideration of the law and the facts. Her clear and compelling analyses and her fair treatment of the parties epitomize the ideal qualities of a Supreme Court Justice. She will bring balance and perspective to the Court and will enhance the delivery of justice to all.

CONNECTICUT

HISPANIC BAR ASSOCIATION,
Hartford, CT, July 10, 2009.

Senator PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The Connecticut Hispanic Bar Association (CHBA) writes on the eve of the commencement of the hearing on Judge Sonia Sotomayor's nomination to the United States Supreme Court to urge you and the other members of the United States Senate Judiciary Committee to treat Judge Sotomayor with the respect she deserves, examine her extensive record thoughtfully, and perform your constitutional duty to advise and consent to her

nomination expeditiously and without obstruction.

Founded in 1993, the CHBA works to enhance the visibility of Hispanic lawyers throughout the state; to facilitate communication and sharing of information and resources among our members; to serve as mentors to new lawyers and law students; and to assist the public and private sectors in achieving diversity in their law firms and legal departments. The CHBA also serves to address and respond to issues impacting our Hispanic communities, including the issues of access to the courts, judicial diversity and other social challenges.

Judge Sotomayor is a member and a longtime supporter of the CHBA. In recognition of her accomplishments, the CHBA honored Judge Sotomayor in 1998 with its Achievement Award at its Annual Awards Dinner.

Since being appointed to the bench, Judge Sotomayor has compiled an exemplary and distinguished record. She has earned a stellar reputation as a defender of the rule of law and praise for her thoughtful and thorough written opinions. Moreover, in her over 11 years of service with the United States Second Circuit Court of Appeals, she has participated in over 3,000 decisions and authored approximately 400 opinions on important issues of constitutional law, difficult procedural matters, and complex corporate and business issues.

Additionally, as you know, her personal story is similarly compelling. Judge Sotomayor grew up in a working-class family in New York City. She attended Princeton University on a scholarship where she graduated summa cum laude and was elected Phi Beta Kappa. She went on to earn her law degree at Yale Law School where she was an editor of the Yale Law Journal. During most of her career, Judge Sotomayor has chosen to serve the American public, first as a prosecutor in Manhattan and then as a federal judge.

The CHBA fully supports the appointment of Judge Sotomayor to the United States Supreme Court and urges the United States Senate Judiciary Committee to do the same.

Sincerely,

RENÉ ALEJANDRO ORTEGA,
President.

NEW YORK CITY BAR,
New York, NY, June 30, 2009.

Re evaluation of nomination Judge Sonia Sotomayor.

Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: The Association of the Bar of the City of New York reviewed and evaluated the nomination of Judge Sonia Sotomayor to be a Justice of the United States Supreme Court. The Association found Judge Sotomayor to be Highly Qualified for that position.

A report detailing our findings can be found at: http://www.nycbar.org/pdf/report/11693606_3.pdf

Sincerely,

PATRICIA M. HYNES,
President.

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK FINDS JUDGE SONIA SOTOMAYOR HIGHLY QUALIFIED FOR U.S. SUPREME COURT

NEW YORK, June 30, 2009.—Patricia M. Hynes, President of The Association of the Bar of the City of New York, announced that the Association has concluded that Judge Sonia Sotomayor is Highly Qualified to be a Justice of the United States Supreme Court.

The Association found that Judge Sotomayor demonstrates a formidable intellect; a diligent and careful approach to legal decision-making; a commitment to unbiased, thoughtful administration of justice; a deep commitment to our judicial system and the counsel and litigants who appear before the court; and an abiding respect for the powers of the legislative and the executive branches of our government.

In conducting its evaluation, the Association reviewed and analyzed information from a variety of sources: Judge Sotomayor's written opinions from her seventeen years on the circuit court and district court; her speeches and articles over the last twenty-one years; her prior confirmation testimony; comments received from the Association's members and committees; press reports, blogs and commentaries; interviews with her judicial colleagues and numerous practitioners; and an interview with Judge Sotomayor.

The Association determined that Judge Sotomayor possesses, to an exceptionally high degree, all of the qualifications enumerated in the Guidelines established by the Association for considering nominees to the United States Supreme Court: (1) exceptional legal ability; (2) extensive experience and knowledge of the law; (3) outstanding intellectual and analytical talents; (4) maturity of judgment; (5) unquestionable integrity and independence; (6) a temperament reflecting a willingness to search for a fair resolution of each case before the court; (7) a sympathetic understanding of the Court's role under the Constitution in the protection of the personal rights of individuals; and (8) an appreciation for the historic role of the Supreme Court as the final arbiter of the meaning of the United States Constitution, including a sensitivity to the respective powers and reciprocal responsibilities of the Congress and Executive.

The Association has been evaluating judicial candidates for nearly 140 years in a non-partisan manner based upon the nominees' competence and merit. Although the Association had evaluated a number of Supreme Court candidates over the course of its history, in 1987 it determined to evaluate every candidate nominated to the Supreme Court.

In 2007, the Executive Committee of the Association moved from a two-tier evaluation system in which candidates were found to be either "qualified" or "not qualified", to a three-tier evaluation system. The ratings and the criteria that accompany them are as follows:

"Qualified." The nominee possesses the legal ability, experience, knowledge of the law, intellectual and analytical skills, maturity of judgment, common sense, sensitivity, honesty, integrity, independence, and temperament appropriate to be a Justice of the United States Supreme Court. The nominee also respects precedent, the independence of the judiciary from the other branches of government, and individual rights and liberties.

"Highly Qualified." The nominee is qualified, to an exceptionally high degree, such that the nominee is likely to be an outstanding Justice of the United States Supreme Court. This rating should be regarded as an exception, and not the norm, for United States Supreme Court nominees.

"Not Qualified." The nominee fails to meet one or more of the qualifications above.

The present review is the first time the Association has utilized this three-tier system for a Supreme Court review.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Republican time for the next hour be allocated as follows: myself for 10 minutes, Senator BARRASSO for 10 minutes, Senator CRAPO for 15 minutes, Senator WICKER for 10 minutes, and Senator COLLINS for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I rise today to express my opposition, my considered opposition, to Judge Sonia Sotomayor's nomination to the U.S. Supreme Court.

As Senators, I think we all know we have an obligation to ensure that our courts are filled with qualified and impartial judges.

While Judge Sotomayor has an impressive resume—that is a given—I am concerned that her personal judgments and views will impact her judicial decisions. In addition, I find some of her rulings very troubling.

During the Senate's debate on the nomination of Chief Justice John Roberts, then-Senator Obama stated:

that while adherence to legal precedent and rules of statutory or constitutional construction will dispose of 95 percent of the cases that come before the Court, so that both a Scalia or Ginsburg will arrive at the same place most of the time on those 95 percent of the cases, what matters on the Supreme Court is those 5 percent of cases that are truly difficult. In those cases, adherence to precedent and the rules will only get you through the 25th mile of the marathon. That last mile can only be determined on the basis of one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy.

Thus the entrance of the "empathy" issue to this debate. I respectfully disagree with now-President Obama.

Judges must decide all cases in adherence to legal precedent and rules of statutory or constitutional construction. It does not mean if they do that they do not have empathy. I agree—and I think everybody would agree—everybody on the Supreme Court has empathy. But the role of a judge is not to rule based on his or her own personal judgments but to adhere to the laws as they are written.

While Judge Sotomayor stated during her confirmation hearing that "it is not the heart that compels conclusions in cases, it is the law," I still have concerns regarding her ability to remain impartial. She has made some statements in Law Review articles and speeches that are of serious concern. I am not convinced that Judge Sotomayor will set aside her personal judgments and views.

While on the Second Circuit Court of Appeals, Judge Sotomayor joined a four-paragraph ruling on property rights. In *Didden v. Village of Port Chester*, the appellants claimed that a developer demanded \$800,000 in order to avoid condemnation of the property by

the city. When the appellants refused to pay the \$800,000, they received a petition to initiate condemnation. Although the Second Circuit Court of Appeals dismissed the case, it was noted that relief could not be granted based on the U.S. Supreme Court's decision in *Kelo v. City of New London*. That four-paragraph ruling didn't even provide an in-depth analysis as to how the *Kelo* ruling applied to the facts at hand. In fact, the *Kelo* decision acknowledges that "a city no doubt would be forbidden from taking land for the purpose of conferring a private benefit on a particular party."

The four-paragraph ruling in *Didden* is very troubling. In Kansas, land is gold; farmland is platinum. We have a healthy respect for property rights in Middle America. It also bothers me that a court could make a broad statement without analyzing and applying the facts to case law.

Turning to firearm rights, Judge Sotomayor joined an opinion ruling that the second amendment is not a fundamental right and, therefore, does not apply to State and local governments. It is likely that at some point the second amendment's application to States could be argued before the Supreme Court. That could come very quickly. I would certainly hope that should this matter be argued before the Supreme Court, Judge Sotomayor would recuse herself. During her hearing, she did not indicate whether she would recuse herself in any decision. That was not, however, the case during the nomination hearings of Judges Alito and Roberts.

I do not discount the fact that Judge Sotomayor is a very accomplished judge and has an extensive judicial record. However, some of her statements, writings, and rulings concern me. They indicate her personal judgments and views may impact her judicial decisions. We have a constitutional obligation to ensure that our judges are impartial and faithful to the law.

During Chief Justice John Roberts' confirmation hearing, he noted:

Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules. They apply them. The role of an umpire and judge is critical. They make sure everybody plays by the rules [not by empathy], but it is a limited role. Nobody ever went to a ball game to see the umpire.

I am not convinced that Judge Sotomayor will be an umpire and consistently adhere to the rule of law as opposed to empathy.

For these reasons and others cited by some of my colleagues, I oppose her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I have three criteria in evaluating an individual to fill a vacancy on the Supreme Court. First, select the best candidate for the job. Second, the Justice must be impartial and allow the facts and Constitution to speak. Third, a Justice's responsibility is to apply the law not to write it.

I have reviewed Judge Sotomayor's record, and I met with her to learn more about her. I want to take a moment to share my thoughts on Judge Sotomayor's nomination.

Judge Sotomayor has a compelling life story. She was raised in public housing projects in the Bronx. She was diagnosed with type 1 diabetes at age 8. Her father died when she was 9, and she was subsequently raised by her mother. Judge Sotomayor graduated valedictorian of Cardinal Spellman High School in the Bronx. She graduated summa cum laude from Princeton. She earned her juris doctorate from Yale Law School, where she was editor of the Yale Law Review. After graduating from law school, Judge Sotomayor worked as an assistant district attorney in New York City for 5 years. She then worked in private practice for 7 years.

In 1991, Judge Sotomayor was nominated to the Federal bench by President George Herbert Walker Bush. In 1998, President Clinton nominated her to the Second Circuit Court of Appeals where she currently sits.

I believe Judge Sotomayor has the legal experience and the skills to be considered for the Supreme Court. During the confirmation process, questions were raised about her ability to make decisions on the facts presented not on events and facts that became ingrained during her life. Judges must be impartial and allow the facts and the Constitution to speak not their personal experience. For America's judicial system to work, judges must always remain impartial.

At her confirmation hearing, Judge Sotomayor stated that her judicial philosophy is "fidelity to the law." This is in contrast to her extensive commentary over the past 15 years, a commentary that emphasizes personal experience over impartiality in a judge's decisionmaking. The contrast is especially troubling when a judge, as was the situation in the case of *Ricci v. DeStaphano*, fails to articulate the reasons for the decision.

In the *Ricci* case, the firefighters case, an exam was used as part of the promotion process. The exam consisted of a written test as well as an oral test. It was prepared by Industrial Organizational Solutions, a professional testing firm. The test measured individual knowledge, individual skills, and individual abilities related to the specific position being filled.

The highest scores on the written exam were achieved overwhelmingly by

White firefighters. After the results were posted, the city of New Haven, CT, did not like the results and decided at that point to not use the exam. Several officers sued. They sued the city for taking this action.

Who were the officers who sued? One was Frank Ricci, the lead plaintiff. He was a career firefighter. He is dyslexic. To study, he hired and paid someone to read the recommended study books onto an audio tape so he could listen to the tapes. He studied up to 13 hours a day. He gave up a second job, time with his family.

Lt Ben Vargas was another officer who sued and testified at Judge Sotomayor's confirmation hearing. He also has a career as a firefighter. He grew up in Fair Haven, which is a neighborhood of New Haven. His father was a factory worker. His family spoke Spanish at home, making school a challenge for him. He is the father of three boys. One of the reasons he joined the lawsuit:

I want them [my three sons] to have a fair shake, to get a job on their merits.

The district court ruled against the firefighters. Judge Sotomayor's court upheld the lower court ruling dismissing the case. Judge Sotomayor's court issued a one-paragraph opinion summarily dismissing the appeal. Her court failed to cite any precedents for this decision.

In June of 2009, the U.S. Supreme Court reversed Judge Sotomayor's opinion. The Supreme Court stated:

The City made its employment decision because of race. The City rejected the test results solely because the higher scoring candidates were white.

The Supreme Court went on to say:

The process was open and fair. The problem of course is that after the tests were completed, the raw racial results became the predominant rationale for the City's refusal to certify the results.

The Supreme Court's 34-page majority opinion, fully analyzing the facts and the legal issues, stands in stark contrast to the one-paragraph ruling by Judge Sotomayor. The lack of a detailed explanation by the judge's court on an issue that the Supreme Court said was not settled law is one I find troubling. More importantly, it raises doubt, fairly or unfairly, as to why Judge Sotomayor's court ruled the way it did. Through her own words, Judge Sotomayor's ability to completely disown personal beliefs and biases to reach a decision is in question.

I have additional concerns about the principles Judge Sotomayor will apply in deciding future cases involving important issues such as the second amendment. In a 2009 second amendment case decided by Judge Sotomayor's court, her court ruled that the second amendment did not apply to the States. The court cited Supreme Court cases from the 1800s as precedent. But Judge Sotomayor's

court went further. They ruled that the second amendment right is not a fundamental right, thereby allowing States and local authorities broad powers to deny individuals the right to bear arms. The court's ruling that the second amendment right is not a fundamental right can't be reconciled with recent decisions on other courts.

The U.S. Supreme Court, in a 2008 case, was asked to decide whether the District of Columbia could deny its citizens rights afforded to them under the second amendment. In its ruling, which was issued before Judge Sotomayor's 2009 decision, the Supreme Court said the second amendment confers an individual's right to keep and bear arms. The Court rightfully overturned the laws of the District of Columbia that denied citizens of the District the right to own a firearm.

In a 2009 ruling from the Ninth Circuit Court of Appeals, the court concluded that the series of 19th century Supreme Court cases cited by Judge Sotomayor were not controlling on the issue of whether the second amendment establishes a fundamental right. The Ninth Circuit Court concluded the Constitution did confer that right. The court ruled that the second amendment right to bear arms is a fundamental right of the people, and it is to be protected.

Judge Sotomayor, if confirmed, will receive a lifetime seat on the highest Court of the land. Her decisions may impact Americans and America for generations to come. Every American has the right to know what standard Judge Sotomayor will apply in judging future cases—fidelity to the law, as she stated in the hearings or, as she has stated in the past: "My experience will affect the facts I choose to see."

The Senate should know with absolute certainty the standard that Judge Sotomayor will use before confirming her to the Supreme Court. Without having that certainty, I am unable to support her nomination to the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise today to discuss President Obama's nomination of Judge Sonia Sotomayor to serve on the U.S. Supreme Court.

First, I want to say I appreciate the efforts of my colleagues on the Judiciary Committee to hold thorough hearings and to process this nomination.

There is no doubt that Judge Sotomayor's resume is impressive, with degrees from Princeton and Yale Law School. She then worked as an assistant district attorney, and later in private practice before serving as a U.S. district court judge, and currently as a U.S. circuit court judge.

It is unfortunate the Senate confirmation process has reached a point

where nominees with such extensive backgrounds are no longer comfortable candidly discussing their judicial philosophy and views on key issues.

To date, I have received over 1,000 letters, e-mails, and phone calls from Idaho constituents who are overwhelmingly opposed to Judge Sotomayor's nomination. Many of the concerns raised in this correspondence are similar to concerns I personally have about the nomination—concerns relating to the second amendment right to bear arms, concerns relating to judicial activism, concerns relating to whether foreign law should be utilized in interpreting U.S. statutes and our Constitution.

It was my hope that through the committee hearings and my personal meeting with Judge Sotomayor and other evaluation of her writings and her judicial decisions that these concerns and those of my constituents could be addressed. Unfortunately, though, when it came to the key issues, Judge Sotomayor's testimony often lacked the substance necessary and was even contradictory to her own previous statements, rulings, and writings.

I would like to discuss some of those areas of concern. Before I do so, though, I want to make it very clear that with this nomination, many are very rightfully proud that for the first time in our country's history we have a Latina nominated to our highest Court. And it must be noted that she is receiving and being afforded a clean up-or-down vote on the floor of the Senate this week.

As I indicated at the outset, it is unfortunate the confirmation process in the Senate has deteriorated so much over the last few years that others have not received similar opportunities. I am referring in this example to Miguel Estrada. Like Judge Sotomayor, Judge Estrada was rated unanimously "well qualified" by the American Bar Association when President Bush nominated him to the U.S. Court of Appeals for the DC Circuit.

The DC Circuit is often considered to be a stepping stone for Supreme Court nominations, and at that time many thought Judge Estrada would be a strong nominee, that he might be the first Latino nominated to the Supreme Court. Judge Estrada would have deserved such an opportunity as Judge Sotomayor does. Unfortunately, some on the left feared that scenario, and as a result there was a filibuster and Judge Estrada was never even allowed to have an up-or-down vote on the floor of the Senate.

I make this point now just to remind us all that although there are many here who have concerns about some of the positions and philosophies Judge Sotomayor has, there has been no effort to deprive her of an opportunity for an up-or-down vote on the floor of

the Senate on her nomination. It is important our country recognize this.

Let me now turn to some of the issues I indicated earlier that are of concern. I know a number of my colleagues have spoken already about the issue of the second amendment right to keep and bear arms. That is one of my most significant concerns.

On July 27, 2008, the U.S. Supreme Court ruled in *District of Columbia v. Heller* that the second amendment to the Constitution protects an individual's right to keep and bear arms unconnected with service in a militia, and to use those arms for traditionally lawful purposes, such as self-defense within the home.

This ruling affirmed what common sense has told us all for a long time: that the second amendment was intended to ensure access to all law-abiding citizens for self-defense and recreation. Unfortunately, despite this ruling in *Heller*, Judge Sotomayor ruled in the *Maloney* case that the second amendment does not apply to the States.

Even the Ninth Circuit Court of Appeals, which has jurisdiction over my home State of Idaho and is often considered one of the most liberal courts in the land, has ruled the opposite way in a similar case, making it clear that second amendment rights are binding on the States.

In *Nordyke v. King*, the Ninth Circuit held that the right to bear arms is "deeply rooted in this Nation's history and tradition." Additionally, the court found that the "crucial role this deeply rooted right has played in our birth and history compels us to recognize that it is indeed [a] fundamental [right]."

Furthermore, and again even after the Supreme Court's ruling in *Heller*, Judge Sotomayor held that the second amendment does not protect a fundamental right.

With regard to whether the second amendment applies to States, I do not believe any reasonable person believes that other freedoms contained in the Bill of Rights do not apply to the States, such as freedom of religion, freedom of speech, or freedom of the press. Why is there a different standard or effort to try to keep the second amendment right to bear arms from being freely available to all individuals in the United States?

The Supreme Court has held in a series of opinions that the 14th amendment incorporates most portions of the Bill of Rights as enforceable against the States. Despite that *Heller* addressed firearms laws in the District of Columbia and not in a particular State, the Supreme Court used State constitutional precedents for its analysis in *Heller*. In fact, the Court's ruling was based in part on its reading of applicable language in State constitutions adopted soon after our Bill of

Rights itself was adopted and ratified. By doing so, the Supreme Court recognized that the second amendment was, in fact, a fundamental right guaranteed under the Constitution.

On the issue of whether the second amendment right to bear arms is a fundamental right, I am extremely concerned that a nominee for the highest Court in our land would make such an argument. I am very concerned that a nominee for the highest Court in our Nation could so construe the second amendment right to bear arms. This disregard of history and legal precedent is, to me, a clear sign of a penchant toward judicial activism.

As I have said, to reach her decision in *Maloney*, Judge Sotomayor had to, and did, make a judicial finding that the second amendment right to bear arms is not a fundamental right. In contrast, the Ninth Circuit Court of Appeals, in a footnote, said it as well as I think it can be said. The Ninth Circuit Court said:

The county—

Which in this case was the defendant which was seeking to implement some restrictions that were an infringement on the right to bear arms—

The county and its amici—

Those others who have filed briefs on the county's behalf—

point out that, however universal its earlier support, the right to keep and bear arms has now become controversial.

Again, this is the Ninth Circuit Court of Appeals speaking.

But we do not measure the protection the Constitution—

The Constitution—

affords a right by the values of our own times. If contemporary desuetude sufficed to read rights out of the Constitution, then there would be little benefit to a written statement of them. Some may disagree with the decision of [our] Founders to enshrine a given right in the Constitution. If so, then people can amend the document. But such amendments are not for the courts to ordain.

That is the kind of correct analysis the Supreme Court has clearly guided us to with regard to the second amendment right to bear arms.

Throughout Idaho and across the United States, many millions of Americans believe the second amendment is a fundamental right, and I am one of those. Soon enough, the Supreme Court will decide whether the second amendment is incorporated by the 14th amendment to apply to the States. When that case is taken up, the Court will decide just how "fundamental" the second amendment is and whether States and communities can take away Americans' right to bear arms any time they want.

I cannot support a nominee to the Supreme Court who does not recognize this fundamental right in our Constitution. For this reason, I must oppose the nomination of Judge Sotomayor.

In addition, with regard to the role of a judge and judicial activism, when it

comes to her views on the proper role of a judge, once again Judge Sotomayor's testimony before the Senate Judiciary Committee appears to directly contradict her publicly stated words and philosophy expressed prior to her nomination.

In 2003, when discussing her gender and heritage, Judge Sotomayor said:

My experiences will affect the facts I choose to see as a judge.

In another previous speech, she said:

Personal experiences affect the facts that judges choose to see.

This is simply shorthand for judicial activism and making policy rather than applying the law—exactly what the Ninth Circuit said courts were not to do. To defend against this very notion, however, justice is supposed to be blind. Indeed, Lady Justice is depicted with a blindfold. To judge by selectively choosing which facts to emphasize is akin to lowering the blindfold and taking a peek, thereby rejecting equal justice under the law. Those who are called to judge must adhere to the rule of law no matter what they personally think the law should be or what the outcome of a particular case should be.

After she was nominated to the Supreme Court, Judge Sotomayor told the Judiciary Committee:

My personal and professional experiences help me listen and understand, with the law always commanding the result in every case.

So we are left to wonder what has caused this contradiction, and whether she still believes that judges may choose to see the facts they want to see to get the result they want to get.

Also, I indicated I had a concern about foreign law. Another very puzzling contradiction in Judge Sotomayor's testimony involves the issue of judges looking to foreign law when deciding cases.

In her testimony before the Judiciary Committee, Judge Sotomayor said:

I have actually agreed with Justices Scalia and Thomas on the point that one has to be very cautious even in using foreign law with respect to the things American law permits you to.

However, in March of this year, in a speech to the ACLU of Puerto Rico, she did not seem to agree with Justices Scalia and Thomas when she said:

And that misunderstanding is unfortunately endorsed by some of our Supreme Court justices. Both Justice Scalia and Justice Thomas have written extensively criticizing the use of foreign and international law . . . in Supreme Court decisions. How can you ask a person to close their ears? Ideas have no boundaries. Ideas are what set our creative juices flowing. They permit us to think, and to suggest to anyone that you can outlaw the use of foreign or international law is a sentiment that's based on a fundamental misunderstanding. What you would be asking American judges to do is to close their minds to good ideas. . . . Unless American courts are more open to discussing the ideas raised by foreign cases, and by

international cases, we are going to lose influence in the world.

Mr. President, I do not agree. In fact, that a nominee to the highest Court in our land would say that our Constitution and our statutes in America may be interpreted by reliance on foreign law is alarming.

The Supreme Court is charged with deciding the constitutionality of a law or interpreting it in the context of our American system of justice, not in accordance with selectively chosen foreign laws, which are numerous, contradictory, and often inconsistent with American jurisprudence. How else would a judge choose among these various foreign laws and precedents other than selecting those that align with that judge's personal opinion?

Mr. President, I have raised three issues today that have caused me very significant concern: Judge Sotomayor's interpretation of the second amendment right to keep and bear arms, clearly written after the Supreme Court of the United States has given the guidance necessary for us to resolve the issue; her penchant toward choosing facts, enabling a judge or Justice, in this case, to reach the outcomes they want regardless of the way the law should be applied and the outcome that the law would otherwise require; and her willingness to allow American jurisprudence to be determined at the highest levels in our land by reliance on foreign law, foreign cases, and foreign precedent.

For these reasons, I cannot support President Obama's nomination of Judge Sotomayor to the Supreme Court. When we get to the vote on it this week, I will cast a "no" vote. I recognize the likelihood is her nomination will proceed and be confirmed, but it is my keen hope and conviction the issues I have raised and that many others have raised today will be heard and that, regardless of the outcome of the vote in the Senate this week, Judge Sotomayor, if she is confirmed, and all Justices on the Supreme Court will continue to recognize the fundamental nature of our right to bear arms under the second amendment; that they will focus on the proper role of judges not in creating law but in interpreting the law, and that they will decline to rely on foreign law to interpret and to create American jurisprudence.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I wish to begin by thanking the members of the Judiciary Committee for con-

ducting a thorough, fair, and respectful confirmation hearing. Judge Sotomayor herself stated that the hearing was as gracious and fair as she could have hoped. I consider that statement to be a tribute to Senators Leahy, Sessions and the committee members and their staffs and I commend them.

Article II, section 2 of the Constitution states that the President shall nominate—by and with the advice and consent of the Senate—Judges of the Supreme Court. The constitutional duty of "advice and consent" given to the Senate is of profound importance, particularly when considering a lifetime appointment to the Nation's highest Court. In reviewing Judge Sotomayor's nomination, I have taken this obligation very seriously.

Following Judge Sotomayor's nomination by the President, I, as did nearly all my colleagues in this Chamber, had a private, one-on-one meeting with her. We had a very cordial conversation, one in which I found Judge Sotomayor to be likeable and gracious. I appreciated learning more about her background. Make no mistake, Judge Sotomayor has a great personal and professional story to tell. She is proud of it, and she certainly should be. But in the instance of a Supreme Court nominee, the constitutional duty of advice and consent given to the Senate is not about personalities, likeability or life stories. It is about judicial philosophy and adherence to impartiality and fidelity to the law.

After careful consideration of her record, I was left with a number of irreconcilable concerns. I am deeply troubled by what I see as Judge Sotomayor's aversion to impartiality. The judicial oath requires judges to:

Administer justice without respect to persons, and do equal right to the poor and to the rich, and . . . faithfully and impartially discharge and perform all the duties incumbent upon [them] under the Constitution and laws of the United States.

To be clear, the oath requires judges to be impartial with respect to their social, moral and political views and to apply the law to the facts before them. In other words, provide equal justice under the law.

Yet Judge Sotomayor appears to believe in a legal system where decisions are based upon personal experiences and group preferences, not the letter of the law. Judge Sotomayor has said on repeated occasions that she:

Willingly accept[s] that judge[s] must not deny the differences resulting from experience and heritage but attempt . . . continuously to judge when those opinions, sympathies, and prejudices are appropriate.

These are her own words. She has stated many times, during more than a decade, that her background and personal experiences will affect the facts she chooses to see as a judge. In our brief meeting in June, Judge

Sotomayor stated this notion a slightly different way, by saying her Latina heritage caused her to “listen a different way.” I find these to be disconcerting statements which seem to conflict with the impartiality that I and an overwhelming majority of Americans believe is essential to our judicial system and even the very bedrock principles our Nation was founded upon.

In looking at her rulings, I noted that the Supreme Court has disagreed with Judge Sotomayor in 9 out of 10 cases it has reviewed and affirmed her in the remaining case by a narrow 5-to-4 margin. This record was demonstrated most recently in the Ricci case, where a majority of Justices of the Supreme Court rejected Judge Sotomayor’s panel decision. This is a case in which a group of firefighters who had studied for months and passed a test were denied promotion because not enough minority firefighters had done as well. In a one-paragraph, unsigned, and unpublished cursory opinion, Judge Sotomayor summarily—almost casually—dismissed the claims of these firefighters who had worked hard for a promotion.

When discussing the qualifications he would look for in replacing Justice Souter, President Obama said:

I view the quality of empathy, of understanding and identifying with people’s homes and struggles as an essential ingredient for arriving at just decisions and outcomes.

Empathy is a great personal virtue, but there is a difference between empathy as a person and empathy as a judge. Judges should use the law and the law only, not their personal experiences or personal view or empathy. Personal biases and empathy have no place in reaching a just conclusion under the law. Ricci is an example of where Judge Sotomayor clearly failed this important test.

In addition, I am deeply concerned about Judge Sotomayor’s decision in *Maloney v. Cuomo*, a second amendment case that could very easily be decided by the Supreme Court in the next year. In last year’s *Heller* decision, the Supreme Court ruled that the second amendment guarantees an individual right to keep and bear arms. Yet, in *Maloney*, Judge Sotomayor relied on 19th century cases, arguably superseded after *Heller*, to summarily hold that the second amendment does not apply to the States. If Judge Sotomayor’s decision is allowed to stand, the States will be able to place strict prohibitions on the ownership of guns and other arms. In refusing to confirm that the second amendment—a right clearly enumerated in the Bill of Rights—is a fundamental right that applies to all 50 States and, thus, to all Americans, Judge Sotomayor shows an alarming hostility to law-abiding gun owners across the country. That is a view that is certainly out of the mainstream in this Nation.

What is perhaps even more troubling is that *Maloney* is another example where Judge Sotomayor joined an unsigned, cursory panel decision. If she is confirmed to the Supreme Court, Judge Sotomayor will routinely hear cases raising fundamental constitutional issues such as *Maloney*. Those are the types of cases the Supreme Court hears. That is why issues of this nature make it to the Supreme Court. Yet Judge Sotomayor has a record of routinely dismissing such cases with difficult constitutional questions of exceptional importance to Americans with little or no analysis.

As an appeals court judge, Judge Sotomayor and her rulings are subject to a safety net: Her cases can be reviewed by the Supreme Court. In Ricci, the firefighters whose promotions were denied could appeal the decision and receive impartial justice. There is no backstop to the Supreme Court. Therefore, Judge Sotomayor’s elevation to our Nation’s highest Court takes on much more significance than her previous selection to the appeals court.

So let me be clear: I have tremendous respect for Judge Sotomayor’s life story and professional accomplishments. I commend her for her achievements, and I wish her well in the future. However, I am not convinced she understands the proper role of the courts in our legal system. Her record and her pronouncements are those of someone who sees the court as a place to legislate and make policy. I am not convinced Judge Sotomayor truly believes in the bedrock of our judicial system, which is impartiality under the law. Therefore, I must withhold my consent and vote no on her confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of the nomination of Sonia Sotomayor to serve as an Associate Justice of the U.S. Supreme Court.

The Constitution grants the President the power to nominate and appoint individuals to the Federal judiciary. It also gives the Senate the power of advice and consent to such appointments. It does not, however, provide any specific guidance to the Senate on how we should exercise this important power.

In a democracy, discourse and disagreement are inevitable. Some, including myself, would say that these ingredients are not only expected, they are necessary for the healthy continuation of our vibrant, dynamic democracy.

Given this backdrop, disputes regarding the scope of the Senate’s power of “advice and consent” are not uncommon or unexpected whenever the President puts forth a nominee for the Supreme Court. In fact, the ink on our Constitution was barely dry when the

Senate rejected John Rutledge, one of President Washington’s 13 nominees to the Supreme Court. Some Senators suggested they had voted against Mr. Rutledge out of a concern that he was losing his sanity. But the main reason for opposition to Mr. Rutledge appears to have been the nominee’s opposition to the Jay Treaty with Great Britain—a treaty popular with the federalist-controlled Senate.

Since Mr. Rutledge’s rejection by the Senate in 1795, Senators have continued to grapple with the criteria applicable to their evaluation of Supreme Court nominees and the degree of deference that should be accorded to the President.

There is no easy answer to this difficult question. Some argue that closer scrutiny by the Senate and less deference to the President is required when confirming judicial nominees, not only because Federal judges are in a separate branch of government but also because they have lifetime appointments. Thus, constitutional law scholar John McGinnis concludes that the text of the Constitution gives the Senate “complete and final discretion in whether to accept or approve a nomination.”

Many other legal scholars, however, articulate a more constrained role for the Senate. They argue that the Senate’s power should be exercised narrowly, giving extraordinary deference to the President. Under this standard, the Senate would not reject judicial nominees unless they were clearly unqualified to serve.

Citing Alexander Hamilton’s *Federalist* 76, those who would constrain the Senate’s review of judicial nominees explain that the “advice and consent” responsibility was only intended as a safeguard against incompetence, cronyism, or corruption. As Dr. John Eastman testified before the Judiciary Committee in 2003, the Senate’s power of “advice and consent” does not give “the Senate a coequal role in the appointment of Federal judges.”

The constitutional arguments on both sides of this question of how much deference to give the President are enlightening. But, as is so often the case, my personal belief is that the truth lies between the two extremes. As a Senator, I have afforded considerable deference to both Democratic and Republican Presidents on their Supreme Court nominees. In considering judicial nominees, I carefully consider the nominee’s qualifications, competency, personal integrity, judicial temperament, and respect for precedent. Those are the tests I have applied to Sonia Sotomayor. Having reviewed her record, questioned her personally, and listened to the Judiciary Committee hearings, I have concluded that Judge Sotomayor should be confirmed to our Nation’s highest Court.

My decision to support this nominee does not reflect agreement with her on

all of her rulings as a judge serving on the Second Circuit Court of Appeals. I disagreed, for example, with the perfunctory manner in which Judge Sotomayor has disposed of one case of constitutional consequence. Her panel's cursory analysis of the complex and novel questions about the 14th amendment's equal protection clause and title VII in the Ricci case—the case involving the New Haven firefighters, which has been called a reverse discrimination case—was as unfortunate as the decision itself. Indeed, in contrast to her panel's one-paragraph opinion, the Supreme Court, in this case, needed nearly 100 pages to debate and resolve just the statutory question presented—never mind the difficult constitutional questions that were set aside for another day.

But my concerns about a handful of Judge Sotomayor's rulings, as well as some of her prior comments over the course of her 17 years on the Federal bench, do not warrant my opposing her confirmation. Upon reading some of her other decisions, talking personally with her, questioning her at length, and hearing her response to probing questions, I have concluded that she understands the proper role of a judge and that she is committed to applying the law impartially, without bias or favoritism. Specifically, in her testimony before the Judiciary Committee, Judge Sotomayor reaffirmed that her judicial philosophy is one of "fidelity to the law."

She pledged "to apply the law," not to make it. She testified that her "personal and professional experiences" will not influence her rulings.

There is no question in my mind that Judge Sotomayor is well qualified to be an Associate Justice of the Supreme Court. She has impressive legal experience. She has excelled throughout her life, and she is a tremendously accomplished person. Indeed, the American Bar Association Standing Committee on the Federal Judiciary—after an exhaustive review of her professional qualifications, including more than 500 interviews and analyses of her opinions, speeches, and other writings—unanimously rated her as "well qualified."

Based on my personal review—a careful review—of her record, my assessment of her character, and my analysis of her adherence to precedent, Judge Sotomayor warrants confirmation to the High Court.

I know I will not agree with every decision Justice Sotomayor reaches on the Court, just as I have disagreed with some of her previous decisions. I believe, however, that her legal analyses will be thoughtful and sound and that her decisions will be based on the particulars of the case before her. My expectation is that Justice Sotomayor will adhere to Justice O'Connor's admonition that "a wise, old woman and

a wise, old man would eventually reach the same conclusion in a case."

Based on her responses to the Judiciary Committee, Justice Sotomayor will avoid the temptation to usurp the legislative authority of the Congress and the Executive authority of the President. As Chief Justice John Marshall famously wrote in *Marbury v. Madison*, the Court must "say what the law is." That, after all, in a nutshell, is the appropriate role for the Federal judiciary. For a judge to do more would undermine the constitutional foundations of the separate branches.

I will cast my vote in favor of the confirmation of Judge Sotomayor, as I believe she will serve our country honorably and well on the Supreme Court.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise today in wholehearted support of the historic nomination of Judge Sonia Sotomayor to become an Associate Justice of the U.S. Supreme Court.

I have two words to summarize my feelings about this nomination: It's time. It is time we have a nominee to the Supreme Court whose record has proven to be truly mainstream. It is time we have a nominee with practical experience in all levels of the justice system, whose upbringing in a Bronx housing project, whose experience as a prosecutor, litigator, and district court judge has enabled her to see, as she said in her own statement, "the human consequences" of her decisions. And it is time that we have a nominee who is Hispanic, a member of the fastest growing population in America. Finally, it is time that we have a frank discussion about what is preventing so many colleagues on the other side of the aisle from supporting Judge Sotomayor.

In short, this is the time, and it is time. It is time we have a moderate nominee. It is time we have someone with a great family history, an American family history. It is time we confirm the first Hispanic Justice to the U.S. Supreme Court.

Let's start with Judge Sotomayor's record, which is most important. Several of my Republican colleagues said, as they cast their votes against her in the Judiciary Committee, that they did not know what kind of Supreme Court Justice they might be getting in Judge Sotomayor. I find this conclusion to be confounding. Judge Sotomayor is hardly a riddle wrapped in mystery inside an enigma. No matter what cross sec-

tion we take of her extensive record, down to examining individual cases, we see someone who has never expressed any desire or intention to overturn existing precedent, nor have my colleagues been able to point to any such case.

Instead, we see someone who lets the facts of each case guide her to the correct application of the law. We see someone who does not put her thumb on the scales of justice for either side, even if any sentient human being would want to reach a different result for a sympathetic plaintiff.

We know more about Judge Sotomayor than we have known about any nominee in 100 years. The 30,000-foot view of her record, gleaned from numerous studies about the way she has ruled in cases for 17 years—and that is the best way to tell how a judge is going to be, to look at their previous cases—when you look at those cases, it tells plenty about her moderation.

She has agreed with her Republican colleagues 95 percent of the time. She has ruled for the government in 83 percent of immigration cases, presumably against the immigrant. She has ruled for the government in 92 percent of criminal cases, against the criminal. She has denied race claims in 83 percent of cases. She has split evenly in a variety of employment cases.

No matter how we slice and dice these cases, we come up with the same conclusion about her moderation.

Within the category of criminal cases she decided, she ruled for the government 87 percent of the time in fourth amendment cases. This is important because the fourth amendment is an area where decisions are highly fact based and judges have discretion to decide when police have overstepped their bounds in executing searches and seizures. But she has not abused this discretion. In the overwhelming number of cases, she sides with the government, deciding each case carefully based on the facts before her.

Let's also look further at her immigration asylum cases. There she ruled for the government, against the petitioner for asylum, in 83 percent of the cases. That is also telling of her modulated approach to judging. Asylum law, as her colleague Judge Newman has pointed out, gives judges a great deal of discretion to decide who can be granted asylum to stay in the United States. Judge Sotomayor has not abused this discretion a jot.

Given her upbringing in a Hispanic neighborhood of the Bronx, we might expect that her personal background would make her more, to borrow a term, empathetic to an immigrant seeking asylum. But the cases show that any perceived empathy did not affect her results. In fact, her 83-percent record puts her right in the middle of judges in her circuit.

Even in the realm of sports cases, which are always contentious and

closely watched, Judge Sotomayor has shown her evenhandedness. She ruled for the professional football league in an antitrust case brought by a player and against Major League Baseball when she ruled for the players and ended the baseball strike.

I can go on. Judge Sotomayor voted to deny the victims of TWA flight 800 crash a more generous recovery because that was “clearly a legislative policy choice, which should not be made by the courts.” If you have empathy, you certainly are going to decide with the victims. I met some of their families. She did not. The law did not allow her.

Judge Sotomayor ruled against an African-American couple who claimed they were bumped from a flight because of their race. Again, against a couple, a case called *King*, that said they were racially discriminated against. She did not think the facts merited their suit.

Judge Sotomayor rejected the claims of a disabled Black woman who said she was unfairly denied accommodations that were provided to White employees.

My Republican colleagues did not ask her about these cases. Instead, they looked at her speeches, not her cases, and decided that Judge Sotomayor believed it was the proper role of the court of appeals to make policy, and they condemned her roundly for this view.

Then they criticized her for not making policy in cases where they disagreed with the outcome. This occurred in three cases—in *Ricci*, which involved the New Haven firefighters, a second amendment case, and a case involving property rights. I guess from the point of view of my Republican colleagues, judicial policy making is a bad thing except when it is not.

In each of these three cases they criticized, where they criticized the short opinions which she did not even write for herself, they said the ruling showed she was unable or unwilling to grapple with major constitutional issues. But in each of these cases, Judge Sotomayor agreed with the other two members of her court that the second circuit or Supreme Court precedents squarely dictated the result. There was no need for a fuller explanation. In fact, second circuit rules forbade panels from revisiting squarely divided precedents. In other words, in these cases, she was avoiding making policies. The cases were governed by the precedents. She was bound. They were decided by settled law. It was just the fact my friends across the aisle do not like what the settled law was. So we are getting awfully close to a double standard here.

In *Ricci*, they wanted her to overturn the second circuit discrimination law. And in the gun case, they wanted her to ignore a 100-year-old precedent that

governs how the second amendment is applied to the States.

In the property rights case, they wanted her to ignore the law that governed the statute of limitations.

My colleagues asked Judge Sotomayor about an EPA case. In that case, she ruled the EPA had mistakenly considered a certain factor in deciding whether a company had used the “best technology available” to clean water. Even though she gave deference to EPA’s interpretation of the law, Judge Sotomayor ruled against the government.

Yet, my friend, Senator SESSIONS of Alabama, stated that one of his reasons for opposing Judge Sotomayor is that she exhibits liberal progovernment ideology. It appears that being progovernment is a bad thing, except when it is not.

Let’s talk about her answers to questions. Some of my friends on both sides of the aisle have said Supreme Court nominees need to be more forthcoming during the confirmation process. They fear that the hearings have become a little more than a choreographed Kabuki dance in which, as Senator SPECTER observed some time ago, nominees answered just enough questions to get confirmed.

I have shared this concern as well. It is too easy for a candidate who wishes to hide his or her ideology to decline to answer questions, to submit to cautious coaching, and to offer meaningless platitudes—promises that they would keep an open mind, respect the law, give everyone an equal chance. Of course, they would.

Candidates with little to hide, not surprisingly, have answered more questions than stealth nominees who have truly been outside the mainstream. Examples of candidates who had nothing up their sleeves and answered questions in a straightforward manner include Judge Stephen Breyer in 1994. He answered the question posed by Senator HATCH: “Do you believe that *Washington v. Davis* is settled law; and second, do you believe it was correctly decided?” And then-Judge Ruth Bader Ginsburg—despite criticisms that she begged off too many questions—answered questions about abortion precedent and *Casey*.

Justices Alito and Roberts, in stark contrast, declined to answer question after question after question. Then-Judge Roberts would not answer the most basic questions about settled commerce clause jurisprudence. Then-Judge Alito would not say whether he thought the constitutional right to privacy included the holding of *Roe*.

I think we can see now, and I will discuss this in more detail, that this was part of a strategy to play an ideological shell game.

Now we are presented with a candidate whose views are truly moderate, as proven through the most copious

records in 100 years. Nonetheless, my friend, Senator GRASSLEY, of Iowa believes that “Judge Sotomayor’s performance at her Judiciary Committee hearing left me with more questions than answers.” I have to respectfully disagree.

But Judge Sotomayor, again, in addition to her full and transparent record, proved in her answers that she is not a stealth candidate. On abortion and the holding of *Roe*, when asked by Senator FRANKEN: “Do you believe that this right to privacy includes the right to have an abortion?” Judge Sotomayor answered clearly and to the point: “The Court has said in many cases—and as I think has been repeated in the Court’s jurisprudence in *Casey*—that there is a right to privacy that women have with respect to the determination of their pregnancies in certain situations.” Clear. To the point.

When then-Judge Roberts was asked this question, he replied:

Well, I feel I need to stay away from a discussion of particular cases. I’m happy to discuss the principles of *stare decisis*, and the Court has developed a series of precedents on precedent, if you will. They have a number of cases talking about how this principle should be applied.

So who spoke clearly to the question? If you don’t believe Judge Sotomayor did, how could you vote for Judge Roberts?

On property rights, when asked by Senator GRASSLEY about her understanding of the Court’s holding in *Kelo*, Judge Sotomayor explained fully her understanding of the Court’s holding, and there is a quote. When asked about his view of *Kelo*, then-Judge Alito declined to discuss the case. There are many more examples of how Judge Sotomayor answered questions about existing cases in much fuller detail than the past two nominees and certainly about the key cases—property rights and abortion—which we debate, as we should, in this body.

As I said at the outset, it is time. It is time for a searching examination of why some of my colleagues are still determined to vote against Judge Sotomayor. She has a remarkably moderate record, she is highly qualified, she answers questions, and she is a historic choice who will expand the diversity of the Court.

What nominee of President Obama’s would my Republican colleagues vote for—one who would have reached out and found that the right to bear arms should be incorporated to apply to the States, despite 100-year-old precedent to the contrary; one who would have ignored the Second Circuit precedent and prohibited the city of New Haven from trying to fix a promotional exam to give minorities a better chance at advancement; one who declined to answer questions about existing precedence? In other words, an activist who was intent on changing the law?

Of course, we now turn to the last refuge of objection to Judge Sotomayor: her statements outside the courtroom. I have always been a strong advocate of the principle that we consider carefully each nominee's entire record, including speeches and other judicial writings. But Judge Sotomayor is different than most because she has an enormous judicial record to review and consider. She is not a stealth candidate. There is a push and pull here in terms of what is important to evaluate with respect to each individual nominee. With 17 years of judicial opinions, 30 panel opinions, and 3,000 cases in total, how much emphasis should we put on the three words "wise Latina woman," whether we disagree with them or not?

I would submit the answer should be, compared to her copious record, not much. Nonetheless, by my count, my colleagues on the other side of the aisle asked no fewer than 17 questions about her "wise Latina woman" comment. In contrast, they asked questions of about 6—of Judge Sotomayor's cases over the course of the 3 days; 6 cases out of 3,000 in 17 years of judging.

I don't agree with this approach to analyzing her record. Nonetheless, I agree with my colleague, Senator GRAHAM—who is voting for her after engaging in arguably the most searching examination of her speeches—that we are entitled to know who we are getting as a nation. He is absolutely right. Certainly it is appropriate to look at her speeches, but let us give them proper weight and proper context.

And let us be clear about another thing: Judge Sotomayor is no Robert Bork. She is no Judge Roberts or Judge Alito. She has not made comments outside the courtroom that indicate her strong views on abortion or her views that the power of Congress must be severely curtailed or that a substantial body of first amendment jurisprudence should be overturned. Again, if the standard is extrajudicial statements, my colleagues seem to be using a different standard for Judge Sotomayor than the standard they used for judges such as Roberts, Alito, and Thomas.

But let me give my friends some reassurance. The proof is in the pudding. Judge Sotomayor is and always has been a moderate judge. Similar to many judges across the country, she has remained neutral in race cases, in spite of her race; in gender cases in spite of her gender; in first amendment cases in spite of racist and repugnant speakers. The scales of justice in her courtroom are not weighted.

Let me now conclude by discussing the precedent set by past nominations—more broadly, where I think my colleagues are headed and where we ought to be going instead. In 2001, I wrote an op-ed arguing that we need to take ideology into account when evaluating judges. I wrote that op-ed be-

cause I was astounded by the nominees President Bush's administration was sending to the Senate.

The conservative movement had captured Congress and the White House for the first time. But even though conservatives—strong conservatives, hard-right conservatives—controlled these two branches, the hard right was not able to move the country as far to the right as they had hoped. So they turned to the judiciary. They couldn't do it with the President, even though they had elected him. They couldn't do it with the House or the Senate, even though, again, the hard right had predominated. So they turned to the one unelected branch—the judiciary—to advance the agenda they weren't able to move through the democratically elected branches of government.

The Bush administration complied with the hard right and nominated judges who were so far out of the mainstream it would have been irresponsible for us to confirm them blindly. So we asked them questions about their judicial philosophy and their ideology, and our questions were not met with thorough answers or with a demonstrated record of mainstream judging but with banalities or even obstinate silence.

If we tried to rank the ideology of nominees on a scale of 1 to 10, with 1 being all the way to the right, such as Judge Thomas, and 10 being all the way to the left, such as Justice Brennan, I think the Bush nominees to the Supreme Court and court of appeals were almost exclusively 1's and 2's—way over. If you looked at President Clinton's nominees, they were somewhat left of center. But not much, mainly sixes and sevens—prosecutors, partners in law firms—not lawyers who had spent their careers in activist causes.

President Obama has taken a different approach. He is trying to return the Court to the middle, to the pre-Bush days, the days of having judges who may not be exactly what the right wants in a judge or even what the left—the far left—wants in a judge. We are returning to the days where judges were fives and sixes and sevens—maybe fours. They were squarely in the mainstream. We are returning to the days when judges put the rule of law first.

Somehow my Republican colleagues are aghast. The only judges they seem to want to vote for are ones and twos—judges who are on the hard right. The President is not going to nominate judges who have that view. After all, elections do matter.

My colleagues say they do not want activist judges. What they mean is they do not want judges who will put the rule of law first. They only want judges who will impose their own ultra-conservative views. An activist now seems to be not someone who respects the rule of law but someone who is not hard right. If you are mainstream, even

though you are interpreting the law, you are an activist because you will not turn the clock back.

We must and will continue to fight for mainstream judges.

I have heard some say this fight isn't about Judge Sotomayor, given her proven record of mainstream judging and fidelity to the law. These commentators argue that Republicans are laying down their marker for President Obama's next nominee. I don't know who that nominee will be, but I am confident it will be a qualified candidate who is significantly more in the mainstream, if you take the mainstream being the actual place where the middle of America is—more in the mainstream than Justices Thomas or Scalia or Roberts or Alito or some of the nominations we considered under the Bush administration, such as Miguel Estrada or Janice Rogers Brown or Charles Pickering. I am confident the next nominee will be consistent with the nominees President Obama has been sending us—moderate, mainstream, and rule of law.

At one point, the Republican Party argued for precedent and for strict construction because they wanted to push back on certain new precedents they thought were beyond the Constitution—precedents such as *Roe* and *Miranda*. But things have changed. Americans have accepted *Roe* and Americans have accepted *Miranda*. Now my colleagues want to change the law, so they have changed their methodology without changing the nomenclature. They still call judges activist, even though they want to stick to established law. I think it is a shame.

It is a shame that some of my colleagues can't put aside their own personal ideology and vote for a judge whom they might not have chosen but who is unquestionably mainstream. It is a shame we will not have the kind of nearly unanimous vote in favor of this nominee that judges on both sides of the aisle—from Justice Ginsburg to Justice Scalia—have received in the past. I think it is a shame the debate about this historic nomination has been distilled to disputes over snippets of speeches.

But we are not going to let that stop the national pride we take in this moment. We are not going to let it stop us from confirming, by a broad and bipartisan margin, Judge Sonia Sotomayor to be the first Hispanic Justice on the U.S. Supreme Court.

In conclusion, as John Adams said: "We are a Nation of laws, not of men." But if the law were just words on parchment, it would never evolve to reflect our own changing society. "Separate but equal" would never have been understood to be "inherently unequal." Equality for women would never have been viewed as guaranteed under the Constitution's promise of equal protection under law. In fact, the second

amendment might never have been viewed to extend beyond the right to possess a front-loading musket to defend, in a militia, against an occupying force.

With the nomination of Judge Sotomayor, we have an opportunity—a noble opportunity—to restore faith in the notion that the courts should reflect the same mainstream ideals that are embraced by America. Our independent judiciary has served as a beacon of justice for the rest of the world. Our system of checks and balances is the envy of every freedom-seeking nation. As I look at the arc of Judge Sotomayor's life, her record, and these hearings, I am confident we are getting a Justice who both reflects American values and who will serve them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, every American should be proud that a Hispanic woman has been nominated to serve on the Supreme Court. In fulfilling our advice and consent role, of course, Senators must evaluate Judge Sotomayor on her merits, not on the basis of her ethnicity.

As I noted at the beginning of Judge Sotomayor's hearing, she has a background that creates a *prima facie* case for confirmation. She graduated from Princeton University and Yale Law School and then was an assistant district attorney, a corporate litigator, a district court judge, and a circuit court judge.

This background led the American Bar Association to rate her "Well Qualified." My counterpart on the Democratic side, Senator DURBIN, has said, "The burden of proof for a Supreme Court Justice nominee is on the nominee. . . . No one has a right to sit on the Supreme Court. . . . It is not enough for a nominee to be found well qualified by the American Bar Association."

It is obvious that the Senate cannot just rubberstamp the ABA. This is why we conduct our own evaluation of the nominee's background and record and then attempt to resolve outstanding questions at her hearing.

In evaluating a nominee, it is, of course, important to look at all aspects of the person's career. The nominee's prior judicial opinions are obviously an important consideration in this process. A lower court judge who issues judicial opinions that are outside the mainstream will, in all likelihood, continue to issue opinions that are outside the mainstream if promoted to a higher court.

But even judicial opinions do not tell us the entire story, especially when we are considering a nominee to the Supreme Court. District and appellate court judges operate under the restraining influence of judicial review.

They have a strong incentive to avoid aberrant interpretations of the law, otherwise they risk embarrassment if cases are appealed to a higher authority. This check disappears, however, when a judge becomes a justice on the Supreme Court. There is no higher authority to reign in a lifetime-appointed Justice who decides, for whatever reason, to adopt a strained interpretation of the law.

Nor will a nominee generally be very specific about how he or she may rule on matters that could come before the Court.

So it is important to examine anything else in a nominee's background that could shed light on how the nominee really thinks about important issues. One source of information is a nominee's extrajudicial statements in speeches and writings. In these contexts, the nominee is not constrained by facts of particular cases, by precedents or the fear of appellate reprimand, but can say what he or she really thinks.

Before Judge Sotomayor's hearing, I studied not only her cases, but her extrajudicial writings, and a fraction of her speeches. I say a "fraction" because Judge Sotomayor was either unable or unwilling to provide a draft, video, or a sufficient topic description for more than 100 of the speeches that she identified for the Judiciary Committee.

But even with less than a full complement of her relevant materials, I saw a number of things in Judge Sotomayor's decisions and speeches that caused me to have great concern about her ability to put aside her biases and to impartially render a decision to the parties before her.

As I will explain, Judge Sotomayor's appearance before the Judiciary Committee did little to dispel my concerns. In many cases, her testimony exacerbated them.

I was and remain particularly troubled by Judge Sotomayor's speeches about gender and ethnicity. The speech that has garnered the most attention is, of course, her "wise Latina woman" speech, which was published in the *Berkeley La Raza Law Journal*. As it turns out, Judge Sotomayor delivered this same speech, with only minor variations, on multiple occasions over the course of several years.

In reading these speeches in their entirety, it is inescapable that her purpose was not simply "to inspire young Hispanic, Latino students, and lawyers," as she asserted at her hearing. In fact, as she said at the beginning of several of these speeches, her purpose was to talk about "my Latina identity, where it came from, and the influence I perceive it has on my presence on the bench."

Judge Sotomayor reemphasized this theme later in her speeches. She said: "The focus of my speech tonight, how-

ever, is not about the struggle to get us where we are and where we need to go, but instead to discuss . . . what . . . it will mean to have more women and people of color on the bench."

She continued: "[N]o one can or should ignore pondering what it will mean or not mean in the development of the law." In these speeches, she cited statements of some who had a different point of view than hers. Then she came back to her overriding theme: "I accept the proposition that, as Judge Resnik describes it, 'to judge is an exercise of power,' and because as . . . Professor Martha Minnow of Harvard Law School states 'there is no objective stance but only a series of perspectives—no neutrality, no escape from choice in judging. . . .'"

I believe judges must seek objective truth as found in the law of the case. I do not believe in judicial relativism, so I find her comment alarming. The essence of judging is neutrality. That is why Lady Justice is depicted with a blindfold. And that is why Federal judges are required to swear an oath to "administer justice without respect to persons, and do equal right to the poor and to the rich" and to "faithfully and impartially discharge all of the duties incumbent on [her]." That oath makes no allowance for a judge to choose the result based on his or her "perspective." The oath requires exactly the opposite: a dispassionate adherence to impartiality and the rule of law.

Now, back to Judge Sotomayor's speech. After agreeing with law professors who say that there is no objective stance, only a series of perspectives, no neutrality, Judge Sotomayor then said, "I further accept that our experiences as women and people of color will in some way affect our decisions. . . . What Professor Minnow's quote means to me is not all women or people of color, in all or some circumstances, or me in any particular case or circumstance, but enough women and people of color in enough cases will make a difference in the process of judging. Judge Sotomayor is talking here about different outcomes in cases based upon who the judge is. She goes on to substantiate her case by citing an outcome in a State court father's visitation case and two studies, which tended to demonstrate differences between women and men in making decisions in cases. She said, "As recognized by legal scholars, whatever the reason, not one woman or person of color in any one position, but as a group, we will have an effect on the development of law and on judging." She continued: "our gender and national origins make and will make a difference in our judging."

To recap: Judge Sotomayor announced her topic, developed the theme, refuted the arguments of those with a different view, and substantiated her point of view with some evidence. Up to this point, she had made

the case that gender or ethnicity will have an impact on the way judges decide cases. She had not rendered a judgment about whether this influence would provide better outcomes from her perspective.

This is the context of the “wise Latina” comment. Judge Sotomayor quoted Justice O’Connor who said that a wise old woman and a wise old man would reach the same decisions. But, Judge Sotomayor said, “I am also not sure I agree with that statement. . . . I would hope that a wise Latina woman with the richness of her experiences would, more often than not, reach a better conclusion than a white male who hasn’t lived that life.”

Judge Sotomayor concluded, in other words, that, not only will gender and ethnicity make a difference, but that they should make a difference. She then acknowledged that some White male judges had made some good decisions in the past, but seemed to complain that it took a lot of time and effort, something that not all people are willing to give, and so on.

Judge Sotomayor concluded by saying, “In short, I accept the proposition that a difference will be made by the presence of women and people of color on the bench and that my experiences will affect the facts that I choose to see as a judge.” Judge Sotomayor added, “I simply do not know exactly what that difference will be in my judging. But I accept there will be some based on gender and my Latina heritage.”

Even if the point of her speech was just to inspire young people or even to explore the question of whether judges could be influenced by their background, she should not have simply “accepted” that result. To conclude that judges could not avoid being so influenced and then not admonish that, of course, a judge must try his or her best to avoid that result, to try to set aside any bias and prejudice, was to abdicate her role as a judge in teaching her audiences.

Never, not once, in her speech, did she say that the biases she discussed were harmful to impartial judging and needed to be set aside. Instead, Judge Sotomayor’s speeches seem to be celebrating these differences, these biases. The clear and unmistakable inference in her speeches is that she embraces the fact that minorities and women will reach a different outcome, indeed, a “better” outcome.

Before the Judiciary Committee, Judge Sotomayor refused to recant the speeches or acknowledge this egregious omission. But she did try desperately to convince committee members that her words conveyed a message other than the obvious one. Indeed, according to Judge Sotomayor, her words conveyed the exact opposite meaning. She said: “I was talking about the very important goal of the justice system is to ensure that the personal biases and

prejudices of a judge do not influence the outcome of a case. What I was talking about was the obligation of judges to examine what they’re feeling as they’re adjudicating a case and to ensure that that’s not influencing the outcome.” I’ve read the speeches in their entirety many times, and have verified that that is most certainly not what she was “talking about.”

Judge Sotomayor’s recharacterization of her speeches before the Judiciary Committee sounds like the objective, neutral approach that her speech explicitly dismissed. It is hard to understand how the same person could honestly make both statements. They are irreconcilably antithetical.

Further examples abound, but for the sake of time I will offer only one more. When Judge Sotomayor tried to explain her disagreement with Justice O’Connor’s statement about how a wise old man and a wise old woman would reach the same conclusions, she said: “The words that I used, I used agreeing with the sentiment that Justice Sandra Day O’Connor was attempting to convey.” That’s not true. Her explanation strains credulity. Both as to whether she really believes judges should try to set aside biases, including those based on race and gender, and the basic element of judicial temperament, forthrightness and fidelity to the oath of truth she took before the Judiciary Committee, I conclude she did not carry the very low burden of proof.

I also would like to discuss another of Judge Sotomayor’s speeches, an address to the Puerto Rican ACLU on the subject of foreign law. But first, I should take a moment to explain why this issue is so critical.

There is a growing school of thought among some academics, and even some judges, that foreign law and practices should be used as an aid to understanding and interpreting our own laws and Constitution. This is problematic for two main reasons.

First, as Chief Justice John Roberts pointed out during his confirmation hearing, the consideration of foreign law by American judges is contrary to principles of democracy. Foreign judges and legislators are not accountable to the American electorate. Using foreign law, even as a thumb on the scale, to help decide key constitutional issues devalues Americans’ expressions through the democratic process. It is simply irrelevant, except in a very few specific situations.

Second, even if the use of foreign law were not inconsistent with our constitutional system, its use would free judges to enact their personal preferences under the cloak of legitimacy.

Against this backdrop, Judge Sotomayor delivered her April 28, 2009, speech entitled, “How Federal Judges Look to International and Foreign Law Under Article VI of the U.S. Constitution.” From that speech, we begin to

see how foreign law could shape Judge Sotomayor’s jurisprudence in the future. Her comments were not casual observations, but directed to this specific topic, and, presumably says what she means.

After conceding that judges “don’t use foreign or international law” as binding precedent in a case, she nonetheless maintained that foreign law could, and should, be “considered.” In Judge Sotomayor’s view, foreign law is a source for “good ideas” that can “set our [i.e., judges’] creative juices flowing.” Putting aside for a moment the fact that deciding an antitrust case, or a commerce clause dispute, or an Indian law issue, or an establishment of religion case does not require “creative juices,” Judge Sotomayor’s suggestion that judges consider foreign law would interfere with specific rules of construction or application of precedent.

Judge Sotomayor went on in this same ACLU speech to distance herself from two sitting justices who are critical of judges considering foreign law and align her views with those of Justice Ginsburg who recently endorsed the use of foreign law at a symposium at the Moritz College of Law at Ohio State University.

Specifically, Judge Sotomayor stated that “[t]he nature of the criticism comes from . . . the misunderstanding of the American use of that concept of using foreign law. And that misunderstanding is unfortunately endorsed by some of our own Supreme Court justices. Both Justice Scalia and Justice Thomas have written extensive criticisms of the use of foreign and international law in Supreme Court decisions. . . .”

She continues: “I share more the ideas of Justice Ginsburg in thinking . . . that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world. Justice Ginsburg has explained very recently . . . that foreign opinions . . . can add to the story of knowledge relevant to the solution of a question. And she’s right.”

Judge Sotomayor’s rationale for judges looking to foreign law—so that the United States does not “lose influence in the world”—is astonishing. Not only is such an approach irrelevant to the role of judges, vis-a-vis the other branches of government, and arguably usually irrelevant even for the President and Congress as a yardstick with which to measure U.S. domestic and foreign policy, it is totally irrelevant to the considerations for deciding any particular dispute between two parties.

In response to questions from committee members concerned about these kinds of statements, Judge Sotomayor again tried to drastically recharacterize her prior statements. She testified that her speech was quite clear

that “foreign law cannot be used as a holding or a precedent or to bind or to influence the outcome of a legal decision interpreting the Constitution or American law that doesn’t direct you to that law.” But in April of this year, Judge Sotomayor said, “ideas are ideas, and whatever their source, whether they come from foreign law or international law, or a trial judge in Alabama, or a circuit court in California, or any other place, if the idea has validity, if it persuades you, then you are going to adopt its reasoning.” These two statements cannot be squared, even though they occurred just 2½ months apart.

Later in her hearing, Judge Sotomayor gave the following testimony: “I will not use foreign law to interpret the Constitution or American statutes. I will use American law, constitutional law to interpret those laws except in the situations where American law directs the court.” While this kind of declarative statement would normally provide some measure of comfort, it is belied by words Judge Sotomayor uttered less than 3 months ago, that judges were “commanded” to look to “persuasive” sources, including foreign law, in interpreting our own law. And it is even inconsistent with an exchange Judge Sotomayor had with Senator SCHUMER earlier in the hearing, in which she agreed that foreign law could be used for the same purposes as traditional interpretive tools, such as dictionaries.

It gives me great pause that Judge Sotomayor could say one thing at a public speech earlier this year and say the opposite while under oath before the Judiciary Committee, especially since she never repudiated her speech.

Finally, when Judge Sotomayor had an opportunity to reflect upon her testimony, review the transcript, and correct the record, she reverted to her former position by spinning the meaning of the word “use.”

Specifically, as I just noted, in her hearing before the Senate Judiciary Committee, Judge Sotomayor testified under oath that “foreign law cannot be used as a holding or a precedent or to bind or to influence the outcome of a legal decision interpreting the Constitution or American law that doesn’t direct you to that law.” In written answers submitted for the record she wrote, “In my view, American courts should not ‘use’ foreign law, in the sense of relying on decisions of foreign courts as binding or controlling precedent, except when American law requires a court to do so. In limited circumstances, decisions of foreign courts can be a source of ideas, just as law review articles or treatises can be sources of ideas. Reading the decisions of foreign courts for ideas, however, does not constitute ‘using’ those decisions to decide cases.”

So we are back to “considering,” but not “using.” Or is it, using as ideas,

but not binding precedent? And if so, of what use are ideas if not used in some way? And if used in some way, could they influence the decision? I am totally baffled how she could consider foreign law as a source of ideas consistent with her testimony that foreign law should not influence the outcome of cases. Effectively, immediately after the hearing, she rescinded her sworn testimony regarding foreign law.

Judge Sotomayor’s supporters argue that we should not focus on her speeches, but on her “mainstream” judicial record. They cite all manner of statistics that purport to show that Judge Sotomayor agreed with her colleagues, including Republican appointees, the vast majority of the time. That may be true; but, as President Obama has reminded us, most judges will agree in 95 percent of all cases. The hard cases are where differences in judicial philosophy become apparent.

I have looked at Judge Sotomayor’s record in these hard cases and again have found cause for concern. The U.S. Supreme Court has reviewed directly ten of her decisions—eight of those decisions have been reversed or vacated, another sharply criticized, and one upheld in a 5–4 decision. Indeed, just in the past 4 months, the Supreme Court has reversed Judge Sotomayor’s panels three times. That does not inspire confidence.

The most recent reversal is a case in point. In *Ricci v. DeStefano*, a case where Judge Sotomayor summarily dismissed before trial the discrimination claims of 20 New Haven firefighters, the Supreme Court reversed 5–4, with all nine Justices rejecting key reasoning of Judge Sotomayor’s court. But in my view, the most astounding thing about the case was not the incorrect outcome reached by Judge Sotomayor’s court; it was that she rejected the firefighters’ claims in a mere one paragraph opinion and that she continued to maintain in the hearings that she was bound by precedent that the Supreme Court said didn’t exist.

As the Supreme Court noted, *Ricci* presented a novel issue regarding “two provisions of Title VII to be interpreted and reconciled, with few, if any, precedents in the court of appeals discussing the issue.” One would think that this would be precisely the kind of case that deserved a thorough and thoughtful analysis by an appellate court.

But Judge Sotomayor’s court instead disposed of the case in an unsigned and unpublished opinion that contained zero—and I do mean zero—analysis. This is confounding given Judge Sotomayor’s Judiciary Committee testimony, in which she said: “I believe my 17-year record on the two courts would show that in every case that I render, I first decide what the law requires under the facts before me, and

that what I do is explained to litigants why the law requires a result. And whether their position is sympathetic or not, I explain why the result is commanded by law.”

Because her initial decision was unpublished, the case—and the firefighters’ meritorious claims—would have been swept under the rug and lost forever if not for fellow Second Circuit Judge Jose Cabranes, who read about the firefighters’ case in a local newspaper, the *New Haven Register*.

Judge Cabranes looked into the situation, recognized the importance of the case, and requested that the entire Second Circuit, including judges who were not involved in the original decision, rehear the case. By a vote of 7–6, the Second Circuit denied rehearing the case, with Judge Sotomayor providing the seventh and decisive vote to avoid further consideration of her panel’s decision. Fortunately for the firefighters, Judge Cabranes wrote a blistering dissent that no doubt caught the attention of the Supreme Court. He charged that Judge Sotomayor and her panel had “failed to grapple with the questions of exceptional importance raised in this appeal.”

Some have speculated that the Judge Sotomayor’s panel intentionally disposed of the case in a short, unsigned, and unpublished opinion in an effort to hide it from further scrutiny. Was the case intentionally kept off of her colleagues’ radar? Did she have personal views on racial quotas that prevented her from seeing the merit in the firefighters’ claims? Was it merely coincidence that the standard adopted by Judge Sotomayor—which in the Supreme Court’s words “would encourage race-based action at the slightest hint of disparate impact” and would lead to a “de facto quota system”—was consistent with policy and legal positions advocated by the Puerto Rican Legal Defense and Education Fund, an organization with which she was intimately involved for 12 years? In repeated speeches through the years, Judge Sotomayor said, “I . . . accept that our experiences as women and people of color affect our decisions.” Was this such a case?

Judge Sotomayor was asked about her *Ricci* decision at length during the confirmation hearing. Her defense was that she was just following “established Supreme Court and Second Circuit precedent.” The problem with this answer is that *Ricci* presented a novel question for which there were no Supreme Court precedents squarely on point. Indeed, the Supreme Court noted that there were “few, if any” circuit court opinions addressing the issue.

During the hearing, I pressed Judge Sotomayor to identify those controlling Supreme Court and Second Circuit precedents that allegedly dictated the outcome in *Ricci*. Rather than answer the question, she dissembled and ran

out the clock. Perhaps that was because, as Judge Cabranes's dissent stated, the "core issue presented by this case—the scope of a municipal employer's authority to disregard examination results based solely on the race of the successful applicants—is not addressed by any precedent of the Supreme Court or our Circuit." But even if we accept Judge Sotomayor's contention that there was some relevant Second Circuit precedent, it is quite clear that such cases would not bind her or other judges in considering en banc review. It is telling that even the Obama Justice Department found her legal position impossible to defend. It filed a brief in the case asking the Supreme Court to vacate and remand the case for further proceedings, essentially what the dissent favored, as well.

The truth is that we will never know the reasons that guided the outcome of the case. But we know, at the very least, that Judge Sotomayor exercised poor judgment in dismissing serious claims in an unsettled area of the law without engaging in an analysis of the issues. As Judge Cabranes wrote in dissenting from the denial of rehearing en banc: "The use of per curiam opinions of this sort, adopting in full the reasoning of a district court without further elaboration, is normally reserved for cases that present straight-forward questions that do not require explanation or elaboration by the Court of Appeals. The questions raised in this appeal cannot be classified as such, as they are indisputably complex and far from well-settled."

Clearly, Judge Sotomayor did not adequately explain to the litigants—or the Judiciary Committee—why the law required the result she supported. And she cast the decisive vote to ensure that the full circuit court could not review the case. Is this the kind of behavior we should expect of a judge who is seeking a promotion to the Supreme Court?

Finally, if I had been a litigant before her court and Judge Sotomayor had asked me the questions I asked her about Ricci, and had I "answered" them as she responded to me in the hearing, she would rightly have told me to either sit down or start answering her questions. Her "answers" answered nothing and, in my opinion, violated her obligation to be forthcoming with the Judiciary Committee.

Ricci is not the only Judge Sotomayor decision that gives reason to question her commitment to impartial justice. I am concerned about her analysis—or lack thereof—in *Maloney v. Cuomo*, a second amendment case that could find its way to the Supreme Court next year. *Maloney* was decided after the Supreme Court's landmark ruling in *District of Columbia v. Heller*, which held that the right to bear arms was an individual right that could not be taken away by the Federal Government.

In *Maloney*, Judge Sotomayor had the opportunity to consider whether that individual right could also be enforced against the States, a question that was not before the *Heller* court. In yet another unsigned opinion, Judge Sotomayor and two other judges held that it was not a right enforceable against States.

What are the legal implications of this holding? State regulations limiting or prohibiting the ownership and use of firearms would be subject only to "rational basis" review. As Sandy Froman, a respected lawyer and former president of the National Rifle Association, said in her witness testimony, this is a "very, very low threshold" that can easily be met by a State or city that wishes to prohibit all gun ownership, even in the home. Thus, if Judge Sotomayor's decision were allowed to stand as precedent, then states will, ironically, be able to do what the Federal District of Columbia cannot—place a de facto prohibition on the ownership of guns and other arms.

Some have suggested that Judge Sotomayor's decision is not cause for alarm. They say that she was simply following precedent and that the *Maloney* case is not necessarily indicative of what she would do if confirmed to the Supreme Court. And they point to a recent decision by the Seventh Circuit, which similarly refused to apply the second amendment to State regulations. Apart from the fact that her ruling is now binding in the States covered by the Second Circuit, there is a critical difference between Judge Sotomayor's decision and that of the Seventh Circuit.

While the judges on the Seventh Circuit explicitly declined to decide what will be the key issue before the Supreme Court—whether the Second Amendment's right to bear arms is, in legal parlance, "fundamental," and therefore enforceable against states as well as the Federal Government—Judge Sotomayor's perfunctory decision did not leave this question open. Her panel specifically concluded, without any explanation, that the right to bear arms is in fact not a "fundamental" right—a conclusion that, to the best of my knowledge, no other court has ever reached—and that, as Sandy Froman noted, "would rob the Second Amendment of any real meaning and would trample on the individual rights of America's nearly 90 million gun owners." Indeed, Judge Sotomayor's assessment stands in stark contrast to the Supreme Court's own opinion in *Heller*, which not once but twice refers to the right to bear arms as "fundamental." It is hard, if not impossible, to square these facts with Judge Sotomayor's repeated assertions, in sworn testimony before the Judiciary Committee, that she was just following precedent.

Judge Sotomayor's opinion in *Maloney* is extraordinary both for its lack

of serious analysis and for reaching an unprecedented conclusion that was wholly unnecessary. She could have as easily chosen the path taken by the seventh circuit, and reserved for the Supreme Court the opportunity to decide in the first instance whether the right to bear arms is "fundamental." Or, like the ninth circuit, she could have undertaken a thorough analysis of the issue and determined that the right is, indeed, fundamental. She did neither.

As Sandy Froman stated:

When faced with the most important question remaining after *Heller*, whether the right to keep and bear arms is fundamental and applies to the states, Judge Sotomayor dismissed the issue with no substantive analysis. . . . By failing to conduct a proper Fourteenth Amendment analysis, the *Maloney* court evaded its judicial responsibilities, offered no guidance to lower courts and provided no assistance in framing the issue for resolution by the Supreme Court. Whenever an appellate judge fails to provide supporting analysis for their conclusion or address serious constitutional issues presented by the case, it is legitimate to ask whether the judge reached that conclusion by application of the Constitution and statutes or based on a political or social agenda.

I agree. I did not expect or even want Judge Sotomayor to precommit to a particular reading of the second amendment. The Judiciary Committee did, however, have a right to receive from her an explanation of the *Maloney* decision. At the very least she could have been more forthcoming in response to questions regarding recusal, but she would not even commit to recusing herself from the Supreme Court's consideration of her own *Maloney* decision if it were taken up as part of a consolidated appeal.

I think it is fair to say that Judge Sotomayor's testimony about the second amendment raised more questions than it answered. The issue of incorporation is bound to come before the Supreme Court. Those of us who support the right of the people to keep and bear arms should be very concerned about the position she has already taken and the fact that she has clearly reserved the option of reviewing the case on the Court she could be confirmed to, particularly on a matter she has already decided.

As we have seen, Judge Sotomayor's testimony about her previous speeches and some of her decisions is difficult, if not impossible, to reconcile with her record. Similarly, her testimony about the extent of her role with the Puerto Rican Legal Defense and Education Fund is in tension with the evidence we have.

At her hearing, Judge Sotomayor tried to downplay her role at PRLDEF. She said:

I was not like Justice Ginsburg or Justice Marshall. I was not a lawyer on the fund as they were, with respect to the organizations they belonged to. I was a board member.

In emphasizing her role as a longtime board member, Judge Sotomayor

deflected attention from her service in litigation-focused positions, such as her 8 years on the litigation committee and the 4 years she served as that committee's chairperson. As anyone who is familiar with advocacy and public interest groups can attest, it is inconceivable that the chair of an organization's litigation committee would not have a significant role in shaping the organization's legal strategy.

Moreover, Judge Sotomayor's testimony that "it was not my practice and not that I know of, of any board member" to review briefs, is undermined by PRLDEF's own meeting minutes. For example, on October 8, 1978:

[Litigation Committee] Chairperson Sotomayor summarized the activities of the Committee over the last several months which included the review of the litigation efforts of the past and present. . . .

The New York Times has detailed her active involvement, as recounted by former PRLDEF colleagues, who have described Judge Sotomayor as a "top policy maker" who "played an active role as the defense fund staked out aggressive stances." According to these reports, she "frequently met with the legal staff to review the status of cases" and "was an involved and ardent supporter of their various legal efforts during her time with the group."

What were the litigation positions advanced by PRLDEF during Judge Sotomayor's tenure there? Well, it argued in court briefs that restrictions on abortion are analogous to slavery. And it repeatedly represented plaintiffs challenging the validity of employment and promotional tests—tests similar to the one at issue in Ricci.

I want to return to a question I raised in my opening statement of Judge Sotomayor's hearing: What is the traditional basis for judging in America?

For 220 years, Presidents and the Senate have focused on appointing and confirming judges and Justices who are committed to putting aside their biases and prejudices and applying the law fairly and impartially to resolve disputes between parties.

This principle is universally recognized and shared by judges across the wide ideological spectrum. For instance, Judge Richard Paez of the ninth circuit—with whom I disagree on a number of issues—explained this in the same venue where, less than 24 hours earlier, Judge Sotomayor made her remarks about a "wise Latina woman" making better decisions than other judges. Judge Paez described the instructions that he gives to jurors who are about to hear a case. "As jurors," he said, "recognize that you might have some bias, or prejudice. Recognize that it exists, and determine whether you can control it so that you can judge the case fairly. Because if you cannot—if you cannot set aside those prejudices, biases and passions—then you should not sit on the case."

And then Judge Paez said:

The same principle applies to judges. We take an oath of office. At the federal level, it is a very interesting oath. It says, in part, that you promise or swear to do justice to both the poor and the rich. The first time I heard this oath, I was startled by its significance. I have my oath hanging on the wall in the office to remind me of my obligations. And so, although I am a Latino judge and there is no question about that—I am viewed as a Latino judge—as I judge cases, I try to judge them fairly. I try to remain faithful to my oath.

What Judge Paez said has been the standard for 220 years. It correctly describes the fundamental and proper role both for jurors and judges.

Before the hearing, my biggest question about Judge Sotomayor was whether she could abide by that standard. We spent 3 days asking her questions, trying to understand what she meant in some of her controversial speeches and what drove her to questionable conclusions in cases such as Ricci and Maloney.

Judge Sotomayor did not dispel my concerns. Her sworn testimony was evasive, lacking in substance, and, in several instances, incredibly misleading.

Her dissembling was widely noticed. Indeed, in an editorial, the Washington Post criticized Judge Sotomayor's testimony about her "wise Latina" statement. Here is what the Washington Post said:

Judge Sotomayor's attempts to explain away and distance herself from that statement were unconvincing and at times uncomfortably close to disingenuous, especially when she argued that her reason for raising questions about gender or race was to warn against injecting personal biases into the judicial process. Her repeated and lengthy speeches on the matter do not support that interpretation.

Until now, Judge Sotomayor has been operating under the restraining influence of a higher authority—the Supreme Court. If confirmed, there would be no such restraint that would prevent Judge Sotomayor from—to paraphrase President Obama—deciding cases based on her heartfelt views.

If the burden is on the nominee to prove herself worthy of a lifetime appointment to the Nation's highest Court, she must do more than avoid a "meltdown" in her testimony. She must be able to rationalize contradictory statements—assuming she does not repudiate one or the other—such as the differences between her speeches and her committee testimony. Her failure to do that has left me unpersuaded that Judge Sotomayor is absolutely committed to setting aside her biases and impartially deciding cases based upon the rule of law.

Judge Sotomayor is obviously intelligent, experienced, and talented. She represents one of the greatest things about America—the opportunity to become whatever you want with your God-given abilities. She is a role model

for young women, as well as minorities, specifically. She is personable and, apparently, hard working. I respect the views of those who regard her well.

Moreover, I appreciate her many declarations during the hearing that judges must decide cases solely on the basis of the facts and the law; and especially her disagreement with the President's erroneous, I believe, formulations that, in the hard cases, a judge should rely on empathy and what is in his or her heart.

It may have been possible to vote to confirm her notwithstanding her decisions in Ricci, Maloney, and some other questionable cases. What I cannot abide, however, is her unwillingness to forthrightly confront the contradictions among her many statements, so as to give us confidence that her Judiciary Committee testimony represents what she believes and what she will do. Instead, she would have us believe that there is no contradiction, that she can hold onto what she said before in speeches and decisions—for example, that she merely followed Supreme Court and circuit precedent in Maloney, and that the dissenters in Ricci did not disagree with her reasoning—and also her testimony.

I cannot ignore her unwillingness to answer Senators' questions straightforwardly—for instance, her insistence that as chair of PRLDEF's litigation committee, she had little to do with the organization's legal positions. She has not carried her burden of proof and, therefore, regrettably, I cannot vote to confirm her.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 5 p.m.

Thereupon, the Senate, at 3:11 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

NOMINATION OF SONIA SOTOMAYOR TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume the 1-hour alternating blocks of time with the Republicans controlling the first hour.

The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that the Republican time for the next hour be allocated as follows: Myself, 15 minutes; Senator SNOWE, 30 minutes; and Senator BROWBACK, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I rise today to discuss the nomination of

Judge Sonia Sotomayor to be a Justice on the U.S. Supreme Court. Judge Sotomayor comes to the Senate with a compelling personal story and notable professional accomplishments. She has worked as a prosecutor, a corporate attorney, and then as a Federal district court and circuit court judge. And, after meeting with Judge Sotomayor and visiting with her, I like her. She is a very kind and affable person.

Certainly Judge Sotomayor has an impressive resume; however, the Senate's inquiry into her suitability for a seat on the Supreme Court does not end with her professional accomplishments. Equally important to our providing "consent" on this nomination is our determination that Judge Sotomayor has the appropriate judicial philosophy for the Supreme Court. Judge Sotomayor needed to prove to the Senate that she will adhere to the proper role of a judge and only base her opinions on the plain language of the U.S. Constitution and statutes. She needed to demonstrate that she will strictly interpret the Constitution and our laws and will not be swayed by her personal biases or political preferences. As Alexander Hamilton stated in Federalist Paper No. 78 "the interpretation of the law is the proper and peculiar province of the courts. The constitution . . . must be regarded by the judges as a fundamental law." Hamilton further stated that it was "indispensable in the courts of justice" that judges have an "inflexible and uniform adherence to the rights of the Constitution." A nominee who does not adhere to these standards necessarily rejects the role of a judge as dictated by the Constitution and should not be confirmed.

With regard to judicial philosophy, the burden of proof always rests on the nominee. But, in Judge Sotomayor's case, that burden was exacerbated by her prior speeches and statements. President Obama promised to nominate someone "who's got the heart, the empathy, to recognize what it's like to be a young teenage mom. The empathy to understand what it's like to be poor, or African-American, or gay, or disabled, or old." Senator Obama referred to his empathy standard when he voted against Chief Justice John Roberts. He stated that the tough cases "can only be determined on the basis of one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy." She meets his standard but not mine. The President's "empathy" standard is antithetical to the proper role of a judge. The American people expect a judge to be a neutral arbiter who treats all litigants equally. There is a reason why Lady Justice is always depicted blindfolded and why Aristotle defined law as "reason free from passion." The judicial oath succinctly expresses this ideal by

requiring judges to swear that they "will administer justice without respect to persons, and do equal right to the poor and to the rich, and . . . will faithfully and impartially discharge and perform all the duties incumbent upon them under the Constitution and laws of the United States."

During her hearing, I was pleased to hear Judge Sotomayor disavow this empathy standard. In response to a question asking whether empathy should play a role in a judge's decision, Judge Sotomayor responded, "We apply law to facts. We don't apply feelings to facts." She further stated that she "wouldn't approach the issue of judging in the way the President does. . . . judges can't rely on what's in their heart. They don't determine the law. Congress makes the laws. The job of a judge is to apply the law. And so it's not the heart that compels conclusions in cases. It's the law." While I was encouraged to hear Judge Sotomayor's testimony, I am concerned that these statements and her other testimony were a dramatic departure from her earlier statements. So, I am left wondering: Which Judge Sotomayor are we getting?

I believe a person speaks from their heart when they discuss matters that are most important to them. On numerous occasions, most notably when she was teaching and guiding law students and bar associations, Judge Sotomayor made some impassioned statements about the role of a judge, which contradict her testimony at the hearing. Speaking in 2002, Judge Sotomayor said: "I wonder whether achieving that goal—of transcending personal sympathies and prejudices and aspiring to achieve a greater degree of fairness and integrity based on the reason of law—is possible in all or even in most cases. And I wonder whether by ignoring our differences as women or men of color we do a disservice both to the law and society." This statement is of extraordinary concern to me. Not only does Judge Sotomayor's statement indicate that she cannot set aside her personal sympathies and prejudices "in most cases," but she does not appear to believe that this goal is even an admirable one.

Even more concerning, Judge Sotomayor stated prior to her hearing that "[p]ersonal experiences affect the facts that judges choose to see" and "our gender and national origins may and will make a difference in our judging." It seems to me, and I think to most Americans, that the facts of a case are pretty clear and, if a judge is picking and choosing the facts they see based on their personal experiences, then they cannot possibly be impartial arbiters. I believe President Adams said it best when he stated: "Facts are stubborn things . . . and whatever may be our wishes, our inclinations, or the dictums of our passions, they cannot

alter the state of facts and evidence." I am disturbed that Judge Sotomayor does not agree with President Adams's assessment.

Prior to her hearing testimony, she also stated that "court of appeals is where policy is made." This statement is in stark contrast to her hearing testimony, and that contradiction is deeply disturbing to me. I think Judge Sotomayor believes what she said previously in her speeches, and when you believe in something, I think you should stand up and defend it. You should explain why you can still be a good judge even though you made those statements. That is what I wanted and expected to hear from her during her hearing. I was disappointed that she chose to dodge questions and obfuscate her record.

I was even more concerned that Judge Sotomayor reversed herself when discussing her judicial philosophy on the use of foreign law by U.S. judges. Results-oriented, activist judges who seek to rule based on their personal sympathies and prejudices often look to foreign law when interpreting our statutes and the Constitution in order to reach their desired outcome, and so I was deeply troubled by some of Judge Sotomayor's earlier statements that endorsed the use of foreign law by U.S. judges. Justice Scalia succinctly articulated the problem with using foreign law in his dissent from a recent Supreme Court opinion, *Roper v. Simmons*. The majority decision in *Roper* cited the worldwide "evolving standards of decency" to strike down a statute that allowed judges to impose capital punishment for juveniles, even for the most heinous crimes. In his dissent, Justice Scalia asserted that the practice of relying on foreign law inevitably leads to judicial activism. He argued that "[w]hat these foreign sources 'affirm,' rather than repudiate, is the Justices' own notion of how the world ought to be, and their diktat that it shall be so henceforth in America."

I agree with Justice Scalia's assessment. Unfortunately, judging by her statements, Judge Sotomayor does not. During her hearing, I asked Judge Sotomayor about a recent speech she gave in which she stated that prohibiting the use of foreign law would mean judges would have to "close their minds to good ideas" and that it is her "hope" that judges will continue to consult foreign law when interpreting our Constitution and statutes. In that speech, she condemned Justices Scalia and Thomas for their criticism of the use of foreign law in Supreme Court decisions stating: "The nature of the criticism comes from . . . a misunderstanding of the American use of that concept of using foreign law and that misunderstanding is unfortunately endorsed by some of our own Supreme Court Justices. Both Justice Scalia and

Justice Thomas have written extensively criticizing the use of foreign and international law in Supreme Court decisions. . . . But, I share more the ideas of Justice Ginsburg in thinking, . . . in believing that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world." In her speech, Judge Sotomayor then specifically cited *Roper v. Simmons*—ruling unconstitutional a statute permitting imposing the death penalty for juveniles—and *Lawrence v. Texas*—overturning a law against same-sex sodomy—as examples of cases where the Supreme Court used foreign law appropriately to strike down State criminal laws.

I asked Judge Sotomayor about her statements disagreeing with Justices Scalia and Thomas's criticism of the Court's use of foreign law in cases such as *Roper* and *Lawrence*, and she reversed her earlier statement saying she "actually agreed with Justices Scalia and Thomas on the point that one has to be very cautious even in using foreign law with respect to the things American law permits you to." Clearly, her hearing testimony was either inaccurate or designed to be misleading since she previously said she shared "more the ideas of Justice Ginsburg" who has endorsed the Court's use of foreign law in cases such as *Roper* and *Lawrence*.

I then asked Judge Sotomayor to affirm that she would refrain from using foreign law in making her decisions and writing her opinions, outside of where she was directed to do so through statute or through treaty. She stated unequivocally that she would "not use foreign law to interpret the Constitution or American statutes" and she would "not utilize foreign law in terms of making decisions." I was reassured by these statements.

Regrettably, my reassurance did not last long. In her responses to written questions following the hearing, Judge Sotomayor reverted back to her former stated judicial philosophy regarding foreign law. She wrote: "In some limited circumstances, decisions of foreign courts can be a source of ideas, just as law review articles or treatises can be sources of ideas. Reading the decisions of foreign courts for ideas, however, does not constitute 'using' those decisions to decide cases." She further stated: "decisions of foreign courts can be a source of ideas informing our understanding of our own constitutional rights. To the extent that the decisions of foreign courts contain ideas that are helpful to that task, American courts may wish to consider those ideas." This reversion is extremely troubling to me because it suggests that Judge Sotomayor was either misleading or simply disingenuous in her hearing testimony. Equally troubling is Judge

Sotomayor's continued concern with world opinion of American law. Prior to her hearing she asserted that "unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world." She echoed this concern after her hearing writing: "To the extent that American courts categorically refuse to consider the ideas expressed in the decisions of foreign courts, it may be that foreign courts will be less likely to look to American law as a source of ideas." A judge's job is not to consider what the rest of the world thinks about us, it is to interpret the Constitution.

Her judicial philosophy with regard to the use of foreign law is extremely important because it suggests that she will not strictly interpret our Constitution. If Judge Sotomayor believes it is appropriate to consult foreign law in some cases, where will she draw the line? During her hearing testimony, Judge Sotomayor stated that the right to bear arms is "settled law"; however, the recent Supreme Court decision in *District of Columbia v. Heller* left many questions unanswered. One critical unanswered question is whether the right will be incorporated on to the States—meaning that the States will not have the right to outlaw the use of firearms. If confirmed, would Justice Sotomayor be receptive to arguments that foreign countries impose greater restrictions on gun rights and, therefore, be persuaded that some excessive State and Federal restrictions are constitutional? As she noted in her recent second circuit opinion holding that there is no fundamental right to bear arms, there are very few Supreme Court cases addressing the right to bear arms. If confirmed, would she fill in the gaps with foreign law?

Unfortunately, I believe my fears were confirmed by her answers to written questions following the hearing when she refused to pledge that she would not consider foreign law when considering second amendment cases. She stated: "Because cases raising Second Amendment questions are currently pending before the Court, I would not comment on how I would decide those cases if I am confirmed." Her refusal to answer that should give pause to those who, like me, cherish the fundamental right to bear arms.

The concern that Judge Sotomayor may use foreign law to interpret the Second Amendment is further exacerbated by her judicial record on the bench and her hearing testimony, which demonstrates a clear hostility to gun rights. In *Maloney v. Cuomo*, decided January 29, 2009—post-*Heller*—Judge Sotomayor joined a cursory unsigned opinion holding that the second amendment is not a fundamental right and also that the amendment does not apply to the States. In *Maloney*, Judge

Sotomayor incorrectly relied on an 1886 case—*Presser*—which did not use the modern Due Process incorporation analysis, a fact Judge Sotomayor failed to note in her opinion. When asked at her hearing to discuss the holding in *Presser*, she responded that she had not "read it recently enough to remember exactly" what it said even though she had relied on it in a decision issued a mere 7 months previously. Her disturbing lack of familiarity with the case suggests that she did not give great weight to the constitutional right at issue in *Maloney*. If Judge Sotomayor's ruling in *Maloney* is upheld by the Supreme Court, States could ban all guns and other weapons for practically any reason.

During her oral and written testimony, she also refused to acknowledge the fundamental right to self-defense, which predates the Constitution, and stated that she did not recall a case that addressed the right to self-defense, despite the fact that the Supreme Court discusses the right to self-defense at length in *Heller*, the opinion upon which she relied. Judge Sotomayor even refused to discuss the legal test the Supreme Court uses to determine whether a right is fundamental, a basic legal test.

In another notable case about which Judge Sotomayor was questioned, she gave short shrift to a constitutional right that is vitally important to Americans, suggesting that she does not have the appropriate respect for the rights guaranteed by the fifth amendment. In *Didden v. Village of Port Chester*, Judge Sotomayor extended the government's power to take private property in a cursory opinion that one property professor said was the "worst federal court takings decision since *Kelo*." He further stated that the opinion is "very extreme" and "is significant as a window into Judge Sotomayor's attitudes toward private property." Another notable professor said the opinion is "a disappointment" and is "wrong and ill thought out" and is "about as naked an abuse of government power as could be imagined." Those are strong criticisms from respected legal scholars and nothing in Judge Sotomayor's testimony reassured me about her opinion in the *Didden* case.

Following the hearing, I remain concerned that Judge Sotomayor's hostility to gun rights, abortion restrictions, and property rights, among others, stem from a "personal prejudice" that will influence her decisions once she is untethered from precedent. It is true that she has an extensive record on the bench; however, the Senate's inquiry into Judge Sotomayor's suitability for the Supreme Court cannot merely rest on an overview of the cases she decided when she was constrained by precedent. Judge Sotomayor's extra

judicial statements are critically important to our examination of her fitness for a seat on the Supreme Court because when a judge is free from the confines of precedent—as she was in her speeches and as she will be if she is a Supreme Court Justice—she shows her true colors and passions.

So the question remains, which Judge Sotomayor are we getting? Will Judge Sotomayor follow in the footsteps of Justice Ginsburg or will she adhere to her testimony during her hearing that she will strictly apply the law to the facts? Will she revert back to the judicial philosophy she espoused prior to the hearing, the same way she reverted back to her prior statements on the use of foreign law by American judges? Because I am not convinced that she can put aside her personal politics and preferences, I regretfully must oppose her nomination.

I am pleased to come to the floor today to talk about our Supreme Court selection process. Judge Sotomayor is the third Supreme Court candidate I have had the privilege of getting to know, interview, and ask rigorous questions of during the hearing. She has a miraculous and wonderful personal story. She is very accomplished. She is to be admired for what she has accomplished.

When we look at Supreme Court nominees, we are actually charged to do two things. One is to look at their record of judicial behavior and assess it, and then also to look at their record that is out there besides their judicial decisions. We did a very thorough job in analyzing her 15-plus years as a Federal judge and appellate judge. There were some very concerning cases that we encountered for which we questioned her, and the record will fully show her defense of that record and the reversal rate that she had at the U.S. Supreme Court.

It is interesting for the American public to know that a Supreme Court Justice is much different than an appellate judge or even a Federal circuit judge because they, in fact, are not bound by precedent. As an appellate judge they have to follow precedent, and when they don't they get reversed, and Federal circuit judges have to follow precedent or they get reversed. But a Supreme Court Justice has the freedom to change precedent, and that is why the inquiry into the candidacy and the qualifications of a Supreme Court nominee is so important. It is also why our Founders wrote extensively on what should be the qualifications of a Supreme Court Justice.

Alexander Hamilton stated in *Federalist Paper No. 78*: "The interpretation of the law is the proper and peculiar province of the courts."

He further stated that it was "indispensable in the courts of justice" that judges have an "inflexible and uniform adherence to the rights of the Con-

stitution." A nominee who does not adhere to these standards necessarily rejects the role of a judge as dictated by the Constitution and should not be confirmed.

When we look at the Constitution, we are told in the Constitution how judges are to decide cases. They are given three strict parameters. One is they are to look at the Constitution each and every time. No. 2 is they are to look at the statutes that have been passed by the people's representatives, and they are to look at the facts. They are to look at the facts in a way that will show never a bias—in other words, blind justice—looking at those critical factors of what are the facts of the case, what is the law, and what does the Constitution say.

You can be an appellate court justice for 50 years in this country and still not qualify to be a Supreme Court Justice. It is tremendously important who goes on the Supreme Court. The reason it is important is because we have had a tendency in the last three decades to abandon those three principles and use other principles.

Let me mention two of them. One is that we consider foreign law, that we can become enlightened with foreign law. I don't doubt that we can become enlightened with what other people in the world think about law, but the fact is our Founders said: This is our law. The Constitution is our law. And we have a way of setting law which comes through the Congress. That is what we shall look at with one exception, and that is on trade and treaties where we have to consider the agreements and foreign laws related to those treaties.

The other tendency which has been espoused by our President is an empathy standard, that we can somehow—other than looking at the three main parameters of which our Founders told us we must use in deciding cases at the Supreme Court. Well, I will tell you that a standard other than looking at the facts and looking at the law and looking at the Constitution doesn't meet the test of our Founders nor does it meet the test of our Constitution as it is spelled out in our Constitution.

I wish to say as an American citizen, I think we should all be proud of this nomination: a Hispanic female coming to the Supreme Court. But that is not a good enough reason to say somebody should become a Justice. So I go back to those three founding principles of who should qualify. And who should qualify is somebody who is going to strictly adhere to what our Founders said was the job of a Supreme Court Justice, not with parameters that have been discussed as maybe to be OK or parameters that fall outside of what our Founders said.

During my questioning and my visits with Judge Sotomayor, I found some very disturbing things. I asked her specifically in the hearing: Do individuals

have a fundamental right to self defense? She wouldn't answer yes to that question. Now, a fundamental right to self-defense predates our Constitution. That is what liberty is all about. That is one of the bedrocks of our liberty. And the fact that she will not agree that we as U.S. citizens have a fundamental right to self-defense is extremely troubling.

The reason that fundamental right is so important, and it is guaranteed in the Constitution, is because on that rests the second amendment for which I find her somewhat less than comfortable in accepting what our Founders said in the second amendment, adopted almost 200-and-some-odd years ago.

The second area I have concern with is in the area of property rights. It is very explicitly stated, and it is clear except in two cases in this country in the Supreme Court, which I hope that someday will be reversed, that our right to property is a real right. There was a *Kelo* decision that has markedly limited American citizens' rights to property. On both her cases and her comments and her written testimony, I believe that right of Americans is at risk. I believe judges are going to decide we don't have that fundamental right. I believe she believes, based on what she has ruled and what she has written and what she has said, that, in fact, there are times when judges can decide whether we have that right. That is inherently wrong and 180 degrees against what our Constitution guarantees us as individual citizens.

The final area has to do with the use of foreign law. In her speeches and statements she was highly critical of people who were critical of the use of foreign law. Upon questioning in the committee, she retracted and moved away from those statements. I specifically asked her if she would assure the committee that she would, in fact, never use foreign law to decide U.S. cases. I got her to say yes.

The only problem with that is, in the answer to questions following the hearing, she backtracked 180 degrees from that statement which matched her previous statements in speeches and writings which caused me to ask the question in the first place. So in the area of property rights, in the area of the second amendment and the fundamental right to self-defense, and in the area of foreign law, I believe her viewpoint is something other than what I see in the Constitution.

Regrettably, I believe that disqualifies her from being a Justice of the Supreme Court. That when, in fact, we look at the constitutional basis of how judges are instructed to make law and to decide law—because every decision makes law; it sets precedent—that when we extract from that the fundamental right of self-defense, the written, specific right to the second amendment, the written specific right of

property ownership and due process associated with that, and then we lay on top of that the idea that it is more important for us to look good in our decisions to foreign governments than it is to follow the oath, to follow the Constitution of the United States—make no mistake, I believe this is a wonderful woman, and I think she has done a fairly good job as a judge on the appellate court, but she has been constrained—as we measure her writings and her words with her decisions on cases, what we find is a conflict for those who would strictly follow what the Constitution tells us.

I want our grandchildren to endure and to accept and hold the same freedoms we have. A U.S. Supreme Court Justice will determine that; just one can determine that. So I regretfully announce and state that I will not be able to vote for this very fine woman. But I would also state that we need to be very concerned and very vigilant as we see the Supreme Court make decisions, whether they are sitting Justices today or Justices to come, who violate both the intent, instruction, and the spirit of the U.S. Constitution.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise to speak to the nomination of Judge Sonia Sotomayor to be the next Associate Justice of the Supreme Court of the United States.

After a careful and considerate review of her testimony before the Senate Judiciary Committee and her overall record, her distinguished judicial background, and a personal meeting with her in June, I have concluded she should be confirmed as the next Associate Justice of the Supreme Court.

I have not arrived at my decision lightly. It has been said that, of all the entities in government, the Supreme Court is the most closely identified with the Constitution—and that no other branch or agency has as great an opportunity to speak directly to the rational and moral side of the American character; to bring the power and moral authority of government to bear directly upon the citizenry.

The Supreme Court passes final legal judgment on the most profound social issues of our time. The Court is uniquely designed to accept only those cases that present a substantial and compelling question of federal law; cases for which the Court's ultimate resolution will not be applied merely to a single, isolated dispute—but, rather, will guide legislatures, executives, and all

other courts in their broader development and interpretation of law and policy.

In the end, ours is a government of both liberty and order, State and Federal authority, and checks and balances. The remarkable challenge of calibrating these fundamental balance points is entrusted ultimately to the nine Justices of the Supreme Court of the United States.

To help meet this extraordinary challenge, any nominee for the Court must, as I stated during the confirmations of Chief Justice John Roberts and Associate Justice Sam Alito, have a powerful intellect, a principled understanding of the Court's role, and a sound commitment to judicial method. A nominee must have the capacity to engender respect among the other justices in order to facilitate the consensus of a majority. And to warrant Senate confirmation, the nominee must have a keen understanding of, and a disciplined respect for, the tremendous body of law that precedes her.

It is with these high standards that we should evaluate the record of Judge Sonia Sotomayor. Reviewing her professional credentials, it is clear that Judge Sotomayor is well qualified. She has served for nearly 11 years on the U.S. Court of Appeals for the Second Circuit where she has participated in over 3,100 cases. The judge also previously served on the U.S. District Court for the Southern District of New York for six years where she decided over 400 additional cases. She also worked for 8 years in private practice and 4 years in the highly respected office of the district attorney for the County of New York. According to the White House, if confirmed, Judge Sotomayor would bring more Federal judicial experience to the Supreme Court than any Justice in 100 years, and more overall judicial experience than anyone confirmed for the Court in the past 70 years. So I applaud the President for selecting an individual who clearly possesses the professional credentials to serve on the Court.

In reviewing her personal credentials, Judge Sotomayor's accomplishments are equally noteworthy. If confirmed, she will become the first Hispanic and only the third woman ever to serve on our Nation's highest Court. Along the way, she has ascended from modest means to excel in our country's most prestigious schools and our judiciary's highest offices. In doing so, she now stands as a model for others to follow in summoning their own courage to break barriers and pursue dreams. And she does so with a personal manner that I find to be refreshingly candid and forthright.

This brings us to the more particular factors we must consider when providing our consent on a President's nominee for Associate Justice—judicial temperament, methodology, integrity

and philosophy. By their very nature, these attributes are often challenging to measure, but they can be ascertained through a careful analysis of a nominee's complete record.

With regard to the first consideration, judicial temperament, we all agree that it is absolutely essential that a judge be fair, open-minded, and respectful. Our citizens simply must have confidence that a judge who weighs their legal claims does so with an even temperament. A judge must be truly committed to providing a full and fair day in court, while projecting a sincere equanimity and respect for the law. When these attributes are not clearly present in our judges, the public justifiably begins to lose faith in the integrity of our courts.

This issue has been rightly explored and satisfactorily answered with Judge Sotomayor. For example, both the New York City and American Bar Associations who reviewed the nominee on all key criteria gave the judge their highest ratings. Robert Morgenthau, the judge's former employer and highly regarded district attorney of New York County since 1975, testified that the judge is "fair," "non-political," and "highly qualified for any position in which a first-rate intellect, common sense, collegiality and good character would be assets." And former Federal judge, colleague, and FBI Director Louis Freeh, has called Judge Sotomayor "fair, neutral, nonpartisan [and] open-minded . . ." And, indeed, I believe that the Judge's professional manner was in evidence during all aspects of her 4-day appearance before the Judiciary Committee.

We look next at the nominee's judicial methodology which directly reflects her commitment to the essential tenets of care, discipline and fairness. Here, the judge was very clear and direct in our June meeting. Her approach to all cases is to carefully identify the facts—what she characterized as a prized skill that she learned as a successful young prosecutor—and then follow the law: What it says; what end was meant to be accomplished; what legislative intent it was meant to advance; and how, if at all, other courts have answered those questions.

As the judge elaborated, she believes that the law can and should develop, but that such development should occur only "incrementally" through the measured development of analogous cases. And when I asked her which opinions best reflect her judicial method, Judge Sotomayor candidly replied, "Read any of my opinions and you will see my structure." And the record supports that assertion—the structure of her opinions shows a consistent, methodical and careful approach to deciding cases.

As she testified at her hearing, her methodology is to "apply the law to the facts at hand" and keep a "rigorous commitment to interpreting the

Constitution according to its terms; interpreting statutes according to their terms and Congress's intent; and hewing faithfully to precedents . . ." She stated further her view that the "process of judging is enhanced when the arguments and concerns of the parties to the litigation are understood and acknowledged. . . . That is why," she explained, "I generally structure my opinions by setting out what the law requires and then by explaining why a contrary position, sympathetic or not, is accepted or rejected. That is how I seek to strengthen both the rule of law and faith in the impartiality of our justice system."

Indeed, the integrity of the judge's methodology can be measured in a variety of ways. First, the judge has a low reversal rate. Research on Judge Sotomayor's performance on the trial court demonstrates she was overruled in only 6 of her over 400 trial bench decisions. Westlaw reports that, in her 11 years on the appellate court, the judge has participated—as I referenced earlier—in over 3,100 cases and, of those cases, the White House reports that the Judge has only been reversed another six times. In each of those circuit cases she was part of a unanimous three-judge panel, and the cases involved the interpretation—not of important constitutional provisions—but of very technical statutes that, in several instances, had created clear divisions of opinion among several of the circuit courts.

Moreover, three of the six circuit cases created 5-4 opinions in the Supreme Court, one created a 6-3 split, and one produced this unusual alignment: Justices Ginsburg and Scalia together in the majority, and Justices Breyer and Alito together in dissent. These facts combine to show the relative difficulty of, and the reasonable room for debate in, these appellate cases.

Next, there is the measurement of the judge's concurrence and dissent rates. There, the data demonstrate that the judge's method of deciding cases is consistent with that of her colleagues on the Second Circuit. For example, research sources indicate that, despite the thousands of her appellate opinions, Judge Sotomayor has only dissented in 21 cases, and has written separate concurring opinions in only 22 others.

Finally, there is the degree to which other courts and scholars find the judge's method of decision worthy of citation. There, data compiled by law professors and students from three universities reveal that, between 1999 and 2001, the judge's opinions were cited by other courts and scholars at meaningful rates—4.4 court citations and 4.6 law review citations per opinion. And between 2004 and 2006, those rates rose to 8.5 court citations and 4.8 law review citations per opinion. These more re-

cent rates are not only higher than the percentage of citation rates for other distinguished Federal appellate judges, they underscore the increasing respect that Judge Sotomayor's work is garnering.

I turn now to the third qualification: judicial integrity. Here, there are those who have suggested that the judge will use her office to engage in "judicial activism" and advance a certain social or political agenda that suits her personal preferences. Principally, these critics point to the New Haven firefighters' case and her Berkeley and Duke speeches as examples of such activism, and I believe these instances have warranted strict scrutiny.

At the outset, it bears noting the White House report that, in her 11 years on the Second Circuit, Judge Sotomayor has agreed with the result favored by the Republican appointees in 95 percent of the published panel decisions where the panel included at least one judge appointed by a Republican president. This statistic is evidence of a nonpartisan or nonideological approach to judging.

At the same time, I have shared the concerns expressed specifically about the New Haven firefighters' case—as many have voiced opposition to both her decision as well as the curt and summary opinion that was used to dismiss the complaint. I sympathize with the plaintiffs, who were told the rules for qualifying for a promotion, who believed they were participating in a fixed process for determining their future career advancement, who did what was asked of them, and then, when it was all over, were informed that what they had done wasn't good enough. So I understand the frustration.

I approached Judge Sotomayor's handling of this case by looking at both the merits—that is, what was decided in the case, as well as the process, or how, the case was decided. As regards the process, as we all well know, the panel that included Judge Sotomayor wrote only a three-paragraph opinion concluding that, "We affirm, for the reasons stated in the thorough, thoughtful, and well-reasoned opinion of the court below."

Now, it may well be that the district judge's opinion was "thorough, thoughtful, and well-reasoned." But the confidence of the litigants and public alike in any court relies on their opportunity to explore a judge's rationale. And the panel's summary affirmation, albeit adopting verbatim the long opinion of the court below, simply failed to meet that expectation.

When I asked Judge Sotomayor in our June conversation—and when she was queried before the Judiciary Committee—she stated that she and her colleagues gave the case their full attention and review, and that only after that full and fair consideration did they determine that their own written

opinion was not necessary, given the district court's exhaustive 48-page opinion applying the seemingly clear "four-fifths rule" of the EEOC regulations and the seemingly settled precedent of what the Judge referred to in her testimony as the Bushy line of cases—this is *Bushy v. New York State Civil Service Commission*, *Kirkland v. New York State Department of Correctional Services*, and *Hayden v. County of Nassau*. In reviewing a petition for rehearing in *Ricci*, six of the Judge's own colleagues were not persuaded by that argument. Yet, another six of her colleagues were so persuaded.

Additionally, the judge testified before the Judiciary Committee that "the practice is that about 75 percent of circuit decisions are decided by summary order, in part because we can't handle the volume of our work if we were writing long decisions in every case; but more importantly, because not every case requires a long opinion if a district court opinion has been clear and thorough on an issue . . ."

Yet, the bottom line is, in my view, this particular case was simply too sensitive and complex—with significant societal implications—to leave to a summary order. And, therefore, the three-judge panel should have issued its own, comprehensive opinion and explanation.

On the matter of the merits of the case, Judge Sotomayor ruled that the city acted lawfully in trying to meet its obligations under Federal employment discrimination law to avoid disparate impact discrimination when making certain employment promotions. And I understand some believe this decision evinces the judge's predisposition to rule for minority litigants. One well-respected DC law firm, however, has found that the judge has decided nearly 100 race-related cases in her 11 years on the Second Circuit, and has effectively rejected such race-related claims by a margin of "roughly eight to one."

Others have suggested that the Supreme Court's reversal of the Second Circuit raises questions of the judge's qualifications to serve. In evaluating that possibility, I have taken into account that the Supreme Court took this action with a 5-4 vote, with four complex and nuanced opinions, as well as an admission from Justice Scalia that the underlying question presented by the case—when affirmative action becomes unlawful discrimination—is "not an easy one."

And I have considered that the High Court reached its decision only by identifying and applying an entirely new standard. Indeed, both the trial and Sotomayor courts applied the then-existing "four-fifths rule" of the EEOC title VII regulations and the seemingly settled circuit precedent of the "Bushy line of cases" in determining that a significant disparity in

the results of an employment test is itself adequate evidence of unlawful disparate impact discrimination.

On appeal, the Supreme Court changed the rule, saying in essence that such a significant disparity in test results is no longer itself adequate evidence. Importing anew from 14th amendment jurisprudence, the Court said that the new rule for interpreting the title VII statute demands a "stronger" basis in evidence," such as evidence that the test was "not job related and consistent with business necessity, or if there existed an equally valid, less discriminatory alternative that served the city's needs but that the city refused to adopt."

Therefore, based on the record, it would appear the district and circuit judges fulfilled their assigned job of applying existing precedent to the existing rule. And in weighing all of the facts, given Judge Sotomayor's assurance to me and the committee that she gave the case her full consideration, given her established reputation for careful decision-making, and given the daily reality of the Second Circuit's burgeoning caseload, particularly with the surge of post-September 11 immigration cases, I cannot conclude that the decision in Ricci should itself disqualify this nominee.

Mr. President, I was also concerned—like many Americans—by Judge Sotomayor's speech at Berkeley in 2001, and specifically by the following line that appears to suggest that the judge decides cases more by personal identity than by fidelity to the law:

I would hope that a wise Latina woman . . . would more often than not reach a better conclusion than a white male. . . .

To thoroughly examine this question with regard to the judge's qualifications, I believed it was necessary to review both the entirety of her speech, as well as her testimony before the Senate Judiciary Committee, to understand to the fullest extent possible her intention behind those comments, because I agree that they are disconcerting.

In that light, I note that the judge, in answering a question from the committee, offered that it is the job of a judge to apply the law, and that it is the law, rather than one's own sympathies, that "compels conclusions in cases."

I also recall the judge's response when I asked her specifically about this speech during our opportunity to meet one-on-one. I said that commentators had criticized that portion of her speech because it suggested that gender and ethnicity enable her to make "better" decisions than a male judge of a different ethnicity. Judge Sotomayor, in replying, suggested that those who have concerns must "read the whole speech;" that she was only trying to say—she admits now inartfully—that "judges are human

beings and they necessarily will be affected by who they are. But this only makes them attuned to certain case aspects; it does not replace following the law."

In evaluating these responses, I recalled prominent judges in our history who also raised this issue.

Indeed, this was the subject to which Justice Felix Frankfurter referred to when he said, long ago, that one of the greatest challenges for all judges, because they are all human, is to recognize their own personal views and develop the patience, insights and discipline to compensate for them. When I raised Justice Frankfurter's comments personally with Judge Sotomayor, she agreed and asserted that was "exactly" the point she was attempting to communicate in her Berkeley speech.

She also asserted in our meeting, and reaffirmed in her committee testimony that, "no racial or ethnic group has a market on sound judgment." She explained that some judges, like many lay people, have "tin ears" on certain matters, and that is why the collegial decision-making is so vital—because sharing different perspectives and blending them into consensus opinions serves as both a "spotlight and a filter." She spoke of how judges, like all people, are inescapably affected by their own life experiences, but that those experiences only affect how "attuned" judges are to certain aspects of cases. They do not replace the requirement to follow and apply the law consistent with the limited role and specific oath of their office.

A review of Judge Sotomayor's decisions and her resulting affinity, dissent and reversal rates that I described earlier bolster the judge's statements that she understands this imperative—and that she decides cases based not on personal identities or classifications, but by "fidelity to the law."

A final question about the judge's judicial integrity has been raised from her remark in 2005 at Duke University that the "Court of Appeals is where policy is made." This comment has understandably raised the specter of a commitment to judicial activism, and is therefore a legitimate cause for examination. When I raised this issue with the judge she responded that she was referring to the educational difference between trial and appellate court clerkships—how a trial court clerkship focuses primarily on resolving limited factual disputes and how an appellate court clerkship focuses primarily on cases involving broader questions of how the law ought to be interpreted.

An essential component of weighing the competing interpretations proffered by appellate advocates is for the court to understand the practical effect of the advocates' competing arguments. It is this understanding that defines the scope and reach of the pos-

sible interpretations. I believe it is therefore legitimate to read and understand her comments within this context. It has also been argued that—as the Supreme Court only accepts and decides about 80 of approximately 8,000 cases per year, Federal circuit courts of appeal often do, as the judge noted in her testimony effectively become the final decisionmaker on what the law—and by necessary extension, the policy it advances—is.

Given all of these factors, again, in considering the entirety of her record, it is fair to conclude that the Duke University speech is not evidence that Judge Sotomayor would practice judicial activism on the Supreme Court.

Finally, we have a fourth and final qualification—judicial philosophy, judge's sense of limits and horizons and great promises of our Constitution and the nominee's view of the proper role of the Supreme Court in deciding whether to take cases and, once taken, the underlying philosophy used to rule upon them.

On this point, I note first the judge's answer when asked whether she subscribes to one or another school of constitutional interpretation. She said: "I don't use labels." I also recall the study by the New York University Law School's Brennan Center for Justice which analyzed over 1,100 constitutional cases decided during Judge Sotomayor's tenure on the second circuit and found as an appellate judge, she voted with the majority in over 98 percent of constitutional cases and that 94 percent of her constitutional decisions have been unanimous. Such figures argue strongly that the judge's constitutional approach is squarely in the mainstream.

The inquiry into any nominee's judicial philosophy is particularly significant for those of us who value the Court's landmark rulings. Decisions protecting the rights of privacy, civil rights, and women seeking equal protection in the workplace—to name a few—comprise a crucial and settled body of the Court's case law. Entire generations of Americans have come to live their lives in reliance upon the Court's rulings in these key areas, and overruling these precedents would simply roll back decades of societal advancement and impose substantial disruption and harm.

Therefore, central to the question of this nominee's judicial philosophy are her views on one of the cornerstones of jurisprudence, and that is judicial precedent.

In our June meeting, I asked whether she agreed with Chief Justice Rehnquist's observation in *Dickerson v. United States* which upheld the famous decision *Miranda v. Arizona*. There, the Chief Justice wrote there are situations where constitutional precedent—that a Justice might have believed had been wrongly decided—

should nevertheless be upheld because the people have accepted the principle of the decision as an "embedded . . . part of our national culture." Judge Sotomayor agreed with that position.

This expressed adherence to applying precedent has achieved significance in many passionately contested areas of the law, such as the second amendment, which brings me to the concerns raised with respect to Judge Sotomayor's decision in *Maloney v. Cuomo*. I happen to be a strong, long-time defender of second amendment rights, as evidenced by my amicus support for Mr. Heller in his recent case before the Supreme Court, in *District of Columbia v. Heller*. Accordingly, I am very well aware the issue of whether second amendment protections are to be construed as incorporated against acts of a State government—as opposed to the Federal Government—has assumed renewed importance and visibility since the Court's recent landmark decision ruling in *Heller*.

I also understand that several longstanding Court precedents have been widely construed by State and Federal courts around the country, including the Maine Supreme Judicial Court, not to incorporate the second amendment. Judge Sotomayor in *Maloney v. Cuomo*, and her two panelists, have stated that those consistent interpretations of the Supreme Court's precedent were binding upon them. And while a panel in the ninth circuit in *Nordyke v. King* bypassed such precedent, a seventh circuit panel, led by Judge Shakley, sharply criticized the *Nordyke* decision for doing so, and instead in *NRA v. City of Chicago* agreed with Judge Sotomayor's opinion because they, too, concluded that the Supreme Court's precedent was binding upon them. Last week, the full ninth circuit itself agreed to reconsider its decision in the *Nordyke* decision.

The Supreme Court may well revisit this issue soon. But the issue before us in the Senate right now is whether the judge has demonstrated, as she describes, "fidelity to the law" and precedent as we would expect—because several longstanding Supreme Court precedents have been widely construed by State and Federal courts alike not to incorporate the second amendment, and because the Supreme Court in footnote 23 of the *Heller* majority opinion expressly said the Court was not deciding the incorporation question. Moreover, given her demonstrated adherence to *stare decisis*, while no one can predict the future with certainty, it is reasonable to conclude she will continue to follow precedent, as also evidenced by her testimony to the Judiciary Committee in which she stated:

The Supreme Court did hold that there is in the second amendment an individual right to bear arms. And that is its holding, and that is the Court's decision. I fully accept that.

Finally, what a powerful and profound message it will send to have Judge Sonia Sotomayor join with Justice Ruth Bader Ginsburg on the highest Court in the land. The fact is, it does make a difference who women and girls see at the pinnacles of government, just as it matters in all fields of endeavor. As Justice Ginsburg has said recently:

My base concern about being all alone was the public got the wrong perception of the Court. It just doesn't look right in the year 2009 . . . It matters for women to be here at the conference table to be doing everything that the Court does . . . Women belong in all places where decisions are being made.

Given the totality of the record before us, I have concluded from Judge Sotomayor's testimony regarding both her judicial methodology and her judicial philosophy that she is not predisposed to overturning settled precedent. Obviously, none of us can know with certainty how Judge Sotomayor would vote on any particular case. But we can assess her methodology and analysis in approaching cases by reviewing her responses to the committee and to other Members throughout this process.

In that light, in evaluating the essential qualifications as I have outlined them, and reviewing the entire judicial record of Judge Sotomayor, I find a fairminded judge with a deep respect for the rule of law and the independence of the courts, and a judicial method committed to stability in the law. It is, therefore, my conclusion that based on the totality of the record and her distinctive qualifications, Judge Sonia Sotomayor has earned the distinction of serving as the next Associate Justice of the Supreme Court.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I ask the Presiding Officer to inform me when 2 minutes is left of my time.

Mr. President, I rise today to discuss the nomination of Judge Sonia Sotomayor to be a Justice of the U.S. Supreme Court. Ultimately, the core of this debate, I believe, is over the proper role of the Court. Our side tends to believe that the Court does not make policy and must stay within the written text of the Constitution. The other side sees the Constitution more often as a living document and that its meaning changes along with the attitudes of society.

When the courts improperly assume the power to decide issues more political than legal in nature, the people naturally focus less on the law and more on the lawyers who are chosen to administer it. Some are key to impose their policy agendas through the judicial process. Others want judges who will stick to interpreting the law rather than making it. It is beyond dispute that the Constitution and its Framers

intended for judges to satisfy the latter criteria; that is, to stay within the law rather than making it.

President Obama has voiced his support for judges looking to the Constitution as a living document malleable to the times. He has said he will pick judges who will look to empathy rather than written law when deciding cases. When then-Senator Obama voted against the confirmation of Chief Justice John Roberts, he said this:

[W]hile adherence to legal precedent and rules of statutory or constitutional construction will dispose of 95 percent of the cases that come before a court, so that both a Scalia and a Ginsburg will arrive at the same place most of the time on those 95 percent of the cases—what matters on the Supreme Court is those 5 percent of cases that are truly difficult. In those cases, adherence to precedent and rules of construction and interpretation will only get you through the 25th mile of the marathon. That last mile can only be determined on the basis of one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy.

I don't dispute that there is a small percentage of cases that are truly difficult. But the question is: Do we want these cases decided by what the law says or by a judge's own personal empathies? I reject the idea that these cases cannot be resolved by staying faithful to the text of the Constitution, and it is dangerous to the rule of law to suggest otherwise.

In June, I came to the floor and stated my opposition to Judge Sotomayor's nomination based on numerous past statements she made embracing an activist judiciary and endorsing the idea that judges should look to areas outside of the law when deciding cases. However, when Judge Sotomayor appeared before the Judiciary Committee last month, she consistently took positions contrary to her past writings and, in many cases, did a complete 180. This leads me to ask which Sotomayor are we voting to confirm—the liberal activist or the modest judge who believes in strictly applying the law as written?

Judge Sotomayor attempted to assure Senators that the real Sotomayor is reflected in her 17-year record on the bench. I find this argument interesting but unpersuasive, because as a judge on the court of appeals, Judge Sotomayor has been constrained by Supreme Court precedent. That is the position she held. Her judicial record tells us very little about who the real Sotomayor will be when on the Supreme Court. It is in her speeches and writings where she is unrestrained that we find the real views on the fundamental questions that she will decide as a Justice on the Supreme Court.

When asked at her confirmation hearing to summarize her judicial philosophy, she said: "Fidelity to the law." I completely agree with this philosophy, but I have difficulty reconciling the words she chose at her confirmation hearing with the statement

she made in 1996 at Suffolk University Law School when she stated: "The law that lawyers practice and judges declare is not a definitive capital 'L' law that many would like to think exists." The only reasonable interpretation to that is that she pledges fidelity to whatever she says the law is.

In a 2001 famous speech she gave to Berkeley Law School, which was later published in the Berkeley La Raza Law Journal, she dismissed the idea that "judges must transcend their personal sympathies and prejudices and aspire to achieve a greater degree of fairness and integrity based on the reason of law," saying that "by ignoring our differences as women or men of color, we do a disservice both to the law and society." This certainly doesn't sound like a judge who believes in fidelity to the law.

In the same speech, Judge Sotomayor famously said:

Justice O'Connor has often been cited as saying that a wise old man and a wise old woman will reach the same conclusion in deciding cases. I am not so sure that I agree with that statement. I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

When asked about this statement at her confirmation hearing, Judge Sotomayor said:

The words I used, I used agreeing with the sentiment that Justice Sandra Day O'Connor was attempting to convey.

Really? Are we really supposed to believe that each time Judge Sotomayor said, "I'm not so sure I agree with that statement," she actually meant "I agree with that statement"? Judge Sotomayor's explanation requires some suspension of disbelief.

Also at Berkeley, Judge Sotomayor said:

Whether born from experience or inherent physiological or cultural differences, our gender and national origins may and will make a difference in our judging.

At her hearing, she said:

I do not believe that any ethnic, racial, or gender group has an advantage in sound judging.

Again, are we being asked to believe that Judge Sotomayor is either a very poor communicator or her past statements have been continually taken out of context and misinterpreted? I don't think she is a bad communicator at all.

In her writings, Judge Sotomayor has repeatedly rejected the principle of impartiality and embraced the novel idea that a judge's personal life story should come into play in the courtroom. But when she was in front of the Senate Judiciary Committee, with the Nation watching, she suddenly embraced the judicial philosophy of Chief Justice Roberts.

The past positions simply cannot be reconciled with what she said before the Judiciary Committee. We do not know what she actually believes.

In a 2005 appearance at Duke University Law School, she said, "The court of appeals is where policy is made." During her confirmation hearing, she said, "Judges don't make law" and they "look at the Constitution and see what it says."

Even some of Judge Sotomayor's defenders have criticized her flip-flopping on her views. Georgetown Law Center professor Louis Michael Seidman, a liberal constitutional law scholar, said:

I was completely disgusted by Judge Sotomayor's testimony today. If she was not perjuring herself, she is intellectually unqualified to be on the Supreme Court. If she was perjuring herself, she is morally unqualified.

There was never any doubt that this President would nominate liberal judges who shared his views. He won the election. Judge Sotomayor's record on the bench has been fairly typical of a liberal judge. However, there have been some notable exceptions.

After the Supreme Court ruled that individuals have a constitutionally protected right to gun ownership in the case of *District of Columbia v. Heller*, *Maloney v. Cuomo*, another second amendment case, was argued in front of the Second Circuit. In a per curiam opinion issued by a panel that included Judge Sotomayor, the Second Circuit ruled that "the Second Amendment applies only to limitations the Federal Government seeks to impose on this right." They also said:

Legislative acts that do not interfere with fundamental rights or single out suspect classifications carry with them a strong presumption of constitutionality and must be upheld if rationally related to a legitimate state interest.

In other words, the second amendment does not protect a fundamental right. I believe the second amendment protects a fundamental right, just as the first amendment protects a fundamental right. The Supreme Court agrees it protects a fundamental right, and the Founders most certainly believed there was a fundamental right to keep and to bear arms.

In a high-profile racial discrimination case, Judge Sotomayor's panel issued an unpublished summary order denying a group of firefighters a promotion they had earned because the promotion exam had a disparate impact on minorities. Sotomayor and her two colleagues' actions were troubling because by issuing an unpublished summary order, they avoided bringing the case to the attention of other judges on the Second Circuit. It was only after another judge of the circuit read about the case in a New Haven newspaper and requested that the full Second Circuit rehear the case that Sotomayor's actions came to light. The case was eventually appealed to the Supreme Court, and in a 5-to-4 opinion, the Court reversed the Second Circuit. Perhaps even more importantly, the Court was unanimous—unanimous—in rejecting

Sotomayor's opinion that simply having a disparate racial impact was justification to void the test. The dissenters at the Supreme Court believed a jury trial should have been granted to examine the evidence and determine whether the test was job related. Sotomayor clearly erred in her decision.

Judge Sotomayor was nominated by a President who said judges should have "the empathy to recognize what it's like to be a young teenaged mom; the empathy to understand what it's like to be poor or African-American or gay or disabled or old," and that difficult cases should be decided by "what is in the justice's heart."

When asked about President Obama's empathy standard by Senator KYL, Judge Sotomayor said this:

I wouldn't approach the issue of judging in the way the President does. He has to explain what he meant by judging. I can only explain what I think judges should do, which is judges can't rely on what is in their heart.

Are we really to believe the President chose a nominee who outright rejects his view of justice? I am concerned that the President has, in fact, nominated an individual who shares his view that the Constitution is a living document, and that is why I will be voting against her confirmation.

After watching her performance in front of the Judiciary Committee last month and observing that performance, I learned something I have long suspected: Judge Sotomayor had no choice but to reverse many of her past statements. A judge who openly embraces an activist judiciary, using empathy to pick winners and losers, using his or her own race and gender to decide the outcome of cases, using foreign law, who does not believe the second amendment is a fundamental right and sees judges as policymakers—all those things—is a judge who cannot be confirmed by this body despite 60 Members belonging to the party of the President.

I hope President Obama has learned that important lesson as well, that the people of the country want a Justice on the Supreme Court to be a justice and not a policymaker; to be a judge and not somebody who goes with the sympathies in their heart; someone who sticks with the Constitution and does not try to rewrite it. If the President realizes that, it will be a victory for the rule of law. And that is what this is about.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent that the time in this hour be divided in the following manner: Senator CARDIN, 15 minutes; Senator BAUCUS, 15 minutes; Senator MERKLEY, 10 minutes; Senator AKAKA, 10 minutes; and Senator LIEBERMAN, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, the confirmation of Judge Sonia Sotomayor to be Associate Justice to the Supreme Court will be my first Justice confirmation vote as a Senator. It is an honor for me to represent the people of Maryland in the Senate and to serve on the Judiciary Committee. I particularly thank Chairman LEAHY and Ranking Member SESSIONS for the dignified manner in which the committee handled the nomination process of Judge Sotomayor. Each Senator on our committee had ample time to review Judge Sotomayor's background and ask questions of the nominee. Her answers were as responsive as possible and gave me confidence that she understood the appropriate role of a judge in applying the law.

The Supreme Court, our Nation's highest Court, holds a tremendous responsibility in deciding cases of fundamental issues that have real impacts on the lives of Americans. In recent years, we have seen less of a consensus on the Court, with many 5-to-4 decisions. Regrettably, too many of these decisions have been at times when the Court has ignored congressional intent and precedent to instead move forward with its own agenda. It has been the so-called conservative Justices who have been the most active in ignoring the intent of Congress in protecting individual rights. For example, in the *Ledbetter* decision, the Court denied women a remedy against employer discrimination pay equity cases, thus eliminating protection intended by Congress. In the *Riverkeeper* and *Rapanos* decisions, the Supreme Court narrowed the congressional protections for clean water. In the *Northwest Austin Municipal Utility District* decision, the Court challenged congressional authority to extend the Voting Rights Act. In each of these cases, the Supreme Court actively ruled to restrict laws passed by Congress to protect individual rights. I want the next Justice to respect legal precedent and congressional intent and advance, not restrict, individual rights.

In determining whether to support Judge Sotomayor for this lifetime appointment, I looked at several factors. First, I believe judicial nominees must have an appreciation for the Constitution and the protections it provides to each and every American. I also believe each nominee must embrace a judicial philosophy that reflects mainstream American values, not narrow ideological interests. I believe a judicial nominee must respect the role and responsi-

bility of each branch of government. I look for a strong commitment and passion for continued progress in civil rights protections.

I understand there is a careful balance to be found. Our next Justice should advance the protections found in the Constitution but not disregard important precedents that have made society stronger by embracing our civil liberties. I believe Judge Sotomayor understands this balance and will apply these principles appropriately.

During the hearing, we all learned more about Judge Sotomayor's approach to the law and to judging. She clearly outlined for us her fidelity to the law, respect for precedent, and due deference to the intent of Congress. With each question, our committee and the American public gained a greater appreciation of Judge Sotomayor's knowledge of and commitment to the rule of law. Her command of legal precedent and her ability to challenge attorneys in their arguments will bode well for reaching the right decisions in the Supreme Court. She is mainstream in her judicial decisions and opinions, and she possesses a correct sense of the role of a judge in deciding a case based on sound legal precedent and the facts, giving due deference to congressional intent.

Over the past few months, our committee has had time to thoroughly review Judge Sotomayor's record. From the moment she was nominated by President Obama, we knew Judge Sotomayor had a strong background, including extensive experience as a prosecutor, trial judge, and appellate judge. She grew up in modest circumstances, worked hard to attend two of our Nation's most prestigious universities, Princeton and Yale Law School, and she excelled at the highest levels in each institution. Judge Sotomayor's lifelong work has been recognized by both Democratic and Republican Presidents who nominated her for Senate-confirmed judicial appointments, and for 17 years she has served as a distinguished jurist.

Judge Sotomayor is an example of a highly competent and experienced nominee. She has more Federal judicial experience than any Supreme Court nominee in the last 100 years. She was rated "well qualified" by the American Bar Association, which is the highest rating given by the ABA. She has been supported by the National Fraternal Order of Police, the NAACP, the U.S. Chamber of Commerce, the National Association of Women Legislators, the Brennan Center for Justice, the Lawyers Committee for Civil Rights Under Law, and many more.

The nine Justices of the Supreme Court have a tremendous responsibility of safeguarding the Framers' intent and the fundamental values of our Constitution, while ensuring the protection of rights found in that very Con-

stitution are applied and are relevant to the issues of the day. It is my belief that the Constitution and Bill of Rights were created to be timeless documents that stand together as the foundation for the rule of law in our Nation. Were it not possible for the Supreme Court to apply the basic tenets of the Constitution to changing times, moving beyond popular sentiment, our Nation would never have made the progress it has, improving society for the better. When the Constitution was written, African Americans were considered property and counted only as three-fifths of a person. Non-Whites and women were not allowed to vote. Individuals were restricted by race as to whom they could marry.

Decisions by the Supreme Court undeniably have moved the country forward, continuing the progression of constitutional protections. I believe Judge Sotomayor's record and background demonstrate that she understands these principles and that she will apply sound legal precedent to contemporary challenges advancing individual rights.

During the confirmation hearing, I spent the majority of my time questioning Judge Sotomayor on the topic of civil rights. We discussed the right to vote, women's rights, minority rights, including race and gender issues, the environment, and the importance of diversity of the courts throughout society. While difficult questions will continue to come before the Court, for me, it bears repeating how important it is to have Justices on the Supreme Court who will apply established precedents and are not tempted to turn back the clock on landmark court decisions that protect individual constitutional rights.

I gained great confidence in Judge Sotomayor after listening to her answers to questions I posed. I wished to mention a few of the key cases decided by Judge Sotomayor that we discussed at the hearing. Judge Sotomayor has protected the civil rights of all Americans, advanced equal opportunity, and promoted racial justice.

In the *Gant* case, she protected the rights of a young African-American student who was treated differently than his fellow White classmates. In the *Boyton* case, she looked at the facts presented and reversed and remanded the case because the facts did present a plausible claim of disparate treatment in a housing application process. Judge Sotomayor has also shown an understanding of privacy rights. While we do not have cases to review that she participated in, her responses to questions gave me great confidence that she will respect legal precedent while applying privacy protections to the challenges in the 21st century.

I have confidence that Judge Sotomayor understands the importance of protecting the freedom of

speech based on the decisions she reached in the Pappas case, where an off-duty police officer used speech that was repugnant, but her ruling showed an understanding of the importance of constitutional protections, even when the speech is unpopular and hateful.

I have confidence Judge Sotomayor will protect religious freedom based on her decision in the Ford case, where she protected the rights of a Muslim prison inmate. I was particularly impressed by Judge Sotomayor's record on voting rights. In the Hayden case, she wrote in a dissent:

The duty of a judge is to follow the law, not to question its plain terms. I do not believe that Congress wishes us to disregard the plain language of a statute or to invent exceptions in the statutes it has created.

Her commitment on voting rights was reinforced at the hearing when she responded to a question I posed. She acknowledged, unequivocally, that the right to vote is a fundamental right for all Americans. With current Justices on the Court ready to question Congress's right to extend the basic voting protections of the Voting Rights Act, it is refreshing to hear Judge Sotomayor say in the Hayden case: "I trust that Congress would prefer to make any needed changes itself rather than have the court do so for it."

I have great confidence that Judge Sotomayor understands the importance of civil rights and the importance of protecting those rights for the American people.

I believe Judge Sotomayor will defend Congress's intent with the passage of the Clean Water Act, the Clean Air Act, and many others, based on her decision in the Riverkeeper case. In this case, she wrote for a unanimous panel and held that under the Clean Water Act, the EPA could not engage in a cost-benefit analysis. Allowing cost-benefit analysis would undermine congressional protections, when determining what constitutes the "best technology available for minimizing the adverse environmental impact." She concluded, instead, the test for compliance should consider "what technology can be reasonably borne by the industry and could engage in cost-effectiveness analysis in determining the [best technology available]."

In addition to her impressive legal background, Judge Sotomayor is on the verge of becoming the first Latino and only the third woman to serve on the Supreme Court. Her story of personal success is an inspiration for young Latinos, women, and for all Americans. She is prepared and ready to serve our Nation on the Court, where I am confident she will continue to build upon the outstanding record she has already achieved as a distinguished jurist. For all these reasons and many more, I will vote to confirm Judge Sotomayor to be the next Associate Justice of the U.S. Supreme

Court. I urge my colleagues to join in support of her confirmation.

I ask unanimous consent to have printed in the RECORD the following letters of support: The Lawyers Committee for Civil Rights Under Law, a joint letter with more than 25 disability rights organizations in support of Judge Sotomayor's confirmation; and letters of support signed by more than 80 civil rights and labor organizations in support of her nomination to be the next Supreme Court Justice.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFIRM JUDGE SONIA SOTOMAYOR TO THE
U.S. SUPREME COURT
August 4, 2009

DEAR SENATOR: On behalf of the undersigned organizations, we write to express our support for the confirmation of Judge Sonia Sotomayor as associate justice of the Supreme Court of the United States. In her 17 years of service to date as a federal trial and appellate judge, and throughout the course of her entire career, Judge Sotomayor has strongly distinguished herself through her outstanding intellectual credentials and her deep respect for the rule of law, establishing herself beyond question as fully qualified and ready to serve on the Supreme Court.

Judge Sotomayor will be an impartial, thoughtful, and highly respected addition to the Supreme Court. Her unique personal background is compelling, and will be both a tremendous asset to her on the Court and a historic inspiration to others. Her legal career further demonstrates her qualifications to serve on our nation's highest court. After graduating from Yale Law School, where she served as an editor of the Yale Law Journal, Judge Sotomayor spent five years as a criminal prosecutor in Manhattan. She then spent eight years as a corporate litigator with the firm of Pavia & Harcourt, where she gained expertise in a wide range of civil law areas such as contracts and intellectual property. In 1992, on the bipartisan recommendation of her home-state senators, President George H.W. Bush appointed her district judge for the Southern District of New York. In recognition of her outstanding record as a trial judge, President Bill Clinton elevated her to the U.S. Court of Appeals in 1998.

During her long tenure on the federal judiciary, Judge Sotomayor has participated in thousands of cases, and has authored approximately 400 opinions at the appellate level. She has demonstrated a thorough understanding of a wide range of highly complicated legal issues, and has a strong reputation for deciding cases based upon the careful application of the law to the facts of cases. Her record and her inspiring personal story indicate that she understands the judiciary's role in protecting the rights of all Americans, in ensuring equal justice, and in respecting our constitutional values—all within the confines of the law. Moreover, her well-reasoned and pragmatic approach to cases will allow litigants to feel, regardless of the outcome, that they were given a fair day in court.

Given her stellar record and her reputation for fairness, Judge Sotomayor has garnered broad support across partisan and ideological lines, earning glowing praise from colleagues in the judiciary, law enforcement community, academia, and legal profession who know her best. Her Second Circuit colleague (and also her former law professor) Judge

Guido Calabresi describes her as "a marvelous, powerful, profoundly decent person. Very popular on the court because she listens, convinces and can be convinced—always by good legal argument. She's changed my mind, not an insignificant number of times." Judge Calabresi also discredited concerns about Judge Sotomayor's bench manner, explaining that he compared the substance and tone of her questions with those of his male colleagues and his own questions: "And I must say I found no difference at all." Judge Sotomayor's colleague Judge Roger Miner, speaking of her ideology, argued that "I don't think I'd go as far as to classify her in one camp or another. I think she just deserves the classification of outstanding judge." And New York District Attorney Robert Morgenthau, her first employer out of law school, hailed her for possessing "the wisdom, intelligence, collegiality, and good character needed to fill the position for which she has been nominated."

The undersigned organizations urge you not to be swayed by the efforts of a small number of ideological extremists to tarnish Judge Sotomayor's outstanding reputation as a jurist. These efforts have included blatant mischaracterizations of a handful of her rulings, as well as efforts to smear her as a racist based largely on one line in a speech that critics have taken out of context from the rest of her remarks. The simple fact is that after serving 17 years on the federal judiciary to date, she has not exhibited any credible evidence whatsoever of having an ideological agenda, and certainly not a racist one. We hope that you will strongly reject the efforts at character assassination that have taken place since her nomination.

In short, Judge Sotomayor has an incredibly compelling personal story and a deep respect for the Constitution and the rule of law. Her long and rich experiences as a prosecutor, litigator, and judge match or even exceed those of any of the justices currently sitting on the Court. Furthermore, she is fair-minded and ethical, and delivers thoughtful rulings in cases that are based upon their merits. For these reasons, the undersigned organizations strongly urge you to vote to confirm Judge Sotomayor. If you have any questions, please feel free to contact Leadership Conference on Civil Rights (LCCR) Counsel Rob Randhava at (202) 466-6058, or LCCR Executive Vice President Nancy Zirkin at (202) 263-2880.

Sincerely,

80 signatures in support of Judge Sotomayor's confirmation.

AMERICAN ASSOCIATION
OF PEOPLE WITH DISABILITIES,
Washington, DC, July 7, 2009.

Hon. PATRICK LEAHY,
Chair, Judiciary Committee,
U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND SESSIONS: On behalf of the undersigned national advocacy organizations representing the interests of millions of people with disabilities, we write to express our strong support for the confirmation of Judge Sonia Sotomayor as Associate Justice of the Supreme Court of the United States. We have reviewed hundreds of Judge Sotomayor's decisions, including her disability rights decisions, from her career as a trial judge and appeals court judge, along with her public statements in speeches and in interviews. Based on her sterling judicial record, and on her valuable life experience, we strongly believe that Judge

Sotomayor will adequately and fairly protect the rights of all Americans, including people with disabilities. As such, we ask that you vote to confirm her nomination.

Judge Sotomayor's decisions under our seminal civil rights law, the Americans with Disabilities Act (ADA), have demonstrated a good understanding of—and healthy respect for—the rights of persons with disabilities. In important ADA cases concerning the definition of “disability”—an area of the law subject over the years to many inappropriately narrowing judicial interpretations, so much so that last year Congress amended the ADA to restore its broad reach—Judge Sotomayor has often combed through voluminous or technical testimony to determine whether the plaintiff was protected by the law. Similarly, her understanding of the importance of accommodations to help workers with disabilities maintain employment is reflected in her thoughtful decisions in workplace accommodation cases. She has not been afraid to dissent from a decision finding that plaintiffs did not have disabilities. Nor has she been afraid to overturn a jury verdict where incorrect instructions to the jury impeded a plaintiff's ability to obtain relief under the ADA.

In her ADA decisions, and in other cases, Judge Sotomayor has demonstrated great sensitivity to the needs of, and challenges facing, people with disabilities in this country. For example, her analysis of special education issues arising under the Individuals with Disabilities Education Act (IDEA) reflects—and language from her decisions explicitly states—a keen awareness of the importance of timely special education services to students with disabilities and their families. She has been vigilant in reviewing administrative decisions denying Social Security benefits, especially where applicants are not represented by attorneys. In a notable dissent, Judge Sotomayor argued forcefully that the appointment of a guardian ad litem violated the constitutional rights of a plaintiff who had received psychiatric treatments, because she was not properly notified that she would have no control over her case once the guardian was appointed.

Given her record of balanced and thoughtful decisionmaking, we believe that Judge Sotomayor understands and appreciates Congress's role in enacting important disability rights protections, in enacting the ADA and other disability rights laws, Congress carefully considered the history of people with disabilities in the United States, and acknowledged that many people with disabilities have been ostracized from their families and communities—that they have been prevented from going to school in their neighborhood schools, from working at jobs for which they were qualified, and from participating fully in all aspects of community life. The care that Judge Sotomayor has taken in her disability rights decisions indicates a respect for Congress's intent that these laws have a broad remedial effect on the relationships between individuals with disabilities and covered entities such as employers, schools, state agencies, and public accommodations. For this reason, we expect that she would accord Congress appropriate deference in this area.

It is our belief that Judge Sotomayor will bring her fair, thorough approach to disability rights cases to her work on the Supreme Court. Judge Sotomayor understands the language and purpose of the ADA and other disability rights laws. Further, she understands that the decisions of judges, including Supreme Court justices, that inter-

pret these laws have consequences for people with disabilities. Admirably, she has been unafraid to take strong positions on issues where she believes her reading of the law and facts is correct. Based on her record and her experience—including the fact that she has publicly acknowledged her own insulin-treated diabetes—we strongly urge you to confirm Judge Sotomayor for the Supreme Court.

Thank you for your important work on Judge Sotomayor's nomination. Should you have questions about this letter, please feel free to contact Andrew Imparato of the American Association of People with Disabilities, Jim Ward of ADA Watch/National Coalition for Disability Rights or Jennifer Mathis or Lewis Bossing of the Judge David L. Bazelon Center for Mental Health Law.

Sincerely,

Alexander Graham Bell Association for the Deaf and Hard of Hearing.

American Association for Affirmative Action.

American Association on Health & Disability.

American Association of People with Disabilities.

American Diabetes Association.

ADA Watch/National Coalition for Disability Rights.

Association of Programs for Rural Independent Living.

Autism Society of America.

Burton Blatt Institute.

Disability Rights Education and Defense Fund.

Empowerment for the Arts International.

Epilepsy Foundation.

Higher Education Consortium for Special Education.

Judge David L. Bazelon Center for Mental Health Law.

MindFreedom International.

National Association of the Physically Handicapped.

National Association of Social Workers.

National Association of State Head Injury Administrators.

National Center for Environmental Health Strategies, Inc.

National Center for Learning Disabilities.

National Council on Independent Living.

National Disability Institute.

National Disability Rights Network.

National Down Syndrome Society.

National Spinal Cord Injury Association.

Teacher Education Division of the Council for Exceptional Children.

United Church of Christ Disabilities Ministries Board of Directors.

United Spinal Association.

JUNE 30, 2009.

Hon. PATRICK LEAHY, CHAIRMAN,
U.S. Senate Judiciary Committee, Washington,
DC.

Hon. JEFF SESSIONS,
Ranking Member, U.S. Senate Judiciary Committee, Washington, DC.

DEAR SENATORS LEAHY AND SESSIONS: As professors of Disability Law, Disability Rights Law, and Special Education Law from across the country, we write to express our support for the confirmation of Judge Sonia Sotomayor for appointment to the United States Supreme Court.

A review of Judge Sotomayor's record on disability law issues indicates that she has an excellent understanding of the various laws' application to people with disabilities in various contexts, including disability civil rights, employment, special education, Social Security, Medicaid, and guardianship.

Judge Sotomayor's record shows that she takes a balanced, thoughtful approach to disability issues. Her analysis is consistently thorough, practical and respectful of individual rights. In close cases, she does not appear to follow any particular ideology or activist agenda.

DEFINITION OF DISABILITY

With the passage of the Americans with Disabilities Amendments Act of 2008, Congress repudiated much of the way that the Supreme Court has interpreted the Americans with Disabilities Act's definition of disability. Notwithstanding this flux in the law, Judge Sotomayor's opinions in this area stand out as being careful and reasoned, as she has engaged in searching inquiries into the nature of plaintiffs' impairments to determine whether they meet the functional and legal definition of disability. (See *Bartlett v. New York State Board of Law Examiners*, 2001 WI 930792 (S.D.N.Y., 2001).

Judge Sotomayor has not been reluctant to dissent in cases where the law was being applied overly narrowly, particularly on the Issue of coverage based on an employer's perceptions of disability (“regarded as”). (See *EEOC v. J.B. Hunt Transp., Inc.*, 321 F.3d 69, 78 (2d Cir. 2003) (Sotomayor dissenting)). After the passage of the ADA Amendments Act, Judge Sotomayor's interpretation of the “regarded as” prong of disability now has been adopted as consistent with congressional intent.

DISCRIMINATION

Judge Sotomayor has authored decisions holding, as a matter of first impression in the Second Circuit, that “mixed motive” analysis (allowing discrimination claims where there are both discriminatory and non-discriminatory motives for a challenged action) applies in ADA employment discrimination claims (See *Parker v. Columbia Pictures Industries*, 204 F.3d 326 (2d Cir. 2000)). Her opinion fully analyzed, and was consistent with, precedents in other jurisdictions and the demonstrated intent of Congress.

REASONABLE ACCOMMODATION

Judge Sotomayor has participated in several cases reversing grants of summary judgment for ADA defendants where there were questions of fact regarding whether plaintiffs requested accommodations were reasonable. Judge Sotomayor wrote a decision reversing a jury verdict against the plaintiff for failure to give a jury instruction indicating that, in determining whether reassignment to a vacant position is a reasonable accommodation, an offer of an inferior position is not reasonable when a comparable, or lateral, position is available. (See *Norville v. Staten Is. Univ. Hosp.*, 196 F.3d 89 (2d Cir. 1999)).

EDUCATION

Judge Sotomayor's education opinions reflect an appropriate concern for parents' procedural rights, recognizing that, only by ensuring parents' rights to hearings and records can their children's substantive educational rights be ensured, while also balancing states' rights under the “cooperative federalism” envisioned by the Individuals with Disabilities Education Act (IDEA). (See *Taylor v. Vermont Dep't of Educ.*, 313 F.3d 768 (2d Cir. 2002)). She has also written opinions recognizing that the IDEA exhaustion requirement is not so inflexible as to require parents to engage in futile efforts. (See *Murphy v. Arlington Cent. Sch. Dist. Bd. of Educ.*, 297 F.3d 195 (2d Cir. 2002)).

CONSTITUTIONALITY OF FEDERAL CIVIL RIGHTS LEGISLATION

Judge Sotomayor has resisted judicial attempts to artificially limit federal legislative authority to articulate and enforce individual rights. While demonstrating respect for precedent, she has not interpreted the Constitution to prevent Congress from recognizing individual and civil rights. (See *Hayden v. Pataki*, 449 F.3d 305 (2d Cir. 2006) (Sotomayor joining dissent from en banc decision); *Connecticut v. Cahill*, 217 F.3d 93 (2d Cir. 2000) (Sotomayor dissenting)). Her opinions reflect a deference to Congress and to the plain language of the Constitution.

The Supreme Court is the guardian of our rights and freedoms. As such, we recognize the importance of each nomination to the Court. Based on her record as a district court judge and as a Judge on the Second Circuit Court of Appeals, we believe Judge Sotomayor has demonstrated appropriate respect for the rule of law and the importance of individual rights. Therefore, we urge you to confirm the nomination of Judge Sonia Sotomayor to the U.S. Supreme Court.

23 signatures in support of Judge Sotomayor's confirmation.

Mr. CARDIN. I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Montana.

Mr. BAUCUS. Mr. President, it is with great honor that I rise to express my support for the nomination of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

In the *Federalist Papers*, explaining our great Constitution and the role of the judiciary, Alexander Hamilton quoted Montesquieu to say:

There is no liberty, if the power of judging be not separated from the legislative and executive power.

We Americans should take a moment to recognize that few other nations in the world possess such a strong emphasis on individual rights and liberties—something we cherish greatly. Too often we take it for granted. We can, in large part, point to this Nation's independent judiciary as the reason for this emphasis on individual rights and liberties. Sure, they are enshrined in the Constitution, but the independent judiciary, framed in the Constitution, helps make all that possible. Justice Sandra Day O'Connor stated, for example:

The Framers of the Constitution were so clear in the *Federalist Papers* and elsewhere that they felt an independent judiciary was critical to the success of the nation.

Our Founding Fathers were wise in setting up three separate branches of government, including a strong and independent judiciary. The pinnacle of this system and its independence is the U.S. Supreme Court, the highest Court in the land.

Our Constitution embodies this independence in the separation of powers and checks and balances throughout this great document. This is the case in the structure of appointing our Supreme Court Justices. The Constitution provides of the President, for example, that:

He shall nominate, and by and with the advice and consent of the Senate, shall . . . appoint judges of the Supreme Court.

Let me repeat, the Constitution says: the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . judges of the Supreme Court."

The Senate's role is of utmost importance in defending the independence of the Supreme Court. The Senate's active advice and consent role in the confirmation of Supreme Court Justices helps to ensure that nominees have the support of a broad political consensus.

Of the many responsibilities the Constitution grants to the Senate, few are more critical than the Senate's role in the confirmation process for Supreme Court Justice nominees.

I take—and I know each of us in the Senate does—this constitutional responsibility very seriously. Throughout my time in the Senate, I have established three criteria I use to examine nominees. These three criteria are: professional competency, personal integrity, and a view of important issues within the mainstream of contemporary judicial thought. Those are the three. They are the criteria I use. I have analyzed past Supreme Court nominees using these three criteria, including Chief Justice Roberts and Justice Alito. I will review my criteria.

First, professional competency. The Supreme Court must not be the testing ground for the development of a jurist's basic values. We do not have time for that. A Justice cannot learn on the job, nor should she require further training. The stakes are simply too high. She must be professionally competent on day one.

Second, personal integrity. Nominees to our Nation's highest Court must be of the highest caliber.

And, third, the nominee should fall within the mainstream of contemporary judicial thought. The next Justice must possess the requisite judicial philosophy to be entrusted with the Court's sweeping constitutional powers.

I believe that in the case of Judge Sonia Sotomayor, the answer to all three questions is a resounding "yes."

Judge Sotomayor is the embodiment of the American dream—rising from a Bronx public housing project to a place among the judicial elite. She attended Princeton, where she graduated among the top of her class, and she was editor of the *Law Journal* at Yale Law School.

Judge Sotomayor's work history is diverse and rich with experience. Judge Sotomayor began her legal career as assistant district attorney for New York County in 1979. She then worked as a litigator at Pavia & Harcourt, a small firm in Manhattan, where she handled commercial cases.

Judge Sotomayor's 17 years on the bench, first as a district court judge,

then on the second circuit, have yielded an enormous yet consistent body of work. Her opinions show thorough and thoughtful analysis, an eye for detail, and, in her own words, fidelity to the law.

I have no doubt that Judge Sotomayor has the professional competency that the American people require of Supreme Court Justices.

Judge Sotomayor's life experiences also convey the personal integrity essential to a Supreme Court Justice. She has given back her time, energy, and expertise to the community that helped shape who she is. She has worked hard throughout her career, inspiring students across the country to pursue study of the law.

For her service, Judge Sotomayor has received many honorary degrees—many—countless awards, and accolades from her colleagues, clerks, and the academic community. Judge Sotomayor has also made personal sacrifices. She recognizes the personal sacrifices she must make in order to serve as a Justice on the Supreme Court.

My third criteria—that is, a nominee who falls within the mainstream of contemporary judicial thought—is met, again, by reviewing Judge Sotomayor's lengthy judicial record. Some of my colleagues want to paint her as a judicial activist with leftwing leanings.

In fact, in constitutional cases that came before the second circuit, Judge Sotomayor voted with the majority 98 percent of the time—hardly a leftwing activist. In the rare cases where she held a government action unconstitutional, the decision was so clear that it was unanimous. Judges appointed by Republican Presidents have agreed with Judge Sotomayor 90 percent of the time—hardly a leftwing activist.

This is not the actions of an activist judge. In fact, this is a judge who can be relied on to produce a decision that most people can agree with.

I strongly believe Judge Sotomayor has met the three criteria I view essential to a Supreme Court Justice, and this was even more evident during her confirmation hearing.

Over the 4 days of hearings on the nomination of Judge Sotomayor, what did we see? We saw a composed, intelligent, and thoughtful judge, someone committed to the law, and one with a rich life story and expansive judicial experience, whose perspective will enrich the judgments of the U.S. Supreme Court.

In closing, I congratulate our President. I congratulate President Obama on his historic nomination. I am confident Judge Sotomayor will make an outstanding Justice on the U.S. Supreme Court.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for the benefit of Members, we will have no more votes tonight. I just completed a meeting with Senator MCCONNELL, and we are trying to work through when we are going to have a final vote on the Supreme Court nomination, what we are going to do on travel promotion, and what we are going to do for cash for clunkers. We are trying to work through that. We hope we will have something worked out tonight, but knowing how things work around here, we probably will not be able to get information to Members until tomorrow. But there will be no more votes tonight.

I have indicated the number of things we have to complete before we leave here, and that is all dependent on the amount of cooperation we get from the minority whether we finish tomorrow, Friday, or Saturday, or Sunday. There is no reason we can't put in a modestly long day tomorrow and complete everything, but we will have to see. We will do our best to try to get notice to Members as quickly as we can.

Mr. INOUE. Mr. President. I support the nomination of Judge Sonia Sotomayor to the Supreme Court.

Some of my colleagues have criticized Judge Sotomayor for her views. I welcome an independent thinker.

Some have criticized her for being a "liberal" in certain cases. What is wrong with being a liberal? Do all Supreme Court Justices have to qualify as being conservatives?

I welcome the nomination of Judge Sotomayor to the Court because she, unlike most members of the Supreme Court, has lived through the experiences of many of our citizens. She knows what it is to be poor. She knows what it is to have grown up in public housing.

I wish her the very best.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today in support of the confirmation of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court. She has received support from many parts of the community. The Judiciary Committee has received many letters of support for Judge Sotomayor's nomination, from current and former public officials, including the National Association of Latino Elected and Appointed Officials, the Congressional Asian Pacific American Caucus, former President Bill Clinton, as well as former Judge Advocates General. These letters of support continue to come.

Judge Sotomayor is well qualified, with significant judicial experience.

After graduating from Yale Law School, she worked in the New York County District Attorney's Office prosecuting criminal cases such as homicides and robberies, child pornography, police misconduct, and fraud cases. She then spent over 7 years in private practice working with large corporations on international business issues.

In 1992, Judge Sotomayor was appointed by President George H.W. Bush to the Southern District Court of New York. Six years later she was appointed by President Clinton to the Second Circuit Court of Appeals where she has served for more than 10 years.

Throughout her career, Judge Sotomayor has displayed a keen intellect and an understanding of the world around her. She knows the law and knows firsthand how it affects Americans' daily lives.

If confirmed, Judge Sotomayor will be the first Hispanic Justice and the third female Justice to sit on the Supreme Court. Her confirmation would make the Supreme Court more reflective of our great and diverse Nation.

She brings a rich background and a wealth of experience and understanding of American life that will have an impact on the cases before the Court. As other Justices have noted, the unique personal story of each Supreme Court Justice allows them to better understand the parties before them and to better apply the law to the facts at hand. She has a deep understanding of the real lives of Americans—how her decisions can affect not only the parties before her but society at large.

In June, I had the pleasure to meet with Judge Sotomayor. During our meeting we talked about Hawaii, its history, and its culture. We talked about how being an island State forces us to work together to resolve challenges and how our diverse culture helps us find unique solutions. Judge Sotomayor understands that. She knows our diversity ultimately makes America stronger.

Her commonsense approach to the law gives Americans reason to believe that she will be an unbiased and fair-minded Supreme Court Justice. In fact, Judge Sotomayor's record demonstrates her realistic approach to deciding cases and her fair treatment of the parties before her. She has a long record of judicial restraint and respect for our constitutional freedoms, established precedent, and the other branches of the government, including the lawmaking role of Congress.

Last month we watched as she handled her confirmation hearing with poise and composure. She addressed the committee members' questions with thoughtfulness and respect. She demonstrated that she is up to the challenge and the great responsibility of serving on the Supreme Court. I am confident, based on her experience and background, that she will make an ex-

cellent addition to the U.S. Supreme Court.

I urge my colleagues to focus on her qualifications, her life experience, and her judgment and join me in supporting Judge Sotomayor's confirmation.

Mr. President, I ask unanimous consent that the letters I mentioned at the beginning of my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF LATINO
ELECTED AND APPOINTED OFFICIALS,
Los Angeles, CA, July 10, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on the Judiciary,
Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Senate Committee on the Judiciary,
Washington, DC.

DEAR SENATOR LEAHY AND SENATOR SESSIONS: On behalf of the National Association of Latino Elected and Appointed Officials (NALEO), I am writing to express our strong support for the swift confirmation of Judge Sonia Sotomayor to serve as Associate Justice of the U.S. Supreme Court. NALEO is the leadership organization of the nation's more than 6,000 Latino elected and appointed officials.

Judge Sotomayor is an exceptionally accomplished jurist who has demonstrated a deep commitment to equal justice for all Americans. She has excelled as a prosecutor, a corporate litigator, a federal judge, and an appellate judge on the Second Circuit Court of Appeals. Judge Sotomayor has more experience in the federal judiciary than any other person nominated to the United States Supreme Court in a hundred years.

In addition, during her distinguished career, Judge Sotomayor has combined a profound respect for the rule of law with careful and thoughtful analysis of the law's impact on the day-to-day realities of our diverse nation. Through her extensive public service efforts, she has promoted equal opportunity in employment and housing, and expanded access to the electoral process.

NALEO's Board reached the decision to support Judge Sotomayor's nomination after a thorough review of her qualifications conducted in accordance with the Board's principles governing the assessment of federal judiciary nominees. This assessment involved a comprehensive evaluation of the Judge's professional accomplishments, and her opinions and rulings that affect equal access to civic and economic opportunities. The Board also reviewed the Judge's record of service to the legal profession, the judiciary, and the public.

We believe that the confirmation of Judge Sotomayor is particularly important, because it will help enhance the diversity of the nation's highest court, where no Latino has yet served. In order for our judicial system to carry out justice effectively and interpret our laws fairly, our judges must understand how laws affect the daily realities of the life of our nation's diverse residents. Latinos are the nation's second largest and fastest growing population group, and Judge Sotomayor will bring a deep understanding of the issues facing Latinos and all Americans to the Supreme Court. Thus, her service as an Associate Justice will greatly enrich the administration of justice in our nation.

NALEO believes Judge Sotomayor will be an invaluable asset to our nation's highest

court because she possesses exceptional judicial expertise and a firm dedication to our laws and Constitution. The full Senate must confirm the Judge's nomination by the August Congressional recess in order for Judge Sotomayor to participate in September when the Court confers, and to be seated on the first Monday in October, when the court publicly convenes. We urge the Senate Judiciary Committee to help meet this schedule by advancing Judge Sotomayor's nomination to the full Senate as expeditiously as possible.

Thank you for attention to this matter. Should you have any questions, please contact me.

Sincerely,

ARTURO VARGAS,
Executive Director.

CONGRESSIONAL
ASIAN PACIFIC AMERICAN CAUCUS,
Washington, DC, July 13, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: On behalf of the Congressional Asian Pacific American Caucus (CAPAC), I am writing to inform you of CAPAC's endorsement of the nomination of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

CAPAC applauds President Obama's decision to choose Judge Sonia Sotomayor as his Supreme Court nominee. A brilliant legal mind, Judge Sotomayor has already served our country with great distinction. Over the course of her distinguished career, Judge Sotomayor has been a fearless guardian of the rule of law and demonstrated integrity of the highest class, earning her the respect of the legal community.

Despite humble beginnings from the South Bronx, Judge Sotomayor went on to become the valedictorian of her high school, the top undergraduate student in her class at Princeton, and an editor of the Yale Law Journal. Her legal career has been as dazzling as her life story, and she is unquestionably qualified to serve as a Supreme Court Justice.

She would bring to the Supreme Court her experience in nearly every level of our judicial system as a prosecutor, litigator, trial court and appellate judge—offering a depth and breadth of experience that will inform her work on our nation's highest court. In fact, she has a wider range of federal legal experience than any Justice sitting on today's Court.

CAPAC extends its endorsement with pride. Members of our caucus look forward to working with you to ensure a fair and smooth confirmation process.

Sincerely,

MICHAEL M. HONDA,
Chair.

JULY 14, 2009.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Judiciary Committee, Washington, DC.

DEAR MR. CHAIRMAN: I write respectfully to urge the Senate's speedy confirmation of the Honorable Sonia Sotomayor as Associate Justice of the Supreme Court of the United States.

I had the privilege to name Judge Sotomayor to a position in the Federal Judiciary. On that occasion, she was a trailblazer as the first Latina nominated to a U.S. Cir-

cuit Court. As the first Hispanic nominee to the U.S. Supreme Court, Judge Sotomayor once again breaks new ground. If confirmed, Justice Sotomayor will be the second jurist in history nominated to three judgeships by three different Presidents. I am very proud of our nation at this auspicious moment.

It is my hope that Judge Sotomayor will join the Supreme Court, where she can make a unique contribution through her experience as a state prosecutor and a trial judge. Her compelling life story, being raised by a single mother of modest means who instilled in her the values of hard work and educational achievement, is the true embodiment of the American Dream.

I congratulate President Obama for selecting an eminently qualified nominee and encourage the Senate to recognize Judge Sotomayor's outstanding qualifications and experiences, which make her worthy of the honored role of Associate Justice of the Supreme Court of the United States.

Sincerely,

BILL CLINTON.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Washington, DC.

Hon. JEFFERSON B. SESSIONS,
Ranking Member, U.S. Senate Committee on the Judiciary, Washington, DC.

Hon. LINDSEY GRAHAM,
Member, U.S. Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY, RANKING MEMBER SESSIONS, AND SENATOR GRAHAM: We, former Judge Advocates General and a general in the Judge Advocate General's Corps, respectfully write to support the confirmation of Judge Sonia Sotomayor as an Associate Justice of the United States Supreme Court.

Judge Sotomayor is well-qualified for the Supreme Court and should be confirmed. She has earned a reputation for careful, narrowly-tailored decisions in seventeen years as a federal judge, applying the law impartially, and faithfully honoring precedent and the rule of law. Earlier in her career, she impressed her colleagues as a focused and hard-working prosecutor and corporate litigator. She has distinguished herself in each role, displaying rigorous thinking and careful attention to the facts before her. Judge Sotomayor would serve the Court, and the nation, well.

We urge your speedy confirmation of this qualified nominee.

Sincerely,

JAMES P. CULLEN,
Brigadier General,
USA (Ret.).

DONALD J. GUTER,
Rear Admiral, USN
(Ret.).

JOHN D. HUTSON,
Rear Admiral, USN
(Ret.).

Mr. AKAKA. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, over the past few weeks of meetings and

hearings, both the Senate and the American people have witnessed the intelligence, the legal understanding, and dedication to the law that makes Judge Sonia Sotomayor well qualified to be our next Supreme Court Justice. Today, I rise to support her nomination and share a few thoughts on why I think Judge Sotomayor should be confirmed as the next U.S. Supreme Court Justice.

When I was in college I took a freshman seminar on the Bill of Rights. Each week, our professor would give us the facts of a Supreme Court case without the opinions and would ask us to draft our opinion of a situation. After we had prepared our opinion, we would share them the next week, and then and only then read the official majority and minority opinions of the Justices. It was quite an education in the Bill of Rights.

Over the course of the semester, many of us came to identify with the approach and viewpoints of one Justice or another. It was very helpful in gaining insight into my own thinking and that of our Supreme Court. So when I met Judge Sotomayor, I posed a question to her: Which judge do you most identify with? Her answer was Justice Benjamin Cardozo.

Let me tell my colleagues a little bit about Benjamin Cardozo. A native of New York, he served on the New York Court of Appeals, the highest State court in New York, from 1914 to 1932, and then on the U.S. Supreme Court from 1932 to 1938. Cardozo was descended from Portuguese Jewish immigrants who long ago had fled the Spanish Inquisition, and Cardozo was the first Jewish person to serve on the New York Court of Appeals. His careful, brilliant opinions on New York law earned him wide recognition as one of our Nation's most outstanding judges.

When he was nominated to the Supreme Court in 1932, he was confirmed by the Senate by a unanimous voice vote. I can see many reasons why Judge Sotomayor, as a native New Yorker, as a child of Spanish-speaking immigrants from Puerto Rico, and as a longtime judge in New York might identify with Justice Cardozo. I am sure Judge Sotomayor would love to extend the parallel to Cardozo's unanimous Senate confirmation vote. But Judge Sotomayor cited none of these reasons. Rather, she pointed to his particular approach to judging—the careful, fact-intensive approach that was Cardozo's hallmark.

Let me put that observation in context. Cardozo served as a judge during the industrializing early 20th century. Because of the rapidly changing times in which he lived, he was faced with a wide range of cases that raised new and difficult issues. His opinions became recognized for drawing deeply on the facts of individual cases and relied heavily on the development of the law

that came before him. He was innovative and forward-looking but also deeply respectful of careful development of the law. He described his style as one of steady, hard work. Justice Cardozo and Judge Sotomayor share a love for steady, hard work—the steady, careful development of law that comes from fact-intensive, careful judging. These are approaches to law that will serve the judge well as our next Supreme Court Justice.

Interpreting the Constitution is, of course, a challenge. Our Constitution is mostly written in broad, general directives. For example, our first amendment says Congress shall pass no law “abridging the freedom of speech.” Our fourth amendment ensures persons shall be free in their homes from “unreasonable searches and seizures.” The fourteenth amendment declares that no State shall “deny to any person within its jurisdiction the equal protection of the laws.”

Those broad phrases do not provide easy answers to complicated cases. When is a search or seizure unreasonable? When does a practice or law abridge freedom of speech? When does a practice or law abridge equal protection under the law?

Our first Chief Justice, John Marshall, correctly noted it is the responsibility of the judicial branch to provide answers. How should a Supreme Court Justice go about providing these answers?

Judge Sotomayor’s background and record offer a model for how it should be done. First, she brings to her work extraordinary academic and experiential qualifications. She graduated at the top of her class from Princeton University and from Yale Law School. She brings valuable life experience from growing up in public housing in the Bronx, from serving as a prosecutor in New York City, and from working as an attorney in private practice. In 1992, she was appointed to the Federal bench by President George Herbert Walker Bush. During the following 17 years, including 11 on the U.S. Court of Appeals for the Second Circuit, she weighed in on over 3,000 panel decisions and authored about 400 published opinions.

What this body of work shows, more than anything else, is that Judge Sotomayor is diligent and prudent in her approach to hearing and deciding cases. She thoroughly weighs the facts and carefully adapts the principles expounded by previous courts to reach a just result in each new set of circumstances. In fact, the reason many find it difficult to pin a label on her—be it conservative or liberal—is because her decisions do not follow ideological lines. Rather, they emerge from close readings of previous cases and careful thought about the implications of the particular facts. Clearly, the judge’s respect for Justice Cardozo isn’t just an off-the-cuff remark. Hers

is a judicial record that Benjamin Cardozo would be proud of.

Just as Cardozo faced the challenge of interpreting the Constitution in a newly industrialized state, so, too, do we face the challenge of interpreting the Constitution in a high-tech, globally interconnected world. The answers to tomorrow’s constitutional questions will not be easy. But if we follow Judge Sotomayor’s approach, our constitutional interpretations will be built on the wise interpretations of the past. We will, with this approach, have confidence that our Supreme Court will stay true to the body of principles of justice and freedom that are at the heart of our constitutional tradition.

Let me summarize. Judge Sotomayor has a stellar academic background. She brings diverse and valuable life experiences. She has a distinguished record on the bench, and she will bring a carefully measured judicial approach and valuable insights to our Supreme Court.

Moreover, the value of the diversity that Sotomayor would bring to the Court, as a woman, as an American of Puerto Rican descent, cannot be overstated. We often talk about government by and for the people. That is a cherished part of our tradition. We often talk about it in terms of the diversity of those who serve in the executive branch. We often talk about it being important in the diversity of those who serve in the legislature, so we can bring valuable insights to bear. But government by and for the people extends to the judicial branch as well. We need to have the insights that flow from having judges with many different life experiences.

I am confident Sonia Sotomayor will be a wise guardian of our Constitution. Therefore, I urge my colleagues to join me in casting their votes to confirm Judge Sonia Sotomayor as an Associate Justice of the U.S. Supreme Court.

I yield the floor.

Mr. FEINGOLD. Mr. President, I want to say a few words about Judge Sotomayor and about the hearing process we have just been through.

First, I commend Chairman LEAHY and his staff for a remarkably well-run proceeding in the Judiciary Committee. I think anyone who saw the 4 days of hearings would agree that the process was scrupulously fair. Everyone got a chance to ask all the questions they wanted to ask. They had the time they needed for follow up questions, and for follow ups to those follow ups. No stone was left unturned, even if the answers the Judge gave weren’t always what the questioner hoped to hear.

What the public doesn’t see is the work that is done behind the scenes to get us to that point. Not just the setup of the room and all the complex preparations that go into the smooth run-

ning of the hearing itself, but also the enormous effort to make all of the background information that came to the Judiciary Committee available online virtually immediately—all of Judge Sotomayor’s speeches and articles, over 100 letters and reports from people who know her, or organizations that wished to express their views on her nomination, as well as all of the materials received from the PRLDEF organization in response to the Judiciary Committee’s request. Chairman LEAHY has set a new standard for transparency and public access to Supreme Court nomination proceedings, and I truly commend him for that, and I also thank him and his staff for the tremendous work they have done over the last several weeks.

The scrutiny to be applied to a President’s nominee to the Supreme Court is the highest of any nomination. The Supreme Court, alone among our courts, has the power to revisit and reverse its precedents, and so I believe that anyone who sits on that Court must not have a pre-set agenda to reverse precedents with which he or she disagrees, and must recognize and appreciate the awesome power and responsibility of the Court to do justice when other branches of government infringe on or ignore the freedoms and rights of our citizens. This is the same standard I applied to the nominations of both Chief Justice Roberts and Justice Alito during the last administration.

What we saw over 4 days of hearings on the nomination of Judge Sotomayor was a thoughtful, intelligent, and careful judge, a person committed to her craft and to the law, someone whose remarkable life story and varied experience will add diversity and perspective, which the Court sorely needs. Not only will Judge Sotomayor become the first Latina Justice, and only the third woman, to serve on the Court, but she will be the only Justice who has served as a trial court judge, and she will have more judicial experience at the outset of her service on the Court than any of her colleagues did. There is no doubt she is highly qualified, and I think we saw during those 4 days of hearings that she has an admirable judicial temperament and demeanor that will serve her well on the Court.

Judge Sotomayor’s record and testimony satisfied me that she understands the important role of the Court in protecting civil liberties, even in a time of war. She sat on a Second Circuit panel that struck down portions of the National Security Letter statute that was so dramatically expanded by the Patriot Act. And when I asked her how September 11 changed her view of the law, she gave the following answer:

The Constitution is a timeless document. It was intended to guide us through decades, generation after generation, to everything that would develop in our country. It has

protected us as a nation. It has inspired our survival. That doesn't change.

Later, when we discussed the Korematsu case, she said:

A judge should never rule from fear. A judge should rule from law and the Constitution.

Those words give me hope that she will have the courage to defend the liberties of the American people from an overreaching executive or legislative branch.

At the same time, she appreciates the deference the judiciary must give to the legislature as it seeks to solve the problems facing the American people. I don't see in her record or in her public statements a burning desire to overturn precedent or to remake constitutional law in the image of her own personal preference, and I certainly don't see bias of any kind. I was also impressed with her record and statements during the hearing on judicial ethics. Judge Sotomayor seems to understand that the extraordinary power she will wield as a Justice must be accompanied by extraordinary care to guard against any apparent conflict of interest.

All that being said, I do want to express a note of dissatisfaction. Not with Chairman LEAHY, or with my colleagues on the Judiciary Committee, and certainly not with Judge Sotomayor, but with a nominations process that I think fails to educate the Senate or the public about the views of potential Justices on the Supreme Court. I have said before that I do not understand why the only person who cannot express an opinion on virtually anything the Supreme Court has done in recent years is the person from whom the American public most needs to hear. It makes no sense to me that the current Justices can hear future cases notwithstanding the fact that we know their views on a legal issue because they wrote or joined an opinion in a previous case that raised a similar issue, but nominees for the Court can refuse to tell us what they think about that previous case under the theory that doing so would compromise their independence or their ability to keep an open mind in a future case.

I remain unconvinced that the dodge that all nominees now use—"I can't answer that question because the issue might come before me on the Court"—is justified. Nomination hearings have become little more than theater, where Senators try to ask clever questions and nominees try to come up with cleverer ways to respond without answering. This problem certainly did not start with these hearings or this nominee, but perhaps it is inevitable. The chances of the Senate rejecting a nominee who adopts this strategy are very remote, based on the recent history of nominations. Nonetheless, I do not think it makes for meaningful advice and consent.

So I cannot say that I learned everything about Judge Sonia Sotomayor that I would have liked to learn. But what I did learn makes me believe that she will serve with distinction on the Court, and that I should vote in favor of her confirmation.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, it is a privilege to rise to speak on behalf of President Obama's nomination of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

This takes me back to a time, shortly after I was privileged to be elected to the Senate, when President George H.W. Bush nominated David Souter to be an Associate Justice of the Supreme Court of the United States. David Souter had, by that time, been in law enforcement as an attorney general of New Hampshire. As a former attorney general, I felt an instant kinship with him. He had also been a trial judge in New Hampshire, a member of the New Hampshire Supreme Court and, ultimately, he sat on the Federal First Circuit Court of Appeals. He was proposed to President Bush 41 by our former colleague, Warren Rudman, a Senator from New Hampshire, a great Senator and a great friend.

I remember when Senator Rudman brought David Souter around and introduced him after President Bush nominated him. It has been my privilege to have had a friendship with David Souter in the company of former attorneys general, particularly those who gather periodically to speak of matters past, present, and future. I wanted to speak of Justice Souter because, of course, it is his announcement of retirement that opens the vacancy that President Obama has asked us to fill with Judge Sonia Sotomayor.

In the case of now-Justice Souter, I was privileged in one of my early votes here to join 89 of my Senate colleagues in voting to confirm Justice Souter. With his retirement this summer, after two decades on the Court, he has become the first Justice to retire of the six Supreme Court Justices on whose nominations I have had the privilege and responsibility of voting.

I wish to first thank and commend Justice Souter for his decades of public service, generally, and, specifically, for his thoughtful, distinguished service to the highest Court of our land. I know Justice Souter is a very honorable, straightforward man. He is—if I may say so as a New Englander—a quintessential New Englander. He carries with him all the great constitutional traditions of the part of our country from which I am proud to hail. He brings with him some characteristics that are best associated with a New Englander. He is straightforward. He is not one for flowery rhetoric. He is one who is committed to integrity in his

personal life, as well as his public life. He has a great New England sense of humor—probably not often seen in his decisions, but I bear personal testimony here, though I am not under oath at the moment, to that great quality he has.

I know there are some who have become critics of Justice Souter, who have said he isn't what they thought he would be when he was nominated. But when he was nominated, what he presented himself as was a man of the law who believed in our Constitution, believed in the values that underlie it, and one who would always do what he thought was right. He has done that in his years on the U.S. Supreme Court. I haven't agreed with every opinion Justice Souter has ever written, but this I know: Every time he sat to write an opinion or to join an opinion, he did so after the most careful consideration. He is an extraordinarily hard-working, disciplined individual and, ultimately, he reached a judgment that he felt was right, according to the requirements of our Constitution. I salute this great American, this quiet American, but this profoundly patriotic American, and wish him well in the years he has ahead of him as he returns now, by his own choice, to his beloved New Hampshire.

The life tenure of Supreme Court Justices—a lifetime appointment for those who choose not to step down—defines, in many ways, the importance of the Senate's role in providing advice and consent to the President on Supreme Court nominees. I have always felt, from the time I first came in—and the first vote I cast was on a controversial nomination for Secretary of Defense. It was in 1989. I spent a lot of time looking back at the history of the advice and consent clause. To make a long story short, I felt it wasn't for me to vote for a nominee of the President, to advise and consent. I did not have to feel that nominee was the person I would have chosen but just that that nominee was within the range of being acceptable and was prepared and qualified for that job. There is a slightly higher standard for Supreme Court nominees because they do serve lifetime appointments.

It is with that in mind that I approach this nomination of Sonia Sotomayor. I have met with Judge Sotomayor and have reviewed her judicial record. I followed her confirmation hearing before the Judiciary Committee and, based on all that, I conclude, without question, that she possesses remarkable intellectual and legal credentials, has a distinguished record of experience in the public and private sector, and a deep commitment to our country and our Constitution. I will, therefore, vote affirmatively to consent to her nomination to the Supreme Court.

Judge Sotomayor's 17-year record as a Federal judge speaks volumes about

her qualifications to serve on the Court, and that is why I feel she more than passes the threshold for this lifetime appointment. During 6 years as a trial judge on the U.S. district court and 11 years as a judge on the court of appeals, Sonia Sotomayor has shown she possesses a superior intellect, a commendable judicial temperament, and an admirable respect for the role of established precedent in our legal system.

It is usually and quite naturally true that those who know people best are those with whom they have worked most closely. Those who have worked most closely with Judge Sotomayor are consistent, even effusive, in their praise for her personal attributes, her professional qualifications, and her fairness. Chief Judge Dennis Jacobs of the Second Circuit Court of Appeals, said:

Sonia Sotomayor is a well-loved colleague on our court—everybody from every point of view knows that she is fair and decent in all her dealings.

Another colleague on the Second Circuit, Senior Judge Roger Miner, said:

I don't think I'd go so far as to classify her in one camp or another. I think she just deserves the classification of outstanding judge.

While the most significant facts about Judge Sotomayor are her personal qualifications and her judicial record, I also note that women are underrepresented on the Supreme Court of the United States. I say that not just as a matter of numbers but as a matter of qualification.

I thank the President for this historic nomination of the first American of Hispanic descent to the Supreme Court. This nomination was clearly made on the basis of merit, not ethnicity or gender. I think it is consistent with her merit. But acknowledging her ethnicity, her selection represents another barrier that has been broken in American life. When that happens in American life, the doors open wider for every other American.

I will be proud to vote yes to confirm Sonia Sotomayor, of New York, to be Associate Justice of the U.S. Supreme Court.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Republican time for the next hour be allocated as follows: Senator ENSIGN, 30 minutes; Senator MURKOWSKI, 20 minutes; and Senator SESSIONS, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I rise to speak about Supreme Court nominee, Judge Sonia Sotomayor.

The words "Equal Justice Under Law" are engraved in the stone above the entrance to the U.S. Supreme

Court. This simple phrase, "Equal Justice Under Law," carries an immense amount of weight and responsibility.

As a Senator tasked with the monumental responsibility of confirming a Supreme Court nominee, it is with these four words in mind that I carefully studied this Supreme Court nominee. There is no denying that Judge Sotomayor is impressive. Her qualifications, diverse experience, and personal disposition make her a worthy candidate for this nomination. The fact that this is a proud moment for our Nation has not been lost on me. This year, America has certainly filled the history books. On the tails of his historic election, President Obama has chosen to nominate the Nation's first Hispanic woman to the Supreme Court. President Obama and Judge Sotomayor have made history, but the impact they will have on future generations is so much greater.

Although, as a child, Judge Sotomayor could do little more than dream. She was born in the Bronx, raised by a single mother after her father passed away when she was 9 years of age. Her mother instilled in her a deep value for education and a strong work ethic, which paid off with a full scholarship to Princeton University. She graduated summa cum laude from Princeton and went on to attend Yale Law School, where she earned her juris doctorate. She is truly an inspiration for people across our great country.

Judge Sotomayor's humble upbringing is reminiscent of another recent judicial nominee, also of Hispanic heritage, who rose above his meager means in New York to attend and graduate with honors from Ivy League schools. And the similarities do not stop there. I am referring to the American success story of Miguel Estrada, an individual equally deserving of our respect.

Miguel Estrada came to America as a Honduran immigrant at the age of 17. With very little English in his vocabulary, he rose to the top of the legal profession after graduating with honors from Columbia University and Harvard Law School. He clerked for Supreme Court Justice Anthony Kennedy and was a former Assistant Solicitor General of the United States. Miguel Estrada served in the administrations of both President Bill Clinton and President George W. Bush.

In 2001, President George W. Bush recognized his talent and nominated him to the U.S. Court of Appeals for the DC Circuit. Unfortunately, partisan politics came into play, and Estrada's record was not judged purely on its merits. He did not receive the fair consideration that has been given to Judge Sotomayor. He never even made it as far as a confirmation vote. Miguel Estrada's nomination and expected ascension to the Supreme Court was cut short by a Democrat filibuster—as a matter of fact, seven Dem-

ocrat filibusters that helped create a new standard for judicial nominees and the Senate's constitutional role of "advise and consent." Had he been given the fair consideration he deserved, the Hispanic community would have another great role model in our judicial system.

As I have previously stated, I am impressed by Judge Sotomayor. In our meeting, I found her very personable and easy to talk with. Unfortunately, our discussions during that meeting did little to alleviate the concerns I had upon reviewing her record and her public statements, including her testimony before the Judiciary Committee. Judge Sotomayor's record and testimony have left me with more uncertainty and doubt instead of the assurance that she has the ability to rule with a fair and impartial adherence to the rule of law. I fear that Judge Sotomayor, when seated on the Supreme Court bench, will not be a zealous advocate for "Equal Justice Under Law." Many of her responses to me and to my colleagues on the Judiciary Committee were troubling, not necessarily because of substance, but more due to the lack of it.

I remain concerned that we just do not know who we will be getting on the Supreme Court. The inconsistencies in Judge Sotomayor's testimony, judicial record, and writings make it impossible to fully understand her commitment to how she will interpret and uphold the Constitution.

This especially concerns me because a lifetime appointment to the Supreme Court comes without the barriers of additional judicial review that someone has in a lower court. The restraints of precedent that she was under as a district court and circuit court judge will not apply.

Even if I was to solely consider her judicial record, I cannot in good conscience dismiss her cursory treatment of cases dealing with serious and important constitutional questions. Some of her decisions have run contrary to the Constitution, were decided in opinions lacking analysis, and are consistent with liberal political thought.

For example, there was her 2006 private property decision that permitted the government to take property from one developer and give it to another.

And we have heard a lot about her 2008 Ricci decision, recently overturned by the U.S. Supreme Court, which would have effectively allowed employers to engage in reverse discrimination, so long as their claims of their actions were motivated by a desire to avoid conflicts with favored minority groups. A majority of Justices found that Judge Sotomayor misapplied the law.

Then there was her 2009 second amendment decision in *Maloney v. Cuomo* that would give States the power to ban firearms. The unsigned decision, joined by Judge Sotomayor,

held that New York's state statute does not interfere with a fundamental right. The opinion also dismissed the argument that a complete ban violates the Second Amendment by citing Supreme Court cases from the 19th century holding that the Second Amendment applies only to the Federal Government and not to the States. To me, the Maloney ruling is an indication that Judge Sotomayor does not view the Second Amendment as protecting a fundamental right.

This is further supported by a 2004 decision in *U.S. v. Sanchez-Villar* in which she also joined a decision that flatly denied gun possession as a fundamental right. While that decision predated *Heller*, the Maloney decision occurred more than six months after the *Heller* decision, and yet Sotomayor again dismissed the possibility that the second amendment protects a "fundamental right." Once again in the decision, no analysis was given as to why. Her conclusion was that, one, the Second Amendment does not apply to the States and, two, the Second Amendment does not protect a fundamental right.

Had Judge Sotomayor looked to the history of the Fourteenth Amendment, the Civil Rights Act, and the Freedman Bureau's Act, she would have recognized—or at least she should have recognized—that they were enacted to ensure that the constitutional rights of freedmen were protected against State infringement. This is especially true as it relates to the Second Amendment and the practice by States and localities that were outlawing the ownership of firearms by newly freed slaves.

Given this information, coupled with Judge Sotomayor's record, I believe it is reasonable to conclude that she has a bias against firearms and our constitutional right to "keep and bear arms." Should we expect her to rule differently when the Supreme Court takes up the Maloney case or the Ninth or Seventh Circuit cases that deal with the question of whether the Second Amendment applies to the States?

Judge Sotomayor appears to believe that the Second Amendment is not an individual, fundamental right. It is, in fact, a fundamental right granted to all Americans and enshrined in our Constitution. The Second Amendment is the cornerstone of our Bill of Rights. If it is chipped away or infringed upon in any way, our freedom and liberties will be compromised. It is my fear that Judge Sotomayor will threaten Second Amendment rights for all Americans.

This was not the first time her bias and propensity to rule with purpose-driven results impacted her judicial decision making. Unfortunately, Judge Sotomayor's record and testimony provides more uncertainty and doubt than a declaration to her ability to rule with a fair and impartial adherence to the rule of law.

Presidents, Senators, judges, and Supreme Court Justices alike take an oath to preserve, to protect, and to defend the Constitution. It is our most solemn duty. Judges are expected to be tethered to the Constitution and impartially apply the law to the facts. The American people overwhelmingly reject the notion that unelected judges should set policy or allow their social, moral, or political views to influence the outcome of cases. I worry about her prior dismissal of the goal of judicial impartiality as an unattainable "aspiration." And I disagree that embracing her biases is a good thing.

Judge Sotomayor's views on international law are also troubling. While the use or consideration of foreign and international law in judicial decision-making is not new and remains a subject of controversy, Judge Sotomayor appears to embrace using international standards or laws to decide U.S. constitutional questions.

I asked Judge Sotomayor about her thoughts on the use of foreign law. Her answers on this worrisome issue only confirm a contradictory position reflected in many of her public statements and an apparent endorsement of using foreign law as a source of creative ideas.

During the confirmation hearings, Judge Sotomayor was asked if she agreed that "there is no authority for a Supreme Court justice to utilize foreign law in terms of making decisions based on the Constitution or statutes." This was her response:

Unless the statute requires you or directs you to look at foreign law . . . the answer is no. Foreign law cannot be used as a holding or a precedent or to bind or to influence the outcome of a legal decision interpreting the Constitution or American law that doesn't direct you to that law.

She went on to say:

I will not use foreign law to interpret the Constitution or American statutes. I will use American law, constitutional law to interpret those laws, except in the situations where American law directs a court.

This seems fairly straightforward. But her answers to written questions are contradictory, saying:

In limited circumstances, decisions of foreign courts can be a source of ideas informing our understanding of our own constitutional rights.

To the extent that the decisions of foreign courts contain ideas that are helpful to that task, American courts may wish to consider those ideas.

This was not the only time she offered support for utilizing foreign law. On April 28, 2009, Judge Sotomayor gave a speech to the ACLU of Puerto Rico entitled "How Federal Judges Look to International and Foreign Law Under Article VI of the U.S. Constitution." Article VI makes the Constitution and subsequent laws the "supreme law of the land." In her April speech, she gave a broad defense of the practice by some American judges of looking to

foreign and international law as a source of "good ideas" in deciding questions of American law. She stated that U.S. courts can use foreign law to "help us understand whether our understanding of our own constitutional rights f[a]ll[s] into the mainstream of human thinking."

Apparently, the sentiments Judge Sotomayor expressed this past April are not new. In 2007, she wrote a forward to a book on international judges, titled "The International Judge," where she assumed there is value to "learn[ing] from foreign law and the international community when interpreting our Constitution."

I believe, and Justices Roberts, Scalia, and Thomas agree, it is illegitimate for judges to look to foreign sources for guidance in interpreting the Constitution and laws ratified and enacted by "We the People, of the United States." Judge Sotomayor has also specifically criticized Justices Scalia and Thomas for their opposition to relying on foreign law to interpret the Constitution. She has even suggested that we will lose our influence globally if we are not open to foreign and international law.

While Judge Sotomayor acknowledges that judges are prohibited from treating foreign statutes or foreign court judgments as binding, she has publicly embraced their use in formulating decisions. Judge Sotomayor attempted to distinguish the "use" of foreign law to decide American legal questions from the act of "considering" foreign law by "us[ing] the ideas of foreign courts in some of our decision-making."

According to Sotomayor, any effort to "outlaw the use of foreign or international law . . . would be asking American judges to . . . close their minds to good ideas." She further stated, "How can you ask a person to close their ears? Ideas have no boundaries. Ideas are what set our creative juices flowing."

I agree, good ideas are important. Aren't we fortunate that our Constitution is full of them? And our Constitution will always be the supreme law of our land.

Unfortunately, we have already experienced the negative impact of so-called good ideas from foreign law and how some on the Supreme Court may be using them to erode our constitutionally protected rights. Let's take a look at the controversial 2005 Supreme Court decision of *Kelo v. New London*.

It appears the global "good idea" of "Sustainable Development" from a U.N. Earth Summit may have influenced the majority decision to widely expand the definition of the "Takings Clause" and eminent domain from its original purpose—"public use" for bridges, roads, or traditional government uses.

In Kelo, I believe the Court incorrectly ruled against the private property owners, allowing the City of New London, CT, to transfer the private property from long-time homeowners to a private developer for what the city considered a greater "public purpose," instead of public use to increase the city's tax base.

Again, I believe this is a troubling interpretation of the Constitution, and the Kelo decision suggests the danger of allowing international or foreign good ideas to impact interpretation of U.S. constitutional questions.

I further fear that she may be less restrained by the text of the Constitution and more inclined to embrace judicial activism. Throughout her hearing, Judge Sotomayor insisted her judicial philosophy was, "fidelity to the rule of law," and that judges are required to defer to the policy choices made by Congress. Unfortunately, she declined to explain how she would apply that principle in practical terms.

When asked how her commitment to the "rule of law" would guide her judgment on whether the Second Amendment protected a fundamental constitutional right against encroachments from States and local governments, Judge Sotomayor declined to answer other than to vaguely commit to look at the Supreme Court's prior decisions. And when asked whether she views the Constitution as a "living, breathing, evolving document," Judge Sotomayor professed that the Constitution "is immutable" and "has not changed except by amendment."

Yet, once again, her own responses to Senators' questions adopt a strikingly different tone. When asked to distinguish between judicial decisions that apply a broadly-written statute to specific circumstances based on a judge's view of "common sense" and a legislative act that endorses and codifies a court's decisions, Judge Sotomayor argued that a court's action—with precisely the same practical effect as the action of the legislature—does not amount to "making law" solely because it is a judicial act.

If, as her written answers argue, Judge Sotomayor believes judges cannot make law solely because they are judges, her repeated disavowals of judicial law-making while sitting before TV cameras are essentially meaningless.

In conclusion, when thinking back on the phrasing engraved in marble above the entrance to the U.S. Supreme Court, "Equal Justice Under Law," Judge Sotomayor's record and testimony provide uncertainty and doubt that she will rule with a fair and impartial adherence to the rule of law. Therefore, I respectfully oppose her nomination because she has given no assurances that the Second Amendment is an individual, fundamental right; she has demonstrated a propen-

sity to rule with purpose-driven results; she has indicated a particular interest in considering international standards or laws to decide U.S. constitutional questions; and her televised testimony contradicted much of her public record and professed judicial philosophy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, a decision as to whether to confirm a President's nominee to the Supreme Court is one of the most significant decisions any of us will make during our Senate careers. The precedents that are established by the U.S. Supreme Court do not merely affect the litigants but the entire fabric of American society, often for centuries.

Justices of the Supreme Court enjoy life tenure. They are not accountable to the President who appointed them or to the Senators who voted to confirm them. They are not directly accountable to the American people. Yet it is undeniable today, as it has been since the founding of our Republic, that the Supreme Court is relied upon as the last line of defense against the loss of our liberties.

It is critical that the American people have the highest confidence in the Supreme Court and its objectivity. In a Democratic society, the credibility of any institution relies on the consent of the governed. Those who seek nomination to the Supreme Court must be ever vigilant in their words and in their deeds that they do nothing to undermine that credibility.

Mr. President, after lengthy, lengthy introspection, I rise this evening to inform my colleagues that I am unable to support the nomination of Judge Sotomayor to serve on the Supreme Court. This is a difficult result for me because I like Judge Sotomayor on a personal level. I visited with the judge for nearly an hour when she came through to meet with Senators. She is absolutely an engaging individual, and I left thoroughly impressed with her intellect and certainly with her resolve. She was open to my invitation to visit Alaska, and that invitation still stands.

The nomination of Judge Sotomayor, who would be the first woman of Puerto Rican descent to serve on the Supreme Court, is indeed a historic one. Many were disappointed that President Bush did not nominate a woman to fill Justice Sandra Day O'Connor's seat on the Supreme Court. Justice O'Connor herself underscored the importance of placing women on the bench and in other high governmental positions in an interview with the National Law Journal that was published on May 26, 2009. So I am pleased that President Obama has nominated a woman to succeed Justice Souter.

Judge Sotomayor's education and experience certainly qualify her for the

position for which she was nominated—experience as a prosecutor and in the private practice of law, 17 years service on the Federal trial and appellate bench, a gifted and inspiring law professor.

Judge Sotomayor's rise from the South Bronx to Princeton and Yale Law School is truly an American success story. Her excellence in practice as a prosecutor and private practice attorney is also an American success story. Her rise through the ranks of the Federal Court system is an American success story. And here in America, we celebrate success stories such as Judge Sotomayor's.

But as much as I like Judge Sotomayor and am impressed with the obstacles she has clearly overcome, there are aspects of Judge Sotomayor's record that make me uncomfortable. I have heard from about 1,400 Alaskans who are troubled by what they know of Judge Sotomayor as well, and this discomfort arises from Judge Sotomayor's speeches as well as her decisions in key cases involving the second amendment and property rights.

Alaskans, by their nature, are independent thinkers, and this nomination has rightly engaged their attention. So let's begin with the speeches.

In the National Law Journal interview I referred to a moment ago, Justice O'Connor reasserted her viewpoint that "a wise old woman and a wise old man, at the end of the day, can reach the same conclusion." I agree with that conclusion. But this is a viewpoint that Judge Sotomayor has challenged in one form or another on some eight different occasions.

During the confirmation hearings I was looking for a simple, straightforward statement that Judge Sotomayor had come to appreciate that perhaps her remarks were ill-conceived; that she would not use those words if she were delivering those speeches today. During the confirmation hearings Judge Sotomayor used many words to justify and to explain her statements. She argued vigorously that she was misunderstood. But I am still not clear she understands the impact the plain meaning of her words had upon the American people or the impact they potentially could have on the credibility of the Court.

Many of my constituents in the State of Alaska are not impressed with this talk. Alaskans champion diversity. In the Anchorage school district where my children attended elementary and middle school, more than 90 different languages are spoken. About 20 percent of Alaskans are of Alaska Native ancestry. Yet we reject the notion that coming from a particular background makes you wiser than one who has a different background. Alaskans judge each person as an individual.

Alaskans respect those who respect our lifestyle and our values—hunting

and fishing and sustaining one's self from the land, responsible development of our natural resources, and a government that restrains itself from intruding on the lawful choices of American citizens.

About 63 percent of our State is owned by the Federal Government. Alaska is constantly in Federal court defending attacks to our ability to access Alaska's lands and develop our economy, and often these issues end up before the Supreme Court. Many Alaskans were disappointed recently with the outcome of the Exxon Valdez punitive damages case. This may explain why so many Alaskans are so attuned to the objectivity of those nominated to serve on our Supreme Court.

We are initially suspicious of those who are educated at Ivy League schools and spend their entire careers in the Boston-Washington corridor. Alaskans wonder whether those with this background truly understand the slice of the American experience that we live in the 49th State, and with good reason.

I would not expect that Judge Sotomayor would devalue her own experiences. But neither should she have suggested that the experiences of others would lead them to decisions of lesser wisdom. One's diverse background does not and should not diminish the value of another's experiences.

All of this leads me to question whether Judge Sotomayor will consider the pleas of those with experiences different from her own with the objectivity that is demanded of a Supreme Court Justice. My constituents are also troubled by the speech in which Judge Sotomayor expresses her notion that the appellate courts are where policy is made. Judge Sotomayor has subsequently explained that the point she was trying to make is that the courts of appeal establish precedent and the district courts do not. But there is a difference between policy and precedent, and my constituents don't believe Judge Sotomayor would have used the words "make policy" to mean "establish precedent."

They believe that she really did mean "make policy." Alaskans get nervous when courts make policy decisions. Particularly those policy decisions that infringe upon our constitutional rights, as Alaskans understand them.

And no constitutional issue concerns my constituents in Alaska more than the second amendment. They question whether Judge Sotomayor's experiences enable her to fully understand why people in the West fear the creep of government regulation on their second amendment right to bear arms. Judge Sotomayor has dealt with second amendment issues on two occasions. Neither inspires confidence.

Let me focus on the 2009 Maloney decision. Maloney presented the question whether the second amendment pro-

tections citizens from State interference with their right to keep and bear arms. It was heard by a three judge panel in the Second Circuit. Judge Sotomayor served on that panel. Maloney was one of the first cases to construe the second amendment following the Supreme Court's landmark 2008 decision in *Heller*.

Judge Sotomayor's panel held that the second amendment did not protect citizens from state interference. It reasoned that it was constrained by the U.S. Supreme Court's 1866 decision in *Presser v. Illinois*.

But as the Supreme Court explained in *Heller*, the *Presser* case said nothing about the second amendment's meaning or scope, beyond the fact that it does not prevent the prohibition of private paramilitary organizations.

Maloney had nothing to do with private paramilitary organizations. The sole question in Maloney was whether the State of New York could ban the possession of a particular kind of weapon.

A three judge panel in the Ninth Circuit, a circuit which is often regarded as one of the more "liberal" circuits, reached quite the opposite conclusion from Judge Sotomayor's panel. The case was *Nordyke v. King*.

It concluded that *Heller* left little doubt that the second amendment is a fundamental right. Accordingly the second amendment is incorporated into the 14th amendment and applies with equal vigor to the States. To the Ninth Circuit panel this was not a question of ideology or judicial activism. It was the undeniable outcome of *Heller*'s reasoning.

But if Judge Sotomayor and her colleagues really believed that courts of appeals must await additional guidance from the Supreme Court before determining whether the second amendment constrains State action they could have stopped there. Instead, the Sotomayor panel went on to conclude that the rights secured under the second amendment are not fundamental rights. It was not necessary to reach any conclusion on this issue because the panel had already decided that the second amendment doesn't apply to the States. So why did Judge Sotomayor's panel go out of its way to make this point?

I am also disappointed that Judge Sotomayor did not write a separate opinion in Maloney. On a question as significant as whether the second amendment is a fundamental right, I would have expected that Judge Sotomayor would have written a thoughtful and scholarly opinion. Instead she signed on to an analysis of the second amendment that is widely regarded as superficial.

Unfortunately, this is not the first time that Judge Sotomayor failed to write a substantial opinion on a significant constitutional issue. Some of my

colleagues have discussed their concerns with Judge Sotomayor's handling of the New Haven firefighters' case.

I would like to take a moment to discuss the Didden case which involves property rights and constitutional limits on the scope of eminent domain.

The reasoning of Didden is particularly perplexing. The panel on which Judge Sotomayor sat concluded that Didden's constitutional challenge to the taking of his property was time barred. If a suit is time barred there is no reason for judges to reach the merits of the case.

Yet for reasons I cannot fathom, Judge Sotomayor's panel went on to do just that. They performed a superficial analysis of whether the taking of a piece of private property by a municipality for a drugstore is a constitutionally permissible public purpose. The Supreme Court invited lower courts to scrutinize a claim of public purpose to determine whether it is pretextual. Judge Sotomayor's panel never analyzed this question.

They simply concluded that Didden's constitutional rights were not violated. This analysis was dicta. Not necessary to the outcome of the case. But it is a most troubling piece of dicta because it undermines the constitutional protection for private property. It could be used to limit the rights of litigants in other cases.

My professional training is no different than that of the other lawyers in this body. In law school you spend 3 years reading appellate decisions day in and day out. Hundreds of appellate decisions—over a 3-year period. We are taught that the measure of a judge is in the quality of her analysis.

The strength of a judge's reasoning is as important, if not more important, than who wins and who loses. It is important because that reasoning is part and parcel of the precedent that is used in deciding future cases.

In three separate cases of significant constitutional import, Judge Sotomayor's panel failed to provide the rigorous analysis we commonly expect of future Supreme Court Justices. That troubles me deeply.

I appreciate that the decision of who to nominate to the Supreme Court belongs to the President. However, if advice and consent is to be meaningful the Senate cannot be a mere rubberstamp on the President's decision.

My decision to oppose Judge Sotomayor's nomination is not based upon partisanship, ideology or the recommendations of any outside interest group. It is the product of reservations I have about the positions that Judge Sotomayor has taken in speeches on multiple occasions over a period of years. It is based on the brief and superficial treatment she has given to important constitutional questions. Equally troubling is the fact that

about 1,400 Alaskans have arrived at the same conclusion.

This is not the conclusion I would have preferred to announce but it is one that is compelled by Judge Sotomayor's record.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we had a number of Members discuss the second amendment issue that was dealt with by Judge Sotomayor in two different cases. It is an important question and I think her nomination raises very serious concerns about it. I would like to try as fairly as I can to analyze the circumstances in her dealing with these issues and why I think it is a problem that Senators rightly have objections to.

The second amendment is in the Constitution. It is the second of the first 10 amendments. It is part of the Bill of Rights. If you remember, the people were not so happy with the Constitution. They wanted to have a guarantee of individual rights that they as American citizens would possess no matter what the Federal Government or anyone else wanted to do about it. So they passed the right not to establish a religion, free speech, free press, the right to jury trial and other matters of that kind in the first 10 amendments, as adopted.

The second amendment was one of those, of course. It says:

A well regulated militia being essential to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

The right of the people to keep and bear arms shall not be infringed.

Over the years, laws have been passed that caused difficulties and that began to overreach with respect to the second amendment right. The American people have gotten their back up, as the Senator from Alaska told us, Senator MURKOWSKI. People in Alaska, people in Alabama, people all over America are concerned about this. It is a constitutional right. It has been there since the founding of the Republic.

I think most scholars have believed for some time that it is, in fact, an individual right, that the first clause regarding the well-regulated militia did not undermine the final declaratory clause which said:

The right of the people to keep and bear arms shall not be infringed.

But no Supreme Court case had ruled on that squarely until last year when the Supreme Court took up the Heller case, which was in the Federal city we

are in today, DC. The Supreme Court in the Heller case said it was an individual right and it prohibited the city of Washington, DC, from effectively barring any citizen in the District from having a gun.

It was an exceedingly broad ban on guns. But I would note something that ought to be remembered: It was a 5-to-4 decision—four members of the Supreme Court did not agree. Some people do not agree.

One of our Democratic colleagues yesterday said of the result in Heller, that it was "a newly minted and narrowly enacted constitutional right."

That is cause for concern. The Constitution, I don't think, is newly minted. I don't think the Court created a right. I think the Court simply declared a right that was plainly in the Constitution. So this is part of our concern.

I would suggest that it is a fragile right, however, based on the way some of the courts have been ruling and based on how Judge Sotomayor ruled.

Somebody had raised the point several times that it is somehow not right that the National Rifle Association here, at the end, after the hearings, declared that they think that Judge Sotomayor should not be confirmed. Certainly they were reluctant to be engaged in this debate. But for the reasons I would note—and Senator MURKOWSKI and others have noted—I don't think they had much choice, because it is a critical thing we are dealing with here, the next appointment to the U.S. Supreme Court.

In a year after the Heller case was decided that the right to keep and bear arms is a personal or individual right and it cannot be abridged by the Federal Government, the case came before her as to whether the second amendment applied to States and cities.

What if other cities were to declare that you couldn't have a gun in the city, or a State were to declare you couldn't have a firearm, or if a State were to place massive restrictions on the use of personal weapons? She took that case, the first major case after Heller to deal with this issue. Anyone who is familiar with the appellate courts in America, as this judge would be, would know this was a big, big case, a case of great importance coming on the heels of the widely discussed Heller decision. In it, she rendered an exceedingly short opinion. In it, she found it was "settled law" that the second amendment does not apply to individual Americans in States or cities. The city or State could completely bar them from having any kind of gun.

In the Heller case, to be fair with her, this is what the circumstances were. There was an old 1800s case that basically held this way. It basically held that the second amendment did not apply to the States. I think the judge could rightly conclude that she may

have been bound by that case. However, in the Supreme Court decision, they put a footnote in it and said: we are not deciding the question of whether the second amendment applies to the States because we are deciding a case in the District of Columbia, and the law in the District of Columbia is not city law. The law in the District of Columbia is U.S. Government law. They put a footnote and indicated that the incorporation doctrine was out there, but that they would review that in the future.

My first point is this: I don't believe it would be appropriate to say it is settled law that the second amendment does not apply to the States after the Heller case. That troubled me that she said that.

Judge Sotomayor made a decision in the Maloney case, the first major case after Heller. It was only eight paragraphs in a case that everyone knew was of great importance. And only one paragraph dealt with the question of whether the second amendment would apply to the States. Those who have supported Judge Sotomayor have correctly noted that the seventh circuit heard the same kind of case some months later and they agreed with the Maloney case and Judge Sotomayor. They spent, however, a number of pages on it. They spent 2½ pages on the question of whether it was incorporated against the States. But they concluded that even with the footnote in the Heller case, they concluded that the more clear authority was still this old case that is out there in the 1800s. They did not say, however, that it was settled law.

The ninth circuit took up the very same case just a few months after Judge Sotomayor's Maloney decision. In a 19-page opinion that discussed in great depth the important constitutional issues, the panel said, when you read the Heller decision, when you consider the footnote of the Supreme Court's opinion where they said they didn't explicitly decide whether it applied to the States, they found differently. They found the second amendment does apply to the States and cities, and the States and cities must comply with it, and they can't ban all guns. They found not only that it was not settled law. To the contrary, they found that the footnote in the Supreme Court opinion "explicitly left open this question." And because they found the question was left open by the Supreme Court, they felt they were authorized to consider the constitutional laws and questions that are important and render a decision that they thought was the right constitutional decision. That is why they went forward in that fashion.

At the hearing, the judge was asked a number of questions about this. I didn't find those questions answered very persuasive, frankly. In some instances, I found them confusing. There

was no retreat that I heard from this untenable position. In answering questions from Senator HATCH, the judge said that:

The Supreme Court didn't consider [the second amendment] fundamental [in the Heller case] so as to be incorporated against the state. . . . Well, it not only didn't decide it, but I understood Justice Scalia to be recognizing that the [C]ourt's precedent held that it was not fundamental.

In the course of her decision she also found a critical question, that the second amendment is not a fundamental question. The judge was just wrong on that in a big, big case. It is the kind of thing you shouldn't make a mistake on. In the majority's footnote on this issue, the Court expressly reserved the question of whether the second amendment applies to the States. The footnote said this:

With respect to Cruikshank's one of the old cases

—continuing validity on incorporation, a question not presented in this case . . .

So they explicitly said that they didn't were addressing this issue. But it is pretty clear that the doctrine that allows the Bill of Rights, the first 10 amendments, to apply to the States. That doctrine has developed dramatically in the 20th century, over the last 100 years. Virtually every one of the 10 amendments has been incorporated against the States. But the Second Amendment has not yet been applied to the States. To me, that is an odd thing in light of the doctrine of the incorporating of the first 10 amendments as protections for individual Americans against both the Federal Government and State and local governments. That doctrine has developed great strength and power over the last 100 years. Few people would want to go back. I think most people would be awfully surprised to learn that the second amendment would not be one of those applied to the States. It certainly, in my opinion, is not settled law.

This case was dealt with in a most cursory manner. It dealt with a matter of huge national importance. It is the kind of case that legal scholars watch closely. It was an exceedingly short opinion, a few paragraphs. It showed little respect for the seriousness of the issue. It didn't discuss it in any depth. It incorrectly stated it was settled law that the second amendment would not apply to the States. These are the problems we have with it.

Judge Sotomayor now seeks to be on the Supreme Court. And with regard to the 5-to-4 decision in Heller and to the question of whether she should recuse herself, as asked by Senator KYL, she indicated that if her case came up, she would recuse herself. It could come before the Supreme Court. It is that important. But if one of the other cases raising exactly the same issue came up, she refused to say she would recuse herself. Of course, if her case comes up,

it is a matter of ethics that she would have to recuse herself. I thought that since having already clearly decided precisely the same issue the Supreme Court would have to deal with, she ought to have indicated to us that since she expressed her opinion on it, she wouldn't sit on the case. But that did not happen.

I will share likewise another concern we have about the firefighters case and how that was handled in such a short manner. The firefighters contended that they had studied hard. They had passed a promotion exam. They were on the road to being promoted. The city, because of political complaints about the fact that certain groups did not pass the test in a way that raised concerns, decided they would give up and not have the test and wipe out the test and not follow through with the test. The firefighters felt they had done everything possible, and they challenged that. Indeed, later the Supreme Court held that no evidence was ever presented that the test was not a fair and good test. Indeed, they had taken great care to get good people to help write the test in a way that would be neutral and fair to all groups of people and would not have any kind of unfair advantage.

When that case came before the judge, I was very disappointed that she and her panel treated it as a summary order. A summary order is reserved for cases that present no real legal question. Summary orders are not even circulated among the other judges in the circuit. Here, it was a summary order that did not even adopt the opinion of the lower courts that had ruled in this fashion. It just summarily dismissed the firefighters' claim and rendered judgment in favor of the city which had altered the plan for promotion. It was basically done because of their race.

The equal protection clause of the Constitution says that all American citizens are entitled to equal protection of the laws, regardless of race. That is what their complaint was, one of the complaints. I would note that this was not even an opinion. It was basically a line or two summarily dismissing this.

Then one of the other judges on the court apparently found out this opinion had been rendered in a case that struck him, apparently, as a matter of real importance, a case that ought not to be disposed of by a summary order, that the firefighters were at least entitled to an opinion. And by the way, they never got a trial. Basically it was dismissed prior to trial on motions. So after great debate within the circuit, a little bit of a dust-up within the circuit, by a 7-to-6 margin, Judge Sotomayor casting the decisive seventh vote, they decided not to rehear the case and any precedent that may exist in the circuit. But at that point,

I guess as part of the process of confrontation that arose there, the panel issued an opinion that adopted the lower court opinion, a procuring opinion. They didn't write their own opinion but basically adopted the lower court's opinion.

It was from that decision, as a result of by chance another judge heard about it, not through the normal processes but, according to Stuart Taylor's article, from seeing it on television, that the case got some attention. And the Supreme Court agreed to hear it and reversed the case and rendered a judgment in favor of the firefighters. I think that was not responsible. That was a huge case of major constitutional import. It should have been written in detail. Any person, any judge should have done that, particularly one who would be considered for the Supreme Court.

So I will say those two opinions to me are troubling in that I think they were wrong, No. 1. And No. 2, they were exceedingly short, too short, when you consider the seriousness of those issues.

I yield the floor.

Mr. ENZI. Mr. President, I rise today to discuss the nomination of Judge Sonia Sotomayor to serve as an Associate Justice of the U.S. Supreme Court. Judge Sotomayor has a long career as a jurist with many cases for Senators to review and determine how she may address cases brought before the Supreme Court. Judge Sotomayor is clearly an accomplished attorney and intelligent person who overcame many obstacles and came from a humble beginning to rise to this nomination. However, in that long record I have found a tendency to at times place more emphasis on personal experience than the most fundamental parts of our Constitution.

I must oppose Judge Sotomayor's nomination.

I am concerned about Judge Sotomayor's past rulings and statements during the Senate Judiciary Committee hearings about the second amendment as a fundamental right. The Supreme Court's ruling in 2008 in the Heller case confirmed that the second amendment's right to keep and bear arms includes the right of American citizens to have weapons for personal self-defense. The Supreme Court has not yet reviewed an incorporation case involving the second amendment, but its second amendment opinion last year noted that a due process analysis is now required. Earlier this year, when Judge Sotomayor and the Second Circuit Court of Appeals ruled on *Maloney v. Cuomo* determining that the second amendment is not a fundamental right, they relied on rulings from the 1800s rather than following the 2008 Supreme Court ruling.

The second amendment of our Constitution guarantees the fundamental

right of an individual to keep and bear arms. This is clear to me and a clear legal precedent set by the Supreme Court.

As a father and grandfather, who strongly believes in the rights of the unborn, I am also troubled by Judge Sotomayor's past affiliation and leadership of an organization, the Puerto Rican Defense and Education Fund, which has taken positions on abortion that I find unsettling. Judge Sotomayor's case record does not include direct rulings on abortion issues, so we must look at her history with this organization. The fund, while Judge Sotomayor served in a leadership capacity, filed briefs with the Supreme Court not only supporting abortion rights but in support of Federal funds for abortion services. I could not disagree more with these positions, and I cannot help but wonder how Judge Sotomayor would use her experiences with the fund to rule on a possible case before the Supreme Court. Unfortunately, she would not provide a satisfactory answer or position when my colleague from Oklahoma, Senator COBURN, asked her direct questions during the Judiciary Committee process.

The issue of international law is another area of concern. Judge Sotomayor has stated that ideas have no boundaries, but we must remember that nations do have boundaries as well as laws that govern actions within those boundaries. The U.S. Constitution is the highest law of our land and the basis of our Nation's sovereignty. It may be good and well for academics to discuss international laws, or even domestic laws of other countries, as they compare to the United States, but when making a ruling, a member of the U.S. judicial branch must rely on the laws of this Nation.

Finally, I would like to address the issue of judicial impartiality. Judge Sotomayor's statements about her ability to judge cases better than others based on her background are certainly troublesome. These statements have been vetted in the Judiciary Committee and certainly through the media. The statements warrant further discussion, however. As public figures, I, and the rest of my colleagues, may be faced with situations where a comment can be taken out of context. A comment that is repeatedly used in prepared remarks, however, should be interpreted as showing the true thoughts and beliefs of the speaker.

I believe the United States is a great nation because of the foundation of our government, one element of which is an independent judicial branch where we believe that justice is blind. This is a critical element of our system and a part of the judicial oath. I can agree that our personal backgrounds lead us to look at situations differently, but I cannot agree that judges should allow

their backgrounds to determine a case. Judicial decisions must be based on facts. When the facts or the Constitution comes into conflict with Judge Sotomayor's feelings and past experiences, I am not confident which side she will ultimately take.

I voted against Judge Sotomayor's nomination in 1998 to the Second Circuit Court of Appeals. At that time, I shared the concern of many of my colleagues about Judge Sotomayor's positions and her view of the role of the Judiciary. While I hold Judge Sotomayor in the highest respect, I believe my concerns then are borne out by her record now. I have no reason to believe anything will change in the future.

I understand that Judge Sotomayor has support from many of my colleagues, and I hope they will listen to the concerns I and others are raising. I hope they will take the time to fully consider the impact of Judge Sotomayor's positions on future decisions of the Supreme Court as the Court's decisions will affect our entire Nation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise tonight, as so many have, in the last several days, especially to speak about the nomination of Judge Sonia Sotomayor to be on the U.S. Supreme Court.

As we all know, she is a distinguished Federal jurist who has been nominated to serve as an Associate Justice on the U.S. Supreme Court—a critically important decision that the Senate is charged with making to advise and consent on such nominations.

Sonia Sotomayor's life story is an authentically American story. It is a story with which so many people in this capital and across the country can identify. It is a story of hard work and sacrifice. It is a story of struggle and triumph, overcoming barriers in her life that, candidly, many in this Chamber have not had to overcome.

It is a story, like so many authentically and compelling American stories, that starts with her family and, in particular, her parents, not people of tremendous means or wealth. Her mother was a nurse, her dad was a factory worker, and she, unfortunately, lost him at a very young age. I think she was just 9 years old when her father died—a very difficult circumstance for anyone to overcome, especially a young girl.

When we look at her record as a student, it is also a great American story of academic excellence, and I believe that is an understatement. Her record as a student through high school and then going on to Princeton and graduating with honors and going to Yale Law School and serving on the Law Review and being such a leader and a student in both college and law school—not only being a leader but also achieving academic excellence—is a record we

would hope every member of the U.S. Supreme Court could bring to their nomination debate.

I was reflecting the last couple of days about my remarks tonight, and I remembered that when our President, President Obama, was campaigning, I had the chance to introduce him a number of times. One of the times I introduced him, I was trying to convey the reality of what he had overcome, and it is very difficult to put that in a few words. But I said at the time, in one particular place in northeastern Pennsylvania, that then-Senator Obama did not have a path cleared for him, that he had to overcome barriers and obstacles in his life growing up, as a public official, and all the way to the Presidency.

The same can be said of Judge Sotomayor. She had not, in her life—and has not to this day—ever had a path cleared for her. She has had to work and struggle and achieve to get where she is today, to the point of being on the verge of being confirmed to serve on the Supreme Court.

So I think it is very important to point out her life story, her remarkable life story, her achievements, but also to speak, as we must, and as we should, of her judicial expedience.

We hear all kinds of comparisons, when someone is nominated to the Supreme Court, about how many years they have served as a judge, how many years they have served as a lawyer or as an advocate or as a public official—whatever their background is. But it just so happens this particular nominee, Judge Sotomayor, has more judicial experience, I am told, than anyone currently sitting on the U.S. Supreme Court—all distinguished in their own way. But if you add up the years, I guess it is 17—first on the district court, the trial court in New York, for the Southern District of New York—nominated and confirmed by the Senate—and the same when she was confirmed and served as a judge on the U.S. Court of Appeals for the Second Circuit at the appellate level. In both of those appointments, she gained enormous experience on the very matters that will come before the U.S. Supreme Court.

First, she was on the district court where you have litigants coming before you, for example, in a trial or in a hearing—sometimes a criminal matter that involves someone's liberty, involves law enforcement issues, and all the complexities of our human condition in the context of a criminal case. Also coming before that court are very complex civil matters, and I know the record is replete with references to her rulings in various cases involving civil, criminal, and other matters.

Then she went to the appeals court, working in a different court, with a different set of issues and, candidly, a different procedure, where someone is appealing to the Federal appeals court, in

this case, in the U.S. Court of Appeals for the Second Circuit—all the complexities that involves, where you are not taking testimony as you do in a trial, not making determinations of fact, you are deciding the law, what the law should be, how to apply the law to the facts in the record, which is already established.

Both are very different judicial responsibilities, but both are very important to serve on the ultimate appellate court, the top court in the land, that being the Supreme Court.

So she has had broad and unprecedented experience as a Federal judge for 17 years. That is very important in this debate.

She also served as a prosecutor dealing with all of the complexities and all of the difficulties that any prosecutor encounters, dealing with victims and the impact of a crime on a victim and his or her family, dealing with the impact of crime on a community and in a jurisdiction, dealing with judges and witnesses and law enforcement with whom often you work so closely—the prosecutor—to develop your case, to marshal the evidence that a prosecutor has to put before a judge and jury.

That experience is particularly relevant because a number of the cases the Supreme Court will hear—and they do not hear every case; they take a number of cases per year—some of those cases will involve the rights of one party versus the other, will involve the rights of a criminal defendant versus the State. There are very complex matters that a Supreme Court Justice has to decide.

So whether you look at her experience as a prosecutor, as a Federal district court judge, a trial judge, or her experience on the appellate court—hearing appeals at the Federal level—all are very relevant to and I think prepare her well for her service on the U.S. Supreme Court.

Two more sets of experiences—one as a lawyer. I think it helps when you have been an advocate, a lawyer, to have that as part of your experience serving on the Supreme Court, where you have had to take on a battle for a client, to be their advocate, sometimes in very complicated matters, sometimes matters that will affect their lives in ways that will alter the course their life is taking when they have a matter before a court.

Finally, her life experience. I would hope we nominate people to the Supreme Court who have a broad life experience, who have not just been in one area of a profession, but also have had challenges in their lives they have had to overcome because the people who come before the Supreme Court may be a little bit distant, but often arrive there after months or years or longer of struggle.

I think Judge Sotomayor has a life story that indicates she not only un-

derstands struggle and understands how difficult life can be, but also has an appreciation for the complexities of life as well. She has been described, as a judge and as a prosecutor, as both tough and fair—tough and fair. That is a good description that you would want, when you are evaluating the role and the record of a Supreme Court Justice—someone who asks difficult questions and probing questions as a member of the Court, but also someone who is fair, who does not seek to gain an advantage over a lawyer in the course of an argument but is both tough and fair.

I believe integrity is a central consideration that Senators should weigh when we are deciding who serves on the Supreme Court after a President nominates. We want someone with broad life experiences. We want someone with experience in the law and often as a judge. But we also want someone who has character.

I got a sense of that when I met with her. I also got a better sense by reading the long list, which I will not read tonight, of all the organizations that have endorsed her. They did not just endorse a set of cases. They did not just endorse a resume. They endorse and give their support to a human being, a person who has had tremendous experience. And part of that, of course, is integrity.

I think we saw both her integrity and her temperament, which is another very serious consideration. But we saw both of them tested in the course of her hearings, where she was asked a lot of tough questions by members of the Senate Judiciary Committee on both sides of the aisle, Democratic Senators and Republican Senators—hour after hour after hour, day after day, under very difficult circumstances, on live television, with all of the pressure that every word, every response is weighed and scrutinized and criticized often and examined. I think both her integrity and her temperament were on display, and, in my judgement, she passed both of those tests in considerations we have to weigh, that she passed them so easily and so effectively.

I would make two more points. Inscribed over the building that houses the courtroom where the U.S. Supreme Court meets—that historic room where so many great cases have been decided—inscribed over the building, above it, is the phrase we all know well: “Equal Justice Under Law.” “Equal Justice Under Law.” That is what we expect certainly of every judge, even lawyers, but especially someone who becomes a U.S. Supreme Court Justice; that they would have that philosophy in every case, but also the reality that precept entails, that they would approach every case, every litigant, every party with the same approach, dispensing equal justice under the law—not equal justice under my law or equal justice under a philosophy

of, in this case, Judge Sotomayor as a Supreme Court Justice, not her definition of what the law is, but what the law is, in fact, that she is required to apply.

That equal justice under law is not just something inscribed above that building. I believe, based upon her record, based upon her experience, and based upon her character, she believes that and will be governed by that as a member of the U.S. Supreme Court.

I conclude with this thought. When President Lincoln was speaking at Gettysburg, PA—a place we all learned about as children and learned about the Gettysburg Address and the meaning of it and the enduring value of that speech—in one of the lines Lincoln used in that speech, he was talking about the Nation being tested at a time of war, and, unfortunately, at that time, a time of civil war, the worst of all wars. He was posing the question about this Nation that had been conceived not too long before he gave that speech. He said that one of the questions he posed was whether a nation so conceived can “long endure,” whether our Nation could long endure, that we were being tested at a time of war.

I believe our Nation has been tested at other times as well, not only in something as grave as a war, but we are tested in other ways as well. We were tested in the Great Depression, whether we could endure the misery and the difficulty, the joblessness of that, and all of the problems the Depression brought to America. We have been tested in other wars. We were tested in the battle for civil rights. We have been tested as a nation very often—maybe not every day, maybe not every week, but at some period of time in our lifetimes, we can see how our Nation was tested. In some ways, we are tested when debates occur in the Senate. We are tested in terms of appointments that a President makes.

In this case, President Obama has nominated someone to the U.S. Supreme Court who I believe will allow us to be able to say that as long as we are nominating people with the experience, the character, and the integrity of Judge Sonia Sotomayor, this Nation will long endure. I have no doubt about that. I say that with as much confidence as anyone could because her record demonstrates that. Her experience demonstrates that if we have people such as Judge Sotomayor in the U.S. Supreme Court, this Nation will not only long endure, it will indeed thrive under that kind of judicial excellence and that kind of experience she will bring to the bench. So I have no hesitation at all in saying that I will vote for her confirmation to be an Associate Justice of the Supreme Court. We can be proud of her record and her experience but also her remarkable and authentically American story.

Before I conclude my remarks, I ask unanimous consent to have printed in the RECORD a letter of endorsement for Judge Sotomayor that the Judiciary Committee received on July 15 from the National Hispanic Christian Leadership Conference, serving approximately 16 million Hispanic American born-again Christians and 25,434 member churches across the country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. PATRICK J. LEAHY,

Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,

Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS:

America's largest Hispanic Christian Organization, The National Hispanic Christian Leadership Conference (NHCLC), serving approximately 16 million Hispanic American Born Again Believers via 25,434 member churches, hereby endorses Judge Sonia Sotomayor's nomination to the Supreme Court.

We commend President Obama's selection of Sotomayor as a brilliant exercise in pragmatism and moderation. First, as Hispanic Americans, we celebrate her nomination. Her journey is our collective journey. Sotomayor stands as a model to all our Hispanic young people throughout America that faith, family and education can overcome the most difficult of environments and economic circumstances.

More importantly, as Americans concerned with judicial activism and defacto legislation from many sectors of our judiciary, Sotomayor reflects, via her career on the bench, the type of tempered restraint and moderation necessary for appropriate application of the rule of law. Without a doubt, Judge Sotomayor serves with a moderate voice without displays of bias towards any party based on affiliation, background, sex, color or religion. Judge Sotomayor's over 700 decisions stand as testimony of a commitment and respect for the rule of law, particularly the importance of stare decisis.

As an organization serving America's largest minority group and the fastest growing religious demographic, we seek to reconcile both the vertical and horizontal planes of the Christian message. As we serve both matters of the soul and community, religious liberties stand as an issue of utmost concern for our constituents. Judge Sotomayor's rulings affirm Constitutional safeguards for those liberties.

In conclusion, even moderate and conservative evangelicals within our ranks find no reason to conclude that the nomination and confirmation of Judge Sonia Sotomayor would diminish the collective application of Constitutional rights and freedoms to a religious community committed to Life, Liberty and the Pursuit of Happiness. For that matter, we encourage the support of this nominee from both sides of the political aisle.

JESSE MIRANDA,

*CEO, NHCLC, President of
Miranda Center for Hispanic Leadership.*

Mr. CASEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, before I discuss the nomination of Judge

Sotomayor, I wish to take a moment to thank all of my colleagues here in the Senate for their very warm welcome and hospitality. I joined this body a little less than a month ago, but I have been humbled by this institution, by the work that goes on here, and, most importantly, by my colleagues. It is an honor to represent the people of Minnesota, and it is a special privilege to do so here in the Senate.

One of my first responsibilities on joining the Senate was to participate in the nomination hearings for Judge Sotomayor. I said at the start of the hearings that I wanted to be a voice for the overwhelming majority of Americans who aren't lawyers. The actions of the Supreme Court directly affect the everyday lives of all Americans. Whom we choose to place on the Supreme Court affects every one of us. That is what I want to do this evening. I want to put the nomination of Judge Sotomayor in context. I want to put it in the context of what the Supreme Court has done these past 5 years and how that has affected the lives of Minnesotans and of all Americans.

Our country is going through some tough times. We are experiencing the highest unemployment in decades. Businesses are failing. Investors are seeing their investments shrink, even disappear. Yet, despite all of this, despite our faltering economy, in the past 5 years this Supreme Court has restricted the rights of Americans as employees, as small business owners, and as investors, and they have done this by overturning longstanding precedents.

Let me put this in the context of Minnesota. Ten years ago, Minnesota had an unemployment rate of 2.8 percent. Let me repeat that. Ten years ago, Minnesota had an unemployment rate of 2.8 percent. Today, it is 8.4 percent. In certain counties, it hovers between 13 and 14 percent. At the same time, Minnesota has an older workforce. The Twin Cities are fourth in the Nation in the percentage of seniors working past the age of 65. When businesses are making tough personnel decisions, you can bet they are taking a good hard look at older workers who have higher pension and health care costs.

But just last month, the Supreme Court eviscerated the one law designed to prevent discrimination against older workers: the Age Discrimination in Employment Act, or ADEA, as it is called. Because of this case, the Gross case, it is not enough for a worker suing for age discrimination to show he or she was fired improperly because of their age. Under this new standard, an older worker must now show that age was the single determinative reason for the firing. This is a difficult, if not practically impossible, standard to meet. This also breaks with the longstanding rule that the ADEA must be

interpreted the same as title VII of the Civil Rights Act which protects women and minorities against discrimination in the workplace. Because of the Gross case, Minnesota's older workers have fewer rights in the workplace precisely when they need them the most.

This was the same Court that 2 years ago barred a title VII suit by Lilly Ledbetter, a woman who was paid less than her male colleagues for the same work for two decades. Minnesota women are paid 74 cents for every dollar earned by men. Until Congress fixed this ruling last year through the Lilly Ledbetter Fair Pay Act, this was yet another ruling that limited Minnesotans' rights in the workplace.

This Supreme Court has put Minnesota's small business owners in a similar position. Like entrepreneurs around the country, Minnesota business owners are struggling. Business bankruptcies in our State increased 40 percent between 2006 and 2008, and it will likely be worse in 2009. If there were ever a time small business owners in Minnesota needed a leg up, it is right now. But 2 years ago, this Supreme Court overturned one of the strongest protections small business owners have under the Sherman Act, our main antitrust law. For over 100 years, it has been illegal for manufacturers to price-fix—to force retailers to sell their goods at a certain price. Today, thanks to this Court's ruling in the Leegin case, price fixing is now permitted. In fact, the burden is now on consumers and small business owners to show, through a complex economic analysis, that the price fixing hurts them.

This Court has been no kinder to investors. Like almost all American investors, Minnesota investors are reeling from the trillions of dollars in losses in the stock market. These losses were partly caused by structural deficiencies in our finance system, but they were also caused by speculation and by fraud, by people such as Bernie Madoff and Tom Petters, a Minnesota financier who is in prison right now charged with a \$3.5 billion scheme that bilked stockholders in a number of Minnesota companies. Yet, last year, the Supreme Court handed down a decision that severely limited investors' ability to defend themselves against securities fraud. In the Stoneridge case, the Supreme Court said that an investor cannot sue an outside accountant or a lawyer who worked with a company to fraudulently alter its financial records to deliberately cook its books unless that third party somehow, for some reason, publicly announced its involvement.

Together, the Age Discrimination in Employment Act, title VII of the Civil Rights Act, the Sherman Act, and the Securities Exchange Act are some of the strongest protections employees, small business owners, and investors

have under American law. These laws help to level the playing field for the less powerful in our society. Yet, in each of these cases, for each of these laws, this Supreme Court has ignored longstanding precedent and original congressional intent to limit the rights these laws afford precisely when they are needed the most.

The Supreme Court's willingness to ignore longstanding precedent to restrict individual rights is not limited to our economy. This same Supreme Court recently overturned a 30-year rule that requires that a woman's health be taken into account in any law regulating her right to choose.

The Court is also poised to overturn critical protections to voters. This Supreme Court has questioned the constitutionality of section 5 of the Voting Rights Act, even though the 15th amendment expressly grants Congress the power to regulate elections and even though Congress recently voted to reauthorize those provisions for the fourth time by a vote of 98 to 0. Talk about judicial activism. This is judicial activism. This is the Supreme Court questioning the constitutionality of a law passed by Congress under an explicit and exclusive grant of power granted in the Constitution of the United States.

If she is confirmed, the first case Justice Sotomayor will hear will reconsider the constitutionality of sections of McCain-Feingold that the Supreme Court upheld just 6 years ago. The underlying principle in question goes back over 100 years to the Tillman Act of 1907. For 100 years, Congress has said with increasing force that corporations should not be spending money on Federal election campaigns. Yet this Court is poised to contravene that 100-year-old rule and its own ruling on the identical provision just 6 years ago. Again, I think this is judicial activism. In fact, I think it is judicial activism in one direction: away from longstanding protections for the individual and toward a more friendly law for the powerful.

As I said last week, I firmly believe that in this context, with this Supreme Court, a vote for Judge Sotomayor is a vote against judicial activism. In a careful review of her opinions as an appellate judge, the nonpartisan Congressional Research Service recently concluded that:

[p]erhaps the most consistent characteristic of Judge Sotomayor's approach as an appellate judge has been an adherence to the doctrine of *stare decisis*—

The upholding of past judicial precedents. Of the 230 majority opinions Judge Sotomayor wrote as an appellate judge, the Supreme Court has reversed only 3. That is 3 reversals out of 230 majority opinions.

But the best examples of Judge Sotomayor's inherent judicial restraint are the two cases for which she has

ironically received the most criticism—the Ricci case and *Maloney v. Cuomo*, the Second Circuit's most recent second amendment case. In both of these cases, Judge Sotomayor simply followed the Supreme Court's own maxim that it is the Court's—the Supreme Court's—prerogative alone to overrule one of its precedents. When a three-judge panel in Ricci affirmed the district court's decision, it was simply following existing title VII law. When the three-judge panel in the Maloney case said that the second amendment does not apply to the States, it was simply following a 120-year-old Supreme Court precedent that said exactly that. Moreover, a three-judge panel on the Seventh Circuit that included two of the most prominent negligent conservative judges in the country, Frank Easterbrook and Richard Posner, reached the same exact conclusion unanimously.

Judge Sonia Sotomayor is a judge who follows and respects precedent. She is a judge who does not make new law.

In fact, it seems that Judge Sotomayor's worst sin in this whole process is her straightforward observation that our life experiences shape who we are and what we do. This is not a new idea. Mr. President, 175 years ago, on the first page and at the most famous treatise in American law, Oliver Wendell Holmes wrote:

The life of the law has not been logic; it has been experience.

This isn't just an old idea either. Justices Alito, Scalia, and Thomas each acknowledged in their own confirmation hearings that their own life experiences—being born into an immigrant family, an exposure to discrimination, a childhood in poverty—shaped their own approach to judging.

But Judge Sotomayor went beyond Justices Alito, Scalia, and Thomas by also recognizing that judges must be aware of these prejudices, and they must not allow these prejudices to impact their approach to a case.

Since this is a body that values its history, I thought it would be appropriate to close by mentioning the last nominee to the Supreme Court with a comparable amount of experience to Judge Sotomayor. That person is Benjamin Cardozo.

Judge Cardozo was nominated to the Supreme Court in 1932, after spending 18 years on his State's highest court. Like Judge Sotomayor, Judge Cardozo was from New York. Like Judge Sotomayor, he had a tough childhood, losing a parent when he was 9 years old. He had a tough childhood like her. Like Judge Sotomayor, Cardozo was from an ethnic minority—he was a Sephardic Jew, a descendant of Portuguese immigrants. Like Judge Sotomayor, Cardozo was rightly proud of his heritage. Like Judge Sotomayor, Cardozo was the most experienced

nominee to the Supreme Court in his generation.

Yet, unlike Judge Sotomayor, Judge Cardozo did not attract so much controversy. In fact, he was unanimously confirmed to the Supreme Court in a voice vote that lasted all of 10 seconds.

Judge Sotomayor is one of the leading jurists of our Nation. If confirmed, she will be the only judge on the Supreme Court with trial court experience. She would be one of the only ones with experience as a prosecutor. As many have commented, she would be the appointee with the most Federal court experience in a century.

We have, right now, a chance to make history. Thankfully, unlike a lot of the important decisions we have to make that come before this body, this is an easy one to make.

Judge Sotomayor will not only be the first Latina on the Supreme Court; she will be the first person of Hispanic descent to reach the pinnacle of any one of the three branches of the Federal Government. She could not be more qualified for this position. Her appointment will help protect the individual rights and liberties that are so necessary for Minnesotans and for all Americans—and that this Supreme Court has steadily, and substantially, eroded.

I am honored to cast my vote in favor of Judge Sonia Sotomayor, and I hope my colleagues on both sides of the aisle will join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, while this is my first opportunity to vote for a Supreme Court nominee named by a Democratic President, I don't view the confirmation of judges through a partisan lens. Instead of partisanship, I have developed several criteria for assessing Supreme Court nominations. I believe these criteria are straightforward, and they are easy to understand:

Does the nominee have extensive experience with the law and a judicial temperament?

Has the nominee demonstrated sharp legal intelligence and sound judgment?

Does the individual display a judicial philosophy that falls within the mainstream of American legal thought?

Is he or she able and willing to separate their personal beliefs from their constitutional obligations?

On each count, I rule in favor of Judge Sotomayor.

My colleagues and I have all been listening carefully to Judge Sotomayor's testimony, and we have reviewed her record. In that record, everything I have been able to ascertain indicates that Justice Sotomayor will look a lot like Judge Sotomayor—an exemplary arbiter of the law, firm but practical, tough but fair.

For these reasons, I will cast my vote to confirm her as the next Associate Justice of the Supreme Court.

I speak from, perhaps, a unique position among Senators. I may be the shortest serving Senator in the history on our Senate Judiciary Committee. At the beginning of the 111th Congress, Senator REID asked me to serve on this extraordinarily important committee. Senator REID told me it would be a temporary assignment, but I was still on the committee when Judge Sotomayor was nominated to the Supreme Court. I very much enjoyed my meeting with Judge Sotomayor, and I told her I wasn't sure how long I would be serving on the committee. I said I felt a little bit like a snowflake with the prospect of an Oregon rain coming in the afternoon. In fact, the rain came just a few days before the Judiciary Committee began the confirmation hearing for Judge Sotomayor. I did get a chance to talk with her and discuss, at some length, her views with respect to the key issues surrounding how a Senator evaluates a nominee to the Supreme Court.

On the basis of that discussion and a review of her record, while I wasn't able to cast a vote for her in committee, it is going to be, later this week, an honor for me to vote for her on the Senate floor.

When I met with Judge Sotomayor, we discussed a number of important issues—particularly matters relating to national security, the power of the Commander in Chief, and we also spent some time on a matter that I know the occupant of the chair is most interested in and that is end-of-life health care. What struck me the most about Judge Sotomayor was her openness, her intellectual curiosity, and her desire to make sure she had all the facts, all the information, all the views and background and the reading material that you have to have when you are going to make a call not on the basis of your predisposition but on the basis of the law and the law as it is applied to the facts.

In a number of areas we discussed with respect to end of life, Judge Sotomayor acknowledged that these were issues she hadn't personally considered. The occupant of the chair and I have talked at some length about the politicized case of the late Terri Schiavo. I objected on the floor of the Senate to the Senate considering that matter.

Of course, Judge Sotomayor could not go into how she would rule on end-of-life cases. But we talked at some length about those issues, and I am going to discuss them later in this statement tonight.

I wish to start my comments by saying I believe, with the young people at home in Oregon, this nomination by President Obama is regarded as an inspiration and a remarkable personal story. Oregonians have told me they look at her journey as the realization of the American dream. Oregonians

have followed her testimony before the Senate Judiciary Committee. They believe she is qualified for this job. They are very excited about the fact that this nomination makes history, and I commend the President for demonstrating with this nomination how it is possible to increase the diversity, talent, and experience on the Supreme Court with one very capable individual.

Chairman LEAHY and others have done an excellent job of going through the judge's impressive background. I do want to spend some time talking about the issues that Judge Sotomayor and I discussed in my office most extensively—Presidential power and end of life.

Serving on the Senate Select Committee on Intelligence, I have followed the history with respect to a President's Commander in Chief authority. Disagreements about this authority and how it is applied are certainly nothing new. There have been vigorous debates about this issue since our country was founded. But over the past several years, there has been especially heated debate around these questions and, in particular, the issue of whether, during times of war, the President has the authority to ignore laws passed by the Congress. As a result, there have been several occasions, over the past few years, where the Supreme Court has had to rule on major national security issues and address this question directly.

Our Court has frequently been sharply divided on this issue. At the same time, it has consistently ruled that—in Justice Sandra Day O'Connor's words—"a state of war is not a blank check for the President." I believe this is a principle that has to be upheld.

When I raised these issues with Judge Sotomayor, I was impressed with her thoughtfulness, her knowledge, and the experience she discussed about dealing with these thorny issues. Her answers made me believe that, as a Supreme Court Justice, she would apply the Constitution in a way that struck a balance—a very careful balance—between protecting our collective security and protecting our individual liberty.

We have always had, in the national security area, something of a constitutional teeter-totter, where the Founding Fathers always sought to try to ensure that there was an appropriate balance between protecting our Nation and securing our individual liberties; and maintaining that balance is what the Founding Fathers saw as paramount.

While Judge Sotomayor certainly gave no inkling to me in our discussion about national security how she might rule in a particular case, I felt very strongly that she would be able to define the reach of the Commander in Chief's power so as to strike that appropriate balance between collective security and individual liberty.

I must say, I don't want judges who will defer to any one President. I want judges who are going to defer to the Constitution. I believe Judge Sotomayor will do that in her service on the U.S. Supreme Court.

As I mentioned, I discussed with the judge the matter of end-of-life health care. This is a very sensitive issue for millions of Americans. What was striking about this in our discussions, when she and I met, is she recognized it was a contentious area of the law—one that deals with the rights of individuals and family members; and she certainly indicated she was going to spend a lot of time trying to learn about the history of cases in this area and the Court's judgments on end-of-life care.

I have been very interested particularly in Justice Brandeis's dissent in the *Olmstead* case. This was a 1928 case. The Supreme Court later adopted Justice Brandeis's view in the *Katz* case which essentially made it clear there is a right to be left alone, a right to be respected in these very delicate questions.

What concerned me so much about the *Terry Schiavo* case—and again, Judge Sotomayor gave no inkling about how she would rule on an end-of-life case—I think she understood my concern, and would follow up on it, that we cannot have elected officials, and particularly the Senate, become something of a medical court of appeals where the Senate essentially appoints itself the arbiter of these very difficult tragedies.

Judge Sotomayor did not commit herself to any specific position on end-of-life issues or any of the other issues. And, in fact, the judge said that coming from New York where they have a very sophisticated set of laws and legal protections to empower the individual to make their own choices—not government—empower the individual to make these very difficult questions, the judge said because New York had those statutes empowering individuals that she would spend time looking at the laws and the decisions of the Supreme Court in this area, reflecting, again, her commitment to follow the facts, follow the law, and not bring any predisposition of one sort or another to a very difficult and contentious area of the law, one that is as sure as night follows the day is going to be before the Supreme Court again—the matter of end-of-life health care.

Let me also mention one of our colleagues talked about her respect for precedent. I asked her about a woman's right to choose. She said that is an area of the law that has been settled for decades.

On the second amendment, she indicated she would not try to eliminate the right to own guns for hunting or for personal protection, again, what amounts to a recognition of existing law.

On foreign law, she said she would not rely on international legal decisions to interpret the Constitution.

This is a nominee who is going to be very sensitive to following precedent, following the facts, and ensuring that those principles are what guide her service on the U.S. Supreme Court.

Before I close, I wish to submit a letter the Senate Judiciary Committee received in support of Judge Sotomayor from the Federal Bar Association. They passed a resolution in support of the judge's nomination. The Senate Judiciary Committee has also received statements of support from the Hispanic National Bar Association, from the past presidents of HNBA.

I ask unanimous consent to have printed in the RECORD the letter and resolution and statement of support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 1, 2009.

Re Nomination of Judge Sonia Sotomayor to the United States Supreme Court.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington DC.

DEAR CHAIRMAN LEAHY: On May 26, 2009, President Barack Obama nominated Judge Sonia Sotomayor to fill the vacancy left by Justice David H. Souter in the United States Supreme Court.

The Hon. Raymond L. Acosta Puerto Rico Chapter of the Federal Bar Association has issued the enclosed resolution supporting Judge Sotomayors nomination and endorsing her as qualified in every respect to fill this important position.

In sharing our background, please, note that the Federal Bar Association is a professional organization for private and government lawyers and judges that has been established for over 80 years with a membership of about 16,000 federal practitioners and over 900 members of the bench. The FBA is dedicated to the advancement of the science of jurisprudence and to promoting the welfare, interests, education and professional development of all attorneys involved in federal practice. The Hon. Raymond L. Acosta Puerto Rico Chapter is one of the largest and most distinguished chapters of the Federal Bar Association.

We greatly appreciate your consideration of our resolution, and respectfully request that you include it in the candidate's Senate Judiciary Committee evaluation file.

Respectfully,

KATHERINE GONZÁLEZ-VALENTIN,
President.

RESOLUTION OF THE BOARD OF DIRECTORS ON PRESIDENT BARACK OBAMA'S NOMINEE FOR THE CURRENT JUDICIAL VACANCY IN THE UNITED STATES SUPREME COURT

Whereas on May 26, 2009, President Barack Obama nominated Judge Sonia Sotomayor to fill the vacancy left by Justice David H. Souter in the United States Supreme Court;

Whereas Judge Sotomayor has received widespread support, and in view of this Chapter, is an exceptionally qualified federal jurist with a stellar record of professional achievement;

Whereas the Board of Directors of this Chapter is convinced that the nominee will administer justice fairly and impartially, and will faithfully and impartially discharge

and perform all the duties incumbent upon her under the Constitution and laws of the United States; and further, will support and defend the Constitution of the United States against all enemies, foreign and domestic, and will bear true allegiance to our Constitution and laws;

Whereas this Board of Directors is fully satisfied that Judge Sotomayor possesses the necessary professional skills, temperament, and other qualifications that are required to perform this important judicial role with distinction;

Now, therefore, the Board of Directors of the Federal Bar Association, Hon. Raymond L. Acosta Puerto Rico Chapter, hereby unanimously resolves:

1. To express its unconditional satisfaction with the qualifications of Judge Sonia Sotomayor to fill the vacancy in the United States Supreme Court, and the Chapters unconditional support of this important nomination;

2. To exhort the United States Senate and Its Committee on the Judiciary to expeditiously consider and favorably act on Judge Sonia Sotomayor's nomination, so that the United States Supreme Court may have a full complement of Justices by the time the Supreme Court reconvenes on October 5, 2009.

In San Juan, Puerto Rico, this 29th day of May, 2009.

HISPANIC NATIONAL BAR ASSOCIATION,
JULY 8, 2009.

HNBA ANNOUNCES ENDORSEMENT OF THE
HONORABLE SONIA SOTOMAYOR

WASHINGTON, DC.—The Hispanic National Bar Association (HNBA) announced today that it has formally endorsed The Honorable Sonia M. Sotomayor to serve as Associate Justice of the Supreme Court of the United States. The HNBA's Special Committee on the U.S. Supreme Court has concluded its most recent review of Judge Sotomayor's qualifications and overall record, and found her to be 'extraordinarily well-qualified' to serve on the Nation's highest court. According to Ramona E. Romero, HNBA National President, "the HNBA unanimously endorsed Judge Sotomayor after reviewing her judicial record, professional competence, intellect, character, reputation for integrity, temperament, commitment to equal justice and record of service to the American public and the Hispanic community." Carlos Ortiz, who co-chairs the HNBA's Supreme Court Committee, added that "based on our review, we are certain that she is extraordinary well-equipped to serve on our country's high court. We believe that she embodies all the qualities required for service as a Justice, and are confident that, when confirmed, she will render fair and impartial justice for all Americans. We recommend her without any reservation."

This is the HNBA's fourth review of Judge Sotomayor's record. The HNBA conducted due diligence before including Judge Sotomayor on a short list of potential Hispanic American nominees for the U.S. Supreme Court released in 2005. Her credentials were also reviewed by the HNBA prior to her elevation to the Second Circuit in 1998, and when she was nominated for the U.S. District Court. "In each instance, we have been impressed by her intellect, her commitment to the rule of law and equal justice, her experience, and her respect for all who interact with the legal system," said Ms. Romero. Since the nomination of Judge Sotomayor to the U.S. Supreme Court in late May, the HNBA has met with members of the Senate Judiciary Committee and their staff to advo-

cate for a fair and expeditious confirmation hearing. The HNBA looks forward to the opportunity to reiterate its strong support for Judge Sotomayor during the confirmation process.

The HNBA Supreme Court Committee is co-chaired by Robert Raben, founder and President of The Raben Group. Its members are Michael A. Olivas, Houston, TX; HNBA Law Professor Sect Chair Emeritus, 1987-2009; Gilbert F. Casellas, Round Rock, TX; HNBA Past President, 1984-1985; Mark S. Gallegos, Miami, FL; HNBA Past President, 1988-1989; Dolores S. Atencio, Denver, CO; HNBA Past President, 1991-1992; Mary T. Hernandez, San Jose, CA; HNBA Past President, 1994-1995; Gregory A. Vega, San Diego, CA; HNBA Past President, 1997-1998; Lillian R. Apodaca, Albuquerque, NM; HNBA Past President, 1998-1999.

The Hispanic National Bar Association (HNBA) is an incorporated, not-for-profit, national membership Association that represents the interests of the more than 100,000 attorneys, judges, law professors, legal assistants, and law students of Hispanic descent in the United States, its territories and Puerto Rico. For more information about the HNBA, please visit www.hnba.com.

HNBA PRESIDENTS' STATEMENT

We the undersigned past presidents of the Hispanic National Bar Association wholeheartedly support the nomination of Judge Sonia Sotomayor to serve as an Associate Justice on the United States Supreme Court. Judge Sotomayor has exceptional academic and professional credentials. She is a summa cum laude graduate of Princeton University and graduated from Yale Law School, where she served as an editor of the Yale Law Journal. Before her appointment to the federal bench, Judge Sotomayor was a prosecutor for five years in the Manhattan District Attorney's Office and then a commercial litigator in a private law firm. Judge Sotomayor has been a federal judge for 17 years, serving with distinction on both the U.S. District Court for the Southern District of New York and the Second Circuit Court of Appeals.

We have all long been troubled by the fact that no person of Hispanic heritage has ever served on our nation's highest court. During our terms as HNBA President, each and every one of us engaged in bipartisan efforts to diversify the federal bench and to build a pipeline of qualified Latino lawyers, jurists and legal scholars who would be prepared to serve on the U.S. Supreme Court with distinction. We have always been convinced that greater diversity on the Supreme Court would broaden and strengthen the perspective of its jurisprudence and enhance the administration of justice for all Americans. Words cannot adequately express the delight in our hearts that our time has finally arrived. We urge the U.S. Senate to confirm an exceptional jurist with extraordinary federal judicial and legal experience, Judge Sonia Sotomayor.

Mario G. Obledo, John R. Castillo, Lorenzo Arredondo, Gilbert F. Casellas, William Mendez, Jr., Mark S. Gallegos, Robert J. Ruiz, Carlos G. Ortiz, Benjamin Aranda III, Robert M. Maes, Mari Carmen Aponte, Robert G. Mendez, Michael N. Martinez, Jimmy Gurule, Dolores Atencio, Wilfredo Caraballo, Mary T. Hernandez, Hugo Chaviano, Lillian G. Apodaca, Rafael A. Santiago, Duard M. Bradshaw, Alan Varela, Jimmie V. Reyna, Jose Gaitan, Gregory A. Vega, Alice Velazquez,

Angel G. Gomez, Carlos Singh, Nelson A. Castillo, Victor Marquez.

Mr. WYDEN. Mr. President, this organization, the Hispanic National Bar Association is not for profit, a national membership association that represents the interests of more than 100,000 attorneys, judges, law professors, legal assistants, and law students of Hispanic descent in United States, its territories, and Puerto Rico.

After a review of her qualifications and overall record, the Hispanic National Bar Association's Special Committee on the U.S. Supreme Court concluded that Judge Sotomayor is extraordinarily well qualified to serve on the Nation's highest Court.

Let me close simply by saying that when we have to review a nominee for this extraordinarily important position, one of the most important measures for me is to know that the nominee's views are squarely in the mainstream of American jurisprudence.

I came away believing that, but I hope that the Senate will not take my word for it or any other colleague's word for it. I think we ought to reflect on what the American Bar Association said. They gave her their highest rating. Or listen to former FBI Director Louis Freeh who called her an "outstanding judge." Or read the dozens of endorsements for her, including those from the American Hunters & Shooters Association, the Chamber of Commerce, and the National Association of Women Lawyers.

I started my statement tonight by laying out the criteria that I believe ought to be used in evaluating a Supreme Court nominee. In terms of those criteria, Judge Sotomayor is an individual who will bring great credit to the Supreme Court. She will be a role model for millions and millions of young people in our country. I hope our colleagues will vote in a resounding fashion in favor of her nomination to serve on the U.S. Supreme Court.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I, too, rise in strong support of the President's historic nomination of Judge Sonia Sotomayor to be Associate Justice of the U.S. Supreme Court.

The Senate has no more important responsibility than to advise and consent on nominations to our Nation's highest Court. It will be an honor, on behalf of the people of my State, to cast my vote to confirm Sonia Sotomayor.

Judge Sotomayor is a distinguished lawyer with a lifetime of experience in and out of the courtroom, as a litigator, a prosecutor, a trial judge, and an appellate judge on one of the most prestigious courts in the Nation.

At an early point in her career, she showed a dedication to public service, serving 5 years as an assistant district

attorney in New York City. As a prosecutor, she focused on murder and robbery cases at a time when violence was high in New York and law and order was essential. And she has chosen in recent years to share her knowledge and experience with young legal scholars as an adjunct professor at local law schools.

Three Presidents from both parties have also agreed she merits a prestigious lifetime judicial appointment. That is impressive bipartisan support at our Nation's highest levels.

The question before the Senate is whether the nominee meets the high standards we rightfully expect of our Supreme Court Justices. It is our role to advise and consent on whether a President's nominee seeks to apply the law and not to make or remake it. On both of these fronts, Judge Sotomayor meets and far exceeds the mark. She is clearly a judicial moderate and has demonstrated this through a Federal judicial record longer than any nominee in the last 100 years.

As Federal district court judge in the Southern District of New York, Judge Sotomayor presided over roughly 450 cases. As a member of the Second Circuit Court of Appeals, Judge Sotomayor has participated in over 3,000 panel decisions and authored over 400 published opinions.

Seldom does the Senate have a record as long as Judge Sotomayor's. There is no mystery here about what kind of Justice she will be.

Since joining the second circuit, she has participated in 434 published panel decisions where the panel included at least one judge appointed by a Republican President. In these cases, Judge Sotomayor agreed with the result favored by the Republican appointee 95 percent of the time. She has ruled for the government in 83 percent of immigration cases, and 92 percent of criminal cases. She has hewed closely to second circuit precedent. On employment cases, she has split her decisions evenly. By all accounts, she is a mainstream moderate nominee.

The American Bar Association unanimously found her well qualified. She is someone with a long record of moderation and humility toward the law. Her work is driven by a thorough application of the law to the facts of each case. Our focus and the basis for support or opposition should be on her qualifications and record. And on this point, she clearly should be confirmed.

This week, we have a historic opportunity to add a mainstream, moderate judge to our Nation's highest Court. President George H. W. Bush saw this kind of potential in her when he nominated her to the Federal district court, and she has fully realized his faith in her, so much so that she stands on the brink of history after being nominated by President Obama.

Judge Sotomayor has all the professional ingredients to make a great Su-

preme Court Justice. It is on that basis she should be confirmed by this body by an overwhelming vote.

But there is more to Judge Sotomayor than this impressive legal career. Judge Sotomayor has also lived a truly American story. The daughter of Puerto Rican parents, Judge Sotomayor lost her father at the age of 9 and was raised in a housing project in the Bronx. Through strong-willed parenting by her mother, she rose from difficult circumstances to receive the very highest honor that Princeton awards to an undergrad. She also went to Yale Law School where she had a much more distinguished career than my own.

When she is confirmed as the first Hispanic and third woman ever to be nominated to the Supreme Court, Judge Sotomayor will be an inspirational example to all children all across the country, telling us that regardless of where you come from, regardless of your economic circumstances, nothing is beyond your reach in America.

Judge Sotomayor will be a role model for young Coloradans in all of our schools, and with her on the high Court, I fully expect that school-age girls, such as my three daughters, will have an important role model of success to follow in their own lives.

These intangible factors make her nomination an important statement for millions of young Americans setting out on their own paths.

I have the utmost faith in Sonia Sotomayor. The President made an excellent nomination. Through sheer persistence, hard work, intelligence, and integrity, she has become an inspiration to the American people, and she is a compelling reminder that in this Nation, everything is possible.

I am proud to commit my vote in favor of this nominee.

Mr. LEAHY. Mr. President, many independent studies that have closely examined Judge Sotomayor's record have concluded that hers is a record of applying the law, not bias. For example, the American Bar Association's Standing Committee on the Federal Judiciary unanimously found Judge Sotomayor to be "well qualified"—its highest rating—after conducting a thorough evaluation that included an examination of her integrity and freedom from bias. The Chair of the Standing Committee testified, "the committee unanimously found an absence of any bias in the nominee's extensive work," and described Judge Sotomayor's opinions as "show[ing] an adherence to precedent and an absence of attempts to set policy based on the judge's personal views."

Numerous other studies from groups such as the Congressional Research Service, the New York City Bar Association, the Transactional Records Access Clearinghouse, the National Association of Women Lawyers, and the

nonpartisan Brennan Center for Justice, have reached similar conclusions. These studies were entered into the record during Judge Sotomayor's confirmation hearings. Nothing in these studies or in her 17 year record on the bench raises a concern that Judge Sotomayor would substitute feelings for the command of the law.

Judge Sotomayor's critics attack her by pretending that President Obama does not respect the Constitution and the rule of law. They are wrong. They attack him for using the word empathy to describe one of the qualities he is looking for in a judicial nominee. He has never said that empathy is intended to override the rule of law. It is, nonetheless, ironic that the Senate Republican leader has criticized Judge Sotomayor for not being more empathetic and ruling for Frank Ricci, Ben Vargas, and the other plaintiffs despite the well-settled law in the Second Circuit which she applied in that case.

They attack her by misconstruing what empathy means. Empathy is understanding and awareness. That is what Justice Alito was testifying about at his confirmation hearing. That is what Justice Thomas was testifying about when he said that what he would bring to the Supreme Court "is an understanding and the ability to stand in the shoes of other people across a broad spectrum of this country." Justice Alito and Justice Thomas were not testifying that they would be biased. What the partisan critics do not appreciate is that the opposite of empathy is indifference and a lack of understanding. Empathy does not mean biased or mean picking one side over another, it means understanding both sides.

When she was designated by the President, Judge Sotomayor said: "The wealth of experiences, personal and professional, have helped me appreciate the variety of perspectives that present themselves in every case that I hear. It has helped me to understand, respect, and respond to the concerns and arguments of all litigants who appear before me, as well as to the views of my colleagues on the bench. I strive never to forget the real-world consequences of my decisions on individuals, businesses, and government."

It took a Supreme Court that understood the real world to see that the seeming fair-sounding doctrine of "separate but equal" was a straightjacket of inequality. We do not need more conservative activists second guessing Congress and who through judicial extremism override congressional judgments intended to protect Americans' voting rights, privacy rights and access to health care and education.

In her widely misconstrued speech at the University of California at Berkeley, Judge Sotomayor said: "[J]udges must transcend their personal sympathies and prejudices and aspire to

achieve a greater degree of fairness and integrity based on the reason of law." That parallels what Chief Justice Roberts said at his confirmation hearing when he testified about "the ideal in the American justice system" and judges "doing their best to interpret the law, to interpret the Constitution, according to the rule of law" and not substituting their own personal agenda.

Those who spent days asking Judge Sotomayor to explain what she meant in a partial quotation from that speech about the decisions reached by a "wise Latina woman with the richness of her experiences" miss that she begins that statement with the words, "I would hope." They miss that her statement is aspirational. She would "hope" that she and the other Hispanic women judges would be "wise" in their decisionmaking and that their experiences would help inform them and help provide that wisdom. Judge Sotomayor's critics have ignored her modesty in not claiming to be perfect, but rather in aspiring to the greatest wisdom and fairness she can achieve.

These critics also miss that Judge Sotomayor was pointing out a path to greater fairness and fidelity to law by acknowledging that despite the aspiration she shares with other judges, there are imperfections of human judging. By acknowledging rather than ignoring that while all judges seek to set aside their personal views, they do not always succeed, and we can be on guard against those views influencing judicial outcomes.

Judge Sotomayor has described herself as "an ordinary person who has been blessed with extraordinary opportunities and experiences." In her opening statement at her Supreme Court confirmation hearing she spoke about witnessing the "human consequences" of judicial decisions. She testified that her judicial decisions "have not been made to serve the interests of any one litigant, but always to serve the large interest of impartial justice."

We have a long and important tradition in the law of seeking justice and fairness and equity. Judge Sotomayor spoke about the meaning of the word "justice" a decade ago and said: "Almost every person in our society is moved by that one word. It is a word embodied with a spirit that rings in the hearts of people. It is an elegant and beautiful word that moves people to believe that the law is something special."

In this country, the law is special, and it is special because of what it protects and what it can do. In England there were separate law courts and chancery courts. But, in the United States we have combined these functions to be performed by all of our Federal judges.

We all talk about the importance of judges following the law. Yet we should

remember that the law that judges must follow includes the reconstruction amendments and particularly the 14th amendment, which transformed the rule of law and the role of judges and Congress in the United States. In the aftermath of the bloody, tragic Civil War, the 14th amendment was passed to give the courts and the Congress a more active role in defining and protecting civil rights. The complete abolition of slavery was only a part of its grand purpose. It was driven by a profound desire to arm the newly freed slaves—and all Americans—with the rule of law—set forth in the grand phrasing of the equal protection, due process, and privileges or immunities clauses—to guarantee their equal rights against invidious governmental discrimination.

The 14th amendment does not supplant but reinforces the historical equitable powers of our courts to redress problems. It is not just the statutes Congress writes, but also the precedent and interpretations of the courts that make up the law. We have a strong common law tradition in that regard. And we have a powerful equitable tradition that ensures that fairness and justice are done.

We need judges who appreciate when and how to use their equitable powers. Judges who follow the law are empowered to enjoin illegal behavior, as the Supreme Court did in its historic series of orders enjoining the States and others from segregating schools on the basis of race. This does not mean that our courts have the power to remedy every problem in America. They do not. In addition, they can abuse their power, as I think the Supreme Court did when it intervened in the Presidential election in 2000 and determined its outcome. But, we should never forget that it is through its equitable powers that the Supreme Court and most other courts in this country are able to do justice and to ensure fairness and equity. In that regard, I believe that the experience and wisdom Judge Sotomayor has gained from an extraordinary life will benefit all Americans.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

COMMENDING DR. RICHARD BAKER

• Mr. BYRD. Mr. President, the U.S. Senate is an institution that reveres precedent, continuity, and tradition. Ours is an institution that prides itself on the great men and women who preceded us in this Chamber, and the role this institution has played in protecting our Nation, and in making our Nation a better place in which to live, work, and raise families. This is an institution that prides itself on its history.

Therefore, it is important that the Senate have an official historian, along with an Historical Office to document our history, and supervise the management of the records of the Senate as an institution, of Senate committees, and of individual Senators.

For the past 34 years, the Senate has been fortunate, perhaps I should say we have been blessed, to have Dr. Richard Baker as the Senate Historian. Unfortunately for us, he is now leaving his position as Senate Historian, so I must say farewell.

This is a most reluctant and sad farewell. While I am pleased that Dr. Baker will now have the time and opportunity to pursue other endeavors, such as spending more time with his wife and other family members, as well as completing some manuscripts he has been working on, I must say that I am truly sorry to see him leave.

In the preface of volume two of my four-volume history of the Senate, I pointed out that, "This work in its present form would not have been possible without the assistance of the professionals within the Senate historical office," which, of course, was headed by Dr. Baker. My little acknowledgment hardly begins to convey the debt of my gratitude to him for his assistance in that project.

Researching and writing that four-volume history took more than a decade, and during that 10-year period, whenever I went to him for assistance, whether for help in research or writing or just thinking about how I wanted to present a certain idea, he always went above and beyond the call of duty. He was always there, ready and eager to help. I will never forget how, time after time, he would simply say, "Senator, I'll be delighted to help."

He was always ready to help, although he was responsible to 99 other Senators, and had so many other responsibilities and functions. Since the office was created in 1975, following the Watergate scandal, Dr. Baker, the Senate's first and only historian, has ensured that the history of the Senate is properly collected, categorized, main-

tained, and preserved. In addition, he has advised Senators on how to manage their personal papers while they are here, and how to preserve them once they leave office, and has advised Senate committees on the transfer of their records to the National Archives.

Charged with maintaining an objective and thorough record of the institution, his office has collected information on important Senate events, and traced the background and the evolution of Senate rules, precedents and countless activities.

In a multitude of ways, through the publications that his office issues, in talks with Senators and our staffs, and in private consultations, Dr. Baker has provided Senators with a better understanding and appreciation of the U.S. Senate, and its importance and its role under the Constitution. His office has reminded us on a daily basis of the majesty, the uniqueness, and the greatness of our institution.

His office has undertaken its very important work objectively and without political motivation or slant. It always remained a completely non-partisan office. As a result, Dr. Baker earned the respect as well as the gratitude of Senators on both sides of the aisle. This explains why, even with the many changes in the Senate during his tenure as Senate Historian, including changes in Senate leaders and party control, no one has even considered any change in the Senate Historical Office.

Because of his careful and methodical work in collecting the history of the Senate, I can safely predict that the work of his office will be vital to future historians. Years from now, when most of us are long gone—from the Senate, that is—historians will be using the records his office has compiled and the documents his office has produced, to write their histories of the Senate—and for that we will all be grateful.

I congratulate and I thank Dr. Baker for the marvelous work he has done. I wish him and his lovely wife Pat nothing but much happiness, great success, and the best of health as they embark on the next phase of their lives.●

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I wish to submit to the Senate the second budget scorekeeping reports for the 2010 budget resolution. The reports, which cover fiscal years 2009 and 2010, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through July 31, 2009, and include the effects of legislation since I filed my last reports on June 25, 2009. The new legislation includes P.L.

111-42, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; H.R. 3114, an act to authorize the Director of the U.S. Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes, pending Presidential action; S. 1107, the Judicial Survivors Protection Act of 2009, pending Presidential action; and H.R. 3357, an act to restore sums to the highway trust fund, and for other purposes, pending Presidential action. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

For 2009, the estimates show that current level spending is \$982 million below the level provided for in the budget resolution for budget authority and \$3.8 billion above it for outlays while current level revenues match the budget resolution level. For 2010, the estimates show that current level spending is \$1,205.9 billion below the level provided for in the budget resolution for budget authority and \$715.8 billion below it for outlays while current level revenues are \$19.2 billion above the budget resolution level.

I ask unanimous consent to have the letters and accompanying tables from CBO printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 4, 2009.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through July 31, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter dated June 25, 2009, the Congress has cleared for the President's signature the following acts, which affect budget authority and outlays for fiscal year 2009:

An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (H.R. 3114); and

An act to restore sums to the Highway Trust Fund, and for other purposes (H.R. 3357).

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 31, 2009

(In billions of dollars)			
	Budget resolution ¹	Current level ² -Current	Current level over/under (-) resolution
ON-BUDGET			
Budget Authority	3,668.6	3,667.6	-1.0

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 31, 2009—Continued

(In billions of dollars)			
	Budget resolution ¹	Current level ² -Current	Current level over/under (-) resolution
Outlays	3,357.2	3,361.0	3.8
Revenues	1,532.6	1,532.6	0.0
OFF-BUDGET			
Social Security Outlays ³	513.0	513.0	0.0
Social Security Revenues	653.1	653.1	0.0

¹ S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$7.2 billion in budget authority and \$1.8 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

² Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.
SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 31, 2009

(In millions of dollars)			
	Budget authority	Outlays	Revenues
Previously Enacted: ¹			
Revenues	n.a.	n.a.	1,532,571
Permanents and other spending legislation	2,186,897	2,119,086	n.a.
Appropriation legislation	2,031,683	1,851,797	n.a.
Offsetting receipts	-640,548	-640,548	n.a.
Total, Previously enacted	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111-22) ²	106	3,896	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111-31)	11	2	8
Supplemental Appropriations Act, 2009 (P.L. 111-32) ²	89,682	26,992	0
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111-39)	-187	-202	0
Total, enacted this session	89,612	30,688	8
Passed, pending signature:			
An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (H.R. 3114)	0	5	0
An act to restore sums to the Highway Trust Fund, and for other purposes (H.R. 3357) ³	-40	-40	-
Total, passed, pending signature	-40	-35	0
Total Current Level ^{2,3,4}	3,667,604	3,360,988	1,532,579
Total Budget Resolution ⁵	3,675,736	3,358,952	1,532,579
Adjustment to budget resolution for disaster allowance ⁶	-7,150	-1,788	n.a.
Adjusted Budget Resolution	3,668,586	3,357,164	1,532,579
Current Level Over Budget Resolution	n.a.	3,824	n.a.
Current Level Under Budget Resolution	982	n.a.	0

¹ Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5), and the Omnibus Appropriations Act, 2009 (P.L. 111-8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

² Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Helping Families Save Their Homes Act of 2009 (P.L. 111-22)	-630	-630	n.a.
Supplemental Appropriations Act, 2009 (P.L. 111-32)	16,169	3,530	n.a.
Total, amounts designated as emergency	15,539	2,900	n.a.

³ Section 1 of H.R. 3357 appropriated \$7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that H.R. 3357 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, enactment of section 1 results in no change to current level totals. Other provisions of the act will reduce budget authority and outlays by \$40 million in 2009.

⁴ For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

⁵ Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	-1,530	2,240	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	11	2	8
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	1,515	642	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	-187	-202	0
Revised Budget Resolution Totals	3,675,736	3,358,952	1,532,579

⁶ S. Con. Res. 13 includes \$7,150 million in budget authority and \$1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 4, 2009.
Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through July 31, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated June 25, 2009, the Congress has cleared and the President has signed a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (Public Law 111-42), which affects revenues.

The Congress has also cleared for the President's signature, the following acts: An act to authorize the Director of the United States Patent and Trademark Office to use funds * * * and for other purposes (H.R. 3114);

and Judicial Survivors Protection Act of 2009 (S. 1107).

These acts affect budget authority and outlays.

Sincerely,

ROBERT A. SUNSHINE

(For Douglas W. Elmendorf, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JULY 31, 2009

[In billions of dollars]

	Budget resolution ¹	Current level ²	Current level over/under (—) resolution
ON-BUDGET			
Budget Authority	–2,882.1	–1,676.2	–1,205.9

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JULY 31, 2009—Continued

[In billions of dollars]

	Budget resolution ¹	Current level ²	Current level over/under (—) resolution
Outlays	–2,999.1	–2,283.3	–715.8
Revenues	–1,653.7	–1,672.9	–19.2
OFF-BUDGET			
Social Security Outlays ³	–544.1	–544.1	–0.0
Social Security Revenues	–668.2	–668.2	–0.0

¹ S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$10.4 billion in budget authority and \$5.4 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

² Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JULY 31, 2009

[In millions of dollars]

	Budget authority	Outlays—	Revenues
Previously Enacted: ¹ —			
Revenues	—n.a.	—n.a.	–1,665,986
Permanents and other spending legislation	–1,637,423	1,621,675	n.a.
Appropriation legislation	–0	600,500	n.a.
Offsetting receipts	–690,251	–690,251	n.a.
Total, previously enacted	–947,172	1,531,924	1,665,986
Enacted this session:—			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	318	11,346	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	10	13	46
Supplemental Appropriations Act, 2009 (P.L. 111–32) ²	11	33,530	0
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111–39)	32	36	0
A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (P.L. 111–42)	0	0	6,862
Total, enacted this session	371	44,925	6,908
Passed, pending signature:—			
An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (H.R. 3114)	0	65	0
Judicial Survivors Protection Act of 2009 (S. 1107)	–1	–1	0
Total, passed, pending signature	–1	64	0
Entitlements and mandates:—			
Budget resolution estimates of appropriated entitlements and other mandatory programs	–728,688	706,384	0
Total Current Level ^{2, 3, 4}	1,676,230	2,283,297	1,672,894
Total Budget Resolution ⁵	2,892,499	3,004,533	1,653,728
Adjustment to the budget resolution for disaster allowance ⁶	–10,350	–5,448	n.a.
Adjusted Budget Resolution	2,882,149	2,999,085	1,653,728
Current Level Over Budget Resolution	n.a.	n.a.	19,166
Current Level Under Budget Resolution	1,205,919	715,788	–n.a.

¹ Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

² Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2009 (P.L. 111–32)	17	7,064	–2

³ For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

⁴ The scoring for H.R. 3357, an act to restore the Highway Trust Fund, and for other purposes, does not change current level totals. H.R. 3357 appropriated \$7 billion to the Highway Trust Fund. The enactment of this bill followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that H.R. 3357 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, no change is required.

⁵ Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	2,888,691	3,001,311	1,653,682
Revisions:—			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	–5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5))	3,766	–2,355	–0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	6	–1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	–11	–11	0
Revised Budget Resolution Totals	–2,892,499	3,004,533	1,653,728

⁶ S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

MATERIAL SUPPORT AND TERRORISM BARS IN IMMIGRATION LAW

Mr. LEAHY. Mr. President, following the attacks of September 11, 2001, Congress made dramatic changes to our immigration laws that were intended to strengthen barriers to entry to the United States for those believed to be engaged in terrorist activity. This was a laudable goal, but as with so much of the Federal Government's response to the September 11 attacks, fear overtook reason and sound judgment. Rather than limit the scope of changes to the law, Congress passed vastly overbroad revisions to the definition of terrorist activity, resulting in harm to asylum seekers and refugees. As a result, many who deserve and are otherwise eligible for protection under our laws have suffered needlessly.

The post-September 11 changes to the law expanded bars to entry for those accused of providing "material support" to terrorist organizations, or who are believed to have engaged in "terrorist activity." The new definition of terrorist organization was so broadly written that an individual who was forced at gunpoint to provide medical or other assistance, no matter how slight, to any group of two or more people acting against the law of their country, are considered to have materially supported a terrorist organization. As a result, those who bravely fought repressive governments in their home countries, and those who joined the United States in opposing despots, can now be called terrorists and barred from protection in our Nation.

I have worked for years to restore common sense to the bars in our immigration laws that apply to material support for terrorism. Unfortunately, as a result of the previous administration's inaction, and slow progress within the new administration, these laws remain a stain on the reputation of the United States as a leader in the cause of human rights. The time to end the terrible consequences of these laws is long overdue.

I called upon the previous administration to exert leadership in solving the longstanding problems associated with these restrictions to admission to the United States. I worked with Senator KYL to provide the Bush-Cheney administration with the authority to implement waivers so that those deserving of our protection were not wrongly denied sanctuary in the United States. Little was done with the authority we provided.

We can and must do better. Today I renew these calls for leadership in the new administration. I call on President Obama to take the steps necessary to implement the authority granted by Congress to protect bona fide refugees and asylees.

I recognize that the waiver authority Congress provided to the executive

branch resulted in some positive changes in recent months. The executive branch is granting waivers to those whose "support" under the overly broad definition of terrorist organization was provided only under duress. Some others, whose support was provided to groups exempt from the definition of terrorist organization, are also being granted protection. But that is not enough. The third tier of the law's definition of terrorist organization continues to ensnare those deserving of our protection who pose no legitimate threat to the United States. Currently, over 7,000 individuals who were granted refugee status or asylum, and who have since petitioned the Government for lawful permanent residence, are on hold and in legal limbo because the agency has not implemented the authority granted under law. These are individuals whom our Government has already screened and deemed eligible for protection under the same set of facts now being held against them to erroneously claim that they are threats to the United States.

And in some cases, these are people that bravely stood by the United States in Iraq and elsewhere. Saman Kareem Ahmad served as a translator for the U.S. Marines in Iraq. He came to the United States on a special visa, supported by the Marine captain with whom he served, and with commendations from GEN David Petraeus. But because he had served with the Kurdish democratic party in Iraq in opposing Saddam Hussein, Mr. Ahmad was initially denied a green card because he was deemed to have been part of a terrorist organization under the law's definition. It took press reporting and congressional oversight to resolve this injustice. Such a result is at odds with our values.

As the result of legislation Senator KYL and I sponsored, and which became law, the agency was directed to establish a process for exempting certain groups from the material support bars. In practice, an individual who is granted refugee status or asylum is eligible to later petition to adjust their status to lawful permanent residence. Yet, rather than apply the exemption authority granted under law, the agency appears to assume the terrorism bars apply in many of these cases, and then holds the cases until it determines whether the individual applicants are eligible for a waiver. This is not what Congress intended. A significant percentage of the more than 7,000 pending cases are petitions from refugees or asylees who were previously admitted to the United States. They are being penalized for actions that took place prior to their admission to the United States, often for activity that was not barred at the time, and which they disclosed prior to lawful admission to our nation. These individuals should be granted a presumption of admissi-

bility, assuming no other factors of inadmissibility apply to their cases.

Equally troubling is the effect of agency inaction on individuals in removal proceedings. Asylum seekers in removal proceedings are not considered for a waiver of the terrorism-related bars unless and until a final order of removal is issued. This inefficient system forces asylum seekers to engage in a lengthy appeals process if they believe they have a valid claim for relief. Reviewing such cases for waivers at the early stages of removal proceedings will lead to more efficient operations within the agency and the immigration courts. It will also save genuine asylum seekers from unnecessary anguish and enable them to more quickly integrate into American society.

I intend to work in earnest with the Obama administration to solve this problem once and for all. If the executive branch is unwilling or unable to make the needed administrative changes to policy, then I will introduce legislation once again. Should legislation be necessary, I expect the administration and the agencies to work with me in a constructive manner to restore common sense and fairness to our treatment of refugees and asylum seekers.

INTELLIGENCE INVESTIGATIONS

Mr. LIEBERMAN. Mr. President, it has now been nearly 8 years since our country was attacked on September 11, 2001, as 19 al-Qaida members hijacked four jet airplanes and crashed three of them into the World Trade Center and the Pentagon. The passengers on the fourth plane, Flight 93, learned of the other attacks, fought back against the hijackers, and heroically gave their lives to prevent that plane from reaching its target in Washington, DC. That target was probably this very building—the U.S. Capitol.

In the last 8 years, our homeland has not been attacked again. The reasons for this are many. We created a Department of Homeland Security, and we adopted reforms in our intelligence community recommended by the 9/11 Commission. We are now consistently connecting the intelligence dots that were not connected before 9/11. We have denied safe haven to terrorist organizations in Afghanistan, Iraq, and other countries around the world. And we have worked with our allies to prevent terrorist groups from gaining access to nuclear and radiological materials and to combat terrorist financing.

One of the most important reasons why we have not been attacked again in the last 8 years is the tireless work of the men and women who serve in our intelligence agencies. While the attacks of 9/11 have receded into the memory of many Americans, I assure my colleagues that is not the case for the intelligence community. They

know that the threat of terrorism has not diminished and are working each day to detect and disrupt terrorist plots targeting America and our allies.

They know that the threats we face are ones that could imperil the lives of countless Americans. Just last year, the Commission on the Prevention of Weapons of Mass Destruction determined that it is "more likely than not" that a nuclear or biological weapon of mass destruction will be used against the United States in a terrorist attack within the next five years. Should a nuclear device detonate in an American city, it could instantly kill hundreds of thousands of people and render the city uninhabitable for years. This is a devastating possibility that America faces every day and agents are working to prevent every second of every day.

For all of these reasons, I believe we have a responsibility to give our intelligence agencies and agents the resources and tools they need, as well as the respect and appreciation they have earned.

What we should not do is go backwards by investigating intelligence officials who served us on the front lines of this ongoing war on terrorism and acted within legal guidance they were given.

Attorney General Holder is still considering an investigation into CIA interrogators and contract employees. I fear that such an investigation could very well foster a climate of political recriminations and sap the morale of the intelligence community. Those near certain results would no doubt leave our country less safe.

President Obama had it right when he said that with regard to past behavior by the intelligence community, he is "more interested in looking forward . . . than looking backward." Given the threats that we face as a nation, it is imperative that we follow the President's lead.

With regard to the treatment of detainees now in U.S. custody, the President has been clear. The Executive order he signed on January 22 of this past year requires that all detainees in U.S. custody "shall in all circumstances be treated humanely and shall not be subjected to violence to life and person" and that all interrogations carried out by the U.S. Government, whether by the military, the CIA, the FBI or any other government entity, shall comply with the Army Field Manual. The President's Executive order is consistent with the Detainee Treatment Act as well as the Convention Against Torture and Common Article 3 of the Geneva Conventions. Given that such policy changes have already been made, I can see no benefit from new investigations of intelligence officials, especially those who were doing what they thought was appropriate and necessary to keep us safe.

The 9/11 Commission did a positive and constructive investigation of past events that needed to be understood so that we did not repeat the mistakes that made that horrific day possible. The commission investigated the activities of agencies such as the CIA and FBI in the years and months prior to the attacks of 9/11, and was unsparing in pointing out where those agencies had missed opportunities to disrupt the plot. As a result of the commission's recommendations, we established the Director of National Intelligence and the National Counterterrorism Center, improved sharing of intelligence information, and strengthened our watchlisting and visa issuance systems. All of these initiatives make the United States safer today against the threat of terrorism.

A new investigation of interrogation procedures used on al-Qaida detainees would have no such benefits given that these procedures have now been changed. But an investigation into past practices could cause great harm.

An investigation could ruin careers of men and women who have sacrificed so much on our behalf and would have a chilling effect on intelligence efforts moving forward. The overhanging threat of investigations will force those in the intelligence services to be risk averse, which in turn would make us all less secure. In the war against an enemy that does not wear a uniform, that ruthlessly kills innocent civilians, that then hides among those very same civilians, and that uses our own freedoms to undermine and attack us, tough decisions under great pressure—life and death decisions—must be made by those whose job it is to protect our security and our freedom.

As CIA Director Leon Panetta recently wrote in the Washington Post:

The time has come for both Democrats and Republicans to take a deep breath and recognize the reality of what happened after September 11, 2001. The question is not the sincerity or the patriotism of those who were dealing with the aftermath of September 11. The country was frightened, and political leaders were trying to respond as best they could. Judgments were made. Some of them were wrong. But that should not taint those public servants who did their duty pursuant to the legal guidance provided.

As I said at the beginning, we must not take for granted the important fact that we have not been attacked on our homeland since September 11, 2001. That fact is not an accident nor is it just a product of good luck. It is mostly the result of the ceaseless efforts to protect our country by the brave men and women in our military, by all who work for civilian agencies involved in homeland security and counterterrorism, and last but not least, by the intelligence community. Those men and women are, as CIA Director Panetta pointed out, "truly America's first line of defense."

I urge the Attorney General not to go forward with the investigations being

debated now. The collateral damage to America's intelligence community could be severe and that is something no American should want.

SERVICE MEMBER BENEFITS EDUCATION

Mr. NELSON of Florida. Mr. President, I want to share a story I heard about retired MSG Michelle Fitz-Henry.

Michelle served our Nation for over 20 years. Her husband, Senior Chief Petty Officer Ted Fitz-Henry, was a Navy SEAL who served our Nation for 21 years.

Michelle told me that before her husband left home for the Middle East they went into the living room. He said to her, you know if anything happens to me, SBP is there for you.

When he said SBP, he was referring to the Survivor Benefit Plan, an annuity that the Department of Defense (DOD) pays to survivors—the widows and orphans—of two groups of servicemembers.

The first group of survivors includes those who lost a loved one serving on active duty.

In 2001, Congress passed a law allowing active duty servicemembers who are not eligible for retirement to be included in the SBP program. The SBP program provides the survivors of these fallen heroes with a monthly payment based upon the age of the spouse and the year the servicemember entered the service.

This was the right thing to do. It showed the Nation's gratitude for servicemembers' sacrifice. If a servicemember dies on active duty because of a military-connected cause, the servicemember and his or her family are automatically enrolled in the SBP program.

There is a second group of survivors who can also enroll in the SBP program. A veteran who is classified as a retiree—someone who has served for at least 20 years—is eligible to enroll in the program. After they leave the service, retirees can contribute a portion of their retirement pay to SBP. This contribution entitles their survivors up to 55 percent of the retiree's base retirement pay after his or her death.

Since 1972, retirees have paid into the program with a portion of their retirement income in order to improve their family's financial security upon their death. Some retirees have paid into the program for over 30 years.

What Michelle and Ted did not know was that the SBP they thought they could count on—approximately \$1,200 per month—would be reduced, dollar-for-dollar, by another benefit from the Department of Veterans Affairs dependency and indemnity compensation, DIC, program.

DIC is a monthly benefit payment to the survivors of all servicemembers

who have died from a service-connected condition. That includes both those who die on active duty and veterans whose deaths resulted from a service-related injury.

What many SBP participants and their future survivors do not know is that the SBP-DIC dollar-for-dollar offset can leave widows and orphans with up to \$1,200 less per month than they had expected to receive. When planning a family budget this unforeseen reduction can be devastating.

For example, if a widow's husband served for over 20 years, retired, paid into the SBP program and then died of a service-connected disability, she may think that she is entitled to both the full SBP and DIC payments. However, if she planned to receive \$1,300 per month from SBP and \$1,200 per month from DIC, she could be surprised to learn that the dollar-for-dollar offset would reduce her \$1,300 SBP payment by the \$1,200 DIC payment and she would be left with DIC intact, but only \$100 in SBP per month.

As this body knows well, for 8 years I have fought to repeal the law that offsets the monetary payments between the SBP annuity and the DIC benefit. This body may recall that in 2005 we took a step in the right direction and passed by 92-6 an amendment to repeal the unjust SBP-DIC offset. In the 2008 Defense authorization, we cracked the door to eliminating the offset by getting a "special payment" of \$50 per month. This special payment, called the special survivor indemnity allowance, is received by the widows and orphans whose SBP payments are offset by the DIC they receive. This year, the Congress increased the special payment to \$310 per month, by 2017, for the widows and orphans impacted by the SBP-DIC offset. This increase came from savings found in the tobacco legislation, which became law on June 22, 2009.

Michelle allowed me to speak of her case, but she isn't alone. When widows, veterans, and constituents speak to me in support of my efforts to repeal this offset, they often tell me that they did not know that the offset existed.

If Michelle and Ted, with 39 years of combined service upon his death, didn't know about this offset then we have a bigger problem out there: the Services don't adequately educate our servicemembers and their families about their benefits, especially the offsets to their benefits. This year, we will change that.

The amendment I filed to the fiscal year 2010 National Defense Authorization Act, Senate Amendment No. 1808 to S. 1390, will increase servicemembers' and their families' awareness of their service-related benefits during transitions and events in a servicemember's career.

My amendment will require the Services to provide information to service-

members and their families about their disability, death, education, and survivor benefits, including any offsets.

My amendment requires the Services to provide this information when a servicemember enters or leaves the service either through retirement or at the end of his or her service. The services must also provide information when a servicemember is classified as having a service-connected disability and is unfit to perform their duty.

We all believe it is important for servicemembers and their families to receive certain benefits because of their service to the Nation. It is my guess that we also believe that servicemembers and their families should know about those benefits. We sometimes take for granted that we're doing enough, but I believe we can do more and benefits education is a small but important step toward taking better care of our people.

Now I want to be clear, the Services are making honorable efforts to educate our troops about their benefits, but we all agree that we can do better. I asked the Services about their procedures, and I was surprised that there are few standards or requirements that compel the Services to educate servicemembers and their families about disability, death, education and survivor benefits. Thus, I believe that our joint approach with the Services will go a long way to bring uniformity of content and access to all servicemembers and their families.

So, after gathering the information, I spoke with the Pentagon about the changes I was proposing and the possibility that I would file legislation. The Department provided numerous improvements to the legislation, including additional requirements for more information to be provided to servicemembers and their families. I appreciate their engagement and their thoughtful responses. I think it made for a better bill and a better amendment.

Requiring benefits education about service-related benefits will help achieve the basic goal of raising awareness, not only about servicemembers' benefits, but also about the offsets to those benefits.

This legislation is another step in the right direction; another step toward raising awareness about the law that requires the unjust SBP-DIC offset.

However, as awareness is raised we must continue to work hard to enact a law that will repeal the unjust offset. Our servicemembers not only earned or purchased this annuity; they and their survivors rely on the government to provide them with accurate information and the benefits they expect and deserve. We must continue to right these wrongs.

SITUATION IN YEMEN

Mr. LEVIN. Mr. President, I would like to take a few moments to bring to the attention of my colleagues the burgeoning threat of a potential safe haven for extremists in Yemen. As I am sure is true of many of my colleagues, I continue to monitor the press reports surrounding the future of the Yemeni detainees currently being held at the Guantanamo Bay detention facility. However, what I believe too few people are following is the growing threat of Yemen becoming a failed state and potential safe haven for members of al-Qaida.

A recent New York Times article, "Some in [al] Qaeda Leave Pakistan for Somalia and Yemen," highlighted the growing concern within the U.S. Government about relocations of some al-Qaida operatives to Yemen. The Washington Institute for Near East Policy also highlighted the growing threat in Yemen in a recent paper, "Waning Vigilance: al Qaeda's Resurgence in Yemen," that discusses how the threat in Yemen has simmered in recent years and urgently needs the attention of policymakers. Mr. President, I will ask that the New York Times and Washington Institute for Near East Policy articles be printed in the RECORD following my comments.

To appreciate fully the concerns about Yemen's stability, it is important to recall the association of terrorist activities with Yemen. It is perhaps best known as the site of the U.S.S. *Cole* attack in October 2000. But Yemen is also one of the top sources of foreign fighters in Iraq and Afghanistan, the source of weapons trafficked into Gaza, and the country of origin of almost 100 of the remaining detainees at the Guantanamo Bay detention facility. It was also where many mujahedeen returned to after the Soviet withdrawal from Afghanistan and, often forgotten, it is the ancestral home of Osama bin Laden. Further, in 2008, the U.S. Embassy in the Yemeni capital of Sana'a was attacked twice—first by a mortar attack and the second time by highly trained terrorists using vehicle-borne improvised explosive devices, small arms, and suicide vests.

Director of National Intelligence Dennis Blair also highlighted the significance of the situation in Yemen earlier this year in testimony before the Senate Armed Services Committee. Director Blair testified that losses within al-Qaida's command structure since 2008 have been significant and that sustained pressure against al-Qaida in the Federally Administered Tribal Areas, FATA, of Pakistan may eventually force it to vacate the FATA. He stated that it is conceivable that al-Qaida could relocate to the gulf where it could exploit a weak central government and close proximity to established recruitment, fundraising, and facilitation networks.

Yemen is the type of country the Director is concerned about, and, for good reason. I would direct my colleagues to the most recent issue of Foreign Policy magazine, which ranks Yemen 18th on its failed states index, an annual index based on 12 indicators ranging from availability of public services to demographic pressures to refugee and internally displaced populations. The failed state index additionally says of Yemen: "a perfect storm of state failure is now brewing there: disappearing oil and water reserves; a mob of migrants, some allegedly with al Qaeda ties, flooding in from Somalia . . . ; and a weak government increasingly unable to keep things running."

The article goes on to suggest what many Yemen observers have been saying for years: "Yemen is the next Afghanistan: a global problem wrapped in a failed state." Report after report reaches the same conclusion about Yemen—it is a failing state with all the makings of an extremist safe haven. I believe it is critical that we monitor this situation closely; fund developmental and counterterrorism assistance for the Government of Yemen at robust levels; and urge the Obama administration to engage actively with the Yemeni Government. The consequences of inaction can be seen right across the Gulf of Aden in Somalia.

For its part, the administration has increased its focus on this threat. Earlier this year, Central Intelligence Agency, CIA, Deputy Director Stephen Kappes reportedly met with Yemeni President Ali Abdullah Saleh in Sana'a to discuss security and counterterrorism cooperation. This visit is one of many that the CIA and National Security Council officials have made in recent months, and in addition to a visit by General Petraeus shortly after taking command at U.S. Central Command.

All of these visits confirmed that the political landscape in Yemen remains fragile. Throughout his decades of rule, President Saleh has successfully balanced the various political forces in Yemen—tribes, political parties, military officials, political elites, and radical Islamists—to create a stable ruling coalition that has kept his regime intact. While in many cases this stability has been purchased via corruption and payoffs, in cases where groups and/or individuals have not been willing to join President Saleh, he has used law enforcement, military, and intelligence services to manage threats to stability. In recent years, al-Qaida has entered into the political landscape and complicated this delicate 30-year balance. President Saleh has addressed this situation by reportedly reaching understandings with al-Qaida that it would be left alone to recruit fighters if it did not attack the Yemeni Government.

In the Washington Institute for Near East Policy article I mentioned earlier,

the author makes a number of points that underscore this delicate balancing act and the role of al-Qaida in the political landscape of Yemen. The author argues that the Yemeni Government is preoccupied, and its security services overtaxed by increasingly violent calls for secession from the south, threats of renewed fighting in the north, and a faltering economy that is dependent on revenue from rapidly dwindling petroleum reserves.

Between 2002 and 2004, the Yemeni Government, largely with U.S. assistance, was able to disrupt al-Qaida-inspired terrorist activity in Yemen. However, in recent years, a new generation of militants, with either experience in Iraq and Afghanistan or time spent in the Yemeni prison system, has emerged. This new generation of militants is inclined to target the Yemeni Government itself, in addition to foreign interests in Yemen.

The start of this resurgence was a 2006 jailbreak, in which 23 convicted terrorists escaped from a prison in the capital of Sana'a. Escapees from this jailbreak formed the core of a new group, al-Qaida in the Arabian Peninsula, AQAP, which is led by a 2006 escapee whose deputy is a former Guantanamo detainee. While many Yemen observers believe that AQAP is not yet strong enough to topple President Saleh's regime, it is capable of striking high value targets; contributing to instability across Yemen; and recruiting individuals to strengthen its ranks. The ideological demands of AQAP are familiar: release militants from prison; end cooperation with the United States; renounce democracy; and implement a strict form of sharia law.

If al-Qaida operatives and their leadership in Pakistan look for a new home, Yemen will seem attractive. As in Afghanistan and Pakistan, it has large areas of naturally defensible land where President Saleh's regime has little authority; a robust tribal structure that could host relocating operatives; and a security infrastructure which lacks the capacity to defend Yemen's sovereign territory. It is also worth mentioning that these same tribes, in some cases, share the hard-line views of these relocating al-Qaida operatives and are inclined to help enlist their own family into AQAP's efforts. This reality only complicates further the work of President Saleh in balancing counterterrorism efforts and the survival of his regime.

In June 2007, al-Qaida officially announced its rebirth in Yemen with a suicide attack on a convoy of Spanish tourists. Since then, the organization has grown stronger and its attacks more frequent. In January 2008, it launched a series of attacks, culminating in the assault on the U.S. Embassy in September 2008. Earlier this year, a pair of suicide bombers targeted South Koreans, attacking first a group

of tourists in the countryside and then the officials sent to investigate. Just last month, AQAP demonstrated that it is also adopting the kidnapping for ransom tactic, which has proven profitable for other terrorist groups. And, just last month, the Associated Press reported that security was upgraded in Yemen's capital after intelligence reports warned of attacks planned against the U.S. Embassy and other potential targets. In response, the Yemeni chief of intelligence has reportedly directed an increase in security around diplomatic missions in the capital and elsewhere in the country. The culmination of these developments gives the AQAP the ability to attract relocating foreign fighters and broaden its operational reach.

The United States is by no means the only player in the country. Saudi Arabia provides the most assistance to Yemen, some of it via official channels to the government and some portions of it unofficially. A myriad of countries are involved in the Yemeni energy sector, and Russia and China are the Yemeni Government's major arms suppliers. To complicate matters further, Yemen's tribal leaders, powerful within the Yemeni political landscape, are suspicious of U.S. policy in the region. These tribal leaders are often the proxies used by President Saleh, Saudi Arabia, and others interested in influencing the government and other elites.

Over the past several fiscal years, Yemen has received on average between \$20 and \$25 million annually in total U.S. foreign aid. For fiscal year 2009, the U.S. provided over \$40 million in assistance for Yemen, an increase from its \$18 million aid package in fiscal year 2008. Between fiscal year 2006 and fiscal year 2007, Yemen also received approximately \$31.5 million from the U.S. Department of Defense's section 1206 account to train and equip Yemeni counterterrorism units. The Obama administration also recently sent to Congress a new package of 1206 funded projects, which includes \$65 million in counterterrorism assistance for various Yemeni military units. The recently passed fiscal year 2009 supplemental included \$10 million for the U.S. Agency for International Development to support U.S.-sponsored rural engagement measures, focused on civil affairs activities and civilian capacity building in the ungoverned regions of Yemen.

While these programs are important and need to be funded, Yemen observers have expressed frustration with how little "bang for the buck" the U.S. gets for its financial assistance to Yemen on counterterrorism operations. This is one area where I hope the administration will continue to press the Yemeni Government. In the past, the Yemeni Government has complained that the United States has provided

them with insufficient assistance. However, based on the most recent administration efforts, the situation has clearly changed, and it is time for President Saleh's government to be more responsive. And, just as in Pakistan, it is critical that our government make two things very clear: first, we stand ready to assist in training and equipping counterterrorism forces; and second, the threats confronting Yemen are ultimately a threat to its own existence. American security assistance will ultimately only be as effective as the Yemeni Government's will to execute an aggressive counterterrorism and counter-recruitment mission.

To date, the administration has not officially characterized Yemen as an al-Qaida safe haven, but should President Saleh prove unwilling to confront adequately the threat posed by relocating foreign fighters; the growing threat of AQAP; and the sympathy of some tribal leaders in his country to support extremist elements, the administration should consider more vigorous action. While the U.S. Embassy in Sana'a is working hard to find an amenable resolution for the transfer of the Yemeni detainees at Guantanamo, it is also working on these very complex counterterrorism efforts. I would urge my colleagues to look at the threats emanating from Yemen and to support efforts by the administration to cooperate with the Yemeni Government and other regional actors, particularly Saudi Arabia, to address the burgeoning threat in the country.

Mr. President, I ask unanimous consent to have printed in the RECORD the New York Times and Washington Institute for Near East Policy articles to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 12, 2009]
SOME IN QAEDA LEAVE PAKISTAN FOR SOMALIA
AND YEMEN

(By Eric Schmitt and David E. Sanger)

WASHINGTON.—American officials say they are seeing the first evidence that dozens of fighters with Al Qaeda, and a small handful of the terrorist group's leaders, are moving to Somalia and Yemen from their principal haven in Pakistan's tribal areas. In communications that are being watched carefully at the Pentagon, the White House and the Central Intelligence Agency, the terrorist groups in all three locations are now communicating more frequently, and apparently trying to coordinate their actions, the officials said.

Some aides to President Obama attribute the moves to pressure from intensified drone attacks against Qaeda operatives in Pakistan, after years of unsuccessful American efforts to dislodge the terrorist group from their haven there.

But there are other possible explanations. Chief among them is the growth of the jihadist campaigns in both Somalia and Yemen, which may now have some of the same appeal for militants that Iraq did after the American military invasion there in 2003.

Somalia is now a failed state that bears some resemblance to Afghanistan before the Sept. 11, 2001, attacks, while Yemen's weak government is ineffectually trying to combat the militants, American officials say.

The shift of fighters is still small, perhaps a few dozen, and there is no evidence that the top leaders—Osama bin Laden and Ayman al-Zawahri—are considering a move from their refuge in the Pakistani tribal areas, according to more than half a dozen senior administration, military and counterterrorism officials interviewed in recent days.

Most officials would not comment on the record about the details of what they are seeing, because of the sensitivity of the intelligence information they are gathering.

Leon E. Panetta, the C.I.A. director, said in remarks here on Thursday that the United States must prevent Al Qaeda from creating a new sanctuary in Yemen or Somalia.

The steady trickle of fighters from Pakistan could worsen the chaos in Somalia, where an Islamic militant group, the Shabab, has attracted hundreds of foreign jihadists in its quest to topple the weak moderate Islamist government in Mogadishu. It could also swell the ranks of a growing menace in Yemen, where militants now control large areas of the country outside the capital.

"I am very worried about growing safe havens in both Somalia and Yemen, specifically because we have seen Al Qaeda leadership, some leaders, start to flow to Yemen," Adm. Mike Mullen, the chairman of the Joint Chiefs of Staff, said in remarks at the Brookings Institution here on May 18.

For the United States, the movement creates opportunities as well as risks. With the Obama administration focusing its fight against the Taliban and Al Qaeda on the havens in Afghanistan and Pakistan, a shift of fighters and some leaders to new locations could complicate American efforts to strike a lasting blow.

But in the tribal areas of Pakistan, Qaeda and Taliban forces have drawn for protection on Pashtun tribes with whom they have deep familial and tribal ties. A move away from those areas could expose Qaeda leaders to betrayal, while communications among militants in Pakistan, Somalia and Yemen have created a new opportunity for American intelligence to zero in on insurgents who gave up many electronic communication devices shortly after the Sept. 11 attacks to avoid detection.

A senior Obama administration official attributed some of the movement to "the enormous heat we've been putting on the leadership and the mid-ranks" with Predator strikes, launched from both Pakistan and Afghanistan. Mr. Obama's strategy so far has been to intensify many of the strikes begun under the Bush administration.

"There are indications that some Al Qaeda terrorists are starting to see the tribal areas of Pakistan as a tough place to be," said an American counterterrorism official. "It is likely that a small number have left the region as a result. Among these individuals, some have probably ended up in Somalia and Yemen, among other places. The Al Qaeda terrorists who are leaving the tribal areas of Pakistan are predominantly foot soldiers."

Measuring the numbers of these movements is almost as difficult as assessing the motivations of those who are on their way out of the tribal areas.

But American officials say there is evidence of a shift. One senior American military official who follows Africa closely said

that more than 100 foreign fighters had trained in terrorism camps in Somalia alone in the past few years. Another senior military officer said that Qaeda operatives and confederates in Pakistan, Yemen and Somalia had stepped up communications with one another.

"What really has us worried is that they're communicating with each other much more—Al Qaeda in Pakistan, Somalia and Yemen," the senior military officer said. "They're asking, 'What do you need? Financing? Fighters?'"

Mr. Obama's strategy for Afghanistan and Pakistan placed the defeat of Al Qaeda as the No. 1 objective, largely to make sure that the group could not plot new attacks against the United States.

Thus, the movement of the fighters, and the disruption that causes, has been interpreted by some of the president's top advisers as a sign of success.

But the emergence of new havens, from which Al Qaeda and its affiliates could plot new attacks, raises difficult questions for the United States on how to combat the growing threat, and creates the possibility that increased missile strikes are in the offing in Yemen and Somalia.

"Those are issues that I think the international community is going to have to address because Al Qaeda is not going away," Admiral Mullen told a Senate committee on May 21.

The C.I.A. says its drone attacks in Pakistan have disrupted Al Qaeda's operations and damaged the group's senior ranks. American officials say that strikes have killed 11 of the top 20 Qaeda leaders in the past year.

"Al Qaeda has been hit by drones and it has generated a lot of insecurity among them," said Talat Masood, a retired Pakistani general and military analyst in Islamabad.

"Many among them are uneasy and it is possible that they are leaving for Somalia and other jihadi battle fronts," he said. "The hard core, however, will like to stay on."

Without singling out any countries, Adm. Eric T. Olson, the head of the Special Operations Command, spoke in general terms last week about how the increased Pakistani military operations in the Swat Valley and early indications of a new Pakistani offensive in South Waziristan had put militants on the run.

"As the Pakistanis are applying pressure," Admiral Olson told a House panel, "it will shift some of the sanctuaries to other places."

[From the Washington Institute for Near East Policy, July 14, 2009]
WANING VIGILANCE: AL-QAEDA'S RESURGENCE
IN YEMEN

(By Gregory Johnsen)

Recent reports suggesting that al-Qaeda fighters are leaving Pakistan and Afghanistan, where the group has suffered serious setbacks, have renewed international concerns that Yemen is reemerging once again as a major terrorist safe haven. Although the assessments of al-Qaeda's resurgence in Yemen are accurate, the deteriorating situation is not due to U.S. successes elsewhere; rather, it is the result of waning U.S. and Yemeni attention over the past five years. Renewed cooperation between Sana and Washington in tackling al-Qaeda and addressing Yemen's systemic problems could help reduce the terrorist organization's appeal in this troubled country.

THE APPARENT DEFEAT OF AL-QAEDA IN YEMEN

By late 2003, al-Qaeda in Yemen had been largely defeated through the close cooperation of U.S. and Yemeni security forces. This

cooperation reached its zenith in November 2002 when the CIA assassinated the head of the organization, Abu Ali al-Harithi, but the Pentagon bypassed the agreed-on cover story and leaked the operation to the press. Washington needed an early victory in the war on terror and the assassination of an al-Qaeda leader was too good to go unacknowledged.

Yemen, however, believed it was sold out to U.S. domestic concerns. Yemeni president Ali Abdullah Salih paid a high price for allowing the United States to carry out the attack—something al-Qaeda still uses to great propaganda effect—and it took more than a year for the government to publicly admit that it had authorized Washington to act.

In November 2003, the United States was still paying for this mistake when Yemen arrested al-Harithi's replacement, Muhammad Hamdi al-Ahdal, on the streets of Sana. Instead of being granted direct access to al-Ahdal, U.S. officials were forced to work through Yemeni intermediaries; however, with its leadership dead or in jail, its infrastructure largely destroyed, and its militants more attracted to the insurgency in Iraq than jihad at home, al-Qaeda in Yemen appeared largely defeated.

AL-QAEDA REBUILDS

The United States and Yemen both treated this victory as absolute, failing to realize that a defeated enemy is not necessarily a vanquished one. In effect, al-Qaeda was crossed off both countries' list of priorities and replaced by other, seemingly more pressing, concerns. For Washington, democratic reforms and anticorruption campaigns dominated the bilateral agenda as part of the Bush administration's desire to mold a new Middle East. For Yemen, attention was increasingly diverted by a five-year-old sectarian civil war in the north and more recently by threats of secession from the south. Over the next two years of relative calm, the threat from al-Qaeda, while not necessarily forgotten, was certainly ignored. Tourism flourished, and the U.S. State Department initiated a Yemen study-abroad program.

Even the prison break of twenty-three al-Qaeda suspects in early 2006, which U.S. officials privately blamed on Yemeni government collaboration, was treated more like an aberration than the opening volley of a new battle. Among the escapees were Qasim al-Raymi and Nasir al-Wahayshi, a former secretary to Osama bin Laden and a veteran of the fighting at Tora Bora. The nearly two and a half years of government neglect had created a great deal of space for the two men to reorganize and rebuild al-Qaeda in Yemen.

The involvement of al-Raymi and al-Wahayshi, along with numerous other Yemenis from across the country, illustrates one of the more worrying facts about al-Qaeda's current incarnation: it is the most representative organization in the country. Al-Qaeda in Yemen transcends class, tribe, and regional identity in a way that no other Yemeni group or political party can match. Al-Wahayshi and others within the organization have proven particularly talented at articulating a narrative designed to appeal to a local audience, using everything from Palestine to the plight of Sheikh al-Muayad—a Yemeni cleric who ran a popular charity and is currently in a U.S. prison for providing funds to terrorists—to increase their rhetorical appeal to young Yemenis. Both the U.S. and Yemeni governments have been incapable of countering this approach and have effectively ceded the field to al-Qaeda.

In June 2007, al-Qaeda officially announced its presence in the country with al-Wahayshi

as its commander. It underscored its intentions within days by a suicide attack on a convoy of Spanish tourists. Since then, the organization has grown stronger. In January 2008, it released the first issue of its bi-monthly journal, *Sada al-Malahim* ("The Echo of Battles"), and that same month it launched a series of attacks, culminating in the assault on the U.S. embassy in September 2008. Earlier this year, a pair of suicide bombers targeted South Koreans, attacking first a group of tourists and then the officials sent to investigate.

Al-Qaeda has also capitalized on its recent successes, attracting recruits from both Yemen and Saudi Arabia. In January, two former Guantanamo Bay detainees joined the group as commanders, spearheading the merger of local branches in Saudi Arabia and Yemen into a single regional franchise. One of the leaders, Muhammad al-Awfi, has since turned himself in to Saudi authorities, but this gesture appears to be prompted more from a desire to protect his family than from a change of heart.

This new regional organization, which calls itself al-Qaeda in the Arabian Peninsula, is indicative of al-Wahayshi's growing ambition. Throughout the first two years of his leadership, he worked hard to create a durable infrastructure that could survive the loss of key commanders. His success in this regard is demonstrated by the fact that even though the organization lost a particularly skilled local commander, Hamza al-Qayti, in a shootout with Yemeni security forces in August 2008, it was still able to launch an attack on the U.S. embassy just one month later. Al-Wahayshi is now looking to use the undergoverned regions of Yemen as a staging ground for attacks not only in Yemen but also throughout the Arabian peninsula and the Horn of Africa.

LESSONS LEARNED

Al-Qaeda's resurgence in Yemen does not stem from displacement of U.S. successes elsewhere. Rather, the United States and its allies need to understand that defeating one generation of al-Qaeda does not eliminate the threat completely. In conjunction with Yemen and Gulf Cooperation Council allies, Washington must develop a two-track strategy to eliminate al-Qaeda in Yemen. In the short term, the United States must discreetly partner with Yemen and Saudi Arabia once again and target al-Qaeda's leadership and infrastructure. Although successfully doing so will be much harder the second time around, it can be accomplished with careful and coordinated strikes.

The long-term approach, however, is both more important and more difficult to implement. The current incarnation of al-Qaeda in Yemen has more recruits—and younger recruits—than ever, due to al-Wahayshi's powerful propaganda as well as the lack of opportunity and an incipient breakdown in traditional social authorities. Furthermore, Yemen is preoccupied, and its security services overtaxed with the increasingly violent calls for secession from the south, threats of renewed fighting in the north, and, most importantly, a faltering economy that makes traditional modes of patronage-style governance nearly impossible. The United States and Yemen are also facing an al-Qaeda group that is now more accepted as a legitimate organization. Killing or arresting al-Qaeda leaders in Yemen and dismantling its infrastructure will be an important step forward, but will unlikely eliminate the problem in the long term. Tackling the underlying issues, although very difficult, will be key to ensuring that al-Qaeda does not reemerge in Yemen once again.

COMMENDING SENATOR NORM COLEMAN

Mr. ENZI. Mr. President, I appreciate having this opportunity to join my colleagues in expressing our great appreciation of the many contributions Norm Coleman has made to the work of the Senate and the future of our country during his service here. He is quite a remarkable individual, and I know I am going to miss seeing him on the Senate floor and working with him on issues of concern to the people of Minnesota and my constituents in Wyoming.

Ever since Norm's political career began, it was clear he had a mind of his own and, like the old adage about baseball umpires, he was going to call them as he saw them. That meant taking each issue as it came, carefully studying what was proposed and its consequences, and then making up his own mind on how he thought he should vote.

His independent streak and his determination to be true to his principles, his commitment to the people of Minnesota, and his internal compass transcended party politics and kept both sides guessing as to how he would vote on any given issue.

I remember the first time I met him, shortly after his election to the Senate. It turned out we had some things in common. For starters, early on in our political careers, Norm and I both served as mayors, so we had an appreciation for the demands that are made upon local officials.

Norm was elected mayor of St. Paul. I was elected mayor in my hometown of Gillette, WY. We both had some tough challenges to deal with as our communities felt the aches and pains of growth and we were fortunate enough to put together a good team who helped us to deal with the needs of the people who were counting on us to solve some pretty vexing problems.

Looking back, Norm was able to compile quite a record and he became a very popular mayor. His administration promoted policies that helped to spur an increase in the number of jobs in the St. Paul area. He also helped to oversee a downtown revitalization that came at a time when many other similar areas across the country were downsizing and becoming a shadow of their former selves. He also managed to help engineer the return of professional hockey to Minnesota. The presence of the Minnesota Wild soon became a source of great pride to the people of his State. He was able to do all of that and so much more without increasing property taxes. That was the result of careful planning, and it understandably earned him the respect and admiration of his constituents.

Then, with a key election approaching, Norm was giving some thought to his political future. There were a lot of rumors as to his next run for office, but

the people of Minnesota made it clear that they wanted him to run for the Senate, so Norm began what was to become a very difficult and emotionally charged race. When it was all over, Norm Coleman had defeated a Minnesota political icon and was sworn in to represent the people of his home State in the Senate.

Ever since that day, Norm has been working to serve the people of Minnesota and do whatever was in their best interests. Always focused on getting results, he supported the President when he agreed with him, and he never hesitated to speak up when he felt there was another way to get things done that ought to be taken up as part of the mix.

Of all his accomplishments during his service here in the Senate, there are two that I will always remember. The first was a factfinding mission we took along with several of our colleagues to Africa to determine what we could do as a nation to help combat the AIDS epidemic there. For both of us our visit turned out to be a great cultural shock. There were barriers of all kinds we had to deal with—language, customs, and technology. All of the things we take for granted here are virtually nonexistent there. The lack of any regular distribution of the written word, like a community newspaper, makes getting the most basic of information to the people an incredible challenge.

When we returned to the United States we joined with our colleagues on both sides of the aisle to develop a program that has been producing tremendous results for the past few years. The great strides that have been made have not eliminated the disease, but they have greatly increased the quality of life there. Our efforts have also helped to make people more aware of what they can do to ensure they don't get AIDS, or if they are already infected, what they must do to avoid transmitting the disease to anyone else.

We both learned from that experience the truth of the old adage—you may not be able to save the whole world, but you can always make a good effort to save part of it, and the results we have achieved in Africa and the lives we have saved will be part of Norm Coleman's legacy of service in the Senate.

Another part of the change he brought that will be felt for many years to come is the leadership he showed as the chairman of the Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations. In 2006, Norm led the effort to determine how safe and secure our Nation's ports were. The results of his investigations were unsettling and soon became the subject of headlines across the country.

Norm wasn't looking for headlines, however. He was looking to craft a workable solution to the problem, and

he did when the Senate approved a program that authorized the use of pilot technology to screen incoming cargo containers for their contents. As a result of his efforts, people all across the country will be better protected from those who might wish to do us harm. Thanks to Norm, that once open door has now been closed.

Norm will not be a part of this current Congress, but his impact will continue to be felt for some time to come. He was a tireless worker for Minnesota, and although I don't know what the future holds for him, I have every confidence that we haven't heard the last of Norm Coleman. He has been and will always be an individual of vision and action. That is a combination that can't help but produce results, and I am certain he will continue to set new goals in his life and achieve them—one after the other. Good luck, my friend, and keep in touch. We will always be interested to hear from you and to benefit from your take on our work in the Congress to make Minnesota and the rest of the Nation a better place for us all to live.

25TH ANNIVERSARY OF CAMP RAINBOW GOLD

Mr. RISCH. Mr. President, I rise today to recognize a program in my home State of Idaho that provides an outstanding service to many who are greatly challenged in a battle for life. Twenty-five years ago this summer, Dr. David McClusky planted the seeds of a dream he had nurtured for many years: opening a camp for kids with cancer in the mountains of Idaho.

Armed with a grant, a group of committed volunteers and the support of the American Cancer Society, 15 campers with cancer kicked off the first of 25 years of very special summers. This new retreat was called Camp Rainbow Gold.

The camp provided an opportunity for these kids to swim, ride horses, fish, hike, paint, bike, eat and laugh. They developed deep bonds with one another as they fought a disease that knows no bounds in the lives it ravages. This one week allowed them an opportunity to escape from the daily emotional and physical battle with an insidious disease.

Today, Camp Rainbow Gold continues to provide that week-long respite from the ever-present cancer fight and allows these kids to enjoy a beautiful setting with others just like them.

This very week 85 children are in the mountains of Idaho at Camp Rainbow Gold. With an army of volunteers, Dr. McClusky is watching his dream flourish. The kids still attend free of charge. A full medical staff and a licensed social worker volunteer their time to provide medical and emotional support to the children.

As the camp grew, so did the vision to meet not only the needs of the kids with cancer, but their siblings and parents as well. Dr. McClusky's original vision has grown into two more camps: one for siblings and one for families. These camps provide a much-needed break from the demands of the intensive care required for a child with cancer.

Throughout the year, special outings are held to strengthen the bonds of friendships developed at camp and to continue the emotional support among families. In addition, a junior counselor program has been created to allow former campers who have turned 18 to continue their participation at Camp Rainbow Gold. They now offer their support and encouragement to kids who are in the same fight they, too, have fought. Campers and junior counselors are also eligible for college scholarships to help them fulfill their dreams.

It is, indeed, an honor for me to give recognition to Dr. David McClusky for his vision and many years of work in creating and sustaining Camp Rainbow Gold. I extend this recognition to the more than 200 volunteers from around Idaho who support the Camp Rainbow Gold programs; to the American Cancer Society for their backing and administrative support; and to the thousands of Idahoans and many others who provide the funds to make all of this a reality.

Congratulations, Camp Rainbow Gold, on this 25th anniversary.

CONGRESSMAN JOHN MCHUGH

Mrs. GILLIBRAND. Mr. President, I've been proud to serve alongside Congressman JOHN MCHUGH as a fellow Representative from New York and as a colleague on the Armed Services Committee.

Congressman MCHUGH's long experience as a member of the Armed Services Committee has made him uniquely qualified to serve in the post we have just confirmed him to. As a member of that panel, he always fought to provide for the well-being and safety of our troops and to ensure their fundamental mission of keeping America safe.

He also held the distinct honor, which I now share, of representing Fort Drum—one of our Nation's proudest, bravest Army posts. These men and women deserve the very best from their representatives, and Congressman MCHUGH did not fail them. I am confident he will bring that same leadership and determination to benefit all Army families across the country.

As we work to chart a new direction in Iraq and Afghanistan, I am proud to support Congressman MCHUGH's nomination for the Army's top civilian post. I congratulate Congressman MCHUGH and his family, and I look forward to continue working with him to keep America and New York families safe.

ADDITIONAL STATEMENTS

CAMP AGAWAM'S 90TH
ANNIVERSARY

• Ms. COLLINS. Mr. President, today I wish to recognize Camp Agawam boys' summer camp in Raymond, ME, which is celebrating its 90th year on August 14, 2009. Agawam has an exceptional history as one of the Nation's oldest summer camps.

Founded in 1919, Agawam was owned and operated continuously by the Mason family until 1985. Throughout its history, Camp Agawam has provided a unique and exciting summer camp program for boys from Maine and from across the country. The talented staff and counselors at Agawam continue to carry on the Mason family's vision of providing a safe, positive environment for boys to make lifelong friends and foster skills through outdoor recreation and activities.

Agawam has made significant contributions to youth in Maine's local communities. Strongly supported by camp alumni and parents, the camp's Maine Idea program highlights the impressive commitment by Agawam to provide free campership opportunities to Maine boys. This is truly a meaningful investment in Maine's most precious resource—our children.

I congratulate and commend Agawam's talented staff, counselors, council members, camp alumni, parents, and campers on a remarkable 90 years.●

98TH BIRTHDAY OF KAPPA ALPHA
PSI

• Ms. LANDRIEU. Mr. President, this year we are celebrating the 98th birthday of Kappa Alpha Psi Fraternity Incorporated. This week, thousands of members and guests from all over the world have come to Washington, DC, to participate in a week-long program of forums and seminars with a focus on leadership, brotherhood and service, known as the 79th Grand Chapter Meeting. The theme of this week's celebration is "A Call to Service: The Journey Home Continues."

The week's events commenced with a public meeting where members from the nine African-American Greek fraternities and sororities will gather in the spirit of unity. In addition, during this gathering, I was honored that Kappa Alpha Psi bestowed upon me their prestigious Humanitarian Award. This particular award is the highest honor awarded to an individual that is not a member of the organization. I am excited to be joining the ranks of previous honorees including: Congresswoman MAXINE WATERS; Mrs. Lyndon Baines "Lady Bird" Johnson; Mr. Harry Belafonte; Mrs. Rosa Parks; and Drs. Bill and Camille Cosby, just to name a few.

I also would like to take this opportunity to commend Attorney Dwayne

Murray. Dwayne currently serves as the 31st Grand Polemarch of Kappa Alpha Psi Fraternity, Incorporated, and is a resident of the great State of Louisiana. Under Dwayne's extraordinary leadership, the organization has initiated several community service projects, including "Sunday of Hope." Through this effort, Kappa Alpha Psi has raised well over \$500,000 for St. Jude Children's Research Hospital during the past 2 years. In addition, Dwayne has also spearheaded the "Greeks Learning to Avoid Debt"—GLAD—Program throughout the Nation. This program will ensure that college students receive the necessary training to use credit wisely and remain financially stable through college and beyond. His administration is committed to the theme of "One Kappa, Creating Inspiration: A Call to Service".

Kappa Alpha Psi was founded on January 5, 1911, on the campus of Indiana University in Bloomington, IN. Led by the vision of Elder Watson Diggs, it was founded by 10 God-fearing, serious-minded young men who possessed the imagination, ambition, courage, and determination to defy custom in pursuit of college educations and careers during an oppressive time in American history for African Americans.

Now, the membership has grown to more than 360 undergraduate chapters and 347 alumni chapters located throughout the United States and five foreign countries. Today, the fraternity boasts a membership of more than 150,000 college-trained young men. Among the famous Kappas are Wilt Chamberlain, Adrian Fenty, Cedric "The Entertainer" Kyles, and Tavis Smiley; and Members of the House of Representatives include SANFORD BISHOP of Georgia, WILLIAM CLAY of Missouri, JOHN CONYERS of Michigan, ALCEE HASTINGS of Florida and BENNIE THOMPSON of Mississippi. Additionally, there are many more prominent and influential men across America that represent the Kappa Alpha Psi brotherhood. Furthermore, both current and former members of my staff are proud to be members of this noble and prestigious fraternity: my former legislative director Ben Cannon, former regional manager Terrence Lockett, and my current capital regional manager Jason Wynne Hughes.

Kappa Alpha Psi has been an instrumental group in raising the profile of African-American men and has worked tirelessly to knock down barriers to advancement in our society. The brotherhood has consistently encouraged achievement in every field of human endeavor.

Members remain active for their whole lives and are encouraged to contribute to their communities. Each chapter has its own community service focus. The Baton Rouge Alumni Chapter, for example, raises money through

its annual Walter Banks Golf Classic for scholarships for high school seniors and also sponsors several kids to attend Kappa Kamp—a rigorous leadership institute for elementary and middle school aged young men. Chapters all over Louisiana are similarly committed to their communities.

In the aftermath of Hurricanes Katrina and Rita in 2005, Kappas from all over the country came to the aid of hurricane survivors along the gulf coast and helped with our recovery effort.

It is with great pride that we welcome all members of Kappa Alpha Psi to our Nation's Capital as they kick off the countdown to their centennial celebration in 2011.●

REMEMBERING JOEL PIERCE
SMITH, SR.

• Mr. SHELBY. Mr. President, today I wish to pay tribute to my good friend Joel Pierce Smith, Sr. He was a personal friend who passed away on July 30, 2009, and, along with his family, I mourn his passing.

Joel was born on February 13, 1929, in Samson, AL. After graduating from Florida State University, he went to work at the Birmingham News-Post Herald in 1953. This would mark the start of a newspaper career that would span five decades. Following his work in Birmingham, Joel served as the editor of the the Geneva Reaper for 3 years.

In 1958, Joel moved to Eufaula, AL, and was named editor of the Eufaula Tribune. A year later, he was named publisher. An avid journalist, Joel also edited and published the Cuthbert Times and News Record of Cuthbert, GA. In 1999, Joel handed over the editorial reins of the Eufaula Tribune to his son Jack, though he continued to write his weekly personal column, Candid Comments, until 2006. All told, Joel wrote Candid Comments for 51 years, never missing a week. He truly was an extraordinary newspaperman and, as such, garnered numerous state and national awards. These awards recognized both the quality of his work and his leadership in his community and amongst his peers. Among his honors were the Alabama Press Association's Community Service Award, General Excellence Award, and the Lifetime Achievement Award.

Joel was active in both the Alabama Press Association and the National Newspaper Association throughout his career. He served as president for both the Alabama Press Association and the Alabama Journalism Foundation and he held a seat on the board of directors for the Alabama Press Association and the Georgia Press Association. Additionally, Joel served as the Alabama State Chairman of the National Newspaper Association for many years, chairing the latter's 1992 Governmental Affairs Conference in Washington, DC.

Throughout his distinguished career, Joel remained an active voice for progressive change in Eufaula. Among other things, he encouraged the reorganization of the Chamber of Commerce, promoted tourism in the area, and crusaded for the preservation of Eufaula's architectural heritage. He served on the board of trustees at Birmingham-Southern College for more than 25 years, where he became life trustee, and at Andrew College in Cuthbert, GA. Joel served on the Board of Education of the city of Eufaula and as a trustee at the Lakeside School. His good work was not overlooked in the community and he was honored as the Eufaula Kiwanis Club's Citizen of the Year in 2002 and received the Alabama Historical Commission's Distinguished Service Award.

Joel is loved and will be missed by his wife Ann Sutton Smith and his three sons, Joel Pierce Smith, Jr., Abb Jackson Smith II, and William Sutton Smith. Joel was an inspiration to many and will be remembered as an outstanding husband, father, editor, publisher, friend, and community leader.

I ask the entire Senate to join me in recognizing and honoring the life of my friend, Joel Pierce Smith.●

RECOGNIZING CARLISA BAYNE

● Mr. THUNE. Mr. President, today I recognize Carlisa Bayne, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Carly is a graduate of Spearfish High School in Spearfish, SD. Currently she is attending the University of Nebraska, where she is majoring in agricultural economics. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Carly for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING SARAH JOSEPHINE EVEN

● Mr. THUNE. Mr. President, today I recognize Sarah Josephine Even, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Sarah is a graduate of T.F. Riggs High School in Pierre, SD. Currently she is attending South Dakota State University, where she is majoring in journalism and mass communication. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Sarah for

all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING LAUREN HAUCK

● Mr. THUNE. Mr. President, today I recognize Lauren Hauck, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Lauren is a graduate of Lincoln High School in Sioux Falls. Currently she is attending the University of South Dakota. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Lauren for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING ZACH MULDER

● Mr. THUNE. Mr. President, today I recognize Zach Mulder, an intern in my Sioux Falls, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Zach is a graduate of Western Christian High School in Hull, IA. Currently he is attending Dordt College, where he is majoring in political studies. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Zach for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING ALEXANDER NELSON

● Mr. THUNE. Mr. President, today I recognize Alexander Nelson, an intern in my Rapid City, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Alex is a graduate of Fergus Falls Senior High School in Fergus Falls, MN. Currently he is attending the University of Arizona, where he is majoring in business economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Alex for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING NOLAN THOMAS SCHROEDER

● Mr. THUNE. Mr. President, today I recognize Nolan Thomas Schroeder, an intern in my Washington, DC, office,

for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Nolan is a graduate of Hot Springs High School in Hot Springs, SD. Currently he is attending the University of Wyoming, where he is majoring in political science and business marketing. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Nolan for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING SAMUEL STROMMEN

● Mr. THUNE. Mr. President, today I recognize Samuel Strommen, an intern in my Rapid City, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Sam is a graduate of Stevens High School in Rapid City, SD. Currently he is attending the University of Arizona, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Sam for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING ANDREW JONATHAN TIMM

● Mr. THUNE. Mr. President, today I recognize Andrew Jonathan Timm, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Andrew is a graduate of Watertown High School in Watertown, SD. Currently he is attending the University of Minnesota, where he is majoring in political science and economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Andrew for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING DANIELLE MARIE ANDERSON

● Mr. THUNE. Mr. President, today I recognize Danielle Marie Anderson, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Danielle is a graduate of Plankinton High School in Plankinton, SD. Currently she is attending South Dakota

State University, where she is majoring in business economics. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Danielle for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES DISCHARGED

The following bill was discharged from the Committee on Banking, Housing, and Urban Affairs, and referred as indicated:

S. 1547. A bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1572. A bill to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2603. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Wetlands Reserve Program" (RIN0578-AA47) received in the Office of the President of the Senate on July 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2604. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Environmental Quality Incentives Program" (RIN0578-AA45) received in the Office of the President of the Senate on July 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2605. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Stewardship Program" (RIN0578-AA43) received in the Office of the President of the Senate on July 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2606. A communication from the Acting General Counsel of the Department of Agriculture, transmitting, pursuant to law, (23) reports relative to vacancy announcements, nominations, actions on nominations, or confirmations within the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2607. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates (CMS-1406-FC/IFC; CMS-1393-F; CMS-137-F)" (RIN0938-AP33) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2608. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for Fiscal Year 2010; Minimum Data Set, Version 3.0 for Skilled Nursing Facilities and Medicaid Nursing Facilities (CMS-1410-F)" (RIN0938-AP46) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2609. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2010 (CMS-1538-F)" (RIN0938-AP56) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2610. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospice Wage Index for Fiscal Year 2010 (CMS-1420-F)" (RIN0938-AP45) received in the Office of the President of the Senate on July 30, 2009; to the Committee on Finance.

EC-2611. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Services Under Section 482, Allocation of Income and Deductions from Intangible Property, Stewardship Expense" (TD 9456) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2612. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Leveraged Oil and Gas Drilling Partnerships" ((LMSB-4-0709-030) (Uniform List No. 263.02-01)) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2613. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: The Applicable Recovery Period under IRC Section 168(a) for Open-Air Parking Structures" ((LMSB-4-0709-029) (Uniform List No. 168.18-00)) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2614. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0090-2009-0095); to the Committee on Foreign Relations.

EC-2615. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to expand the sales territory associated with a manufacturing license agreement for the manufacture of T-50 Military Trainer Aircraft in the Republic of Korea; to the Committee on Foreign Relations.

EC-2616. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles and defense services for the design and development of the command and control system as part of the Canadian Halifax Class Modernization Program for Canada in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2617. A communication from the Secretary, Bureau of Enforcement, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Monetary Penalties" received in the Office of the President of the Senate on July 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2618. A communication from the Acting Associate Managing Director-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Assessment and Collection of Regulatory Fees for Fiscal Year 2008" ((FCC 09-21) (MD Docket No. 08-65)) received on September 30, 2008; to the Committee on Commerce, Science, and Transportation.

EC-2619. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the conduct of the Defense Acquisition Challenge Program for fiscal year 2008; to the Committee on Armed Services.

EC-2620. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, notification of a GAO protest of the department's decision to convert to contract the bulk fuel storage and distribution functions at Marine Corps Air Station Miramar, the sustainment of the protest, and the department's corrective action based on the GAO decision; to the Committee on Armed Services.

EC-2621. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs report for fiscal year 2008; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3288. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-69).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Susan L. Kurland, of Illinois, to be an Assistant Secretary of Transportation.

*Christopher P. Bertram, of the District of Columbia, to be an Assistant Secretary of Transportation.

*Dennis F. Hightower, of the District of Columbia, to be Deputy Secretary of Commerce.

*Christopher A. Hart, of Colorado, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2012.

*Patricia D. Cahill, of Missouri, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2014.

*Daniel R. Elliott, III, of Ohio, to be a Member of the Surface Transportation Board for a term expiring December 31, 2013.

*Robert S. Adler, of North Carolina, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2007.

*Anne M. Northup, of Kentucky, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2004.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*National Oceanic and Atmospheric Administration nominations beginning with Denise J. Gruccio and ending with Sara A. Slaughter, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 1577. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 1578. A bill to amend chapter 171 of title 28, United States Code, (commonly referred to as the Federal Torts Claim Act) to extend medical malpractice coverage to free clinics and the officers, governing board members, employees, and contractors of free clinics in the same manner and extent as certain Federal officers and employees; to the Committee on the Judiciary.

By Mr. REID (for Mr. BYRD):

S. 1579. A bill to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. KENNEDY (for himself, Mrs. MURRAY, Mr. DODD, Mr. HARKIN, Mr. BINGAMAN, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. FRANKEN, Mr. LEAHY, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Ms. STABENOW, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. WHITEHOUSE)):

S. 1580. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 1581. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. VOINOVICH, and Mr. VITTER):

S. 1582. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to facilitate the accelerated development and deployment of advanced safety systems for commercial motor vehicles; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1583. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. INOUE, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Mr. SPECTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 1584. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 1585. A bill to permit pass-through payment for reasonable costs of certified registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in "Lugar counties", and for on-call and standby costs for such services; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. HATCH):

S. Res. 241. A resolution designating the period beginning on September 13, 2009, and ending on September 19, 2009, as "National Polycystic Kidney Disease Awareness Week", and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and the impact polycystic kidney disease has on patients and future generations of their families; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself and Mr. NELSON of Florida):

S. Res. 242. A resolution supporting the goals and ideals of "National Aerospace Day"; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER:

S. Res. 243. A resolution expressing the sense of the Senate that, upon the establishment of, or enactment of legislation creating, a public health care plan, Members of Congress shall lose access to the Federal Employees Health Benefits Plan and shall be required to enroll in the public plan; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. BROWNBACK, Mrs. BOXER, Mrs. MURRAY, Mr. VOINOVICH, Mr. WYDEN, Mrs. FEINSTEIN, Mr. GREGG, Mr. BURRIS, Ms. COLLINS, Mr. LIEBERMAN, Mr. ALEXANDER, Mr. BAYH, Mr. MERKLEY, Ms. CANTWELL, Mr. CARDIN, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. UDALL of Colorado, Mr. MENENDEZ, Mr. UDALL of New Mexico, Mr. BENNET, and Mr. BYRD):

S. Res. 244. A resolution commemorating the 45th anniversary of the Wilderness Act; considered and agreed to.

ADDITIONAL COSPONSORS

S. 205

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 205, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr.

MERKLEY) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 240

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 240, a bill to set the United States on track to ensure children are ready to learn when they begin kindergarten.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 694

At the request of Mr. DODD, the names of the Senator from Nevada (Mr. REID) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 831

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service

qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 846

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 883

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1011

At the request of Mr. AKAKA, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1011, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 1056

At the request of Mr. VOINOVICH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1056, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1113

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1113, a bill to amend title 49, United States Code, to direct the Secretary of Transportation to establish and maintain a national clearinghouse for records related to alcohol and controlled substances testing of commercial motor vehicle operators, and for other purposes.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1222, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1291

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1291, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the cost of teleworking equipment and expenses.

S. 1401

At the request of Mr. MARTINEZ, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1401, a bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

S. 1422

At the request of Mrs. MURRAY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1461

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1461, a bill to amend the Internal Revenue Code of 1986 to treat trees

and vines producing fruit, nuts, or other crops as placed in service in the year in which it is planted for purposes of special allowance for depreciation.

S. 1480

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1480, a bill to amend the Child Nutrition Act of 1966 to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes.

S. 1482

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1482, a bill to reauthorize the 21st Century Nanotechnology Research and Development Act, and for other purposes.

S. 1485

At the request of Mr. MARTINEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1485, a bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative and for other purposes.

S. 1492

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1501

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1501, a bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1557

At the request of Mr. BURR, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1557, a bill to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 14, a concurrent res-

olution supporting the Local Radio Freedom Act.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 37

At the request of Mr. JOHANNIS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

S. RES. 112

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 112, a resolution designating February 8, 2010, as "Boy Scouts of America Day", in celebration of the 100th anniversary of the largest youth scouting organization in the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 1578. A bill to amend chapter 171 of title 28, United States Code, (commonly referred to as the Federal Torts Claims Act) to extend medical malpractice coverage to free clinics and the officers, governing board members, employees, and contractors of free clinics in the same manner and extent as certain Federal officers and employees; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing legislation to clarify the application of the Federal Tort Claims Act and how it applies to free medical clinics. In my home State of Vermont, free clinics provide important health care, and in these tough economic times they provide an essential safety net for many people. Free clinics in Vermont and around the country are struggling to pay medical malpractice insurance premiums, due to an ambiguity in the Federal law. Current law provides for physicians who volunteer in free clinics to receive medical malpractice coverage under the Federal Torts Claims Act, FTCA, but it is unclear whether other professionals serving the community in free clinics are also covered. Existing Federal law explicitly provides more comprehensive FTCA coverage to community health centers, including coverage for their boards, employees, contractors and officers. But free clinics currently must purchase malpractice insurance for their board members, em-

ployees, contractors and officers. Purchasing this coverage diverts thousands of dollars annually from each of the free clinics in the country. These are funds that could be directed to providing necessary healthcare to the uninsured. This is especially true in States like Vermont, where free clinics make a significant impact serving those in rural areas. Additionally, by removing this financial burden for free clinics, the impact of organizations like Volunteers in Medicine, which assists in setting up and staffing free clinics, will be that much greater. In clarifying current law, and at minimal expense to the Federal Government, we can increase the effectiveness of free clinics that serve and care for so many Americans.

This legislation would make it clear that FTCA coverage should be the same for community health centers and free clinics. Both of these institutions deserve our help and play a fundamental role in our communities. It is my understanding that this clarification would not dramatically raise medical malpractice defense costs of the Federal Government because free clinics do not perform high risk procedures like surgeries or births. I urge my fellow Senators to join me in supporting the important work that free clinics provide our communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MEDICAL MALPRACTICE COVERAGE TO FREE CLINICS.

(a) IN GENERAL.—Chapter 171 of title 28, United States Code, is amended by adding after section 2680 the following:

"§ 2681. Medical malpractice coverage for free clinics

"For purposes of applying the remedy against the United States provided by sections 1346(b) and 2672 of this title and for purposes of section 224 of Public Law 78-410 (42 U.S.C. 233) a free clinic defined under section 224(o)(3)(A) of that Act shall be treated as an entity described under section 224(g)(4) of that Act. The authorization of appropriations under section 224(o)(6)(A) of that Act shall apply to the acts or omissions of officers, governing board members, employees, and contractors of free clinics."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 171 of title 28, United States Code, is amended by adding at the end the following:

"2681. Medical malpractice coverage for free clinics."

(2) REFERENCE.—Section 224(g)(4) of the Public Law 78-410 (42 U.S.C. 233(g)(4)) is amended by inserting "or a free clinic as provided under section 2681 of title 28, United States Code" before the period.

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act and apply to any act or omission which occurs on or after that date.

By Mr. REID (for Mr. KENNEDY (for himself, Mrs. MURRAY, Mr. DODD, Mr. HARKIN, Mr. BINGAMAN, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. FRANKEN, Mr. LEAHY, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Ms. STABENOW, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. WHITEHOUSE)):

S. 1580. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am pleased to introduce the Protecting America's Workers Act. Almost 40 years ago, Congress set out to guarantee a safe workplace for all Americans. The Occupational Safety and Health Act of 1970 was landmark legislation that has dramatically improved the well-being of working men and women.

Since then, the annual job fatality rate has dropped from 18 deaths per 100,000 workers to less than four. Thousands of lives have been saved each year. These are not abstract numbers—they represent thousands of families who have been spared the pain and heartache of losing a loved one on the job.

We are enormously proud of the progress we have made, but we also know that too many workers continue to face needless dangers in the workplace. In 2007, almost 5,500 workers were killed on the job and 4 million other workers became ill or were injured. Fifteen workers still die on the job every day, and nearly 11,000 who are injured or become ill because of dangerous conditions.

We now have strong partners in the White House and at the Department of Labor who are committed to making our workplaces safer. But they need action by Congress as well. That is why today we are reintroducing the Protecting America's Workers Act, to take concrete steps to address many of the failures of the existing law.

First, this legislation expands the coverage of the current job safety laws to protect the millions of public employees and transportation workers who are not covered by these laws. In Massachusetts alone, 350,000 public sector workers lack the protections granted by the federal workplace safety law.

Our bill also protects workers who speak up about unsafe conditions on the job, by updating OSHA's whistleblower provisions. OSHA inspectors

can't be in every workplace, every day. We must rely on workers who have the courage to come forward when they know their employer is cutting corners on safety. This legislation makes good on the promise to stand by those workers and guarantee they don't have to sacrifice their jobs in order to do the right thing.

In addition, the legislation gives workers and their families and representatives a seat at the table on safety issues. It includes sensible reforms to ensure that victims and their families have a right to talk to OSHA before a citation issues, to obtain copies of important documents, to be informed about their rights, and to have their voices heard before OSHA accepts a settlement that lets an employer off the hook for endangering workers.

Finally, a critical element of this bill is the increase in penalties on employers who turn their backs on the safety of their workers. Too many employers in our country blatantly ignore the law, and too often they are not held accountable. They pay only minimal fines, which they treat as just another cost of doing business.

Last year, my office issued a report that showed that the median penalty for a workplace fatality was only \$3,675. In other words, in cases investigated by OSHA where workers were killed on the job, half of all employers were fined \$3,675 or less. Workers' lives are obviously worth far more than that. We know this administration will do better, but it needs our help.

The bill makes reasonable increases in civil penalties—especially in the most serious cases. It also creates a strong criminal penalty, including the possibility of felony charges and significant prison terms. These changes will create the deterrence we need so that employers will think twice before they gamble with workers' lives to save a few dollars. We need to send a strong message that it is unacceptable to treat workers as expendable or disposable.

Earlier this year a brave young woman, Tammy Miser, testified before our Labor Committee about her brother Shawn, who was killed in an explosion at the Hayes Lemmerz manufacturing plant in Huntington, Indiana in 2003. We can't bring Shawn back and we can't ease Tammy's pain at the loss of her beloved brother. But we can stand with her as she pursues her life's work since then of speaking out for the right of every worker to come home safely at the end of the day. I urge my colleagues to join me in honoring the millions of hardworking Americans who deserve real protection by supporting the Protecting America's Workers Act.

By Mr. MERKLEY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. AKAKA, Mr. BINGA-

MAN, Mrs. BOXER, Mr. BROWN, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. INOUE, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Mr. SPECTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 1584. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Health, Education, Labor, and Pensions.

Mr. MERKLEY. Mr. President, I rise today to discuss the Employment Non-Discrimination Act, a bill I introduced with Senators SUSAN COLLINS, TED KENNEDY, OLYMPIA SNOWE, and more than 30 others. This historic bill will prohibit employers from discriminating against those employed or seeking employment, on the basis of their perceived or actual sexual orientation or gender identity.

Senator KENNEDY has long been a champion for civil rights, and without his decades of leadership and determination, we would not have the strong coalition of support we exhibit today with the introduction of ENDA.

I would also like to thank the Human Rights Campaign and the Leadership Conference on Civil Rights for their strong commitment to this legislation.

Our country was founded on the principle of equal justice for all. It is that philosophy which has guided us through decades of progress. It is that philosophy which led to passage of the Civil Rights Act of 1964. It was that act which paved the way for countless groundbreaking moments, and I am certain this is one of them.

Passage of the Civil Rights Act was a defining time in our history, the result of generations of people willing to march and struggle for equality. Although we have made progress, we continue that fight today. We continue that fight for those who have, for too long, been left out.

Let me be clear, discrimination on the basis of personal characteristics has no place in any workplace or in any State, and it is long overdue for Congress to extend American employees these protections. Under ENDA, employment decisions will be based upon merit and performance, not prejudice.

This is not a new idea. In fact, many states have already confronted this challenge. I am proud that Oregon has long been a leader on equality issues, and already offers protections to those discriminated against based on both

sexual orientation and gender identity. But it was not easy. It is never easy.

Martin Luther King, Jr. said, "Human progress is neither automatic nor inevitable. Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals."

For the first time in history, the Senate has before it a fully inclusive bill, extending employment protections to members of communities that have historically been left out. I am proud to be a part of this historic effort to ensure that no matter who you are, you have the right to earn a living.

Corporate America is light years ahead. More than 85 percent of Fortune 500 companies have implemented non-discrimination policies that include sexual orientation, and another third have policies that include gender identity.

Unfortunately, we are still faced with cases of employment discrimination that are entirely legal—a fact I find offensive and contradictory to the founding principles of this great nation.

In 2000, Linda, an attorney, relocated to Virginia where her partner had accepted a faculty position at a university. During her job search, Linda was invited for a second interview with a local law firm. During the interview, Linda was asked why she was moving to Virginia, and she replied that her spouse had taken a position at a local university.

The firm asked Linda to come back for a third interview, which included dinner with all the partners and their spouses to "make sure they all got along." At that point, Linda told one of the partners at the firm that her spouse was a woman. It was not long before Linda was told that the firm would not hire a lesbian and the invitation to the final interview was rescinded.

Thankfully, Linda spoke out, but there are still countless instances where victims of this type of discrimination remain silent.

By extending the protection of Title VII to those victimized purely because of who they are, we move one step closer to that fundamental principle of equal justice for every American.

I am proud that we are again taking a step toward progress. I hope my colleagues will move swiftly to pass the Employment Non-Discrimination Act, which will ensure that every American receives equality under the law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employment Non-Discrimination Act of 2009".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to address the history and widespread pattern of discrimination on the basis of sexual orientation or gender identity by private sector employers and local, State, and Federal government employers;

(2) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation or gender identity, including meaningful and effective remedies for any such discrimination; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution, and to regulate interstate commerce and provide for the general welfare pursuant to section 8 of article I of the Constitution, in order to prohibit employment discrimination on the basis of sexual orientation or gender identity.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission.

(2) COVERED ENTITY.—The term "covered entity" means an employer, employment agency, labor organization, or joint labor-management committee.

(3) EMPLOYEE.—

(A) IN GENERAL.—The term "employee" means—

(i) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee to which section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) applies;

(iii) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 411(c) of title 3, United States Code; or

(iv) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(a)) applies.

(B) EXCEPTION.—The provisions of this Act that apply to an employee or individual shall not apply to a volunteer who receives no compensation.

(4) EMPLOYER.—The term "employer" means—

(A) a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h)) who has 15 or more employees (as defined in subparagraphs (A)(i) and (B) of paragraph (3)) for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 or section 411(c) of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(5) EMPLOYMENT AGENCY.—The term "employment agency" has the meaning given the term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(6) GENDER IDENTITY.—The term "gender identity" means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with

or without regard to the individual's designated sex at birth.

(7) LABOR ORGANIZATION.—The term "labor organization" has the meaning given the term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(8) PERSON.—The term "person" has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(9) SEXUAL ORIENTATION.—The term "sexual orientation" means homosexuality, heterosexuality, or bisexuality.

(10) STATE.—The term "State" has the meaning given the term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

(b) APPLICATION OF DEFINITIONS.—For purposes of this section, a reference in section 701 of the Civil Rights Act of 1964—

(1) to an employee or an employer shall be considered to refer to an employee (as defined in subsection (a)(3)) or an employer (as defined in subsection (a)(4)), respectively, except as provided in paragraph (2) of this subsection; and

(2) to an employer in subsection (f) of that section shall be considered to refer to an employer (as defined in subsection (a)(4)(A)).

SEC. 4. EMPLOYMENT DISCRIMINATION PROHIBITED.

(a) EMPLOYER PRACTICES.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of such individual's actual or perceived sexual orientation or gender identity; or

(2) to limit, segregate, or classify the employees or applicants for employment of the employer in any way that would deprive or tend to deprive any individual of employment or otherwise adversely affect the status of the individual as an employee, because of such individual's actual or perceived sexual orientation or gender identity.

(b) EMPLOYMENT AGENCY PRACTICES.—It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of the actual or perceived sexual orientation or gender identity of the individual or to classify or refer for employment any individual on the basis of the actual or perceived sexual orientation or gender identity of the individual.

(c) LABOR ORGANIZATION PRACTICES.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of the actual or perceived sexual orientation or gender identity of the individual;

(2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment, or would limit such employment or otherwise adversely affect the status of the individual as an employee or as an applicant for employment because of such individual's actual or perceived sexual orientation or gender identity; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) TRAINING PROGRAMS.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-

management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of the actual or perceived sexual orientation or gender identity of the individual in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) **ASSOCIATION.**—An unlawful employment practice described in any of subsections (a) through (d) shall be considered to include an action described in that subsection, taken against an individual based on the actual or perceived sexual orientation or gender identity of a person with whom the individual associates or has associated.

(f) **NO PREFERENTIAL TREATMENT OR QUOTAS.**—Nothing in this Act shall be construed or interpreted to require or permit—

(1) any covered entity to grant preferential treatment to any individual or to any group because of the actual or perceived sexual orientation or gender identity of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any actual or perceived sexual orientation or gender identity employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such actual or perceived sexual orientation or gender identity in any community, State, section, or other area, or in the available work force in any community, State, section, or other area; or

(2) the adoption or implementation by a covered entity of a quota on the basis of actual or perceived sexual orientation or gender identity.

(g) **DISPARATE IMPACT.**—Only disparate treatment claims may be brought under this Act.

SEC. 5. RETALIATION PROHIBITED.

It shall be an unlawful employment practice for a covered entity to discriminate against an individual because such individual—

(1) opposed any practice made an unlawful employment practice by this Act; or

(2) made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

SEC. 6. EXEMPTION FOR RELIGIOUS ORGANIZATIONS.

This Act shall not apply to a corporation, association, educational institution or institution of learning, or society that is exempt from the religious discrimination provisions of title VII of the Civil Rights Act of 1964 pursuant (42 U.S.C. 2000e et seq.) to section 702(a) or 703(e)(2) of such Act (42 U.S.C. 2000e-1(a), 2000e-2(e)(2)).

SEC. 7. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.

(a) **ARMED FORCES.**—

(1) **EMPLOYMENT.**—In this Act, the term “employment” does not apply to the relationship between the United States and members of the Armed Forces.

(2) **ARMED FORCES.**—In paragraph (1) the term “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) **VETERANS' PREFERENCES.**—This title does not repeal or modify any Federal, State, territorial, or local law creating a special right or preference concerning employment for a veteran.

SEC. 8. CONSTRUCTION.

(a) **EMPLOYER RULES AND POLICIES.**—

(1) **IN GENERAL.**—Nothing in this Act shall be construed to prohibit a covered entity from enforcing rules and policies that do not intentionally circumvent the purposes of this Act, if the rules or policies are designed for, and uniformly applied to, all individuals regardless of actual or perceived sexual orientation or gender identity.

(2) **SEXUAL HARASSMENT.**—Nothing in this Act shall be construed to limit a covered entity from taking adverse action against an individual because of a charge of sexual harassment against that individual, provided that rules and policies on sexual harassment, including when adverse action is taken, are designed for, and uniformly applied to, all individuals regardless of actual or perceived sexual orientation or gender identity.

(3) **CERTAIN SHARED FACILITIES.**—Nothing in this Act shall be construed to establish an unlawful employment practice based on actual or perceived gender identity due to the denial of access to shared shower or dressing facilities in which being seen unclothed is unavoidable, provided that the employer provides reasonable access to adequate facilities that are not inconsistent with the employee's gender identity as established with the employer at the time of employment or upon notification to the employer that the employee has undergone or is undergoing gender transition, whichever is later.

(4) **ADDITIONAL FACILITIES NOT REQUIRED.**—Nothing in this Act shall be construed to require the construction of new or additional facilities.

(5) **DRESS AND GROOMING STANDARDS.**—Nothing in this Act shall prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable dress or grooming standards not prohibited by other provisions of Federal, State, or local law, provided that the employer permits any employee who has undergone gender transition prior to the time of employment, and any employee who has notified the employer that the employee has undergone or is undergoing gender transition after the time of employment, to adhere to the same dress or grooming standards as apply for the gender to which the employee has transitioned or is transitioning.

(b) **EMPLOYEE BENEFITS.**—Nothing in this Act shall be construed to require a covered entity to treat an unmarried couple in the same manner as the covered entity treats a married couple for purposes of employee benefits.

(c) **DEFINITION OF MARRIAGE.**—In this Act, the term “married” refers to marriage as such term is defined in section 7 of title 1, United States Code (commonly known as the “Defense of Marriage Act”).

SEC. 9. COLLECTION OF STATISTICS PROHIBITED.

The Commission shall not collect statistics on actual or perceived sexual orientation or gender identity from covered entities, or compel the collection of such statistics by covered entities.

SEC. 10. ENFORCEMENT.

(a) **ENFORCEMENT POWERS.**—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c),

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c);

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title; and

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e-16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) **PROCEDURES AND REMEDIES.**—The procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures and remedies applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) **OTHER APPLICABLE PROVISIONS.**—With respect to a claim alleged by a covered employee (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) for a violation of this Act, title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleged by such a covered employee for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

SEC. 11. STATE AND FEDERAL IMMUNITY.

(a) **ABROGATION OF STATE IMMUNITY.**—A State shall not be immune under the 11th amendment to the Constitution from a suit brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) **WAIVER OF STATE IMMUNITY.**—

(1) **IN GENERAL.**—

(A) **WAIVER.**—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under subsection (d).

(B) **DEFINITION.**—In this paragraph, the term "program or activity" has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(2) **EFFECTIVE DATE.**—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) **REMEDIES AGAINST STATE OFFICIALS.**—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of section 10, for equitable relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).

(d) **REMEDIES AGAINST THE UNITED STATES AND THE STATES.**—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity, and interest) are available for the violation to the same extent as the remedies are available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by a private entity, except that—

(1) punitive damages are not available; and

(2) compensatory damages are available to the extent specified in section 1977A(b) of the Revised Statutes (42 U.S.C. 1981a(b)).

SEC. 12. ATTORNEYS' FEES.

Notwithstanding any other provision of this Act, in an action or administrative proceeding for a violation of this Act, an entity described in section 10(a) (other than paragraph (4) of such section), in the discretion of the entity, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee (including expert fees) as part of the costs. The Commission and the United States shall be liable for the costs to the same extent as a private person.

SEC. 13. POSTING NOTICES.

A covered entity who is required to post notices described in section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10) shall post notices for employees, applicants for employment, and members, to whom the provisions specified in section 10(b) apply, that describe the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964.

SEC. 14. REGULATIONS.

(a) **IN GENERAL.**—Except as provided in subsections (b), (c), and (d), the Commission shall have authority to issue regulations to carry out this Act.

(b) **LIBRARIAN OF CONGRESS.**—The Librarian of Congress shall have authority to issue regulations to carry out this Act with respect to employees and applicants for employment of the Library of Congress.

(c) **BOARD.**—The Board referred to in section 10(a)(3) shall have authority to issue regulations to carry out this Act, in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees, as defined in section 101 of such Act (2 U.S.C. 1301).

(d) **PRESIDENT.**—The President shall have authority to issue regulations to carry out this Act with respect to covered employees, as defined in section 411(c) of title 3, United States Code, and applicants for employment as such employees.

SEC. 15. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

SEC. 16. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

SEC. 17. EFFECTIVE DATE.

This Act shall take effect on the date that is 6 months after the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

Mr. KENNEDY. Mr. President, the promise of America will never be fulfilled as long as justice is denied to any of our fellow citizens. We have made remarkable progress in the long march towards equal opportunity and equal justice for all Americans, but this is no time for complacency. Civil rights remains the unfinished business of America. Millions of our people are still shut out of the American dream solely because of their sexual orientation or gender identity. The Employment Non-Discrimination Act brings us closer to fulfilling the promise of America for gay, lesbian, bisexual, and transgender citizens, and I am proud to join Senators MERKLEY, COLLINS, and SNOWE today in introducing this important legislation.

ENDA reflects the bedrock American principle that employees should be judged on the basis of job performance, not prejudice. It prohibits employers from making decisions about hiring,

firing, promotions, or compensation based on sexual orientation or gender identity. It makes clear that there is no right to preferential treatment, and that quotas are prohibited.

While some states have taken this important step to guarantee fair treatment in the workplace, ENDA is necessary to guarantee these rights for all. It is unacceptable that in our country in 2009, it is legal anywhere to judge people on who they are, not what they can accomplish. This legislation will right this historic wrong.

ENDA has broad, bipartisan support. It reflects non-discrimination principles already in place at some of our country's largest employers. In the past, this legislation has been endorsed by a broad religious coalition, civil rights leaders, and distinguished Americans from both parties.

I am proud to join my colleagues today in bringing us one step closer to our ideal of a nation free from prejudice and injustice. I look forward to doing all I can to pass this important legislation, and I urge my colleagues to support us.

Mr. LEAHY. Mr. President, our Nation has a proud history of diversity and a commitment to justice and equal rights for all Americans. The promise of equal rights is a foundational freedom of our democracy. Today we reintroduce important legislation to protect Americans from discrimination in the workplace. I am proud to again co-sponsor the bipartisan Employment Non-Discrimination Act, and I thank Senators KENNEDY, COLLINS, and MERKLEY for their leadership and commitment to an issue that has practical significance in the daily lives of millions of our fellow Americans.

American workers should be evaluated on the basis of how they perform, not on irrelevant considerations, such as their race, gender, gender identity or sexual orientation. It is a question of fundamental fairness. In these difficult economic times, I can think of nothing more fundamental than equality in the workplace.

The Employment Non-Discrimination Act would prohibit workplace discrimination by making it illegal to fire, refuse to hire, or refuse to promote employees simply based on a person's sexual orientation or gender identity. Currently, Federal law protects against employment discrimination on the basis of race, gender, religion, national origin or disability, but not sexual orientation or gender identity. It is long overdue for Congress to extend these protections to American workers.

Senator KENNEDY introduced the Employment Non-Discrimination Act in previous sessions of Congress, and with his leadership, it has consistently maintained strong bipartisan support. Unfortunately, partisan politics have prevented passage of the measure. It goes against our country's basic values

to fire someone based on who they are or what they look like, and we should not tolerate discrimination in the workplace. I hope that this year Congress will have the ability to finally pass this straightforward civil rights measure.

My home State of Vermont has played a constructive role in America's journey to build a more just society. Vermont added sexual orientation to the list of protected categories in its antidiscrimination in employment law in 1992, and added gender identity protection in 2007. Twenty-one other States have also taken the lead to ban discrimination on the basis of sexual orientation, with 13 of those States also banning discrimination on the basis of gender identity. But it is clear that more still needs to be done. In 30 States, it remains legal to fire someone based on their sexual orientation and in 38 States, to do so based on gender identity. Americans' civil rights should be protected no matter where they live, which is why I am proud to once again cosponsor this bill, as I have every time it has been introduced in the Senate. I believe the passage of this legislation is long overdue and it is a step in the right direction toward creating equality in the workplace.

I urge my fellow Senators to come together to support this important, bipartisan bill without further delay.

By Mr. DURBIN:

S. 1585. A bill to permit pass-through payment for reasonable costs of certified registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in "Lugar counties", and for on-call and standby costs for such services; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I'm introducing the Rural Access to Nurse Anesthesia Services Act to ensure patients in rural communities can access the health care services they need. The bill would restore rural healthcare by making improvements to the Medicare Part A reasonable cost-based, pass-through program for nurse anesthesia services in rural and critical access hospitals.

Throughout the Nation, 1,300 critical access hospitals provide essential health care services to the elderly and medically underserved communities in rural areas. In my State of Illinois, 51 Critical Access Hospitals provide emergency, primary care, and surgery services directly to rural communities, covering over 60 percent of the counties in the State and reaching over 1 million rural residents.

For the majority of Critical Access Hospitals, Certified Registered Nurse Anesthetists are the sole providers of anesthesia services. The nurse anesthetists make it possible for these hos-

pitals to offer surgical, obstetrical, trauma stabilization, interventional diagnostic and pain management capabilities.

Critical Access Hospitals depend on the work of nurse anesthetists to deliver quality care, even while the hospitals are pressed for resources. Because of the limited availability of nurse anesthetists and fewer patients in their rural communities, Critical Access Hospitals do not have anesthesia in the hospital 24/7. They rely on anesthesia and other surgery staff to be on call and available to the hospital within 15 minutes to cover emergency surgery procedures and obstetric services.

As an incentive to continue serving Medicare beneficiaries in rural areas, critical access hospitals were given permission to use reasonable, cost-based funding for anesthesia services performed by nurse anesthetists. However, recent changes in CMS policy have denied Critical Access Hospitals' claims for tens of thousands of dollars each in annual Medicare funding that they had come to rely on. In Illinois, Critical Access Hospitals lost \$50,000-\$100,000 per hospital.

These hospitals aren't just looking for a handout. Without being able to pay nurse anesthetists, the rural hospitals have to turn away patients whose procedures call for anesthesia. Patients have to travel to the next nearest hospital, which is a terrible option when dealing with trauma stabilization, obstetrical care, or even pain management, particularly for elderly patients.

In addition, despite previously reimbursing Critical Access Hospitals for the costs of having a nurse anesthetist available or on call for emergency services, CMS recently began to deny payments for this service. How is a hospital able to retain the few nurse anesthetists who are available if they can't at least keep them on call?

The Rural Access to Nurse Anesthesia Services Act will enable hospitals to offer the highest quality of care and availability of services to patients of Critical Access Hospitals. For decades, the Medicare Part A reasonable cost based pass-through program has successfully and safely ensured the availability of anesthesia services for Medicare patients in rural areas. Because of the program's success and impact, the Rural Access to Nurse Anesthesia Services Act is supported by the American Association of Nurse Anesthetists and the American Hospital Association. I hope my colleagues will join me in supporting this bill and work to protect anesthesia services for patients in rural communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICARE PASS-THROUGH PAYMENTS FOR CRNA SERVICES.

(a) TREATMENT OF CRITICAL ACCESS HOSPITALS AS RURAL IN DETERMINING ELIGIBILITY FOR CRNA PASS-THROUGH PAYMENTS.—Section 9320(k) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 1395k note), as added by section 608(c)(2) of the Family Support Act of 1988 and amended by section 6132 of the Omnibus Budget Reconciliation Act of 1989, is amended by adding at the end the following:

"(3) Any facility that qualifies as a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act) shall be treated as being located in a rural area for purposes of paragraph (1) regardless of any geographic reclassification of the facility, including such a reclassification of the county in which the facility is located as an urban county (also popularly known as a Lugar county) under section 1886(d)(8)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(8)(B))."

(b) TREATMENT OF STANDBY AND ON-CALL COSTS.—Such section 9320(k), as amended by subsection (a), is further amended by adding at the end the following:

"(4) In determining the reasonable costs incurred by a hospital or critical access hospital for the services of a certified registered nurse anesthetist under this subsection, the Secretary shall include standby costs and on-call costs incurred by the hospital or critical access hospital, respectively, with respect to such nurse anesthetist."

(c) EFFECTIVE DATES.—

(1) TREATMENT OF CAHS AS RURAL IN DETERMINING CRNA PASS-THROUGH ELIGIBILITY.—The amendment made by subsection (a) shall apply to calendar years beginning on or after the date of the enactment of this Act (regardless of whether the geographic reclassification of a critical access hospital occurred before, on, or after such date).

(2) INCLUSION OF STANDBY COSTS AND ON-CALL COSTS IN DETERMINING REASONABLE COSTS OF CRNA SERVICES.—The amendment made by subsection (b) shall apply to costs incurred in cost reporting periods beginning in fiscal years after fiscal year 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 241—DESIGNATING THE PERIOD BEGINNING ON SEPTEMBER 13, 2009, AND ENDING ON SEPTEMBER 19, 2009, AS "NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK", AND SUPPORTING THE GOALS AND IDEALS OF A NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES

Mr. KOHL (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 241

Whereas polycystic kidney disease, known as "PKD", is 1 of the most prevalent life-threatening genetic diseases in the United States;

Whereas polycystic kidney disease is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, affecting equally people of all ages, races, sexes, nationalities, geographic locations, and income levels;

Whereas there are 2 hereditary forms of polycystic kidney disease, with autosomal dominant polycystic kidney disease (ADPKD) affecting 1 in 500 people worldwide, including 600,000 patients with polycystic kidney disease in the United States, according to prevalence estimates by the National Institutes of Health;

Whereas in families in which 1 or both parents have ADPKD there is a 50-percent chance that the parents will pass the disease to their children;

Whereas autosomal recessive polycystic kidney disease (ARPKD), a rarer form of PKD, affects 1 in 20,000 live births and frequently leads to early death;

Whereas in families in which both parents carry ARPKD there is a 25-percent chance that the parents will pass the disease to their children;

Whereas, in addition to patients directly affected by polycystic kidney disease, countless additional friends, loved ones, family members, colleagues, and caregivers must shoulder the physical, emotional, and financial burdens of polycystic kidney disease;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading cause of kidney failure resulting from a genetic disease, and 1 of the 4 leading causes of kidney failure in the United States;

Whereas the vast majority of patients with polycystic kidney disease have kidney failure at the age of 53, on average, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the baby boomers, continues to age;

Whereas end-stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to the cost with an estimated \$2,000,000,000 budgeted annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas polycystic kidney disease instills in patients a fear of an unknown future with a life-threatening genetic disease, and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to fail to recognize the presence of the disease, to forego regular visits to physicians, and not to receive good health or therapeutic management that would help avoid more severe complications when kidney failure occurs;

Whereas people suffering from chronic, life-threatening diseases, such as polycystic kidney disease, are more frequently predisposed to depression and the resulting consequences of depression because of anxiety over the possible pain, suffering, and premature death that people with polycystic kidney disease may face;

Whereas the Senate and taxpayers of the United States want treatments and cures for

disease and hope to see results from investments in research conducted by the National Institutes of Health and from initiatives such as the National Institutes of Health Roadmap to the Future;

Whereas polycystic kidney disease is an example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can—

(1) generate therapeutic interventions that directly benefit the people suffering from polycystic kidney disease;

(2) save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies; and

(3) allow several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease, and the 3 primary protein products of the genes, and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas volunteers engage in an annual national awareness event held during the third week of September, making that week an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on September 13, 2009, and ending on September 19, 2009, as "National Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups—

(A) to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities;

(B) to promote public awareness of polycystic kidney disease; and

(C) to foster understanding of the impact of the disease on patients and their families.

Mr. KOHL. Mr. President, I rise today along with Senator HATCH to submit a resolution to increase awareness of Polycystic Kidney Disease, PKD, a common and life threatening genetic illness.

Over 600,000 people have been diagnosed with PKD nationwide. There is no treatment or cure for this devastating disease. Families and friends struggle to fight PKD and provide unwavering support to their suffering loved ones.

But there is hope. The PKD Foundation has led the fight for increased research and patient education. Recent studies have led to the discovery of the genes that cause PKD as well as promising clinical drug trials for treatment.

More needs to be done, however, and the Government wants to help.

In order to increase public awareness of this fatal disease, I propose that September 13th through the 19th be designated as National Polycystic Kidney Disease Awareness Week. This week coincides with the annual walk for PKD which takes place every September. In Wisconsin, where over 10,000 patients are living with the disease, residents gather across the State to take part in this very special walk.

Increasing awareness will help all those affected by Polycystic Kidney Disease, and I hope my colleagues will support this important resolution.

Mr. HATCH. Mr. President, I am pleased to submit, along with my colleague, Senator HERB KOHL, a resolution to designate the week of September 13-19, 2009 as National Polycystic Kidney Disease Awareness Week.

Polycystic kidney disease, or PKD, is a life-threatening, genetic disease of which most Americans are probably unaware. According to the PKD Foundation, PKD affects 600,000 Americans and 12.5 million children and adults worldwide. There is no treatment or cure, but it is our hope that, with this resolution, a National PKD Awareness Week will promote public awareness and education of this devastating disease.

PKD is one of the four leading causes of kidney failure, which also called end-stage renal disease, ESRD, PKD is characterized by the growth of numerous fluid-filled cysts in the kidney, which slowly reduce the kidney function and can eventually lead to kidney failure. Some cysts in individuals with PKD have reportedly grown to the size of a football. When PKD causes kidneys to fail, the patient requires dialysis or kidney transplantation. About one-half of people with the major type of PKD progress to kidney failure.

PKD is of particular interest to me because so many Utahns suffer from this disease. The PKD Foundation claims that approximately 5,000 individuals in Utah live with PKD, and that the incidence of end-stage renal disease in Utah is three times that of the national average. To cure PKD could result in billions of dollars in savings to the military, Medicare, Medicaid and the Veterans Administration for dialysis, transplantation and related treatments.

To promote greater understanding of this destructive genetic disease, Senator KOHL and I have introduced this resolution to designate a National Polycystic Kidney Disease Awareness Week, and I urge our colleagues to support it.

SENATE RESOLUTION 242—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL AEROSPACE DAY”

Mr. VOINOVICH (for himself and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 242

Whereas the missions to the moon by the National Aeronautics and Space Administration are recognized around the globe as 1 of the most outstanding achievements of humankind;

Whereas the United States is a leader in the International Space Station, the most advanced human habitation and scientific laboratory ever placed in space;

Whereas the first aircraft flight occurred in the United States, and the United States operates the largest and safest aviation system in the world;

Whereas the United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing 831,000 people and supporting more than 2,000,000 jobs in related fields;

Whereas space exploration is a source of inspiration that captures the interest of young people;

Whereas aerospace education is an important component of science, technology, engineering, and mathematics education and helps to develop the science and technology workforce in the United States;

Whereas aerospace innovation has led to the development of advanced meteorological forecasting, which has saved lives around the world;

Whereas aerospace innovation has led to the development of the Global Positioning System, which has strengthened national security and increased economic productivity;

Whereas the aerospace industry assists and protects members of the Armed Forces with military communications, unmanned aerial systems, situational awareness, and satellite-guided ordinances; and

Whereas September 16, 2009, is an appropriate date to observe “National Aerospace Day”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Aerospace Day”; and

(2) recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.

SENATE RESOLUTION 243—EXPRESSING THE SENSE OF THE SENATE THAT, UPON THE ESTABLISHMENT OF, OR ENACTMENT OF LEGISLATION CREATING, A PUBLIC HEALTH CARE PLAN, MEMBERS OF CONGRESS SHALL LOSE ACCESS TO THE FEDERAL EMPLOYEES HEALTH BENEFITS PLAN AND SHALL BE REQUIRED TO ENROLL IN THE PUBLIC PLAN

Mr. VITTER submitted the following resolution; which was referred to the Committee on Homeland Security and Government Affairs:

S. RES. 243

Resolved, That it is the sense of the Senate that, upon the establishment of, or enactment of legislation creating, a public health care plan, Members of Congress shall lose access to the Federal Employees Health Benefits Plan and shall be required to enroll in such public health care plan.

SENATE RESOLUTION 244—COMMEMORATING THE 45TH ANNIVERSARY OF THE WILDERNESS ACT

Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. BROWNBACK, Mrs. BOXER, Mrs. MURRAY, Mr. VOINOVICH, Mr. WYDEN, Mrs. FEINSTEIN, Mr. GREGG, Mr. BURRIS, Ms. COLLINS, Mr. LIEBERMAN, Mr. ALEXANDER, Mr. BAYH, Mr. MERKLEY, Ms. CANTWELL, Mr. CARDIN, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. UDALL of Colorado, Mr. MENENDEZ, Mr. UDALL of New Mexico, Mr. BENNET, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 244

Whereas September 3, 2009, will mark the 45th anniversary of the date of enactment of the Wilderness Act (16 U.S.C. 1131 et seq.), which gave to the people of the United States the National Wilderness Preservation System, an enduring resource of natural heritage;

Whereas great writers of the United States, including Ralph Waldo Emerson, Henry David Thoreau, Willa Cather, George Perkins Marsh, Mary Hunter Austin, and John Muir, poets such as William Cullen Bryant, and painters such as Thomas Cole, Frederic Church, Frederic Remington, Georgia O’Keefe, Albert Bierstadt, and Thomas Moran, have defined the distinct cultural value of wild nature and unique concept of wilderness in the United States;

Whereas national leaders, such as former President Theodore Roosevelt, reveled in outdoor pursuits and diligently sought to preserve opportunities to mold individual character, to shape the destiny of the Nation, to strive for balance, and to ensure the wisest use of natural resources, so as to provide the greatest good for the greatest number of people as possible;

Whereas luminaries in the conservation movement, such as scientist Aldo Leopold, forester Bob Marshall, writer Howard Zahniser, teacher Sigurd Olson, biologists Olaus, Adolph, and Mardy Murie, and conservationists David Brower and Marjory Stoneman Douglas, believed that the people of the United States could protect and preserve the wilderness in order for the wilderness to last well into the future;

Whereas Senator Hubert H. Humphrey, a Democrat from Minnesota, and Representative John Saylor, a Republican from Pennsylvania, originally introduced the Wilderness Act with strong bipartisan support in both houses of Congress;

Whereas, with the help of colleagues (including cosponsors Senators Clinton P. Anderson, Gaylord Nelson, William Proxmire, and Henry “Scoop” M. Jackson, and the Senate floor manager, Senator Frank Church) and conservation allies (such as Secretary of Interior Stewart L. Udall and Representative Morris K. Udall), Senator Humphrey and Representative Saylor worked tirelessly for 8 years to secure nearly unanimous passage of

the legislation, with a vote of 78 to 12 in the Senate and 373 to 1 in the House of Representatives;

Whereas critical support in the Senate for the Wilderness Act came from 3 Senators who still serve in the Senate as of 2009: Senator Robert C. Byrd, Senator Daniel Inouye, and Senator Edward M. Kennedy;

Whereas President John F. Kennedy, who took office in 1961 with an agenda that included a plan to enact wilderness legislation, was assassinated before he could sign into law a bill concerning the wilderness;

Whereas 4 wilderness champions, Aldo Leopold, Olaus Murie, Bob Marshall, and Howard Zahniser also passed away before witnessing passage of a wilderness bill;

Whereas President Lyndon B. Johnson signed into law the Wilderness Act in the Rose Garden on September 3, 1964, establishing a system of wilderness heritage, as President Kennedy and the conservation community had envisioned and advocated for ardently;

Whereas, in 2009, as a consequence of popular support, the people of the United States continue to have a system that protects wilderness for the permanent good of the United States;

Whereas, over the 45 years since the enactment of the Wilderness Act, various Presidents of both parties, leaders of Congress, and experts in the land management agencies within the Departments of the Interior and Agriculture have expanded the system of wilderness protection;

Whereas the Wilderness Act instituted an unambiguous national policy to recognize the natural heritage of the United States as a valuable resource and to protect the wilderness for future generations to use and enjoy;

Whereas wilderness offers numerous values for an increasingly diverse populace, allowing youth and adults from urban and rural communities to experience nature and explore opportunities for healthy recreation;

Whereas wilderness provides intact, healthy, and biologically diverse ecosystems that will better withstand the effects of global warming and help communities in the United States adapt to a changing climate;

Whereas wilderness provides billions of dollars of ecosystem services in the form of safe drinking water, clean air, and recreational opportunities;

Whereas 44 of the 50 States have protected wilderness areas;

Whereas the abundance of natural heritage of the United States is seen from Alaska to Florida, from Fire Island in the Long Island South Shore of New York and West Sister Island of Lake Erie in Ohio, to larger areas such as the Mojave National Preserve in California and the River of No Return in Idaho; and

Whereas President Gerald R. Ford stated that the National Wilderness Preservation System “serves a basic need of all Americans, even those who may never visit a wilderness area—the preservation of a vital element in our heritage” and that “wilderness preservation ensures that a central facet of our Nation can still be realized, not just remembered”: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 45th anniversary of the Wilderness Act (16 U.S.C. 1131 et seq.);

(2) recognizes and commends the extraordinary work of the individuals and organizations involved in building the National Wilderness Preservation System; and

(3) is grateful for the wilderness, a tremendous asset the United States continues to

preserve as a gift to future generations of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2300. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table.

SA 2301. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3435, supra; which was ordered to lie on the table.

SA 2302. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3435, supra; which was ordered to lie on the table.

SA 2303. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3435, supra; which was ordered to lie on the table.

SA 2304. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3435, supra; which was ordered to lie on the table.

SA 2305. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3435, supra; which was ordered to lie on the table.

SA 2306. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3435, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2300. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1302(c)(1) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1910; 49 U.S.C. 32901 note) is amended by adding at the end the following:

“(H) ELIGIBLE INDIVIDUALS.—A voucher may only be issued under the Program in connection with the purchase of a new fuel efficient automobile by an individual—

“(i) who filed a return of Federal income tax for a taxable year beginning in 2008, and, if married for the taxable year concerned (as determined under section 7703 of the Internal Revenue Code of 1986), filed a joint return;

“(ii) who is not an individual with respect to whom a deduction under section 151 of the Internal Revenue Code of 1986 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins; and

“(iii) whose adjusted gross income reported in the most recent return described in clause (i) was not more than \$50,000 (\$75,000 in the case of a joint tax return or a return filed by a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986)).”.

(b) REGULATIONS.—Not later than 7 days after the date of the enactment of this Act and notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary of Transportation shall promulgate final regulations that require—

(1) each purchaser or leaser of a new fuel efficient automobile under the Consumer Assistance to Recycle and Save Program established under section 1302(a) of such Act (Public Law 111-32; 123 Stat. 1909; 49 U.S.C. 32901 note) to affirm on a standard form, determined by the Secretary, that such purchaser or leaser is an individual described by section 1302(c)(1)(H) of such Act, as added by subsection (a); and

(2) each dealer that receives a form described in paragraph (1) under such program to submit such form to the Secretary.

(c) FRAUD DETECTION.—Upon receipt under paragraph (2) of subsection (b) of a form described in paragraph (1) of such subsection, the Secretary shall submit such form to the Internal Revenue Service to determine whether the purchaser or leaser has violated section 641 of title 18, United States Code.

SA 2301. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. STATUS REPORT AND REIMBURSEMENT OF UNFUNDED OBLIGATIONS.

The Consumer Assistance to Recycle and Save Act of 2009 (title XIII of Public Law 111-32) is amended—

(1) in subsection (c)(1)(A), by striking “November 1, 2009” and inserting “August 8, 2009”; and

(2) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

“(1) DATABASE.—The Secretary shall maintain, and update each business day, a database that contains—

“(A) the vehicle identification numbers of—

“(i) all new fuel efficient vehicles purchased or leased under the Program; and

“(ii) all eligible trade-in vehicles disposed of under the Program; and

“(B) the amount of money—

“(i) obligated by the Federal Government for payment of vouchers issued under the Program; and

“(ii) remaining to be obligated for such payments from the amount appropriated for such purpose.”; and

(B) by adding at the end the following:

“(3) SUPPLEMENTAL REPORT.—No amounts may be obligated for the Program beyond the amounts appropriated under subsection (j) until after the Secretary submits a report to the committees referred to in paragraph (2) that—

“(A) evaluates the fuel efficiency standards of—

“(i) the eligible trade-in vehicles traded in under the Program; and

“(ii) the new fuel efficient automobiles purchased under the Program; and

“(B) details the administration of the Program, including the method used by the Department of Transportation—

“(i) to track the amount obligated by the Federal Government for payment of vouchers issued under the Program; and

“(ii) to determine the amount of appropriated funds remaining to be obligated under the Program.”; and

(3) in subsection (j)—

(A) by striking “There is hereby appropriated” and inserting the following:

“(3) IN GENERAL.—There is appropriated”; and

(B) by adding at the end the following:

“(2) REIMBURSEMENT OF UNFUNDED TRANSACTIONS.—In addition to the amount appropriated under paragraph (1), there is appropriated an amount equal to the amount by which the dollar value of all of the vouchers issued under the Program during the period described in subsection (c)(1)(A) exceeds \$1,000,000,000.”.

SA 2302. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMENDMENT TO THE 2010 BUDGET RESOLUTION.

S. Con. Res. 13 (111th Congress) is amended—

(1) in section 101—

(A) in paragraph (2), strike the amount for fiscal year 2010 and insert “\$2,890,499,000,000”; and

(B) in paragraph (3)—

(i) strike the amount for fiscal year 2011 and insert “\$2,969,592,000,000”; and

(ii) strike the amount for fiscal year 2012 and insert “\$2,882,053,000,000”; and

(2) in section 401(b), by striking paragraph (2) and inserting the following:

“(2) for fiscal year 2010, \$1,085,285,000,000 in new budget authority and \$1,307,200,000,000 in outlays.”.

SA 2303. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TERMINATION OF TARP.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended—

(1) by striking subsection (b); and

(2) by striking “(a) TERMINATION.”.

SA 2304. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION _____. ASSISTANCE TO CHARITIES AND FAMILIES IN NEED.

Section 1302 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1909; 49 U.S.C. 32901 note) is amended—

(1) in subsection (a)(2)(B), by inserting “or for donation to a charity”; and

(2) in subsection (c)(2)—

(A) in subparagraph (A), strike “For each” and insert “Except as provided in subparagraph (C), for each”; and

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after paragraph (B) the following:

“(C) DONATION TO CHARITY.—For each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer may dispose of such vehicle by donating such vehicle to—

“(i) an organization that—

“(I) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, including educational institutions, health care providers, and housing assistance providers described in such section; and

“(II) certifies to the Secretary that the donated vehicle will be used by the organization to further its exempt purpose or function, including to provide transportation of individuals for health care services, education, employment, general use, or other purpose relating to the provision of assistance to those in need, including sales to raise financial support for the organization; or

“(ii) a family that does not have sufficient income to afford, but can demonstrate a need for, an automobile.”.

SA 2305. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ____ . GOVERNMENT OWNERSHIP EXIT PLAN.

(a) GOVERNMENT OWNERSHIP EXIT PLAN.—Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) is amended by adding at the end the following:

“SEC. 137. GOVERNMENT OWNERSHIP EXIT PLAN.

“(a) DEFINITION.—In this section, the term ‘ownership interest’ means an interest in a troubled asset described in section 3(9)(B), as in effect on the day before the date of enactment of this section, that was purchased by the Secretary under section 101(a)(1).

“(b) RE-PRIVATIZATION OF PRIVATE ENTITIES.—

“(1) PROHIBITION ON FEDERAL GOVERNMENT HOLDING OWNERSHIP INTERESTS.—

“(A) IN GENERAL.—Beginning on the date of enactment of this section, the Federal Government may not acquire, directly or indirectly, any ownership interest.

“(B) DIVESTITURE.—Except as provided in paragraph (2), the Secretary shall divest the Federal Government of any ownership interest not later than 1 year after the date of enactment of this section.

“(2) LIMITED AUTHORITY.—

“(A) IN GENERAL.—Beginning 1 year after the date of enactment of this section, the Secretary may hold an ownership interest with respect to a particular entity for a period of not more than 6 months if, not later than 1 year after the date of enactment of this section, the Secretary submits a report to Congress with respect to that entity stating that—

“(i) compliance with paragraph (1)(B) with respect to such entity would have a significant adverse impact on the taxpayers of the United States; and

“(ii) there is a reasonable expectation that a waiver of paragraph (1)(B) would allow the Secretary to recover the cost to the Federal Government of acquiring such ownership interest.

“(B) SINGLE RENEWAL.—The Secretary may renew an extension under subparagraph (A) for a single period of not more than 6 months, if the Secretary submits to Congress a report stating that the conditions described in clauses (i) and (ii) of subparagraph (A) still exist with respect to the subject ownership interest.

“(c) DEPOSIT OF FUNDS INTO TREASURY.—On and after the date of enactment of this section, all repayments of obligations arising under this Act, and all proceeds from the sale of assets acquired by the Federal Government under this Act, shall be paid into the general fund of the Treasury for reduction of the public debt, in accordance with section 106(d).

“(d) REPORTS REQUIRED.—

“(1) REPORT ON FEDERAL GOVERNMENT OWNERSHIP.—

“(A) REPORTS REQUIRED.—The Secretary shall make (and shall publicly disclose) periodic reports detailing any ownership interest held by the Federal Government, including any loan or loan guarantee made by the Board.

“(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

“(i) not later than 3 months after the date of enactment of this section; and

“(ii) each quarter of the fiscal year thereafter.

“(2) REPORTS ON WINDING DOWN OR DIVESTMENT.—

“(A) REPORTS REQUIRED.—The Secretary shall submit to Congress periodic reports on the plans of the Secretary for compliance with this section, including any plans to wind down or divest an ownership interest.

“(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

“(i) not later than 6 months after the date of enactment of this section; and

“(ii) each month thereafter until all ownership interests are divested under subsection (b)(1)(B).

“(e) PLAN FOR GOVERNMENT SPONSORED ENTERPRISES.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to Congress a report describing a plan of the Secretary—

“(1) to end the conservatorship by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

“(2) to eliminate any form of direct ownership by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

“(f) FEDERAL DEPOSIT INSURANCE CORPORATION.—Nothing in this section may be construed to impede the ability of the Corporation to maintain the stability of the banking system.

“SEC. 138. INFLUENCE OF MANAGEMENT DECISIONS.

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘covered person’ means any person who is an officer or employee (including a special Government employee (as defined in section 202(a) of title 18, United States Code)) of the executive branch of the United States (including any independent agency of the United States); and

“(2) the term ‘significant management decision’ includes the appointment of senior executives or board members, business strategies relating to production and manufacturing, plant closings, the relocation of the headquarters of an entity, the modification of labor contracts, and other financial decisions.

“(b) INFLUENCE PROHIBITED.—

“(1) IN GENERAL.—It shall be unlawful for any covered person to knowingly make, with the intent to influence, a communication regarding a significant management decision of a recipient of assistance under this title to any officer or employee of the recipient.

“(2) CRIMINAL PENALTY.—Any covered person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

“(c) CIVIL ACTIONS.—

“(1) IN GENERAL.—The Attorney General of the United States may bring a civil action in an appropriate United States district court against any covered person to enforce subsection (b).

“(2) CIVIL PENALTY.—Any covered person who, upon proof by a preponderance of the evidence, violates subsection (b) shall be subject to a civil penalty of not more than \$50,000 for each violation. The imposition of a civil penalty under this paragraph shall not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

“(3) ORDERS.—If the Attorney General of the United States has reason to believe that a covered person is engaging in conduct that violates subsection (b), the Attorney General may petition an appropriate United States district court for an order prohibiting the covered person from engaging in the conduct. The court may issue an order prohibiting the covered person from engaging in the conduct if the court finds that the conduct constitutes a violation of subsection (b). The filing of a petition under this paragraph shall not preclude any other remedy which is available by law to the United States or any other person.”.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3(9) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(9)) is amended—

(A) in subparagraph (A), by striking “; and” at the end and inserting a period;

(B) by striking “means—” and all that follows through “residential” in subparagraph (A) and inserting “means residential”; and

(C) by striking subparagraph (B).

(2) OVERSIGHT BY FINANCIAL STABILITY OVERSIGHT BOARD.—Section 104(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5214(a)) is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the semicolon at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) reviewing the implementation of sections 137 and 138.”.

(3) DEPOSIT OF FUNDS.—

(A) AUTHORITY TO PURCHASE.—Section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)) is amended by striking “outstanding at any one time”.

(B) CONFORMING AMENDMENT.—Section 106(d) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(d)) is amended by inserting “, and repayments of obligations arising under this Act,” after “section 113”.

SA 2306. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; which was ordered to lie on the table; as follows:

On page 3, after line 11, insert the following:

Effective on the date of the enactment of this Act—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

“SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an individual who is a purchaser of a principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

“(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed \$15,000.

“(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

“(b) LIMITATIONS.—

“(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

“(A) after the date of the enactment of the Act entitled ‘Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program,’ and

“(B) on or before the date that is 1 year after such date of enactment.

“(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

“(3) ONE-TIME ONLY.—

“(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual’s spouse, if married) with respect to the purchase of any principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other principal residence by such individual or a spouse of such individual.

“(B) JOINT PURCHASE.—In the case of a purchase of a principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other principal residence.

“(c) PRINCIPAL RESIDENCE.—For purposes of this section, the term ‘principal residence’ has the same meaning as when used in section 121.

“(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

“(e) SPECIAL RULES.—

“(1) JOINT PURCHASE.—

“(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting ‘\$7,500’ for ‘\$15,000’ in subsection (a)(1).

“(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a

principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed \$15,000.

“(2) PURCHASE.—In defining the purchase of a principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

“(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

“(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

“(1) IN GENERAL.—In the event that a taxpayer—

“(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

“(B) fails to occupy such residence as the taxpayer’s principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

“(2) EXCEPTIONS.—

“(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer’s death.

“(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

“(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

“(i) paragraph (1) shall not apply to such transfer, and

“(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

“(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

“(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

“(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

“(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

“(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a prin-

icipal residence after December 31, 2009, and on or before the date described in subsection (b)(1)(B), a taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section.”

(2) CONFORMING AMENDMENTS.—

(A) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking “and 25B” and inserting “, 25B, and 25E”.

(B) Section 25(e)(1)(C)(ii) of such Code is amended by inserting “25E,” after “25D.”

(C) Section 25B(g)(2) of such Code is amended by striking “section 23” and inserting “sections 23 and 25E”.

(D) Section 904(i) of such Code is amended by striking “and 25B” and inserting “25B, and 25E”.

(E) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 25E(g).”

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Credit for certain home purchases.”

(4) SUNSET OF CURRENT FIRST-TIME HOME-BUYER CREDIT.—

(A) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking “before December 1, 2009” and inserting “on or before the date of the enactment of the Act entitled ‘Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.’”

(B) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended by striking “before December 1, 2009” and inserting “on or before the date of the enactment of the Act entitled ‘Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.’”

(5) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (4) shall apply to purchases after the date of the enactment of this Act.

(6) TRANSFERS TO THE GENERAL FUND.—From time to time, the Secretary of the Treasury shall transfer to the general fund of the Treasury an amount equal to the reduction in revenues to the Treasury resulting from the amendments made by paragraphs (1) through (4) of this subsection. Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), such amounts shall be transferred from the amounts appropriated or made available and remaining unobligated under such Act.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN, Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, August 6, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a business meeting on S.J. Res. 14, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies

by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; H.R. 1129, a bill to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans; and S. 443, a bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes to be followed immediately by a hearing on S. 1011, the Native Hawaiian Government Reorganization Act of 2009.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on August 5, 2009, at 9:30 a.m., to conduct a hearing entitled "Examining Proposals to Enhance the Regulation of Credit Rating Agencies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, August 5, 2009, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, August 5, 2009, in Russell 253, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, August 5, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. or Ms. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, August 5, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, August 5, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Wednesday, August 5, 2009, at 2:30 p.m. to conduct a hearing entitled, "Strengthening the Federal Acquisition Workforce: Government-wide Leadership and Initiatives."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Jennifer Mock, a member of the staff of the Senator from Oregon, Mr. MERKLEY, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following individuals on my staff be granted the privilege of the floor during consideration of the confirmation of Judge Sotomayor: Caitlin Coan, Emily Yeska, Andrew Dusek, Dan Huffman, Raphael Graybill, Philip Feldman, Josh Gardner, and Maureen Weiland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I ask unanimous consent that Laura Safdie, Aaron Guile, and Kathleen Roberts, law clerks on Senator LEAHY's Judiciary Committee staff, be granted the privilege of the floor for the remainder of the debate on the nomination of Judge Sotomayor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Tuesday, August 4, 2009, the Senate passed H.R. 2997, as amended, as follows:

H.R. 2997

Resolved, That the bill from the House of Representatives (H.R. 2997) entitled "An Act making appropriations for Agriculture, Rural Development, Food and Drug Adminis-

tration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$5,285,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, \$1,000,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$13,032,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$15,219,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$9,436,000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, \$1,859,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$63,579,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$6,566,000: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$895,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$23,422,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$806,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the

Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$274,482,000, to remain available until expended, of which \$168,901,000 shall be available for payments to the General Services Administration for rent; of which \$13,500,000 for payment to the Department of Homeland Security for building security activities; and of which \$92,081,000 for buildings operations and maintenance expenses: Provided, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$5,125,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$41,319,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: Provided further, That of the amount appropriated, \$13,000,000 is for stabilization and developmental activities to be carried out under the authority provided by title XIV of the Food and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and other applicable laws.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,968,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, \$9,722,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, \$88,025,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98: Provided, That of the amount made available for the Office of Inspector General to conduct investigations such sums as are necessary shall be made available for the inspection of the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$43,551,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, \$895,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$82,078,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$161,830,000, of which up to \$37,908,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,181,632,000, of which \$35,512,000 shall be for the purposes, and in the amounts, specified in the table titled “Congressionally Designated Projects” in the report to accompany this Act: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any

research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$47,027,000, of which \$47,027,000 shall be for the purposes, and in the amounts, specified in the table titled “Congressionally Designated Projects” in the report to accompany this Act, to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$757,821,000, of which \$61,406,000 shall be for the purposes, and in the amounts, specified in the table titled “Congressionally Designated Projects” in the report to accompany this Act, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), \$215,000,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), \$30,000,000; for payments to eligible institutions (7 U.S.C. 3222), \$49,000,000, provided that each institution receives no less than \$1,000,000; for special grants (7 U.S.C. 450i(c)), \$50,456,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), \$16,423,000; for competitive grants (7 U.S.C. 450i(b)), \$295,181,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), \$1,000,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$850,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), \$2,000,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), \$5,000,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$981,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$7,737,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,200,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), \$983,000; for aquaculture grants (7 U.S.C. 3322), \$3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$14,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$16,500,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, \$3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$800,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching

Policy Act of 1977 (7 U.S.C. 3319e), \$750,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), \$2,000,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), \$1,500,000; and for necessary expenses of Research and Education Activities, \$25,111,000, of which \$2,704,000 for the Research, Education, and Economics Information System and \$2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$491,292,000, of which \$7,898,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$300,000,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$4,000,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$68,139,000; payments for the pest management program under section 3(d) of the Act, \$10,085,000; payments for the farm safety program under section 3(d) of the Act, \$4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, \$2,000,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$18,540,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$8,427,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$493,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,128,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, \$3,090,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,705,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), \$41,354,000, provided that each institution receives no less than \$1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, \$1,767,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, \$1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, \$500,000; and for necessary expenses of Extension Activities, \$16,463,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$56,864,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$41,990,000, including \$12,649,000 for the water quality program, \$14,596,000 for the food safety program, \$4,096,000 for the re-

gional pest management centers program, \$4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, \$1,365,000 for the crops affected by Food Quality Protection Act implementation, \$3,054,000 for the methyl bromide transition program, and \$1,842,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89-106, as amended, \$732,000, to remain available until September 30, 2011, for the critical issues program; \$1,312,000 for the regional rural development centers program; and \$9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2011.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$895,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$911,394,000, of which \$18,059,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act, of which \$2,058,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$23,390,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$7,300,000 shall be for a National Animal Identification program and may only be used for ongoing activities and purposes (as of the date of enactment of this Act) relating to proposed rulemaking for that program under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"); of which \$60,243,000 shall be used to prevent and control avian influenza and shall remain available until expended: Provided, That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the plum pox program, the National Veterinary Stockpile, the National Animal Identification System, up to \$1,500,000 in the scrapie program for indemnities, up to \$1,000,000 for wildlife services methods development, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: Provided further, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the

agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That of the amount available under this heading, at least \$17,764,000 shall be used for the tuberculosis program (including at least \$3,000,000 for tuberculosis indemnity and depopulation).

In fiscal year 2010, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$90,848,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$64,583,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than \$20,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more

than \$20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, \$41,564,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$813,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,018,520,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: Provided further, That no fewer than 150 full-time equivalent positions shall be employed during fiscal year 2010 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, \$3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, \$895,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,603,777,000: Provided, That the Secretary is authorized to use the services, facili-

ties, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$4,369,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), \$5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), direct and guaranteed conservation loans (7 U.S.C. 1924 et seq.) and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,892,990,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans and \$392,990,000 shall be for direct loans; operating loans, \$1,994,467,000, of which \$1,150,000,000 shall be for unsubsidized guaranteed loans, \$144,467,000 shall be for subsidized guaranteed loans and \$700,000,000 shall be for direct loans; Indian tribe land acquisition loans, \$2,000,000; conservation loans, \$150,000,000, of which \$75,000,000 shall be for guaranteed loans and \$75,000,000 shall be for direct loans; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$21,584,000, of which \$5,550,000 shall be for unsubsidized guaranteed loans, and \$16,034,000 shall be for direct loans; operating loans, \$80,402,000, of which \$26,910,000 shall be for unsubsidized guaranteed loans, \$20,312,000 shall be for subsidized guaranteed loans, and \$33,180,000 shall be for direct loans; conservation loans, \$1,343,000, of which \$278,000 shall be for guaranteed loans, and \$1,065,000 shall be for direct loans; and Indian highly fractionated land loans, \$793,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$321,093,000, of which \$313,173,000 shall be transferred to and merged

with the appropriation for “Farm Service Agency, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating, and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, \$79,425,000: Provided, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: Provided further, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$895,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation

plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$949,577,000, to remain available until September 30, 2011, of which up to \$50,730,000 may be used in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-590f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), and of which \$21,511,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That the Secretary is authorized to transfer ownership of all land, buildings, and related improvements of the Natural Resources Conservation Service facilities located in Medicine Bow, Wyoming, to the Medicine Bow Conservation District: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$24,394,000, to remain available until expended, of which \$16,750,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act: Provided, That not to exceed \$15,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$40,161,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$895,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$207,237,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$13,226,501,000 for loans to section 502 borrowers, of which \$1,226,501,000 shall be for direct loans, and of which \$12,000,000,000 shall be for unsubsidized guaranteed loans; \$34,412,000 for section 504 housing repair loans; \$69,512,000 for section 515 rental housing; \$129,090,000 for section 538 guaranteed multi-family housing loans; \$5,045,000 for section 524 site loans; \$11,448,000 for credit sales of acquired property, of which up to \$1,448,000 may be for multi-family credit sales; and \$4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$217,322,000, of which \$44,522,000 shall be for direct loans, and of which \$172,800,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$4,422,000; repair, rehabilitation, and new construction of section 515 rental housing, \$18,935,000; section 538 multi-family housing guaranteed loans, \$1,485,000; and credit sales of acquired property, \$556,000: Provided, That section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: Provided further, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109-97 and Public Law 110-5 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$468,593,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$980,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate

debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, up to \$5,958,000 may be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That of this amount not less than \$2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than \$3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: Provided further, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2010 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$39,651,000, to remain available until expended: Provided, That of the funds made available under this heading, \$18,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph:

Provided further, That of the funds made available under this heading, \$1,791,000 shall be available for the cost of loans to private nonprofit organizations, or such nonprofit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the funds made available under this heading, \$19,860,000 shall be available for a demonstration program for the preservation and revitalization of the section 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: Provided further, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That the Secretary may use any unobligated funds appropriated for the rural housing voucher program in a prior fiscal year to support information technology activities of the Rural Housing Service to the extent the Secretary determines that additional funds are not needed for this fiscal year to provide vouchers described in this paragraph: Provided further, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior notification of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$38,727,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$41,500,000, to remain available until expended: Provided, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108-447 and Public Law 109-97 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$16,968,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$54,993,000, to remain available until expended: Provided, That \$6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That \$13,902,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: Provided further, That \$3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, \$97,116,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That \$4,000,000 of the amount appropriated under this heading shall

be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$33,536,000.

For the cost of direct loans, \$8,464,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,035,000 shall be available through June 30, 2010, for Federally Recognized Native American Tribes and of which \$2,070,000 shall be available through June 30, 2010, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, \$4,941,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$43,000,000 shall not be obligated and \$43,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)), \$38,854,000, of which \$300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which \$2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$3,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which \$21,867,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL MICROENTERPRISE INVESTMENT PROGRAM ACCOUNT

For the cost of loans and grants, \$22,000,000 as authorized by section 379E of the Consolidated Farm and Rural Development Act (7

U.S.C. 1981 et seq.): Provided, That such costs of loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$68,130,000: Provided, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

BIOREFINERY ASSISTANCE PROGRAM ACCOUNT

For the cost of guaranteed loans, \$17,339,000, as authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$568,730,000, to remain available until expended, of which not to exceed \$497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$993,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That \$70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally-recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): Provided further, That such loans and grants shall not be subject to any matching requirements: Provided further, That not to exceed \$19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$5,600,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed \$14,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That \$17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the

Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$6,500,000,000; guaranteed underwriting loans pursuant to section 313A, \$500,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$295,000,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$39,959,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$331,699,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$37,755,000, to remain available until expended: Provided, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: Provided further, That \$4,965,000 shall be made available to those non-commercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$38,495,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$13,406,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, \$813,000.

FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS (INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$16,801,584,000, to remain available through September 30, 2011, of which \$2,000,000 may be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)) and shall be derived by transfer of the amount made available under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" of title I for "SALARIES AND EXPENSES" of which \$10,051,707,000 is hereby appropriated and \$6,747,877,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That of the total amount available, \$5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), and may be awarded notwithstanding the limitations imposed by sections 4405(b)(1)(A) and 4405(c)(1)(A).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the WIC Program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$7,552,000,000, to remain available through September 30, 2011: Provided, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$61,351,846,000, of which \$3,000,000,000, to remain available through September 30, 2011, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as

authorized by section 17(m) of the Child Nutrition Act of 1966, \$233,388,000, to remain available through September 30, 2011: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2010 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2011: Provided further, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$147,801,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$180,367,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83-480 and the Food for Progress Act of 1985, \$2,812,000, shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses": Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83-480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,690,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guar-

antee program, GSM 102 and GSM 103, \$6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,465,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$355,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses".

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$199,500,000, to remain available until expended: Provided, That of this amount, the Secretary shall use up to \$10,000,000 to conduct pilot projects to field test new and improved micronutrient fortified food products designed to meet energy and nutrient needs of program participants: Provided further, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$3,230,218,000: Provided, That of the amount provided under this heading, \$578,162,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2011 but collected in fiscal year 2010; \$57,014,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$17,280,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$5,106,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended; and \$235,000,000 shall be derived from tobacco product user fees authorized by the Family Smoking Prevention and Tobacco Control Act (Public Law 111-31) and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2010 received during fiscal year 2010, including any such fees assessed prior to fiscal year 2010 but credited for fiscal year 2010, shall be subject to the fiscal year 2010 limitations: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further,

That of the total amount appropriated: (1) \$782,915,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$873,104,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$51,545,000 shall be available for the Office of Generic Drugs; (3) \$305,249,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$155,540,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$349,262,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$58,745,000 shall be for the National Center for Toxicological Research; (7) \$216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$117,225,000 shall be for Rent and Related activities, of which \$41,496,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$171,526,000 shall be for payments to the General Services Administration for rent; and (10) \$200,129,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: Provided further, That the Commissioner, through the Center for Food Safety and Applied Nutrition, may conduct a study and, not later than one year after the date of enactment of this Act, submit a report to Congress on the psychological, physiological, and neurological similarities between addiction to certain types of food and addiction to classic drugs of abuse: Provided further, That funds may be transferred from one specified activity to another with the prior notification of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$12,433,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$54,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSION)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Section 10101 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, (Public Law 110-329) is amended in subsection (b) by inserting at the end the following: "In carrying out this section, the Secretary may transfer funds into existing or new accounts as determined by the Secretary."

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior notification of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior notification of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties: Provided, That this does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to

disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. Hereafter, none of the funds appropriated by this Act or any other Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer unless prior notification has been transmitted to the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities;

or

- (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the

agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2011 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: Provided, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. There is hereby appropriated \$499,000 for any authorized Rural Development program purpose, in communities suffering from extreme outmigration and situated in areas that were designated as part of an Empowerment Zone pursuant to section 111 of the Community Renewal Tax Relief Act of 2000 (as contained in appendix G of Public Law 106-554).

SEC. 717. None of the funds made available in fiscal year 2010 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1):

Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 718. There is hereby appropriated \$3,497,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 719. Funds made available under section 12401 and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 720. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) An Environmental Quality Incentives Program as authorized by sections 1241–240H of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa–3839aa(8)), in excess of \$1,180,000,000.

(2) a program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

(3) a program under subsection (b)(2)(A)(ii) of section 14222 of Public Law 110–246 in excess of \$1,123,000,000: Provided, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(C) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of \$25,000,000 until October 1, 2010: Provided further, That the unobligated balances under section 32 of the Act of August 24, 1935, \$52,000,000 are hereby rescinded.

SEC. 721. Hereafter, notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 722. There is hereby appropriated \$2,600,000, to remain available until expended, for the planning and design of construction of an agricultural pest facility in the State of Hawaii.

SEC. 723. There is hereby appropriated \$4,000,000 to the Secretary of Agriculture to award grant(s) to develop and field test new food products designed to improve the nutritional delivery of humanitarian food assistance provided through the McGovern-Dole (section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1)) and the Food for Peace title II (7 U.S.C. 1691 et seq.) programs: Provided, That the Secretary shall use the authorities provided under the Research, Education, and Economics mission area of the Department in awarding such grant(s), with priority given to proposals that demonstrate partnering with and in-kind support from the private sector.

SEC. 724. The Rural Utilities Service, Rural Housing Service, and Rural Business and Cooperative Service shall permit an applicant to solicit and procure professional services and have prepared all environmental reviews, assessments, and impact statements: Provided, That such professional services will be funded by the applicants and selected by the agencies from procurement schedules of contractors determined qualified to perform said services: Provided further, That the Agencies shall establish

the scope of work and procedures for such services as well as procedures to assure contractors have no financial or other conflicts of interest in the outcome of the action and the documentation meets the needs of the Agencies: Provided further, That nothing herein shall affect the responsibility of the Agencies to comply with the National Environmental Policy Act.

SEC. 725. Notwithstanding any other provision of law, and until receipt of the decennial Census for the year 2010, the Secretary of Agriculture shall consider—

(1) The unincorporated community of Los Osos, in the County of San Luis Obispo, California, to be a rural area for the purposes of eligibility for Rural Utilities Service water and waste disposal loans and grants; and

(2) The unincorporated community of Thermalito in Butte County, California, (including individuals and entities with projects within the community) eligible for loans and grants funded under the housing programs of the Rural Housing Service.

SEC. 726. There is hereby appropriated \$3,000,000 for section 4404 of Public Law 107–171.

SEC. 727. Notwithstanding any other provision of law, there is hereby appropriated:

(1) \$3,000,000 of which \$2,000,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and \$1,000,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note); and

(2) \$350,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection.

SEC. 728. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) through the Watershed and Flood Prevention Operations program for the Pocasset River Floodplain Management Project in the State of Rhode Island;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(3) through the Watershed and Flood Prevention Operations program to carry out the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

(4) through the Watershed and Flood Prevention Operations program to carry out the DuPage County Watershed project in the State of Illinois;

(5) through the Watershed and Flood Prevention Operations program to carry out the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;

(6) through the Watershed and Flood Prevention Operations program to carry out the Dry Creek Watershed project in the State of California; and

(7) through the Watershed and Flood Prevention Operations program to carry out the Upper Clark Fork Watershed project in the State of Montana.

SEC. 729. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking “ten” and inserting “eleven”; (2) by striking “eight” and inserting “nine”; and

(3) by inserting “Wisconsin,” after the first instance of “States shall be”.

SEC. 730. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and

Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 731. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2011, for information technology expenses.

SEC. 732. (a) CHILD NUTRITION PROGRAMS.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

“(14) COMBAT PAY.—

“(A) DEFINITION OF COMBAT PAY.—In this paragraph, the term ‘combat pay’ means any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

“(i) is the result of deployment to or service in a combat zone; and

“(ii) was not received immediately prior to serving in a combat zone.

“(B) EXCLUSION.—Combat pay shall not be considered to be income for the purpose of determining the eligibility for free or reduced price meals of a child who is a member of the household of a member of the United States Armed Forces.”.

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) COMBAT PAY.—For the purpose of determining income eligibility under this section, a State agency shall exclude from income any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this subparagraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

“(i) is the result of deployment to or service in a combat zone; and

“(ii) was not received immediately prior to serving in a combat zone.”.

SEC. 733. (a) Section 531(g)(7)(F) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting “(including multiyear assistance)” after “assistance”; and

(2) in clause (i), by inserting “or multiyear production losses” after “a production loss”.

(b) Section 901(g)(7)(F) of the Trade Act of 1974 (19 U.S.C. 2497(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting “(including multiyear assistance)” after “assistance”; and

(2) in clause (i), by inserting “or multiyear production losses” after “a production loss”.

SEC. 734. Notwithstanding section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)), not more than \$15,000,000 of funds provided in this Act may be used for the purpose of evaluating program performance in the Special Supplemental Nutrition Program for Women, Infants and Children.

SEC. 735. Notwithstanding section 17(h)(10)(A) of the Child Nutrition Act of 1966 (42 U.S.C.

1786(h)(10)(A)), \$154,000,000 of funds provided in this Act shall be used for infrastructure, management information systems and breastfeeding peer counseling support: Provided, That of the \$154,000,000, not less than \$14,000,000 shall be used for infrastructure, not less than \$60,000,000 shall be used for management information systems, and not less than \$80,000,000 shall be used for breastfeeding peer counselors and other related activities.

SEC. 736. Agencies with jurisdiction for carrying out international food assistance programs under the jurisdiction of this Act, including title II of the Food for Peace Act and the McGovern-Dole International Food for Education Program, shall—

(1) provide to the Committees on Appropriations of the House and the Senate no later than March 1, 2010, the following:

(A) estimates on cost-savings and programmatic efficiencies that would result from increased use of pre-positioning of food aid commodities and processes to ensure such cargoes are appropriately maintained to prevent spoilage;

(B) estimates on cost-savings and programmatic efficiencies that would result from the use of longer-term commodity procurement contracts, the proportional distribution of commodity purchases throughout the fiscal year, longer-term shipping contracts, contracts which include shared-risk principles, and adoptions of other commercially acceptable contracting practices;

(C) estimates on costs of domestic procurement of commodities, domestic inland transportation of food aid commodities, domestic storage (including loading and unloading), foreign storage (including loading and unloading), foreign inland transportation, and ocean freight (including ocean freight as adjusted by the ocean freight differential reimbursement provided by the Secretary of Transportation), and costs relating to allocation and distribution of commodities in recipient countries;

(D) information on the frequency of delays in transporting food aid commodities, the cause or purpose of any delays (including how those delays are tracked, monitored and resolved), missed schedules by carriers and non-carriers (and resulting program costs due to such delays, including impacts to program beneficiaries);

(E) information on the methodologies to improve interagency coordination between host governments, the World Food Program, and non-governmental organization to develop more consistent estimates of food aid needs and the number of intended recipients to appropriately inform the purchases of commodities and in order to appropriately plan for commodity procurement for food aid programs;

(2) provide the matter described under subsection (1) of this section in the form of a consensus report under the signatures of the Secretaries of Agriculture, State, and Transportation; and

(3) estimates and cost savings analysis for this section shall be derived from periods representative of normal program operations.

SEC. 737. There is hereby appropriated \$7,000,000 to carry out section 4202 of Public Law 110-246.

SEC. 738. There is hereby appropriated \$2,600,000 to carry out section 1621 of Public Law 110-246.

SEC. 739. There is hereby appropriated \$4,000,000 to carry out section 1613 of Public Law 110-246.

SEC. 740. There is hereby appropriated \$250,000, to remain available until expended, for a grant to the Kansas Farm Bureau Foundation for work-force development initiatives to address out-migration in rural areas.

SEC. 741. There is hereby appropriated \$800,000 to the Farm Service Agency to carry out

a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 742. Applicants with very low, low, and moderate incomes shall be eligible for the program established in section 791 of Public Law 109-97.

SEC. 743. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of re-constituted infant formula specified in 7 C.F.R. 246.10 when issuing infant formula to participants. Such authorizations shall not otherwise impact the eligibility of manufacturers to remain eligible under the Special Supplemental Nutrition Program for Women, Infants and Children authorized by section 17 of the Child Nutrition Act of 1966.

SEC. 744. None of the funds made available by this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China unless the Secretary of Agriculture formally commits in advance to conduct audits of inspection systems, on-site reviews of slaughter and processing facilities, laboratories and other control operations before any Chinese facilities are certified as eligible to ship fully cooked poultry products to the United States, and at least once annually in subsequent years: Provided, That the Secretary commits in advance to implement a significantly increased level of port of entry re-inspection: Provided further, That the Secretary commits in advance to conduct information sharing with other countries importing poultry products from China that have conducted audits and plant inspections: Provided further, That this section shall be applied in a manner consistent with United States obligations under international trade agreements.

SEC. 745. (a) The Commissioner of Food and Drugs may establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: Provided, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: Provided further, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials.

(b) The Commissioner of Food and Drugs may establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of neglected diseases of the developing world: Provided, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: Provided further, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: Provided further, That for the purposes of this section the term "neglected disease of the developing world" means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)).

(c) The Commissioner of Food and Drugs shall—

(1) submit, not later than 1 year after the date of the establishment of review groups under subsections (a) and (b), a report to Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

SEC. 746. Not later than 60 days after the date of enactment of this Act, the Administrator of the Foreign Agricultural Service shall submit to Congress a report that describes the status of the reorganization of the Foreign Agricultural Service and any future plans of the Administrator to modify office structures to meet existing, emerging, and new priorities.

SEC. 747. None of the funds made available by this Act may be used to pay the salaries and expenses of any employee of the Department of Agriculture to assess any agency any greenbook charge or to use any funds acquired through an assessment of greenbook charges made prior to the date of enactment of this Act.

SEC. 748. The Commissioner of Food and Drugs, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall conduct a study and, not later than 240 days after the date of enactment of this Act, submit a report to Congress on the technical challenges associated with inspecting imported seafood. The study and report shall—

(1) provide information on the status of seafood importation, including—

(A) the volume of seafood imported into the United States annually, by product and country of origin;

(B) the number of physical inspections of imported seafood products conducted annually, by product and country of origin; and

(C) a listing of the United States ports of entry for seafood imports by volume;

(2) provide information on imported seafood products, by product and country of origin, that do not meet standards as set forth in the applicable food importation law, including the reason for which each such product does not meet such standards;

(3) identify the fish, crayfish, shellfish, and other sea species most susceptible to violations of the applicable food importation law;

(4) identify the aquaculture and mariculture practices that are of greatest concern to human health; and

(5) suggest methods for improving import inspection policies and procedures to protect consumers in the United States.

SEC. 749. (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States, shall report to the Committees on Appropriations of the House of Representatives and of the Senate on developing the tourism potential of rural communities.

(b) CONTENT OF THE REPORT.—The report required by subsection (a) shall—

(1) identify existing Federal programs that provide assistance to rural small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas;

(2) identify existing Federal programs that assist rural small business concerns in obtaining capital for starting or expanding businesses primarily serving tourists; and

(3) include recommendations, if any, for improving existing programs or creating new Federal programs that may benefit tourism in rural communities.

SEC. 750. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for the projects with the appropriate rural development field office of the Department of Agriculture prior to August 1, 2009, and were determined by the field office to be eligible for funding.

SEC. 751. (a) The Senate finds that—

(1) sudden loss in late 2008 of export-market based demand equivalent to about 3 percent of domestic milk production has thrown the U.S. dairy industry into a critical supply-demand imbalance;

(2) an abrupt decline in U.S. exports was fueled by the onset of the global economic crisis combined with resurgence of milk supplies in Oceania;

(3) the U.S. average all-milk price reported by the National Agriculture Statistics Service from January through May of 2009, has averaged \$4.80 per hundredweight below the cost of production;

(4) approximately \$3,900,000,000 in dairy producer equity has been lost since January;

(5) anecdotal evidence suggests that U.S. dairy producers are losing upwards of \$100 per cow per month;

(6) the Food, Conservation, and Energy Act of 2008 extended the counter-cyclical Milk Income Loss Contract (MILC) support program and instituted a 'feed cost adjuster' to augment that support;

(7) the Secretary of Agriculture in March transferred approximately 200,000,000 pounds of nonfat dry milk to USDA's Food and Nutrition Service in a move designed to remove inventory from the market and support low-income families;

(8) the Secretary on March 22nd reactivated USDA's Dairy Export Incentive Program (DEIP) to help U.S. producers meet prevailing world prices and develop international markets;

(9) the Secretary announced on July 31, 2009 a temporary increase in the amount paid for dairy products through the Dairy Product Price Support Program (DPPSP), an adjustment that is projected to increase dairy farmers' revenue by \$243,000,000; and

(10) U.S. dairy producers face unprecedented challenges that threaten the stability of the industry, the nation's milk production infrastructure, and thousands of rural communities.

(b) The Senate states that the Secretary of Agriculture and the President's Office of Management and Budget should continue to closely monitor the U.S. dairy sector and use all available discretionary authority to ensure its long-term health and sustainability.

SEC. 752. (a) The Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, may conduct a study on the labeling of personal care products regulated by the Food and Drug Administration for which organic content claims are made. Any such study shall include—

(1) a survey of personal care products for which the word "organic" appears on the label; and

(2) a determination, based on statistical sampling of the products identified under paragraph (1), of the accuracy of such claims.

(b) If the Commissioner of Food and Drugs conducts a study described in subsection (a), such Commissioner shall—

(1) not later than 270 days after the date of enactment of this Act, submit to the Committees

on Agriculture, Nutrition, and Forestry, Appropriations, and Health, Education, Labor, and Pensions in the Senate and the Committees on Agriculture, Appropriations, and Energy and Commerce in the House of Representatives a report on the findings of the study under subsection (a); and

(2) provide such Committees with any recommendations on the need to establish labeling standards for personal care products for which organic content claims are made, including whether the Food and Drug Administration should have pre-market approval authority for personal care product labeling.

SEC. 753. (a) The Senate finds that—

(1) agriculture is a national security concern;

(2) the United States suffers from periodic disasters which affects the food and fiber supply of the United States;

(3) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) established 5 permanent disaster programs to deliver timely and immediate assistance to agricultural producers recovering from losses;

(4) as of the date of enactment of this Act, of those 5 disaster programs—

(A) none are available, finalized, and implemented to deliver urgently needed assistance for 2009 producer losses; and

(B) only 1 is being implemented for 2008 losses;

(5) according to the Drought Monitor, the State of Texas is suffering from extreme and exceptional drought conditions, the highest level of severity; and

(6) the Secretary of Agriculture has previously authorized various forms of disaster assistance by providing funding under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), and through the Commodity Credit Corporation.

(b) It is the sense of the Senate that the Secretary of Agriculture should use all of the discretionary authority available to the Secretary to make available immediate relief and assistance for agricultural producers suffering losses as a result of the 2009 droughts.

SEC. 754. (a) The Senate finds that—

(1) with livestock producers facing losses from harsh weather in 2008 and continuing to face disasters in 2009, Congress wanted to assist livestock producers in recovering losses more quickly and efficiently than previous ad hoc disaster assistance programs;

(2) on June 18, 2008, Congress established the livestock indemnity program under section 531(c) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)) and section 901(c) of the Trade Act of 1974 (19 U.S.C. 2497(c)) as a permanent disaster assistance program to provide livestock producers with payments of 75 percent of the fair market value for livestock losses as a result of adverse weather such as floods, blizzards, and extreme heat;

(3) on July 13, 2009, the Secretary of Agriculture promulgated rules for the livestock indemnity program that separated non adult beef animals into weight ranges of "less than 400 pounds" and "400 pounds and more"; and

(4) the "400 pounds and more" range would fall well short of covering 75 percent market value payment for livestock in these higher ranges that are close to market weight.

(b) It is the sense of the Senate that the Secretary of Agriculture—

(1) should strive to establish a methodology to calculate more specific payments to offset the cost of loss for each animal as was intended by Congress for calendar years 2008 through 2011; and

(2) should work with groups representing affected livestock producers to come up with this more precise methodology.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010".

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, first of all, let me say this. This has taken a lot of time today. Senator MCCONNELL and I have had many meetings and many discussions. This whole consent agreement has been very difficult for everyone, but I think it accomplishes what we need to accomplish.

Mr. President, I ask unanimous consent that tomorrow, Thursday, August 6, at 10 a.m., the Senate proceed to executive session to resume consideration of Executive Calendar No. 309, the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court, and that the time until 2 p.m. be divided equally in alternating 1-hour blocks with the Republicans controlling the first hour; that at 2 p.m. the time be divided 15 minutes each as follows: Senator SESSIONS, Senator LEAHY, Senator MCCONNELL and Senator REID, in that order; that at 3 p.m., without further intervening action or debate, the Senate proceed to vote on confirmation of the nomination of Sonia Sotomayor; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 3435 AND S. 1023

Mr. REID. Mr. President, I further ask unanimous consent that upon disposition of the nomination of Justice Sotomayor and the Senate resuming legislative session, the Senate then proceed to consideration of Calendar No. 146, H.R. 3435; that the bill be considered under the following limitations; that each amendment be debated for a period of 30 minutes, equally divided and controlled in the usual form; that if there is a sequence of votes, then prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in a sequence, the remaining votes be limited to 10 minutes each: Harkin amendment regarding income limits, the Kyl amendment regarding status report substitute, the Gregg amendment regarding the budget resolution, the Vitter amendment regarding termination of TARP, the Coburn amendment regarding donations, the Thune amendment regarding government ownership plan, and the Isakson amendment regarding home purchases; that once the agreement is entered, the amendments be filed at the desk and printed in the RECORD; further, that upon disposition of the listed amendments, the bill be read a third time, the Senate proceed to vote on passage of the bill; provided further that on Tuesday, September 8, at 5:30 p.m., the

Senate proceed to the motion to reconsider the vote by which cloture was not invoked on the Dorgan amendment No. 1347 to S. 1025, the Travel Promotion Act, and that the motion to proceed be agreed to, and the motion to reconsider be agreed to; and the Senate then vote on the motion to invoke cloture on the Dorgan amendment; that if cloture is invoked on the amendment, then postcloture time be considered to have begun running at 10:30 a.m., Tuesday, September 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, on the final paragraph of my consent agreement, where I said that the Senate proceed to the motion to reconsider the vote by which cloture was not invoked on the Dorgan amendment No. 1347 to S. 1025, it should be S. 1023.

And Mr. President, the record should be very clear that the vote we take Monday night on the Travel Promotion Act is only on cloture. The 30 hours would still run and we would have to have final passage on the bill whenever the 30 hours runs out or whenever there is an agreement that we can vote on it.

So Mr. President, I further ask unanimous consent that after the 30 hours is up, at the end of postcloture time, the amendment be agreed to, and the bill be read a third time and the Senate vote on passage of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEMA ACCOUNTABILITY ACT OF 2009

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 69, S. 713.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 713) to require the administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment; as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in *italic*.)

S. 713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the “FEMA Accountability Act of 2009”.

(b) **DEFINITIONS.**—In this Act—

(1) the term “Administrator” means the Administrator of FEMA;

(2) the terms “emergency” and “major disaster” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(3) the term “FEMA” means the Federal Emergency Management Agency.

SEC. 2. TRANSFER, STORAGE, SALE, AND DISPOSAL OF HOUSING UNITS.

(a) **IN GENERAL.**—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the date of enactment of this Act; and

(2) establish criteria for determining whether the individual temporary housing units stored by FEMA are in usable condition, which shall include appropriate criteria for formaldehyde testing and exposure of the individual temporary housing units.

(b) **PLAN.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) storing the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock;

(B) transferring, selling, or otherwise disposing of the temporary housing units in the inventory of FEMA that—

(i) are in excess of the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock; and

(ii) are in usable condition, based on the criteria established under subsection (a)(2); and

(C) disposing of the temporary housing units in the inventory of FEMA that the Administrator determines are not in usable condition, based on the criteria established under subsection (a)(2).

(2) **APPLICABILITY OF DISPOSAL REQUIREMENTS.**—The plan established under paragraph (1) shall be subject to the requirements of section 408(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(c) **IMPLEMENTATION.**—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan described in subsection (b).

(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of the Senate and the House of Representatives a report on the status of the transfer, distribution, sale, or other disposal of [the unused temporary housing units purchased by FEMA.] *temporary housing units under this section.*

Mr. WARNER. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no in-

tervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee amendment was agreed to.

The bill (S. 713), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the “FEMA Accountability Act of 2009”.

(b) **DEFINITIONS.**—In this Act—

(1) the term “Administrator” means the Administrator of FEMA;

(2) the terms “emergency” and “major disaster” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(3) the term “FEMA” means the Federal Emergency Management Agency.

SEC. 2. TRANSFER, STORAGE, SALE, AND DISPOSAL OF HOUSING UNITS.

(a) **IN GENERAL.**—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the date of enactment of this Act; and

(2) establish criteria for determining whether the individual temporary housing units stored by FEMA are in usable condition, which shall include appropriate criteria for formaldehyde testing and exposure of the individual temporary housing units.

(b) **PLAN.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) storing the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock;

(B) transferring, selling, or otherwise disposing of the temporary housing units in the inventory of FEMA that—

(i) are in excess of the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock; and

(ii) are in usable condition, based on the criteria established under subsection (a)(2); and

(C) disposing of the temporary housing units in the inventory of FEMA that the Administrator determines are not in usable condition, based on the criteria established under subsection (a)(2).

(2) **APPLICABILITY OF DISPOSAL REQUIREMENTS.**—The plan established under paragraph (1) shall be subject to the requirements of section 408(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(c) **IMPLEMENTATION.**—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan described in subsection (b).

(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of the Senate and the House of

Representatives a report on the status of the transfer, distribution, sale, or other disposal of temporary housing units under this section.

THE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar items Nos. 150 and 151, H.R. 1275 and H.R. 2938, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements related to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

UTAH RECREATIONAL LAND EXCHANGE ACT OF 2009

The bill (H.R. 1275), to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes, was ordered to a third reading, was read the third time, and passed.

EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF HYDROELECTRIC PROJECT

The bill (H.R. 2938), to extend the deadline for commencement of construction of a hydroelectric project, was read the third time, and passed.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. WARNER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 171, at the desk, and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 171) authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 171) was agreed to.

GOSPEL MUSIC HERITAGE MONTH

Mr. WARNER. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 226 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 226) designating September 2009 as "Gospel Music Heritage Month" and honoring gospel music for its valuable contributions to the culture of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 226) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 226

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as "Gospel Music Heritage Month"; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

COMMEMORATING THE 45TH ANNIVERSARY OF THE WILDERNESS ACT

Mr. WARNER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 244, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 244) commemorating the 45th anniversary of the Wilderness Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions

to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas September 3, 2009, will mark the 45th anniversary of the date of enactment of the Wilderness Act (16 U.S.C. 1131 et seq.), which gave to the people of the United States the National Wilderness Preservation System, an enduring resource of natural heritage;

Whereas great writers of the United States, including Ralph Waldo Emerson, Henry David Thoreau, Willa Cather, George Perkins Marsh, Mary Hunter Austin, and John Muir, poets such as William Cullen Bryant, and painters such as Thomas Cole, Frederic Church, Frederic Remington, Georgia O'Keefe, Albert Bierstadt, and Thomas Moran, have defined the distinct cultural value of wild nature and unique concept of wilderness in the United States;

Whereas national leaders, such as former President Theodore Roosevelt, reveled in outdoor pursuits and diligently sought to preserve opportunities to mold individual character, to shape the destiny of the Nation, to strive for balance, and to ensure the wisest use of natural resources, so as to provide the greatest good for the greatest number of people as possible;

Whereas luminaries in the conservation movement, such as scientist Aldo Leopold, forester Bob Marshall, writer Howard Zahniser, teacher Sigurd Olson, biologists Olaus, Adolph, and Mardy Murie, and conservationists David Brower and Marjory Stoneman Douglas, believed that the people of the United States could protect and preserve the wilderness in order for the wilderness to last well into the future;

Whereas Senator Hubert H. Humphrey, a Democrat from Minnesota, and Representative John Saylor, a Republican from Pennsylvania, originally introduced the Wilderness Act with strong bipartisan support in both houses of Congress;

Whereas, with the help of colleagues (including cosponsors Senators Clinton P. Anderson, Gaylord Nelson, William Proxmire, and Henry "Scoop" M. Jackson, and the Senate floor manager, Senator Frank Church) and conservation allies (such as Secretary of Interior Stewart L. Udall and Representative Morris K. Udall), Senator Humphrey and Representative Saylor worked tirelessly for 8 years to secure nearly unanimous passage of the legislation, with a vote of 78 to 12 in the Senate and 373 to 1 in the House of Representatives;

Whereas critical support in the Senate for the Wilderness Act came from 3 Senators who still serve in the Senate as of 2009: Senator Robert C. Byrd, Senator Daniel Inouye, and Senator Edward M. Kennedy;

Whereas President John F. Kennedy, who took office in 1961 with an agenda that included a plan to enact wilderness legislation, was assassinated before he could sign into law a bill concerning the wilderness;

Whereas 4 wilderness champions, Aldo Leopold, Olaus Murie, Bob Marshall, and Howard Zahniser also passed away before witnessing passage of a wilderness bill;

Whereas President Lyndon B. Johnson signed into law the Wilderness Act in the Rose Garden on September 3, 1964, establishing a system of wilderness heritage, as President Kennedy and the conservation community had envisioned and advocated for ardently;

Whereas, in 2009, as a consequence of popular support, the people of the United States continue to have a system that protects wilderness for the permanent good of the United States;

Whereas, over the 45 years since the enactment of the Wilderness Act, various Presidents of both parties, leaders of Congress, and experts in the land management agencies within the Departments of the Interior and Agriculture have expanded the system of wilderness protection;

Whereas the Wilderness Act instituted an unambiguous national policy to recognize the natural heritage of the United States as a valuable resource and to protect the wilderness for future generations to use and enjoy;

Whereas wilderness offers numerous values for an increasingly diverse populace, allowing youth and adults from urban and rural communities to experience nature and explore opportunities for healthy recreation;

Whereas wilderness provides intact, healthy, and biologically diverse ecosystems that will better withstand the effects of global warming and help communities in the United States adapt to a changing climate;

Whereas wilderness provides billions of dollars of ecosystem services in the form of safe drinking water, clean air, and recreational opportunities;

Whereas 44 of the 50 States have protected wilderness areas;

Whereas the abundance of natural heritage of the United States is seen from Alaska to Florida, from Fire Island in the Long Island South Shore of New York and West Sister Island of Lake Erie in Ohio, to larger areas such as the Mojave National Preserve in California and the River of No Return in Idaho; and

Whereas President Gerald R. Ford stated that the National Wilderness Preservation System “serves a basic need of all Americans, even those who may never visit a wilderness area—the preservation of a vital ele-

ment in our heritage” and that “wilderness preservation ensures that a central facet of our Nation can still be realized, not just remembered”: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 45th anniversary of the Wilderness Act (16 U.S.C. 1131 et seq.);

(2) recognizes and commends the extraordinary work of the individuals and organizations involved in building the National Wilderness Preservation System; and

(3) is grateful for the wilderness, a tremendous asset the United States continues to preserve as a gift to future generations of the United States.

DISCHARGE AND REFERRAL—S. 1547

Mr. WARNER. Mr. President, I ask unanimous consent that S. 1547 be discharged from the Committee on Banking, Housing and Urban Affairs and be referred to the Committee on Veterans Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, AUGUST 6, 2009

Mr. WARNER. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, August 6; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business until 10 a.m. with Senators permitted to speak therein for up to 10 minutes each; that following morning business the Senate proceed to executive session and resume consideration of the nomination of Sonia Sotomayor as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Under the previous order, at 3 p.m. tomorrow, the Senate will proceed to vote on confirmation of the nomination of Judge Sonia Sotomayor to be Associate Justice of the Supreme Court of the United States. Upon disposition of the nomination, the Senate will return to the consideration of the supplemental appropriations bill for the Consumer Assistance to Recycle and Save Program.

Under the agreement, up to seven amendments are in order prior to a vote on the passage of the bill. When we return from the August recess, at 5:30 p.m. on Tuesday, September 8, the Senate will proceed to a cloture vote on the Dorgan substitute amendment to the Travel Promotion Act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:09 p.m., adjourned until Thursday, August 6, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

FRANK KENDALL III, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE JAMES I. FINLEY, RESIGNED.

DEPARTMENT OF LABOR

DAVID MORRIS MICHAELS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE EDWIN G. FOULKE, JR.

EXTENSIONS OF REMARKS**SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Com-

mittee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 6, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED**AUGUST 7**

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for July 2009.

SD-562

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Thursday, August 6, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, thank You for the continuous blessings of Your handiwork. From the first blush of dawn to the wonders of the starry heavens, we are daily made aware of Your creative might.

Bless our Senators to see the wonder of Your presence on Capitol Hill today. In the hands of the many workers who enable them to do their work, help them to catch a glimpse of the unity and cooperation You desire for them. Make them willing to both receive and give forgiveness as they manifest Your spirit in deeds of kindness. As our lives intertwine through common tasks, remind us that ultimately we are accountable to You. Guide our thinking, speaking, and decisions that we may live worthy of Your great love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each. It is my understanding the senior Senator from Iowa wishes to speak on a sad note in his life, and if he needs more than 10 minutes, I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. At 10 a.m., the Senate will resume consideration of the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States. The debate until 2 p.m. will be controlled in alternating hour blocks of time, with the Republicans controlling the first hour and the managers and leaders controlling the time from 2 p.m. until 3 p.m., with each permitted to speak for up to 15 minutes. At 3 p.m., the Senate will proceed to vote on confirmation of the nomination.

Upon disposition of the nomination, the Senate will turn to the emergency supplemental appropriations bill for the Consumer Assistance to Recycle and Save Program, known as cash for clunkers. Under an agreement reached last night, seven amendments are in order prior to a vote on passage of the bill. Each amendment has up to 30 minutes of debate prior to a vote. I am hopeful that some debate time can be yielded back so that we will be able to begin voting at a reasonable time this afternoon.

APPRECIATION FOR COOPERATIVE SPIRIT

Madam President, I wish to spread on the record my appreciation for the cooperation from all Senators. We worked through some difficult things yesterday to get to the point where we are today. I especially wish to express my appreciation to the Republican leader, Senator MCCONNELL, who had to work through some difficult issues on his side, as I did on mine. We spoke and met yesterday many times. Of course, our most helpful staff was with us every step of the way—on our side, Lula Davis, and on MCCONNELL's side, Dave Schiappa—and we appreciate very much their expertise in this area.

FRANKEN MAIDEN SPEECH

Finally, I wish to say briefly that our newest Senator, AL FRANKEN, gave his

maiden speech last night. It was really very good. I was so impressed with how well prepared he was. I was very impressed with how well he delivered the speech. Here is a man who is a Harvard graduate, best-selling author, and entertainer. Now he is a U.S. Senator, and the people of Minnesota are so fortunate. If things work out as I think they will, he will be presiding over the Senate when the historic vote is called today on the new Supreme Court Justice.

HISTORIAN RETIREMENT RECEPTION

Madam President, Senate Historian Dick Baker will be retiring. In honor of his service to the Senate and the Senate community, there will be a reception today from 3:30 to 5:00 in the LBJ Room, S. 211. He is a wonderful scholar, a great writer, and a lecturer, and we are going to miss him very much.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Iowa is recognized.

TRIBUTE TO MARY JO HOFFMAN

Mr. GRASSLEY. Madam President, this morning a funeral service will be held in Sioux City, IA, for a 44-year-old woman who began working for the people of Iowa in my office in January of 1988. Mary Jo Hoffman was a loyal and trusted adviser to me and a beloved friend to my wife, Barbara, our family, and many of my Senate staff who served with her more than a decade ago and still, in a sense, are serving with her today.

Always filled with purpose, Mary Jo spent the last 2 years 4 months fighting cancer with the tenacity, strength, and determination we all knew and loved about her. When Mary Jo set her mind to something, she didn't let much get in her way. She was that way when I met her when she was a bright young college student at the University of Northern Iowa, my alma mater, and she was that way when she worked effectively to serve constituents, first as a legislative correspondent, then as scheduler and as a top aide in my Senate office, and later on when she

worked for my political campaigns. I valued her judgment and appreciated her hard work and commitment to quality in every position she held. Mary Jo also taught at night as a volunteer and earned a master's degree while working on Capitol Hill.

She reached out and gave to others in so many ways through her church, in her community, and even on the U.S. Air Force base in Greece where she lived for a short period of time with her husband while he was serving. Someone in need had a friend in Mary Jo. She always got a lot done, and she did it in a way that was generous, spirited, and committed to ideals.

Mary Jo was a person of great faith. She provided leadership wherever she went through worship and fellowship and with the example she set with her own life. Mary Jo was a faithful witness for Christ and never more so than the darkest hours and days of her last 2 years. She will continue to inspire those of us who were lucky enough to have her in our lives.

We all mourn Mary Jo's departure, and our heart goes out to her family, including her devoted husband, Brent, and mother, Karen. I know Mary Jo's beautiful young children, Silas and Lydia, will miss her every day. I pray that they find comfort in the honorable life lived by their mother and my dear friend Mary Jo. She served the people of Iowa and the Lord with distinction and humility. She left this world for the next with courage and grace.

I wish to read one sentence from the Sioux City Journal which I think sums up her life: "Her words were like thunder because her life was like lightning."

Madam President, I ask unanimous consent to have the full text printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Sioux City Journal, Aug. 4, 2009]

MARY JO HOFFMAN

SIoux CITY.—Mary Jo Hoffman, 44, passed on to heaven on July 31, 2009, having lived life well and faithfully. She leaves a timeless legacy of faith and love for family and friends. Her words were like thunder because her life was like lightning.

Memorial services will be 11 a.m. Thursday at Heartland Community Baptist Church, 3601 Country Club Blvd., Sioux City, with the Rev. Gene Stockton officiating. A luncheon will follow the memorial service. Burial will be at a later date in Arlington National Cemetery, Washington, D.C. Visitation with the family will be 5 to 7 p.m. Wednesday at Meyer Brothers Colonial Chapel. Condolences may be sent online to www.meyerbroscapels.com.

Born in Centerville, Iowa, on April 5, 1965, Mary Jo was a precocious student and musician, graduating as class salutatorian from Chariton (Iowa) High School in 1983. She adored her family and friends.

She received her bachelor of arts degree from the University of Northern Iowa in 1987, graduating with high honors. During a dis-

tinguished career, she put her faith in action through teaching and public service. She worked on Capitol Hill for many years, serving proudly on the staff of Senator Chuck Grassley. She also earned a master of arts degree from George Mason University in Arlington, Va.

While living in Virginia and attending First Baptist Church of Alexandria, Mary Jo (Archibold) met and married Brent Hoffman. She joined Brent on military assignments in Greece and at the Pentagon. Their children, Silas and Lydia were born in 2000 and 2002, and she promptly set all career plans and ambitions aside. In 2004, they returned to their native Iowa and Sioux City. Though she maintained interests in fundraising and community service, she was a mother who put her family's needs first and foremost. She enjoyed reading, music, cooking, politics, knitting and most of all, visiting with friends and family.

Though admired for her extraordinary achievements, she was beloved for her faith and kindness. She accepted Christ as her Savior and her faith in God was the driving purpose in her life. Friends describe Mary Jo as a bright shining light who lived a life pleasing to God. Her influence will not be forgotten.

Survivors include her children, Silas and Lydia; her husband, Brent; her parents, Ron and Karen Stein of Mason City, Iowa; a sister, Malinda Hilzer of Des Moines; and many other relatives, all of whom she loved and are left to cherish her memory.

She was preceded in death by her father, D.W. Archibold; and her grandparents.

A memorial has been established in the name of Mary Jo Hoffman at Heartland Community Baptist Church.

ORDER OF PROCEDURE

Mr. KAUFMAN. Madam President, I ask unanimous consent that the time between now and 10 o'clock be distributed as follows: 5 minutes for Senator ALEXANDER and then the rest of the time be equally divided between Senator DURBIN and myself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. KAUFMAN. Madam President, the White House, the Congress, and the American people are engaged in a stark debate over our Nation's health care insurance system. A lot is at stake. We will make a choice in 2009, and that choice will determine the health care system we have in our Nation for a long time to come.

Fifteen years have passed since we last attempted to pass health care reform. What we do now will be consequential for decades to come. It will be a long time before the people of this country and their leaders will return to this complex and contentious issue.

So let us carefully review the potential plans. We have a plan being developed by the House of Representatives, we have a plan from the Senate HELP Committee, and a plan from the Finance Committee, we have the bipar-

tisan Wyden-Bennett plan, and then we have a plan I am going to spend a lot of time talking about, and that is the PHS plan.

In listening to my colleagues speak on the floor of the Senate, on television, talk radio, in newspapers, and in private meetings, one thing is clear: They think the plan we end up with will be the PHS plan. They think a combination of those who want no health care reform and those who like none of the proposed plans will combine to kill all other plans. So what is the PHS plan? Our present health care system.

Let's look at what will happen to average Americans if we keep our present health care system.

First, Americans' health care insurance costs will explode—and that is not an overstatement—explode. The average family in America can look forward to premium costs for their health insurance of more than \$24,000 a year by 2016. That is an 83-percent increase over the cost in 2008. In my home State of Delaware, the costs will be even higher, with the average premium for family coverage approaching \$29,000. At that amount, more than half of Delaware families would each have to spend half of their income on health insurance. This means families will be forced to either go without insurance or to buy less coverage and put their life savings at risk.

Second, personal bankruptcies for medical costs will soar. Today, bankruptcies involving medical bills account for more than 60 percent of U.S. personal bankruptcies, a rate 1½ times that of just 6 years ago. Going forward under PHS, we can expect more families in bankruptcy.

Third, insured Americans will keep paying a hidden tax to help pay for care for the uninsured. Under the PHS plan, doctors and hospitals will charge insurers even greater amounts to recoup the costs to provide services to the uninsured. Today, this hidden tax is estimated to be \$1,100 per family per year. Under the PHS plan, it will most assuredly go up, raising the cost of health care for all Americans.

Fourth, Americans will continue to be denied coverage if they have pre-existing conditions. Several weeks ago, I talked about four Delawareans who, because of preexisting conditions, could not find insurance coverage. Others who could get coverage have to pay exorbitant premiums to cover conditions such as high cholesterol, hypertension, diabetes, and cancer. Unfortunately, those who get sick may have their coverage dropped altogether. These problems, which threaten the security of all families, will continue under the PHS plan.

Fifth, for too many workers, health insurance portability will still be beyond reach. Too many Americans lose their insurance when they lose their

jobs. Some can't afford their COBRA coverage, and others can't get another policy due to preexisting conditions. Even when they can find a new policy, they often discover they can no longer see the same doctor or use the same hospital.

As a result, too many Americans are stuck in their jobs, forgoing career advancement, just to keep their existing health plans.

Now let's look at what will happen to the American economy if we keep our present health care system.

First, our present health care system is bankrupting the Federal Government.

The biggest driving force behind our Federal deficit is the skyrocketing cost of Medicare and Medicaid. In 2008, government spending on Medicare and Medicaid took up more than one dollar out of every five in our Federal budget.

The more we spend on health care, the less we have for other investments—for education, for our veterans, and for job-creating technologies, to name a few.

To pay those higher Federal health care bills, we will have to pay more taxes or borrow more from China and other nations.

Controlling health care costs is the key to controlling our financial future. But under the PHS, health care costs continue to spiral out of control.

Second, health care spending will crowd out our national savings and lower our standard of living.

Health care cost as a percent of gross domestic product will grow from 18 percent today to 28 percent in the year 2030—and even 34 percent in 2040.

Those dollars out of every family's budget going to health care cannot go for housing, food, or transportation. American consumers, over two-thirds of our economy, will have fewer dollars left for any other priorities.

That means less spending at the mall, at our car dealers, and at the grocery store. Controlling health care costs will put money back in families' budgets and therefore back into the rest of our economy.

Third, the present health care system is killing U.S. economic competitiveness.

Today, U.S. manufacturing firms pay almost \$5,000 per worker per year in health costs.

That's more than twice the average cost for firms located in our major trading partners such as Europe and Japan, where a firm pays less than \$2,000 per worker each year.

In a global economy, our workers and corporations face competitors who can beat them on price every time, just because of our broken health care system. Controlling health care costs will help to level that playing field. In a fair fight, our workers and our businesses can win.

Finally, more firms will stop offering health insurance for their employees.

The PHS will continue the slow erosion of employer-sponsored insurance. This is especially true for small businesses.

In the 2008 Employer Health Benefits Survey conducted by the Kaiser Family Foundation, only 63 percent of companies of all sizes offered health insurance to their employees, down from 69 percent in 2000.

But these numbers are even lower when looking just at small businesses, with the National Small Business Association reporting that only 38 percent of small businesses provided coverage last year, compared to 61 percent in 1993.

Under the PHS plan, this decline in coverage will continue, with an estimated 10 percent of small businesses eliminating coverage in the next year and nearly 20 percent in the next 3 to 5 years.

Under the PHS plan, that would mean an additional 13 million added to the rolls of the uninsured in the next 5 years.

So that is what America will get if we decide to choose the PHS plan. Again, that is the present health care system.

If we choose the PHS plan, consumers will pay higher and higher premiums, including the hidden tax to help pay for all of our fellow Americans without insurance.

We will continue to see a rise in personal bankruptcies due to high medical costs. Americans will continue to face insurance coverage rejections based on preexisting conditions or have insurers drop their policies once they do get sick. And they won't have portable insurance that they can take from job to job.

If we choose the PHS plan, health care spending will continue to threaten the bottom line of our Federal budget, eating away higher percentages of our GDP.

Our businesses will face more competitive disadvantages to their foreign competitors, paying more for health care insurance for their employees, or dropping it altogether.

The present health care system mistreats Americans as individuals and serves the country badly as a whole. We cannot continue in the present health care system.

I hope my colleagues will return in September committed to replacing our present health care system. I hope they will spend August searching for the best of the alternative plans that they want to support.

I hope we will turn our backs on the bankrupt present health care system and instead give the American people a health care system they can all be proud of—a health care system that will sustain them into the future.

We can do no less. They deserve no less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee see is recognized.

Mr. ALEXANDER. Madam President, will the Chair let me know when I have 30 seconds remaining?

The ACTING PRESIDENT pro tempore. Yes.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, we are concerned about the health care reform legislation that we have seen in the House and here in the Senate. It is headed in the wrong direction. The Mayo Clinic has told us so. The Democratic Governors have told us so. The CBO has told us so.

We are hearing already from people around the country who fear that millions of people may lose their employer-based health insurance and may find themselves in a government-run plan, with new State taxes to pay for Medicaid.

My purpose is to point out that as we go back to our States in August, there is plenty of opportunity to go in a new direction. I hope when we come back, we will start over in that direction.

As an example yesterday, 12 Senators—7 Democrats and 5 Republicans—wrote an op-ed in the Washington Post about the Healthy Americans Act, the bill that is sponsored by Senator WYDEN, a Democrat, and Senator BENNETT, a Republican. I am a co-sponsor among the 5 Republicans on that bill.

There are a number of things I agree with in the bill and some things with which I don't agree. I agree it is the right framework upon which we can build a bipartisan discussion. For example, the things I like about the bill and the reason I endorse the effort is that it has been scored as budget neutral. In other words, it doesn't add to the deficit, according to the CBO. It doesn't create a government-run plan to compete with private insurance plans. People would have choices among private plans just like most people have today. It replaces Medicaid and the Children's Health Insurance Program with private insurance plans. It doesn't replace all of Medicaid, but about 40 million of the people who are on Medicaid today, which is the largest government-run program we have, would have a choice to buy plans like the rest of us.

I think one of the worse things about the bills we are seeing is that it dumps low-income Americans into a government-run program that is failing—Medicaid—that 40 percent of the doctors will not see, and that none of us would want to join if we were forced to do so. This proposal takes away that problem. The Healthy Americans Act makes a fairer distribution of the government subsidies we already spend subsidizing health care by giving more

Americans a chance to benefit from that.

It would give more Americans a chance to purchase the same kind of health insurance policy Federal employees and Members of Congress have. It provides a tax deduction for all American individuals and families to address the unfairness of our tax system. It includes an individual mandate. In other words, no free ride. We are all in this together. States that implement some sort of reforms against junk runaway lawsuits against doctors, which drive up the cost of malpractice insurance, will receive bonus payments.

It also includes some of the insurance market reforms about which we are hearing so much from our Democratic friends. What they don't tell you is we are all for those changes. These are the insurance reforms that say you will have a right to purchase insurance without a physical examination, and if you have a problem when you go in to get the insurance, you cannot be denied insurance for that reason. These are insurance reforms that virtually all Republican plans I have seen, and all the Democratic plans, have already in there. Those aren't the issue.

It provides a full subsidy to people living under 100 percent of the Federal poverty level to buy insurance, a private plan. This would mean roughly \$5,000 for an individual and \$12,000 for families to buy a plan. Americans earning between 100 to 400 percent of the Federal poverty level will receive subsidies on a sliding scale. After that, you pay for it yourself.

There are some points I don't like about the bill, but I endorse the framework, as well. I will mention those. I don't like the employer responsibility provisions. During negotiations, if this were the bill we were discussing, I would urge to change that. I don't like the fact that plans are required to be at the higher benefit level of the Federal employee plans. That is a level higher than most Federal employees have, and we can save dollars if we use the basic plan and use that money to provide higher subsidies to middle-income Americans to buy health insurance. I don't believe the subsidies in this bill are enough for many middle-income families. I have suggested a place to get some of that money.

We phase out the tax deduction at \$62,500 a year, which may not be high enough to make this a fair proposal. I am concerned about the abortion provisions in the bill, although it doesn't provide government subsidies for abortion.

The point is, there is a framework that is headed in a different direction, and it has the support of 12 Senators.

I ask unanimous consent that the op-ed from the Washington Post be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Madam President, I also ask unanimous consent that an article by Art Laffer in Wednesday's Wall Street Journal, which provides yet another reasonable option for providing health care opportunities for Americans without adding to the deficit, be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALEXANDER. Madam President, there is a way to do this if we want to head in a different direction.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Aug. 5, 2009]

HOW WE CAN ACHIEVE BIPARTISAN HEALTH REFORM

(By Ron Wyden and Robert F. Bennett)

We refuse to let partisanship kill health reform—and we are proof that it doesn't have to.

As 12 U.S. senators from both sides of the aisle who have widely varying philosophies, we offer a concrete demonstration that it is possible to find common ground and pass real health reform this year. The process has been rocky, and slower than many had hoped. But the reports of the death of bipartisan health reform have been greatly exaggerated. Now is the time to resuscitate it, before the best opportunity in years is wasted.

Democratic activists have long campaigned for universal coverage and quality benefits. Republican activists zero in on empowering individuals and bringing market forces to the health-care system. Our approach does both. In our discussions on the Healthy Americans Act, each side gave a bit on some of its visions of perfect health reform to achieve bipartisanship.

The Democrats among us accepted an end to the tax-free treatment of employer-sponsored health insurance; instead, everyone—not just those who currently get insurance through their employer—would get a generous standard deduction that they would use to buy insurance—and keep the excess if they buy a less expensive policy.

The Republicans agreed to require all individuals to have coverage and to provide subsidies where necessary to ensure that everyone can afford it. Most have agreed to require employers to contribute to the system and to pay workers wages equal to the amount the employer now contributes for health care. The Congressional Budget Office has reported that this framework is the only one thus far that bends the health-care cost curve down and makes it possible for the new system to pay for itself. It does this by creating a competitive market for health insurance in which individuals are empowered to choose the best values for their money and by cutting administrative costs and spreading risk across large groups of Americans.

First, we allow all Americans to have the same kind of choices available to us as members of Congress. Today, more than half of American workers who are lucky enough to have employer-provided insurance have no choice of coverage. Members of Congress who enroll their families in the Federal Employ-

ees Health Benefits Program often have more than 10 options. This means that if members of Congress aren't happy with their family's insurance plan in 2009 or insurers raise their rates, they can pick a better plan in 2010. Our plan would give the consumer the same leverage in the health-care marketplace by creating state-run insurance exchanges through which they can select plans, including their existing employer-sponsored plan.

Beyond giving Americans choices, our approach also ensures that all Americans will be able to keep that choice. We believe that at a time when millions of Americans are losing their jobs, members of Congress must be able to promise their constituents that "when you leave your job or your job leaves you, you can take your health care with you." Our approach ensures seamless portability.

Our point is not that our framework is the only way to reform the system or to reach consensus. But our effort has shown that it is possible to put politics aside and reach agreement on reforms that would improve the lives of all Americans. Insisting on any particular fix is the enemy of good legislating. A package that will entirely please neither side, but on which both can agree, stands not only the strongest chance of passage but also the best chance of gaining acceptance from the American people.

We didn't undertake this effort because we thought it would be easy; in fact, we started working together because we knew it would be hard. Passing health reform is going to require that we take a stand against the status quo and be willing to challenge every interest group that is jealously guarding the advantages it has under the current system, because health reform isn't about protecting the current system or preserving the advantages of a few. We can't forget that we are working on life-and-death issues facing our constituents, our families, our friends and our neighbors.

It's time to stop trying to figure out what pollsters say the country wants to hear from us and focus on what the country needs from us. The American people can't afford for Congress to fail again.

EXHIBIT 2

[From the Wall Street Journal, Aug. 5, 2009]

HOW TO FIX THE HEALTH-CARE "WEDGE"

(By Arthur B. Laffer)

President Barack Obama is correct when he says that "soaring health-care costs make our current course unsustainable." Many Americans agree: 55% of respondents to a recent CNN poll think the U.S. health-care system needs a great deal of reform. Yet 70% of Americans are satisfied with their current health-care arrangements, and for good reason—they work.

Consumers are receiving quality medical care at little direct cost to themselves. This creates runaway costs that have to be addressed. But ill-advised reforms can make things much worse.

An effective cure begins with an accurate diagnosis, which is sorely lacking in most policy circles. The proposals currently on offer fail to address the fundamental driver of health-care costs: the health-care wedge.

The health-care wedge is an economic term that reflects the difference between what health-care costs the specific provider and what the patient actually pays. When health care is subsidized, no one should be surprised that people demand more of it and that the costs to produce it increase. Mr. Obama's

health-care plan does nothing to address the gap between the price paid and the price received. Instead, it's like a negative tax: Costs rise and people demand more than they need.

To pay for the subsidy that the administration and Congress propose, revenues have to come from somewhere. The Obama team has come to the conclusion that we should tax small businesses, large employers and the rich. That won't work because the health-care recipients will lose their jobs as businesses can no longer afford their employees and the wealthy flee.

The bottom line is that when the government spends money on health care, the patient does not. The patient is then separated from the transaction in the sense that costs are no longer his concern. And when the patient doesn't care about costs, only those who want higher costs—like doctors and drug companies—care.

Thus, health-care reform should be based on policies that diminish the health-care wedge rather than increase it. Mr. Obama's reform principles—a public health-insurance option, mandated minimum coverage, mandated coverage of pre-existing conditions, and required purchase of health insurance—only increase the size of the wedge and thus health-care costs.

According to research I performed for the Texas Public Policy Foundation, a \$1 trillion increase in federal government health subsidies will accelerate health-care inflation, lead to continued growth in health-care expenditures, and diminish our economic growth even further. Despite these costs, some 30 million people will remain uninsured.

Implementing Mr. Obama's reforms would literally be worse than doing nothing.

The president's camp is quick to claim that his critics have not offered a viable alternative and would prefer to do nothing. But that argument couldn't be further from the truth.

Rather than expanding the role of government in the health-care market, Congress should implement a patient-centered approach to health-care reform. A patient-centered approach focuses on the patient-doctor relationship and empowers the patient and the doctor to make effective and economical choices.

A patient-centered health-care reform begins with individual ownership of insurance policies and leverages Health Savings Accounts, a low-premium, high-deductible alternative to traditional insurance that includes a tax-advantaged savings account. It allows people to purchase insurance policies across state lines and reduces the number of mandated benefits insurers are required to cover. It reallocates the majority of Medicaid spending into a simple voucher for low-income individuals to purchase their own insurance. And it reduces the cost of medical procedures by reforming tort liability laws.

By empowering patients and doctors to manage health-care decisions, a patient-centered health-care reform will control costs, improve health outcomes, and improve the overall efficiency of the health-care system.

Congress needs to focus on reform that promotes what Americans want most: immediate, measurable ways to make health care more accessible and affordable without jeopardizing quality, individual choice, or personalized care.

Because Mr. Obama has incorrectly diagnosed the problems with our health-care system, any reform based on his priorities would worsen the current inefficiencies.

Americans would pay even more for lower quality and less access to care. This doesn't sound like reform we can believe in.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, how much time do we have?

The ACTING PRESIDENT pro tempore. There is 6 minutes 12 seconds remaining.

CASH FOR CLUNKERS

Mr. DURBIN. Madam President, later today, we are going to take up the Cash for Clunkers Program. This is an idea whose time has come. When we passed this legislation a few weeks ago, I wasn't sure. I didn't know if this would work, if we put a dollar incentive in front of American buyers and said: If you will bring in an old car or truck and trade it in on a new car or truck that is more fuel efficient, would you consider it—I didn't know if they would. We are in a recession and people don't have a lot of money.

Well, they not only considered it, they made it a wild success. In a matter of just a few days, the \$1 billion we set aside for the program led to dramatic increases in sales in auto showrooms in Illinois and all across the Nation. I got phone calls from dealers who said: Keep it coming. Folks are finally coming into our showrooms and buying cars.

The good news is it is not only activity that is clearing the inventory in these dealerships, it also means we have more jobs. As we have more of these cars being purchased, there is more demand to rebuild that inventory at the auto dealership, and we put auto workers back to work. Also, the good news is people are buying more fuel-efficient vehicles. Eighty-three percent of the vehicles being traded in are old trucks that are not fuel efficient. Most people—the majority of them—are buying fuel-efficient cars, and that is a good change. It means there will be less fuel use, less dependence on foreign oil, and less pollution. For those who buy it, it will be a car they can operate more cheaply than the one they traded in.

We have a chance to extend this program today. It may be our last chance. A lot of amendments will be offered. Some may be good-faith amendments to improve the bill, and I fear some may be mischievous. Here is the reality. Any amendment adopted today means this program will be stopped in its tracks, and we will have to wait for the House to return in September. So for the next 4, 5, 6 weeks, nothing would happen.

Let's not lose the momentum in the Cash for Clunkers Program. This program is helping to put life back into our economy, save and create jobs, and get our automobile sector moving forward again.

That is something we desperately need to come out of the recession—creating jobs and getting back on our feet and be strong again. The Cash for Clunkers Program has been a success. Let's continue it.

HEALTH CARE

The second issue I have relates to health care. I heard my colleague from Tennessee come forward and suggest that he is working on an alternative to health care reform. I salute him for that, and I hope he will continue that effort. I also salute the three Republican Senators who have met for weeks, if not months, trying to hammer out the differences in health care reform. It is a constructive, positive dialog. I am sure I would not agree with everything they have come to agreement on, but that is not what this is about. It doesn't have to be a bill that is perfect in my eyes; it has to be a bill that is reasonable, that will bring down the cost of health care.

I know what happened in Illinois. In 1997, health insurance premiums through employers averaged \$5,462. Just 9 years later, that number was \$11,781. If we do nothing, by 2016, it will more than double, to \$25,409.

Those who come to the floor and to town meetings and say, "Don't touch it; all you can do is make a mess of it," ignore the obvious. The current health care system is unsustainable for families and for small businesses. Fewer and fewer businesses are offering health insurance protection. More people are finding themselves without health insurance protection.

In fact, in Illinois 15 percent of the population has no insurance at all. During the course of any given year, one out of three Illinoisans have no health insurance coverage at least some time during that year. That is unacceptable. People without health insurance coverage are one diagnosis or one accident away from bankruptcy. We know more and more people are going into bankruptcy court because of health care and medical bills they cannot pay. For those who stand here and say "Don't touch it; leave it alone," it is unsustainable. It is a system headed toward disaster.

Who wants to keep the current health care system? It is the people who are making the most money in the system, the health insurance companies. They have been profitable, when many other parts of the economy have not. They are now sponsoring activities and advertisements and all sorts of things at town meetings to try to create resistance to change in health care. That is not good. It is not a constructive dialog. To think that these town meetings that are supposed to take place for a healthy, honest dialog back home have now turned into political theater. Some groups have Web sites that instruct people about how to disrupt a town meeting and embarrass a

Senator or Congressman. I know that when I go to town meetings, people may disagree and be emotional, and that is OK. To think they have a coordinated effort to disrupt a town meeting. Who wants that? That is not constructive.

Let's move forward with an honest, constructive, bipartisan dialog. Three Republicans are doing that now. If we do that, we can reach a bipartisan compromise that I and the President would like to see by September. Let us come back with resolve in September to make sure there is real health care reform that brings stability to the costs that businesses and Americans pay, stability to coverage so you don't lose your health insurance because of a pre-existing condition, changing a job, caps and limits on your policy, with quality access to preventive care, wellness care, and the quality care that every American deserves.

We can do that with patient-centered health insurance reform, and we can get it done in a bipartisan fashion in September when we return.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF SONIA SOTOMAYOR TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 2 p.m. will be equally divided in 1-hour alternating blocks of time, with the Republicans controlling the first hour.

The Senator from South Carolina.

Mr. DEMINT. Madam President, I do want to talk about the President's nominee to the Supreme Court, but first I wish to give a couple of comments in response to the Senator about health care because if the record be known to Americans, the preponderance of health reform legislation that has been presented over the last 5 years in the Senate has come from Republicans. The Democrats have consistently blocked any reform that would make health insurance more affordable and available to Americans. Their goal appears to be not patient-centered care but government-controlled care.

If we look back a few years, the President, along with all the Democrats, voted against interstate competition among insurance companies. It is hard to say they are not on the side of insurance companies when they vote to prevent a national market, a national competitive market that people all over the country could buy policies that are more affordable and perhaps match their needs much better than the ones they can get in their own States.

Today Americans can only buy health insurance in the States where they live. That means a few insurance companies can dominate the market. This is something we have tried to change, we have introduced, and the President has voted against it.

We have also proposed tax fairness for Americans who do not get their health insurance at work. The other side seldom discusses the fact that when you get your insurance at work, you get pretty big tax breaks. The companies that provide that health insurance do not have to pay taxes on it. They can deduct it. It is a business expense. And the employees do not have to pay income tax on the benefits. It is an equivalent benefit over \$3,000.

The bills we Republicans have introduced will give health care vouchers to every American. Every family would get \$5,000 a year to buy health insurance if they do not get their health insurance at work. Every individual would get \$2,000.

In addition, there would be some lawsuit abuse reform and some block grants to States to make sure people who are uninsurable, who have pre-existing conditions, can buy affordable insurance.

The Heritage Foundation says one of the Republican plans would have 22 million Americans insured within 5 years. They are plans that work. But, unfortunately, the other side will not even discuss plans that do not have more government control involved with them.

What we can do is make what is working work better. We do not need to replace it with what is not working. One of the reasons health insurance is more expensive today—a third more expensive—is that the government programs of Medicare and Medicaid do not pay their fair share, and those costs are shifted on to employers and individuals who have private insurance.

We do not need to expand the part that is broken in health care. We certainly do not need to expand a cash-for-clunkers type of health care system for America.

I am here today to talk about the President's nominee to the Supreme Court, Sonia Sotomayor. I commend my Republican colleagues, particularly Senator JEFF SESSIONS, for conducting a very respectful and civil hearing process for the nominee. This is some-

thing we have not seen in a number of years here. They were respectful toward her. Even those who disagree with her judicial philosophy showed courtesy and respect during the hearings, and it is something I very much appreciate.

Our goal through this process has not been to block this nomination and to stop her from going to the Supreme Court. The votes have never been there to do that. What we have been trying to show is a pattern by the Obama administration and the Democratic majority of moving toward more and more government control in all areas of our lives. We see it in the stimulus plan, that instead of leaving money in the private sector, we take it away and spend it on programs such as turtle tunnels and other kinds of wasteful spending all across the country—government spending.

We are trying to manage the private economy. We see it in cash for clunkers where we create an economic earmark for one sliver of our economy. At the same time, in this health care legislation, we are talking about adding taxes to the small businesses that create 70 percent of the jobs in this country.

We are benefiting a few at the expense of many. This is economic central planning. It is a concept that has failed throughout history. Yet we are trying again.

What we see in the President's nominee to the Supreme Court is this belief that our Constitution is inadequate, that we need to have judges on our courts, Justices on the Supreme Court, who add to it.

The President has said that our Constitution is a charter of negative liberties. It tells the government what it cannot do, but it does not tell us what we have to do. The whole point of the Constitution is to limit what we can do. But the President considers it inadequate, and he is nominating people to the courts who will be activists, who will expand what the Federal Government does and make arbitrary decisions rather than those based on the Constitution.

Unfortunately, I do rise today in opposition to the confirmation of Judge Sonia Sotomayor to the U.S. Supreme Court. I met with her personally, and I watched the hearings. I believe she is a very smart and gracious person with an inspiring personal story. But I also found her evasive and contradictory in her answers.

On several issues ranging from judicial temperament to her infamous "wise Latina" speeches, Judge Sotomayor experienced what we call confirmation conversion on many of her issues and simply walked away from a lot of her past statements and positions.

Now seeing her willingness to tell us what we want to hear, neither her testimony nor her long record on the judicial bench can give the American people any confidence that she will rule according to the clear language and intent of the Constitution.

Let me talk for a second about the Constitution versus precedent. I am very concerned with Judge Sotomayor's repeated efforts to deflect questions by stating she relied on precedent to guide her decisions. I understand circuit court judges are guided and even bound by Supreme Court precedent, but precedent is not the same thing as the Constitution, particularly on the Supreme Court. A judicial confirmation process that puts the constitutional interpretation outside the bounds of discussion is a waste of time.

On issue after issue during her hearings, Judge Sotomayor, rather than giving her own opinion, simply offered the opinions of many other judges. We have no idea what she thinks. In one sense, this is fitting. The Congress routinely passes legislation that none of us reads or understands. So perhaps it is consistent for us to nominate and confirm a Justice when we do not understand what she actually believes.

Judge Sotomayor may be very learned in constitutional law, but we rarely heard her actually mention the Constitution itself. This is a big problem for our judiciary and our system of checks and balances.

In 1825, Thomas Jefferson said that the Federal judiciary was at first considered as the most harmless and helpless of all its organs. But it has proved that the power of declaring what is law has allowed it to slyly, and without alarm, sap away the foundations of the Constitution.

What concerns me, as Jefferson observed, is that there are many confusing and contradictory precedents that can be used by judges to justify whatever decision they want to make. Without the Constitution as the fixed standard, court decisions become very arbitrary, and we are ruled by the opinions of Justices rather than the rule of law.

When the law is unmoored from the Constitution, it becomes like the old schoolroom game of telephone. Some may remember it. One student says something to her neighbor and on and on across the room until the secret reaches the other side of the class. What do you know—the final message no longer even resembles the original. That is how precedent has worked in our court system. Every time the Supreme Court bases a decision on a precedent rather than on the underlying Constitution, the original intent of the Founders is lost and becomes distorted.

There is nothing stopping a determined judge from finding a precedent

that suits whatever they want to decide in any case before the Court. Nor apparently is there anything that will stop Judge Sotomayor from unmooring her decisions, not only from the Constitution but from precedent itself, as she did in the Ricci racial discrimination case and with regard to the fundamental right of citizens to own firearms.

In the Ricci case, she claimed she was following precedent, but her own colleagues on the circuit court refuted her claim.

On the second amendment, she disregarded the Supreme Court's Heller decision and still refuses to acknowledge the right to bear arms for every American, that it is a fundamental right.

Decisions such as these, understandably, undermine the credibility of our judicial system. Americans are led to suspect that some judges are more interested in their particular outcomes rather than objectivity.

Let me conclude. Judge Sotomayor is obviously a talented jurist, but I believe her when she says that she chooses her words very carefully. And her words, both in her testimony and throughout her career, undermine her claims to objective and impartial justice.

I realize my view is the minority view here, and if Judge Sotomayor is confirmed, she will have my best wishes on a long and distinguished career. Given the available evidence, however, I cannot support her confirmation, nor the judicial philosophy that she will carry with her to the Supreme Court.

Madam President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Madam President, on Tuesday I explained some of the reasons I cannot support the nomination of Judge Sonia Sotomayor to replace Justice David Souter, and I will mention a few others here today. These are important points. Her record simply creates too many conflicts with principles about the judiciary in which I deeply believe. I wish President Obama had chosen a Hispanic nominee whom all Senators could support.

During the debate this week, many of my Democratic friends have spent time reading Judge Sotomayor's resume rather than reviewing her record. Nearly every speaker on the other side has repeated the talking point that she has more Federal judicial experience than any Supreme Court nominee in a century. I believe she does, and I respect

her for it. But Justice Samuel Alito had only 1 less year of Federal judicial experience and actually had 5 more years on the U.S. court of appeals when he was nominated. He, too, had been a prosecutor and he, too, had received a unanimous "well qualified" rating from the ABA. Yet 19 current Democratic Senators voted to filibuster his nomination, including the current President, and 35 voted against confirmation.

Other Senators emphasize the importance of appointing someone with Judge Sotomayor's inspiring life story and ethnic heritage. Once again, I do not disagree. She has an inspiring life story and a great ethnic heritage. Yet she is being treated with far more dignity and respect than was Miguel Estrada, a highly qualified Hispanic nominee with an inspiring life story, who everybody knows is one of the best attorneys in the country. The Senate, for example, will actually vote on Judge Sotomayor's nomination today. In 2003, for the first time in American history, this body was prevented from voting at all on the Estrada nomination, even though he had majority support. Senators and grassroots groups, including Hispanic organizations that today say a good resume, rich life story, and ethnic heritage make a compelling confirmation case for Judge Sotomayor, opposed even holding an up-or-down vote for Mr. Estrada. The treatment of Miguel Estrada was unfair and disgraceful toward the nominee and damaging to the traditions and practice of this body.

My Democratic colleagues want people to believe the concerns about the Sotomayor nomination are limited to one speech and one case. Some of them have said as much. At the same time, they say our review should be limited to only certain parts of the nominee's record. As I have done with past nominees, however, I examined Judge Sotomayor's entire record for insight into her judicial philosophy.

In addition to the controversial speeches I discussed on Tuesday, Judge Sotomayor gave a speech at Suffolk University Law School which was later published in that school's law review. She embraced the idea that the law is indefinite, impermanent, and experimental. She rejected what she called "the public myth that law can be certain and stable." She said that judges may, in their decisions, develop novel approaches and legal frameworks that push the law in new directions.

Judge Sotomayor's speeches and articles, then, present something of a perfect judicial storm in which her views of judging meet her views of the law. Combine partiality and subjectivity in judging with uncertainty and instability in the law, and the result is an activist judicial philosophy that I cannot support and that the American people reject.

My Democratic colleagues will no doubt quickly say Judge Sotomayor's cases do not reflect that judicial philosophy. But remember that appeals court judges are bound by Supreme Court precedent. On the Supreme Court, Justice Sotomayor will help fashion the precedents that today bind Judge Sotomayor. That makes the rest of her views—expressed, I might add, while she has been a sitting judge—much more relevant to her future on the Supreme Court than to her current position on the appeals court.

Nonetheless, Judge Sotomayor has made plenty of troubling decisions on the appeals court. On Tuesday, for example, I discussed the case of *Didden v. Village of Port Chester*, in which Judge Sotomayor refused to give a man his day in court whose property was taken and given to a developer. She came to the bizarre conclusion that Mr. Didden should have sued before his property was even taken.

In *Kelo v. City of New London*, the Supreme Court held that general economic development can constitute the public use that the fifth amendment says justifies the taking of private property.

We hear a lot these days that judges should appreciate how their decisions should affect people. When the Court in *Kelo* greatly expanded the government's power to take private property, the *San Francisco Chronicle* no less said that the decision might turn the American dream of home ownership on its head. And one *Washington Post* headline after the decision read: "Court Ruling Leaves Poor at Greatest Risk." This decision was devastating not only for the right to private property in general but for individual homeowners in particular.

The decision in *Kelo* was issued after the briefing and argument in *Didden* but before Judge Sotomayor had issued her decision. Even though *Kelo* was a hallmark—or should I say landmark—decision that dramatically changed the law of takings, she did not ask for a re-briefing or a reargument. Instead, it took her more than a year to issue a cursory, four-paragraph opinion that not only made it easier for the government to take property but also severely limited the ability of property owners to challenge the taking of their property in court.

Other Senators and I have already discussed Judge Sotomayor's troubling decisions regarding the second amendment right to keep and bear arms. She has applied the wrong legal standard to conclude that the second amendment does not keep State and local government from restricting the right to bear arms, and she has gratuitously held that the right to bear arms is so insignificant that virtually any reason is sufficient to justify a weapons restriction. No Federal judge in America has expressed a more narrow, cramped, and limited view of the right to bear arms.

My friends on the other side of the aisle have made some creative attempts to downplay these troubling decisions. Perhaps the most curious is the claim that the second amendment right to keep and bear arms was created by the Supreme Court. On the other hand, I am baffled why this should bother those who believe in a flexible and shape-shifting Constitution. The Supreme Court, after all, makes up rights all the time—the right to abortion comes immediately to mind—without a peep from most of my Democratic friends on the other side of the aisle.

But the Senator who offered this strange theory should simply read the Constitution. The right to keep and bear arms is right there, right in the Constitution, in black and white. Perhaps he is instead referring to the Supreme Court's recognition last year that the right to bear arms is an individual rather than a collective right. Perhaps that is why he believes the Supreme Court created these rights. But the second amendment said that the right to bear arms is the right of "the people."

The fourth amendment says the same thing about the right against unreasonable searches and seizures. It, too, is a right "of the people." Does any Senator doubt that the fourth amendment protects an individual right? Does a Senator who believes that the Supreme Court made up the individual right to bear arms believe that the Supreme Court made up the individual right to be free from unreasonable government searches?

When I chaired the Judiciary Subcommittee on the Constitution in 1982, we published a report on the second amendment right to keep and bear arms. It thoroughly examined the long and rich history of this right, which predates the Constitution itself. Thus, anybody can see why I am very concerned about this. We went to the bother of really writing about it back in 1982.

As the Supreme Court has recognized, it was a fundamental individual right of Englishmen at the time of America's founding, which the second amendment merely codified. Justice Joseph Story, in his classic "Commentaries on the Constitution," called this right "the palladium of the liberties of the republic." Our report showed definitively that the right to bear arms is indeed both fundamental and individual. The Supreme Court may have taken a long time to recognize this constitutional fact, but it made up nothing in doing so.

Madam President, I commend to my colleagues the subcommittee report to which I have referred.

Madam President, finally, let me describe one other matter which arose during the hearing which I found very troubling. And before I say that, 8 of

the 10 cases of Judge Sotomayor, heard by the Supreme Court, were reversed. On the ninth one, she was seriously criticized for her approach to the law, and that was a 5-to-4 decision. These are matters that bother a lot of people. I have mentioned a whole raft of other cases and a whole raft of other issues in my prior remarks here, so I will refer back to those remarks.

Prior to her judicial service, Judge Sotomayor was closely associated with the Puerto Rican Legal Defense and Education Fund, a respected civil rights organization. From 1980 to 1992, Judge Sotomayor held at least 11 different leadership positions with the fund, including serving as a member of both its board of directors and executive committee and as both a member and chairman of its litigation committee. In a 1992 profile, the *New York Times* described Judge Sotomayor as a top policymaker with the fund. Other articles and profiles in the *Times* and *Associated Press* say that she met frequently with the legal staff, reviewed the status of pending cases and briefed the board about those cases, and was an involved and ardent supporter of the fund's legal efforts. These descriptions relied upon and quoted lawyers with whom she worked at the fund. Minutes from the fund's litigation committee specifically describe Judge Sotomayor reviewing the fund's litigation strategy and cases.

At the hearing, I asked Judge Sotomayor whether she had been aware of the friend-of-the-court briefs—the *amicus curiae* briefs—that the fund filed in several high-profile Supreme Court abortion cases. I just wanted to know what the truth was. I asked her about that because those briefs made arguments that can only be described as extreme, even by some who are in the pro-abortion movement. The fund, for example, compared the previous refusal to pay for abortions with taxpayer Medicaid funds to oppression of Blacks symbolized by the Supreme Court's infamous *Dred Scott* decision. The fund opposed any and all abortion restrictions, including laws requiring that parents be informed before their young daughters have an abortion. The fund even argued that the first amendment right to freely exercise religion somehow undermines parental notification laws.

When I asked Judge Sotomayor about these briefs and arguments, I made absolutely clear in my prefaced remarks that I was asking only about whether she knew about and agreed with them at the time the briefs were filed. I was not asking her even about her current views, let alone any position or approach she might take in the future. Judge Sotomayor told me that at the time she did not know the fund was filing those briefs or making those arguments. At times, she used what appeared to be the prepared talking point that she had not "reviewed the briefs."

But in answering my question, she went much further than that and said:

Obviously, [the Fund] was involved in litigation, so I knew generally they were filing briefs. But I wouldn't know until after the fact that the brief was actually filed.

To be clear, Judge Sotomayor said she never knew until after a brief had already been filed what arguments were made in the brief or even that it had been filed at all. I was shocked at this response and frankly found this claim very difficult to believe. How can a leader at a legal defense fund, who is actively working with the legal staff, supervising the staff, directing some of the years, briefing a board about pending cases, and an involved supporter of the fund's legal efforts, be completely out of the loop about the briefs it has filed and the arguments the fund is making? Did her discussions with the legal team about the pending cases skip these high-profile Supreme Court cases? I have to tell you, I doubt it. Did she brief the board about everything but these abortion briefs? I doubt it.

The six abortion cases in which the Fund filed briefs were among the most visible cases on the Supreme Court docket. The 1989 case of *Webster v. Reproductive Health Services*, for example, attracted a record 78 different friend-of-the-court briefs, evidence that it was one of the most anticipated cases in decades. Virtually everyone in the public interest legal world, especially at civil rights groups, had it at the top of their watch list. And yet Judge Sotomayor would have us believe that, despite her leadership positions and active involvement with the Fund's cases and legal strategy, she was completely unaware that the Fund filed a brief in *Webster* until after the fact. In other words, she knew no more than an outsider reading the newspaper about the Fund's briefs and arguments in high-profile Supreme Court cases about hot-button social issues. I find that simply implausible.

When I met with Hispanic leaders and groups during the confirmation process, their common message was that Senators should treat Judge Sotomayor seriously and respectfully. I believe we have done that. But they also insisted that our confirmation decision should be based on the merits, not on race. It was disturbing to hear, therefore, that some of these same groups appeared yesterday with the chairman of the Democratic Senatorial Campaign Committee warning about political repercussions of voting against a Hispanic nominee. I ask unanimous consent that a column published yesterday in *Politico* by former Florida House Speaker Marco Rubio addressing this issue be printed in the *RECORD* following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Let me once again return to where I began. One of America's oldest state constitutions opens by asserting what it identifies as essential and unquestionable rights and principles. In their charter, the people of Rhode Island State:

"In the words of the Father of his Country, we declare that the basis of our political system is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

The Constitution belongs to the people. The people established it, and only the people can change it. This essential and unquestionable principle would be a farce if the people could change the words, but judges could change the meaning of those words. Judges would still control the Constitution, and their oath to support and defend it would really be an oath to support and defend themselves. America needs judges who are guided and controlled not by subjective empathy that they find inside themselves, but by objective law that they find outside themselves.

I take a generous approach to the confirmation process. I believe that the Senate owes some deference to a President's qualified nominees and that qualifications for judicial service include not only legal experience but, more importantly, judicial philosophy. A judicial nominee must understand and be committed to the proper role and power of judges in our system of government. Evidence for a nominee's judicial philosophy must come from her entire record.

I hope that on the Supreme Court, Judge Sotomayor will take an objective, modest, and restrained approach to interpreting and applying written law. I hope that she actively defends her impartiality against subjective influences such as personal sympathies and prejudices. I hope that she sees the Constitution, both its words and its meaning, as something that she must follow rather than something she can change at will.

I hope she will do all of that. I hope she proves me wrong in my negative vote against her.

Because the record does not convince me she holds those views today, I cannot support her appointment to the Supreme Court.

Finally, I refer those who are interested back to my remarks on Tuesday because I covered a number of other cases there that are equally important, but I believe, since I covered them there, I did not have to go through them here.

I am very concerned about this nomination. I feel very bad that I have to vote negatively. It is not what I wanted to do when this process started, but I believe I am doing the honorable and right thing, even though I feel bad about it. As I have said, I like Judge

Sotomayor, I like her family, I like her life story. I am hoping she will listen to some of the things we have said on the floor, and I do wish her the best once she is confirmed.

I yield the floor.

EXHIBIT 1

[From *Politico*, Aug. 5, 2009]

NOT ANTI-HISPANIC TO OPPOSE SOTOMAYOR

(By Marco Rubio)

Sonia Sotomayor's nomination to the Supreme Court was a truly historic moment in our nation's history. As an accomplished jurist who rose from humble roots, she is an inspiration to all who share her Hispanic heritage and all Americans who believe hard work is key to success.

Since that moment, however, I have considered it vital to ensure that the historic nature of her nomination did not interfere with the Senate's constitutional duty of evaluating it and having a proper debate about the judiciary's proper function in America. After all, the lifetime nature of her appointment brandishes the post with enduring influence on the nation's affairs long after the nominating president vacates office. Whereas voters hold senators accountable every six years, this is the nation's only chance to evaluate Sotomayor before sending her to the Supreme Court for life.

During the recent Judiciary Committee hearings, it became clear that I could not in good conscience support Sotomayor's confirmation and would vote against it if I were in the Senate today. I reached this conclusion on the basis of a fair and thorough analysis.

As a whole, Sotomayor's record reflects a view that judges can and should inject personal experiences and biases into what should be the objective interpretation and application of the law. While her comments about the "better conclusions" a "wise Latina woman" would bring to the bench are universally known, I have more specific concerns about her case history and testimony regarding the Second Amendment at the state level, eminent domain takings and the so-called constitutional right to privacy that resulted in the *Roe v. Wade* decision. Together, these and other cases point to a nominee who would bring an activist approach to the highest court in the land.

Some have said my opposition to Sotomayor's confirmation and that of Republican senators would incense Hispanic-American voters. Right on cue, many are now attempting to brand Republicans as anti-Hispanic. It should be clear, however, that our opposition to her judicial philosophy is in no way a wholesale opposition to Hispanics.

I believe the greatest disservice we could offer the Hispanic community and the nation as a whole is to avoid a serious, principled discussion about the role of the judiciary. I reject the notion that judges should be representative of their sex, race or class. For these reasons, the suggestion that senators who have fundamental concerns about Sotomayor's judicial philosophy should not dare oppose her for fear of being branded anti-Hispanic is disappointing.

The true measure of our nation's progress on issues of race and ethnicity is the freedom of people of conscience to disagree with one another based on sound philosophical reasoning, without fear of being negatively branded because the person they oppose is of a different background or skin color.

Reasonable people can disagree, and, in fact, many do in this case. This competition

of ideas is healthy when properly centered on policy and philosophy, as it has been. The debate is only poisoned when the color of one's skin becomes a political football. Unfortunately, some of Sotomayor's supporters have injected race into the discussion, indicating that a vote against her is a vote against Hispanics, even though I have not heard one utterance from any senator opposing her that reflects a hostility toward Sotomayor personally or to her roots.

In evaluating judicial nominees, what matters most is determining what kind of judges they will be. And nominees who share Sotomayor's view that their role is to make law rather than interpret it are individuals I cannot support and would urge others not to, as well.

As Florida's first Hispanic speaker of the House, I too blazed a trail that has been a great source of pride for my community, particularly for those of my parents' and grandparents' generations. My experience, like Sotomayor's, is a testament to the boundless promise that exists in our great land, where the son of a bartender and housekeeper who came from Cuba without even a grasp of the English language could rise to such heights.

Those of us of Hispanic descent don't expect special treatment, only the same treatment and same opportunities afforded to all Americans. I believe it would be wrong to apply a higher or lower standard to Sotomayor than the one applied to other Supreme Court nominees.

In the final analysis, we are not worthy of Hispanics' trust or the support of any other Americans if we abandon our principles or cease articulating our philosophical disagreements on the role of the judiciary. I would rather lose an election than diminish the rights afforded by the Constitution. By consenting to a judge whose record demonstrates an inclination to set policy from the bench, we would be undermining our governing document.

Mr. HATCH. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, there are a number of letters from people and groups who have given great thought to this nomination and who have written to oppose it.

I ask unanimous consent to have some of these letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIDELIS,

Chicago, IL, July 10, 2009.

Re Judge Sonia Sotomayor and abortion.

Hon. PATRICK J. LEAHY,
Hon. JEFF SESSIONS,
Hon. DIANNE FEINSTEIN,
Hon. JOHN CORNYN,
Hon. TOM COBURN,
Hon. RON WYDEN,
Hon. RUSSELL D. FEINGOLD,
Hon. SHELDON WHITEHOUSE,
Hon. BENJAMIN L. CARDIN,

Hon. AMY KLOBUCHAR,
Hon. EDWARD E. KAUFMAN,
Hon. RICHARD J. DURBIN,
Hon. CHARLES E. GRASSLEY,
Hon. LINDSEY GRAHAM,
Hon. HERB KOHL,
Hon. ORRIN G. HATCH,
Hon. JON KYL,
Hon. ARLEN SPECTER,
Hon. CHARLES E. SCHUMER,
U.S. Senate
Washington, DC.

DEAR SENATOR: During the confirmation hearing of Judge Sonia Sotomayor, I urge you on behalf of thousands of Fidelis members and the American public to carefully question her about her judicial philosophy and her approach to abortion-related issues. During the period leading up to her hearing, Sotomayor has repeatedly made apparent her view that a judge's personal feelings and experiences should play a prominent role in her application of the law.

Our organization is concerned that this approach will lead Judge Sotomayor, if she is confirmed to the Supreme Court, to favor an interpretation of the Constitution that is even more protective of abortion rights than *Roe v. Wade*. Such a drastic reinterpretation of the Constitution, which would establish abortion as a fundamental right, would frustrate the will of the vast majority of Americans who oppose an unlimited right to abortion and undermine the legitimacy of the Constitution.

Judge Sotomayor offered a glimpse of her disposition toward these important issues in her recent conversation with Senator Jim DeMint during which she expressed that she had never thought about whether an unborn child has constitutional rights. This statement indicates that Judge Sotomayor does not share the values of a majority of Americans and that her decisions on the Supreme Court will fail to protect the rights of unborn children.

Although Judge Sotomayor has never directly addressed abortion-related questions while on the bench, her association with the Puerto Rican Legal Defense and Education Fund (PRLDEF), a radical organization that has supported an unlimited right to abortion, indicates that she shares the organization's views on these issues. Judge Sotomayor served on the PRLDEF's board of directors between 1980 and 1992. During this period, the PRLDEF filed several amicus briefs in prominent abortion cases.

These briefs repeatedly emphasized that the PRLDEF opposes any effort to limit the rights recognized by *Roe v. Wade*, arguing that abortion is a fundamental right and that the Constitution requires strict scrutiny of limitations on the ability to obtain an abortion. We believe that, if Judge Sotomayor is given a position on the Supreme Court, her decisions when confronted with these important questions will align with the radical views expressed in PRLDEF's amicus briefs.

In fact, these briefs indicate that Judge Sotomayor may favor even more expansive abortion rights than Justice Souter, whose support for abortion has been qualified by his willingness to permit reasonable state and federal regulations. Souter has indicated his approach by supporting regulations of federal funding for abortion counseling in *Rust v. Sullivan* and by voting to uphold state consent laws in *Planned Parenthood v. Casey*. The PRLDEF's briefs supported striking down both of these regulations as unconstitutional.

We ask that you please carefully question Judge Sotomayor during her confirmation

hearing about these issues, which implicate important values shared by a majority of the American public and threaten to diminish the legitimacy of the Constitution.

Sincerely,

BRIAN BURCH,
President.

NATIONAL RIFLE ASSOCIATION OF
AMERICA, INSTITUTE FOR LEGISLA-
TIVE ACTION,

Fairfax, VA, July 7, 2009.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary,
Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, U.S. Senate Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: I am writing to express the National Rifle Association's very serious concerns about the nomination of Judge Sonia Sotomayor to the Supreme Court of the United States.

We are particularly dismayed about the U.S. Court of Appeals for the Second Circuit's recent decision in the case of *Maloney v. Cuomo*, which involved the application of the Second Amendment as a limit on state law, via incorporation of the Second Amendment through the Fourteenth Amendment's Due Process Clause. Judge Sotomayor was on the panel that decided this case in a brief—and in our opinion, clearly incorrect—per curiam opinion.

The Maloney panel claimed that “it is settled law . . . that the Second Amendment applies only to limitations the federal government seeks to impose on this right.” It based this ruling on the 1886 case of *Presser v. Illinois*, decided long before the development of the Supreme Court's modern incorporation doctrine. But as the Court made clear last year in *District of Columbia v. Heller*, post-Civil War cases such as *Presser* “did not engage in the sort of Fourteenth Amendment inquiry required by our later cases.”

Further, *Presser* (along with *United States v. Cruikshank*) only stands for the concept that the guarantees in the Bill of Rights do not apply directly to the States. As we have seen throughout the Supreme Court's Twentieth Century jurisprudence, most of the Bill of Rights has been incorporated against the States through the Fourteenth Amendment's Due Process Clause. Thus, the failure of the Maloney panel to engage in a proper due process analysis of the Second Amendment is extremely troubling, to say the least.

The Second Circuit's decision (as well as the Seventh Circuit's similarly flawed reasoning in *Nat'l Rifle Ass'n of Am., Inc. v. City of Chicago*) is at odds with the Ninth Circuit's decision in *Nordyke v. King*, which did engage in a full Fourteenth Amendment analysis (again, as required by the Supreme Court in *Heller*). The Ninth Circuit held that while the Second Amendment does not apply to the states directly or through the Privileges or Immunities Clause, modern Fourteenth Amendment cases do require its incorporation through the Due Process Clause. This stark circuit split makes it highly likely that the Supreme Court will take up one or more of these cases in the immediate future, perhaps as soon as next term.

In addition, Judge Sotomayor was a member of the panel in the case of *United States v. Sanchez-Villar*, where (in a summary opinion) the Second Circuit dismissed a Second Amendment challenge to New York State's pistol licensing law. That panel, in a terse footnote, cited a previous Second Circuit

case to claim that “the right to possess a gun is clearly not a fundamental right.” Since the precedent cited for that point is no longer valid in the wake of *Heller*, Judge Sotomayor should be asked whether she would take the same position today.

The cases in which Judge Sotomayor has participated have been dismissive of the Second Amendment and have troubling implications for future cases that are certain to come before the Court. Therefore, we believe that America’s eighty million gun owners have good reason to worry about her views. We look forward to a full airing of her past decisions and judicial philosophy at the upcoming committee hearings, and urge you and all committee members to engage in the most serious questioning possible on these critical issues.

Out of respect for the confirmation process, the NRA has not announced an official position on Judge Sotomayor’s confirmation. However, should her answers regarding the Second Amendment at the upcoming hearings be hostile or evasive, we will have no choice but to oppose her nomination to the Court.

Finally, we would caution you against lending any credence to the endorsement of Judge Sotomayor’s nomination by organizations that falsely claim to represent gun owners, while promoting an anti-gun agenda. These front groups’ actions give them no credibility to speak on this nomination.

Thank you for your attention to our concerns. Should you have any questions or wish to discuss further, please do not hesitate to call on me personally.

Sincerely,

CHRIS W. COX,
Executive Director.

JULY 7, 2009.

DEAR SENATORS: As Americans who have dedicated themselves to protecting the Second Amendment right of U.S. citizens to keep and bear arms, we urge you not to confirm Judge Sonia Sotomayor as the next associate justice of the United States Supreme Court.

It is extremely important that a Supreme Court justice understand and appreciate the origin and meaning of the Second Amendment, a constitutional guarantee permanently enshrined in the Bill of Rights. Judge Sotomayor’s record on the Second Amendment causes us grave concern over her treatment of this enumerated constitutional right.

Last year, the Supreme Court decided the landmark case *District of Columbia v. Heller*, holding that the Second Amendment guarantees to all law-abiding, responsible citizens the individual right to keep and bear arms, particularly for self-defense. Following *Heller*, the Supreme Court is almost certain to decide next year whether the Second Amendment applies to states and local governments, as it does to the federal government (see *NRA v. Chicago* and *McDonald v. Chicago*).

While on the Second Circuit, Judge Sotomayor revealed her views on the right to keep and bear arms in *Maloney v. Cuomo*, a case decided after *Heller*, yet holding that the Second Amendment is not a fundamental right, that it does not apply to the states, and that if an object is “designed primarily as a weapon” that is a sufficient basis for total prohibition even within the home. Earlier in a 2004 case, *United States v. Sanchez-Villar*, Sotomayor and two colleagues perfunctorily dismissed a Second Amendment claim holding that “the right to possess a

gun is clearly not a fundamental right.” Imagine if such a view were expressed about other fundamental rights guaranteed by the Bill of Rights, such as the First, Fourth and Fifth Amendments.

Surprisingly, *Heller* was a 5-4 decision, with some justices arguing that the Second Amendment does not apply to private citizens or that if it does, even a total gun ban could be upheld if a “legitimate governmental interest” could be found. The dissenting justices also found D.C.’s absolute ban on handguns within the home to be a “reasonable” restriction. If this had been the majority view, then any gun ban could be upheld, and the Second Amendment would be meaningless.

The Second Amendment survives today by a single vote in the Supreme Court. Both its application to the states and whether there will be a meaningfully strict standard of review remain to be decided by the High Court. Judge Sotomayor has already revealed her views on these issues and we believe they are contrary to the intent and purposes of the Second Amendment and Bill of Rights. As Second Amendment leaders deeply concerned about preserving all fundamental rights for current and future generations of Americans, we strongly oppose this nominee, and urge the Senate not to confirm Judge Sotomayor.

Sincerely,

Sandra S. Froman, Esq., Former President, National Rifle Association of America, NRA Board of Directors and Executive Council; Landis Aden, President, Arizona State Rifle & Pistol Association; Scott L. Bach, Esq., President, Association of New Jersey Rifle and Pistol Clubs; The Honorable Bob Barr, Former Congressman, 7th District of Georgia, NRA Board of Directors; Ken Blackwell, Senior Fellow, Family Research Council, NRA Board of Directors; Rep. Jennifer R. Coffey, NREMT-I, Representative, New Hampshire State House of Representatives, Representative, New Hampshire General Court, Director and National Coordinator, Second Amendment Sisters, Inc., Advisor, New Hampshire Pro-Gun Advisory Council; Robert K. Corbin, Esq., Former Attorney General, State of Arizona, Former President of NRA and current member of NRA Executive Council; Jim Dark, Former Executive Director, Texas State Rifle Association, NRA Board of Directors.

Alan M. Gottlieb, Chairman, Citizens Committee for the Right to Keep and Bear Arms; Tom Gresham, Host of “Gun Talk,” Nationally syndicated radio talk show; Gene Hoffman, Jr., Chairman, The Calguns Foundation, Susan Howard, NRA Board of Directors; Tom King, President, New York State Rifle and Pistol Association, NRA Board of Directors; John T. Lee, President, The Pennsylvania Rifle and Pistol Association; Owen P. Buz Mills, President, Gunsite Academy, Inc., NRA Board of Directors; Evan F. Nappen, Esq., Corporate Counsel and Director, Pro-Gun New Hampshire, Inc.

Grover G. Norquist, President, Americans for Tax Reform, NRA Board of Directors; Sheriff Jay Printz, Retired Sheriff and Coroner, Ravalli County, Montana, Successful plaintiff in U.S. Supreme Court case *Printz vs. U.S.*, NRA Board of Directors; Todd J. Rathner, President, T. Jeffrey Safari Company, NRA Board of Directors; Wayne Anthony Ross, Esq., President,

Alaska Gun Collectors Association, Former Attorney General, State of Alaska, NRA Board of Directors; Don Saba, Ph.D., Sierra Bioresearch, NRA Board of Directors; Robert E. Sanders, Esq., Former Assistant Director (Law Enforcement), Bureau of Alcohol, Tobacco and Firearms, NRA Board of Directors; Jon A. Standridge, Brigadier General (USA Ret.); Joseph P. Tartaro, President, Second Amendment Foundation; Jim Wallace, Executive Director, Gun Owners’ Action League.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.,
Washington, DC, July 27, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, The Capitol, Washington, DC.

DEAR LEADER REID AND LEADER MCCONNELL: On behalf of the National Right to Life Committee (NRLC), the federation of right-to-life organizations in all 50 states, we write to express the opposition of our organization to the confirmation of Judge Sonia Sotomayor as an associate justice of the United States Supreme Court.

As a judge, Ms. Sotomayor has encountered little in the way of abortion-related litigation, either at the district court or the court of appeals. In the single ruling that she authored that bore directly on an abortion-related federal policy, *Center for Reproductive Law and Policy v. Bush*, the result was unambiguously governed by the precedents of the U.S. Supreme Court and the Second Circuit. Yet, there are many troubling indications that Ms. Sotomayor believes that it is the proper role of the U.S. Supreme Court to construct and enforce constitutional doctrines on social policy questions, even where the text and history of the Constitution provide no basis for removing an issue from the realm of lawmaking by the duly elected representatives of the people.

Legal abortion on demand was imposed by seven Supreme Court justices in *Roe v. Wade*. *Roe* was an exercise in judicial legislation, aptly branded “an exercise of raw judicial power” by dissenting Justice Byron White. The ruling lacked any real basis in the text of the Constitution, and imposed a policy that was completely at odds with the intent of the lawmakers who crafted and ratified the Fourteenth Amendment.

The evidence indicates that Ms. Sotomayor approves of the *Roe* ruling and approves of the type of judicial activism that produced it. For a period of 12 years (1980-1992), prior to becoming a judge, Ms. Sotomayor served on the governing board of the Puerto Rican Legal Defense and Education Fund (PRLDEF), and for part of that time she was the chair of the PRLDEF Litigation Committee. During her tenure on the board, the PRLDEF was actively involved in litigation that attempted to persuade the Supreme Court to expand the judge-created “right to abortion,” often beyond what the Court was willing to embrace. During this period, the fund joined briefs at the U.S. Supreme Court in six abortion-related cases. These briefs urged the Court to regard abortion as a “fundamental right” (a right on the level of freedom of speech), to apply the strictest standard of scrutiny when reviewing abortion-regulated laws, and thereby to nullify informed consent requirements (including those involving ultrasound), waiting periods, parental notification requirements, restrictions

on taxpayer funding of abortion, and even record keeping requirements. The PRLDEF's own "statement of interest" in three of these cases said that the PRLDEF "opposes any efforts to overturn or in any way restrict the rights recognized in *Roe v. Wade*."

During her recent confirmation hearings, Ms. Sotomayor suggested that she was only aware of this litigation activity in the most general terms, and had no responsibility for or awareness of the substance of the briefs. Frankly, this testimony was not very believable. Ms. Sotomayor was a Yale Law School graduate who, according to many accounts, is exceedingly—even excessively—detail oriented on the legal matters in which she is involved. More believable is what the New York Times reported on May 29, 2009, after interviewing various parties who were directly involved in the PRLDEF litigation activity during this period: "Ms. Sotomayor stood out, frequently meeting with the legal staff to review the status of cases, several former members said. . . . The board monitored all litigation undertaken by the fund's lawyers, and a number of those lawyers said Ms. Sotomayor was an involved and ardent supporter of their various legal efforts during her time with the group."

If confirmed to the U.S. Supreme Court, Ms. Sotomayor will no longer be constrained by the precedents of that Court, including the precedents in which the Court upheld laws requiring notification of a parent before performing an abortion on a minor, requiring a pre-abortion waiting period, barring public funding of abortion, and—by a single vote, in 2007—banning partial-birth abortion. Nor, it appears, will she feel greatly constrained by the text and history of the Constitution, in which *Roe v. Wade* and its progeny find no support.

Because the available evidence strongly suggests that once on the Supreme Court, Sonia Sotomayor will seek to nullify abortion-related laws adopted through the normal legislative processes of our democracy, consistent with the extreme legal theories with which she was associated before being appointed to the federal bench, National Right to Life urges all senators to vote against her confirmation to the Supreme Court.

Respectfully,

DAVID N. O'STEEN, PH.D.,
Executive Director.
DOUGLAS JOHNSON,
Legislative Director.

JULY 13, 2009.

DEAR CHAIRMAN PATRICK LEAHY AND SENATE JUDICIARY RANKING MEMBER JEFF SESSIONS: On behalf of FRC Action (FRCA), the legislative arm of the Family Research Council, and the families we represent, I write to you today with serious reservations regarding the nomination of Sonia Sotomayor to the United States Supreme Court.

The Senate Judiciary Committee has the important role of properly vetting any nominee to ensure that the nominee has the requisite competence, temperament, character, knowledge of the law and experience to make a good jurist. The nominee must be committed to making decisions based on the law and the facts of each case. Personal ideological predispositions toward certain results must be set aside, and the nominee must have the ability to faithfully uphold the Constitution recognizing that it is the supreme law and source of authority for all American law, including judicial precedents. A review of Ms. Sotomayor's record shows she is lacking in many of these qualities.

Senators on the committee need to have Ms. Sotomayor address what exactly she meant by some of her more controversial statements, why she tried to suppress her ruling in the Connecticut firefighters' discrimination case and her seeming disregard for U.S. judicial sovereignty. Ms. Sotomayor should also describe the extent of her role in the anti-life work at the Puerto Rican Legal Defense and Education Fund (PRLDEF).

From 1980 to 1992, Judge Sotomayor was an active governing board member of the PRLDEF where she helped to shape the group's controversial legal policy. Just one example of work done while she was there is the brief for *Webster v. Reproductive Health Services*, written in 1989, in which the organization called the right to abortion "precious." Ms. Sotomayor's troubled history as a jurist, an activist and as an attorney have surfaced numerous other concerns on sanctity of life issues, on sovereignty matters, marriage questions and more that makes us question her fitness to serve on our nation's highest court.

Barring significant revelations at her Senate confirmation hearing that change our assessment of her judicial philosophy, Family Research Council Action must stand in opposition to Judge Sotomayor's confirmation. The available evidence reveals Judge Sotomayor to be a judicial activist who does not have a proper understanding of the limited role of judges and the judiciary in our constitutional system.

Sincerely,

THOMAS MCCLUSKY,
Senior Vice President,
FRC Action.

JULY 13, 2009.

AS HEARINGS BEGIN, WOMEN'S COALITION FOR JUSTICE QUESTIONS SOTOMAYOR'S ABILITY TO BE IMPARTIAL

WASHINGTON, DC.—Members of the Women's Coalition for Justice released the following statements in response to today's first Senate confirmation hearing for Supreme Court Nominee Judge Sonia Sotomayor.

Genevieve Wood, Vice President of Strategic Initiatives, The Heritage Foundation, stated, "I am troubled by Judge Sotomayor's rejection of Justice O'Connor's favored adage that a wise old man would reach the same conclusion as a wise old woman. It is deeply offensive that she has suggested that the sexes and ethnicities 'have basic differences in logic and reasoning,' and even more offensive that she believes it is somehow patriotic to indulge in gender or ethnic biases. Her statements raise grave concerns about whether she can truly be impartial and the current defense that she simply endorses including different perspectives doesn't hold water. The Senators must ask challenging questions to determine whether she believes that a wise woman can reach the same conclusion as a wise man, or whether she intends to bring bias, as she has suggested, even to most cases."

Marjorie Dannenfelser, President of the Susan B. Anthony List, stated, "Women are best protected by the rule of law—and blind justice. Their rights are most endangered when personal preference, ideology or painful personal history inform judgment. Susan B. Anthony and her early feminist compatriots fought for a human rights standard sustained only through blind justice. When evidence of personal preference appears in any Supreme Court nominee's judgment, it should give all women pause. Sonia Sotomayor's record of support for judicial

activism and her work for the pro-abortion Puerto Rican Legal Defense Fund offer little comfort that she will be a friend to the unborn on the Supreme Court. Given what we know about Sonia Sotomayor's own judicial philosophy, including her support of policymaking from the bench, senators have just cause to reject her appointment to the United States Supreme Court."

Connie Mackey, Senior Vice President for FRCAction remarked, "I reject the admonition of Senator Chuck Schumer that opposing the nomination of Sonia Sotomayor will cause the Republican Party to lose women's vote permanently. I believe his crystal ball is cloudy when it comes to women in America. Women think independently and most women will see that Sonia Sotomayor is a judicial activist who will use the courts to make policy reflective of her own personal judgments as opposed to ruling based upon the tenets put forth by the Constitution. Her career as an activist is well-documented and disqualifies her from taking the 9th seat on the United States Supreme Court."

Wendy Wright, President of Concerned Women for America Legislative Action Committee stated, "Sonia Sotomayor's record reveals she lacks the primary characteristic required of a judge—impartiality. She has used her position as a judge to deny equal justice to people based on their ethnicity. She worked with organizations that aggressively fought against common-sense regulations on abortion. Her flippant dismissal of cases and unwillingness to provide Constitutional reasoning for her decisions exposes her arrogance, disrespect for our judicial system and the people whose lives are dramatically impacted by her decisions. Through her work as a judge and in organizations, she has denied people equal opportunity to make a living because of the color of their skin, preborn babies their right to live, and women the right not to be exploited by abortionists. After giving her the benefit of the doubt, her record of giving preferences to certain classes of people and denying equal justice to others obliges Concerned Women for America Legislative Action Committee to oppose her nomination to the U.S. Supreme Court. Sonia Sotomayor has disqualified herself from the U.S. Supreme Court. Senators need to set aside their party loyalty and do their Constitutional duty to uphold equal justice for all by opposing Sonia Sotomayor's nomination."

Charmaine Yoest, President and CEO of Americans United for Life remarked, "It's important for the American people to understand that the confirmation of Judge Sonia Sotomayor to the Supreme Court will dramatically shift the dynamics of the Court. Her record of activism in support of a radical pro-abortion agenda is clear and documented. This is a judge with a record significantly worse than Judge Souter's. We are asking the Senate Judiciary Committee to seriously consider the consequences of confirming a Supreme Court justice whose radical record shows she would rule against all common-sense legal protections for the unborn, including parental notification, informed consent and bans on partial-birth abortion. The American people will not tolerate a nominee who is outside the mainstream of American public opinion."

THE ETHICS & RELIGIOUS LIBERTY
COMMISSION OF THE SOUTHERN
BAPTIST CONVENTION,

Nashville, TN, July 14, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: This week, the Senate Judiciary committee begins its confirmation hearings for Judge Sonia Sotomayor. We are deeply troubled by many aspects of Judge Sotomayor's record. While we could identify a number of factors that concern us, we describe below those that are the most troubling.

Judge Sotomayor does not appear to share the pro-life values of nearly all Southern Baptists and of most Americans. Recent polling reveals that the majority of Americans are pro-life. Her lack of rulings on major sanctity of life issues makes it more difficult to determine how she would rule on sanctity issues, but her association with the Puerto Rican Legal Defense and Education Fund raises serious questions about her commitment to pro-life values. She served on the Board of this organization, including as Vice President and Chair of the litigation committee. During that time, the Fund filed briefs in at least six prominent court cases in support of abortion rights.

While Judge Sotomayor has ruled favorably on abortion-related cases at times, we note that her rulings on race-related issues reveal a much more ideologically rigid attitude toward race. Her ruling in *Ricci v. DeStefano* is indefensible. We support full racial equality, and therefore support efforts that create equal opportunity for all races. However, we oppose policies that discriminate against some races in order to achieve a predetermined racial outcome. Racial discrimination is wrong in any circumstance.

We are also disturbed by Judge Sotomayor's lack of respect for private property rights. Her ruling in *Didden v. Village of Port Chester* demonstrates a willingness to ignore the Constitution's Fifth Amendment protection of private property. While the *Kelo* case was certainly precedential in her panel's ruling, the Supreme Court stated in their majority opinion that municipalities could not take private property under "the mere pretext of a public purpose, when its actual purpose was to bestow a private benefit." Judge Sotomayor was either unaware of this qualification or chose to ignore it.

Judge Sotomayor has often ruled very responsibly, but the rate at which she has been overruled by the U.S. Supreme Court reveals that she should not be in a position where her decisions cannot be subjected to review. She is out of the mainstream of the American public and too often of the very Court for which she is being considered. We urge you to do all you can to bring out all the facts about Judge Sotomayor during her confirmation hearings, and if these troubling issues remain, to vote against her confirmation.

Sincerely,

RICHARD D. LAND,
President.

THE ETHICS & RELIGIOUS LIBERTY
COMMISSION OF THE SOUTHERN
BAPTIST CONVENTION,

Nashville, TN, July 28, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: This week, the Senate Judiciary Committee is scheduled to vote on the confirmation of Judge Sonia Sotomayor as our nation's newest Supreme Court Justice. As you recall, we raised a number of concerns about her record that we believed required examination during her hearings.

We watched the hearings and listened to Judge Sotomayor's answers to some very probing questions, but we are not convinced that she is an appropriate candidate for the United States Supreme Court. We urge therefore that you vote against her confirmation.

While we appreciated Judge Sotomayor's affirmation of the centrality of the U.S. Constitution in rulings, we believe her record demonstrates an inconsistent application of that standard at best. The following cases remain determinative for us. In *Owkey v. Molinari* she showed no regard for the 1st Amendment guarantee of speech or religious expression. In *Maloney v. Cuomo* she weakened the 2nd Amendment's guarantee of the individual's right to bear arms. In *Didden v. Village of Port Chester* she failed to uphold the 5th Amendment's protection of personal property. In *Ricci v. DeStefano* she violated the 14th Amendment's guarantee of equal protection.

Additionally, we are deeply concerned about Judge Sotomayor's failure to adequately address her 12 year involvement with the Puerto Rican Legal Defense and Education Fund. We believe she was more involved with the group's active efforts to promote a pro-abortion agenda than she admitted.

Finally, her numerous reversals by the U.S. Supreme Court reveal that Judge Sotomayor does not have the grasp of the fine points of Constitutional law required of a member of the Supreme Court. She needs someone to pass final judgment on her decisions. No such oversight would be possible if she were to join the Court of last resort.

We regret that we must oppose the nomination of Judge Sotomayor. She is obviously very gifted. Her personal story as well is the kind of story that compels respect and appreciation. We applaud her for her commitment and dedication. Nevertheless, we do not believe Judge Sotomayor meets the requirements for this extremely important position in our nation. We therefore urge you to vote against her confirmation.

Thank you for your service to our nation. We pray God's guidance and wisdom for you as you make the decisions that affect life for hundreds of millions of people.

Sincerely,

RICHARD D. LAND,
President.

AMERICAN ASSOCIATION
OF CHRISTIAN SCHOOLS,
East Ridge, TN, July 15, 2009.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC

DEAR SENATOR LEAHY: The American Association of Christian Schools strongly urges you to oppose the confirmation of Judge Sonia Sotomayor to the United States Supreme Court, based on her inability to judge without respect of persons and her misinter-

pretation of the rule of law and the United States Constitution.

As President Obama sought a possible nominee, he consistently used the term "empathy" to describe the character of his first Supreme Court Justice nominee. When he nominated Judge Sonia Sotomayor, he based the criteria of a U.S. Supreme Court Justice on superficial elements rather than on character which demonstrates an actual understanding of the rule of law and original intent of the judicial system established by our Founding Fathers. She has continually met his standards of "empathy," proving through her actions and words her desire to exercise empathy from the bench. According to Judge Sotomayor, to "ignore . . . our differences as women and men of color [is to] do a disservice both to the law and society." She further believes her "experience will affect the facts that [I] choose to see as a judge."

We are concerned that the element of "empathy" in the highest Court of the land will redefine and replace the longstanding aspect of impartiality under the law. It seems that the standard of law should no longer solely lie on the Constitution, but also on the hearts of justices.

Other concerns are based on Judge Sotomayor's interpretation on the right to life. She recently expressed that she has never thought about the rights of the unborn. We find this tragic. Whether a person supports abortion or opposes it, a U.S. Supreme Court Justice should be extremely familiar with the rights that every American is endowed, including life.

While Judge Sotomayor may have more experience than any other Supreme Court Justice currently sitting on the bench, the Administration and many members of the Senate are impatiently rushing her through the process without properly and adequately researching and critiquing her credentials and past decisions that come with that experience. It is essential that every Senator is given the time and resources to fully examine Judge Sotomayor's past decisions and present understanding of the rule of law.

Qualifications and credentials are a necessity when filling the bench, but an ability to carry out the duties of a Supreme Court Justice and meet the standards by which they are held to, is of equal importance. Understanding the rights which we are endowed by our Creator and interpreting the law as our founding fathers originally intended is essential. Just as Lady Justice holds the scales to depict her impartiality and a blindfold to cover her eyes from the spheres that try to influence her, her wisdom lies in the ability to pursue the law and to demand nothing less. She is un-influenced, she is impartial.

We urge you to oppose this nominee, as we believe that she will cause not only harm to the judicial system and the principles of law on which our country was founded, but she also poses a threat to every American who does not receive her "empathy."

Sincerely,

KEITH WIEBE,
President.

JULY 14, 2009.

DEAR SENATOR: On behalf of the Susan B. Anthony List (SBA List), and our 260,000 members and pro-life activists across the country, I write to encourage you to oppose the nomination of Judge Sonia Sotomayor to the United States Supreme Court.

Women are best protected by the rule of law—and blind justice. Their rights are most endangered when personal preference, ideology or painful personal history inform

judgment. Susan B. Anthony and her early feminist compatriots fought for a human rights standard sustained only through blind justice. When evidence of personal preference appears in any Supreme Court nominee's judgment, it should give all women pause.

Sonia Sotomayor's record of support for judicial activism and her work for the pro-abortion Puerto Rican Legal Defense Fund offer little comfort that she will be a friend to the unborn on the Supreme Court.

While Sotomayor served as a board member of the Puerto Rican Legal Defense Fund, the group filed six briefs with the court advocating for unmitigated abortion on-demand. Multiple accounts tell us that the board closely monitored the fund's work, and that Sotomayor was "an involved and ardent supporter of their various legal efforts." (New York Times, May 28, 2009)

The briefs in question advocate a philosophy that rejects any legal restrictions on abortion. This position disregards both the broad public support for such restrictions and the fact that such laws save lives. For example when the government restricts funding for abortion on-demand, we see fewer abortions. Even abortion advocates recognize this reality. The Guttmacher Institute recently issued a report showing that when public funding is not available, 1-in-4 Medicaid-eligible women do not have abortions. That means approximately 25% of babies whose mothers receive government subsidized health care likely survive due to laws like the Hyde Amendment. Sotomayor's record indicates she would not uphold such commonsense restrictions.

Women facing unplanned pregnancies deserve woman-centered solutions to help both mother and child, not abortion on-demand, which pits mother against child in the most tragic of circumstances. They deserve Supreme Court Justices who will uphold the Right to Life.

Given what we know about Sonia Sotomayor's own judicial philosophy, including her support of policymaking from the bench, you have just cause to reject her appointment to the United States Supreme Court.

Sincerely,

MARJORIE DANNENFELSER,
President, Susan B. Anthony List.

Mr. SESSIONS. Those letters were from Fidelis, Defending Life, Faith and Family, outlining their opposition; a letter from the National Rifle Association; a letter from the National Right to Life Committee; a letter from FRCAction; the Women's Coalition for Justice; the SBA List, the Susan B. Anthony List; the American Association of Christian Schools; and the Ethics and Religious Liberty Commission of the Southern Baptist Convention. Those were one group of letters.

In addition, there are letters from the National Rifle Association, as I mentioned earlier. They have not often, if ever, weighed in on a judicial nomination. But this case, this nomination was so close to one of the most critical issues facing the country today. That is, whether the second amendment applies to States.

If the second amendment does not apply to States, then States and cities can completely ban guns within their jurisdiction.

Judge Sotomayor earlier this year, after the Heller decision, in the first

case of its kind after the Supreme Court's decision in Heller, concluded the second amendment does not apply to the States.

She concluded in her very brief opinion that the second amendment does not apply to the States; they could eliminate firearms. She concluded it was settled law that this was the case when the Supreme Court in Heller—and as the ninth circuit concluded, which held differently—explicitly left open this question.

So I think any person who cares about the second amendment and the right to keep and bear arms has to be very troubled that the nominee, earlier this year, concluded that it does not apply and it is settled law, when the Supreme Court had opened it up, as the ninth circuit said.

If it is not reversed, her opinion is not reversed, then cities and counties will be able to restrict firearm possession completely.

Sandra Froman, who is the former president of the National Rifle Association, a Harvard law graduate herself, wrote that:

Surprisingly, Heller was a 5-4 decision, with some justices arguing that the Second Amendment does not apply to private citizens or that if it does, even a total gun ban would be upheld if a "legitimate governmental interest" could be found.

She goes on to say:

The Second Amendment survives today by a single vote in the Supreme Court.

Heller was a 5-to-4 decision.

Both its application to the States and whether there will be a meaningfully strict standard of review remain to be decided by the High Court.

I have offered that letter and other letters that we have received into the RECORD. I also printed in the RECORD a series of op-eds I have written on the way I believe an analysis of a nominee should be conducted and what are the important principles.

Mr. President, I would like to express my appreciation to my staff whose assistance throughout this process was critical to the fair hearing that Judge Sotomayor received. The Senate Judiciary Committee held a hearing for Judge Sotomayor more quickly than it had for the last three Supreme Court nominees, despite the fact that she has been touted as having the most extensive legal record of any recent Supreme Court nominee. As such, my staff went to great efforts to prepare for the hearing on her nomination.

Our team was led by chief counsel for the Supreme Court nomination Elisabeth Cook; staff director Brian Benczkowski; chief counsel William Smith; deputy staff director Matt Miner; and general counsel Joe Matal. Their knowledge of the issues and wise counsel proved invaluable during this confirmation process.

In addition, I am grateful to our Supreme Court team, including counsels

Ted Lehman, Seth Wood, Ashok Pinto, Ryan Nelson, and Isaac Fong; law clerks Chris Mills, Matt Kuhn, Anne Mackin, and Andrew English; and intern Jamie Sunderland.

I would like to acknowledge and extend my gratitude to the dedicated and talented members of my permanent staff who worked tirelessly on this nomination, all the while handling the regular legislative business and other nominations that came before the Judiciary Committee: counsels Danielle Brucchieri, Bradley Hayes, Nathan Hallford, and Phil Zimmerly; professional staff member Lauren Pastarnack; and staff assistants Sarah Thompson and Andrew Bennion.

I would be remiss if I failed to mention the important work done every day by my communications director Stephen Boyd, press secretaries Sarah Haley and Stephen Miller, and press assistant Andrew Logan.

The people I have mentioned bore the bulk of the workload, laboring tirelessly night after night, day after day, and nonstop through the weekends. They deserve our recognition as a tribute to their hard work, professionalism, and dedication to public service.

I also would like to acknowledge the great help we received from the Republican majority leader and his staff: John Abegg, Josh Holmes, and Webber Steinhoff; as well as the invaluable contributions of Republican Policy Committee counsel Mark Patton.

Finally, my thanks to the Judiciary Committee's chief clerk, Roslyne Turner and her assistant, Erin O'Neill.

All of these fine staff members contributed to this process and we would not have been able to conduct such a fair and thorough hearing without their hard work and their professionalism. To each of them, I extend my heartfelt thanks.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. RISCH. I rise today, fellow Senators, to discuss the current nomination that is under consideration by the Senate for the U.S. Supreme Court seat.

Like every Member of this body, I take this responsibility seriously. The Constitution of the United States gives each one of the 100 Members of this body the solemn duty to participate in this under what has been called the advice and consent provisions.

Obviously, there are two parts here. First "advice" and the second "consent." The first part, the advice that the President seeks, is not under the control of any Member here but is under the control of the President. He did not seek my advice on this, which is not surprising.

But, secondly, I am required to exercise my constitutional duty to express either consent or the withholding of consent. I appear here this morning to

explain the conclusion I have reached in that regard.

This is a serious constitutional duty. I think every Member here takes it seriously. I think as we do exercise this constitutional duty, it is incumbent upon each one of us to create, in our own mind, a path forward and a criteria, if you would, as to how to reach a conclusion concerning that consent.

I think all of us come at it from a different point of view. Some of us have had some experience in that regard. Although I have not had experience here in this body with a U.S. Supreme Court appointment, I had the opportunity at the State level, since I have served as Governor and had to appoint judges, to determine if, in my mind, a path forward, if you would, or a way, a method, in which we would reach that conclusion as to the appropriateness of a person, their qualifications to serve in a judicial capacity. I have done that.

In addition to that, I think all of us look to other people who have exercised this responsibility and looked for the type of matrix they used to reach the conclusion. I have also done that. I have chosen someone to emulate as far as how I would reach a conclusion as to whether I would grant the consent or withhold the consent.

That person whom I have chosen to emulate is a person who actually chose a matrix that is similar to mine; that is, when we do this, we judge who the person is, and what that person stands for—the “who” and the “what.”

Like the person I have chosen to emulate, my focus is not on the “who,” my focus is on the “what.” What does this person stand for? Because it is, indeed, at the end of the day, the “what” that will guide that person when that person, when the nominee, makes decisions in their capacity as a U.S. Supreme Court Justice.

I met with the nominee. I have read her opinions. I have read a lot that has been written about the nominee, and weighed those using the matrix I have chosen, and that person I chose to emulate chose to reach a conclusion as to whether to grant the consent or to withhold the consent.

I think this is a decision that no one should reach lightly but should reach based upon weighing the factors that they have chosen. When it comes to the “who,” I find the nominee that the President has put forward to be a person who is engaging, who is very wise, who has had clearly the experience to fill this position. I have no difficulty with that at all. I am honored that she would spend the considerable time she made available for me to meet with her and discuss with her the various issues that are important to the great State of Idaho.

At the end of the day, I have to move from the “who” to the “what.” And in that regard, I want to talk about now who I chose to emulate when it comes

to making this decision. The person I chose to emulate is a person who currently serves as the President of the United States.

He came to this body and had the opportunity to do just what I have done; that is, to go through this exercise to determine the “who” and the “what” when it comes to the appointment and the qualifications to serve as a Justice of the U.S. Supreme Court.

Then-Senator Obama went through this exact same exercise. At the end of the day, when he voted on two of the nominees, two of the Supreme Court nominees, he determined that based upon his weighing of the nominees, he could not, in good conscience, vote for the nominees because—not because of the “who” part of the equation but because of the “what does this person stand for” part of the equation.

He did that based upon his vision of what he wanted to see in America. I did likewise. He concluded that when he withheld his consent on those two, that person did not meet his view of what the vision for America was. I have reached the same conclusion on this nominee.

In all good conscience, I must withhold the consent. My fellow Senators, I will withhold my consent based not on the “who” but on the “what” on this nomination. I will vote no.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The majority controls the next 60 minutes with respect to the nomination of Judge Sotomayor.

Mr. LEAHY. Madam President, I thank the many Senators who took part yesterday in the historic debate over the nomination of Judge Sonia Sotomayor to the Supreme Court. In fact, the distinguished Presiding Officer was one who introduced her to the Judiciary Committee and also spoke eloquently in the Chamber yesterday. I am hopeful that today will not only conclude the debate, but we will then vote on her confirmation and vote favorably.

Senator KLOBUCHAR, the senior Senator from Minnesota, a very active member of the Judiciary Committee, led a group of five women Senators in a powerful opening hour of debate yesterday. The distinguished Presiding Officer was one of them, and it also included Senators SHAHEEN, STABENOW, and MURRAY. Their speeches were very moving. Several Judiciary Committee Senators gave strong speeches of support for Judge Sotomayor's nomination, including Senator SCHUMER, Senator SPECTER and Senator CARDIN. Senator FRANKEN, the newest Member of the Senate and newest member of the Judiciary Committee, gave his first Senate speech. Most of us follow the

tradition of waiting for our first Senate speech to make sure it is on a matter of some moment. In his case, it was as momentous a matter as one could pick, the nomination of a Supreme Court Justice. Senator FRANKEN eloquently spoke on her behalf.

We heard from Senator LAUTENBERG; Senator DODD, my neighbor in the Senate, both in the row I sit and also in my Senate office, and a good friend. Senators BAUCUS, MERKLEY, AKAKA, LIEBERMAN, CASEY, WYDEN, and BENNET all spoke for her.

Statements of support for Judge Sotomayor yesterday came from both sides of the aisle. On the Republican side, Senator MARTINEZ, who has been a strong supporter of Judge Sotomayor, gave a particularly moving speech. Senator BOND, a former Governor, former attorney general, and one who has appointed judges, joined him in announcing his intent to vote for this well-qualified nominee. My neighbors from New England, Senators COLLINS and SNOWE, also spoke in favor of her nomination.

The troubling thing yesterday was to hear some critics of hers making unfounded insinuations about the integrity and character of this outstanding nominee. That is wrong. She is a judge of unimpeachable character and integrity. These critics have also chosen to ignore her extensive record of judicial modesty and restraint from 17 years on the Federal bench. Instead they have focused on and mischaracterized her rulings in a handful, out of more than 3,600, of cases. That is interesting, out of 3,600 cases, they could find only a tiny handful to criticize, and they can criticize those only by mischaracterizing them.

Let me go to one area in particular. Some Republican Senators have twisted Judge Sotomayor's participation in a unanimous Second Circuit decision that applied a 123-year-old U.S. Supreme Court precedent to reject a challenge to a New York State law of restriction on chukka sticks, a martial arts device. What she was doing was following the precedent of the Supreme Court; again, one of the reasons why it was a unanimous decision of the Second Circuit. Some have trumped up a straw man by ignoring the facts of Judge Sotomayor's decision. It is easy to come to a conclusion if you ignore the facts and the law and just go to your conclusion. Of course, that doesn't make it right. They ignored the facts of her decision. They ignored the developing state of second amendment law, and they ignored Judge Sotomayor's testimony during her confirmation hearing, recognizing the individual right to bear arms that is guaranteed by the second amendment.

In fact, in joining the per curiam decision in *Maloney v. Cuomo*, Judge Sotomayor followed and applied the holding of the Supreme Court that the

second amendment provides individuals with the right to keep and bear arms. When the Supreme Court handed down its decision in *District of Columbia v. Heller* last year, I applauded the Court for affirming what so many Americans already believe. The second amendment protects an individual's right to own a firearm. The *Heller* decision reaffirmed and strengthened our Bill of Rights. Vermont has some of the least restrictive gun laws in the country. In fact, most would say they have the least restrictive gun laws. One does not need a permit to carry a concealed firearm in Vermont, if they don't have a felony conviction. But Vermonters are trusted to conduct themselves responsibly and safely, and we do.

I am a native Vermonter. I have lived there all my life. I find Vermonters do conduct themselves safely and responsibly. Similar to many Vermonters, I grew up with firearms. I have enormous respect and appreciation for the freedoms the second amendment protects. In fact, I own many firearms. Similar to other rights protected by our Bill of Rights, the second amendment right to keep and bear arms is one I cherish. Fortunately, I live in a rural area in Vermont. I can set up targets and use my backyard as an impromptu pistol range and often do.

The Supreme Court's decision in *Heller* recognized that the second amendment guarantees an individual the right to keep and bear arms against Federal restrictions. So before we go off using talking points and ignore what she did or ignore what she said, I thought it might be good to kind of spoil the rhetoric by actually going to the facts.

The facts are these. At her confirmation hearing, Judge Sotomayor repeatedly affirmed her view of the second amendment guarantees as set forth in the *Heller* decision. This seems to be ignored by some who criticize her. In fact, I asked a question on it because it is important to me as a Vermonter, as a Senator and certainly as chairman of the Judiciary Committee. In response to my question, she testified:

I understand how important the right to bear arms is to many, many Americans. In fact, one of my godchildren is a member of the NRA, and I have friends who hunt. I understand the individual right fully that the Supreme Court recognized in *Heller*.

Judge Sotomayor reaffirmed that statement in answers to questions from Senators KYL, COBURN, and FEINGOLD. Judge Sotomayor testified in response to a question from Senator KYL:

The decision of the Court in *Heller* . . . recognized an individual right to bear arms as applied to the Federal Government.

Judge Sotomayor testified in response to Senator COBURN:

In the Supreme Court's decision in *Heller*, it recognized an individual's right to bear arms as a right guaranteed by the Second Amendment.

In response to Senator FEINGOLD, Judge Sotomayor testified about *Heller*:

[T]he Supreme Court did hold that there is . . . an individual right to bear arms, and . . . I fully accept that.

Judge Sotomayor participated on a Second Circuit panel in a case called *Maloney v. Cuomo* that was decided earlier this year in which the unanimous panel—let me emphasize, the unanimous panel—recognized the Supreme Court decision in *Heller* that the personal right to bear arms is guaranteed by the second amendment against Federal law restrictions.

Justice Scalia, arguably the most conservative Justice on the U.S. Supreme Court, said in his opinion in the *Heller* case that the *Heller* case expressly left unresolved and explicitly reserved as a separate question whether the second amendment guarantee applies to the States and laws adopted by the States, whether the State of Vermont or any other State. In doing so, the Court left in place a series of Supreme Court holdings from 1876 to 1894 that the second amendment does not apply to the States.

I mention this because there are those who want Justices to not be activists but to be traditionalists. Going back to 1876 to 1894 recognizes a tradition of this country. The question posed to Judge Sotomayor and the Second Circuit in *Maloney* involved a challenge by a criminal defendant to a New York State law restriction on a martial arts device called nunchucks or chukka sticks, not firearms. Indeed, in that case the appellant had pleaded guilty to disorderly conduct, agreed to the destruction of the nunchucks as part of the plea, and the charge of possession of the nunchucks in violation of New York law had been dismissed. The Second Circuit considered the case on appeal from a denial of a subsequent declaratory judgment case.

In declining to overrule the trial judge—the trial judge would not set aside the State law against nunchucks—the Second Circuit panel emphasized that its decision was dictated by Supreme Court precedent, holding that: “Where, as here, a Supreme Court precedent has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to the Supreme Court the prerogative of overruling its own decisions.” Had the Second Circuit acted otherwise, it would have been seen as judicial activism and an unwillingness to adhere to Supreme Court precedent. That is something that every single Member of this Chamber has said judges should do, follow Supreme Court precedent.

Now Judge Sotomayor is criticized for doing what a Circuit Court of Appeals judge is supposed to do; that is,

follow the precedent of the Supreme Court. She seems to be caught in a Hobson's choice. Had she violated that rule, had they acted otherwise, had they refused to follow Supreme Court precedent, I am sure she would be attacked as being a judicial activist. Come on. Let's be fair. When we have had nominees by Republican Presidents, we have heard over and over again how Republicans want these people because they follow precedent. Here, some Republicans are attacking Judge Sotomayor because she did follow precedent, because she did do what a Court of Appeals judge is supposed to do.

In fact, the approach taken by the Second Circuit decision in *Maloney* was adopted by some of the most respected, very conservative jurists in the country. Judges Easterbrook and Posner, both renowned conservatives, people whom I hear quoted by the Republican side over and over again, serve on the Seventh Circuit. They agreed with the Second Circuit panel. This may sound like it is getting into the weeds, but what I am saying is, judges of all stripes ruled the same way. In *National Rifle Association v. City of Chicago*, they cited the Second Circuit in *Maloney*. Judges Easterbrook and Posner refused to ignore the direction of the Supreme Court to implement Supreme Court holdings, even if the reasoning in later opinions undermines their rationale and, instead, “leave to [the Supreme Court] the prerogative of overruling its own decisions.”

What I am saying is, conservative judges, liberal judges, and moderate judges such as Judge Sotomayor all came to the same conclusion: You have to follow precedent. It may sound like I am doing a tutorial for a law school class, but I thought rather than having the rhetoric, let's go to the facts and let's go to the law. Because both the facts and the law are irrefutable.

If Republican Senators wish to criticize, let them criticize Justice Scalia for the Supreme Court's decision in *Heller* to limit its application against Federal Government restrictions and expressly reserve for another Supreme Court decision whether to incorporate the Second Amendment right against the States. Judges Easterbrook, Posner and Bauer of the Seventh Circuit and Judges Pooler, Sotomayor and Katzmman of the Second Circuit all followed Justice Scalia and the holdings of Supreme Court precedent.

Petitions for certiorari have been filed in both *Maloney* and *National Rifle Association* and are currently pending before the Supreme Court. A third, related decision by a panel of the Ninth Circuit is being reconsidered en banc by that Court of Appeals. Republican Senators insisted during the Roberts and Alito hearings that a Supreme Court nominee must avoid making preconditions about how she might rule in a

case that is likely to come before the Supreme Court. Yet Republican Senators have now reversed their approach to demand that Judge Sotomayor ignore these standards and commit to how she intends to rule on these cases and this issue if confirmed.

Recognizing that she would be unable to say how she would rule, I asked Judge Sotomayor whether she would approach these matters with an open mind and she assured us that she would. I do not see how any fair observer could regard her testimony as hostile to the Second Amendment personal right to bear arms, a right she has embraced and recognizes.

The question of incorporation of the Second Amendment of the Bill of Rights against the States is not merely likely to come before the Court; petitions to decide it are currently pending before the Supreme Court. There are well-recognized limits to how much a judicial nominee can say during her confirmation hearings. Nominees do not answer questions about cases or issues pending before the Supreme Court. It is striking that many of those who today criticize Judge Sotomayor's adherence to these limits strongly defended them just a few years ago, when a Republican President was doing the nominating.

A 2005 Senate Republican Policy Committee Report commissioned by Senator KYL concluded that "the preservation of an independent judiciary" depends on a nominee's ability to avoid signaling how she will rule on upcoming cases. According to this report:

It is inappropriate for any nominee to give any signal as to how he or she might rule on any issue that could come before the court, even if the issue is not presented in a currently pending case. If these novel "prejudgment demands" were tolerated, the judicial confirmation process would be radically transformed.

Senator KYL's Republican Policy Committee Report raised concerns that "no judge can be fair and impartial if burdened by political commitments that Senators try to extract during confirmation hearings" and concluded that "nothing less than judicial independence and the preservation of a proper separation of powers is at stake."

Senators SESSIONS, CORNYN, GRASSLEY, COBURN and HATCH referred to these restrictions on a nominee's ability to answer questions during the Senate's consideration of President Bush's Supreme Court nominees. During the Senate's consideration of the Roberts nomination, Senator SESSIONS said:

Judges apply the facts to the legal requirements of the situation, and only then make a decision. [Judge Roberts] refused to make opinions on cases that may come before him. Of course, he should not make opinions on that . . . He should not be up there making opinions on the cases. That is so obvious.

At that time, Senator CORNYN shared their view and strongly defended Re-

publican nominees who refused to discuss legal issues that might arise in the future. He said:

It undermines a nominee's ability to remain impartial once he or she becomes a judge if he or she has already taken positions on issues that might come before him or her on the bench. . . . In other words, just because some Members may ask these questions does not mean the President's nominee should answer them. In accordance with long tradition and norms of the Senate in the confirmation process, they should not answer them.

At the beginning of confirmation hearings for John Roberts, Senator GRASSLEY said: "The fact is that no Senator has a right to insist on his or her own issue-by-issue philosophy or seek commitments from nominees on specific litmus-test questions likely to come before that Court."

Senator COBURN criticized those Senators whom he said planned to vote against the Roberts nomination for his failure to state positions on specific issues: "The real reason they will be voting against John Roberts is because he would not give a definite answer on two or three of the social issues today that face us. He is absolutely right not to give a definite answer because that says he prejudices, that he has made up his mind ahead of time."

In 2005, Senator HATCH noted the ethical restrictions on a nominee's ability to answer questions and said:

I have said Senators on the Judiciary Committee can ask any question they want, no matter how stupid the question may be. . . . But the judge does not have to answer those questions. In fact, under the Canons of Judicial Ethics, judges should not be opining or answering questions about issues that may possibly come before them in the future.

Both Judge Roberts and Judge Alito followed their advice and did not answer questions with any specificity about cases that could come before the Supreme Court. Judge Roberts testified during his hearing: "I think I should stay away from discussions of particular issues that are likely to come before the Court." During his hearing, Judge Alito testified:

I think it's important to draw a distinction between issues that could realistically come up before the courts and issues that . . . are still very much in play . . . that's where I feel that I must draw a line, because no issues that could realistically come up, it would be improper for me to express a view, and I would not reach a conclusion regarding any issue like that before going through the whole judicial process that I described.

I asked Judge Sotomayor during her hearing whether, if not bound by Second Circuit or Supreme Court precedent, on whether second amendment rights should be considered "fundamental rights," she would keep an open mind in evaluating that legal question. Her response to me was straightforward. She said:

You asked me whether I have an open mind on that question. Absolutely.

She said:

I would not prejudice any question that came before me if I was a Justice on the Supreme Court.

She could not have gone any further without prejudging the question Justice Scalia's opinion in *Heller* left open, one that is currently pending before the Supreme Court.

In response to a question from Senator COBURN, Judge Sotomayor testified: "In the Supreme Court's decision in *Heller*, it recognized an individual's right to bear arms as a right guaranteed by the Second Amendment. . . . The *Maloney* case presented a different question. That was whether that individual right would limit the activities that States would do to limit the regulation of firearms." Judge Sotomayor also told Senator COBURN at the hearing: "I can assure your constituents that I have a completely open mind on this question. I do not close my mind to the fact and the understanding that there were developments after the Supreme Court's rulings on incorporation that will apply to this question or be considered."

In response to a question from Senator SESSIONS on how she would come down on the question of incorporation of the Second Amendment, Judge Sotomayor testified: "I have not prejudged the question that the Supreme Court left open in *Heller* . . . of whether this right should be incorporated against the States or not." She also answered Senator SESSIONS' questions about the panel decision in *Maloney*:

Well, when the Court looks at that issue, it will decide if it incorporated or not. And it will determine by applying the test that it has subsequent to its old precedent, whether or not it is fundamental and hence, incorporated. But the *Maloney* decision was not addressing the merits of that question. It was addressing what precedent said on that issue.

The only other case in which Judge Sotomayor was involved as an appellate judge involving a Second Amendment contention was a case in which an illegal alien was convicted of distribution and possession with intent to distribute approximately 1.2 kilograms of "crack" cocaine and of illegal possession of a firearm while an illegal alien. In that case, *United States v. Sanchez-Villar*, decided in 2004—before the Supreme Court's decision in *Heller*—involved an attempt to overturn a jury conviction. The defendant in that case claimed he had received ineffective assistance from his lawyer because his possession of the firearm in New York did not provide probable cause for seizure and arrest was rejected by a unanimous panel of the Second Circuit. The Second Circuit unanimously rejected this claim. In so doing, the panel quoted in a footnote to language from an earlier Second Circuit decision decided before *Heller* or *Maloney*. This is not unlike a number of cases in which Judge Sotomayor has upheld police actions when undertaken in good faith.

So I am disappointed by recent news accounts that the National Rifle Association has decided to “score” the vote on confirming Judge Sotomayor to the Supreme Court. They did this in response to pressure from the Republican leader. In fact, this is the first time in the history of the NRA that it has “scored” a Supreme Court confirmation vote. The irony of this is, if she had been nominated by a Republican President, they would all be supporting her with her record.

Madam President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my statement, a copy of the July 24 letter from four members of the Congressional Hispanic Caucus, who have consistently earned high ratings from the NRA, to the NRA's executive vice president and executive director.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Congressmen JOE BACA, SOLOMON ORTIZ, SILVESTRE REYES, and JOHN SALAZAR wrote:

[We are disappointed by the NRA's opposition to the nomination of Judge Sonia Sotomayor to the U.S. Supreme Court. It is not merited by either Judge Sotomayor's record or hearing testimony.

In their letter, they point out that at her hearing Judge Sotomayor “emphasized that she has an ‘open mind’ on the question of incorporation and ‘has not prejudged’ the issue.”

In fact, they said:

Judge Sotomayor has said more than either of the two previous Supreme Court nominees about the Second Amendment—specifically, she said that it confers an individual right, as recognized by the Supreme Court in its Heller decision.

The letter continues: “Even more troubling, it appears you are holding Judge Sotomayor to a different standard than you held Judges Roberts and Alito when they were nominated to the Court, or for that matter, any previous nominee to the Court. The double standard you have set for Judge Sotomayor is a disservice to all members of the NRA, particularly those who are Hispanic” and that “we are mystified as to why the NRA is characterizing Judge Sotomayor as hostile to the rights of gun owners and evaluating Judge Sotomayor by a different standard than that to which you have held previous Supreme Court nominees.”

I think it is a double standard. When Justices Roberts and Alito were nominated by a Republican President, Republicans did not have this standard. When this woman was nominated by a Democratic President, suddenly they change the standard. All I am saying is, they ought to follow the same standards they followed when President Bush nominated the two men he did now, when President Obama has

nominated this woman to the Supreme Court.

Madam President, I ask unanimous consent to have printed in the RECORD letters of support for Judge Sotomayor from a large number of prosecutors, including the National District Attorneys Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL BLACK
PROSECUTORS ASSOCIATION,
Chicago, IL, July 9, 2009.

Senator PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Russell
Senate Office Bldg., Washington, DC.

Senator JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee,
Russell Senate Office Bldg., Washington,
DC.

DEAR SENATORS LEAHY AND SESSIONS: On behalf of the National Black Prosecutors Association, representing local, state and Federal African American prosecutors, it is my pleasure to endorse the nomination of Judge Sonia Sotomayor to the position of Associate Justice of the United States Supreme Court. It is noteworthy to mention that she will be this nation's third female and first Latina United States Supreme Court Justice. I highlight Justice Sotomayor's gender and ethnicity only to point out that it is shocking that in its 220 year history, the United States Supreme Court has previously had only two female justices, and never a Hispanic justice. It is well overdue that qualified female nominees of varying ethnicities be seriously considered for service on the United States Supreme Court.

Despite the adversity of being diagnosed with Type I diabetes and shortly thereafter losing her father at the age of nine, Judge Sotomayor was a scholastic achiever throughout her elementary and high school years. While at Princeton University, she fought for increased opportunities for Puerto Rican students and to diversify the University's faculty and curriculum. After graduating summa cum laude, she entered Yale Law School, where she became the editor of the Yale Law Journal.

We applaud Judge Sotomayor's distinguished career in public service, which began with her service as a Manhattan Assistant District Attorney. As a trial attorney, Judge Sotomayor honed her skills, gaining firsthand experience with the real world of crime, pursuing justice for the victims of violent crimes. She was firm but fair as a United States District Court Judge, exhibiting a great respect and understanding of the United States Constitution and its application in the twenty-first century. The opinions she has authored since becoming a judge on the Court of Appeals in 1997 clearly show that she respects the law and hews close to precedent. Judge Sotomayor's opinions are marked by a clear recitation of the facts and lengthy recitation of the law that she believed to be applicable to the case. In short, Judge Sotomayor's opinions are akin to a road map; one can easily discern where she started in her analysis, where she ended up, and how she got there. This is all one can ask from an impartial jurist; not that you will always agree with the conclusion of a justice, but that issues, arguments and parties will receive a fair hearing, and the final determination can be easily tracked and understood.

Judge Sonia Sotomayor's background, life experiences, and accomplishments despite

the odds are compelling to say the least. Her intellect, respect for the law and ability to be impartial more importantly would mean that this country would have a Supreme Court Justice that would, without hesitation, examine issues and reach conclusions based on an interpretation of the law and constitutional principles. This country needs a Justice is sensitive to the law's impact on everyday life.

Sincerely,

CARMEN M. LINEBERGER,
President.

JULY 2, 2009.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS: As former colleagues of the Honorable Sonia Sotomayor during her years as a prosecutor in the Office of the New York County District Attorney, we write to express our wholehearted support for her nomination to the United States Supreme Court.

We served together during some of the most difficult years in our City's history. Crime was soaring, a general sense of disorder prevailed in the streets, and the popular attitude was that increasing violence was inevitable. It was in this setting that Sonia decided to start her career, not in a judge's chambers or at a high-powered law firm, but rather in the halls of New York's Criminal Courts, as an assistant district attorney.

She began as a “rookie” in 1979, working long hours prosecuting an enormous caseload of misdemeanors before judges managing overwhelming dockets. Sonia so distinguished herself in this challenging assignment that she was among the very first in her starting class to be selected to handle felonies. She prosecuted a wide variety of felony cases, including serving as co-counsel at a notorious murder trial. She developed a specialty in the investigation and prosecution of child pornography cases. Throughout all of this, she impressed us as one who was singularly determined in fighting crime and violence. For Sonia, service as a prosecutor was a way to bring order to the streets of a City she dearly loves. At the same time, she had an abiding sense of justice that spoke of the traditions of an Office headed by Thomas Dewey, Frank Hogan and Robert Morgenthau.

Few of us can forget her careful and painstaking jury selection. As diligently as she prepared her cases, she also readied her juries to evaluate the evidence and apply the facts to the law as they were instructed by the judge. As any trial lawyer knows, this is no easy task. Sonia emphasized that it is both a privilege and a duty to sit on a case, and jurors must do so without bias or prejudice.

We are proud to have served with Sonia Sotomayor. She solemnly adheres to the rule of law and believes that it should be applied equally and fairly to all Americans. As a group, we have different world views and political affiliations, but our support for Sonia is entirely non-partisan. And the fact that so many of us have remained friends with Sonia over three decades speaks well, we think, of her warmth and collegiality.

We urge all Senators to approve Sonia's nomination, as our country will be better off

with Judge Sotomayor sitting on our nation's highest court.

Thank you for your consideration.

Sincerely,

Steven M. Rabinowitz, Marc J. Citrin, John W. Fried, Thomas Demakis, Rubie A. Mages, John Lenoir, Ted Poretz, Mike Cherkasky, Joseph Ortego, Steven Fishner.

Irving Hirsch, Jerry Neugarten, Fred Biesecker, Annette Sanderson, Jackie Hilly, Jessica DeGrazia, Maureen Barden, Deborah Veach, Vivian Berger, Maurice Mathis.

Susan Gliner, Elizabeth Lederer, Frank Munoz, Isabelle Kirshner, Richard Girgenti, Peter Kougasian, Nancy Gray, Jason Dolin, William Tendy, Patrice M. Davis.

Jose Diaz, Scott Sherman, Peter Zimroth, James Warwick, Stephen L. Dreyfuss, Consuelo Fernandez, Jeff Schlanger, Richard H. Girgenti, John Moscow, Eugene Porcarco, Kim H. Townsend.

NATIONAL DISTRICT ATTORNEYS
ASSOCIATION,
Alexandria, VA, June 8, 2009.

Hon. PATRICK LEAHY,
Chairman,

Hon. JEFF SESSIONS,
Ranking Member,
Senate Committee on the Judiciary, Wash-
ington, DC.

DEAR SENATOR LEAHY AND RANKING MEMBER SESSIONS: On behalf of the National District Attorneys Association, the oldest and largest organization representing America's state and local prosecutors, we offer our full support for the nomination of the Honorable Sonia Sotomayor to become the next Associate Justice of the United States Supreme Court.

Because state and local prosecutors handle 95 percent of the criminal prosecutions nationally, rulings by the Supreme Court have far-reaching, serious impacts upon criminal cases in state courthouses across the country. As former prosecutors yourselves, you have a unique appreciation of our concerns.

We practice where the law is truly tested: not in the deliberative atmosphere of an appellate courtroom, but on the streets where police must make split-second choices in dangerous situations and in trial court situations that sometimes give prosecutors and police only a moment to analyze and react. It is important to the National District Attorneys Association, and to the tens of thousands of prosecutors we represent, that the next Supreme Court justice be well steeped in the law and its practical applications.

I have had the opportunity to review the judicial record of Judge Sotomayor, particularly in areas important to prosecutors such as criminal and constitutional law. Through her rulings, Judge Sotomayor reveals a deep understanding of the law. As a prosecutor, I find her to employ a thoughtful analysis of legal precedent and the rule of law and apply that law to the specific facts of each case.

Just as important as her sophisticated knowledge of the law, as a former prosecutor and trial court judge Judge Sotomayor displays an understanding of the impact of those laws on law enforcement, victims and defendants. In interviews with prosecutors who served with Judge Sotomayor in the Manhattan District Attorney's office, Judge Sotomayor has often been described as a "tough and fearless" prosecutor. She vigorously and effectively prosecuted child pornographers, murderers, burglars and many

other "street crimes" in the heart of New York City. She worked closely with law enforcement, deconstructed complex crimes, interviewed witnesses and investigated crime scenes. That kind of legal experience, combined with her 17 years on the federal bench, provide Judge Sotomayor with unique and unprecedented qualifications to be on the Supreme Court.

Judge Sotomayor's depth of experience with all aspects of the law—as a prosecutor, a private litigator, a District Court Judge and as a Federal Judge—has made her into an exemplary judge and an outstanding nominee to serve on our nation's highest court. She possesses wisdom, intelligence and a real world training that would bring important insight to Supreme Court decisions. The National District Attorneys Association believes that Judge Sotomayor would be a welcome addition to the Supreme Court.

We are happy to offer our full support for Judge Sotomayor's nomination to serve as a Supreme Court Associate Justice and encourage her swift nomination by the Senate.

Sincerely,

JOSEPH I. CASSILLY,
President.

JULY 10, 2009.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Minority Member,
Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: On behalf of the Association of Prosecuting Attorneys (APA), we offer our support to the Honorable Sonia Sotomayor's nomination to become the next Associate Justice of the United States Supreme Court. APA is a national "think tank" that represents all prosecutors and provides additional resources such as training and technical assistance in an effort to develop proactive innovative prosecutorial practices that prevent crime, ensures equal justice and makes our communities safer.

Judge Sotomayor's proven record as a prosecutor, private litigator, District Court Judge and Federal Appellate Judge has shown her dedication to the law, equality of justice and ensuring safer communities. Her distinguished tenure as a Federal District Court Judge would bring additional insight about the trial process to the Supreme Court.

Judge Sotomayor, with her trial experience as both a trial judge and prosecutor, would bring practical experience to the highest court in the land. Therefore, the APA fully supports Judge Sotomayor's nomination to the Supreme Court and we urge her confirmation.

Respectfully submitted,

GLENN F. IVEY,
Chairman of the
Board of Directors,
Association of Prosec-
cuting Attorneys.

DAVID R. LABAHN,
President and CEO,
Association of Pros-
cuting Attorneys.

Mr. LEAHY. Madam President, I ask unanimous consent to have printed in the RECORD letters of support for Judge Sotomayor from a broad cross section of law enforcement agencies, including the National Association of Police Organizations, the National Sheriffs' As-

sociation, and the Sheriff of the Los Angeles County Sheriff's Department.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF POLICE ORGANIZATIONS, INC.,
Alexandria, VA, June 5, 2009.

Re Endorsement of Judge Sonia Sotomayor for the United States Supreme Court.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S.
Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: On behalf of the National Association of Police Organizations (NAPO), representing more than 241,000 law enforcement officers throughout the United States, I am writing to advise you of our endorsement of the nomination of Judge Sonia Sotomayor for the United States Supreme Court.

Throughout her distinguished career spanning three decades, Judge Sotomayor has worked at almost every level of our judicial system, giving her a depth of experience and knowledge that will be valuable on our nation's highest court. After five years as the Assistant District Attorney in Manhattan, she went into private practice in 1984 to become a corporate litigator. In 1991, she began her career as a federal judge with her nomination to the United States District Court by President Bush. In 1992, she was promoted to the United States Appeals Court for the Second Circuit by President Clinton, where she has served for the past eleven years.

Through her years of trial experience as an Assistant District Attorney, Judge Sotomayor gained an understanding of what law enforcement officers go through day to day in their jobs. Her familiarity with criminal procedure and qualified immunity are evident in the rulings and findings she has issued during her seventeen year career as a federal judge. Judge Sotomayor has shown that as a jurist she has a keen awareness of the real-world implications of judicial rulings, an important aspect when it comes to evaluating the actions of law enforcement officers and to keeping officers and the communities they serve safe.

As a Supreme Court Justice, NAPO believes Judge Sotomayor's extensive experience in the judicial system and the knowledge she has gained as a prosecutor and judge will serve our nation well. Therefore, we urge you to confirm the nomination of Judge Sonia Sotomayor for the United States Supreme Court. If you have any questions, please feel free to contact me, or NAPO's Executive Director, Bill Johnson.

Sincerely,

THOMAS J. NEE,
President.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, June 8, 2009.

Hon. PATRICK J. LEAHY,
Chair,
Hon. JEFF SESSIONS,
Ranking Member,
Senate Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: On behalf of the National Sheriffs' Association, we are writing to express our support for the nomination of Sonia Sotomayor to be the Associate Justice of the United States Supreme Court.

As you know, in most jurisdictions, sheriffs have several responsibilities in the criminal justice system including law enforcement and the administration of our jails. Because of the sheriff's role in enforcing the law and administering the jails, there are many occasions where the sheriffs duties are directly impacted by the actions of the United States Supreme Court. Sheriffs across the country can recite examples in our communities, where criminals have gone free because of technicalities. In many cases, an overriding problem for law enforcement throughout the United States has been the courts—on the federal, state and local level.

Because of the critical role that the court plays in our criminal justice system, the National Sheriffs' Association is urging the Senate to confirm Judge Sotomayor who we believe has the qualifications, judicial philosophy and commitment to interpreting the Constitution with an abiding sense of fairness and justice.

Judge Sonia Sotomayor's real world experience as a prosecutor who pursued justice for victims of violent crimes as well as a federal judge at both the district and circuit court levels with an unassailable integrity make her an ideal nominee to serve on the Supreme Court. We believe her judicial philosophy in criminal justice to be sound and support her common sense approach in reviewing criminal cases.

As one of the largest law enforcement organizations in the nation, the National Sheriffs' Association is calling on the United States Senate to approve Sonia Sotomayor to be the next Associate Justice of United States Supreme Court.

Respectfully,

SHERIFF DAVID A. GOAD,
President.

AARON D. KENNARD,
Executive Director.

COUNTY OF LOS ANGELES,
SHERIFF'S DEPARTMENT HEADQUARTERS,
Monterey Park, CA, July 7, 2009.
Reconfirmation of Judge Sonia Sotomayor
to the United States Supreme Court.

Hon. PATRICK LEAHY,
*Chairman, Senate Committee on the Judiciary,
U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY: As Sheriff of the Los Angeles County Sheriff's Department, which is the largest Sheriff's Department in the country in one of the most diverse counties in the world, I support the confirmation of Judge Sonia Sotomayor as a United States Supreme Court Associate Justice and, respectfully, urge your Committee to support her nomination.

As you know, Judge Sotomayor has had the gamut of legal experience beginning with her legal education from Yale University. Judge Sotomayor's work as an Assistant District Attorney for the New York County District Attorney's Office and her work in private practice, led to her nomination by President George H.W. Bush to the United States District Court for the Southern District of New York, for which she was confirmed by the United States Senate. She served in that capacity until President Bill Clinton nominated her to the United States Court of Appeals for the Second Circuit, followed by her second Senate confirmation.

Judge Sotomayor possesses all the traits important for service on the United States Supreme Court. Her educational background, diverse legal experience, and personal story have all contributed to her current success and will continue to positively shape her future on the United States Supreme Court.

Judge Sotomayor is an excellent nominee for Associate Supreme Court Justice. I am confident that confirmation of her nomination would be a great step forward for our Supreme Court and our Country. Thank you for your service to our Country and making these critical decisions that profoundly impact our Democracy. Should you have any questions, do not hesitate to contact me.

Sincerely,

LEROY D. BACA,
Sheriff.

NATIONAL LATINO
PEACE OFFICERS ASSOCIATION,
Santa Ana, CA, May 26, 2009.

Re Honorable Sonia Sotomayor.

President BARACK OBAMA,
*The White House,
Washington, DC.*

DEAR MR. PRESIDENT: I am writing on behalf of the men and women of the National Latino Peace Officers Association (NLPOA) to unanimously support the appointment of the Honorable Sonia Sotomayor, Judge with the United States Court of Appeals for the Second District, as the next Justice of the Supreme Court of the United States.

The NLPOA supports Judge Sonia Sotomayor because she has a long and distinguished career on the federal bench as well as having the depth and breadth of legal experience of all levels of the judicial system. She brings a lifelong commitment to equality, justice, and opportunity, and has earned the respect of all her colleagues being in one of the most demanding appeals circuits in America; the Second Circuit.

She brings excellent credentials to this position, with a Juris Doctorate from Yale Law and completing her undergraduate work at Princeton, graduating summa cum laude. With over 30 years experience in handling a wide range of substantial civil and criminal cases, Judge Sotomayor has a distinguished record of professional accomplishments as judge, prosecutor, and community leader.

The NLPOA enthusiastically supports Judge Sonia Sotomayor as the next Supreme Court Justice of the United States of America.

If you have a need for additional information please feel free to contact me.

Respectfully,

ART ACEVEDO,
National President.

NEW YORK STATE LAW ENFORCEMENT COUNCIL

The New York State Law Enforcement Council congratulates President Obama on his nomination of Judge Sonia Sotomayor to the United States Supreme Court. Judge Sotomayor is well known to us from her career as a prosecutor and as a federal judge. She is an extremely able jurist and an exceptional individual. The interests of the nation will be well served when she assumes her seat on the Supreme Court.

WASHINGTON, DC,
June 8, 2009.

Hon. PATRICK LEAHY, Chairman,
Hon. JEFF SESSIONS, Ranking Member,
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND SESSIONS, I am writing in support of President Obama's nomination of Judge Sonia Sotomayor to serve as associate justice of the Supreme Court of the United States. I believe that Judge Sotomayor's inspiring life story, and especially her experience as a prosecutor in New York City, where I spent most of my career, demonstrate a strength of character

that will serve her well on our nation's highest court.

Judge Sotomayor grew up in a housing project in the South Bronx. I patrolled the streets of the South Bronx in the 1970s and know what a tough environment that was. I did not have the privilege of working with Assistant District Attorney Sotomayor, but recently I have spoken to several of my colleagues who did work with her, and they give her nothing but rave reviews. They were impressed with her intelligence, her strong work ethic, and her fierce determination to prosecute criminals, and they use words like "salt of the earth" to describe her.

I believe it is important to note that in the questionnaire that she filled out for the Judiciary Committee, Judge Sotomayor included several criminal cases from her years as a prosecutor in a list of the 10 litigated matters in her career that she considers "most significant." These include the case of the so-called "Tarzan murderer," as well as a child pornography case that Ms. Sotomayor pursued relentlessly when others seemed to consider it a low priority.

Like many others, I have been inspired by Judge Sotomayor's personal story. Through hard work and determination, she earned degrees from Princeton and the Yale Law School. After getting her law degree, she could have cashed in at a blue-chip law firm, but she chose instead to take a low-paid position in the Manhattan District Attorney's office, where she gained priceless real-world experience that cannot help but inform her judgment as she decides criminal cases that come before her.

Sonia Sotomayor went out of her way to stand shoulder to shoulder with those of us in public safety at a time when New York City needed strong, tough, and fair prosecutors. I am confident that she will continue to bring honor to herself, and now to the Supreme Court, when she is confirmed for this critically important position.

Thank you for your consideration.

Sincerely,

JOHN F. TIMONEY,
*Chief of Police, Miami, Florida,
President, Police Executive Research Forum.*

Mr. LEAHY. I urge each Senator to vote his or her own conscience in connection with this historic nomination.

EXHIBIT 1

CONGRESS OF THE UNITED STATES,
Washington, DC, July 24, 2009.

WAYNE LAPIERRE,
Executive Vice President, National Rifle Association of America, Fairfax, VA.

CHRIS COX,
Executive Director, National Rifle Association of America, Fairfax, VA.

DEAR MESSRS. LAPIERRE AND COX: As Members of Congress whose strong support for the rights of gun owners has earned us consistently high ratings from the NRA, we are disappointed by the NRA's opposition to the nomination of Judge Sonia Sotomayor to the U.S. Supreme Court. It is not merited by either Judge Sotomayor's judicial record or hearing testimony. Even more troubling, it appears that you are holding Judge Sotomayor to a different standard than you held Judges Roberts and Alito when they were nominated to the Court, or for that matter, any previous nominee to the Court. The double standard you have set for Judge Sotomayor is a disservice to all members of the NRA, particularly those who are Hispanic.

We support the confirmation of Judge Sotomayor. She is eminently qualified by

her experience as a prosecutor, district judge and 12 years on the Second Circuit Court of Appeals. Her judicial record is one marked by modesty and restraint, prompting the *New York Times* to write that her "judicial opinions are marked by diligence, depth and unflashy competence" and are "models of modern judicial craftsmanship, which prizes careful attention to the facts in the record and a methodical application of layers of legal principles." (Adam Liptak, "Nominee's Rulings Are Exhaustive But Often Narrow," May 26, 2009). And we believe that the historic act of putting the first Hispanic Justice on the Court, particularly one so well qualified for the job, is an important step for our country.

Judge Sotomayor has said more than either of the two previous Supreme Court nominees about the Second Amendment—specifically, she said that it confers an individual right, as recognized by the Supreme Court in its *Heller* decision. Judge Sotomayor was then asked repeatedly to discuss her position on incorporation, even though there is now a circuit split on the issue and there are petitions pending asking the Supreme Court to take the issue. Judges are prohibited by ABA rules from commenting on pending cases, making it inappropriate for Judge Sotomayor to state a definitive view. Nonetheless, at the hearing on her nomination, she emphasized that she has an "open mind" on the question of incorporation and has "not prejudged" the issue.

Conversely, when now-Chief Justice Roberts testified at his confirmation hearing facing a similar circuit split prior to the *Heller* decision on the issue of the individual right to bear arms, he declined to discuss the issue at all, saying only: "That's sort of the issue that's likely to come before the Supreme Court when you have conflicting views." And now-Justice Alito was not even asked a question about the subject. Yet the NRA voiced no opposition to these candidates who were less forthcoming on issues of importance to us.

Your letter cites two cases as evidence that Judge Sotomayor is hostile to the Second Amendment. Your analysis of those cases is either mistaken or deliberately misleading.

United States v. Sanchez-Villar, on which Judge Sotomayor was a member of the panel, was decided in 2004, four years before the Supreme Court's landmark decision in *District of Columbia v. Heller*. That decision was consistent not just with 2nd Circuit precedent, but with the weight of authority at the time; in 2004, every circuit but the Fifth that had considered the question had similarly concluded that the Second Amendment did not protect an individual right. Your letter fails to mention either fact.

Your characterization of *Maloney v. Cuomo* is similarly erroneous. First, *Maloney* did not involve firearms at all. The degree to which it was not considered an important case at the time can be gleaned from the fact that no outside entity or organization, including the NRA, filed an amicus brief in that case, in contrast to the multiple amici filed in *National Rifle Association v. City of Chicago*.

Second, the *Maloney* court did not reject the concept of incorporation; it recognized the prerogative of the Supreme Court, which in *Heller* explicitly did not overrule prior precedent on incorporation. The panel wrote, "[w]here, as here, a Supreme Court precedent has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals

should follow the case which directly controls, leaving to the Supreme Court the prerogative of overruling its own decisions."

Two of the most renowned conservative jurists in the country, Judges Posner and Easterbrook of the Seventh Circuit Court of Appeals, recently endorsed the Second Circuit panel opinion in *Maloney*. In *National Rifle Association v. City of Chicago*, Judge Easterbrook's opinion explicitly stated that the court "agree[d] with *Maloney*."

Even Mr. Maloney himself said the decision in this case was appropriate: "I did not expect to win . . . it was clear to me that they had a very solid basis for saying that the Second Amendment is not incorporated and that essentially they are powerless to do anything about it, they had a defensible position there." Mike Pesca, "High Court May Review Personal Weapons Ruling," *NPR Legals Affairs*, June 1, 2009.

In conclusion, we are mystified as to why the NRA is characterizing Judge Sotomayor as hostile to the rights of gun owners and evaluating Judge Sotomayor by a different standard than that to which you have held previous Supreme Court nominees. We are concerned that your opposition will alienate Hispanic NRA members and dismayed that you may unnecessarily force some well-intentioned Senators to choose between disapproving the NRA or infuriating their Hispanic constituents. We hope that you will reconsider your position on Judge Sotomayor.

Sincerely,

JOE BACA,
SILVESTRE REYES,
SOLOMON P. ORTIZ,
JOHN T. SALAZAR.

Mr. LEAHY. Madam President, I see Senator LINCOLN on the floor, one of my most distinguished colleagues, and I yield to her.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I thank the chairman of the Judiciary Committee. He is a good and trusted friend, and I appreciate all the hard work he and all of our colleagues on the Judiciary Committee have done and all the efforts they have put into this nomination and hearing process.

I rise today to discuss what I think is one of the most consequential and long-lasting decisions in the duties a Senator can perform under the Constitution—the confirmation of a U.S. Supreme Court Justice. It is a rare practice, so rare, in fact, that my consideration of the nomination of Judge Sonia Sotomayor will mark only the third Supreme Court nomination I will have considered since I was first elected to the Senate in 1998.

Even though the President today making this Supreme Court nomination has changed from the previous two nominees, as the chairman of the Judiciary Committee has mentioned, my standards and the standards of any of us for evaluating a nominee have not changed, nor should they have changed.

I believe the people of Arkansas, our great State, and certainly our Nation deserve a Supreme Court Justice who is able to interpret and apply the rule of law fairly without political favor or

bias. Ensuring that a nominee meets this standard is an obligation I have sworn to uphold as a Senator and, moreover, is the standard I expect for a lifetime appointment to our Nation's highest Court.

In making my decision about Judge Sotomayor, I have taken a number of factors into account in evaluating her qualifications for serving on our Nation's highest Court.

First among these are the opinions of my constituents in my home State of Arkansas, including those in the legal community. I have heard from a number of Arkansans who have expressed strong support for Judge Sonia Sotomayor, emphasizing her unique background, impressive resume, and solid judicial record.

I also gained a lot of insight when we met at length in June. I was able to learn firsthand about who she is as a person, her temperament, and her unique life experiences—all of which I believe will help give her the ability to give every litigant who comes before the Supreme Court a fair shake.

Arkansans can readily identify with her because Judge Sotomayor is no stranger to hard work. She was born in New York, and is the daughter of parents who came to the United States from Puerto Rico. After her father died, when she was young, Judge Sotomayor was raised by her mother, a nurse, a hard-working woman with tremendous values. She went on to become valedictorian of her high school, a member of Phi Beta Kappa at Princeton, and editor of the *Law Review* at Yale Law School.

She has a breadth of professional experience, having served as an assistant district attorney and in private practice before beginning her 17 years serving as a Federal judge. She has a long history, and, again, one that starts with hard work and dedication to hard work.

Arkansas is known for its ability to grow self-made Americans, and those are Americans who are no strangers to hard work. They understand what is involved in putting into who you are, and what you are trying to become, and what it is you want to achieve on behalf of others.

Judge Sotomayor even told me in our personal meeting that she had entered her practice in real estate and business law because she had a great appreciation for business and the industries of this great country and she wanted to increase her knowledge of corporate law and broaden her experience.

Moreover, I was impressed during our meeting with her eagerness to learn more about Arkansas and her attentiveness to what issues were most important to my constituents in my home State of Arkansas.

The Senate Judiciary Committee hearings also provided me with an opportunity to learn about her record and

judicial philosophy. I was able to monitor the hearings and watch her performance under intense scrutiny and pressure, and I was impressed with her knowledge, her composure, and her candor.

Given the weight of this decision and the responsibilities I have to my constituents and my country, I have carefully examined the information available about Judge Sotomayor's nomination and am ready to announce I will support Judge Sonia Sotomayor for the U.S. Supreme Court.

I have confidence, as she made clear through the committee hearings, that she understands a judge's obligation is first and foremost a "fidelity to the law."

As the chairman of the Judiciary Committee mentioned earlier, I was raised as an avid duck hunter and a gun owner. Gun ownership is a unique part of my State's heritage. I was pleased to hear Judge Sotomayor made a promise before the Senate Judiciary Committee to have an open mind on the issue of the second amendment and to understand what it means in terms of our rights as American citizens.

In response to questioning, Judge Sotomayor expressed caution in declaring how she would rule on an unsettled constitutional issue likely to come before the Supreme Court before hearing the arguments and studying the opinions before her. I would have been concerned about a nominee who had already made up their mind about an unsettled legal issue that is likely to come before the Court. Her responsibility is to not come in there prejudging or predetermined in her decisions, but to come to the Court with an open mind.

Based on her substantial record, serving on two courts, I am satisfied Judge Sotomayor will give future cases involving the second amendment and the rights of Americans to own firearms for recreation and self-protection a very fair hearing. I am also satisfied that her past rulings on these issues follow precedent and fall within the judicial mainstream.

And I think Senator SESSIONS mentioned some of that in his comments in terms of being judicial mainstream.

Overall, I appreciated Judge Sotomayor's approach to the judiciary hearings and her willingness to respond to questions from Senators on both sides of the aisle on many important topics.

Based on her answers, I believe Judge Sotomayor cares more about following the law and maintaining the respect for the judiciary than she does about politics and ideology.

As Judge Sotomayor stated:

The task of a judge is not to make law. It is to apply the law.

Finally, I have again searched my conscience and reflected on my principles as a Senator for the people of the

great State of Arkansas, using my experiences as a legislator both here and in the House of Representatives and also as a farmer's daughter, my experience as a wife, a mother, a neighbor, to evaluate a decision of such great weight.

It has become apparent to me Judge Sotomayor does meet the test to serve in our Nation's highest Court. I base this conclusion on the respect and support she has earned from those in my home State, colleagues on both sides of the aisle who know her well, on the evidence and the record from her own comments and those of her colleagues, that she has had an abiding respect for the Court's decisions, and that she understands the value of continuity in our law.

We also see the support from industry representatives, such as the Chamber of Commerce, as well as labor organizations. The Senate Judiciary Committee received a letter of support for Judge Sotomayor's nomination from the U.S. Chamber of Commerce, the world's largest business federation, representing businesses and organizations of every size, sector, and region.

The U.S. Chamber wrote, in their letter:

Pursuant to our long-standing endorsement policy, the Chamber evaluated Judge Sotomayor's record from the standpoint of legal scholarship, judicial temperament, and an understanding of business and economic issues. Based on the Chamber's evaluation of her judicial record, Judge Sotomayor is well-qualified to serve as an Associate Justice of the U.S. Supreme Court.

Her extensive experience both as a commercial litigator and as a trial judge would provide the U.S. Supreme Court with a much needed perspective on the issues that business litigants face. Consistent with her Senate testimony, the Chamber expects Judge Sotomayor to engage in fair and evenhanded application of the laws affecting American businesses.

Madam President, I ask unanimous consent that the letter to the Senate Judiciary Committee from the Chamber of Commerce be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, July 23, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, announced today its support of the nomination of Judge Sonia Sotomayor to serve on the U.S. Supreme Court. The Chamber urges members of the Senate Judiciary Committee to vote in favor of reporting Judge Sotomayor's nomination for consideration by the full Senate.

Pursuant to our long-standing endorsement policy, the Chamber evaluated Judge Sotomayor's record from the standpoint of legal scholarship, judicial temperament, and an understanding of business and economic issues. Based on the Chamber's evaluation of her judicial record, Judge Sotomayor is well-qualified to serve as an Associate Justice of the U.S. Supreme Court. Her extensive experience both as a commercial litigator and as a trial judge would provide the U.S. Supreme Court with a much needed perspective on the issues that business litigants face. Consistent with her Senate testimony, the Chamber expects Judge Sotomayor to engage in fair and evenhanded application of the laws affecting American businesses.

The Chamber urges your support of Judge Sonia Sotomayor as Associate Justice of the United States.

Sincerely,

R. BRUCE JOSTEN,
*Executive Vice President,
Government Affairs.*

Mrs. LINCOLN. Madam President, I do believe Judge Sotomayor will make an excellent Supreme Court Justice and she will give all who come before the Court on which she is poised to serve a fair hearing and the attention and respect they deserve. So in this very important decision that each of us as Senators must make, I am proud to be able to support her nomination.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, once again, the Senate is being called upon to do its constitutional duty to consider a nomination to the U.S. Supreme Court. Positions on the Supreme Court are hugely significant given their lifetime tenures and the impact of the Court's decisions on the lives of Americans. Our votes on Supreme Court nominees are among the most significant that we cast.

I commend Chairman LEAHY for the extraordinarily thorough and fair hearings the Judiciary Committee held on this nomination. It has given us a very extensive record upon which we can base our judgment. I have reviewed the nominee's qualifications, temperament, and background to determine if she is likely to bring to the Court an ideology that distorts her legal judgment or brings into question her openmindedness. I believe it is clear that Judge Sotomayor satisfies the essential requirements of openmindedness and judicial temperament, and her decisions as a judge fall well within the mainstream of our jurisprudence.

Judge Sotomayor's judicial career has received bipartisan support. She was nominated first to the district court in the Southern District of New York by President George H.W. Bush. The Senate confirmed her nomination. President Clinton nominated Judge Sotomayor to be a circuit court judge, and the Senate overwhelmingly confirmed her nomination to that position.

The American Bar Association Standing Committee evaluated Judge

Sotomayor and interviewed more than 500 judges, lawyers, law professors, and community representatives from across the United States. They analyzed Judge Sotomayor's opinions, speeches, and other writings. They read reports of Reading Groups comprised of recognized experts in the substantive areas of the law that they reviewed, and they conducted an in-depth personal interview of the nominee. In the words of the committee:

The Standing Committee's investigation of a nominee for the United States Supreme Court is based upon the premise that the nominee must possess exceptional professional qualifications. The significance, range, and complexity and nation-wide impact of issues that such a nominee will confront on the Court demands no less.

After that extensive investigation, the American Bar Association gave Judge Sotomayor their highest rating unanimously, rating her "well qualified."

Some colleagues have expressed concern over the differences in language and ideas they thought they observed in Judge Sotomayor while sitting as a judge in the courtroom and as a citizen outside the courtroom. For example, one colleague put it this way during Judge Sotomayor's confirmation hearing:

I want to ask your assistance this morning to try to help us reconcile two pictures that I think have emerged during the course of this hearing. One is, of course, as Senator SCHUMER and others have talked about, your lengthy tenure on the Federal bench as a trial judge and court of appeals judge. And then there's the other picture that has emerged that—from your speeches and your other writings.

Our colleague went on to say the following:

I actually agree that your judicial record strikes me as pretty much in the mainstream of judicial decision-making by district court judges and by court of appeals judges on the Federal bench.

And he said in conclusion then:

I guess part of what we need to do is to reconcile those—

Referring to the two different pictures he had.

Let's assume for a moment there is a difference between Judge Sotomayor's rulings in the courtroom and those personal views she expressed outside of the courtroom. If so, aren't we looking for people who can apply the law on the bench, even if he or she has a different personal opinion? At the end of the day, we want our judges to leave their personal views outside of the courtroom. That is the essence of an impartial judiciary. In other words, Judge Sotomayor has demonstrated the very trait that she is accused by some of lacking: the ability to leave her personal opinions at the courthouse door.

The Congressional Research Service has analyzed Judge Sotomayor's record and has concluded the following:

Perhaps the most consistent characteristic of Judge Sotomayor's approach as an appel-

late judge has been an adherence to the doctrine of stare decisis (i.e., the upholding of past judicial precedents). Other characteristics appear to include what many would describe as a careful application of particular facts at issue in a case and a dislike for situations in which the court might be seen as overstepping its judicial role.

Well, that is the opposite of an activist judge imposing her views despite the law.

We all have personal views and sympathies. Some judges, regrettably, can't lay those aside when making their judicial calls. Judge Sotomayor has proven in her judicial career that she can, while faithfully applying the principles of the U.S. Constitution.

So today, once again, the U.S. Senate is being called upon to do its constitutional duty and consider a nomination to the U.S. Supreme Court. Positions on the Supreme Court are hugely significant given their lifetime tenures and the impact of the Court's decisions on the lives of Americans. Our votes on Supreme Court nominees are among the most significant that we cast.

Article II, section 2 of the Constitution simply provides that: "[The President] shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court . . . Without specific constitutional guidance, each senator must determine what qualities he or she thinks a Supreme Court Justice should have, and what scope of inquiry is necessary to determine if the prospective nominee has these qualities.

This will be the twelfth Supreme Court nomination on which I will have voted. Each time, I have reviewed the nominee's qualifications, temperament and background to determine if the nominee is likely to bring to the court an ideology that distorts his or her legal judgment or brings into question his or her open-mindedness. I believe that Judge Sotomayor satisfies the essential requirements of open-mindedness and judicial temperament and her decisions as a judge fell well within the mainstream of our jurisprudence.

Judge Sotomayor graduated as valedictorian of her class at Blessed Sacrament and at Cardinal Spellman High School in New York. She continued to excel at Princeton University, graduating summa cum laude, and Phi Beta Kappa. She was a corecipient of the M. Taylor Pyne Prize, the highest honor Princeton awards to an undergraduate. At Yale Law School, Judge Sotomayor served as an editor of the Yale Law Journal.

In her 30-year legal career, Judge Sotomayor has been a Federal circuit and trial court judge, a civil commercial litigator in private practice, and a State prosecutor. She served as an assistant district attorney in the New York County District Attorney's Office and later worked in private practice.

Judge Sotomayor's judicial career has received bipartisan support. During

the 102nd Congress, President George H.W. Bush nominated Judge Sotomayor to be a district judge on the Southern District of New York. On August 11, 1992, the Senate confirmed her nomination.

During the 105th Congress, President Bill Clinton nominated Judge Sotomayor to be a circuit judge on the United States Court of Appeals for the Second Circuit. On October 2, 1998, the Senate confirmed her nomination by a vote of 67–29.

On May 26, 2009, President Obama nominated Judge Sotomayor to be Associate Justice of the Supreme Court to fill the seat left vacant by the departure of Justice David Souter. Recently, the American Bar Association Standing Committee evaluated Judge Sotomayor and interviewed more than 500 judges, lawyers, law professors and community representatives from across the United States; they analyzed Judge Sotomayor's opinions, speeches and other writings; read reports of reading groups comprised of recognized experts in the substantive areas of the law that they reviewed; and conducted an in-depth personal interview of the nominee. In the words of the committee:

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Some colleagues have expressed concern over the differences in language and ideas they observed in Judge Sotomayor while sitting as a judge in the courtroom, and as a citizen outside of the courtroom. For example, one colleague put it this way during Judge Sotomayor's confirmation hearing,

I want to ask your assistance this morning to try to help us reconcile two pictures that I think have emerged during the course of this hearing. One is, of course, as Senator SCHUMER and others have talked about, your lengthy tenure on the federal bench as a trial judge and court of appeals judge.

And then there's the other picture that has emerged that—from your speeches and your other writings.

He further stated,

You know, I actually agree that your judicial record strikes me as pretty much in the mainstream of—of judicial decision making by district court judges and by court of appeals judges on the federal bench. And while I think what is creating this cognitive dissonance for many of us and for many of my constituents who I've been hearing from is that you appear to be a different person almost in your speeches and in some of the comments that you've made. So I guess part of what we need to do is to try to reconcile those.

Assume there is a difference between Judge Sotomayor's rulings in the courtroom, and those personal views she expressed outside of the courtroom. If so, aren't we looking for people who can apply the law on the bench, even if he or she has a different personal opinion? At the end of the day, we want our judges to leave their personal views outside of the courtroom. That is the essence of an impartial judiciary.

Senator GRAHAM pointed that out when he said,

Her speeches, [while troubling], have to be looked at in terms of her record. When we look at this 17-year record we will find someone who has not carried out that speech.

In other words, Judge Sotomayor has demonstrated the trait she is accused by some of lacking: the ability to leave her personal opinions at the courthouse door. She has an extensive judicial record and we have had the opportunity to review that record. The Congressional Research Service analyzed Judge Sotomayor's record and concluded:

Perhaps the most consistent characteristic of Judge Sotomayor's approach as an appellate judge has been an adherence to the doctrine of *stare decisis* (i.e., the upholding of past judicial precedents). Other characteristics appear to include what many would describe as a careful application of particular facts at issue in a case and a dislike for situations in which the court might be seen as overstepping its judicial role.

That is the opposite of an activist jurist imposing her views despite the law. During her confirmation hearing, Judge Sotomayor was asked about the role of the courts numerous times. Her response makes clear that she adheres to the responsibilities of a judge:

... look at my decisions for 17 years and note that, in every one of them, I have done what I say that I so firmly believe in. I prove my fidelity to the law, the fact that I do not permit personal views, sympathies or prejudices to influence the outcome of cases, rejecting the challenges of numerous plaintiffs with undisputably sympathetic claims, but ruling the way I have on the basis of law rejecting those claims. . . .

We all have personal views and sympathies. Some judges regrettably can't lay those aside. Judge Sotomayor has proven in her judicial career that she can, while faithfully applying the principles of the U.S. Constitution.

For these reasons, I will vote to confirm Judge Sotomayor to the Supreme Court.

Madam President, I ask unanimous consent that letters received by the Judiciary Committee from the AFL-CIO and from AFSCME be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, July 24, 2009.

DEAR SENATOR: On behalf of the AFL-CIO, I am writing to urge you to support the swift

confirmation of Judge Sonia Sotomayor as our next Supreme Court Justice.

Judge Sotomayor fully acknowledges the real world consequences of judicial rulings, and throughout her career has demonstrated her understanding of the impact of the law on working families. She has also consistently interpreted our labor laws in the manner in which they were intended.

Judge Sotomayor has recognized that persecution for union activity can be a basis for granting asylum in this country. She has enforced the rights of workers to be free from all types of discrimination, to be paid correct wages, and to receive the health benefits to which they are entitled. In the baseball strike of 1995, Judge Sotomayor recognized that baseball owners had forced the strike by engaging in unlawful conduct and she issued an injunction that saved baseball.

Throughout her nomination hearing before the Senate Judiciary Committee, Judge Sotomayor demonstrated that she is a stellar jurist with a commitment to uphold the constitutional rights of all.

Judge Sonia Sotomayor would bring more federal judicial experience to the Supreme Court than any justice in the last 100 years. We urge the Senate to confirm her nomination to the Supreme Court.

Sincerely,

WILLIAM SAMUEL,
Director,
Government Affairs Department.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO,

Washington, DC, July 21, 2009.

MEMBERS OF THE COMMITTEE ON JUDICIARY,
U.S. Senate, Washington, DC.

DEAR SENATOR: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to vote yes when the Senate Judiciary Committee considers the nomination of Judge Sonia Sotomayor to the U.S. Supreme Court. We believe that she conducted herself with distinction during her confirmation hearing and that she should be confirmed as the next U.S. Supreme Court Justice.

Judge Sotomayor was impressive during her confirmation hearing, demonstrating that she is well-qualified to serve on the high court. Her successful appearance before the Judiciary Committee is no surprise when you consider her strong educational and professional background. She was valedictorian of her high school class, won a scholarship to Princeton and earned her law degree at Yale University where she served as editor of the Yale Law Review. Judge Sotomayor has served with distinction as a litigator, prosecutor, trial court and U.S. appellate judge and brings more federal judicial experience than any of the current members of the Supreme Court and than any Justice in the last century prior to their nomination to the high court.

As an organization representing working men and women, we obviously are interested in a judicial nominee's record on issues impacting the lives of working families. Judge Sotomayor has been consistent in her interpretation of labor laws and has worked to preserve the rights of workers to receive fair pay, health benefits and to be free of workplace discrimination. She has proven that she is well within the mainstream with her views of the Constitution.

Judge Sotomayor's nomination marks a milestone, making her the first Hispanic and the first woman of color to be nominated to

the high court, thereby fulfilling President Obama's promise to add diversity to the Supreme Court.

We strongly support the nomination of Judge Sonia Sotomayor to the U.S. Supreme Court and urge you to vote yes to confirm her.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Mr. LEVIN. Madam President, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, the Judiciary Committee has received several letters and statements of support from organizations dedicated to advancing civil and women's legal rights, including LatinoJustice PRLDEF, the Alliance for Justice, and the National Women's Law Center. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LATINOJUSTICE, PRLDEF.

FORMER LATINOJUSTICE PRLDEF BOARD MEMBER JUDGE SONIA SOTOMAYOR NOMINATED TO THE U.S. SUPREME COURT

We congratulate former board member and present Federal Appeals Court Judge Sonia Sotomayor in being nominated to the U.S. Supreme Court.

The LatinoJustice PRLDEF family rejoices and congratulates President Obama for making the historic decision to nominate the first Latina to the Supreme Court. The president has not only chosen a well-qualified and respected judge who will be a great asset to the court and our nation—but with his first opportunity to nominate a Supreme Court Justice, the president brings the Hispanic community into the exclusive chambers of the highest court in the land.

"Sonia is a member of our family and spent more than a decade providing leadership to our organization, said Cesar Perales, LatinoJustice PRLDEF President and General Counsel. "We profited firsthand from her probing mind as well as her thoughtfulness beyond her extraordinary intellect. She is a most practical person who found solutions to complex issues."

Judge Sotomayor's nomination comes at a time when the Hispanic community is at the heart of a number of highly politicized issues and attacks on our civil liberties. LatinoJustice PRLDEF recently has fought battles against anti-immigration ordinances, a rash of hate crimes against Latinos and attempts to police the use of Spanish.

As the second largest and fastest growing population in America, with a large pool of qualified individuals to choose from, it was wholly appropriate for the president to nominate a Hispanic.

Although Judge Sotomayor has a stellar judicial record, many of her supporters are expecting a fight from the right and from conservatives.

"We are prepared to engage those who would unfairly tarnish her reputation," Perales said. "The nation needs to know that LatinoJustice PRLDEF will come to her defense."

The Latino community will be looking to the Senate to proceed with the confirmation process in a fair and timely manner.

We expect that senators from both parties should treat Judge Sotomayor with the respect she deserves, examine her record thoughtfully, and perform their constitutional duty without undue delay or obstruction.

LatinoJustice PRLDEF has organized a Task Force made up of exemplary lawyers and academics to conduct a review of the nominee's published papers and decisions.

ALLIANCE FOR JUSTICE,
Washington, DC, July 9, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S.
Senate, Russell Senate Office Building,
Washington, DC.

Hon. JEFF SESSIONS,
Committee on the Judiciary, U.S. Senate, Rus-
sell Senate Office Building, Washington,
DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: The Alliance for Justice endorses Judge Sonia Sotomayor's nomination to the Supreme Court. Alliance for Justice ("AFJ") is a national association of over 80 organizations dedicated to advancing justice and democracy. For 30 years we have been leaders in the fight for a more equitable society on behalf of a broad constituency of environmental, consumer, civil and women's rights, children's, senior citizens' and other groups. We believe all Americans have the right to secure justice in the courts and to have our voices heard when government makes decisions affecting our lives.

Judge Sotomayor has a record of academic and professional excellence, and we commend President Obama for choosing a brilliant and fair-minded jurist to serve on our nation's highest court. There is no question that Judge Sotomayor is eminently qualified to serve on the Supreme Court. Her rise from modest circumstances to become a graduate of Princeton University and Yale Law School speaks well of her intellect, character, and dedication. Her extensive career as a criminal and commercial litigator and her seventeen years on the bench as trial and appellate judge round out her sterling credentials.

Importantly, if confirmed, Judge Sotomayor will bring the perspective provided by being the only sitting justice to have served as a trial court judge. It will be enormously valuable to the Supreme Court to have a member with an understanding of the challenges that trial judges face and the way in which Supreme Court rulings are likely to play out on the front lines of the criminal justice system.

We also find it enormously important that throughout her career Judge Sotomayor has worked to open the legal profession to women and people of color. Through her involvement in community activities and as a mentor, she has shared her remarkable talents and example.

As part of AFJ's work to promote a fair and independent judiciary, we conducted a thorough analysis of Judge Sotomayor's judicial record, composed of the more than 700 opinions she has authored in a wide range of areas of law. We focused on four areas of her jurisprudence—access to justice; criminal law and procedure; constitutional and civil rights; and business and consumer litiga-

tion—each of which will be addressed in greater detail below. Judge Sotomayor is a careful jurist who digs into the facts of a case and issues narrow rulings. She has written frequently in her opinions about the limited role of a judge, and she has approached change in the law in a very restrained and incremental fashion. A moderate voice who displays no signs of bias toward parties of any particular background or affiliation, Judge Sotomayor tends to avoid announcing new rules or issuing broad statements of principle. She does not consciously espouse a grand theory of interpretation or judicial philosophy. Judge Sotomayor shows deference to the intent of Congress and emphasizes close reading of statutory texts. Above all, her opinions adhere closely to Supreme Court and Second Circuit precedent, showing Judge Sotomayor's deep respect for the rule of law and the importance of stare decisis.

Judge Sotomayor's rulings on legal issues such as justiciability, preemption, jurisdiction-stripping, and sovereign immunity exemplify her cautious, technical approach to judicial review. They also demonstrate both judicial restraint and a commitment to access to federal courts. Taking a measured approach to questions of standing, she has consistently demonstrated fidelity to examining justiciability prerequisites before allowing a case to proceed. Attentive to issues of mootness and ripeness, Judge Sotomayor systematically works through alleged harms, identifies those that create an active case or controversy, and gives attention to statutory limits on injury or on the class of plaintiffs authorized to seek court redress. Although Judge Sotomayor has ruled on only a few preemption cases, her rulings reflect the often complex interplay between state and federal law, and she subjects preemption claims to rigorous statutory analysis, relying on text and legislative history to discern Congressional intent. Her rulings on other doctrines concerning parties' access to justice, such as court stripping, sovereign immunity, and attorneys' fees, demonstrate awareness of the importance of access to a fair and impartial judiciary.

Judge Sotomayor's criminal law experience is lengthy and varied. She spent the first five years of her career as a prosecutor in the Manhattan District Attorney's office, and she has participated in hundreds of criminal cases during her long tenure on the federal bench. Importantly, Judge Sotomayor will bring to the Supreme Court the insights gained from her years presiding over criminal proceedings as a district court judge, which will make her the only sitting justice who has been directly responsible for implementing the U.S. Sentencing Guidelines and meting out punishment. Her district court record reflects a tough jurist unafraid of imposing sentences at the high end of the guideline range for both white collar and violent criminals. She does not, however, uniformly support sentence enhancements, and she vigorously opposed a district court's injection of personal policy preferences into a sentencing decision.

Judge Sotomayor's criminal justice opinions reveal the temperament of a former prosecutor who understands the real-world demands of prosecuting crime and fundamentally respects the rule of law. When reviewing the constitutional rights of criminal defendants, Judge Sotomayor closely follows Second Circuit precedent and dispenses narrow rulings tailored to the particular facts of the case. Exhibiting a moderate and restrained approach to judicial review of trial process, she focuses on procedural issues, and

she has resolved the overwhelming majority of her cases without reaching the merits of a defendant's claim. Significantly, she frequently concludes that trial defects resulted in harmless rather than structural error. Her restrained manner is most evident in her habeas corpus decisions, in which she strictly adheres to the procedural requirements of the Antiterrorism and Effective Death Penalty Act ("AEDPA"), often dismissing habeas petitions as unexhausted or time-barred under AEDPA, even when faced with potentially credible—and, in one instance, ultimately proven—claims of actual innocence. While the Alliance for Justice believes that, where possible, judges should reach the merits of a defendant's constitutional claims and recognize the damage that a trial court error inflicts on the integrity of a criminal proceeding, we nonetheless respect Judge Sotomayor's moderate approach and commitment to preserving the delicate balance between the government's ability to prosecute crime and an individual's constitutional rights.

Judge Sotomayor takes a similarly cautious approach in civil rights cases, above all taking care to strictly follow precedent and limit her rulings to the facts at hand. When finding that the matter before her is not squarely addressed by precedent, she tends to rule narrowly, moving the law in small increments rather than in bold steps. While we do not always agree with her restrained interpretation of statutes or the Constitution, we applaud the consistent attention she has paid to matters of process, including procedural due process. Her opinions insist that individuals in our justice system are entitled to adequate notice, a right to be heard, and representation. In particular, we appreciate that she has shown particular attention to the procedural rights of individuals who are less likely to be able to fend for themselves. She has also emerged as a strong defender of First Amendment rights to free speech and free exercise of religion, as well as the rights of the disabled.

Her limited record reviewing controversial constitutional issues, such as those involving the Second Amendment and the Takings Clause, is a model of restraint, faithfully applying Supreme Court precedent. She does not depart from her cautious approach when reviewing civil rights protections against discrimination. Her employment discrimination decisions are within the legal mainstream, and she has ruled in a consistently balanced manner for both plaintiffs and defendants. Contrary to the accusations by some commentators, there is no evidence of racial bias in any of the hundreds of decisions Judge Sotomayor has written. Rather, her jurisprudence in cases involving racial discrimination claims is very much like her jurisprudence in other areas of the law: deliberate, measured, and strictly adherent to precedent. Finally, on other hot-button issues such as reproductive rights, capital punishment, and executive power, her record is too slim to arrive at any meaningful conclusions about her views.

Our review of Judge Sotomayor's rulings in business and consumer litigation further emphasized Judge Sotomayor's dedication to careful attention to the facts of each case, deference to the legislature, and adherence to legal precedents. Judge Sotomayor has a wealth of experience in business and consumer litigation garnered from her time spent as a judge, in private practice, and through her public service activities. Consequently, she will bring to the Court an impressive working knowledge of commercial

law, including securities, antitrust, employment, banking, trademark and copyright, and product liability. An analysis of Judge Sotomayor's opinions in labor cases showed that she cannot be pigeonholed as pro-union, pro-employer, or pro-employee, although her rulings show judicial restraint and a respect for the National Labor Relations Board and Congress's national labor policy favoring collective bargaining.

In sum, our examination of Judge Sotomayor's record demonstrates her consistency and restraint as a jurist. Importantly, her very presence on the Court may have a "Marshall effect": justices who sat with Justice Thurgood Marshall have noted that his presence in conference and on the bench changed their conversations and informed their decisions. As the Court's first Hispanic and only its third woman, Judge Sotomayor may have a similar effect on the activist justices on the Court who appear intent on weakening our core constitutional, civil rights, environmental, and labor protections.

Most fundamentally, Judge Sotomayor is a highly accomplished and qualified nominee who has proven herself to be fair, reasonable, and committed to upholding the rule of law and core constitutional values. For these reasons, Alliance for Justice is proud to endorse her historic nomination to the Supreme Court.

Sincerely,

NAN ARON,
President, Alliance for Justice.

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, July 21, 2009.

Re nomination of Judge Sonia Sotomayor to be Associate Justice of the Supreme Court of the United States.

Hon. PATRICK J. LEAHY,
Chair, Senate Judiciary Committee, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SESSIONS: On behalf of the National Women's Law Center (the "Center"), we write in support of the nomination of Judge Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States. Judge Sotomayor possesses sterling academic and legal credentials, with a varied legal career including government service as a prosecutor, private practice in complex areas of commercial law, and 17 years as a federal judge, both at the trial and appellate level. She is well-respected in the profession and has an excellent reputation as a careful, thoughtful, fair, and extremely intelligent jurist. The ABA Standing Committee on the Federal Judiciary unanimously rated her well-qualified for the Supreme Court. She has also received the endorsement of the National Association of Women Lawyers, the Hispanic National Bar Association, and the New York City Bar Association. In addition to her exceptional legal qualifications, Judge Sotomayor brings an inspiring life story and a demonstrated commitment to public and community service, including within the civil rights community.

As an organization dedicated to advancing and protecting women's legal rights, the National Women's Law Center since 1972 has been involved in virtually every major effort to secure and defend women's legal rights in this country. The Center has reviewed Judge Sotomayor's legal record, including her judicial decisions, public statements, and experiences outside of her service on the bench,

and her testimony before the Senate Judiciary Committee during her confirmation hearings. The Center's review of the totality of Judge Sotomayor's legal record has led the Center to conclude that Judge Sotomayor will bring a real-world perspective, much-needed diversity of experience and background, considerable legal acumen, and a fair-minded approach to the Court. The National Women's Law Center is proud to support Judge Sotomayor, an exceptionally qualified nominee who is only the third woman, the third person of color, and the first Latina and woman of color, to be nominated to the Supreme Court.

The Center's review focused, on issues of particular importance to women—including prohibitions against sex discrimination under the Equal Protection Clause, the constitutional right to privacy (which includes the right to terminate a pregnancy and other aspects of women's reproductive rights and health), as well as the statutory provisions that protect women's legal rights in such fundamental areas as education, employment, health and safety, and social welfare, access to justice, and public benefits. The Center's analysis is set forth in full in a public report, *The Record of Judge Sonia Sotomayor on Critical Legal Rights for women*, available at www.org/pdf/SotomayorReport.pdf, which was released on July 17, 2009.

Judge Sotomayor's legal record demonstrates that she is a careful judge who is extremely respectful of the role of the judiciary, who is deferential to precedent, and who delves deeply into the factual record. Judge Sotomayor's decisions have been fully justifiable as a matter of law and fall well within the mainstream of judicial thought. Questioned extensively about her prior statements regarding the influence that a judge's background and experiences have on the decisionmaking process, Judge Sotomayor replied consistently that she believes strongly that the even-handed application of the law must always prevail. Judge Sotomayor's testimony at her confirmation hearings on a variety of topics and legal issues reinforced her record as a judge, reiterating her commitment to precedent, her careful and fact-bound approach, and her understanding of the role of the judiciary.

Judge Sotomayor's record and testimony provide confidence that her judicial philosophy and approach to the law are consistent with the legal rights and principles that are central to women, including the constitutional right to privacy and *Roe v. Wade*, Equal Protection, and key statutory protections.

The Center offers its strong support of Judge Sotomayor's nomination to the Supreme Court, and urges the Committee to approve her nomination quickly.

Sincerely,

NANCY DUFF CAMPBELL,
Co-President.
MARCIA D. GREENBERGER,
Co-President.

Mr. DURBIN. Madam President, as a Member of Congress, there are votes you cast that you remember for a lifetime. Recently, a new Senator, AL FRANKEN, came to my office the day after he was sworn in, and we talked about his adjustment to the Senate. He talked to me about his concern about the first three votes he cast in the Senate, that he was pushed in quickly and had to make decisions and didn't have a chance to reflect as he would have

liked to reflect on those votes. I said to him that I understood that, but after he has been in the Senate for a while—or the House for that matter—and he has cast many votes, he would realize that some are more important than others.

This is an important vote. It is not the most important vote a Member of the Senate can cast—a vote for a nomination of the Supreme Court. I would argue the most important vote you can cast is whether America goes to war because if the decision is made in the affirmative, as it has been, people will die. I can't think of anything more compelling than that vote.

But this ranks a close second in terms of the impact it will have. These are lifetime appointments to the Supreme Court. The Supreme Court Justices on average serve 26 years, longer than most Members of Congress. The Supreme Court has the last word in America when it comes to our most significant legal issues. This High Court across the street, comprised of nine men and women, defines our personal rights as Americans to privacy and the restrictions the government can place on the most personal aspect of our lives and our freedom. It doesn't get any more basic than that.

The Supreme Court decides the rights of workers, consumers, immigrants, and victims of discrimination. The nine Justices decide whether Congress has the authority to pass laws to protect our civil rights and our environment. They decide what checks will govern the executive branch—the President—in time of war.

In critical moments in American history, the Supreme Court has succeeded and failed our Nation. In the Dred Scott decision in the 1850s, the Supreme Court perpetuated slavery and led us to a civil war. In *Brown v. Board of Education*, in the 1950s, that court brought an end to the legal blessing on discrimination based on race. Because these issues were so important, and tomorrow's issues may be as well, we make our choices for the Supreme Court with great care. We obviously need Justices with intelligence, knowledge of the law, the proper judicial temperament, and a commitment to impartial and objective justice. More than that, we need Supreme Court Justices who understand our world and the impact their decisions will have on everyday people. We need Justices whose wisdom comes from life, not just from law books.

Sadly, this important quality seems to be in short supply these days. The Supreme Court has issued decision after decision in recent years that represent a triumph of ideology over common sense. The case of *Ledbetter v. Goodyear Tire & Rubber Company* is the best example of this troubling trend of the Court. In that case, the Supreme Court dismissed a claim of

pay discrimination simply because the claim was filed more than 180 days after the initial discriminatory paycheck. But most employees in most businesses in America have no idea how much the person next to them is being paid, so it is often impossible to know you are a victim of pay discrimination until long after the fact, long after 180 days. The Supreme Court's Ledbetter decision defied common sense, the realities of the workplace, and a long record of earlier decisions. A 13-year-old girl was strip-searched at her school based on a false rumor that she was hiding ibuprofen pills. At the oral argument before the Court in April, several Supreme Court Justices asked questions about the case that revealed a stunning lack of concern for the eighth grade victim. One of the Justices even suggested that being strip-searched was no different than changing clothes for gym class. Justice Ruth Bader Ginsburg helped her eight male colleagues understand why the strip search of a 13-year-old girl was humiliating enough to violate her constitutional rights. The majority of the Justices, nevertheless, ruled that school officials were immune from liability.

These and other decisions demonstrate that the Supreme Court needs to understand the real world and the impact its decisions have on real people. I believe Judge Sonia Sotomayor will be such a Justice.

One of my favorite memories of Judge Sotomayor's hearing was watching her mother's face glow with pride as Judge Sotomayor talked about the history of her family. She spoke about growing up in public housing, losing her father when she was 9 years old, and struggling to succeed against adversity, illness, and the odds. She talked about what a great impact her mom had on her life, and that her mom taught her what a friend was worth. She talked about earning scholarships to Princeton University and Yale Law School, serving as a prosecutor and a corporate litigator, and then being selected by President George H.W. Bush to serve the Federal judiciary and being promoted to a higher judicial office by President Bill Clinton.

It is a rare occurrence for a Federal judge to receive appointments by Presidents of different political parties. Sonia Sotomayor received those and that reflects so well on her skill as a judge.

Judge Sotomayor has served for more years as a Federal judge than any other Supreme Court nominee in a century and, if confirmed, she will be the only Justice on the current Supreme Court with actual experience on the district court and the trial court, the front line of our judicial system.

For many who oppose Sonia Sotomayor, her life achievements and her judicial record aren't good enough.

They have gone through 3,000 different court decisions that this woman has written or been part of. They have scoured through hundreds of speeches she has given. If you watched the hearing, they focused primarily on one case and one sentence in one speech.

At Judge Sotomayor's hearing, Republican Senators mentioned the words "wise Latina woman"—that one line in one speech—17 different times. Senator after Senator asked her, "What did you really, really mean with those three words?"

Those of us who are Senators live in a world of daily decisions, speeches, and votes. If we vote in a way that is controversial, we ask the people to be fair and judge us on our life's work, not on a single vote. It is a standard we ask for ourselves. But for some Senators, it is not a standard they would give Judge Sotomayor when it comes to her decisions and life in public office.

Members of Congress also live in a world of revised and extended remarks. We live in a world of jokes that aren't that funny, and verbal gaffes. Many want to condemn Judge Sotomayor for her "wise Latina" remark that she herself conceded was "a rhetorical flourish that fell flat." I think some of her critics in the Senate are applying a double standard here.

I pointed out at the hearing that those who read the "wise Latina" sentence should have kept reading, because a little further in that same speech, the judge noted that it was nine white male Justices on the Supreme Court who unanimously handed down the *Brown v. Board of Education* decision, and other cases involving race and sex discrimination.

Judge Sotomayor made it clear at her hearing that she believes no single race or gender has a monopoly on good judgment. But her statements are not good enough for some of my colleagues. I hope that Senators would be wise enough themselves to look at her long record on the bench and not one line in one speech.

Let's be honest. A great deal of concern about her nomination has to do with the issue of diversity. Why do we even seek diversity when it comes to appointments to the Federal judiciary? First, it is because we live in a diverse nation. We want every American to believe they have an equal opportunity to succeed. We want every American, Black, White, brown, male and female to know that our system of government is fair. We want all Americans to look at our Congress and our courts and feel there are leaders who can identify with the diversity of life experience in this great diverse Nation.

Second, diversity on the Federal bench is important because different life experiences can lead to different perspectives.

Does anybody believe there is a clear, objective answer to every case that

comes before the Supreme Court? If they do, please explain to me why one-third of all rulings in that Court in the last term were decided by a 5-to-4 vote.

Does anybody believe the Supreme Court's recent strip search case would have come out the same way if Justice Ginsburg, the only woman on the Supreme Court at this moment, had not helped her eight male colleagues to reflect on what it was like for a 13-year-old girl to be treated in such a humiliating fashion at her school?

Does anybody believe that women judges have not helped their male colleagues understand the realities of sex discrimination and sexual harassment in the workplace? Study after study has shown that men and women on the bench sometimes rule differently in discrimination cases. That is why diversity is so important.

This doesn't mean their rulings are based on personal bias. It simply means that Americans see the world through the prism of various experiences and perspectives. Our Supreme Court Justices should possess an equally rich and wide field of vision as they interpret the facts and the law. Criticizing Judge Sotomayor for recognizing this reality is unfair.

The criticism of Judge Sotomayor for her position in the Ricci case, which involved the firefighters in Connecticut, is also unfair. Judge Sotomayor's position in that case followed past judicial precedents. At her nomination hearing, she offered clear explanations about the law as she saw it when she reached her conclusion, and about how her decision was fully consistent with the way the law has historically dealt with competing claims of discrimination.

Her position in the Ricci case was supported by a majority of the members of her appellate court, a unanimous three-judge panel of her court, the district court, and by four of the nine members of the Supreme Court. Hers was not a radical, unreasonable position. I think we know that. When my colleague Senator SPECTER asked the firefighters themselves if they believed that Judge Sotomayor's ruling in the case was made in good faith, they said they had no reason to believe otherwise. Nor do I.

To those who say Judge Sotomayor wouldn't have an open mind in race discrimination cases, look at her 17 years on the bench. Based on an independent study by Supreme Court scholar Thomas Goldstein, after looking at all 96 of her race discrimination cases, he found that she ruled in favor of the plaintiffs less than 10 percent of the time. There is no bias in her decision-making. The facts don't support that conclusion.

There are two other issues I will address—foreign law and the second amendment. These issues are near and dear to the rightwing conservative base.

With respect to foreign law, Judge Sotomayor stated repeatedly over and over, in question after question, that American courts should not rely on decisions of foreign courts as controlling precedent. But she said that in limited circumstances, decisions of foreign courts can be a source of ideas, akin to law review articles or legal treatises.

She is hardly alone in her thinking on this. Justice Ginsburg took the same position and observed: "I will take enlightenment wherever I can get it."

This commonsense approach has been embraced by two conservative Supreme Court Justices appointed by President Reagan: William Rehnquist and Anthony Kennedy.

Indeed, we cannot expect the rest of the world to adopt the democratic principles and fundamental freedoms we promote as a Nation, while at the same time saying we will never consider ideas developed in other countries. This is plain common sense.

It is sad that some of my colleagues are in the thrall of small-minded xenophobes and don't appreciate that the march of democracy has reached many corners of the world and generated thoughtful reflection on our most basic values.

On the issue of the second amendment, I was sorry to see a major lobby group in Washington, DC, the National Rifle Association, not only announce their opposition to Judge Sotomayor but also notify its members and colleagues that this vote is going to be scored against them on the annual legislative scorecard. This is the first time in its history that the NRA has taken a position on a Supreme Court Justice.

Every citizen is entitled to his opinion, but it is unfortunate that the decision of this historic gravity has become a bargaining chip for lobbyists in Washington, and contributions in the next political campaign. What is worse, Judge Sotomayor has a record of honest reflection on the second amendment.

Most of the gun-related criticism of Judge Sotomayor is focused on the Maloney case. But in that case, she came to the exact same conclusion as a three-judge panel of the U.S. Court of Appeals for the Seventh Circuit, based in Illinois. That three-judge panel was not a gathering of liberals. It featured three Republican appointees and two of the most conservative icons on the Federal bench, Judge Frank Easterbrook and Judge Richard Posner.

They concluded that only the Supreme Court, not appellate courts, could overrule century-old Supreme Court precedents on whether the second amendment right to bear arms applies to the States.

I realize the NRA and their Senate allies don't like that ruling. They

wanted Judge Sotomayor to do what the Ninth Circuit did and overrule Supreme Court precedent. But in the Maloney case, Judge Sotomayor did what an appellate court should do, and she followed the law.

I am pleased that not every conservative group joined the NRA's line of fire. I will mention some organizations and individuals who don't typically show up at Democratic party rallies but who support the judge: Kenneth Starr, a man who led the impeachment of President Clinton; Charles Fried, a conservative Republican who served as Solicitor General during the Reagan administration, also supports her confirmation, as do conservative columnists Charles Krauthammer and David Brooks. The U.S. Chamber of Commerce has endorsed her. In Illinois, the conservative Chicago Tribune said:

In four days of testimony under often intense questioning, [Judge Sotomayor] handled herself with grace and patience, displaying a thorough knowledge of case law and an appreciation of her critics' concerns. The result was to reinforce a strong case that she will make a good Supreme Court justice and deserves Senate approval.

I want to acknowledge that, as of this moment, eight Republican Senators have stepped forward and announced they are going to support Judge Sotomayor. I am heartened by their courage and their support of this fine judge.

The last issue I would like to address is that word "empathy." Judge Sotomayor's critics have twisted and tortured this word in an effort to discredit her and raise doubts about her objectivity. Empathy is simply the ability to see another person's point of view. It is the ability to put yourself in their shoes. That is it. It doesn't mean exercising bias or favoring a particular side. The judge's critics are wrong to conflate these concepts.

I believe, and President Obama believes, that Judge Sotomayor's life experience—from her days growing up in public housing, to her service as a high-powered lawyer representing large corporations—will give her a unique ability to understand the interests of all the parties that come before her for decisions of the Supreme Court. It gives her an ability to understand different perspectives and points of view. That is what empathy is all about.

Judge Sotomayor had demonstrated this quality in 17 years on the bench. It explains why she enjoys such a reputation for fairness and thoughtfulness.

In the 220-year history of the United States, 110 Supreme Court Justices have served under our Constitution, and 106 of them have been white males. We have had two women Justices, Sandra Day O'Connor and Ruth Bader Ginsburg. Two of them have been African Americans, Thurgood Marshall and Clarence Thomas.

In life, and in our Nation, if you want to be first, you have to be the best.

Sonia Sotomayor's resume and inspirational background clearly meet that higher standard. What a great story it is for America that President Obama has given us a chance to consider Sonia Sotomayor to serve as the first Hispanic woman on the Supreme Court.

Judge Sotomayor should not be chosen to serve on the Court because of her Hispanic heritage. But those who oppose her for fear of her unique life experience do no justice to her or our Nation. Their names will be listed in our Nation's annals of elected officials one step behind America's historic march forward.

I urge my colleagues to support and vote yes on the nomination of Sonia Sotomayor to be the next Justice of the Supreme Court of the United States.

Mr. HARKIN. Madam President, I am proud to support the confirmation of Judge Sonia Sotomayor as the next Associate Justice of the U.S. Supreme Court.

Judge Sotomayor's story is proof of the central American promise: that any person, by sheer force of their talent, can rise from the humblest background to one of the highest offices in this country. Born to a Puerto Rican family, Judge Sotomayor grew up in public housing in the South Bronx. Her father, a tool-and-die worker with a third grade education, died when she was nine years old. Due to her mother's struggle and sacrifice, and Judge Sotomayor's tremendous ability and perseverance, she graduated valedictorian of her high school in New York, then graduated summa cum laude from Princeton University.

She went on to earn her law degree from Yale Law School, where she was editor of the Yale Law Journal. After law school, Judge Sotomayor served as an assistant district attorney in New York County for 5 years and then entered private practice as a corporate litigator. For the past 17 years, she has served as a Federal district and appellate court judge.

Given her experiences and career, there is no doubt that Judge Sotomayor is immensely qualified to serve on our Nation's highest Court. What is clear from her 17-year judicial career, from my meeting with her, and from her confirmation hearing is that she is an unbiased, mainstream judge with a deep commitment to the rule of law and constitutional values. She has an exemplary record during her tenure on the bench, and every independent analysis has made clear that she is a judge who faithfully applies the law.

Given her record, I am saddened that many Republicans have chosen to grossly distort her record, and have spent so much time focusing on a few out-of-context quotes and less than a handful of decisions. Putting rhetoric aside, she has participated in nearly 3,000 decisions and authored approximately 400 opinions. Her 17-year record

overwhelmingly demonstrates that she is anything but a “judicial activist.”

Considering her outstanding intellect, credentials and judicial record, there simply is no doubt Judge Sotomayor should be confirmed. However, for me, there is another, equally important, consideration. I also firmly believe that Judge Sotomayor will be an important and needed voice on the Court to ensure proper effect is given to our most important statutes, such as the Americans with Disabilities Act, ADA, the Civil Rights Act, and the Age Discrimination Employment Act, ADEA, so all Americans receive the fullest protections of the law.

This is illustrated in an area of the law that I care deeply about—disabilities rights. Unfortunately, as many in Congress know, the Rehnquist Court repeatedly misread the ADA, ignored the intent of Congress and narrowed the scope of individuals deemed eligible for protection under the ADA. The result of these decisions was to eliminate protection for countless thousands of Americans with disabilities. These flawed, harmful decisions were reversed last year when Congress unanimously enacted the ADA Amendments Act.

The contrast between the Rehnquist Court and Judge Sotomayor is stark. In *Bartlett v. New York State Board of Bar Examiners*, Marilyn Bartlett had a Ph.D. in educational administration and a law degree from Vermont Law School. She was also diagnosed with a disability that affected her reading speed and fluency. After completing law school, Ms. Bartlett worked as an associate and received excellent reviews. However, when she took the bar exam, she was denied accommodation for her reading impairment, such as extra time and permission to record her essays on tape. She failed the exam. The bar claimed that she did not have a disability because the examiners did not believe she was limited in the major life activities of reading or working.

Judge Sotomayor, however, ruled for Ms. Bartlett, holding that a student with learning disabilities was entitled to an accommodation while taking the bar exam. Understanding the true purposes of the ADA, she noted:

For those of us for whom words sing, sentences paint pictures, and paragraphs create panoramic views of the world, the inability to identify and process words with ease would be crippling. Plaintiff, an obviously intelligent, highly articulate individual reads slowly, haltingly, and laboriously. She simply does not read in the manner of an average person. I reject the basic premise of defendants' experts that a learning disability in reading can be identified solely by a person's inability to decode, i.e., identify words, as measured by standardized tests, and I accept instead the basic premise of plaintiff's experts that a learning disability in reading has to be identified in the context of an individual's total processing difficulties.

As the Congressional Research Service noted, “She anticipated the legisla-

tive discussions surrounding the ADA Amendments Act by finding the use of self accommodations did not mean that the plaintiff was not an individual with a disability.”

The contrast between Judge Sotomayor's approach to judging—with her respect for congressional intent and for long-standing precedent—and the current Court's activism is likewise illustrated by their respective treatment of so called “mixed motive” discrimination cases.

In June of this year, the Supreme Court decided *Gross v. FBL Financial, Inc.* In a case involving an Iowan, Jack Gross, the Court made it harder for those with legitimate age discrimination claims to prevail under the ADEA. In doing so, it reversed a well established, 20-year-old standard, consistent with that under title VII of the Civil Rights Act, that a plaintiff need only show that membership in a protected class was a “motivating factor” in an employer's action. Instead, the Court held that a plaintiff alleging age discrimination must prove that an employment action would not have been taken against him or her “but for” age. In other words, the plaintiff must now prove that age discrimination was not a cause or a motivating factor, but must prove that it was the exclusive cause of an adverse employment action. Proving “but for” cause is extremely difficult and will greatly limit potentially meritorious suits involving discrimination Congress sought to prevent.

In doing so, the Court did not even address the question it granted certiorari on. As Justice Stevens noted in dissent, “I disagree not only with the Court's interpretation of the statute, but also with its decision to engage in unnecessary lawmaking. The Court is unconcerned that the question it chooses to answer has not been briefed by the parties or uninterested amici curiae. Its failure to consider the views of the United States, which represents the agency charged with administering the [Age Discrimination Employment Act], is especially irresponsible.”

The contrast with Judge Sotomayor is telling. In *Parker v. Columbia Pictures*, she addressed the very same question in the disabilities context—whether a plaintiff need show discrimination was a “motivating factor” or “but-for” cause under the ADA. In contrast to Justice Thomas's opinion in *Gross*, she carefully analyzed the statutory language, intent of Congress and precedents and noted that “Congress intended the statute . . . to cover situations in which discrimination on the basis of disability is one factor, but not the only factor, motivating an adverse employment action.”

Unfortunately, the Supreme Court has transformed the legal landscape regarding the ability of Congress to protect our most vulnerable citizens. In

fact, since 1995, the Rehnquist and Roberts Courts have struck down 38 acts of Congress. Until then, the Court had struck down an average of one statute every 2 years.

For example, in *University of Alabama v. Garrett*, a case I personally attended, the Court limited the rights of people with disabilities. In doing so, it ignored numerous congressional hearings and a task force which collected evidence through 63 public forums around the country attended by more than 7,000 persons. In *United States v. Morrison* and *Kimel v. Florida Board of Regents*, the Court completely ignored extensive congressional fact-finding and struck down parts of the Violence Against Women's Act and Age Discrimination Employment Act, respectively. In June, in *Northwest Austin Municipal Utility District v. Holder*, the Court suggested it was poised to strike down the Voting Rights Act, disregarding expansive congressional fact-finding, including 21 hearings and 16,000 pages of testimony.

Given the current Court's repeated disregard for Congress and for our efforts to expansively protect American citizens from discrimination, I believe it is imperative that the next Justice be someone who respects precedent, strives to apply congressional intent and purpose, and understands the importance of this Nation's landmark civil rights protections. Based on her long judicial record, I am confident Judge Sotomayor is precisely that type of jurist.

Confirmation of Judge Sotomayor will be historic. She clearly has the intellect, experience and judgment to be an outstanding Justice. I am proud to support her nomination.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I rise today in support of the confirmation of Judge Sonia Sotomayor as an Associate Justice of the U.S. Supreme Court.

The role of the Senate in the nomination of a Supreme Court Justice is to give its advice and consent on the President's nomination. I believe it has been the longstanding tradition of this body that we are to judge whether an individual is qualified to serve based on the complete record of each nominee.

Once again, I compliment Senators SESSIONS and LEAHY for the excellent job they have done in handling the confirmation hearings for Judge Sotomayor. The hearings were fair and enabled the American people to get a better understanding of what sort of Justice Judge Sotomayor will be. Equally important, these hearings were conducted with civility, allowing Senators to disagree without being disagreeable. This is something I would like to see more of in the Senate. Sadly, as some of my colleagues have

pointed out, the judicial nomination process has become so partisan that it seems to bring out the worst in the Senate, when it ought to bring out the best.

I believe the factors to be examined in determining whether a Supreme Court nominee is qualified include her education, prior legal and judicial experience, judicial temperament, and commitment to the rule of law. Based on my review of her record, and using these factors, I have determined that Judge Sotomayor meets the criteria to become a Justice of the Supreme Court. I didn't come to this determination lightly, and Judge Sotomayor has made statements that give me pause. However, after reviewing her judicial record and the comments made during the Judiciary Committee hearings, on balance, I believe she is fit to serve on our Nation's highest Court.

I am comforted by Judge Sotomayor's express rejection of then-Senator Obama's view that in a certain percentage of judicial decisions "the critical ingredient is supplied by what's in the judge's heart and the depth and breadth of one's empathy." In answer to a question from Senator KYL, Judge Sotomayor said:

I can only explain what I think judges should do, which is judges can't rely on what's in their heart. They don't determine the law. Congress makes the laws. The job of a judge is to apply the law. And so it's not the heart that compels conclusions in cases, it's the law. The judge applies the law to the facts before that judge.

In addition to being fit for the bench, the story of Judge Sotomayor is the story of so many Americans who rose from humble beginnings to reach levels of achievement that would not be possible in any other nation.

It is sort of the story that reminds me of what is so unique and special about our Nation, that a young working-class Latina woman or the son of a first-generation Eastern European immigrant family can be nominated to the Supreme Court or be elected to serve his home State in this great Chamber.

During our private meeting, Judge Sotomayor and I were able to discuss this opportunity. What struck me is she is someone who understands what a great opportunity this is, as well as the great challenges that await her. While the Founding Fathers may have a disagreement with her on some of her legal views, I think they would be proud that judging individuals on their merit has endured as part of this great experiment.

As a number of my colleagues have already noted, Judge Sotomayor, through hard work, has risen from humble beginnings to now await confirmation to the Supreme Court. Judge Sotomayor excelled throughout her academic career. From the time at Blessed Sacrament School and Cardinal Spellman High School, where she

was the valedictorian of her class, she has excelled in highly competitive environments. Like Justice Alito, she is a graduate of Princeton University and Yale Law School. Judge Sotomayor attended Princeton on scholarship and graduated not only summa cum laude but also was the recipient of the prestigious Pyne Prize from that university. Judge Sotomayor went on to Yale Law School, where she served as an editor of the Yale Law Journal. Her academic record should serve as an inspiration to all that in a meritocracy, we all have an equal opportunity to rise to the top.

After her stellar academic career, Judge Sotomayor entered public service as a district attorney in New York, where her drive and basic fairness were well noted. This commitment to public service impressed me.

Judge Sotomayor not only succeeded in the public sector, she also worked her way up from associate to partner, practicing corporate law at a New York law firm. In private practice, Judge Sotomayor specialized in intellectual property and copyright law. Her rise from associate to partner in such a specialized field is a clear indication that the private sector recognized her merit and rewarded her for her skill and ability.

Judge Sotomayor returned to public service with her appointment to the district court, where she served for 6 years. I believe Judge Sotomayor's experience on the district court will be invaluable to the Supreme Court, where none of her colleagues have experience as a judge in a trial court. I hope her experience there will help shape her future opinions, particularly in procedural cases where many commentators have noted a need for rules that work in practice, not just in theory.

Judge Sotomayor's time on the trial bench was marked by opinions that set forth the facts and applied the law narrowly. Did you hear that? Her time on the trial bench was marked by opinions that set forth the facts and applied the law narrowly—exactly what one would want from a trial court.

In addition to district court experience, Judge Sotomayor has appellate court experience, over 10 years on the Second Circuit. I reviewed many of her opinions from her time on the Second Circuit, and while many were not opinions I would have offered, her opinions, as well, were within the legal mainstream. Judge Sotomayor's opinions, for the most part, were lengthy, workman-like, limited rulings, the sort of opinions that exhibit the judicial restraint one would hope for a Supreme Court Justice.

Given her academic and professional achievements, it is not surprising that the American Bar Association has given the judge its highest ratings when considering her for the Supreme Court.

While impressive in what she has overcome to reach this point in her career, her record is not without blemish. In particular, the one comment that gave me significant pause as to whether I would support her nomination is the now well-known statement by the judge that "a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life." Such a statement is repugnant to someone like me who has worked so hard to reach a colorblind society where an individual's race or gender is not considered in judging a person's merit. The question I had to ask myself was, Is this comment an indication that Judge Sotomayor would reject the rule of law and blind justice to favor certain people on the basis of inappropriate criteria? After study of her judicial record, I have concluded it is not. Based on my review, Judge Sotomayor's decisions, while not always decisions I would render, are not outside the legal mainstream and do not indicate an obvious desire to legislate from the bench. Furthermore, Judge Sotomayor recognized during her nomination hearings that this "could be hurtful" and was not reflective of how she would judge cases. Through my review and my staff's review of her cases, her testimony, and my conversations with the judge, I have confidence that the parties who appear before her will encounter a judge who is committed to recognizing and suppressing any personal bias she may have to reach a decision that is dictated by the rule of law and precedent.

I think I would be remiss in my discussion of the judge if I failed to address the Supreme Court's decision in the Ricci v. DeStefano case. By now, all my colleagues and many Americans are aware that the Supreme Court reversed the Second Circuit's decision in the Ricci case. The case involved a reverse-discrimination suit against the city of New Haven, CT.

Some opponents of Judge Sotomayor's confirmation have used this opinion to suggest that her legal philosophy is outside the mainstream of American jurisprudence and that her nomination should be rejected. I believe a review of the close decisions rendered by the various Federal courts, including the Second Circuit's 7-to-6 decision to refuse to rehear the case and the Supreme Court's 5-to-4 decision to reverse the Second Circuit, suggests this matter was, for a number of the judges who reviewed the case, a close call. In other words, it was very close. For one to say she is outside the mainstream when these decisions were so close I think is really stretching things quite a bit. Nevertheless, I believe Judge Sotomayor and her fellow panel judges would have better served the public by issuing a more comprehensive decision regarding their logic in

affirming the district court's decision in favor of the city of New Haven.

In closing, I wish to make a few remarks about the judicial confirmation process.

Judge Sotomayor is the third nominee to the Supreme Court to come before the Senate since I came to the Senate in 1999. For both Justice Roberts and Justice Alito, then-Senator Obama promoted an "empathy standard" to determine if he would vote for these nominees. Then-Senator Obama said:

The critical ingredient is supplied by what is in the judge's heart.

Such an analysis is no analysis at all. In fact, it flies in the face of the meritocracy in which Judge Sotomayor succeeded. All of us in this Chamber can examine the academic credentials of and prior judicial decisions authored by a nominee and determine whether he or she is qualified. We cannot examine and judge what is in the heart.

Let me be clear. If I applied Senator Obama's standard, I would not be voting for Judge Sotomayor, his nominee. The President was wrong. I think his standard makes the whole nomination process an exercise in partisan politics. We need less politics in the judicial selection process and the judiciary in general, not more. It has become too politicized in the last several years. It is something about which all of us should be concerned.

I urge all my colleagues to reject the Obama empathy standard—just as Judge Sotomayor rejected it, just as I am rejecting it—and return to a standard where it is the qualifications of the nominee we judge, not the politics or heart of that nominee.

Judge Sotomayor is not the nominee I would have selected if I were President, but making a nomination is not my role today. My role is to examine her qualifications to determine if she is fit to serve. Again, in reviewing her academic and professional record, taking into account her temperament and integrity, it is clear to me she is qualified to serve as the next Associate Justice of the Supreme Court.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). Will the Senator withhold the request for a quorum call?

Mr. VOINOVICH. Yes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask unanimous consent to jump to the Democratic side for 5 minutes, if that is possible.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. SANDERS. Madam President, I thank my Republican colleague.

I begin by congratulating my colleague from Vermont, Senator LEAHY, for the distinguished manner in which he has led these hearings.

I rise today in support of the nomination of Judge Sonia Sotomayor to be an Associate Justice of the Supreme Court. As an assistant district attorney, a Federal district judge for the Southern District of New York, and a Federal circuit court judge for the U.S. Court of Appeals for the Second Circuit, Judge Sotomayor has demonstrated her eminent qualifications, impartial jurisprudence, and a faithful interpretation of the U.S. Constitution, and this body has every reason to vote today in support of her nomination.

It is no secret that over the last 50 years, the Supreme Court has become a very conservative institution. We are long past the days when the Court respected and dutifully applied the full implications of the Bill of Rights and vigorously protected the freedoms provided us by the Founders of our country and the Framers of the Constitution. Recently, this rightwing drift has become worse, not better. The present Court has routinely favored corporate interests over the needs of working people and the interests of the wealthy and powerful against those of ordinary citizens.

My hope is that Judge Sotomayor will help bring balance to a Supreme Court that today is way out of balance and has moved very far to the right.

The Court recently gutted a key provision of the McCain-Feingold campaign finance law, allowing well-financed corporations to manipulate the legislative process under the guise of free speech—as if the Bill of Rights were written to grant giant corporations the same level of constitutional protection that it does flesh-and-blood American citizens. That is wrong, and that is unfortunate.

The Supreme Court recently made it easier for employers to avoid valid pay discrimination claims by their employees on procedural technicalities, a decision Congress had to rectify. And just this past term, the Court scaled back environmental protections, holding that the Clean Water Act permits a mining company to pump hundreds of thousands of gallons of toxic wastewater per day into an Alaskan lake.

I sincerely hope and I have every confidence that Judge Sotomayor's nomination to the Supreme Court will help curb this corporatist trend and put the Court back on the path of respecting the rights of individual Americans and the environmental and other laws passed by Congress. For that reason, I intend to vote for Judge Sotomayor as Associate Justice of the Supreme Court.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Madam President, I strongly support the nomination of Judge Sonia Sotomayor to be a Justice on the Supreme Court of the United States. She will be the most experi-

enced jurist to be placed on the Supreme Court in a century, and she will be the first Latina Justice in our Nation's history.

With her extensive career in public service and her lifelong commitment to equal justice, Judge Sotomayor will bring a remarkable perspective to the Court. Given her extraordinary and far-ranging experience, she has already distinguished herself as one of the most able and hardworking Federal judges in the Nation, and I am confident that she will bring the same high ability and dedication to all issues before the Supreme Court.

Judge Sotomayor has already spent 17 years as a Federal judge. She was first nominated to the U.S. District Court for the Southern District of New York in 1992 by President George H.W. Bush. Six years later, she was nominated by President Clinton to the U.S. Court of Appeals for the Second Circuit. She received bipartisan support in the Senate each time, and it is a special privilege for me to support her for the third time.

Judge Sotomayor has a deep understanding of our legal system as a result of the experience she has had as an attorney and a judge. She has more judicial experience at both the appellate and district court level than any Supreme Court nominee in the past 70 years. In addition, in her earlier legal career, she served as an assistant district attorney in New York City and worked as a civil litigator in private practice. Her experience in the criminal and civil systems and as a district judge and an appellate court judge give her a unique perspective that will be invaluable as a Justice of the Supreme Court.

During her years as a Federal judge, she has participated in over 3,000 decisions, including over 400 Second Circuit decisions by panels that included at least one judge appointed by a Republican President. In those cases, she has agreed with the result favored by the Republican appointee over 95 percent of the time. Some have sought to portray Judge Sotomayor as a judicial activist, but her record clearly shows that she is a mainstream jurist who does not let personal ideology dictate the outcome of the cases she is deciding.

Not only is Judge Sotomayor eminently qualified by her experience to serve on the Supreme Court, but her nomination is historic. I, like many Americans, welcome the insight and perspective that Judge Sotomayor will bring to the Court, and she will serve as a role model for millions of our people.

Judge Sotomayor's compelling life story is an impressive example of the best of our country. She was born in the Bronx and raised in New York City by hardworking parents. Through the strong support of her family and her own hard work and dedication and extraordinary achievement, she has been

nominated to be the Nation's 111th Supreme Court Justice.

I commend President Obama for selecting her. With her intelligence, insight, and experience, she is an excellent choice to serve in this distinguished role, and I am sure she will do an outstanding job protecting the rule of law and the fundamental rights and liberties of all Americans. Judge Sotomayor has worked hard to achieve success, and I commend her for her life's accomplishments. I wish her well in this new role, and I urge my colleagues to support her confirmation.

On the day soon to come, when she walks up the steps of the Supreme Court and passes under those famous and inspiring words, "Equal Justice Under Law," inscribed in the marble over the entrance, millions of our fellow citizens and communities across the Nation will be able to say, "Yes, the American dream is alive and well in America today."•

Mr. BINGAMAN. Madam President, I rise to speak in support of Judge Sonia Sotomayor's nomination to be an Associate Justice of the U.S. Supreme Court.

Judge Sotomayor's nomination to the highest court in the land is historic in several respects. Clearly, becoming the first Hispanic to serve on the U.S. Supreme Court is an important milestone. Our country is well served when these barriers fall and we are able to put forward qualified candidates who reflect the diversity of our citizenry.

But what also makes Judge Sotomayor's nomination so significant is the extent of her judicial experience and her overall qualifications.

Judge Sotomayor has more Federal judicial experience than any jurist nominated to the Court in the last 100 years, and has more overall judicial experience than any nominee in the last 70 years. She is the first Supreme Court nominee to have sat on both a Federal trial court and an appellate court, and would be the only current justice with trial court experience. Altogether, she has been a Federal judge for over 17 years, including 6 years on the U.S. District Court for the Southern District of New York and 11 years on the U.S. Court of Appeals for the Second Circuit. In addition to serving on the bench, Judge Sotomayor has a distinguished record as a prosecutor and an attorney in private practice.

Considering the depth of Judge Sotomayor's experience, it is not surprising that after a thorough review of her record the American Bar Association unanimously gave her their highest rating. The ABA found that she was "well qualified" to serve as a justice based on her integrity, competence, and judicial temperament. Judge Sotomayor's testimony before the Senate Judiciary Committee also demonstrated her adherence to mainstream jurisprudence and commitment to ob-

jectively making decisions based on the facts of each case and the applicable legal precedent.

I strongly believe Judge Sotomayor has the qualifications, experience, and impartiality necessary to be an excellent justice of the Supreme Court, and I urge my colleagues to support her nomination.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, we have heard a number of discussions from Senators throughout this confirmation process regarding judicial activism—what is it and what does it mean. I think our former Judiciary Committee chairman and great legal constitutional scholar, ORRIN HATCH, has defined it clearly and fairly and in the right way. ORRIN HATCH has said for years that judicial activism is when a judge is assigned a case and they allow their personal, political, moral, religious or ideological views to influence their decision, and not render a verdict based on the law and the facts. It is true of a conservative jurist with a conservative ideology as well as a liberal.

In truth, in recent years, we have had a pretty frequent national debate—for maybe 20 or more years—over this question. The intellectual defense of activism—the living constitutional view of activism—has come from the liberal side. Conservatives have said: No, that is not the role of a judge. A judge is supposed to decide the discrete issue before them in a way that handles that case because it may well provide precedent in the future. And that is what they should do and not be expansive in their rulings and set policy or to promote some long-term agenda they believe—rightly or wrongly—may be the greatest thing the country could ever do. They weren't elected to set policy. Judges aren't elected to declare to the United States how we ought to tax or regulate the environment or that kind of thing. That is what the legislative branch gets to do.

So I wished to raise that and discuss it a little further. It has also been mischaracterized that conservative jurists who show restraint are activists—they are not, but they have been accused of activism—because they have actually seen fit to throw out and find unconstitutional a statute passed by Congress. Well, we passed an 800-page stimulus package, we passed a bailout bill last fall that nobody even got to read or to study. I am surprised there are not more pieces of legislation held unconstitutional than there are.

It is not activism for a judge, such as Chief Justice Roberts—who has been accused of being an activist—to declare a statute unconstitutional. What would be wrong is if he were doing so to promote his own personal views about policy. That would be wrong.

The second amendment to the Constitution says that "a well-regulated militia being essential for the security of a free State, the right of the people to keep and bear arms shall not be infringed." That is what the second amendment says. It is in the Constitution. It is one of the Bill of Rights. Essentially, when the city of Washington, DC—a Federal enclave, a district—saw fit to almost completely ban the right of citizens in this city to have guns, Chief Justice Roberts and four other members of the Supreme Court found it violated the Constitution. It violated the right of the people to keep and bear arms. That is not activism, is what I am saying. Somehow we have gotten confused on this matter. Therefore, we need to be alerted to it.

Sometimes my colleagues, I think, have tried to say: Well, everybody does it. Everybody is an activist, so the Constitution is a malleable document. It gets redefined as the years go by. It is a living document, they say. But it is not living, is it? You can go over to the archives building and you can see it. It is a contract. The American people granted certain rights to this government and they reserved certain rights to themselves. Of the rights they reserved, for example, was the right of free speech, the right to assemble, and to criticize their incumbent politicians if they are not happy with them. They reserved the right to keep and bear arms.

I think we need to get our minds straight. Judges should see their role as a limited role, and they should not seek to impose their policy values on the country. They should see it as then-Judge Roberts said in his hearing so beautifully and so eloquently: A judge is a neutral umpire. They call the balls and strikes. They do not take sides in the ball game. How much more basic can it be than that?

I wanted to try to clarify that point, and I think it is important. We have other constitutional rights—the right to keep your property unless it be taken for public use, such as a highway. That is a public use. But in the Kelo case, 5 to 4, and in the case rendered by Judge Sotomayor, they ruled that the government could take one man's drugstore—his property on which he was going to build a private drugstore—and the city could condemn it and give the property to another man to build a different drugstore on for personal profit. Where does the public use come from?

Justice O'Connor dissented in the Kelo case and ruled the other way. She ruled the other way, and it was okay to

do that. The case dealing with Judge Sotomayor went even further than that. But it is not activism for a court to say that no city, or whatever, can take a man's property under some redevelopment scheme or plan so they can get more tax money, because if they take it and give it to this other private guy, he can build a big shopping center there and they will get more tax revenue. That is not a public use. The question is: Is the property used for a public purpose, not otherwise? The Constitution gives an individual the right to have their own property and people can't take it from you.

The Constitution, likewise, says every American citizen is entitled to equal protection of the laws and that they cannot be denied equal protection of the laws on account of their race. It is a big important constitutional issue. So we get into a situation where a city, New Haven, conducts a fair test, by all accounts; a carefully crafted test. No one criticized its validity. They conducted a test and 18 firefighters passed the test. They testified that they studied very hard to master the test which related directly to their firefighting ability. They go out and do the right thing and they are on track to be promoted. But not enough people of one group or another did well on the test, and the city—the government—decides they didn't get the results they liked on this test and so they threw it out.

It is not activism for the U.S. Supreme Court to say—really all of them to say—that this is not right, that this is not complying with the Constitution or even the civil rights statutes in America that require equal justice under the law, not favoritism based on one or the other because of their background, ethnicity, or race. That is just what it is all about.

The Justices on the Supreme Court, the ones who are known for showing restraint, should not be criticized if on occasion they declare the U.S. Congress did something wrong and it was unconstitutional. I am afraid we do it more often than we like to admit, the truth be known. Bills come through here late at night, nobody has done any constitutional research on most of what is in them to see if it is constitutional or not. The American people are entitled to have the final decision about constitutionality rest with a court that is prepared to defend their individual rights.

On the three cases I mentioned—the case of a property taking from a private individual, the case of 18 firefighters who passed the test and were ready to claim their promotion, and the question of the right to keep and bear arms—each one of those was an individual situation in which an individual American appealed to the courts and claimed they have a right in plain words provided to them by the Con-

stitution and they are asserting that right and they are pleading their case in the Court and asking the Court to grant them that right. In the three cases I mentioned, unfortunately Judge Sotomayor ruled with the government, the power of the State, and against the individuals asserting their claims in three exceedingly important cases.

It is not activism to throw out a city's decision on forfeiture or guns; nor is it activism to throw out a decision that discriminates against American citizens based on their race.

That is one of the things we discussed a lot in this debate. I think it has been a good debate. I complimented Senator LEAHY this morning again. He gave us all a chance to ask questions. We had 30 minutes, as we have done before. Some wanted to do less, but he said no, that is the way we do these things. We had 30-minute rounds and then 20-minute rounds and then 10-minute rounds to ask questions. I think pretty much the fundamental issues involved in this nomination got discussed in committee. Some written questions were filed in addition. Now that it is on the Senate floor, I believe the Members of the Senate have an adequate record from which they can make a decision on what they think is best for America.

I believe we should not have anyone on the Court who is not committed to the Constitution, not committed to putting aside their personal political agenda, and who will stay in strict adherence to the law and the facts of the cases that come before them. That is how I evaluated this case.

I am proud of Judge Sotomayor. She handled herself well and patiently at the committee. She was asked a lot of tough questions, but if you want to be a Justice on the U.S. Supreme Court you have to be prepared for that. You should not submit yourself if you are not prepared for that. But she handled it nicely and courteously.

I think the Senators conducted themselves well also. A lot of people wanted to vote for her but, as the hearings went by and they studied the record, they concluded they were not able to vote for her based on philosophy and her approach to the law. But I think the committee hearing did what it was supposed to.

There have been no delays. This will be one of the fastest confirmations in history. Within a few hours we will be having an up-or-down vote on her confirmation, unlike what happened when Judge Alito—a fabulous nominee, in my opinion—was subjected to a filibuster before he was confirmed. She is going to be given an up-or-down vote in just a few hours.

I thank the Chair for this time. I look forward to the rest of the debate and final vote in a few hours.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, for a second time now, I come to the floor to voice my opposition to the nomination of Judge Sotomayor to be an Associate Justice. I cannot support her nomination because I am not persuaded she has the right judicial philosophy to be on the Supreme Court. I have spoken many times and have again spoken at the Judiciary Committee and on the floor at some length about my reasons for opposing the judge's confirmation, but I want to reiterate some of these reasons before we vote on her nomination about 2 hours from now.

It is the Senate's constitutional responsibility to thoroughly review the qualifications of the President's judicial nominations. This advice and consent process is especially important when we consider nominees to the Supreme Court, which obviously is the highest court in our land.

Both Chairman LEAHY and Ranking Member SESSIONS did an admirable job in conducting a fair but very rigorous examination of the judge's record. The nominee was asked tough questions, but she was also treated fairly and with respect, as is appropriate for all judicial nominees.

We want to make sure judicial nominees have a number of qualities, but superior intelligence, academic excellence, distinguished legal background, personal integrity, and proper judicial demeanor and temperament are not the only qualities we must consider in a judicial nominee. Judges, and in particular Supreme Court nominees, must have a true understanding of the proper role of a Justice as envisioned by the writers of the Constitution as well as an ability to faithfully interpret the law and Constitution without personal bias and prejudices. Since becoming a member of the Senate Judiciary Committee the very first year I came to the Senate in 1981, I have used this standard to confirm both Republican and Democratic Presidents' nominees for the Supreme Court.

Because Supreme Court Justices have the last say with respect to the law and have the ability to make precedent, they do not have the same kinds of restraints lower court judges have. So we need to be convinced these nominees have judicial restraint—in other words, the self-restraint to resist interpreting the Constitution to satisfy their personal beliefs and preferences. We need to be persuaded these nominees will be impartial in their judging and bound by the words of the Constitution and legal precedent. We need

to be certain these nominees will not overstep their bounds and encroach upon the duties of the legislative and executive branch. That is our checks-and-balances system of government. Our American legal tradition demands that judges not take on the role of policymakers, reserved to those of us in the legislative branch, but that instead they check their biases and preferences and politics at the door of the courthouse. The preservation of our individual freedoms depends on limiting policymaking to legislators rather than on elected judges who have a lifetime appointment.

When then-Senator Obama voted against now-Chief Justice Roberts, he spoke from his desk over there about how a judge needed to have, in his words, “empathy” to decide the hard cases. He said:

That last mile can only be determined on the basis of one’s deepest values, one’s core concerns, one’s broader perspective on how the world works and the depth and breadth of one’s empathy. . . . in these difficult cases the critical ingredient is supplied by what is in the judge’s heart.

In another speech, President Obama further elaborated on this empathy standard:

In those 5 percent of cases, what you’ve got to look at is what is in the Justice’s heart. What’s their broader vision of what America should be . . . We need somebody who’s got the heart—the empathy—to recognize what it’s like to be a young teenage mom, the empathy to understand what it’s like to be poor or African-American or gay or disabled or old—and that’s the criteria by which I’ll be selecting my judges.

He spoke very well in that quote about the empathy those of us who were elected ought to have, but I think he spoke incorrectly about what judges should have. And when the President then nominated Judge Sotomayor to the Supreme Court, he did that with the belief that she meets his empathy standard.

President Obama’s empathy standard has been widely criticized as contrary to the proper role of judges—and that is my point—and that is because an empathy standard necessarily connotes standards of impartiality. That is a very radical departure from our American tradition of blind impartial justice. In fact, even Judge Sotomayor repudiated President Obama’s empathy standard at her confirmation hearing.

A judge’s impartiality is so critical to his or her duty as an officer in an independent judiciary that it is mentioned three times in the oath of office for Federal judges. Every judge swears “to administer justice without respect to persons,” to “do equal right to the poor and to the rich,” and to “faithfully and impartially discharge and perform all [his] duties.” That is from the oath judges take. Therefore, empathetic judges who choose to embrace their personal biases cannot uphold their sworn oath.

If we are to have a government of laws and not of men and women, then our judges must not favor any party or class over another, whether they be historically privileged or historically disadvantaged. Our judges must decide the cases before them on the law this Congress writes and what it requires, even if the law compels a result that is at odds with the judge’s personal, deeply held feelings.

The fact that we have an independent judiciary means that it is not a political body. In exchange for remaining unchecked by the will of the people, the judicial branch is required to maintain impartiality. This country was founded on the principle that justice is the same for everyone. No one is entitled to special treatment, whether by fate or fortune, because no man or woman is above the law.

No matter what you call it—empathy, compassion, personal bias, or favoritism—it can have no place in the decisionmaking process of a judge—it can have a place in decisionmaking by a Senator—but especially in the case of the judicial branch, notably the Supreme Court or a Supreme Court Justice.

While justice is not an automated or mechanical process, it also is not a process that permits a patchwork of cases where the outcome is determined not by the law but by the judge’s personal predilections. Judges may differ on what the law is, but they should never reach a conclusion because of a difference in ideology or because of their empathy for one of the parties.

An empathy standard for judging would betray the very cause of equality that it purports to champion by creating classes among our citizens in the eyes of the law. That is what is so dangerous about President Obama’s standard and why we should be cautious in deferring to his choices for the judicial branch. That is why we should continue to assess judicial nominees based on their fidelity to the rule of law and not on some well-intentioned hope or belief that the personal biases they will rely on in judging will be the right ones.

Unfortunately, Judge Sotomayor’s speeches and writings over the years reveal a judicial philosophy that highlights the importance of personal preferences and beliefs in her judicial method. Her speeches and writings reveal her views of a judge and judicial decisionmaking process that are quite contrary to what our American tradition demands of the judiciary and our system of justice.

I will cite a few troubling statements she has made. She questioned “whether achieving the goal of impartiality is possible at all in even most cases” and also “whether by ignoring our differences as men, women, people of color, we do a disservice to both the law and the society.”

She promoted identity politics where she openly admitted that “[my experiences] will affect the facts I choose to see” and that “I willingly accept that . . . judge[s] must not deny the differences resulting from experience and heritage.”

She claimed that the court of appeals is where “policy is made.”

She said that a “wise Latina would more often than not reach a better conclusion than a white male.”

She disagreed with a statement by Justice O’Connor that “a wise old woman and a wise old man would eventually reach the same conclusion in a case.”

She said that “unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world,” as if it is for the Supreme Court Justices to worry about our influence in the world. It seems to me the chief diplomat of our country is the President of the United States. She urged judges to look to foreign law so they can get their “creative juices” flowing.

At her confirmation hearing, Judge Sotomayor attempted to distance herself from these statements and explain them away, most likely recognizing that they were controversial and out of the mainstream. However, in my mind, she was not very successful. Even the *Washington Post* said Judge Sotomayor’s testimony about some of her statements before the Judiciary Committee was “less than candid” and “uncomfortably close to disingenuous.”

I was not the only one who had problems reconciling what Judge Sotomayor said at the hearing with the statements she has repeated over and over throughout the years. That is because the statements made at the hearing and those made in speeches and in law review articles outside the hearing are polar opposites. Some of her explanations were contrived or far-fetched. In my opinion, these statements in her writings and speeches cannot be reconciled with her hearing testimony. I am not sure which Judge Sotomayor I am to believe. She appears to be Justice Ginsburg in her speeches and writings but made statements like Chief Justice Roberts in her confirmation hearing.

So I think the *Washington Post*’s conclusions are worth repeating:

Judge Sotomayor’s attempts to explain away and distance herself from that [wise Latina] statement were uncomfortably close to disingenuous, especially when she argued that her reason for raising questions about gender or race was to warn against injecting personal bias into the judicial process. Her repeated and lengthy speeches on that matter do not support that interpretation.

I am not only troubled by the speeches and writings of the judge—these were produced during her time as a sitting judge on the Second Circuit—and

her contradictory statements before the Judiciary Committee but I also have concerns with cases Judge Sotomayor decided when she sat on the Second Circuit. Some cases raise serious concerns about whether Judge Sotomayor will adequately protect the second amendment right to bear arms and the fifth amendment property rights.

Statements she made at the hearing raise concerns that she will inappropriately create or expand rights under the Constitution. Other cases raise concerns about whether she will impose her personal policy decisions instead of those of the legislative or executive branch. In addition, Judge Sotomayor's track record on the Supreme Court is not a particularly good one. She has been reversed 8 out of 10 times and was criticized in another of the 10 cases.

At the hearing, Judge Sotomayor was asked about her understanding of rights under the Constitution, including the second and fifth amendments and the right to privacy. She was asked about her legal analysis in certain cases, like the Ricci, Maloney and Didden cases. She was also asked about how she views precedent and applies it in cases before her. Ultimately, I wasn't satisfied with her responses, nor was I reassured that Judge Sotomayor would disregard her strong personal sympathies and prejudices when ruling on hard cases dealing with important constitutional rights.

With respect to the Ricci case, I wasn't persuaded by Judge Sotomayor's claims that she followed precedent, nor her explanation as to why she could dismiss such a significant case in summary fashion. The only reason this case found its way to the Supreme Court was because her Second Circuit colleague read about it in the newspaper, recognized its importance, and asked to have it reconsidered. When the Supreme Court reversed Judge Sotomayor's decision, it held that there was no "strong basis in evidence" to support her opinion. In fact, her legal reasoning in Ricci was so flawed, all nine Justices rejected it.

With respect to the Maloney case, I was concerned with Judge Sotomayor's explanation of her decision holding that the second amendment right to bear arms is not "fundamental," as well as her claims that she was simply following Supreme Court and Seventh Circuit precedent. I was also concerned with her refusal to affirm that Americans have a right of self-defense. If Maloney is upheld by the Supreme Court, the second amendment will not apply against State and local governments, thus permitting potentially unrestricted limitations on this important constitutional right.

With respect to the Didden case, I was troubled with Judge Sotomayor's failure to understand that her decision dramatically and inappropriately ex-

pands the ability of State, local, and Federal Governments to seize private property under the Constitution. In fact, based on the Didden holding, it is not clear whether there are any limits to the ability of State, local, and Federal Governments to take private property. I also was concerned with Judge Sotomayor's mischaracterization of the Supreme Court's holding in Kelo. And I wasn't satisfied with her explanation about why she summarily dismissed the property owner's claims based on the statute of limitations. I don't think these concerns are off the mark—the Didden case has been described as "probably the most extreme antiproperty rights ruling by any Federal court since Kelo."

So Judge Sotomayor's discussion of landmark Supreme Court cases and her own Second Circuit decisions raise questions in my mind about whether she understands the rights given to Americans under the Constitution. I question whether she will refrain from expanding or restricting those rights based on her personal preferences.

Almost two decades ago, then-Judge Souter during his confirmation hearing spoke about courts "filling vacuums" in the law. That discussion struck me as odd and troubled me, because clearly it is not the role of a court to fill voids in the law left by Congress. Although Judge Souter backtracked on his courts "filling vacuums" statement when I pressed him about it, I believe that his decisions on the Supreme Court actually reveal that he does believe courts can and do fill vacuums in the law. It is no secret that I regret my vote to confirm him. And because of that, I have asked several Supreme Court nominees about the propriety of judges "filling vacuums" in the law at their confirmation hearings. So this question shouldn't have come as a surprise to Judge Sotomayor when I asked her about it at her confirmation hearing. Unfortunately, I wasn't satisfied with her lukewarm answers to my question. In fact, it just reinforced the concerns I had with her hearing testimony, cases, speeches and writings.

Judge Sotomayor has overcome many obstacles to get to where she is today. There is no doubt that Judge Sotomayor is an engaging, talented, intelligent woman. She has tremendous legal experience and many other good qualities. I very much enjoyed meeting with her and getting to know her personally. But I can't just base my decision on these things. I have to look at her judicial philosophy and determine whether I believe it is one that is appropriate for the Supreme Court. That is my constitutional responsibility. And based on her answers at the hearing and her decisions, writings, and speeches, I am not comfortable with what I understand to be Judge Sotomayor's judicial philosophy. I am not persuaded that she will protect im-

portant constitutional rights, and I am not convinced that she will refrain from creating new rights under the Constitution. I am not persuaded that she won't allow her own personal biases and prejudices to seep into her decisionmaking process and dictate the outcome of cases before her. So it is with regret that I must oppose her nomination to the Supreme Court.

I said this in the Judiciary Committee, and I repeat it now on the floor. Only time will tell which Judge Sotomayor will sit on the Supreme Court. Is it the judge who proclaimed that the court of appeals is where "policy is made," or is it the nominee who pledged "fidelity to the law?" Is it the judge who disagreed with Justice O'Connor's statement that a wise woman and a wise man will ultimately reach the same decision, or is it the nominee who rejected President Obama's empathy standard? Only time will tell.

Mr. CORKER. Madam President, Judge Sonia Sotomayor has an impressive background and an inspiring American story. She is a testament to the power of a strong work ethic and a focus on education and is a role model to many Americans as a result.

I enjoyed meeting with her in June and found her to be very intelligent and eloquent in expressing her thoughts. I let her know I would reserve judgment on her nomination until the conclusion of a fair and thorough hearing process.

After much deliberation and careful review, I have determined that Judge Sotomayor's record and many of her past statements reflect a view of the Supreme Court that is different from my own.

I view the Supreme Court as a body charged with impartially deciding what the law means as it is applied to a specific case. I believe Judge Sotomayor views the Supreme Court as more of a policymaking body where laws are shaped based on the personal views of the justices.

Unfortunately, nothing I heard during Judge Sotomayor's confirmation hearing or in my meeting with her in June sufficiently allayed this concern.

For this reason, I am disappointed to say, I will not be able to support Judge Sotomayor's nomination.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that this hour under Democratic control be divided in the following manner: REED of Rhode Island, 15 minutes; Senator CARPER, 10 minutes; Senator KERRY, 10 minutes; Senator MENENDEZ, 5 minutes; Senator SCHUMER, 5 minutes; Senator NELSON of Florida, 3 minutes; and Senator BOXER, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, the nomination before us of Sonia Sotomayor to replace Associate Justice David Souter is of great importance. The Supreme Court is the ultimate arbiter of justice in the land. Therefore, this is one of the most consequential votes that any Senator can cast.

The Constitution makes the Senate an active participant, along with the President, in the confirmation of a Supreme Court justice. Article II, section 2, clause 2 of the Constitution states that nominees to the Supreme Court shall only be confirmed "by and with the Advice and Consent of the Senate." The Senate's role in the confirmation process places an important democratic check on America's judiciary. As a result, this body's consent is both a constitutional requirement and a democratic obligation. It is in upholding our constitutional duties as Senators to give the President advice and consent on his nominations that I believe we have one of our greatest opportunities and responsibilities to support and defend the Constitution of the United States.

As I have said before, in weighing a nominee's qualifications for the Court, we must consider an individual's intellectual gifts, experience, judgment, maturity and temperament. Judge Sotomayor's compelling life story demonstrates that she possesses each of these qualities.

She overcame early adversity—with the loss of her father, a diagnosis of juvenile diabetes—to become an accomplished student at her high school. She went on to Princeton, where she excelled both inside and outside of the classroom, receiving the school's highest academic prize upon graduation.

From there she became a stellar student at Yale Law School and served on its prestigious law journal. Upon graduating from Yale, Judge Sotomayor surely had a number of very lucrative options available to her. It is a testament to her early commitment to public service that she chose to serve 5 years as assistant district attorney in New York.

By all accounts, she was a zealous and thorough prosecutor and demonstrated the same rigor and commitment to excellence that have been her hallmark throughout her career.

Judge Sotomayor is extremely qualified for this role. As a Supreme Court Justice, Judge Sotomayor would bring to bear her rich and varied real-world experience. She has been a big-city prosecutor. She has been an attorney in private practice. She has been a trial judge, and she also knows what it means to be an appellate judge. Judge Sotomayor would make history as only the third female Justice and the first Hispanic Justice. Moreover, she has more Federal judicial experience than any nominee to the Court in 100 years.

Yet as compelling as these qualities and accomplishments are, there is a

higher bar for a nominee to the Nation's highest Court. In previous consideration of Supreme Court judges, I have stated my test for a nominee for the Supreme Court. It is a simple test, one drawn from the text, the history and the principles of the Constitution. A nominee to the Supreme Court must live up to the spirit of the Constitution. A nominee must not only commit to enforcing the laws but also to doing justice. A nominee must give life and meaning to the great principles of the Constitution: Equality before the law, due process, freedom of conscience, individual responsibility, and the expansion of opportunity.

In my view, Judge Sotomayor has met this test quite admirably. Judge Sotomayor's opinions demonstrate that she is no ideologue. Instead, she seeks to carefully weigh the facts in determining a just and fair outcome.

One issue of great concern at this time of conflict is executive power. As Commander in Chief, the President's duty is to guard the country's national security while also safeguarding individual freedoms. All too often, in my view, President Bush, guided by other government officials and questionable legal opinions, erred on the side of concentrating executive power. Indeed, I noted during my comments on Judge Alito's nomination that his avowal of the unitary executive theory was troubling in light of the Bush administration's policies. Judge Sotomayor's record on this issue suggests that she would more appropriately balance national security and individual freedom, and the role of Congress.

In the case of *Doe v. Mukasey*, she joined a unanimous panel decision that stated:

The fiat of a governmental official, though senior in rank and doubtless honorable in the execution of official duties, cannot displace the judicial obligation to enforce constitutional requirements. "Under no circumstances shall the Judiciary become the handmaiden of the Executive."

But she has also shown a clear recognition that within the appropriate sphere, the executive must be supported. In *Cassidy v. Chertoff*, she authored a unanimous panel opinion on the constitutionality of a ferry company's search of baggage and vehicles. The panel ultimately concluded that searches were permissible because "it is minimally intrusive, and we cannot say, particularly in light of the deference we owe to the Coast Guard, that it does not constitute 'a reasonable method of deterring the prohibited conduct.'"

In answering questions from my colleagues on the boundaries of presidential power during her confirmation hearing, Judge Sotomayor chose her words carefully. However, she was clear in affirming that no one is above the law. On this issue and many others, Judge Sotomayor has demonstrated a

fair and balanced approach that will add to the high Court.

I believe Judge Sotomayor would be an able successor to Judge Souter a court that in recent years has taken a sharp turn away from protections of privacy, freedom, and other values we hold dear.

Judge Sotomayor's careful application of the facts to the Constitution and the quest for justice persuade me that she will make a worthy addition to our Nation's highest Court. Indeed, she meets my test as someone who will not only uphold the letter of the law but the spirit of the law. It is with great pleasure that I support her nomination to the highest Court in the land and urge my colleagues to do the same.

I ask unanimous consent to have printed in the RECORD a joint letter of support signed by more than 1,200 law professors from all 50 States and the District of Columbia. In their joint letter, these professors write:

Her opinions reflect careful attention to the facts of each case and a reading of the law that demonstrates fidelity to the text of statutes and the Constitution. She pays close attention to precedent and has proper respect for the role of courts and the other branches of government in our society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Russell Senate Office Building, Washington, DC.

Hon. JEFFERSON B. SESSIONS,
Ranking Member, U.S. Senate Committee on the Judiciary, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: We the undersigned professors of law write in support of the confirmation of Judge Sonia Sotomayor as an Associate Justice of the United States Supreme Court.

As a federal judge at both the trial and appellate levels, Judge Sotomayor has distinguished herself as a brilliant, careful, fair-minded jurist whose rulings exhibit unflinching adherence to the rule of law. Her opinions reflect careful attention to the facts of each case and a reading of the law that demonstrates fidelity to the text of statutes and the Constitution. She pays close attention to precedent and has proper respect for the role of courts and the other branches of government in our society. She has not been reluctant to protect core constitutional values and has shown a commitment to providing equal justice for all who come before her.

Judge Sotomayor's stellar academic record at Princeton and Yale Law School is testament to her intellect and hard work, and is especially impressive in light of her rise from modest circumstances. That she went on to serve as an Assistant District Attorney for New York County speaks volumes about her strength of character and commitment to the rule of law. When in private practice as a corporate litigator in New York, she was deeply engaged in public activities, including service on the New York Mortgage Agency and the New York City Campaign Finance Board, as well as serving on the Board of Directors of the Puerto Rican Legal Defense and Education Fund.

Her career won bi-partisan respect, which led to her becoming a U.S. District Court

judge (nominated by President George H.W. Bush on the recommendation of Senator Daniel Patrick Moynihan, and confirmed by a majority Democratic Senate in 1992). Her performance on the district court solidified Judge Sotomayor's support, and in 1998 she was elevated to the Second Circuit (nominated by President Bill Clinton and confirmed by a majority Republican Senate).

Judge Sotomayor will bring to the Supreme Court an extraordinary personal story, academic qualifications, remarkable professional accomplishments and much needed ethnic and gender diversity. We are confident that Judge Sotomayor's intelligence, her character forged by her extraordinary background and experience, and her profound respect for the law and the craft of judging make her an exceptionally well-qualified nominee to the Supreme Court and we urge her speedy confirmation.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I rise in support of Judge Sonia Sotomayor's confirmation to the U.S. Supreme Court. Those of us who are privileged to serve in the Senate cast literally thousands of votes during our years here. We take many votes that crucial and important. But a handful of them are far more meaningful than others. These votes have historic consequences, ones which will resonate for years—in some cases, for decades—to come. This is one of those votes.

This is my third opportunity to vote on a Supreme Court nominee. On the previous two occasions, we faced different circumstances in which I had to decide whether to vote for or against candidates who were nominated by a President not of my party, nominees who may not have shared my political beliefs or my judicial philosophy. Similar to my colleagues, I take seriously our constitutional obligation to provide advice and consent to determine whether a President's nominees truly merit a lifetime appointment.

In each of those two earlier cases, I considered my decision carefully and deliberately. In one of those cases, that of now-Chief Justice John Roberts, I chose to support the President's selection. In the other, I did not. Reasonable people can disagree about the nominee before us this week. I certainly respect the views of my friends on the other side of the aisle who may ultimately vote against Judge Sotomayor's confirmation. But, first, I wish to explain why I am supporting Judge Sotomayor and, second, I want to encourage my Republican colleagues to support her nomination as well.

In 2005, I voted to confirm Judge John Roberts' nomination to become

Chief Justice of the Supreme Court. I admitted it was a close call, at least it was for me. Ultimately, I chose to take what I described at that time as a "leap of faith."

Chief Justice Roberts holds political and legal opinions that are not consistent totally with mine in a number of respects. I knew he would sometimes deliver decisions I might not fully agree with. But after carefully considering his testimony, meeting with him at some length, and personally talking to a number of his colleagues—colleagues who knew him well and colleagues who had worked closely with him in the past—I concluded that John Roberts would prove to be a worthy successor to retiring Chief Justice Rehnquist, and I think he has.

In short, by supporting John Roberts' nomination, I voted my hopes, not my fears. Just as I voted my hopes instead of my fears in the case of then-Judge, now-Chief Justice Roberts, I hope many of our friends and colleagues on the other side of the aisle will see their way clear to doing the same in this instance.

Before coming to the Senate, I served as Governor of Delaware. As Governor, I nominated dozens of—actually scores of—men and women to serve as judges in our State courts. The qualities I sought in the judicial nominees whom I submitted to the Delaware State Senate included unimpeachable integrity, a thorough understanding of the law, a keen intellect, a willingness to listen to both sides of a case, sound judicial temperament and judgment, and a strong work ethic.

These are qualities that still guide me as I decide how to vote on judicial nominees in the Senate. In applying each of those standards to Judge Sotomayor during the course of my examination of her record, it is clear to me she meets or exceeds all of them.

First, consider her experience. Judge Sotomayor has a compelling life story—a story that confirms her work ethic and informs her judicial temperament. In June of this year, I had the pleasure of meeting personally with Judge Sotomayor. We spoke at length about her experience, her service, and her life. We talked about our respective childhoods, our respective educational opportunities, and our careers. It was a revealing conversation, and her responses were forthright. They were insightful. And they were sincere.

The nominee before us truly highlights the diversity of the country in which we live. We know her story by now. Sonia Sotomayor grew up in a south Bronx housing project. Her parents were both immigrants from Puerto Rico. Her father had limited education and did not speak English.

Her mom worked 6 days a week to support her family and instilled in her daughter the importance of a quality education. Judge Sotomayor excelled

in school and went on to attend Princeton University on a scholarship. She later went on to Yale Law School, where she served as an editor of the Yale Law Journal.

I have met many people in my life who have built themselves up from nothing. Unfortunately, I have found that a number of them—maybe many of them—seem to have forgotten where they came from. But it is clear to me that Sonia Sotomayor has not forgotten. When we met, she told me she was "still Sonia from the projects." Despite all her success, she still has not forgotten her roots. Let me say, I find that enormously refreshing and encouraging.

After law school, Sonia Sotomayor served as an assistant district attorney in New York. During her 5 years in that position, she tried dozens of major criminal cases and became known, in the words of Robert Morgenthau—who was then, and still remains, the district attorney in Manhattan—as a "fearless and effective prosecutor."

Starting in 1984, Sonia Sotomayor spent 8 years in private practice. As a civil and international corporate litigator, she gained considerable experience in the private sector, handling cases involving everything from real estate to contract law, from intellectual property to banking.

Then, in 1992, with bipartisan support, Sonia Sotomayor began her service to this country in the Federal judiciary. She was nominated to serve as a Federal district judge, not by a Democrat but by a Republican, President George Herbert Walker Bush, and was unanimously—unanimously—confirmed by this Senate.

Six years later, when Democratic President Bill Clinton nominated her to the Second Circuit Court of Appeals, she received the support of 25 of our colleagues on the other side of the aisle. Their vote of confidence in Judge Sotomayor then has since been confirmed by her reputation for moderation and impartiality.

The Second Circuit is considered by many to have one of the most demanding caseloads in our Nation. Judge Sotomayor participated in over 3,000 decisions and has written more than 230 opinions for the majority. During her time on the bench, she examined difficult issues of constitutional law, complex business disputes, and high-profile criminal cases.

Judge Sotomayor brings more Federal judicial experience to the Supreme Court than any Justice confirmed in the last 100 years.

As a Federal judge for nearly two decades, Sonia Sotomayor has demonstrated a clear commitment to unbiased, impartial justice and to the rule of law. Unlike some nominees for the Federal bench, with Judge Sotomayor, we can see a long paper trail of her legal rulings.

Her record reveals that she consistently takes each case on its own merits—regardless of the ideological outcome—and narrowly applies the law to the particular facts. She may even be more of a strict constructionist, when it comes to applying the law, than many of the Justices my friends on the other side of the aisle admire the most. Quite frankly, she is a model of judicial restraint.

As a circuit court judge, Sonia Sotomayor is known as a moderate who agrees with her more conservative colleagues far more than she disagrees with them. One of those colleagues on the Second Circuit, Richard C. Wesley, himself an appointee of George W. Bush, had this to say about her:

Sonia is an outstanding colleague with a keen legal mind. She brings a wealth of knowledge and hard work to all her endeavors on our court. It is both a pleasure and an honor to serve with her.

Another Second Circuit colleague, Judge Roger Miner, who was appointed by President Ronald Reagan, described Judge Sotomayor as an “excellent choice,” saying:

I don’t think I’d go as far as to classify her in one camp or another. I think she just deserves the classification of outstanding judge.

And the Second Circuit’s current chief judge, Dennis Jacobs, appointed by the first President Bush, said:

Sonia Sotomayor is a well-loved colleague on our court. Everybody from every point of view knows that she is fair and decent in all her dealings. The fact is, she is truly a superior human being.

The strength of Judge Sotomayor’s record and reputation is perhaps why, to some extent, many critics have focused almost exclusively on one or two legal rulings, and on a line from a speech she gave years ago. But I do not find much to agree with in these criticisms. But even if I did, it does not seem fair to me that she should be judged on those few items alone. These few quibbles need to be put in the context of her lifetime of work.

Of all people—of all people—we in the Senate should understand this. As Senators, whether we have served here for 12 years or 24 years or for 50 years, such as ROBERT BYRD has done, we will vote thousands of times. As many of us know from personal experience, it is easy to take one vote or one decision or one line from one of our speeches completely out of context and make us appear to be someone we are not or to stand for something that is entirely alien to our beliefs and values. It has happened to me. I suspect it has happened to most, if not all, of our colleagues. I might add, I believe that is what has happened to the nominee before us today.

As a result, I believe it is incumbent upon us to examine carefully a nominee’s overall record, much as I hope the people of Delaware will consider my

overall record when they cast their votes every 6 years.

If nothing else, Judge Sotomayor’s extensive record demonstrates she sticks to the law. Perhaps that is why, in part, the American Bar Association has given this judge, this nominee, its top rating of “well qualified” in assessing her record and in evaluating her judicial temperament.

For all these reasons—and more—I invite my conservative colleagues on the other side of the aisle to take a leap of faith, as I did a few years ago with John Roberts—as I did 4 years ago—and join me in casting their vote in favor of Judge Sotomayor’s nomination to serve on the U.S. Supreme Court.

With that, I say thank you to the Presiding Officer and yield the floor.

Mr. BYRD. Mr. President, I have never missed a vote on a nomination for a Supreme Court Justice in my time in the Senate. Today, I will vote to support the nomination of Judge Sonia Sotomayor. I submitted questions to Judge Sotomayor on matters of great importance to the preservation of congressional power: the constitutional grant of the purse strings to the Congress; the role and responsibility of the legislative branch to conduct oversight and investigation; and the deliberate restraints on the executive branch created by the Constitution’s separation of powers. I found her answers thoughtful, her intellect keen, and that Judge Sotomayor possessed the requisite reverence—and patience—for the process outlined in article II, section 2 of the Constitution.

I watched the hearings intently; I studied Judge Sotomayor’s words. What struck me about the Judiciary Committee’s hearings was the dearth of inquiry into her judicial record. Indeed, her record is certainly substantial; the most substantial record I have seen in some time. But, instead of delving into her many opinions, or questioning her on Supreme Court jurisprudence, Judge Sotomayor was asked the same few questions over and over, needlessly.

The tendency to grandstand is hardly a partisan thing. The Senate’s ability to question a nominee is a precious gift from our Founding Fathers—a check on the Judiciary and on the Executive. While the President may nominate, the advice and consent of the Senate is required for confirmation. But, in this particular instance, partisan trifles took the place of constitutional probing. Statements were taken out of context, while volumes of Judge Sotomayor’s judicial record went unquestioned, and likely unread. Unfortunately, by not probing, the Senate shirks its responsibilities.

Judge Sotomayor’s story is similar to my own story. Much like my own journey from the southern coalfields of Raleigh County to the U.S. Senate,

Judge Sotomayor overcame tremendous adversity through determination and hard work.

Judge Sotomayor will be confirmed by the Senate. That is a good thing. I hope that we as a body will reflect on the nomination and confirmation processes as envisioned in the Constitution, and ask ourselves whether we can do a better job in living up to the spirit of the law in the future.

Mr. ROCKEFELLER. Mr. President, I rise today to announce my full support for the confirmation of Judge Sonia Sotomayor to be our Nation’s 111th Supreme Court Justice. I am proud of Judge Sotomayor’s dedication to her country, and I am impressed by her outstanding accomplishments. Today marks an historic occasion for our country, as Judge Sotomayor becomes only the third woman and first Hispanic ever to serve on the highest Court in the land.

The decision of whether to confirm a nominee for a lifetime appointment to the U.S. Supreme Court is one of the Senate’s most significant and solemn duties under the Constitution. It will affect generations of Americans for years to come.

After 24 years of service to the people of West Virginia as their U.S. Senator, the nomination of Judge Sotomayor marks the 11th Supreme Court nominee under five Presidents that I have had the opportunity to consider. I have supported most nominees, but have opposed some. In each instance, I came to my decision after a careful and thorough process, and the same is true of my support for Judge Sotomayor.

The first question that must be answered about any nominee is: Does he or she possess the intellect, experience, and temperament to serve on the Supreme Court? For Judge Sotomayor, the clear answer is yes.

Her educational and professional background is impeccable. She was valedictorian of her high school class, graduated summa cum laude from Princeton University, and served as an editor of the Yale Law Journal while attending Yale Law School. Judge Sotomayor has served with distinction on almost every level of our judicial system as a prosecutor, civil litigator, district court judge, and appeals court judge. In her confirmation hearings before the Judiciary Committee, she showed herself to be an even-tempered and honest person, as well as a straightforward and critical thinker.

But once a nominee’s impressive credentials and integrity are established, my analysis of his or her fitness to serve on the Supreme Court cannot end. The tremendous responsibility that all Justices have to the Constitution—and their decisions’ impact on all Americans requires further consideration of the nominee’s core beliefs about our country and our justice system.

Before supporting a nominee, I need to know that he or she understands the consequences of the Supreme Court's decisions. I need to know that he or she will protect the best interests of West Virginians. And I need to know that he or she will uphold the fundamental rights and freedoms that all Americans enjoy under the Constitution and in our laws.

Every American needs to know that our courthouse doors are open for everyone, not just the wealthy, the powerful, or the well-connected. The Founders intended our courts to serve as a place where all citizens can go to resolve disputes, seek relief from injustices, and hold wrongdoers accountable. As members of our court of last resort, Supreme Court Justices have a particularly important role in upholding our constitutional freedoms, even when lawmakers or public opinion would limit them.

To understand the enormously important role of the Court in the lives of Americans, we need only look at cases such as *Gideon v. Wainwright*, in which the Court recognized the fundamental right of defendants to be represented by counsel, even those who cannot afford to hire an attorney; or *Brown v. Board of Education*, in which the Court struck down racial segregation in our public schools. These are the types of decisions that require a deep respect for our Constitution and the courage to do what is right.

After meeting with Judge Sotomayor in person and reviewing her extensive judicial record, I firmly believe that she possesses those qualities, and will always put the American people first.

I also believe that she understands the real world implications of our laws and how they affect the lives of everyday people. She knows what it is like to overcome adversity and work against the odds to become a successful lawyer and judge. In her, I see someone who shares the values that are important to West Virginians: hard work; determination; love for her country; love for her family; and a sense of pride in her community. It is no surprise that her nomination is supported by Democratic and Republican officials; conservatives, liberals, and moderates; prosecutors and law enforcement organizations; civil rights organizations; former colleagues; and fellow jurists.

I am disappointed that some of my colleagues have suggested that Judge Sotomayor's comments in a few of her speeches indicate that she will let personal biases influence her decision-making. I could not disagree more. Her extensive judicial record reflects a fair, thoughtful, and careful approach to decisionmaking—one that is based on meticulous analysis of the facts and a close following of the law and precedent.

As a trial court judge, she presided over approximately 450 cases. As an ap-

peals court judge, she participated in over 3000 decisions and authored approximately 400 published opinions. With 17 years of service on the bench, she brings more Federal judicial experience to the Supreme Court than any nominee in nearly 100 years.

Judge Sotomayor's record speaks for itself, and I commend President Obama for nominating such a highly qualified individual to serve my fellow West Virginians and Americans on the Supreme Court.

Mr. CONRAD. Mr. President, the story of Sonia Sotomayor's life is a remarkable one. Born in humble circumstances, she has risen to the top of the legal field, and earned the opportunity to be considered for a place on America's highest court.

As evidenced by her exceptional educational achievements, and her vast and varied legal resume as a prosecutor, private practice litigator and Federal judge, Sonia Sotomayor is unquestionably qualified from the standpoint of experience, competence, and intellect. In fact, having been appointed to the Federal bench in 1992 by President George H.W. Bush, she has more Federal judicial experience than any Supreme Court nominee in 100 years, and more overall judicial experience than any nominee in 70 years.

Judge Sotomayor's record places her squarely within the mainstream of American jurisprudence. Even some of her harshest critics have conceded that her long record on the bench is one of mainstream decisions and judicial opinions.

And Judge Sotomayor's record shows that she is not an activist and has not legislated from the bench. Instead, she has faithfully adhered to precedent. In fact, the nonpartisan Congressional Research Service, CRS, found that "perhaps the most consistent characteristic of Judge Sotomayor's approach as an appellate judge has been an adherence to the doctrine of *stare decisis* (i.e., the upholding of past judicial precedents)." Further, CRS found that Sotomayor has exhibited "a careful application of particular facts at issue in a case and a dislike for situations in which the court might be seen as overstepping its judicial role."

Finally, Judge Sotomayor has the temperament to serve on the Supreme Court. Her grueling nomination hearings demonstrated her patience, thoughtfulness and composure in the face of tough and aggressive questioning by almost 20 Senators over several days.

Those same qualities of character were evident during our personal meeting. During our wide-ranging discussion, I also found Judge Sotomayor to be genuine, humble and open-minded. Although she grew up in an urban setting, I am confident that she can relate to people from more rural areas like North Dakota, because she understands

everyday people and their struggles, she has common sense, and she is no stranger to hard work and the need to overcome obstacles. In short, I believe she learned the same values and the same lessons growing up in the Bronx that I learned growing up in Bismarck.

Some Senators have announced their intention to vote against Judge Sotomayor, but their criticism has not been based on a comprehensive assessment of her 17-year record as a judge, or her 30 years in the legal profession. One source of opposition has been various comments she has made in speeches, particularly on the topics of race and gender. Judge Sotomayor herself has admitted that she could have phrased some of her comments in these areas more effectively or appropriately. But when taken in their full context, her remarks seem to be primarily an expression of support for the unique American "melting pot" and the notion that a diversity of backgrounds has made us a stronger and better nation. Perhaps more importantly, there is no evidence whatsoever that her personal views have improperly influenced her decisions in the courtroom.

Some have also questioned Sotomayor's views on gun rights, and, in particular, whether or not she believes the second amendment restricts the right of individual States to regulate firearms. Despite the concerns that have been raised, a careful reading of her judicial record indicates that she has been very much in the judicial mainstream on gun issues. And she clearly stated during her confirmation hearings that she has a completely open mind on the specific question of how the second amendment should be applied to the States. I take her at her word, and it is my hope that the Supreme Court will indeed find that the second amendment protects the rights of gun owners and users against intrusion by State laws.

When voting on judges, all we can do is look at the nominee's record and accomplishments, analyze his or her intellect and character, and decide whether he or she is qualified to serve on the bench. I have consistently followed that approach in the past, most recently in voting to confirm Chief Justice Roberts and Justice Alito. Using the same standards I applied to those nominations, I believe Sonia Sotomayor is eminently qualified for a place on the Supreme Court, and I am proud to support her nomination.

Mr. JOHNSON. Mr. President, there are few decisions that have a more lasting effect on our democracy than fulfilling my constitutional duty of advice and consent for Justices of the Supreme Court. This body will assume this tremendous responsibility once again today as we consider the nomination of Judge Sonia Sotomayor to fill a seat on the Supreme Court that has

been vacated by Justice David Souter. She is the third woman to be nominated to the Supreme Court and the first nominee to be of Hispanic descent.

This will be the third time that I have cast a vote in regards to a Supreme Court Justice. The previous two times were for current Chief Justice Roberts and current Associate Justice Alito. Both of these Justices were appointed by former President George W. Bush. I voted in favor of both of these nominees even though their ideologies often differ from my own. They are both qualified members of the Judiciary and while our philosophies may differ, they both are, and were, within the broad mainstream of contemporary jurisprudence.

It is within this mainstream that I find Judge Sonia Sotomayor. Her career as a jurist is a model of integrity and discipline. Her judicial philosophy is rooted in precedent and a devotion to the law. Judge Sotomayor has consistently pledged during the confirmation process her commitment to the law. She has stated that it is her duty to interpret the law and not to enact law. She has many years of service and experience as a prosecutor and litigator; district court judge and circuit court Judge. She has twice received bipartisan support from this body—the second time with my support. She has received the highest rating from the American Bar Association. It is clear that she has an accomplished résumé.

Earlier this summer, I met with Judge Sotomayor to form my own opinions on her judicial theory. While our conversation centered on a variety of interests, it was clear that Judge Sotomayor distinguished herself as an able jurist who relied on precedent. I reviewed her record and did not find anything that would deter me from that belief. The same can be said of her testimony before the Senate Judiciary Committee during her confirmation hearings. She has said that she does not inject personal bias in her decision making process and I trust her at her word.

Often, I think that this process has become overpoliticized. Judge Sotomayor is highly qualified and able to serve on the U.S. Supreme Court. Opposition for opposition's sake is not constructive to our national dialogue. However, while I believe the President should have some latitude in selecting judges this does not mean that those nominees should be ideologues that stand outside of conventional judicial theory. Most Americans do not sit on the ends of the political spectrum but within the middle. I believe that Judge Sotomayor is within that middle ground. I support Judge Sotomayor to be Associate Justice of the U.S. Supreme Court and look forward to casting my vote in favor of this historic nominee.

Ms. MIKULSKI. Mr. President, today I rise to address one of the most sig-

nificant and far reaching decisions a Senator makes: The vote on a confirmation of a Supreme Court Justice. This vote will have an immense impact on future generations. A Senator is called upon to make two decisions that are irrevocable; one is the decision to go to war and the other is the confirmation of the members of the Supreme Court. The people of Maryland have entrusted in me the right make this decision and I take this responsibility very seriously.

When I decide how I will vote on any nominee for the Federal bench, I have three criteria. First, the nominee must possess the highest personal and professional integrity. Second, the nominee has to have the competence and temperament to serve as a judge. Finally, the nominee must demonstrate a clear commitment to core constitutional principles. Judge Sonia Sotomayor passes all those tests with flying colors.

If confirmed, Sonia Sotomayor would be the third woman to serve on the Supreme Court and the first Hispanic on the Supreme Court. She has a compelling personal story, as well as a distinguished judicial record. Her father was a tool-and-die worker with third grade education who spoke no English and died when Judge Sotomayor was only nine years old. She was raised by her mother, a nurse in a public housing project in the Bronx, New York. After her father's death, she turned to reading Nancy Drew mystery novels, which inspired her love of reading and learning that put her on a path that ultimately led her to the law. Sotomayor excelled in school, graduated top of her class at Blessed Sacrament and Cardinal Spellman High School. She won a scholarship to Princeton University where she graduated *summa cum laude* and Phi Beta Kappa. She then attended Yale Law School and served as an editor for the Yale Law Journal.

Sonia Sotomayor's competence cannot be questioned. She is a champion of the law with a distinguished legal career spanning three decades. She has served at almost every level of the judicial system and she is the first Supreme Court nominee in 50 years to have served as a trial judge. She began her legal career as a fearless and effective prosecutor, working in the Manhattan District Attorney's Office for 5 years where she tried dozens of criminal cases from street crimes, to child abuse, police misconduct and homicides. She then became a corporate litigator for over 8 years in private practice. She made partner at the law firm where she tried complex corporate cases, including intellectual property, trademark and copyright infringement, real estate and banking.

For nearly two decades, Sonia Sotomayor has been a sharp and fearless trial judge. In 1992, President George H.W. Bush nominated

Sotomayor to serve as a Federal district judge and she was unanimously confirmed by the Senate. As a Federal district court judge, she heard over 450 cases during 6 years as trial judge and ruled against Major League Baseball owners to end the baseball strike. She was then nominated by President Clinton to the Second Circuit Court of Appeals and confirmed by the Senate on a vote of 69-29. She has been a tough, fair and thoughtful appellate judge who has written over 400 opinions, of which the Supreme Court reviewed only five cases and reversed only three of those opinions. Sonia Sotomayor understands upholding the law means the consistent, fair and common sense application of the law. She has an understanding of real world consequences of decisions and recognizes that her job as a judge is to interpret the laws passed by Congress and not making laws from the bench. Under her tenure as a judge, she has demonstrated a level head, the ability to handle difficult situations with a calm and thoughtful temperament, and is well respected among her colleagues.

Judge Sotomayor's integrity is unquestioned. Throughout her career she has worked to make sure that the courthouse doors are open to all. She was raised by hardworking parents who instilled strong work ethic. Throughout her life she has been active in her community and serves as a role model. She mentors kids from troubled neighborhood, teaches at-risk high school students job and life skills, and helps find summer jobs for these students. In addition, Sonia Sotomayor holds uncompromising views on judicial independence and has demonstrated she is an independent thinker dedicated to the rule of law. Sotomayor has stated that the Constitution should not be bent under any circumstance and from the bench she has shown she is a moderate judge who respects judicial precedent. In fact, 95 percent of her decisions have been favored by Republican appointees on the Second Circuit and she is well known for her judicial restraint.

In sum, Sonia Sotomayor is an outstanding nominee to the highest court in the United States and an inspiration to all Americans. She is living proof that the American dream can be achieved. She is the daughter of hardworking immigrants, who overcame obstacles, went to Ivy League schools on scholarship, and has served for over 17 years as a Federal judge. Today I am proud to say when my name is called, I will vote aye.

Mr. NELSON of Nebraska. Mr. President, I wish today to discuss the nomination of Judge Sonia Sotomayor to the U.S. Supreme Court and share the reasons why I will cast my vote in favor of her confirmation.

For me, the single most important consideration in deciding whether to

provide my consent to a judicial nomination is an assessment of whether the judge will bring an ideology to the bench, seeking to advance a set agenda regardless of the facts a case presents and the laws and precedents at hand. I believe—as most Nebraskans and Americans believe—that a political agenda belongs in the political branches, and thus activists and would-be policymakers should seek legislative or executive office if they want to make laws and set policy.

Judges, on the other hand, must show respect for the laws and Constitution of the United States and deference to settled law and precedent. The role of a judge is to adjudicate impartially; and the impartial application of justice should be devoid of personal views and political agendas.

Judge Sonia Sotomayor's education and legal career show that she is a brilliant woman with a breadth and depth of legal experience. She has been a prosecutor, an attorney in private practice, a trial court judge, and an appellate judge. I am particularly impressed by her record on the bench, where she has earned a reputation as tough on crime, fair on the facts and the law, respectful of precedent, and mindful of the limited role of the judiciary.

Judge Sotomayor has pledged fidelity to the law, and her extensive record of upholding the law as a trial and appellate judge is a concrete example of how she has carried out this pledge. Her 17-year record provides evidence of a restrained and mainstream judicial philosophy and shows that she has not been an activist. An objective review of Judge Sotomayor's record shows a fair, impartial, and humble judge.

For example, in addition to achieving a unanimous rating of "well qualified" from the American Bar Association's Standing Committee on the Federal Judiciary, the highest rating possible, Judge Sotomayor has won praise for her judicial restraint. Of particular importance to me was this statement by the ABA Committee: "Judge Sotomayor's opinions show an adherence to precedent and an absence of attempts to set policy based on the judge's personal views. Her opinions are narrow in scope, address only the issues presented, do not revisit settled areas of law, and are devoid of broad or sweeping pronouncements."

In addition, the nonpartisan Congressional Research Service analyzed her record as a judge and concluded: "Perhaps the most consistent characteristic of Judge Sotomayor's approach as an appellate judge has been an adherence to the doctrine of *stare decisis* (i.e., the upholding of past judicial precedents). Other characteristics appear to include what many would describe as a careful application of particular facts at issue in a case and a dislike for situations in which the court might be seen as over-

stepping its judicial role." This is high praise indeed, for those of us like me who value a limited role and eschew judicial activism.

Having discussed some of the reasons why I believe Judge Sotomayor is fit to serve on the High Court, I would like to take a moment to respectfully address some of the concerns and criticisms that some of my constituents and a certain few of my colleagues have raised about Judge Sotomayor.

Foremost, I believe that actions speak louder than words. Throughout this confirmation process, certain comments Judge Sotomayor has made outside of the courtroom have been the subject of much criticism. Indeed, some of these remarks could be cause for concern if they proved to slant the judge's approach to the law or impede her ability to render an unbiased opinion. But after examining her record, meeting personally with her, and observing the Judiciary Committee hearings, I am convinced that Judge Sotomayor will approach the Supreme Court with the same unbiased fidelity to the law that has marked her distinguished career thus far. Simply put, I see no significant evidence that she has manipulated the facts of cases or interpretations of the law in the courtroom to alter the outcome of a case.

In addition, some have singled out a handful of decisions the judge has participated in as grounds for disqualification. Mr. President, I do not expect a judge to agree with me all of the time, just as I do not agree with all the laws or all the precedents on the books; however, I firmly believe that disagreeing with a law or a precedent is not grounds for a judge to rewrite the law as he or she sees fit. And while I may not personally agree with the outcome of every single case Judge Sotomayor has decided, it is clear to me that her opinions were informed by facts, bound by precedents, and faithful to the law.

Judge Sotomayor has decided more than 3,000 cases as a member of the Second Circuit Court of Appeals. Only 13 of these have been reviewed by the Supreme Court; only 5 have been reversed. Of the opinions she authored, five were reviewed, her opinion was upheld in two, and she was reversed or vacated in three. This compares favorably with recent Supreme Court reversal rates and with recent Supreme Court nominees.

My approach to confirmation of judicial nominees has not changed during my time in the Senate. I have voted to confirm the overwhelming majority of nominees to come before us—including both Chief Justice Roberts and Justice Alito for the Supreme Court—and my standards for what I consider a qualified judge have not changed since my days in the Governor's office, when I appointed 81 judges, including the entire Nebraska Supreme Court and

Court of Appeals. I wish I could say the same for the way the Senate considers judicial nominations, which to my disappointment has just become increasingly political and partisan. In the 1990s, Justice Ruth Bader Ginsburg was confirmed with only three dissenting votes, Justice Stephen Breyer with only nine dissenting votes. Yet recent nominations show that rising partisanship has affected both the tenor of the debate and the outcome of the vote. The Senate confirmed Chief Justice Roberts with 22 dissenting votes, and Justice Alito was confirmed with 42 dissenting votes.

In 2005, the nomination process became so polarized that I joined with 13 of my colleagues to form the Gang of 14 to prevent the shutdown of the Senate over partisan positioning with respect to appeals court nominees. I commend the Judiciary Committee for presiding over a cordial and fair hearing process for Judge Sotomayor, but as in all things, I wish the Senate could return to a more bipartisan approach to our constitutional responsibility to provide advice and consent.

As a Senator, I have taken very seriously my role to responsibly, thoughtfully, and thoroughly review a nominee's qualifications and record. After examining her record, meeting personally with her, and observing the Judiciary Committee hearings, I am convinced that Judge Sotomayor's approach on the Supreme Court will demonstrate the same fidelity to the law that has marked her distinguished career. In the years ahead, I believe she will make an important contribution on the Supreme Court. I wish her well in her new role.

I thank the Senate for this opportunity to offer my perspective on this historic nomination.

Mr. DORGAN. Mr. President, I will vote to confirm the nomination of Judge Sonia Sotomayor to be an Associate Justice of the Supreme Court. Let me explain why I am supporting her.

Judge Sotomayor's impressive life story is an American story of working hard and making the most of every opportunity. She grew up in a housing project in the South Bronx nurtured by a working mother who instilled in her the values of America. She understood that education was the key to unlocking the greatness that is available in our country. She won a scholarship to Princeton University, where she graduated with highest honors. But she did not stop there. She then attended one of America's finest law schools, where she also excelled and was a member of the prestigious Law Review.

In addition to her extraordinary academic achievements, Judge Sotomayor's many work experiences in the legal profession make her ideally suited to be a Supreme Court Justice.

She has been a prosecutor, an attorney in private practice, a trial judge and an appellate court judge. She has been a Federal judge for more than 17 years. When she is confirmed, she will have had more judicial experience than any other Supreme Court Justice in more than 100 years, and she will be the only justice on this Supreme Court to have had experience as a trial judge. The knowledge she has gained over those many years will serve her, the Court, and our country well.

After reviewing her career on the bench and closely following her confirmation hearings, I have concluded that Judge Sotomayor is sincere in her commitment to apply the law, rather than to make the law. Her record shows that she cannot be fairly labeled "left" or "right." For many years, she has looked at the facts and law of the many cases that have come before her and she has called them as she sees them without regard for anything else. Her record clearly demonstrates that she is a moderate, mainstream judge with great respect for the law, our Constitution, our country, and its institutions.

In my own meeting with Judge Sotomayor, I found her to be intelligent, measured, deliberate, and thoughtful. Judge Sotomayor assured me that she holds great respect for settled law. The more than 3,000 cases she has participated in support that conclusion as well.

This extensive record, and all of her experiences in life and law, likely explain the remarkable breadth and scope of people and organizations, many from opposite ends of the political and ideological spectrum, supporting her nomination. For example, the Chamber of Commerce and labor unions support her as well as numerous police organizations and defense lawyers. These are not natural allies, but they have seen what I have seen: a person of exceptional intelligence, wide-ranging experience, judicious temperament, and a commitment to even-handedly and fairly applying the law without fear or favor.

This is also demonstrated by her appointments to the bench. It is telling that Judge Sotomayor was first appointed to the Federal bench by President George H.W. Bush, who nominated her to the District Court for the Southern District of New York. Judge Sotomayor was then promoted by President Clinton to the U.S. Court of Appeals for the Second Circuit. It is rare indeed to have a judge nominated by Presidents of both parties, and this is a testament to Judge Sotomayor's intellect, impartiality, and judicial conduct.

A Supreme Court appointment is for life and many Justices serve for decades, but their influence does not stop there. The cases they write or participate in have an effect on the law of the

land for many decades even after they leave the Court. That is why I take my duty as a Senator to confirm a President's nomination for the Court so seriously, as I have done here.

One of the things that makes our country great and an inspiration to so many throughout the world is our commitment to "Equal Justice Under Law," which is carved in marble over the entrance to the Supreme Court. Equal justice means that, under our law, who you are does not matter; who you know or are connected to does not matter; how much money you have or do not have does not matter; the color of your skin, your ethnicity, your gender or any other personal characteristic does not matter. The facts of a case and the applicable law are all that matter in our justice system. That is what the phrase "Equal Justice Under Law" means in our country and to our country.

I am confident that "Equal Justice Under Law" will inform and animate Judge Sotomayor's decisions throughout her years on the Supreme Court. If one looks with an open and fair mind at the full breadth of Judge Sotomayor's inspiring life, extraordinary career and superb qualifications, as I have, it is clear that she has earned a place on the Supreme Court and I am proud to be supporting her nomination. I have no doubt that our country will be well served by her.

Mr. BURRIS. Mr. President, more than half a century ago, a young couple from Puerto Rico settled down in the Bronx with dreams of a better life.

They didn't have much money, but they had a vision for the future.

A vision that their son and daughter might be able to get a good education, find a rewarding job, and live out the full promise of the American dream.

Today, their son Juan is a doctor and university professor near Syracuse, NY.

And their daughter Sonia is about to become the first Latina Justice of the U.S. Supreme Court.

This family's story could only take place in America.

It is a testament to the greatness of our democracy that the daughter of a relatively poor family can grow up to attend the finest universities in the world, and even rise to the highest judicial body in the land.

But it is not only her remarkably American story that will make Judge Sonia Sotomayor an excellent addition to the Court.

Her legal background marks her as the single most qualified Supreme Court nominee in the last 60 years.

After graduating from Princeton University and Yale Law School, she served as an assistant district attorney and then had a successful legal practice of her own.

In 1991, President George H.W. Bush appointed Ms. Sotomayor as the first

Hispanic judge on the U.S. District Court in New York State.

Eight years later, President Clinton elevated her to the U.S. Court of Appeals, where she serves today.

Throughout her distinguished career, Judge Sotomayor has been a prudent and thoughtful jurist.

She has consistently exhibited the highest standards of fairness, equality, and integrity.

She is a brilliant legal mind and a moderate on the bench.

No one can argue with her professional qualifications for this post.

And I believe that her personal background will lend a fresh and dynamic perspective to the highest court in our land.

That is why I was proud to write to President Obama on May 15, urging her nomination.

I am pleased that he shares my high regard for Judge Sotomayor, and I thank him for giving us an eminently qualified nominee to confirm.

When we consider the makeup of the Supreme Court, we seek to build debate, not consensus.

Judge Sotomayor's uniquely American story will bring diversity to the Court's rulings.

And it is this diversity—of background, of perspective, of opinion—that will lend legitimacy and integrity to each decision.

As a former attorney general of Illinois, I have a deep understanding of these issues.

Every legal opinion should be bound by law and the weight of precedent.

The law must be grounded in sound and objective reasoning, and it is a powerful force in people's everyday lives.

That is why we need jurists like Sonia Sotomayor on the U.S. Supreme Court.

Because, when five voices come together to render a court decision, it becomes the law of the land.

There is no army, no threat of violence to back it up—just the quiet force of a written opinion.

That is the wonderful thing about this democracy.

And as a Supreme Court Justice, Sonia Sotomayor will never forget that.

She will be a strong addition to the highest court in our land, and I urge my colleagues to join me in giving her our utmost support.

Let us come together to make history by confirming the first Latina Supreme Court Justice in American history.

Let us renew our commitment to fairness, equality and diversity by confirming the most qualified nominee this Senate has seen in more than half a century.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

Ms. CANTWELL. Mr. President, I rise today with great pride to express my support for the confirmation of Judge Sonia Sotomayor to be Associate Justice of the U.S. Supreme Court. Today, the Senate is on the verge of a historic decision in confirming Judge Sotomayor. She brings a wealth of experience to this lifetime appointment, with 17 years of service on the judicial bench—more than any member of the current court. She has served as a prosecutor, a trial judge, an appellate judge and has also worked as an attorney in the private sector.

In fact, with the retirement of Justice David Souter and the confirmation of Judge Sotomayor, she will become the only justice on the current Supreme Court with experience as a trial judge. This experience gives her a perspective that will be a much-needed addition to the Court.

If we confirm her today—and I am confident we will—Judge Sotomayor will become the nation's first Hispanic in history to sit on the highest court in the land, and only the third female Justice. Women, Latinos and Latinas—indeed all Americans—can join in celebrating these significant milestones. Judge Sotomayor embodies the progress our country has achieved, and yet I know she would agree with me that there is much more to be done.

According to the American Bar Association, women comprise 47 percent of all law students, as compared to 1947, when women made up 3 percent of law students. That is significant progress. I firmly believe that for Hispanics, Judge Sotomayor's appointment will mark the beginning of a new era of steady progress. According to the U.S. Department of Labor, today only about 4 percent of lawyers and 3 percent of judges are of Hispanic descent.

Judge Sotomayor will serve as an able Associate Justice. She will also serve as a tremendous role model for law students and other young people thinking about entering the legal profession and for those who aspire to become judges. Her confirmation and service on the U.S. Supreme Court will serve to accelerate progress into the future.

Like election of the president who appointed her, Judge Sotomayor's confirmation says to young people of all incomes and backgrounds: You can be anything you want to be.

All of us have been moved by Judge Sotomayor's personal story—of her upbringing in the Bronx by a working mother, and her rise from those humble beginnings to graduate in one of Princeton University's first classes to include women. From there she went on to Yale Law School, where she excelled, and then to a coveted post—one of the few held by women—in the Office of the Manhattan District Attorney.

With her record of solid experience, clearly Judge Sotomayor is ready to

serve on the U.S. Supreme Court. In rating Judge Sotomayor, the American Bar Association conducted confidential interviews with a large number of judges and litigants who have worked with her or argued cases in her court. The ABA unanimously found Judge Sonia Sotomayor to be “well qualified,” the highest rating the association can give a judicial nominee.

Judge Sotomayor has received support from Democrats and Republicans, law enforcement groups and civil rights organizations. Among these groups are the Association of Prosecuting Attorneys, International Association of Chiefs of Police, National Fraternal Order of Police, Major Cities Chiefs Association, Women's Legal Defense and Education Fund, and the NAACP.

I agree with the Hispanic National Bar Association, which said that Judge Sotomayor “embodies all the qualities required for service as a Justice and are confident that, when confirmed, she will render fair and impartial justice for all Americans.”

The National Association of Women Lawyers has noted that Judge Sotomayor's record, “establishes her lack of gender, racial, ethnic or religious bias and her willingness to maintain an open mind, deciding cases on the record before her.”

Throughout her 17 years on the bench, Judge Sotomayor has shown a respect for established precedent and deference to the role of the elected branches of government. She made this point clear in the meeting I had with her shortly after President Obama nominated her for the post. The non-partisan Congressional Research Service, CRS, stated that “perhaps the most consistent characteristic of Judge Sotomayor's approach as an appellate judge has been an adherence to” existing judicial precedent.

In her meeting with me and in testimony before the Judiciary Committee, Judge Sotomayor repeatedly acknowledged the right to privacy is enshrined in our Constitution. I believe she will preserve that right.

President Obama made a wise choice in selecting Judge Sotomayor to serve on our highest court. She has demonstrated her integrity and intellect throughout the thorough confirmation process. Having followed her confirmation hearings closely, I am confident that Judge Sotomayor not only has a deep understanding of the law and great respect for precedent. I am confident she will make a fine associate justice.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I rise to express my support for the nomination of Judge Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

Her career on the Federal bench, from the Southern District Court in

New York to the Second Circuit Court of Appeals, and her personal journey, from a childhood in a housing project in the Bronx, to honors at Princeton University and Yale Law School, are now well known to everybody in the country.

But one of the things that received a small amount of attention in her confirmation hearing are the 5 years—right out of law school—she spent as a prosecutor in the office of legendary Manhattan district attorney Robert Morgenthau. It is a reflection of Sonia Sotomayor's grit, determination, and courage that she took on this challenge at that particular time to serve as an assistant district attorney during one of the most crime-laden periods of New York's history.

It is not often we get a chance to elevate to the Nation's highest Court someone who has followed police into shooting galleries, someone who has tracked down witnesses on streets awash in drug-related violence, and someone who has personally taken on witnesses and shredded some of them on cross-examination, and who has personally moved juries to tears in her closing arguments.

It is not often we get a chance to confirm a Supreme Court nominee who does not come from what Chairman PAT LEAHY likes to call the “judicial monastery.” But rather we have a chance to confirm someone who has the personal experience, perspective, and understanding of how the world works within our system of law as a practitioner and also having seen what it is like for those who try to enforce the law at the street level, our police, our law enforcement officials, and also in seeing what happens to victims and families drawn into the system unwillingly.

Judge Sotomayor certainly was not in a “judicial monastery” when she was undertaking the task of putting criminals behind bars in New York. I believe experience will prove of enormous value to somebody on the Supreme Court—someone who can go there understanding what it means to work 12-hour days as a prosecutor struggling to put together a case with reluctant witnesses, with police who have a difficult time coming to the courthouse, and, obviously, with experience in interpreting the fifth amendment, fourth amendment rights with respect to search and seizure and personal incrimination.

One of her cases, in particular, stands out, which is the 1983 so-called Tarzan Murderer case, involving a man who broke into apartments, sometimes by swinging from rooftops, robbing the residents, and then shooting them for no apparent reason. It was Judge Sotomayor's first homicide case and also her first homicide conviction. The defendant, Richard Maddicks, went to prison for 62½ years.

Judge Sotomayor said the case affected her as no other; that it underscored for her how crime destroys families and how prosecutors "must be sensitive to the price that crime imposes on our society." I believe, having been a prosecutor, those are lessons I learned also firsthand and did not come automatically to the bar with a sensitivity to.

As much as I admire her work as a New York prosecutor, that experience alone, obviously, does not qualify her for confirmation to the Supreme Court. But I think it is an important experience, and it says a lot about her approach to the law and what she is willing to fight for.

There are, obviously, few things we do that are as important as confirming a Supreme Court Justice, and especially now with the Court so evenly divided. So this is a pivotal moment for the Court. The direction our country will take for the next 30 years is being determined now by this debate.

A vote for a Supreme Court nominee is a vote for each of our personal understandings of the Constitution, of the laws of the land, and of what we think is important with respect to the application of the rights and freedoms that define this country of ours. That is what this vote is. It is a vote to protect the basic rights and freedoms that are important to every American, and I would say, particularly, privacy, equality, and justice.

Consider, for example, the case of Lilly Ledbetter and Diana Levine as an example of how just one Supreme Court appointment can affect the lives and freedoms of countless Americans. In the Ledbetter case, five of the Court's nine Justices granted immunity to employers who discriminate against workers in matters of salary. It took a new Congress and a new President to strike down the Court's ruling in the continuing effort to ensure that all Americans—women and men—receive equal pay for equal work.

I have voted for Supreme Court nominees in the past, when it was clear to me they would protect those constitutional rights and freedoms. And I have voted against Supreme Court nominees, when it was clear to me they would not protect those rights and freedoms.

So we have to ask ourselves: What direction will this nominee take the Supreme Court? Will this nominee protect the civil rights and liberties enshrined in the Constitution and protected by law that we have fought for so long and hard? Will this nominee support Congress's power to enact critical legislation—sometimes defining those rights? Will the nominee be an effective check on the executive branch?

As a Senator, each of us has a right—not just a right, but an obligation, a duty—to protect the fundamental

rights that are part of our Constitution. I think part of that means we have to preserve the incredible progress we have made with respect to civil rights and realizing those rights.

Having reviewed Judge Sotomayor's extensive record, and having read some of her more important rulings, I have concluded that she will do exactly that, she will protect them. She is someone who understands what sets America apart from almost every other country is the right of any citizen—no matter what level they are at, in terms of their work, employment or pay, income, status—that no matter where they come from, no matter what is their lot in life, they have a right to have their day in court. Recently, in this country, over the last 15 or 20 years, we have seen those rights reduced, in some cases. We have seen the access of average citizens to the courts of America diminished.

I believe Judge Sotomayor understands the real world, and how important it is to preserve that relationship of an individual citizen to access to the courts.

It took a Supreme Court that understood the real world to see that the doctrine of "separate but equal" was anything but equal and, therefore, to break the Constitution out of the legal straightjacket it found itself in. I believe Judge Sotomayor meets the standard that was set by Justice Potter Stewart, who said:

The mark of a good judge is a judge whose opinions you can read . . . and have no idea if the judge is a man or a woman, Republican or Democrat, Christian or Jew . . . You just know that he or she was a good judge.

For the last 17 years, she has applied the law to the facts in the cases she has considered, while always cognizant of the impact of her decisions before the court. I think she showed restraint, but she also showed fairness and impartiality in performing her duties under the Constitution.

I believe, though, it is clear her years as a prosecutor prepared her for the Federal bench in ways that few jurists get to experience. After that she spent nearly 6 years as a district court judge and almost 12 years on the appellate court demonstrating a very sophisticated grasp of legal doctrine and earning a reputation as a sharp and fearless jurist.

Courage is one of the qualities that Judge Sotomayor's colleagues and friends often attribute to her. One of those colleagues who ought to know these things was her one-time boss and, I might add, somebody whom, when I was a prosecutor, we modeled much of what we did in Massachusetts on his approach to the New York District Attorney's Office, and that is Robert Morgenthau. He said she was a "fearless prosecutor" and "an able champion of the law." The police with whom she worked so closely felt the same way.

That is why her nomination to the Supreme Court has been endorsed by nearly every major law enforcement organization in the country.

As a district court judge, she showed just how fearless she could be when, in 1995, she ended the Major League Baseball strike with an injunction against the league's powerful owners. All of her actions on the district court were important.

Of all her actions on the district court, that was one of my favorites. Some experts suggested that she had saved baseball and, in doing so, she had, as Claude Lewis of the Philadelphia Inquirer wrote, "joined the ranks of Joe DiMaggio, Willie Mays, Jackie Robinson and Ted Williams." I am not sure I would go as far as Ted Williams, but Judge Sotomayor's actions did get the Red Sox back on the field at Fenway Park.

It is interesting to me that Judge Sotomayor would bring more Federal judicial experience to the Supreme Court than any Justice in the last 100 years. That is a fact her critics conveniently ignore.

In fact, she would bring more Federal judicial experience to the high court—more than 17 years all totaled—than any of the current associate justices.

Chief Justice Roberts came to the court with just 2 years on the Federal bench, Justice Alito 16 years, Justice Scalia 4 years, Justice Thomas 1 year, Justice Kennedy 13 years, Justice Ginsburg 13 years, Justice Souter 1 year, Justice Brennan and Justice Breyer zero years.

As we all know, Judge Sotomayor would be the first Latina to serve on the Supreme Court, just as she was the first Latina on the Second Circuit Court of Appeals. Much was made of this after her nomination by President Obama. And rightly so.

Judge Sotomayor is a role model of aspiration, of discipline, of commitment, of intellectual prowess and integrity. Her story is an American story, a classic American story, an inspiring American story.

How could anyone not be moved by the sight of Judge Sotomayor's mother, Celina, wiping away tears as the Judge paid loving tribute to her during her confirmation hearing? How could anyone not celebrate the journey that is the Judge's life story? An improbable journey, an extraordinary journey, a uniquely American journey.

We should not underestimate the importance of the diversity Judge Sotomayor will bring to the Supreme Court. People from different backgrounds bring different perspectives to bear on decisions, and that produces better decisions. That is especially important for the Supreme Court, which is, after all, the ultimate champion of the rule of law and protector of rights in America.

How important is diversity? The Supreme Court recently decided a case

and found that school officials violated the fourth amendment rights of a young girl by conducting an intrusive strip search of her underclothes while looking for the equivalent of a pain killer. During oral arguments in that case, one of the male Justices compared the search to changing for gym clothes. Several other Justices laughed, but Justice Ruth Ginsburg, the lone female on the court, pointed out how "humiliating" such a search is to young girls.

I know that the Judge's critics claimed that she would rely on "empathy" rather than the law when deciding cases. But during her confirmation hearing, she made clear her commitment to the rule of law. "Judges can't rely on what's in their heart," she testified. "They don't determine the law. The job of the judge is to apply the law. And it's not the heart that compels conclusions in cases. It's the law."

She, in fact, has never used the word "empathy" in any of her decisions in more than 3,000 cases or the nearly 400 opinions she has written. Nor has she ever used it to describe her judicial philosophy in any speech or article. Her decisions have been based on established precedent and a respect for the limited role of a judge.

But every judge, even Supreme Court Justices, are shaped by the experiences of their lives.

One recent Supreme Court nominee testified before the Senate Judiciary Committee that he would bring to the court "an understanding and the ability to stand in the shoes of other people across a broad spectrum." That was Justice Clarence Thomas.

Another acknowledged being influenced by the fact he came from a family of immigrants. "When I get a case about discrimination, I have to think about people in my own family who suffered discrimination because of their ethnic background or because of religion or because of gender. And I do take that into account," he said. That was Justice Samuel Alito.

Another touted his status as a racial minority in expressing his commitment to a society without discrimination. "I am a member of a racial minority myself, suffered, I expect, some minor discrimination in my years," he said. That was Justice Antonin Scalia.

I don't know why anyone would think gender and ethnicity do not inform one's worldview. How could it be otherwise? "We're all creatures of our upbringing," Justice Sandra Day O'Connor once observed.

So, too, is Judge Sotomayor. But that does not mean she will not judge fairly. There is nothing in her long career to suggest otherwise. Above all, in fact, Judge Sotomayor will bring to the court a keen legal mind to the court and an extraordinary record of following, defending and upholding the rule of law.

It is no wonder that she earned a "well qualified" rating from the American Bar Association, the highest rating available in the ABA's evaluation of Federal judicial nominees' credentials, a process the organization of legal professionals has conducted for more than 50 years.

Our Nation's highest court will certainly benefit from Judge Sotomayor's scholarship, her years on the Federal bench and the uniquely American aspects of her life.

But as I noted earlier, the High Court's Justices will also benefit from Judge Sotomayor's years as a prosecutor, from having someone among them who has been on the front lines in the fight against chaos and violence of the city, someone who has seen up close the awful toll crime exacts on its victims, someone who has stared down evil and who has sent the most evil to prison for life.

Judge Sotomayor's experience on the bench and her experiences in life have given her a keen sense of compassion and an unique understanding of everyday Americans—qualities that will serve her well as an Associate Justice of the U.S. Supreme Court, qualities that will serve our country well in the Court's deliberations.

It is clear she understands that our Nation is defined by the great struggle of individuals to earn and protect their rights.

I believe Judge Sotomayor will protect those rights, which did not come easily—access to the court house and the school house, civil rights, privacy rights, voting rights, antidiscrimination laws, all the result of bloodshed and loss of life, all written into law in a fight, all requiring constant vigilance to make sure they are enforced and maintained.

Do I overstate the importance of vigilance? Hardly. Just a few short months ago, the Court heard oral arguments in a case challenging the constitutionality of the reenacted Voting Rights Act. The act remained intact. But the fact that the Court heard the case is cause for concern that even a slight shift in the makeup of the Court could weaken or undo laws that protect the rights and well being of the American people.

It was the late Dr. Martin Luther King Jr. who said that "the arc of the moral universe is long, but it bends toward justice." I believe Judge Sotomayor's nomination to the Supreme Court—indeed, her entire career, as a prosecutor, as a district judge, as an appeals court judge—is part of that arc bending toward justice.

Mr. President, I proudly support her nomination and urge all my colleagues to do the same. A vote to confirm Judge Sotomayor will be a high mark in the history of the Senate and in the history of this country.

Mr. President, on behalf of Senator LEAHY, I ask unanimous consent that a

letter and statement of support for the nomination of Judge Sotomayor to be a Justice of the U.S. Supreme Court from the Lawyers' Committee for Civil Rights Under Law be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW,
Washington, DC, July 9, 2009.

Chairman PATRICK J. LEAHY,
Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

Ranking Member JEFF SESSIONS,
Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS LEAHY AND SESSIONS; As the Co-Chairs of the Lawyers' Committee for Civil Rights Under Law, we submit the attached Statement in Support of the nomination of Judge Sonia Sotomayor as an Associate Justice of the United States Supreme Court. This Statement is presented on behalf of our organization and with the particular support of the identified individual members of the Board of Directors and Trustees, who have joined to highlight their commitment to the Lawyers' Committee's position.

We also enclose an 81 page Report analyzing Judge Sotomayor's record pertaining to constitutional interpretation and civil rights, issues which are of paramount importance to the Lawyers' Committee.

We believe that the members of the Lawyers' Committee who have joined us in support of Judge Sotomayor have done so because the record demonstrates that Judge Sotomayor is well qualified to serve as an Associate Justice, with a record of judicial service characterized by both its longevity and its quality. Judge Sotomayor's record in the area of civil rights reveals a balanced and considered approach to following precedent and safeguarding the protections contained in our nation's Constitution and civil rights statutes. We also believe Judge Sotomayor brings needed diversity to the Court based on her gender, ethnicity and experience as a prosecutor and trial judge.

We urge the members of the Senate Judiciary Committee to recommend Judge Sonia M. Sotomayor for confirmation by the full Senate.

Sincerely,

NICHOLAS T. CHRISTAKOS,
Co-Chair.
JOHN S. KIERNAN,
Co-Chair.

STATEMENT SUPPORTING THE NOMINATION OF
JUDGE SONIA SOTOMAYOR AS AN ASSOCIATE
JUSTICE OF THE UNITED STATES SUPREME
COURT

The Lawyers' Committee for Civil Rights Under Law, and the undersigned members of its Board of Directors and Trustees, write to support the nomination of Judge Sonia Sotomayor to the Supreme Court of the United States and to urge the Senate to confirm that nomination.

On May 26, 2009, President Barack Obama nominated Judge Sotomayor, who currently serves on the U.S. Court of Appeals for the Second Circuit, to replace retiring Justice David Souter. The last vacancy on the Court occurred in 2005, when Sandra Day O'Connor, the first woman to serve on the Supreme Court, retired. If confirmed, Judge Sotomayor would be the first Hispanic and the third female justice in the 219 year history of the Supreme Court.

Judge Sotomayor has impressive academic and professional credentials. She has had a wide-ranging legal career as a prosecutor, a corporate litigator, and both a district and appellate court judge. These combined experiences would add a perspective not currently available on the Supreme Court. In addition, having sat for six years on the district court and more than ten years on the court of appeals, Judge Sotomayor has more federal judicial experience at the time of her nomination than any Supreme Court nominee in the last hundred years.

This nomination is of special interest to us as directors and trustees of the Lawyers' Committee for Civil Rights Under Law because of our shared goal of promoting equal justice. In recent years, the Supreme Court has issued a number of decisions scaling back the critical protections against discrimination that are afforded by the Constitution and our nation's civil rights laws. This trend underscores the pressing need for a Justice who understands the persistent realities of discrimination and who interprets our civil rights laws as they were intended—to provide meaningful protections.

We believe that the best evidence of Judge Sotomayor's qualifications as a nominee is the judicial opinions she has written over her long career on the bench. Analysis of her opinions in civil rights cases and related areas prepared by the Lawyers' Committee forms the primary basis for our support for Judge Sotomayor's nomination. The Lawyers' Committee also examined her speeches and other writings to see whether they contained anything that should disqualify her from serving on the Supreme Court or that might indicate that she has a different judicial philosophy, particularly in the civil rights arena, from that reflected in her judicial opinions. The results of the Lawyers' Committee's analysis are contained in its Report on Judge Sotomayor's nomination.

Based on our review, we conclude that Judge Sotomayor's record in civil rights cases demonstrates careful judicial analysis, with full consideration of the relevant facts and law, accompanied by a sensitivity to civil rights issues that is consonant with constitutional and statutory provisions. We have found nothing in Judge Sotomayor's speeches or non-judicial writings, which appropriately refer to her unique life story and the perspective she has gained from her background, that should disqualify her from serving on the Supreme Court. Our review of her judicial decisions, as well as her speeches and other writings, leads us to conclude that Judge Sotomayor would bring to the Court an appropriate regard for the importance of enforcement of the civil rights protections of the Constitution and federal civil rights laws. We further conclude that her performance as a Court of Appeals judge clearly supports the proposition that she will honor stare decisis and adhere to the rule of law.

On the Second Circuit, Judge Sotomayor has heard over 3,000 appeals and has written over 250 signed panel opinions. Her opinions reveal a jurist who follows established precedent yet is willing to raise concerns about the practical impact of that precedent. Her opinions exhibit deference to the discretion of trial judges. Judge Sotomayor's jurisprudence in civil rights cases indicates that she carefully weighs the facts and the law, and her rulings fall within the mainstream of existing judicial decisions and legal scholarship. She interprets civil rights laws in a manner that provides meaningful protection from discrimination, while being mindful of the need to grant early relief to defendants

when the facts and law justify a summary ruling.

Judge Sotomayor possesses both the exceptional competence necessary to serve on the Court and a profound respect for the importance of protecting the civil rights afforded by the Constitution and the nation's civil rights laws. Additionally, we believe that having a diverse Court is important for our nation. For these reasons, we support the nomination of Judge Sotomayor to the Supreme Court of the United States and urge the Senate to confirm her nomination.

By action of the Executive Committee, this statement has been submitted to members of the Board of Directors and the Board of Trustees of the Lawyers' Committee for Civil Rights Under Law, for the individual signature of subscribing Board members whose names are set forth below. The following individual members of the Boards of Directors and Trustees of the Lawyers' Committee hereby subscribe to the statement.

Atiba D. Adams, David R. Andrews, Barbara R. Arnwine, Jeffrey Barist, Daniel C. Barr, Lynne Bernabei, Victoria Bjorklund, John W. Borkowski, Patricia A. Brannan, Steven H. Brose;

Paulette M. Caldwell, John A. Camp, Douglass W. Cassel, Michael H. Chanin, Nicholas T. Christakos, Lisa E. Cleary, Frank M. Conner, III, Michael A. Cooper, Edward Correia, Peter J. Covington;

Marion Cowell, Nora Cregan, Michael Birney de Leeuw, Doneene K. Damon, Armand G. Derfner, John H. Doyle, III, Paul F. Eckstein, Robert Ehrenbard, Joseph D. Feaster, Jr., Fred N. Fishman;

Marc L. Fleischaker, John H. Fleming, Alexander D. Forger, Katherine Forrest, Eleanor M. Fox, Joseph W. Gelb, Peter B. Gelblum, Susan M. Glenn, Jon Greenblatt, Peter R. Haje, Gregory P. Hansel, Conrad K. Harper, Robert E. Harrington;

David L. Harris, Mark I. Harrison, Amos Hartston, John E. Hickey, Jerome E. Hyman, Blair M. Jacobs, Malachi B. Jones, Jr., Michael D. Jones, James P. Joseph, Heather Lambert Kafele, Stephen Kastenberger, Laura Kaster;

Kim M. Keenan, Frederick W. Kanner, Frank Kennamer, Andrew W. Kentz, John S. Kiernan, Loren Kieve, Teresa J. Kimker, Adam T. Klein, Alan M. Klinger, Naho Kobayashi, Daniel F. Kolb, Edward Labaton, Gregory P. Landis;

Brian K. Landsberg, Michael L. Lehr, Charles T. Lester, Marjorie Press Lindblom, David M. Lipman, Andrew Liu, Jack W. Londen, Robert MacCrate, Cheryl W. Mason, Christopher Mason, Julia Tarver Mason, Gaye A. Massey;

Colleen McIntosh, John E. McKeever, Kenneth E. McNeil, Neil V. McKittrick, D. Stuart Meiklejohn, Charles R. Morgan, Robert S. Muckelstone, Robert A. Murphy, Aasia Mustakeem, Karen K. Narasaki, Frederick M. Nicholas, John E. Nolan, John Nonna;

Roswell B. Perkins, Bradley S. Phillips, Kit Pierson, Bettina B. Plevan, Robert H. Rawson, William L. Robinson, Guy Rounsaville, Michael L. Rugen, Lowell E. Sachnoff, Gail C. Saracco, John F. Savarese, Jennifer R. Scullion;

Richard T. Seymour, Valerie Shea, Jane C. Sherburne, Richard Silberberg, Jeffrey Simes, Robert Sims, Marsha E. Simms, John S. Skilton, Rodney E. Slater, Eleanor H. Smith, Edward Soto, John B. Strasberger;

Daniel P. Tokaji, Michael Traynor, Reginald M. Turner, Suzanne E. Turner, Michael W. Tyler, Kenneth Vittor, Joseph F. Wayland, Vaughn C. Williams, Thomas S. Williamson, Brenda Wright, Erika Thomas-Yuille.

Mr. KERRY. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, the Senate will soon vote to confirm Judge Sonia Sotomayor. In doing so, we will not only make history, but we will stand witness to a coming of age of America.

Our Founders devised a unique experiment in a new form of government built on tolerance, equal rights, justice, and a Constitution that protected us from the mighty sword of tyranny. It was a revolutionary notion that in this new Nation, no one—no one—would be bound by an accident of birth. No one would be limited by their economic or social circumstances. In America we have come to believe that all is possible.

Today, on the anniversary of the signing of the Voting Rights Act, at the other end of Pennsylvania Avenue is an African American sitting in the Oval Office. This is America.

Across the street in that magnificent symbol of equal justice under law, a woman—a Latina—will take a seat on the U.S. Supreme Court. This is America.

In this Chamber, this Senator respectfully stands before you born in the same year as Judge Sotomayor and in similar circumstances—raised in a tenement in an old neighborhood in New Jersey, the son of immigrants, the first in my family to go to college. I never dreamed I would stand on this floor on this day to rise in support of an eminently qualified Hispanic woman who grew up in a housing project in the Bronx, as I was growing up in that old tenement in Union City. Yes, this is America. It is the America our Founders intended it to be.

I said on this floor earlier in this debate that when Judge Sotomayor takes her seat on the U.S. Supreme Court, we will only need to look at the portrait of the Justices of the new Supreme Court to see how far we have come as a nation, to understand who we are as a people. It is true that we are often divided by deeply held individual beliefs that too often prevent us from reaching compromise on the complex issues and challenges facing this Nation. But in America, we are entitled to our individual beliefs. We are entitled to hold them firmly, passionately, with resolve, reason, and fairness. We are free to fight for them with every fiber of our being; to express them, to shout them from the rooftops if we like. Put simply, all of us see the world differently. All we can ask of ourselves, all any of us can ask, is that wisdom, intelligence, reason, and logic will always prevail in every decision we make.

I have said before on this floor, and I will say again: Who we are is not a measure of how we judge, it is merely

one part of the many-faceted prism through which we see and analyze the facts. The real test is how we think and what we do. I know in my heart and in my mind that Judge Sotomayor will do what is right for America.

The worst her opponents have accused her of is an accident of geography that gave her the unique ability to see the world from the street view, from the cheap seats. I know that view well. I know it very well. It gives us a unique perspective on life. It allows us to focus a clear lens on the lives of those whose struggles are more profound than ours and whose problems run far deeper than our own. The view of the world from a tenement remains with me today, and it will remain with me all of my life, just as the view from that housing project in the Bronx will remain with Judge Sotomayor. It is a part of who she is. But let's be clear. It is not what she will do or how she will judge. It is the long view of America—a wide, inclusive view—often profoundly moving, sometimes heart-breaking, and it gives her an edge where she may see what others cannot, and I truly believe that is a gift that will benefit the Nation as a whole.

So I call on my colleagues to step back, take the long view, think of what our Founders hoped for this Nation, and let's vote. History awaits and so does an anxious Hispanic community in this country.

I have made my decision, and I will proudly stand in the well of this Chamber to cast my vote to confirm Judge Sotomayor as the next Justice of the U.S. Supreme Court. When she places her hand on the Bible and takes the oath of office, the new portrait of the Justices of the Supreme Court will clearly reflect who we are as a nation, what we stand for as a fair, just, and hopeful people.

Let that be the legacy of our generation, for this is America—the America our Founders intended it to be.

Mr. President, the Judiciary Committee has received letters of support for Judge Sotomayor's nomination from local, national, and international law enforcement, including the chiefs of police of major cities, among others. I ask unanimous consent that those letters, as well as letters from national Latino and Hispanic rights organizations, such as MANA, ASPIRA, and others be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

METROPOLITAN POLICE DEPARTMENT,

Nashville, TN, July 7, 2009.

Senator PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR LEAHY: After careful consideration of Judge Sonia Sotomayor's established record of respect and understanding for the work of law enforcement, I am today writing to express my strong support of her nomination as the next Associate Justice of the United States Supreme Court.

In my nearly 30 years experience as a police officer and police executive in three states, Louisiana, Washington, and Tennessee, it is clear to me that our citizens are ultimately best served and protected by members of the judiciary who are committed to respect for the rule of law. I am encouraged that Judge Sotomayor, through her work as a prosecutor in New York, and later as a trial judge, learned first hand how crime impacts a community and how members of law enforcement are in the trenches every day working to make a difference for safer neighborhoods. I believe that she understands the challenges police agencies face in dealing with criminals, and, if confirmed, will ensure that law enforcement is treated with respect and fairness in matters coming before the Supreme Court.

Senator Leahy, I understand that you will explore and consider a number of issues and factors before making your confirmation decision. I have every confidence that Judge Sotomayor's clear familiarity with how the courts impact law enforcement and the criminal justice system will be given full consideration. Thank you for your kind attention to this letter, and thank you for your support of the men and women in Tennessee, Vermont and our great nation's 48 other states who wear the badge of protection and service.

Sincerely,

RONAL W. SERPAS,
Chief of Police.

MAJOR CITIES CHIEFS ASSOCIATION,
June 7, 2009.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MESSRS. LEAHY AND SESSIONS: On behalf of the Major Cities Chiefs, representing the 56 largest jurisdictions across the Nation, we are writing to support the nomination of Judge Sonia Sotomayor to the Supreme Court of the United States.

We applaud her distinguished career in public service, a record of achievement that began with her work as a prosecuting attorney. During those early years as an Assistant District Attorney, Sonia Sotomayor earned high marks from law enforcement. She has been praised by those who worked at her side on criminal cases as well as officials who have taken cases to her courtroom in later years.

Her record as a prosecutor and a judge both show a commitment to public safety and sensitivity to the needs of the community. She has made decisions that are both tough and compassionate. Her record shows respect for the laws and cases that enable the police to do their job.

American law enforcement has always looked to you for leadership and we again turn to you to move the nomination of Sonia Sotomayor quickly through the confirmation process.

Sincerely,

WILLIAM J. BRATTON,
*Chief of Police,
President, Major Cities Chiefs.*

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE,
Alexandria, VA, July 10, 2009.

Hon. PATRICK LEAHY,
Chair, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the International Association of Chiefs of Police

(IACP), I am pleased to inform you of our support for the nomination of Judge Sonia Sotomayor to be the next Associate Justice on the United States Supreme Court.

As you know, the IACP is the world's oldest and largest association of law enforcement executives. With more than 20,000 members in over 100 countries the IACP has, throughout its 116 year history, been committed to advancing the law enforcement profession and promoting public safety.

It is for these reasons that the IACP is proud to endorse the nomination of Judge Sotomayor to the United States Supreme Court. Throughout her career, Judge Sotomayor has consistently demonstrated a firm understanding of, and a deep appreciation for, the challenges and complexities confronting our Nation's law enforcement officers. As a prosecutor, and at the District and Circuit Courts, Judge Sotomayor has clearly displayed her profound dedication to ensuring that our communities are safe and that the interests of justice are served.

The IACP believes that Judge Sotomayor's years of experience, her expertise and her unwavering dedication to the rule of law are evidence of her outstanding qualifications to serve as the next Associate Justice of the United States Supreme Court. The IACP urges the Judiciary Committee and the members of the United States Senate to confirm Judge Sotomayor's nomination in a timely fashion.

Thank you for your attention to this matter. Please let me know how the IACP may be of further assistance in this vitally important process.

Sincerely,

RUSSELL B. LAINE,
President.

MANA,
Washington, DC, June 9, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Russell Senate Office Building, U.S. SENATE, WASHINGTON, DC.

Hon. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATORS LEAHY AND SESSIONS: MANA, A National Latina Organization, with headquarters in Washington, DC, twenty-six chapters nationwide, and six affiliates across the nation expresses wholehearted support for the appointment of the Honorable Sonia Sotomayor to serve as a Supreme Court Justice.

Growing up in the Bronx after her parents moved from Puerto Rico, Sotomayor's mother instilled the value of education early in her life. After graduating valedictorian at her Catholic high school, Sotomayor went on to Princeton, where she continued to excel. She attended Yale Law School and wrote for the Yale Law Journal.

Judge Sotomayor has had an exceptional and diverse career that will be an invaluable asset in a role as a Supreme Court Justice. She began her career as an assistant district attorney in the state of New York. Later, she worked in private practice as a corporate litigator, dealing with cases for both American and foreign clients. In 1992 she served as a federal judge for the U.S. District Court, having been nominated by President George H.W. Bush. In this position she was the youngest judge in the Southern District of New York and the first Hispanic federal judge in New York. During that time she supported claims to freedom of religious expression under the First Amendment. She

continued in that position until her appointment as appellate judge by President William Jefferson Clinton in 1998.

The Honorable Sonia Sotomayor's perseverance, work ethic, integrity, and tested and proven ability to excel demonstrate her strength of character. Her commitment to nonpartisan, fair decision making, and upholding the law without bias makes Judge Sotomayor a clear choice for Supreme Court Justice. We are confident that Judge Sotomayor will dutifully represent the law as it is written, always serving in the best interests of the nation. A true example of living the American dream, she is an inspiration.

Moving forward, we urge that the Senate follow the timeline suggested by the White House, with an expeditious hearing by mid-July. As is our established procedure, we will also be submitting this legislative vote to the National Hispanic Leadership Agenda for consideration on the Annual Congressional Report Card, which tracks and publishes the voting records of Members of Congress on issues relevant to the Hispanic community. In the best interest of our nation, we ask you to confirm the Honorable Sonia Sotomayor based on her credentials, experience, and desire to honorably serve our great nation.

Sincerely,

ALMA MORALES RIOJAS,
President & CEO.

MANA DE ALBUQUERQUE,
Albuquerque, NM, June 2, 2009.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY, On behalf of MANA de Albuquerque, its thirty-five members, and its affiliation with MANA, A National Latina Organization that represents twenty-six Chapters, six Affiliates, and individual members nationwide, I would like to declare my support for the confirmation of Judge Sonia Sotomayor as Justice of the Supreme Court.

The Honorable Sonia Sotomayor has had an exceptional and diverse career that will be an invaluable asset in a role as a Supreme Court Justice. Judge Sotomayor's perseverance, work ethic, veracity, and tested and proven ability to excel demonstrate her strength of character. Her commitment to bipartisan, fair decision making, and upholding the law without bias makes Judge Sotomayor a clear choice for Supreme Court Justice.

Judge Sonia Sotomayor's nomination reflects an enormous achievement for the Latina community. She is a woman of astonishing achievement, keen intellect, and integrity. These characteristics will aid her in making just decisions in representing and reflecting the law of the United States of America.

As a member of your constituency, the Latino community, and MANA de Albuquerque, I ask you to support Judge Sonia Sotomayor's expeditious confirmation.

Sincerely,

LYDIA LOPEZ MAESTAS,
President.

WOMEN OF EL BARRIO,
El Barrio, NY, May 8, 2009.

Re United States Supreme Court nomination of Judge Sonia Sotomayor.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MR. LEAHY: Women of El Barrio (WOES) proudly and respectfully urge you to make Judge Sonia Sotomayor your first appointment to the Supreme Court of the United States of America. Our appeal is consistent with WOEB's mission to develop the leadership and promote the contributions of Puerto Rican grandmothers and young women from our community, through efforts that extend from preserving a block, to honoring the gifts of our precious Planet! Sonia Sotomayor, is a star whose light shows working class boys and girls that they can become men and women who achieve in order to serve.

As a Latina, Judge Sotomayor's appointment addresses two glaring deficiencies in the court's lack of diversity and will bring our court system closer to real equality of opportunity.

In their appeal New York Senators Schumer and Gillibrand recognize that "Latinos are a large and growing segment of our society that have gone grossly underrepresented in our legal system. Indeed, while Latinos comprise around 15 percent of the population, only about 7 percent of federal judges are Latino. Moreover, not a single Latino has served on the United States Supreme Court in the history of our country."

While more than half the U.S. population is female, nearly one-third of all U.S. lawyers are women. Approximately 30 percent of the judges serving on the lower federal courts are women. It is truly shameful that the retirement of Justice Sandra Day O'Connor should have resulted in the reduction of the paltry number of women from two to one. Most recently the lone remaining female, Justice Ruth Bader Ginsburg, has battled serious health problems.

In Judge Sotomayor you have a nominee of unquestioned legal prowess and excellent academic credentials. She's a Princeton University graduate, summa cum laude; a Juris Doctor from Yale Law School, including Editor of the Yale Law Journal. As a practicing attorney, she was a litigator in an international law firm and served as Manhattan Assistant District Attorney under Robert Morgenthau 17 years on the federal bench as trial judge in the Southern District of New York and her current position on the 2nd Circuit.

In its October 2008 issue of Esquire magazine found that "In her rulings, Sotomayor has often shown suspicion of bloated government and corporate power. She's offered a re-interpretation of copyright law, ruled in favor of public access to private information, and in her most famous decision, sided with labor in the Major League Baseball strike of 1995. More than anything else, she is seen as a realist. With a likely 20 years ahead on the bench, she'll have plenty of time to impart her realist philosophy."

Just as importantly, we, the people want a Supreme Court of men and women who uphold the Constitution of the United States and the laws flowing from it; a court that is balanced when it is called upon to scrutinize preemptive war, torture, black prisons, warrantless surveillance, erosion of the common wealth, and deemed the true arbiter of social, economic and electoral justice for all.

Sincerely,

SANDRA TALAVERA,
Chair.

THE ASPRIA ASSOCIATION, INC.,
Washington, DC, June 15, 2009.

Re vote to confirm Judge Sonia Sotomayor to the U.S. Supreme Court.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: ASPIRA, the largest national Latino organizations in the United States and the only national organization dedicated exclusively to the education of Latino youth, urges you, as a member of the Senate Judiciary Committee, to vote to confirm Judge Sonia Sotomayor after a thorough but swift confirmation process.

Judge Sotomayor's outstanding academic credentials, keen intellect, extensive judicial experience, and long history of fairness and adherence to the law, make her an exemplary candidate to serve on the Supreme Court. Raised by a single mother in public housing in the Bronx, Judge Sotomayor went on to graduate with honors from Princeton and Yale Law School, two of the most prestigious universities in the country. In her three-decade career, Judge Sotomayor has served as an Assistant District Attorney, a litigator in private practice, and served as U.S. District judge for six years before serving eleven years on the U.S. Court of Appeals for the 2nd District. She was appointed to the District Court by Republican President George H.W. Bush and to the appeals court by President Clinton. She has participated in over three thousand court decisions, and has written over 380 opinions. No other Supreme Court nominee in the last 100 years has had the experience she will bring to the court. Judge Sotomayor's compelling life experiences will allow her to bring a range of experiences and perspectives to the court's deliberations.

We sincerely hope that you will join the majority of senators, Republicans and Democrats to confirm this exemplary American to the Supreme Court.

Sincerely,

RONALD BLACKBURN MORENO,
President and CEO.

Mr. MENENDEZ. Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I am honored to be here today. In a few hours, we will have achieved something truly great as a nation. Our first African American President has nominated the first Hispanic Justice to the U.S. Supreme Court. Times are changing.

If there are two words that sum up this nomination, it is these: "It's time." It is time that we confirm a nominee to the Supreme Court who will improve its diversity. It is time that we confirm a moderate nominee to the Supreme Court who will pull it back into the mainstream and away from the extreme. It is time we confirm a nominee whose life story, personal history, intelligence, and experience represent the best America has to offer.

Judge Sotomayor's story is a true American story, a true New York story, and a great story. When Sonia Sotomayor was growing up, the Nancy Drew stories inspired her sense of adventure, developed her sense of justice, and showed her that women could and should be outspoken and bold. Now, in

2009, there are many more role models for a young student from her alma mater, Cardinal Spellman, to choose from, with Judge Sotomayor foremost among them.

If one listened to the debate over the last 2 days, one could easily think that my colleagues on the other side of the aisle are not talking about the same person we are. Those who are voting for Judge Sotomayor's confirmation have focused, as they should, on her history and her record. Judge Sotomayor was a prosecutor and a commercial litigator. She was nominated to the district court bench by a Republican President. Her record shows she is a true moderate. She has agreed with her Republican colleagues 95 percent of the time. She has ruled for the government and against the immigrant petitioner in 83 percent of immigration cases. She has denied race claims in 83 percent of race cases. All of these numbers place her squarely in the middle of the judges on her circuit.

But my Republican colleagues have chosen instead to focus on the speeches she has given outside the courtroom. They have zeroed in on a few choice quotes we have heard over and over again about the "wise Latina woman" quote. Is this the same person who has sat on 3,000 cases in 17 years, who ruled against Hispanic and African American plaintiffs in a wide variety of cases, and who ruled in favor of a police officer who engaged in blatantly racist speech because the first amendment protected him? Should three words outweigh 3,000 cases? Only if you have something against her in the first place.

"Bias" and "activism" are now code words for "not hard right." My colleagues say they don't want activist judges. What they really mean is they don't want judges who disagree with them and who put rule of law ahead of moving America in ideological directions.

We must and will continue to fight for mainstream judges. We must and will continue to free our unelected branch of government from ideologues and result-oriented extremism.

With the nomination of Judge Sotomayor, we have an opportunity to restore faith in the notion that the Court should reflect the same mainstream ideals that are embraced by America.

Judge Sotomayor is clearly a moderate. She is highly qualified. She is extremely intelligent. She represents the American ideal that at the end of the day, race and ethnicity and class aren't supposed to predetermine anything; through hard work and a good education, a girl from a Bronx housing project can rise to the highest Court in the most democratic country in the world.

I am so proud to cast my vote for Judge Sonia Sotomayor. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the Senator from New York for what are heartfelt words.

I was able to spend some time privately with the judge to get to know her from a first impression. Usually, in my 37 years of public life, I have been able to size up a person, and it has proven to be a fairly accurate measure of a person. My sense from that private meeting is that here we have a judge who will use a lot of common sense in making judicial decisions.

I think that is important. I think it is also important that a judge have deference in the rule of law to precedent that has already been established. I believe that to be the case with this judge.

Since it is the U.S. Supreme Court, the Supreme Court will also have the final determination on what a law does or does not say. In that case, I think we not only want a judge who is extremely sharp, intelligent, well schooled in the law, with a long history in the law, with common sense, but of moderate disposition.

I think that is what Judge Sotomayor brings to this position of the U.S. Supreme Court. I believe Judge Sotomayor will be a fair, impartial, and an outstanding Supreme Court Justice. I am very proud that I will be able to cast my vote for her in a few minutes.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I want to begin my remarks by introducing into the RECORD a letter I wrote with Senator OLYMPIA SNOWE in May, after Justice Souter announced he would be retiring from the Supreme Court.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, May 11, 2009.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The announced retirement of United States Supreme Court Justice David Souter—an outstanding jurist—has left you with the crucial task of nominating someone for a lifetime appointment to our nation's highest bench.

The most important thing is to nominate an exceptionally well-qualified, intelligent person to replace Justice Souter—and we are convinced that person should be a woman.

Women make up more than half of our population, but right now hold only one seat out

of nine on the United States Supreme Court. This is out of balance. In order for the Court to be relevant, it needs to be diverse and better reflect America.

Mr. President, we look forward with great anticipation to your choice for the Supreme Court vacancy.

Sincerely,

BARBARA BOXER,

U.S. Senator.

OLYMPIA SNOWE,

U.S. Senator.

Mrs. BOXER. Mr. President, at that time, we wrote, in part:

The most important thing is to nominate an exceptionally well-qualified, intelligent person to replace Justice Souter—and we are convinced that person should be a woman.

That was the letter that was written by a Democrat and a Republican Senator who believe strongly that it does matter, when you only have one woman on a Court of nine, as we do right now—until we vote—it is just not enough.

President Obama has nominated an exceptionally well-qualified and intelligent woman. She has more experience on the Federal bench than any Supreme Court nominee in the last hundred years.

Judge Sotomayor received the highest rating from the American Bar Association, and she will be an outstanding addition to the high Court.

When she is confirmed, she will become only the third woman ever to don the robes of a Supreme Court Justice. She will make history as the Nation's first Hispanic Supreme Court Justice.

This is a proud moment for our entire Nation, and especially for the 13 million Latinos in California and the 45 million Latinos nationwide. She already is a role model for so many young women.

As Justice Sandra Day O'Connor said in a recent interview:

About half of all law graduates today are women, and we have a tremendous number of qualified women in the country who are serving as lawyers. So they ought to be represented on the Court.

In the weeks since she was nominated, Judge Sonia Sotomayor has proven that she has the right judgment and the right temperament to serve on the Nation's high Court. This is a proud moment for our Nation, a very proud moment.

She demonstrated, during a week of intense questioning before the Judiciary Committee, that she is tough, she is smart and, most importantly, she knows the law.

During those hearings, she made clear that she understands the role of a judge, which is to apply the law to the facts of each and every case. She said:

In the past month, many Senators have asked me about my judicial philosophy. It is simple: fidelity to the law. The task of a judge is not to make law. It is to apply the law.

Her 17-year record as a Federal judge demonstrates a respect for the law and for precedent.

Let me read some comments from Judge Sotomayor's many supporters. Robert Morgenthau, District Attorney for the County of New York, said:

Judge Sotomayor's career in the law spans three decades, and [she] worked in almost every level of our judicial system—prosecutor, private litigator, trial court judge, and appellate court judge. . . . She is an able champion of the law, and her depth of experience will be invaluable on our highest court.

Kim Askew, chair of the American Bar Association's Standing Committee on the Federal Judiciary, said:

[Judge Sotomayor] has a reputation for integrity and outstanding character. . . . Her judicial temperament meets the high standards for appointment to the court.

I have to say, having watched some of the very tough questioning of Judge Sotomayor—if I might say, questions that were asked and answered, asked and answered, and asked and answered—the judge showed she understood that the Senators had a right to be tough, had a right to ask her anything they wanted, and she stood her ground beautifully.

Second Circuit Chief Judge Dennis Jacobs said:

Sonia Sotomayor is a well-loved colleague on our court—everybody from every point of view knows that she is fair and decent in all her dealings. . . . The fact is, she is truly a superior human being.

We all bring different experiences to our work. The judge has had experiences growing up as a young Latina that have shaped her life, and she has a firsthand appreciation of the American dream.

She was raised in a South Bronx housing project. Her father, a factory worker, died when she was only 9 years of age. Her mother worked two jobs to support the family. From this humble background, she graduated summa cum laude from Princeton and became an editor of the Yale Law Review.

As a woman, Judge Sotomayor will bring a different perspective than her male counterparts on the high Court. As we have said, those of us who feel it is important to have women represented, whether it is in the Senate, the House, or in corporate boardrooms or on the Supreme Court, a different perspective is important. I will give you an example of why I believe this.

During oral arguments in a recent Supreme Court case involving a 13-year-old girl who was strip-searched, Justice Ruth Bader Ginsburg pointed out that her male colleagues didn't understand the humiliation a teenage girl would feel from being strip-searched. Justice Ginsburg said the obvious:

They have never been a 13-year-old girl. It's a very sensitive age for a girl. I didn't think that my colleagues, some of them, quite understood.

So Justice Ginsburg pointed out in that one case how important it is to have this type of diversity on the court. As the Nation's first Latina Supreme Court Justice, Judge Sotomayor

will bring a unique set of experiences to her role; and the Court will be a richer place because of her perspective.

I commend our President for selecting such an outstanding, well-qualified nominee.

I congratulate Judge Sotomayor for the very dignified manner in which she carried herself throughout this long, grueling process.

As President Obama said when he nominated her:

When Sonia Sotomayor ascends those marble steps to assume her seat on the highest Court of the land, America will have taken another important step toward realizing the ideal that is etched above its entrance: Equal justice under the law.

I look forward to seeing her sworn in as our next Supreme Court Justice.

Mr. JOHANNES. Mr. President, Senators have an enormous responsibility when it comes to deciding whether to support or oppose a Supreme Court nominee.

We must examine whether the person nominated to the highest court in the land will uphold and defend the principles contained in the Constitution, refrain from judicial activism, respect the rule of law, deliver blind justice to each and every litigant before the Court, and render reasoned decisions that adhere to precedent.

This duty has been characterized by many of my colleagues as one of the most important and far reaching decisions a Senator will ever make. I couldn't agree more.

I entered into the nomination process of Judge Sonia Sotomayor, a woman with an impressive life story and resume, with an open mind and a steadfast resolve to evaluate the nominee's qualifications on an unbiased basis.

In fact, having gone through the confirmation process myself before being sworn in as Secretary of Agriculture, I believe that a necessary amount of deference should be given to the President's choices.

However, after carefully reviewing Judge Sotomayor's record and speeches as well as closely monitoring her hearing before the Judiciary Committee, I could not support her nomination.

There are several areas that concern me with regard to Judge Sotomayor.

First, I am concerned that she will not be a neutral umpire. You see, a judge has the duty to preside over a courtroom with no inclination to side with one team over the other.

A judge must be able to put aside his or her personal or political agenda before sitting down on that bench. That is because no matter who you are—Black or White, woman or man, rich or poor—every person in this country is entitled to receive equal justice under the law.

There is a reason that Lady Justice wears a blindfold.

By now, most people are aware of Judge Sotomayor's comments that a

“wise Latina woman” would “more often than not reach a better conclusion than a White male.” However, I think it bears pointing out to those who claim the comment was made in isolation and taken out of context, that Judge Sotomayor has made a series of similar comments over the years.

For example:

In short, I accept the proposition that a difference will be made by the presence of women on the bench and that my experiences will affect the facts that I choose to see as a judge.

Our experiences as women and people of color affect our decisions. The aspiration to impartiality is just that—it's an aspiration.

I willingly accept that we who judge must not deny the differences resulting from experience and heritage but attempt . . . continuously to judge when those opinions, sympathies, and prejudices are appropriate.

By ignoring our differences as women or men of color we do a disservice both to the law and society.

Nowhere in the history of our judicial system have judges been told to “go with their gut” as implied in the judge's statement. Such a standard would erode the legitimacy of the judicial system and would put every litigant in jeopardy of receiving an unfair trial.

Rather, judges are expected to decide cases based on the rule of law, not on the basis of their feelings. Otherwise empathy towards one person would mean antipathy against another.

A concrete example of my concern that Judge Sotomayor would not be able to set aside her personal preferences and biases is the Ricci v DeStefano case. In this case, Judge Sotomayor and two of her colleagues dismissed in a summary one paragraph unpublished opinion the claims of 17 white firefighters and one Hispanic firefighter. They alleged reverse discrimination based on New Haven's decision to discard the result of a promotional exam because not enough minorities would be eligible for promotion. Nearly half of the judges on the Second Circuit criticized the ruling as a “perfunctory disposition.”

However, on June 29, 2009, the Supreme Court announced it was overturning the Second Circuit's ruling in the Ricci case. And while the final outcome appeared to narrowly overturn the Circuit's decision by a vote of 5-4, a deeper analysis is needed. All nine Justices unanimously rejected the lower court's specific holding and legal standard.

It also bears mentioning Justice Alito's concurring opinion in the case:

The dissent grants that petitioners' situation is “unfortunate” and that they “understandably attract this Court's sympathy.” But “sympathy” is not what petitioners have a right to demand. What they have a right to demand is evenhanded enforcement of the law—of Title VII's prohibition against discrimination based on race. And that is what, until today's decision, has been denied them.

Many of my colleagues questioned Judge Sotomayor about her decision in *Ricci*. Judge Sotomayor repeatedly indicated that she relied on precedent, but the Supreme Court disagreed, saying, there were “few, if any, precedents in the Court of Appeals.”

Because the Supreme Court is the highest court in the land and there is no backstop, I cannot support Judge Sotomayor's nomination. She did not convince me, either through her past rulings or during her confirmation hearing, that she would carry out justice in an impartial manner. Impartiality is essential to our justice system.

Beyond my concern that Judge Sotomayor will not be able to set aside personal views and prejudices, is her overall record before the Supreme Court. The Supreme Court has substantively reviewed 10 of Judge Sotomayor's decisions. Of those cases, eight have been reversed or vacated, one was upheld on a different legal standard and sharply criticized for using a flawed legal theory, and the last one was upheld on a slim 5-4 margin. This is a record that directly questions the nominee's legal reasoning and the ability to sufficiently apply the rule of law. A 10-percent success rate does not exude the confidence and mastery of the law that I feel is necessary of a Supreme Court Justice.

The final point of concern that I would like to highlight is Judge Sotomayor's view of the Second Amendment. In *Maloney v. Cuomo*, Judge Sotomayor joined a panel opinion that decided in one paragraph that the Second Amendment did not apply to the states. Also, in *United States v. Sanchez-Villar*, she joined a summary panel opinion that, among other things, used a one-sentence footnote to conclude that “the right to possess a gun is clearly not a fundamental right.”

Judge Sotomayor believes that states have the authority to infringe on Second Amendment rights. This is fundamentally at odds with the Constitution.

Although Judge Sotomayor attempted to disavow and reconcile her past comments during the hearing, her record speaks for itself. Even the *Washington Post*, which endorsed Judge Sotomayor, found her testimony “less than candid” and “uncomfortably close to disingenuous.”

Ultimately, I came to the decision that too many uncertainties exist regarding whether Judge Sotomayor will uphold the rule of law equally for all people and adhere to the Constitution.

While I respect and appreciate her impressive life story and accomplishments, I cannot support her nomination to the highest Court.

Mrs. HUTCHISON. Mr. President, I rise today to speak about the nomination of Judge Sonia Sotomayor to the U.S. Supreme Court.

Judge Sotomayor has a compelling biography.

As the first daughter of a young Puerto Rican couple, she grew up in a public housing project in the South Bronx.

Her father, a factory worker, died when she was 9 years old.

Her mother, a nurse, then raised her and her younger brother, and instilled in them a belief in the power of education.

Judge Sotomayor excelled in school.

She graduated as valedictorian of her class at Blessed Sacrament and at Cardinal Spellman High School in New York.

She won a scholarship to Princeton University, where she continued to excel, graduating summa cum laude and Phi Beta Kappa.

She was a co-recipient of the M. Taylor Pyne Prize, the highest honor Princeton awards to an undergraduate.

At Yale Law School, Judge Sotomayor served as an editor of the *Yale Law Journal* and as managing editor of the *Yale Studies in World Public Order*.

Over a distinguished career that spans three decades, Judge Sotomayor has worked at almost every level of our judicial system.

Today, she serves on the U.S. Court of Appeals for the Second Circuit.

An appointee of President Clinton on the Second Circuit Court, she has participated in over 3,000 panel decisions, and authored roughly 400 published opinions.

When I met with Judge Sotomayor last month, I found her to be a very likeable woman.

She also displayed these traits during her Senate confirmation hearings.

If she is confirmed, she will be the first Hispanic Supreme Court Justice—an ascendancy that will mark a historical moment for our country.

I have, throughout my career, been a strong supporter of Hispanic nominees for judicial appointments and confirmation.

I am proud of the fact that, of the 40 judges I have had a role in nominating for the district courts in Texas, and the Fifth Circuit Court of Appeals, 30 percent have been Hispanic.

Likewise, I was a strong supporter of Miguel Estrada, who, like Judge Sotomayor, had an incredibly compelling life story, but whose nomination for the U.S. Court of Appeals for the District Circuit was filibustered.

I believe the decision of whether to support a nominee for the Federal courts—and especially the highest court—must be grounded in qualification and judicial philosophy.

She certainly meets the academic and experience criteria for service on our country's highest court.

The criteria for judicial philosophy for my concurrence is to apply the law, not make the law.

A judge must interpret the Constitution, not amend it by judicial decree.

One of the most important and recently confirmed constitutional rights is the right to keep and bear arms.

The Founding Fathers knew what they were doing when they put the second amendment in the Bill of Rights. This wasn't an accident.

They knew from their experience in the Revolutionary War that a free people must have the right to possess and bear arms.

The second amendment clearly says: “A well regulated Militia, being necessary to the security of a free State, the right of the People to keep and bear Arms, shall not be infringed.”

Although some people are confused by the word “militia,” it is clear that the Founders did not use the word “militia” to mean that gun rights could only be used in an organized army.

The Framers did not intend for this right to be a “collective” right.

If that had been their purpose, they would have been satisfied with article 1 section 8 of the Constitution that gives Congress the power “to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.”

The Framers went further than that.

They wanted to ensure that gun ownership was recognized by posterity as an “individual right.” So they included it as part of the Bill of Rights, which is a compilation of protected individual liberties such as free speech, freedom of religion, and a fair trial.

The second amendment ensures that every American can secure his freedom, and defend his life and property, if necessary.

In that sense, the right to keep and bear arms could very well be one of our most important rights—because it is the right from which all of our other rights, freedom of speech, freedom of religion, et cetera are secured.

That's why, last year, I led a congressional effort to support the affirmation of the second amendment as an important individual right in the Supreme Court case of *D.C. v. Heller*, which overturned Washington, DC's unconstitutional ban on handguns.

In that case, Senator Tester and I, joined by 53 of our colleagues and 250 members of the U.S. House, filed a “friend of the court” brief in favor of Dick Heller, who simply wished to exercise his constitutional right to protect himself and his family.

That brief was proof that a majority in Congress believe that the second amendment is a constitutionally secured individual right.

It was the first time in history that a majority of the House and Senate sent this type of brief to the Supreme Court.

In the case of *D.C. v. Heller*, the Supreme Court affirmed the right to keep and bear arms as an individual right

for the first time in almost seven decades.

Unfortunately, however, just a few months ago, even after the Supreme Court's verdict in *D.C. v. Heller*, Judge Sotomayor issued an opinion in another case, *Maloney v. Cuomo* refusing to acknowledge that the second amendment is a fundamental right, and therefore may not be binding on the States.

As a strong advocate of the second amendment, I cannot ignore this decision.

I am very troubled by Judge Sotomayor's opinion in *Maloney v. Cuomo* because it appears to disregard an instruction by the Supreme Court in *Heller* specifically regarding fundamental rights.

In Footnote 23 of the *Heller* decision, the Supreme Court stated: "With respect to *Cruikshank's* continuing validity on incorporation, a question not presented by this case, we note that *Cruikshank* also said that the First Amendment did not apply against the States and did not engage in the sort of Fourteenth Amendment inquiry required by our later cases."

These "later cases" to which the court is referring held most Bill of Rights guarantees to be incorporated through the due process clause of the 14th amendment against State violation.

This was a clear instruction to the circuits that in future second amendment cases they will need to confront the incorporation argument and do so following the Supreme Court's line of cases on incorporation.

I must take issue with Judge Sotomayor's per curiam opinion in *Maloney* because while her opinion references the *Heller* footnote, it only acknowledges the portion noting the continued validity of Supreme Court precedent indicating the second amendment is not binding on the States.

Her court failed to recognize the instruction to conduct the contemporary 14th amendment incorporation analysis the *Heller* footnote demands.

As such, the Sotomayor opinion reaches the conclusion that the cases from the 1890s are still applicable—and therefore, basically, the second amendment is not binding on the States.

When questioned by the Judiciary Committee about the *Maloney* case, Judge Sotomayor said she was following precedent.

However, she did not follow the instruction of the Supreme Court in *Heller* on this point.

In *Maloney*, the Second Circuit cites the Supreme Court cases of *Heller* and *Presser v. Illinois*, decided in 1886, and the Second Circuit opinion *Bach v. Pataki*, decided in 2005.

Judge Sotomayor determines that *Presser* and *Bach* instruct the court to maintain *Presser's* conclusion that the

second amendment is not applicable to the States.

But *Heller's* Footnote 23 asks the Court to "engage in a Fourteenth Amendment inquiry."

I specifically asked Judge Sotomayor when we met why she did not follow this instruction, articulated just last year by the Court?

I did not receive a satisfactory explanation to this very pivotal question, nor did I hear one in her testimony before the Judiciary Committee.

Heller is precedent, and in this precedent, the Supreme Court tells the circuits to perform a 14th amendment inquiry.

In April of this year, the Ninth Circuit considered the same second amendment incorporation question.

While also looking to *Presser* for guidance, the Ninth Circuit turned to its own circuit precedent, *Fresno Rifle & Pistol Club, Inc. v. Van de Kamp*, and—like the Second Circuit—it would have been inclined to conclude that the second amendment did not apply to the States.

However, the Ninth Circuit acknowledged that it had not yet engaged "in the sort of Fourteenth Amendment inquiry required by [the Supreme Court's] later cases," and therefore undertook the due process incorporation analysis as envisioned by the *Heller* footnote.

At the conclusion of the analysis, the Ninth Circuit finds that the second amendment right to keep and bear arms is "deeply rooted in this Nation's history and tradition" and "compels [us] to recognize that it is indeed fundamental" and is therefore incorporated by the due process clause of the 14th amendment and applied against the States and local governments.

Let me repeat that. The Ninth Circuit's opinion holds that the second amendment protects an individual's liberty, and because that protection is enumerated and so fundamental, the due process clause guarantees it, and the second amendment is therefore binding on the States.

We cannot escape the fact that both courts, each bound by the same *Heller* precedent, reached opposite conclusions, with Judge Sotomayor's opinion failing to subject the second amendment to the incorporation analysis required by the Supreme Court, and failing to identify the second amendment as a fundamental right, binding against the States.

It is from this fact, this outcome, that I am unable to reconcile with my earnest desire to confirm the first Hispanic Justice to the Supreme Court.

With the circuit courts split on the question of whether the second amendment is an individual right protected against State infringement, the Supreme Court will undoubtedly have this issue before it in the upcoming term.

With the constitutional right to keep and bear arms hanging in the balance, I cannot in good conscience vote to confirm a nominee whose judicial record indicates an unwillingness to protect and defend such a fundamental, individual right.

For that reason, I must oppose the nomination of Judge Sotomayor to the Supreme Court of the United States.

I similarly opposed the confirmation of Attorney General Eric Holder earlier this year due to his stance on the second amendment embodying a collective right rather than an individual right.

One added point. I am troubled by a line in her February 25, 2005, speech at the Duke Law School, "Court of Appeals is where policy is made."

This is a troubling statement in the area of judicial philosophy.

As I have stated earlier, I believe policy is made by elected officials who must be accountable through elections, not by Federal judges with lifetime appointments.

Judge Sotomayor is without a doubt an intelligent, experienced, and capable nominee, and she will bring much needed diversity to the Court.

But, after careful examination, I cannot support her confirmation to the highest court in the land.

The PRESIDING OFFICER. Under the previous order, the time until 3 p.m. will be divided, with the following speakers controlling 15 minutes each in the following order: the Senator from Alabama, Mr. SESSIONS; the Senator from Vermont, Mr. LEAHY; the Republican leader; and the majority leader.

Mr. SESSIONS. Mr. President, when President Obama nominated Judge Sotomayor to the Supreme Court, I pledged that we would treat her with respect and that our questions would be tough but always fair. It is an important office. I believe we have lived up to that obligation.

Again, I thank Chairman LEAHY and the members of the Judiciary Committee for their efforts. I think it did help provide a basis for our full debate in the Senate. I thank Judge Sotomayor for her kind words regarding how the process has been conducted, and the way she conducted herself.

We have had a robust debate on the Senate floor over these past few days, and we have addressed many important questions and issues.

The debate over Judge Sotomayor's nomination began with President Obama's radical new vision for America's court system. According to the President, all nominees to the Federal bench would now have to meet an "empathy standard." This standard requires judges to reach their most difficult and important decisions through the "depth and breadth of [their] empathy" and "their broader vision of what America should be." This is a stunning ideology. It turns law into politics. The

President of the United States is breaking with centuries of American legal tradition to enter a new era where a judge's personal feelings about a case are as important as the Constitution itself.

The President's empathy standard is much more than a rhetorical flourish. It is a dangerous judicial philosophy where judges base their rulings on their social, personal, and political views. It is an attempt to sell an old, discredited activist philosophy by marketing it under a new label. It is this activist philosophy, now under the guise of empathy, that has led judges to ban the Pledge of Allegiance because it contains the words "under God," to interpret the Constitution on the basis of foreign laws, to create a new right for terrorists who attacked the United States while robbing American citizens of their own rights to engage in activities such as silent prayer.

That philosophy also helps explain why Judge Sotomayor's panel of Federal judges allowed the city of New Haven to strip 18 firefighters of their eligibility for promotion on the basis of their race. It explains why judges have interpreted the second amendment to permit cities and States to ban guns despite the Constitution's clear language: "the right of the people to keep and bear arms . . . shall not be infringed." And it explains why judges have allowed government to seize private property for private commercial development despite the Constitution's guarantee that private property may not be taken except for "public use."

The empathy standard may sound nice, but in reality, it is cruel. It is, in truth, a bias standard. The power to rule on empathy is the power to rule on prejudice, and the power to deny the rights of some is the power to deny the rights of any or of all. A judge embraces empathy at the expense of objectivity and equality and fairness.

Eighteen firefighters in New Haven worked, studied, and sacrificed to pass the city's promotion exam. But when the results did not fit a certain racial quota, the city leaders unceremoniously scrapped the results. The firefighters put their faith in the system, and the system let them down. So they took their case to court. But Judge Sotomayor summarily dismissed their case in a one-paragraph order that did not even consider their civil rights claims. But the Judge Sotomayor who testified before the Committee did not effectively explain her ruling to deny these firefighters their day in court.

She also did her best to distance herself from the activist philosophy she has so long spoken of and championed. But it was an unconvincing effort. I believe she failed to offer a credible explanation for her critically important rulings that would eviscerate gun rights and property rights. She failed

to offer a credible explanation of her policy role in an advocacy group that took extreme positions when pursuing racial quotas, advocating that the Constitution requires that the government fund abortions and opposing reinstatement of the death penalty. Her effort to rebrand her judicial approach stretched the limits of credulity. As one editorial page opined, her testimony was "at times uncomfortably close to disingenuous."

Nevertheless, I believe we have had a deeply valuable public discussion. By the end of the hearing, not only Republicans and not only Democrats but the nominee herself ended up rejecting the very empathy standard the President used when selecting her. This process reflected a broad public consensus that judges should be impartial, restrained, and faithfully tethered to the law and the Constitution.

I think it will now be harder to nominate activist judges. This is not a question of left versus right or Republican versus Democrat. This is a question of the true role of a judge versus the false role of a judge. It is a question of whether a judge follows the law as written or as they might wish it to be. It is a question of whether we live up to our great legal heritage or whether it is abandoned.

Empathy-based rulings, no matter how well-intentioned, do not help society but imperil the legal system that is so essential to our freedoms and so fundamental to our way of life. We need judges who uphold the rights of all, not just some, whether they are New Haven firefighters, law-abiding gun owners, or Americans looking for their fair day in court. We need judges who put the Constitution before politics and the right legal outcome before their desired personal political and social outcome. We need judges who understand that if they truly care about society and want it to be strong and healthy, then they must help ensure our legal system is fair, objective, and firmly rooted in the Constitution.

Our 30th President, Calvin Coolidge, said of the Constitution:

No other document devised by the hand of man ever brought so much progress and happiness to humanity. The good it has wrought can never be measured.

I certainly believe he is correct. That document has given us blessings no people of any country have ever known, which is why real compassion is not found in the empathy standard but in following the Constitution.

Judge Sotomayor, however, has embraced the opposite view. For many years before her hearings, she has bluntly advocated a judicial philosophy where judges ground their decisions not in the objective rule of law but in the subjective realm of personal "opinions, sympathies, and prejudices."

A Supreme Court Justice wields enormous power—a power over every

man, woman, and child in our country. It is the primary guardian of our magnificent legal system. Because I believe Judge Sotomayor's philosophy of law and her approach to judging fail to demonstrate the kind of firm, inflexible commitment to these ideals, I must withhold my consent.

Mr. President, I see my colleague, Senator LEAHY, is here. He has handled many of these nominations over quite a few years. We did not agree on a lot of the things that came up in the hearings, but he committed to giving the opportunity to the minority party to have a full opportunity to ask questions and to raise issues and speak out. I thank the chairman. I think it did credit to the Senate.

I thank the chairman, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Alabama for his kind comments. As he knows, I made similar comments about him this morning in the Senate Judiciary Committee. I reiterate them here today.

We did decide, both Senator SESSIONS and I, at the beginning of this process that we would try to make sure everybody was heard. We may have different outcomes on how everybody would vote, but everybody was heard. That has been done. I compliment the leaders of the Senate for doing that.

We are about to conclude Senate consideration of this nominee. I thank those Senators who evaluated this nomination fairly. I thank especially those Republican Senators who have shown the independence to join the bipartisan confirmation of this historic nomination. I thank all Senators on both sides of the aisle who spent hours and hours and days and days in our hearings.

Some critics have attacked President Obama's nomination of Judge Sonia Sotomayor by contending he picked her for the Supreme Court to substitute empathy for the rule of law. These critics are wrong about the President; they are wrong about Sonia Sotomayor.

Let's leave out the rhetoric and go to the facts. When the President announced his choice of Judge Sotomayor 10 weeks ago, he focused on the qualities he sought in a nominee. He started with "rigorous intellect" and "a mastery of the law."

He then referred to recognition of the limits of the judicial role when he talked about "an understanding that a judge's job is to interpret, not make, law; to approach decisions without any particular ideology or agenda, but rather a commitment to impartial justice; a respect for precedent, and a determination to faithfully apply the law to the facts at hand." That is what President Obama said.

Then he went on to mention experience. He said:

Experience being tested by obstacles and barriers, by hardship and misfortune; experience insisting, persisting, and ultimately overcoming those barriers. It is experience that can give a person a common touch and a sense of compassion; an understanding of how the world works and how ordinary people live. And that is why it is a necessary ingredient in the kind of justice we need on the Supreme Court.

Then the President concluded by discussing how Judge Sotomayor has all these qualities. The President was looking not just for lawyerly ability, but for wisdom—for an understanding of how the law and justice work in the everyday lives of Americans.

In a subsequent radio and Internet address, the President reiterated the point when he said:

As a Justice of the Supreme Court, she will bring not only the experience acquired over the course of a brilliant legal career, but the wisdom accumulated over the course of an extraordinary journey—a journey defined by hard work, fierce intelligence, and the enduring faith that, in America, all things are possible.

President Obama did not say that he viewed compassion or sympathy as a substitute for the rule of law. In fact, he has never said he would substitute empathy for the rule of law. That is a false choice. The opposition to this nomination is based on a false premise.

When she was first named, Judge Sotomayor said: "I firmly believe in the rule of law as a foundation for all our basic rights." Judge Sotomayor reiterated time and time again during her confirmation hearing her fidelity to the rule of law. She said:

Judges can't rely on what's in their heart. They don't determine the law. Congress makes the laws. The job of the judge is to apply the law. And so it's not the heart that compels conclusions in cases. It's the law. The judge applies the law to the facts before that judge.

Those who, after 4 days of hearing, would ignore her testimony, should at least take heed of her record as a judge. Judge Sotomayor has demonstrated her fairness and impartiality during her 17 years as a judge. She has followed the law. There is no record of her substituting her personal views for the law. The many independent studies that have closely examined Judge Sotomayor's record have concluded it is a record of applying the law, not bias.

What she has said, and what we should all acknowledge, is the value her background brings to her as a judge and would bring to her as a Justice, our first Latina Justice.

Judge Sotomayor is certainly not the first nominee to discuss how her background has shaped her character. Justice O'Connor has acknowledged, "We are all creatures of our upbringing. We bring whatever we are as people to a job like the Supreme Court." Everybody knows that, just as all 100 of us bring who we are to the Senate. Many recent Justices have spoken of their

life experiences as influential factors in how they approach the bench. Justice Alito and Justice Thomas, nominated by Republican Presidents, did so famously at their confirmation hearings, and then they were praised by the Republican side of the aisle for doing so. Indeed, when the first President Bush nominated Justice Thomas to the Supreme Court, he touted him as an "intelligent person who has great empathy."

Some of those choosing to oppose this historic nomination have tried to justify their opposition by falsely contending that President Obama is pitting empathy against the rule of law. Not so. Not so. This President and this nominee are committed to the rule of law. They recognize the role of life experience not as a substitute for the law or in conflict with its mandates, but as informing judgment.

What is really at play is not a new Obama "empathy standard" with respect to judicial selection, but a double standard being applied by those who supported the nominations of Justice Alito and Justice Thomas.

Judge Sotomayor's career and judicial record demonstrate that she has always followed the rule of law. The point is, we don't have to guess at what kind of a judge she has been. She has had more experience on the Federal court, both trial level and appellate level, than any nominee in decades. She will be the only member of the U.S. Supreme Court with experience as a trial judge. We don't have to guess. There are well over 3,000 cases, so we don't have to guess. Attempts at distorting that record by suggesting that her ethnicity or her heritage would be the driving force in her decisions as a Justice of the Supreme Court are demeaning to women and all communities of color.

I have spoken over the last several years about urging Presidents from both political parties to nominate someone from outside the "judicial monastery." I believe that experience, perspective, an understanding of how the world works and people live, and the effect decisions will have on the lives of people are very important qualifications. By striving for a more diverse bench drawn from judges with a wider set of backgrounds and experiences we can better ensure there will be no prejudices and biases controlling our courts of justice. All nominees have talked about the value they will draw on the bench from their backgrounds. That diversity of experience and strength is not a weakness in achieving an impartial judiciary.

I have voted on every member of the current U.S. Supreme Court. I have participated in the hearings of all but one of them, and that one I voted on the nomination having watched the hearing. I have sat in on the hearings of Justices no longer there, either be-

cause of retirement or death. I have conducted hundreds of nomination hearings—everything from courts of appeals judges, Federal district court judges, and Department of Justice appointees. I have been ranking member on two Supreme Court nominations and conducted this one. I mention that to thank the Senator from Alabama for his cooperation during it.

After those hundreds of hearings, you get a sense of the person you are listening to. I met for hours with Judge Sotomayor, either in the hearing room or privately. You learn who a person is, you really do, in asking these kinds of questions. You have to bring your own experience and your own knowledge to what you are hearing. There are only 101 people in this great Nation of 300 million people who get a say as to who is going to be one of the nine members of the U.S. Supreme Court. First and foremost, it is the President who makes the nomination, but then the 100 of us in the U.S. Senate who must follow our own conscience, our own experience, our own abilities in deciding whether we will advise and consent to that nomination. It is an awesome responsibility, and we should do it not because we are swayed by any special interest group of either the right or the left.

In fact, I have a rule—my office knows it very well—that in Supreme Court confirmations I will not meet with groups on either the right or the left about it. I will make up my mind through those hours and days and the transcripts of the hearing. I would urge all Senators to do that. I think it is unfortunate if any Senator of either party were to make up their mind on a Supreme Court nominee based on pressure from special interest groups from either the right or the left. That is a disfavor to those hundreds of millions of Americans who don't belong to pressure groups of either the right or the left. They expect us to stand up.

That is what we should do on Judge Sotomayor. This is an extraordinary nominee. I remember when President Obama called me a few hours before he nominated her. I was with our troops in Afghanistan, and he explained what he was going to do in a few hours. We talked about that and we talked about Afghanistan, but we talked especially about her. He said, you know, there are Web sites already developing opposed to her. And within hours, we had leaders calling her racist, bigoted, or being affiliated with a group akin to the Ku Klux Klan. Fortunately, Senators on neither side joined with that.

We are almost at a time for a vote. I would hope every Senator would search his or her conscience and ask whether they are voting for this nominee based on their oath of office, based on their conscience, or are they reflecting a special interest group.

When the Judiciary Committee began the confirmation hearings on this Supreme Court nomination, and when the Senate this week began its debate, I recounted an insight from Dr. Martin Luther King, Jr., which is often quoted by President Obama. "Let us realize the arc of the moral universe is long, but it bends toward justice."

It is distinctly American to continually refine our Union, moving us closer to our ideals. Our union is not yet perfected, but with this confirmation, we will be making progress.

Years from now, we will remember this time when we crossed paths with the quintessentially American journey of Sonia Sotomayor and when our Nation took another step forward through this historic confirmation process. I urge each Senator to honor our oath, our Constitution, and our national promise by voting his or her conscience on the nomination of Sonia Sotomayor to serve as a Justice of the U.S. Supreme Court. I will proudly vote for her.

Mr. President, I see the Republican leader is here, and I will reserve the remainder of my time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, once again I wish to thank the chairman and the ranking member of the Judiciary Committee, Senator LEAHY and Senator SESSIONS, and their staffs, for conducting a dignified and respectful hearing. From the beginning of the process, I assured Judge Sotomayor that Republicans would treat her fairly. At the end of the process, I can say with pride that we kept that commitment.

This particular nominee comes before us with an impressive resume and a compelling life story. Yet the question we must ask ourselves today is whether we believe Judge Sotomayor will fulfill the requirements of the oath that is taken by all Federal judges to administer justice without respect to persons; that is, to administer justice evenhandedly.

President Obama asked himself a different question when he was looking for a nominee. The question he asked is whether that person has the ability to empathize with certain groups. And as I have said, empathy is a fine quality. But in the courtroom, it is only good if a judge has it for you. What if you are the other guy? When he walks out of the courthouse, he can say he received his day in court. He can say he received a hearing. But he can't say he received justice.

At her hearings Judge Sotomayor was quick and even eager to repudiate the so-called empathy standard. But her writings reflect strong sympathy for it. Indeed, they reflect a belief not just that impartiality is not possible, but that it is not even worth the effort.

Judge Sotomayor's record of complex constitutional cases concerns me even

more. Because in Judge Sotomayor's court, groups that didn't make the cut of preferred groups often found they ended up on the short end of the empathy standard, and the consequences were real.

One group that didn't make the cut in Judge Sotomayor's court were those who needed the courts to enforce their first amendment rights to support candidates for political office free from government interference. She is free to express her personal opinions on this issue, as she did when she wrote that merely donating money to a candidate is akin to bribery.

But as a judge she was obligated to follow clear Supreme Court precedent. And when it came to this issue, she followed her political beliefs instead, voting not to correct her circuit's clear failure to follow the Supreme Court precedent in this area of the law.

Ultimately, the Supreme Court, in a 6-to-3 opinion authored by Justice Breyer, corrected this error by her circuit on the grounds that it had failed to follow "well-established precedent."

Another group that didn't make the cut were those who need the courts to protect them from unfair employment preferences. As a lawyer, she advocated for—and, in fact, helped plan—lawsuits that challenged civil service exams for public safety officers. And as a judge, she kicked out of court—with just six sentences of explanation and without any citation of precedent—the claims of a group of firefighters who had been unfairly denied promotions they had earned. This past June, the Supreme Court reversed her ruling, making her 0 for 3 this term, with all nine Justices finding that she had misapplied the law.

Gun owners didn't make the cut, and they haven't fared well before Judge Sotomayor either. She has twice ruled the second amendment isn't a fundamental right and thus doesn't protect Americans when States prevent them from bearing arms. And here too, she didn't even give the losing party's claims the dignity of a full treatment. In one case, she disposed of the party's second amendment claim in a one-sentence footnote. In the other, she did it with a single paragraph.

Property owners weren't on the list either, and they too haven't fared well in Judge Sotomayor's court. In an important fifth amendment case—the amendment that protects against the government taking private property—Judge Sotomayor broadened even further the government's power, a ruling which one property law expert called "one of the worst property rights decisions in recent years."

And her ruling in this case fit an all-too-familiar pattern: she kicked the aggrieved party's serious constitutional claims out of court in an unsigned, unpublished, summary order, with only a brief explanation as to why.

These important cases illustrate the real-world consequences of the empathy standard, in which judges choose to see certain facts but not others, and in which it's appropriate for judges to bring their personal or political views to bear in deciding cases. Lieutenant Ben Vargas, one of the firefighters who did not fare well under the empathy standard, may have put it best. Speaking of himself and the other plaintiffs in that case, he said,

We did not ask for sympathy or empathy. We asked only for evenhanded enforcement of the law, and . . . we were denied that.

Lieutenant Vargas understands what most other Americans understand and what all of them expect when they walk into a courtroom: that in America, everyone should receive equal justice under the law. This is the most fundamental test for any judge, and all the more so for those who would sit on our Nation's highest court, where a judge's impulses and preferences are not subject to review. Because I am not convinced that Judge Sotomayor would keep this commitment, I cannot support her nomination.

Mr. President, does our side have time left, I would ask?

The PRESIDING OFFICER. Only the leader has time.

Mr. MCCONNELL. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, on May 17, 1954, the Supreme Court of the United States handed down a ruling that would begin to reroute America toward a more unified Union. When the Justices unanimously directed, in *Brown v. Board of Education*, that our children's schools must no longer be racially segregated, their decision echoed far beyond the walls of a courtroom in Washington, DC, or a classroom in Topeka, KS. The decision paved the way for countless future turns that would make our Nation more just and its people more equal.

Not 6 weeks later after that opinion, Sonia Sotomayor was born in the south Bronx. In her lifetime, this Senate has sent to the Supreme Court the only two women and the only two Americans of color to ever sit on that bench.

In the 10 weeks since President Obama made history by nominating Judge Sotomayor, many have emphasized the importance of putting the first Hispanic on the Nation's highest Court. This is truly historic for our entire Nation but especially for the young Latinos in this country who will see in Judge Sotomayor concrete evidence of the heights to which they can legitimately aspire.

But it is no less significant that in a country where women represent half of our population, Judge Sotomayor will be the third woman, only the third woman to ever serve as a Justice and will be one of only two women serving on the Court today.

In many ways, Justices Sandra Day O'Connor and Ruth Bader Ginsburg have made this day possible for Judge Sotomayor. Because of the trail these women; that is, O'Connor and Ginsburg and others like them, have forged, Judge Sotomayor has been recognized throughout her career for her intelligence, talent, and accomplishments rather than being defined by her gender.

It was not easy. Justice O'Connor finished high school at age 16, and when she finished Stanford Law School, one of the finest law schools in the world, a year early—she did it in 2 years—she was third in her class, two behind Justice Rehnquist but no law firm in California would hire Justice O'Connor as an attorney because—because she was a woman. The most one firm would offer her was a position as a legal secretary.

When Justice Ginsburg arrived at Harvard Law School, she was greeted by a dean who asked why the nine women in her class—it was a class of about 700 people—why nine women in her class were occupying seats that could otherwise be taken by men.

Little did he know she would later join another group of nine legal experts whose membership was long restricted to men, the Supreme Court of the United States. Like Justice O'Connor, Justice Ginsburg did not receive a single offer from any of the 12 law firms with which she interviewed, even though she finished first in her law school class.

When she was recommended for a clerkship to the Supreme Court, at least two of the Justices refused to hire her. Why? She was a woman.

America is grateful that O'Connor and Ginsburg did not give up. We are fortunate that their voices and the real-world perspective they brought to the table were part of the debate during some of our Nation's landmark cases on gender equality.

In the Lilly Ledbetter 2007 case before the Supreme Court, Justice O'Connor's successor, Samuel Alito, wrote the majority opinion in a 5-to-4 ruling that made it virtually impossible for women and other victims of pay discrimination to fight back.

Justice Ginsburg, who herself has been a victim of pay discrimination because she was a woman, read her powerful dissent aloud from the bench. It is rarely done. But she stood and proudly voiced her dissent in that 5-to-4 opinion. She invited Congress to correct this injustice, and we did that. We changed the law. After we passed the Lilly Ledbetter Fair Pay Act this year,

it was the first piece of legislation that President Barack Obama signed into law.

Similarly, when the Supreme Court heard the case of a 13-year-old honor student, a girl who had been strip-searched at school, Justice Ginsburg heard her colleagues minimize the humiliation the student had suffered. Justice Ginsburg noted that she was the only one on the Court who had ever been a 13-year-old girl and encouraged her colleagues to take into account the victim's perspective. The Court rightly ruled the search was unreasonable. That would not have happened but for Ruth Bader Ginsburg.

Judge Sotomayor's life experiences will not dictate her decisions any more than Justices O'Connor, Ginsburg, Scalia, or Alito have let their personal pasts prescribe their own rulings. But as the newest member of the Supreme Court, she will bring a perspective not only as a woman and a Hispanic, but also a former criminal prosecutor, commercial litigator, trial judge, and appellate judge. She will share the depth and breadth of that experience with her colleagues, just as they will be able to share their own unique views on any case with her—their own views.

Justice O'Connor has said that the first African-American Justice, Thurgood Marshall, opened for his colleagues a window into a different world and was able to relate to them experiences they could not know.

Justices O'Connor and Ginsburg have done the same. Soon so will Judge Sotomayor. A more diverse Supreme Court is a better Supreme Court.

Judge Sotomayor's journey to this day has not been without obstacles. But because of the struggles fought by those who came before her, she has been able to succeed. Today the Senate will make history by confirming the first Hispanic, the third woman, and the third person of color to the Supreme Court of the United States. But equally as important, we will also make history by confirming someone as qualified as Sonia Sotomayor.

Her experiences come not only from the legal world but also the real world. Her understanding of the law is grounded not only in theory but also in practice. Her record is beyond reproach, her respect for the limits of the judiciary is resolute, and her reverence for the law is unwavering.

Sonia Sotomayor is an American of tremendous credentials. Both her academic record and her career experience are second to none. She graduated *summa cum laude* from Princeton University and excelled at Yale; again, Stanford, Harvard, Yale, all in the top three law schools in the country. She excelled at Yale where she was a member of the law review, the prestigious Yale Law Review.

After she is confirmed, she will be the only Justice who has seen a trial

from every single angle. She has seen a trial from prosecuting civil and criminal cases, she has presided over them as a trial judge, and handled them as an appellate court judge. That is precisely the kind of experience we need on the Supreme Court.

I have had concerns for quite some time that we have far too few judges on the Court who have had trial experience. As a trial lawyer—I have tried more than 100 cases in front of juries—that experience to someone sitting on that Court is important. And she will bring that. That is so important.

We have too many Supreme Court Justices who have never conducted a trial. Some of them have never been involved in a trial. They have looked at cases from the appellate purview. I wanted someone who has looked at a case from a trial court perspective.

As the distinguished ranking member of the Senate Judiciary Committee, Senator JEFF SESSIONS of Alabama, said shortly after her nomination, Judge Sotomayor's nomination: "She's got the kind of background you would look for, almost an ideal mix of private practice, prosecution, trial judge, circuit judge."

I could not agree more with my friend JEFF SESSIONS. Her experience as a trial judge will be invaluable to the Supreme Court. As a former trial lawyer, as I have indicated, a judge is more than just a political title to me. It is someone who understands the law and sees every day how it affects people, real people.

When looking at Judge Sotomayor, I see someone who knows what happens in a courtroom, which is an arena unlike any other arena in the world. We tend to think of Supreme Court cases as major milestones that change the arc of our history and define our principles. And they do. But they often begin as ordinary, routine cases before a trial judge. It could be a traffic stop that winds up at the Supreme Court, it could be a protest in a park, it could be the placement of some monument in a park or some public place, it could be a dispute over money.

Linda Brown was a girl trying to go to public school close to her house in Topeka, Kansas, setting in motion the beginning of the end of segregation in *Brown v. Board of Education*. Linda Brown was that little girl who wanted to go to school close to her home. Judge Sotomayor understands people like Linda Brown. She has developed a 17-year record as a moderate judge who is squarely in the mainstream.

One of her colleagues on the Second Circuit Court of Appeals for our country has credited Sotomayor with such an insightful and convincing understanding of the law that she changed his mind many times. He said: "I would read one of the memos she had written on a case and say, I think she's got it and I don't."

This is one of the reasons that both Republican and Democratic Presidents have nominated her to the Federal bench. It is the reason she has been confirmed twice by this body with strong bipartisan support. It is the reason that liberals and conservatives alike in the Senate will vote today to confirm her.

This woman's brilliance was on display last month. Remember, she just broke her leg. But she stood 4 days of grueling testimony with some of the finest legal minds in our country, the Democrats and Republicans of that Judiciary Committee. She did a good job in a very difficult situation. She was asked tough questions and she gave honest answers. Judge Sotomayor, who has been credited with saving baseball in one of her opinions, hit it out of the park in her testimony and her presence before the Judiciary Committee. If there ever were a home run, she hit it.

I thank Chairman LEAHY, my dear friend, who has been so good to me for so many years. I think back with fondness of our time here together in the Senate. I thank Ranking Member SESSIONS, who has always been a gentleman to me. We have disagreed on many public issues, political issues, but never do we disagree on our friendship.

I appreciate Chairman LEAHY and Senator SESSIONS for running a thoughtful and thorough confirmation hearing. I appreciate the generous and genuine cooperation of my colleagues who support this nomination as well as the respect shown by those who dissent.

But I commend Barack Obama, the President of the United States, for selecting such an accomplished, qualified, and experienced nominee to replace Justice Souter. It is with some sadness that I stand here today and recognize that David Souter will no longer be on the Supreme Court. I can say about no other Member of the Supreme Court what I can say about David Souter. David Souter was my friend. We did things socially. We had meals together. What a wonderful human being. I will miss him. He has always been a powerful defender of constitutional rights, whether it is the State of New Hampshire's constitutional rights or our country's constitutional rights. All Americans thank this good man for his decades of service to our Nation, and he has more to give. I am confident, though, that Judge Sotomayor will soon build upon her impressive record which is already very impressive when she is across the street at the Supreme Court.

I am certain she will leave the writing of the law to those of us on this side of the street. That is our job, and she will impartially and faithfully fulfill her constitutional duty to apply only the laws that we pass here.

I am also convinced that, when she soon takes the same oath every Justice

before her has taken, she will "administer justice without respect to persons, and do equal right to the rich and to the poor."

Sonia Sotomayor has risen remarkably from the trials of a modest upbringing in the South Bronx of New York to presiding over major trials on the Federal bench. All Americans, men and women of every color and background, can be confident that she will ensure equal justice under the law in our Nation's very highest Court.

That is why I am so proud to cast my vote in a few minutes for the confirmation of Sonia Sotomayor as an Associate Justice of the United States Supreme Court.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Visitors in the galleries are reminded that expressions of approval or disapproval are not permitted.

Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 68, nays 31, as follows:

[Rollcall Vote No. 262 Ex.]

YEAS—68

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murray
Baucus	Graham	Nelson (NE)
Bayh	Gregg	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Dodd	Lugar	Warner
Dorgan	Martinez	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NAYS—31

Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Brownback	Enzi	Risch
Bunning	Grassley	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	
Crapo	McCaain	

NOT VOTING—1

Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

Mr. LEAHY. Mr. President, the Senate has concluded consideration of the nomination of Sonia Sotomayor and has confirmed her as a Justice on the U.S. Supreme Court. The consideration of a nomination for a lifetime appointment to the Supreme Court is one of our most consequential responsibilities. The consideration of the nomination of Sonia Sotomayor has been a credit to the Judiciary Committee and to the Senate.

We could not give this process the attention it deserves without the help of dedicated staff. For 2½ months, the staff of the Judiciary Committee has worked long hours dutifully to help Senators in their review. I wish to thank the following members of the majority staff in particular: Jeremy Paris, Erica Chabot, Kristine Lucius, Roscoe Jones, Shanna Singh Hughey, Maggie Whitney, Sarah Hackett, Michael Gerhardt, Elise Burditt, Noah Bookbinder, Stephen Kelly, Kelsey Kobelt, Matt Virkstis, Anya McMurray, Juan Valdivieso, Curtis LeGeyt, Zulima Espinel, Tara Magner, Roslyne Turner, Erin O'Neill, Sarah Guerrieri, Brian Hockin, Joseph Thomas, Leila George-Wheeler, Laura Safdie, Kathleen Roberts, Aaron Guile, Matt Smith, Lydia Griggsby, Patrick Sheahan, Scott Wilson, Dave Stebbins, Sarah Hasazi, Kiera Flynn, Bree Bang-Jensen, Tom Wheeler, Eric Poalino, Brad Wilhelm, Lauren Rosser, Chuck Papirmeister, and Bruce Cohen. I also thank my staff for their hard work on this nomination, in particular, Ed Pagano, David Carle, Jennifer Price, and Kevin McDonald.

I commend and thank the hard-working staffs of the other Democratic members of the Judiciary Committee for their tremendous contributions to this effort. I also want to extend considerable thanks to the Democratic leadership and floor staff, in particular Serena Hoy, Mike Spahn, Stacy Rich, and Joi Chaney.

I also commend and thank Senator SESSIONS, the committee's ranking Republican, and his staff, in particular, Brian Benczkowski, Elisebeth Cook, Danielle Brucchieri, and Lauren

Pastarnack, for their hard work and professionalism.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.
The majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009 FOR THE CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3435, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3435) making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry, Mr. President: What is the order of business right now?

The PRESIDING OFFICER. Certain amendments are in order to be offered to the bill, with a 30-minute time limit.

Mr. HARKIN. Thirty-minute time limit on?

The PRESIDING OFFICER. Each amendment.

AMENDMENT NO. 2300

Mr. HARKIN. Mr. President, I have an amendment. I believe it is at the desk. If not, I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2300.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the provision of vouchers to individuals with adjusted gross incomes of less than \$50,000 or joint filers with adjusted gross incomes of less than \$75,000)

At the appropriate place, insert the following:

SEC. _____. ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1302(c)(1) of the Supplemental Appropriations Act, 2009 (Pub-

lic Law 111-32; 123 Stat. 1910; 49 U.S.C. 32901 note) is amended by adding at the end the following:

“(H) ELIGIBLE INDIVIDUALS.—A voucher may only be issued under the Program in connection with the purchase of a new fuel efficient automobile by an individual—

“(i) who filed a return of Federal income tax for a taxable year beginning in 2008, and, if married for the taxable year concerned (as determined under section 7703 of the Internal Revenue Code of 1986), filed a joint return;

“(ii) who is not an individual with respect to whom a deduction under section 151 of the Internal Revenue Code of 1986 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins; and

“(iii) whose adjusted gross income reported in the most recent return described in clause (i) was not more than \$50,000 (\$75,000 in the case of a joint tax return or a return filed by a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986)).”.

(b) REGULATIONS.—Not later than 7 days after the date of the enactment of this Act and notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary of Transportation shall promulgate final regulations that require—

(1) each purchaser or leaser of a new fuel efficient automobile under the Consumer Assistance to Recycle and Save Program established under section 1302(a) of such Act (Public Law 111-32; 123 Stat. 1909; 49 U.S.C. 32901 note) to affirm on a standard form, determined by the Secretary, that such purchaser or leaser is an individual described by section 1302(c)(1)(H) of such Act, as added by subsection (a); and

(2) each dealer that receives a form described in paragraph (1) under such program to submit such form to the Secretary.

(c) FRAUD DETECTION.—Upon receipt under paragraph (2) of subsection (b) of a form described in paragraph (1) of such subsection, the Secretary shall submit such form to the Internal Revenue Service to determine whether the purchaser or leaser has violated section 641 of title 18, United States Code.

Mr. HARKIN. Mr. President, the Car Allowance Rebate Program, or the cash for clunkers as everyone knows it, has been very popular with the American people, there is no doubt about it, the way it has been used. It has been a shot in the arm for the auto industry and our dealers at a very critical time. But I believe the program should be strengthened, and I think we should seize this supplemental time as an opportunity to do just that.

When this program was first authorized last year and we put this into effect, at that time I made the observation, which I will repeat here today, that, why would we want to give \$4,500 to the President of the United States, who makes \$400,000 a year, so he can buy a new car? Why would we want to give a Member of the Senate, who makes \$172,000 a year, \$4,500 to buy a new car? Quite frankly, we can afford to buy a new car.

But how about the rest of the American people out there, those who are making \$30,000 a year, just above the minimum wage or \$35,000 a year or \$40,000 a year? How about them? What do they get out of this? Well, they can

get \$4,500 to buy a new car too. Someone who is making \$35,000 a year probably does not have health insurance either. They probably have some old clunker made back in the 1990s or 1980s they are still driving that they are paying a lot for because it is a gas guzzler and they are paying a lot to get it repaired because they cannot afford to buy a new car. If you give them \$4,500, many still cannot buy a new car.

So I argued at that time, when we did this, that we ought to put an income limit on it. That way, if you put an income limit on it, then the amount of money we are appropriating—that is what we are doing, by the way, spending taxpayers' money; we are putting this money out there—then that amount of money goes to a smaller subset of people, those who are low and moderate income. If you do that, then you can afford to give them a little bit more money. So someone making \$35,000, \$30,000, \$40,000 a year might be able to get not \$4,500 but maybe \$7,500, maybe \$8,000. Someone in that income category, then, could go out and buy a new car because they could get a loan, say, if they are buying a \$16,000 or \$17,000 car, and that is what new cars are selling for, at least some of the more modest automobiles. Some of the more modest automobiles cost around \$14,000, \$16,000, \$17,000. So if they got more money, that means they could get a loan for 50 percent of the price. They probably could not get a loan for 75 percent or 80 percent of the price because they simply do not have that much credit. But they could get a loan for maybe half of the price of a car because, obviously, when they drove it away, the value of the car would still be more than that.

So I argued at the time that is what we should do with this money, and that is what I do again with this amendment. This amendment just basically says it limits the income, restricting the participation to individuals with an adjusted gross income of less than \$50,000 and families with an adjusted gross income of less than \$75,000. So if you have an adjusted gross income as a single person of less than \$50,000, you can participate; if you are a family, with less than \$75,000 in adjusted gross income, you can participate.

Again, what I don't have in this amendment is increasing the amount of money.

So that is the thrust of this amendment. I know the program has been very successful. The first \$1 billion was rapidly exhausted. I assume the second \$2 billion we are going to be voting on would do the same. To my way of thinking, let's get a couple of bangs for the buck. Let's not only stimulate our economy by getting a lot of those cars off the lot and giving a shot in the arm to the auto industry, but let's help some people who really need some help: lower income, moderate-income individuals, and families who, even if you

give them \$4,500, can't afford to buy that new car. So, to me, that is what we ought to do. We ought to ensure that we get the maximum economic stimulus for every dollar we spend.

If we are going to give a lot of money to people who make \$150,000 or \$200,000 a year, or whatever—there is no income limit on the bill now—I am not certain that is a lot of economic stimulus. I might like it. I could probably take my car—I forget what year my car is, early 2000—I could take it in and get a new car, and I would get \$4,500. But is that fair? Is that fair to someone of my status who makes—let's face it, I make \$172,000 a year. Is it fair that I should get \$4,500 to go out and buy a new car? I just don't think that is fair. I don't think it is right. But I think it would be right for someone making less than \$50,000 a year because they are the ones who need the help. They need some economic stimulus also.

The higher the income of the person, the more likely they are to buy a new car without the rebate and in many cases would do that. Maybe it would not happen this month. But it may very well happen in the months to come.

By only providing money to those who are less likely to buy a car without the government benefit, we have a more efficient use of government dollars.

For the modest income family with an old gas guzzler, they are paying more for gas, they are paying more for repairs because they can afford to repair the car but they can't afford to get a new car, so they are stuck. They really need the help. I always thought cash for clunkers was a great idea—I still do, if it was targeted—if it was targeted and you gave lower and moderate-income people enough money to go out and do this.

So I think the \$1 billion before, and now the \$2 billion—so \$3 billion—I think could have been much better spent by targeting it to low-income people and giving them the economic stimulus they need, so they will be saving money because they will be spending less on gas and they will be saving money because they are spending less on car repairs.

People of modest means are the most likely to have a vehicle that is really old, that is really a gas guzzler. Again, in the absence of an incentive, they are going to stick with their old vehicle because they simply can't afford a new car. A \$4,500 rebate obviously provides a powerful incentive. We have seen that. It works.

I don't have any demographics. I don't have any data on who purchased these cars in regard to their income levels because there is no income guidelines on this, we don't really know who walked into the showrooms and bought these cars. We do know about half the cars were foreign cars.

We do know that. Almost half were U.S. big three company cars. We do know that. But we just don't know what the incomes were, the economic status of the individuals or families who came in and purchased this new car.

I will say that I have on a few occasions talked to individuals I know who are of modest income means to ask them if they were taking advantage of this, and in just a few instances that I have been able to tap into this—by no means is this any kind of a poll that would be accurate, but in just the few cases where I have asked, people have said: Well, you know, \$4,500 is nice, but I don't have the rest of it. Quite frankly, my credit is not very good because I am up to here with credit cards, and I am not certain I can get the money together to buy that car. So, again, that is just a couple of instances. I wouldn't say that is generally true, but it gives me an indication there are a lot of people out there who would like to have a new car, who would like to have the wherewithal to do it but even with \$4,500 would not be able to.

So, again, that is what my amendment is. It is very simple. It just says right now that \$50,000 per person, \$75,000 per family. So think about it.

Right now, an executive with a \$1 million salary and a 10-year-old gas-guzzling second car—perhaps a Cadillac; that is their second car or their third car—they can walk right into the showroom and purchase a brand new Cadillac that gets an additional 8 miles per gallon. That executive making a million-dollar salary, we will give them a \$4,500 gift from the Federal Government.

Is this what we want to do? I don't think so. I just don't think it is a wise use of the limited funding we have. It probably will stimulate the economy; sure. I have no doubt about that. But is it stimulating the economy for lower income people whom I think we also ought to be stimulating in terms of their economic situation too?

So, again, that is the essence of the amendment. I think the program works. It is good, but it should be appropriately targeted to Americans of modest incomes and modest means. They tend to drive older vehicles. They need those cars to get to work, to take their kids to afterschool activities, to get to the doctors, and if they live in rural areas such as Iowa and places like that, they depend on that car for their life. So I think it makes good sense to offer a car purchase rebate. I am not opposed to the program. I think it works. But I just think it ought to be better targeted.

Mr. KYL. Mr. President, before the Senator from Iowa leaves the floor, if the Senator from Iowa has no further speakers on his amendment or wishes to speak any further, I am prepared on our behalf to yield all the time on our

side if he would like to yield the time on his side so we can move the process on, and if the Senator would like to ask for the yeas and nays right now before I seek to offer my amendment, I am happy to stand by for that.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am not sure who is controlling time, but I wish to speak on the bill and on the amendment at the same time.

Is there a time limit on the bill?

The PRESIDING OFFICER. There is a total of 30 minutes on the amendment, equally divided.

Mr. LEVIN. I am asking a parliamentary inquiry: Is there a time limit on the bill?

The PRESIDING OFFICER. No.

Mr. LEVIN. I thank the Presiding Officer. I wish to speak on the bill. I would ask, who is controlling time in opposition to the amendment? I wish to speak on the bill.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, it has been brought to my attention that there is a mistake in drafting part of this amendment. Quite frankly, it does read that a voucher may only be issued under the program to an individual "who filed a return of Federal income tax for taxable year beginning in 2008."

There are some low-income people who don't file income tax returns, so there is a little bit of a problem in the drafting. I still remain committed to somehow working this out. It now looks as though even some people who make just over the minimum wage would not be allowed to go in, and those are the people I am trying to get to more than anybody else, those who are making a very low income but probably don't file an income tax return because they are low income.

I believe there are ways of getting over this. But the way the amendment is drafted, it can only go to an individual who filed a Federal income tax return. That raises some troubling questions. I am also told that, under the agreement we have now, I cannot offer another amendment. In other words, amendments are now limited. I have a problem, because it is not what I intended to do. It is a drafting error. I apologize for that. I will continue to try to work on it and see if I can do something at some point. I remain committed to having an income cap on this program.

With that, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, let me say that he raises a good point about his amendment. I don't think it would be a difficult matter to drop that provision, or modify that provision, so that it would not preclude someone who had not filed an income tax return from being eligible for this particular program.

If the Senator wishes to modify his amendment to that effect, there would be no objection on our side. However, there would be objection to simply dropping the amendment, because too many people on our side are in agreement with the concept, and this is pursuant to a unanimous consent agreement.

Again, if the Senator wishes to modify the amendment, there would be no objection to that, although we would want to see the language, obviously.

Mr. HARKIN. Mr. President, I ask unanimous consent to set aside my amendment and that we move on to other amendments. We will bring this amendment up later. I ask unanimous consent that the time we have been reserved and that we come back to this amendment after the others have been disposed of.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 2301, AS MODIFIED

Mr. KYL. Mr. President, I call up my amendment No. 2301, which is at the desk, and I ask unanimous consent that Senators BENNETT, ROBERTS, and SNOWE be added as cosponsors, and I also ask that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. BENNETT, Mr. ROBERTS, and Ms. SNOWE, proposes an amendment numbered 2301, as modified.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. STATUS REPORT AND REIMBURSEMENT OF UNFUNDED OBLIGATIONS.

The Consumer Assistance to Recycle and Save Act of 2009 (title XIII of Public Law 111-32) is amended—

(1) in subsection (c)(1)(A), by striking “November 1, 2009” and inserting “August 8, 2009”;

(2) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

“(1) DATABASE.—The Secretary shall maintain, and update each business day, a database that contains—

“(A) the vehicle identification numbers of—

“(i) all new fuel efficient vehicles purchased or leased under the Program; and

“(ii) all eligible trade-in vehicles disposed of under the Program; and

“(B) the amount of money—

“(i) obligated by the Federal Government for payment of vouchers issued under the Program; and

“(ii) remaining to be obligated for such payments from the amount appropriated for such purpose.”; and

(B) by adding at the end the following:

“(3) SUPPLEMENTAL REPORT.—No amounts may be obligated for the Program beyond the amounts appropriated under subsection (j) until after the Secretary submits a report to the committees referred to in paragraph (2) that—

“(A) evaluates the fuel efficiency standards of—

“(i) the eligible trade-in vehicles traded in under the Program; and

“(ii) the new fuel efficient automobiles purchased under the Program; and

“(B) details the administration of the Program, including the method used by the Department of Transportation—

“(i) to track the amount obligated by the Federal Government for payment of vouchers issued under the Program; and

“(ii) to determine the amount of appropriated funds remaining to be obligated under the Program.”; and

(3) in subsection (j)—

(A) by striking “There is hereby appropriated” and inserting the following:

“(3) IN GENERAL.—There is appropriated”; and

(B) by adding at the end the following:

“(2) REIMBURSEMENT OF UNFUNDED TRANSACTIONS.—In addition to the amount appropriated under paragraph (1), there shall be made available for the Program, from amounts appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) for the Department of Transportation and not otherwise obligated, an amount equal to the amount by which the dollar value of all of the vouchers issued under the Program during the period described in subsection (c)(1)(A) exceeds \$1,000,000,000.”.

Mr. KYL. Mr. President, when Congress rushed the so-called Cash for Clunkers Program to passage as part of the fiscal year 2009 supplemental appropriations bill, it had little time to consider how the program would work. Although the program is well-intentioned, many have criticized its efficiency and questioned the ability of the Department of Transportation to manage its application.

The program has only been running for a couple of weeks, but DOT is already saying the \$1 billion appropriated for the program has likely been spent. But nobody really knows. Yet this bill would appropriate an additional \$2 billion.

My view is that before we jump to spend another \$2 billion of taxpayers' hard-earned money, we need to call a time out—clear all of the transactions that qualify, see how much it costs, and evaluate how much more, if any,

we want to spend. If we appropriate more, we certainly should establish a tracking system to know how much the government is committed to pay each day so that we will know when to cut the program off before we again run out of money. In short, this crash program must be properly restructured now if it is to be continued.

There have been multiple complaints from dealers who have had trouble with the program. Some dealers haven't received their registration information, and some have had trouble accessing the system to submit transactions. This information is concerning because, if true, DOT presumably doesn't have an accurate count of how many transactions dealers have made compared to how much money is left in the Cash for Clunkers Program. In fact, it is my understanding that the National Automobile Dealers Association estimated that at least 200,000 deals have been completed but not yet successfully submitted to the Department of Transportation.

The confusion at DOT is evident. On Thursday, July 30, less than 1 week after DOT started to accept dealers' transactions, DOT told Congress that the program was suspended because the \$1 billion had been exhausted. The next day, DOT said the program was not suspended and transactions could continue. On Sunday, August 2, Secretary LaHood was on C-SPAN's “The Newsmakers” and first stated that the entire \$1 billion hadn't been spent. However, later in the interview, he said that the administration would only honor deals made through Tuesday, August 4, unless the Senate approves this bill. He then said, in the same interview, that DOT estimates there is only enough money to cover deals made through this week. The process is anything but accurate. Dealers should not have to bear the risk that deals they made in good faith won't be honored.

It is not only dealers who should be concerned about whether the government has accurate data needed to wind down the program before the funding runs out. Secretary LaHood recently said that the government will make “a good-faith effort” to reimburse all deals that are in the “pipeline.” But without appropriated money, he cannot make any commitment. Statements of the Secretary are not binding promises. Consumers are also entitled to certainty. That is why we need a timeout to assess where we are and redo the process to be fully transparent and accurate.

Specifically, my amendment would terminate the program as of August 7, 2009, at 11:59 p.m. to give a date certain to dealers and consumers to avoid any further confusion about whether all dealer transactions will be honored. It would delay new funding for the Cash for Clunkers Program beyond the \$1

billion already appropriated, except for such sums needed to meet all obligations through August 7 that may exceed \$1 billion, which would be paid for by using unobligated stimulus funding designated for DOT. This addresses the concern that some dealers will be on the hook for deals that have not cleared before the program runs out of money. DOT currently has no mechanism in place to efficiently cut off transactions once the appropriated threshold is reached.

My amendment would require DOT to submit a detailed report to Congress, before any new appropriations are made, that evaluates the methodology it used to track the daily obligations incurred under the program versus reimbursements sent to the dealers. The reporting requirement would ensure that Congress can evaluate what changes have to be made to more efficiently disburse any future money allocated to the program and, importantly, be able to track the disbursements and obligations to ensure the latter do not exceed the funding available. To this end, my amendment would add a requirement that if future appropriations are made, DOT must track daily the number of transactions made and money left to be obligated for reimbursement to the dealers. Again, this would ensure that the DOT is working with the most up-to-date information so that no consumer or dealer would enter into a transaction if funding is already exhausted.

Some have questioned whether the Cash for Clunkers Program is encouraging consumers to purchase or lease fuel-efficient vehicles. On June 11, two of my colleagues even submitted an opinion piece in the Wall Street Journal that indicated the Cash for Clunkers Program was "bad policy" and "would create handouts for Hummers." The report would also evaluate the fuel efficiency standards of the automobiles traded in and the new automobiles leased or purchased. Obviously, should we want to modify the terms of the legislation to meet some of the concerns expressed by the colleagues I mentioned, that could be done at that time.

I am very familiar about what happens to program extensions that are rushed through without any oversight. In 2000, the Arizona State legislature passed a well-intentioned law, much like cash for clunkers, which provided a tax credit for purchasers to buy vehicles converted to run on propane or compressed natural gas. The program was originally estimated to cost \$5 million. However, lawmakers continued the call for the expansion of the program based on consumer demand. Before long, that small \$5 million pricetag ballooned up to a \$600 million budget liability. It was stopped in time to avoid the State from bankrupting itself.

I am concerned that we are putting American taxpayers in a similar position. If the additional \$2 billion is simply appropriated for this program, will DOT come back to Congress in September and argue that we must extend the program yet again? Maybe there would have been more money committed than the \$2 billion, as may be the situation now. Aren't we required to apply some metrics, in other words, to evaluate the benefits against the cost to taxpayers? I don't have to remind everybody how Congress views temporary programs. Former President Reagan used to describe them by saying, "There's nothing more permanent than a temporary government program." That could well be the case here if we don't step back and evaluate the program, and if we don't ensure that any future funding for such a program is done in a more efficient manner than this particular program is today.

As I said, auto dealers are hardly the only business that would be happy to receive government assistance. So evaluating it at this juncture is very important, lest we make the same mistake in the future.

We rushed cash for clunkers once. I suggest that we should not make the same mistake again. I urge my colleagues, therefore, to support my amendment when the appropriate time comes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arizona controls 8 additional minutes, and there is 15 minutes in opposition.

Who yields time to the Senator?

Mr. KYL. I am happy to yield time to my colleague.

Mr. MCCAIN. Mr. President, I rise in support of the Kyl amendment. I remind my colleagues how this all happened. In June, the House "air dropped" \$1 billion for a Cash for Clunkers Program into a conference report, which had nothing to do with clunkers, accompanying a \$105 billion war supplemental spending bill and sent it over to the Senate. Despite the fact that my colleagues on the other side had advocated a new rule in the Honest Leadership and Open Government Act in 2007 to allow a procedural vote to strip air drops from conference bills, when such a vote was presented, it was voted to keep this clunker of a provision.

I hope one of my colleagues will propose a "cash for golf clubs" proposal. I have had many calls from people who have old golf clubs, and they would like to have cash for them. We know that it is an important national sport and it is an important part of our economy. I hope we will be taking up a "cash for golf clubs" provision pretty soon.

We are spending \$3 billion to subsidize car purchases, some of them from automotive companies we own. We own Chrysler and General Motors. We own them, and we are going to give them money. So maybe it will come back to us.

The Wall Street Journal editorializes:

This is crackpot economics. The subsidy won't add to net national wealth, since it merely transfers money to one taxpayer's pocket from somebody else's, and merely pays that taxpayer to destroy a perfectly serviceable asset in return for something he might have bought anyway.

Here we had it stuck into a supplemental appropriations bill that had nothing to do with automobiles. So now we find that people like free money. They like free money. Yes, we all like free money. So the program has gone out of control.

We have no idea, as Senator KYL has said, how much money is being spent, how much is being obligated. So rather than stop and see what the story is here, let's spend \$2 billion more. At some point, this kind of thing has to stop. The national debt has climbed to \$11.6 trillion. If we are under the impression—if anybody is under the impression—it is going to be taken out of the stimulus package, the chairman of the Appropriations Committee in the House 2 days ago said: Don't worry, we will add an additional \$2 billion. Don't worry, it would not be taken out of the program that the money is there for; that money will be "replenished." Do you know what replenishing means? It means \$2 billion more of taxpayers' dollars. Everybody in Congress now is patting themselves on the back.

The program has also been a success, I might add, for foreign auto manufacturers. Four of the five top-selling cars in the program are made by foreign automakers, according to the Department of Transportation, and a success for Citibank that managed the voucher program, which has received \$45 billion in Federal aid, and, yes, for the 184,000 Americans who have received up to \$4,500 toward the purchase of a new car, except for the other 290-some million who will not take advantage of this program who will be paying the bill.

I urge adoption of the Kyl amendment. At least we should pause and see where we are.

The PRESIDING OFFICER (Mrs. SHAHEEN). Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Madam President, if nobody is seeking time in opposition, I suggest on this amendment that all time be yielded back, if the Senator from Arizona is agreeable.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Madam President, at this time, I object. I think at some point we will be able to yield back much of the time, but at this time, we

need to talk with our Members to make sure Members have had a chance to say their piece.

Mr. KYL. Madam President, would it be in order to ask for the yeas and nays, and when the time is yielded back, we can set the vote?

The PRESIDING OFFICER. It is in order to ask for the yeas and nays.

Mr. KYL. I ask for the yeas and nays on the Kyl amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2302

Mr. GREGG. Madam President, I ask further proceedings on this amendment be set aside and I be allowed to call up amendment No. 2302.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2302.

Mr. GREGG. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the generations of tomorrow from paying for new cars today)

At the appropriate place, insert the following:

SEC. _____. AMENDMENT TO THE 2010 BUDGET RESOLUTION.

S. Con. Res. 13 (111th Congress) is amended—

(1) in section 101—

(A) in paragraph (2), strike the amount for fiscal year 2010 and insert “\$2,890,499,000,000”;

(B) in paragraph (3)—

(i) strike the amount for fiscal year 2011 and insert “\$2,969,592,000,000”; and

(ii) strike the amount for fiscal year 2012 and insert “\$2,882,053,000,000”; and

(2) in section 401(b), by striking paragraph (2) and inserting the following:

“(2) for fiscal year 2010, \$1,085,285,000,000 in new budget authority and \$1,307,200,000,000 in outlays.”.

Mr. GREGG. Madam President, the senior Senator from Arizona alluded to the fact that basically this bill is unpaid for—\$2 billion. There is a figleaf representation that the money in this bill is somehow being taken out of another account, and, therefore, it is offset—the account being the Renewable Energy Loan Guarantee Program under the stimulus package. But that is a total fraud—a total fraud.

This is the ultimate bait and switch because, as the senior Senator from Arizona pointed out, the chairman of the Appropriations Committee in the House, for whom I have a lot of respect and I think his forthrightness is refreshing, quite honestly, said on the

floor of the House, when he was asked the question: What is going to happen to the fact that \$2 billion has now been taken out of the Renewable Energy Loan Guarantee Program, what is going to happen to the loan guarantee program? Congressman OBEY said:

If the gentleman would yield, I share the gentleman's view that the Renewable Energy Loan Guarantee Program is of vital importance to creating a new, green economy. We have talked with the White House. We have talked with the Speaker and I want to assure you—

This is the chairman of the Appropriations Committee; when he assures you, you can be assured it is for sure—and I want to assure you that all of us certainly have every intention of restoring these funds.

They are doubling down on the debt. It is bad enough—this should be called the “debt for clunkers” bill to begin with because basically what we are doing is creating debt for our children. We are suggesting, we are proposing, we are allowing \$4,500, \$1 billion, now \$3 billion out the door to buy cars today, but the bill to pay those cars is going to come due on our children and our grandchildren as they have to pay the debt off, which this is going to go to increase.

This is nothing more than a program which is being funded entirely by debt and an increase in the Federal debt, as Congressman OBEY forthrightly stated when he said: We are going to find the \$2 billion we took out of this account, and we are going to refill that \$2 billion, which they will have to borrow to do. Everybody knows that.

I don't happen to support the program, but I at least would like to have some integrity in this process, and I would like to have the program paid for. If we are going to represent to the American people that this program is paid for, let's pay for it. So my amendment does that. That is all it does. It creates a mechanism to make sure we are not going to replenish an account we allegedly took the money out of in order to pay for this account.

The way I have set this up, it does not have to necessarily affect the loan guarantee program. In fact, it is not specifically the loan guarantee program at all what I have done. What I am suggesting we do is that next year, in order to make sure this program is paid for, we reduce what is known as the 302(a) allocation cap by \$2 billion. That way we can be reasonably confident that before this money can be spent twice, there will have to be a vote, a 60-vote point of order brought against it on the floor of the Senate, and people will have to forthrightly say: Oh, we are actually borrowing from our children to do this. Or alternatively and refreshingly, we will not borrow from our children to do this; we will actually pay for it by reducing the 302(a) allocation cap.

It is an attempt to bring some integrity to the process, some honesty to the process, and actually pay for the program we allege we are paying for rather than use this gamesmanship, which is the ultimate bait and switch of saying we are going to pay for it today from funds we are taking out of the account tomorrow, and then we are going to refund that account tomorrow so we end up borrowing the money from our children. In this case, it would be twice because we had to borrow the money on the stimulus to begin with. That is all it does. It tries to put a little integrity into the process and make the pay-fors for this program honest and straightforward and reasonably real. Nothing is real around here when it comes to money and paying for things, but hopefully it would be more substantive and more substantial relative to the integrity of the process than under the proposal as it is presently drafted.

On the underlying program, though, I do have to make this point because it is an interesting point, not made by me, but I want to paraphrase it. It was made by the editors at the Web site Edmunds. Edmunds is an automobile Web site where you can get an evaluation of cars, sort of like consumer reports on cars. They will tell you how much your car is worth. They will tell you what the rating on your car is. They have a valuation of your car. They are totally independent. They have no dog in this fight.

They looked at this program and said: Something is wrong here. We have \$4,500 per car being the amount that is reimbursed to people. You can buy about 220,000 cars, \$4,500 a car. Their point was that over the time period this bill has been in place, in the typical course of business, 200,000 cars would have been turned in, old mileage, used cars that would have been turned in anyway. If there was no repossession, no “debt for clunkers” program, 200,000 cars would have been turned in to purchase new cars during this same timeframe. That is their estimate, and they are professionals. They look at it in a totally independent way. That was their estimate.

So the incremental increase in the number of cars that are being turned in under this program is about 20,000 to 22,000 cars. That does not work out to \$4,500 a car; that is costing the American taxpayers about \$45,000 a car to get those extra 22,000 cars off the road. Ridiculous.

The program has so many inconsistencies about it, but the ultimate inconsistency is we are borrowing from our kids to pay this. If this bill passes, we will have added \$3 billion to the debt of our children. It is not appropriate. It is certainly not appropriate to spend it to buy a car today and pay for it 10, 15 years from now and have our children have to pay for it 10, 15 years from now by adding to the debt of this Nation.

My amendment attempts to address that issue by trying to enforce the pay-fors in this bill by reducing the 302(a) allocation next year.

I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I wish to speak and have my time allocated to the Kyl amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, I wish to speak both to the Kyl amendment and to the Gregg amendment, but let me indicate first to my friend from New Hampshire, we are not talking about sales that would have happened anyway. If anybody looks at the numbers of what has been happening in this country, we have had capacity to build 17 million vehicles in this country, 9 million of them sold in the last year, which is why we are seeing the automobile industry in the state that it is.

The reality is, this is a program that has been working. Consumers believe it is working, small businesspeople believe it is working, people who make steel and aluminum and advertisers and everyone who is involved in the larger economic impact of the auto industry believes it is working. That is why we need to pass this bill, as the House did.

As a general statement, I say everyone knows if any amendment is adopted, this program will fall. This program will be killed if any amendment is adopted. So we should start from that premise right now and then go to the merits. The reality is, if any amendment is adopted, the program will die. Those opposing the CARS Program are offering amendments hoping at least one of them will be adopted so the program will be killed.

With regard to the amendment of my friend from New Hampshire, first, let me say this. The bill is already deficit neutral. The \$2 billion involved is completely offset with funds already appropriated under the Recovery Act. In a way, Senator GREGG's amendment is actually making us pay for this twice, which does not make any sense at all.

My colleagues on the other side of the aisle who are constantly bashing the recovery package for not delivering immediate results should be jumping for joy. There has been nothing more immediate, nothing more temporary, nothing more timely than the CARS Program.

The reality is that after only a week and a half into the program, we are back asking that the additional money we had originally asked for in the beginning be appropriated because this has worked.

I urge a strong "no" vote on the Gregg amendment.

As to the Kyl amendment, I also urge we oppose this amendment that would

set an end date for this Saturday, effectively ending, again, one of the most important and successful stimulus we have had. It would be a hit to the economy, to the environment, and to consumer confidence just as it is starting to improve.

Many of the oversight goals Senator KYL is seeking to achieve, NTHSA already has the authority to do and they are already working on. NTHSA is already maintaining a database and is working to make it as timely and up to date as possible.

The original legislation also requires a report on the program that will cover many of the details that are in the Kyl amendment. The legislation also adds the requirement of a GAO study that will review the administration of the program. DOT has made several modifications to its online system to streamline the transactions and to speed up the processes. They have conducted field hearings, informal surveys; they have worked with dealers, and they have doubled the number of staff they have had. They have worked to refine and to deal with the immediate concerns because of how quickly the response came in.

So I would just urge that we vote no on the Kyl amendment, no on the Gregg amendment, and no on any other amendment that will kill the most effective stimulus we have passed this year.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, I rise to speak in opposition to this amendment No. 2302 that is being offered by my distinguished colleague and friend from New Hampshire.

Madam President, at the beginning of this Congress, just about every Member in this Chamber approached me and my colleague from Mississippi, Senator COCHRAN, and indicated that we had to fix the legislative and appropriations process.

Senator COCHRAN and I have taken that challenge very seriously, and we are on the path of doing just that. In the course of 7 months, we have enacted into law the Recovery Act and closed the books on the 110th Congress with the enactment of the omnibus and supplemental appropriations bills. In looking forward to fiscal year 2010, we have reported out of the Appropriations Committee 11 of 12 appropriations bills, and the Senate has passed four of them.

There are 2 months remaining before the start of the 2010 fiscal year, and to state it very bluntly, Madam President, this amendment will wreak havoc on both the work that has already been accomplished and the work that still needs to be accomplished. A vote for an amendment that cuts \$2 billion from our 2010 budget allocation at this late date—and let me remind everyone in

this Chamber that we are operating within an allocation that is \$10 billion below the President's budget request—is a vote against getting our appropriations process back to regular order.

The Appropriations Committee has spent many months reviewing agency requests and drafting bills to reflect those needs within the limitations of the budget allocation set by the Budget Committee. To cut that budget allocation further after the fiscal year 2010 bills have been reported out of the committee would require significant cuts to the remaining bills that have yet to receive floor consideration. Madam President, that is fiscally irresponsible and simply unacceptable.

My good friend, the Senator from New Hampshire, has indicated this amendment is needed to pay for the CARS program now and not in the future. I would like to note that the authors of the underlying bill are already paying for this program by reallocating funding that was provided in the stimulus bill. This program is paid for at this moment.

Further, in general, the budget allocation for fiscal year 2010 discretionary spending reflected the fact that an economic recovery package for the next 2 years had just been enacted. This was one of the primary reasons for agreeing to an allocation that is \$10 billion below the President's request. Consequently, taking discretionary funding from fiscal year 2010 to pay for a program that is being funded out of the Recovery Act is the equivalent of double accounting.

Madam President, the amendment is unnecessary for the purposes of paying for the CARS program, and it is harmful for the purposes of getting our appropriations process back to the regular order. So, therefore, I urge my colleagues to vote against the amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2301

Mr. LEVIN. Madam President, how much time is remaining in opposition to the Kyl amendment?

The PRESIDING OFFICER. Eleven minutes.

Mr. LEVIN. I ask unanimous consent that I be allowed to use that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, we will soon vote on whether to extend the Cash for Clunkers Program. Rarely has this body passed legislation that has so clearly and quickly met our goals than when it approved the first installment of money for this program earlier this summer. The program offers rebates of \$3,500 to \$4,500 to consumers who trade in old inefficient vehicles for new cars and trucks with higher mileage. Thousands of consumers who hope to take advantage now wonder whether they will have the opportunity.

It is important to understand the context in which we originally approved this program. Amid the most severe downturn since the Great Depression, auto sales everywhere plummeted—in the United States and around the globe, foreign manufacturers and U.S.-based companies alike. In the U.S. market, month after month automakers have reported sales that have fallen 40 percent or more from a year ago. This unprecedented decline has harmed not only the hard-working autoworkers in my home State and other States, but auto suppliers, auto dealers, and small businesses in every community in this Nation. Because the auto industry represents such a large share of this Nation's overall economic activity, as long as this sales decline continues, it will weigh down our economy, frustrating attempts to lift us out of recession.

In establishing this program, we did not establish a course. We followed a path that had already been laid out by other nations. In Germany, France, Japan, and other nations, governments recognized the danger to their own auto industries in this time of economic crisis and they acted. Germany's Government established its own version of cash for clunkers, and in June car sales were up 40 percent over the same period a year ago. Other nations saw similar impressive increases.

After just a few days, our efforts have borne impressive results. This week Ford reported its sales increased in July from a year ago, the first year-over-year increase reported this year by any automaker. Other carmakers, foreign and domestic, saw smaller declines than in previous months. The impact has been so striking that one private economist has raised his estimate for economic growth in the third quarter of this year by more than 50 percent based solely on the success of cash for clunkers.

This program accomplished what it was intended to accomplish. In just a few days, a quarter of a million Americans traded in their old car for a new model using the credits available from this program. That is a quarter of a million American families who have more fuel-efficient transportation, a quarter of a million transactions that will pump new money into local economies, and an incalculable boost to this Nation's struggling auto industry.

The program has made significant improvements in the fuel efficiency of our Nation's vehicle fleet. According to data from the National Highway Traffic Safety Administration, consumers using this program are buying new vehicles with an average 63 percent improvement in fuel economy over their trade-ins. More than four out of every five vehicles traded in are trucks; nearly three out of five new vehicles are cars. The average mileage improvement of 9.6 miles per gallon is more

than double the program's minimum and far greater than expected.

In short, cash for clunkers has exceeded earlier projections in its ability to get older cars off the road and their damaging emissions out of our skies. Seldom have we had an opportunity to do more for our environment than we do today. Reinforcing and extending this program will get replaced hundreds of thousands more of these environmental clunkers with highly efficient new vehicles.

Some Members have proposed changes to the program by amendments. Some amendments are pending, or will be introduced, that are not related to this program. These may be well intended amendments, but it is vitally important to keep in mind the need for immediate action. The House of Representatives has sent us a bill that will keep the program running. Any amendments—any amendments—that the Senate approves will send the legislation back to the House of Representatives where action will be delayed until the House reconvenes in September. So any amendment that is adopted here is the death knell for this program. It would have to end immediately if an amendment is adopted because of the uncertainty over whether funds remain and to what extent. This program is designed to be a one-time stimulus, not a stop-and-start deal, which would make it more complex and confusing.

This situation is not new. We had a similar situation just a week or so ago. When the Senate passed a bill to restore funding to the highway trust fund, an amendment pending to that bill would have prevented the Federal Government from cutting \$8.7 billion in transportation funding from several States, including my home State of Michigan. Normally, it would have been a simple decision to vote for that amendment to avoid those cuts. Michigan is in desperate need, and that amendment would seemingly protect hundreds of millions of dollars for my State. Yet I voted against the amendment. I did so because of the time-sensitive nature of the underlying bill. And many others in this body voted against an amendment for that same reason.

The highway trust fund was on the verge of running out of money, and the bill that we were voting on restored funding to keep it solvent through September. With the House of Representatives about to adjourn a week or so ago, any Senate amendment to that bill would have required that it be sent back to the House of Representatives, likely killing the bill. I, and many others here, decided not to risk letting the highway trust fund run out of funds. So what did we do? We voted for the bill, but we voted against an amendment, even though that amendment would have helped our States. What we did in-

stead is we pledged to seek passage of that amendment at a later date to a different legislative vehicle. I opposed every amendment to that bill, as did a majority of our colleagues.

That is the situation we are in now. If we want this program to continue, we have but one choice. We have to vote for it, but we also must vote against all of the amendments that are pending to it, even though those amendments may be attractive standing on their own and in ordinary circumstances. It is going to be difficult for some to vote against these amendments. I understand that. But the issue is going to be, do you want the Cash for Clunkers Program to continue? If any amendment passes, it is the end of that program.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

AMENDMENT NO. 2304

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and that Coburn amendment No. 2304 be called up.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2304.

Mr. COBURN. I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance to charities and families in need)

At the appropriate place, insert the following:

SECTION . ASSISTANCE TO CHARITIES AND FAMILIES IN NEED.

Section 1302 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1909; 49 U.S.C. 32901 note) is amended—

(1) in subsection (a)(2)(B), by inserting “or for donation to a charity”; and

(2) in subsection (c)(2)—

(A) in subparagraph (A), strike “For each” and insert “Except as provided in subparagraph (C), for each”; and

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after paragraph (B) the following:

“(C) DONATION TO CHARITY.—For each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer may dispose of such vehicle by donating such vehicle to—

“(i) an organization that—

“(I) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, including educational institutions, health care providers, and housing assistance providers described in such section; and

“(II) certifies to the Secretary that the donated vehicle will be used by the organization to further its exempt purpose or function, including to provide transportation of individuals for health care services, education, employment, general use, or other

purpose relating to the provision of assistance to those in need, including sales to raise financial support for the organization; or

“(ii) a family that does not have sufficient income to afford, but can demonstrate a need for, an automobile.”.

Mr. COBURN. Madam President, it is interesting to note what we just heard from the Senator from Michigan about how we can't fix this program—admitting that there are several things wrong with it—because the House is out of town and we have to pass it. So we are going to do the wrong thing for the right reason.

I have not heard from a dealer in my State that is not for this program. There is no question it is stimulatory. There is no question, however, that the stimulation is one based on time of sales, not on true total stimulation to our economy. What we are doing is stimulating future sales to be bought at this time. But, more importantly, we have two untoward disadvantages that this program is causing which is actually hurting the poorest and the weakest and those of color in this country.

When we wrote this amendment, we went to the Finance Committee. We were told it was not going to score. Then when we got to the Joint Economic Committee, they scored this amendment as costing \$90 million, but what they did not take into consideration is that if these cars were actually given to charities or to people who did not have a car, it scored exactly the same. In essence, there is no net score with the bill.

The fact is, with this program—because we are destroying half a billion dollars worth of real assets so far in this program and we are going to destroy \$1.2 to \$1.3 billion worth of real assets, real cars that charities could really use to give to real people who do not have transportation—we are taking that away. In our tough economic times right now, charities' income is down about 30 percent across the board while the demands on the charitable organizations are up. We all recognize that charities use the contributions of automobiles to then turn around to sell and fund a lot of charities.

What this amendment does is allow the vehicles that are traded in to be donated to poor families or to charities. Why destroy a perfectly good car that somebody in a rural area who cannot get access to health care now because they don't have transportation—why destroy that mechanism of opportunity?

I understand there probably will not be the votes for this amendment. But to say we are going to take a perfectly good automobile that somebody less fortunate could utilize for years for transportation purposes, that will elevate them economically, and instead we are going to destroy it, we are going to destroy the opportunity for some-

body less fortunate to have that automobile. This program is working for two groups of people: it is working for the auto industry and their dealers, and it is working for anybody who qualifies and uses the Cash for Clunkers Program. But it is not working for everybody else. This is a small minority of Americans who are going to benefit for a specific industry.

I heard the Senator from Arizona raise the question: Why not golf clubs? Why not dishwashers? Why not washing machines? Why not boats? Why not RVs? Why not other industries that also were on their backs, not having the same benefit?

I also would note that several organizations, a couple from which we received endorsements—the Military Order of the Purple Heart and Lutheran Charities throughout America endorse it.

I thought I would raise one other point; that is, this amendment is significantly environmentally friendly. A recent ABC News story on the clunkers quoted the following:

Believe it or not, even some environmentalists are against the new law. They point out it will end the lives of perfectly serviceable vehicles with years of life left. One way to be green is to get a more carbon friendly car. Another way to be green is to recycle or buy a used car. It takes 113 billion Btus to build a Toyota Prius. You have to drive that car 46,000 miles before you are even on the carbon footprint.

If you take the same car and give that car to somebody in need, you enhance their economic condition and you do not create another 113 billion Btus of energy.

Hybrids get great mileage, we talked about that, but in terms of net-net, in terms of being green—we hear that all the time. If we want to do what is most efficient from an environmentally safe standpoint, this amendment does it. You still have the Cash for Clunkers Program, but what you do is turn around and use the cars by giving them to charitable organizations or families who need them. If we were to do that, especially if we are going to increase this program \$2 billion additionally, you are going to save \$1 billion worth of net assets that we can transfer to those less fortunate in this country. For that, the tax consequences will be \$90 million, which is exactly the same tax consequences we would have had on these cars had we not had a cash for clunkers program.

It is crazy, in this country, to intentionally destroy perfectly good automobiles. It is nuts. It is not rational. Yet we have a program and we are already doing it. In Oklahoma we had a car that was traded in that had 10,000 miles on it. They destroyed the engine on the car under this program. Granted, it had poor gas mileage, but that was transportation to somebody who was poor, transportation to somebody who did not have transportation.

We have been debating health care around here for 6 months. The biggest limitation on access to health care in rural and poor communities is transportation, and we are going to take away an opportunity to give many of those people transportation. We are going to take it away. The schizophrenia of Washington continues to amaze me, and the lack of common sense that is associated with what we do.

I will make one final note. The reason this bill has problems, the reason the Transportation Department is having trouble with it is it never went through a committee, never had multiple hearings, had not had an oversight on what we were going to do, and it was done in such a short period of time that we did not even allow the Transportation Department an effective amount of time to set it up so it would be effective and not wasteful.

If you hear any complaints from the dealers, it is they don't know where they stand on whether they are going to get paid. They have no clue right now because even though they filed paperwork, getting that money to them—what we are seeing is a lot of problems with unhappy customers right now at the dealers because the Transportation Department cannot be efficient in administering this program.

I conclude by noting that if this is the standard under which we are going to reenergize our economy, then we ought to apply the same standard to every other industry. If we do, we will not be bankrupt in 11 years, we are going to be bankrupt next year.

I want our auto companies to succeed. There is no question there are stimulatory benefits to what we are doing, but it is at a great cost. As the Senator from New Hampshire noted, the net-net cost is \$45,000 per net car that would not have been traded in. It is foolhardy.

I hope Members of the body will consider this amendment. I know they have been instructed to not consider it.

I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I appreciate the concerns the Senator from Oklahoma has raised. One question I would have is, if the amendment is adopted, would he in fact support a continuation of the program? Because he certainly made a number of other arguments in opposition, which I appreciate. I know those arguments as well. But I think, given all those arguments, this really is about trying to stop the program.

I urge my colleagues to oppose the amendment. It would absolutely derail what has been the most effective stimulus to date for us. It is about jobs, it is about helping small businesses.

With the concerns initially raised, some of the bureaucratic concerns initially—I have to tell you that NHTSA

has been working fast and furiously in solving those problems. The National Association of Dealers strongly supports continuing this. I do not think they would if they believed it was not effective as a program.

Let me talk about the amendment specifically. It may be well intended, but there is no environmental benefit if the old vehicle is not scrapped—No. 1. The temporary CARS Program is specifically designed to maximize gas savings for consumers. In fact, so far the average savings is about \$1,000, and for people in my State, that is a lot of money right now when you are pinching pennies and trying to keep things going in your household. That has been an extremely important part of this.

It is important to talk about the fact that this is a very limited program. It is very limited in scope. The funding extension will enable a replacement of less than .3 percent of the 250 million vehicles on the road. It does not compete with charities. The amendment is unnecessary because people can donate the value of the voucher to charity, if they want to. In fact, the voucher amount surpasses the value of the vehicle, so charities could actually receive more funds through a donation of the voucher, if someone wished to do that.

Also, the program, because it is temporary, does not affect long-term donations. In fact, we have met and worked with charities, discussed these issues, because I strongly support the programs that have donations of automobiles to charities for the very reasons the Senator from Oklahoma talked about.

The reality is that there have been trends against donating cars in recent years. It is not because of the CARS Program, I have to indicate; it is because of a tax treatment change that was made under the Republican majority back in 2004 that has been a problem. If we want help the charities with automobiles, we would fix the tax treatment that was passed as part of the tax changes that were made under the Republican majority.

Also, many charities have indicated to us that they have not seen a drop in donations due to the program. What is most interesting is that we talked to some who have said they have actually seen an increase due to the heightened awareness of car recycling, particularly in owners who, after researching, find out they really do not qualify for the CARS Program but they are still looking to take advantage in some way of the deals that are out there on these great new vehicles, made in America. I hope people are going to be doing everything with their voucher to buy an American-made vehicle. The temporary program really has given people the opportunity to go out and shop and take a look at what is out there.

Pat Jessup, the president of Cars 4 Causes, has said that, "oddly enough,"

car donations are up this month. Oddly enough, car donations are up this month. She adds:

In fact, because of the increase in donations, Cars 4 Causes has staffed up to handle the in-coming calls.

What a nice byproduct of all the awareness right now, of the possibilities going out and buying a new vehicle.

To continue quoting her:

Once the conversation about trading in or trading up or donating a car gets going the car owner begins researching possibilities, looking into tax deductions versus cash for the trade-in. Also, some have found their car does not qualify for the Cash for Clunkers Program, but while researching they discover the tax advantages of donating a vehicle. Then they call us.

I appreciate the concerns that have been raised, but, in fact, this program—raising awareness about the cars that are now available, the new or more fuel-efficient automobiles that are available in car dealerships all across the country, the ability to use the Cash for Clunkers Program, we are now seeing that other great programs where vehicles are donated to charities have actually gone up.

For that, among many other reasons, particularly because this amendment would kill the CARS Program, I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent to have printed in the RECORD four news articles published in the last week about how cash for clunkers has negatively impacted charities. This comes from the North-West Cable News, Denver Post, Fox News, and nbc4.com.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWS QUOTES ON HOW CLUNKERS IS HURTING CHARITIES

NORTHWEST CABLE NEWS

"Cash for Clunkers" hurting charities—

Some say the popular "Cash for Clunkers" program is taking cash out of the hands of local charities.

Animal Services of Thurston County depends on donations of up to \$20,000 a year from Northwest Charity Donation Service. It's a service that relies on donated cars. But since the "Clunkers" program began, the source of funding is drying up.

"It's probably been at least a 40 to 50 percent drop in donations that people can choose to go to a charity of their choice from the area," said Thomas Jones, of Northwest Charity Donation Service.

Charities are also concerned that, as more cars end up at salvage yards, there will be fewer inexpensive used cars will be available for working families.

DENVER POST

Charities fear pinch from "clunkers" program—

Area charities reliant on car donations for funding say the government's "cash for clunkers" program might hurt them.

"If the government is going to give them a chunk of change for their clunker, then

we're concerned that they're not going to come to us any longer," said Meaghan Carabello of Goodwill Industries Denver.

Last year, Goodwill and Cars Helping Charities, the third party that takes in the donations and sells them, took in 1,900 and 3,000 donated cars, respectively.

For Goodwill, that translated to about \$220,000 in revenue.

FOXNEWS.COM

"Cash for Clunkers" puts the brakes on donations—

Riteway Charity Services in Sun Valley, Calif. turns thousands of donated cars into money for local food banks, homeless shelters and Boys and Girls clubs. They say the recession put a dent in donations; they're down 30 percent from last year.

Now the car rebate program has really put the brakes on, leaving charities third in line. Charities can offer a tax write-off as little as \$500 next spring. But that just can't compete with the program handing car buyers rebates of between \$3,500 and \$4,500 for trading in their gas-guzzlers for new, higher-mileage models.

The latest IRS figures show 300,000 cars were donated in 2005. And while the program may be a shot in the arm for dealers, charities that rely on donated cars say Uncle Sam has put them on life support.

NBC4.COM

Cash for Clunkers could impact local charities—

Charitable groups count on the money they make from donated cars to help fund their programs. Now, the groups are afraid that donations are going to dry up.

Officials at Goodwill said they are worried that the Cash for Clunkers program will make people choose cash over charity and close the door on an opportunity to bring in money for local programs.

"When you pull 250,000 cars off the streets, maybe more, there are cars that could end up in our lots and help low-income buyers," Knowlton said.

"Every single car is an opportunity. We love every car," Hartley said.

Mr. COBURN. Madam President, I could be a whole lot more comfortable with this bill if you told me there was not another one coming in a month. But the fact is, what we are doing is buying forward sales. Every economist says that. Eighty percent of the sales that come in under cash for clunkers—we are just moving up sales that were going to be there anyway. There is nothing wrong with that as long as we say there comes a point in time we are not going to do that.

I wonder if my distinguished colleague from Michigan would commit to the body that we are not going to see another one of these bills in 2 months, 3 months, 4 months, or 5 months, we are going to subsidize the purchase of automobiles by stealing from our children in this country—regardless of the economic benefit for one particular industry. Is there an answer to that question? The fact that there is not an answer to the question means it is not going to stop with this one. As soon as this next program stops, and as soon as we run through the money, the sales are going to go right back down.

Then our option is going to be: Well, we have to do another one and another

one because we are buying forward sales.

What we need is the health of the economy. I do not deny we need to inject the proper amount of fiscal stimulus, true fiscal stimulus, not a government transfer payment, which is 60 percent of the stimulus bill that was passed, but it is an interesting question: When does it stop?

If we are going to do it for automobiles, and let's say automobiles get healthy but the appliance industry does not, are we going to do it for the appliance industry? How much more can we afford to borrow from our kids? Those are legitimate questions that need to be addressed.

I understand the depth and breadth of the difficulties the States in the upper Midwest are feeling from this recession and especially the impact on the automobile companies. I want to be cooperative. I want to see them come out.

But it would certainly give us much less indigestion if we knew there was truly going to be an end and not another of these Cash for Clunkers Programs when the sales dribble right back down because all we did was stimulate forward sales into this sales period.

With that, I reserve the reminder of my time.

Mr. LEVIN. First, let me thank my friend from Oklahoma for raising some of these questions which are entitled to be debated. We are not alone in having a Cash for Clunkers Program. Other countries, including Germany, have had these programs. So we are not designing something from scratch. All auto-producing countries that I know of in the world are fighting to have an auto industry come out at the end of this recession.

Unless we take action in a number of ways, that is not going to happen. So the Cash for Clunkers Program is based on a similar type of program in other countries, including Germany, where it has been very successful.

It is not my intent—to answer the other part of his question—it is surely not my intent that this program continue beyond this extension. No one can give an assurance as to what is going to happen in the future with this body or other Members of this body or, indeed, with myself. But it is not my intent that this be a continued program beyond this extension. The reason it was so essential that we have this extension is it was such a successful program. It sold out so quickly, we think our success actually overwhelmed us.

I don't believe, as the Senator from Oklahoma does, that people were buying forward. I think maybe the opposite happened. By the way, I think people may have been waiting until there was this kind of incentive because people are in desperate economic shape.

Perhaps some of the people who knew there was going to be such a program may have held back in buying a vehicle.

But also the other prong of this program, besides the economic boost it gives to the economy overall, is the environmental part. That is the part which the Senator's amendment does not address. It is intended to get clunkers off the road, not just to get an economic stimulus into the auto area for sales of vehicles that benefit not just producers but car dealers and suppliers, but there is also a huge environmental benefit which has not only proven itself, but done much better than anybody could have expected.

That is ignored by the Senator's amendment, because keeping those cars on the road, as the Senator would do, denies the environmental benefit of the Cash for Clunkers Program. That is another reason I would oppose the Senator's amendment.

Mr. COBURN. Is it not true that the average plants were down for 10 weeks?

Mr. LEVIN. I do not know the number.

Mr. COBURN. Maybe 10 weeks. I know Chrysler was down longer than that. The fact is, when I drive by the auto dealers, and when I check the statistics with NHTSA, inventories are low.

So we are going to put \$2 billion back out, when inventories are at half the level on the car lots of what they normally are. So if, in fact, you pass this, you might ought to spread it out over a period of time so the factories can get the cars to the dealers because that is a significant worrisome part on a lot of my dealers—that if you bring it back now, and you bring it back, we are not going to have the cars to sell them.

I did make a note before, I say to the chairman. He is my chairman. I get along with him great. I have great admiration for him. I am glad Oklahoma does not have any car manufacturing plants right now. I can tell you that. But I did make a point that it takes 153 billion BTUs to make a Toyota Prius. You have to drive that car, on average, 2 years before you are ever at break-even.

So if you take a used car—and this program does not apply to used cars, right? It applies only to new cars. If you take a used car and compare it to a car of similar size, you are at least 2½ years before you ever get the first benefit, in terms of green, 2½ years.

So we may see a difference in those, but in terms of BTUs consumed, it is 2½ years before you see the first change in terms of carbon footprint under this program. Ultimately, I would admit to you there is a carbon benefit to it.

Mr. LEVIN. In response to the Senator, I think that same point is true with the purchase of any new car.

Mr. COBURN. Yes, it is true.

Mr. LEVIN. But the faster we get the more fuel-efficient cars, the better environmental impact we are going to have, even though there is that time period, obviously, when there is a carbon footprint that results from the production of the new car.

But you get to that 2½ years faster then if you buy that new car now than if you buy it a year from now or 2 years from now.

Mr. COBURN. Well, 2 years from now, it is going to have 4 or 5 miles better mileage.

Mr. LEVIN. It may. We do not know that.

Mr. COBURN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, 1 week after commencing the \$1 billion Cash for Clunkers Program, it is so popular that it has used up all its funds.

Could it be that through this program, which entices car buyers with up to \$4,500 to trade in their old cars, the government has finally devised a smart way to stimulate the economy?

In a word, no.

Instead, the Federal Government has sent another \$1 billion of taxpayer funds into the economic abyss with \$2 billion of taxpayers' funds to follow.

It has robbed Peter to pay Paul, to give a kickback to the automotive industry.

Advocates of the Cash for Clunkers Program state the additional \$2 billion in funding is necessary because the program is such a great success.

Of course it is. Who does not want free money?

The Cash for Clunkers Program is simply another bailout to prop up a struggling industry wrapped in the political guise of an environmentally friendly program.

While I agree that there are benefits to getting older, less fuel-efficient vehicles off the road, do not be fooled. That is not even what this program accomplishes.

Let me explain.

Under the Cash for Clunkers Program, it does not matter how big a difference in gas mileage there is between the car you are trading in and the car you are buying.

The trade-in must only meet the 18 miles per gallon requirement to be considered a clunker.

After that, environmental concerns end.

As a result, under the Cash for Clunkers Program, replacing an 18 miles per gallon vehicle with one that offers 22 miles per gallon gets a subsidy.

But you do not receive any Federal funds if you replace a 19 miles per gallon vehicle with one that gets 40 miles per gallon.

If improving gas mileage is the goal, then a sliding scale that adjusted the

subsidy with the difference in gas mileage between old and new cars would seem reasonable.

Or if reducing emissions from older cars is the objective, the subsidy could be larger for trading in older vehicles.

The Cash for Clunkers Program does not do either.

So, if there are no significant environmental benefits, then the goal must be to help stimulate the economy.

Yet the program has done little to actually stimulate the economy.

Many of the individuals taking advantage of the program's subsidies are not new car buyers spurred by this incentive package, but instead those who put their purchase on hold waiting for the program to launch.

Simply put, these buyers would have bought the car anyway.

Edmunds.com, a noted online site for car sales, stated this number could be over 100,000 car buyers.

Further, Edmunds also published an analysis showing that in any given month, 60,000 to 70,000 "clunker-like" deals happen with no government program in place.

Therefore, the 200,000 deals the government was originally prepared to fund through the Cash for Clunkers Program were likely the natural "clunker" trade-in rate.

This program squeezed months of normal activity into just a few days.

When the backlog is met, interest in the program will fade, and the façade of economic benefit will disappear.

The Cash for Clunkers Program is a shell game of transferring wealth from the pockets of one taxpayer to another.

We should call it what it really is, another billion dollar auto bailout.

This program is little more than a clunker itself.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2303

Mr. VITTER. I ask unanimous consent to call up Vitter amendment No. 2303 to the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2303.

Mr. VITTER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2303

(Purpose: To provide for a date certain for termination of the Troubled Asset Relief Program)

At the appropriate place, insert the following:

SEC. _____. TERMINATION OF TARP.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended—

(1) by striking subsection (b); and

(2) by striking "(a) TERMINATION.—".

Mr. VITTER. I urge bipartisan support of the Vitter amendment. It is very simple and straightforward but important. It ends the TARP bailout program on a date certain, the date certain originally set out, which is December 31 of this year.

Under the TARP bailout legislation, the program is supposed to end on that date. However, there was some fine print. The fine print said the Treasury Secretary unilaterally can say: No, we need to extend it. On his own, with no additional vote of Congress, he can extend it until October 3, 2010.

I think any such extension would be absolutely contrary to the best interests of the Nation, and I believe we should act and simply take that extension authority back and wind down the program and end the program, the bailout, in an orderly way on the original intended date of December 31 of this year.

I think we should do this for three clear reasons. First of all, the biggest reason is simply the TARP bailout program was rushed through Congress in what was described as an impending and indeed a cataclysmic crisis. We were told by several experts certainly, including the Treasury Secretary and the Chairman of the Federal Reserve, that the financial system was in imminent danger of collapsing. I am not exaggerating. I am simply repeating their statements from last fall.

So Congress, certainly over my objection, passed the TARP bailout program in that atmosphere of absolute crisis. Well, we may disagree about where we are getting toward recovery and what we see for the next year. But I think we can all agree that imminent collapse, if it was ever before us, is not before us now; that huge so-called cataclysmic crisis, if it was ever a threat, has passed. So the whole rationale for the extraordinary \$700 billion TARP bailout program, that crisis, has clearly passed.

Again, I am not saying we are out of this recession. I am not saying we are not in tough economic times. I am not saying we do not have a lot further to go in recovery. I am saying no one believes the world financial system is in imminent danger of collapse or will be, thankfully, anytime soon.

Clearly, the entire rationale for such an extraordinary and unprecedented use of government power and intervention and the use of \$700 billion of taxpayer funds, that rationale has passed.

Reason No. 2 is that the TARP bailout, in practice, has become nothing more than a political slush fund and has been used in many different ways, never as it was originally designed.

Of course, we all heard, when it was originally proposed, that it was a toxic asset purchase program; it would be used for one purpose and one purpose only—for the government to buy toxic

assets to get them off the balance sheets of troubled financial institutions. That was the sum and substance, 100 percent of the original design and rationale. As we all know, it never was used in that way. Literally within a few weeks of Congress passing the program last fall, it morphed completely. We weren't going to use it to buy toxic assets anymore. Then it morphed into an equity investment program for the largest banks that were deemed too big to fail. That, of course, has been carried out to the tune of not just \$700 billion but trillions of dollars, as this money is constantly reprocessed.

Next TARP was morphed again and used as a slush fund to bail out two auto companies. Specifically, the administration—at the time, the Bush administration—said: No, TARP is not about manufacturers, auto companies, at all. It is not about that. It is about financial institutions. Nevertheless, it was morphed again, used as a slush fund to bail out two auto companies. And there are many different, smaller programs which have been devised and funded out of the TARP bailout slush fund.

TARP has been consistently used by the government for whatever different purpose, whatever new bright idea the administration—first, the Bush administration and now the Obama administration—decides is a good thing to do. It has truly become a slush fund, open-ended, no limits, that the administration can use pretty much however it wants. There doesn't seem to be any real or meaningful limitation. So far the original \$700 billion program has grown to reach \$3 trillion. That is because some money is paid out. It is paid back in. It is reprocessed.

According to SIGTARP, the group that monitors this, the total financial exposure of TARP and TARP-related programs, when we look at all of the myriad activities, may reach \$3 trillion.

Third and finally, the third important reason we should establish this date certain to wind down the TARP bailout slush fund is that from the very beginning, TARP has not been transparent. It has been very opaque. It has been ripe for fraud. Unfortunately, there are numerous pieces of evidence and media accounts to bear this out. For instance, on July 21, Neil Barofsky, special inspector general for the TARP program, issued a quarterly report to Congress. In it, he said: As of June 30, there are 35 ongoing criminal and civil investigations about misuses of money; Federal felony charges against Gordon Grigg, FTC action against misleading use of MakingHomeAffordable.gov, and on and on.

In its quarterly report issued in July, SIGTARP said that the Treasury "has repeatedly failed to adopt recommendations that SIGTARP believes

are essential to providing basic transparency and fulfill Treasury's stated commitment to implement TARP 'with the highest degree of accountability and transparency possible.'

Specifically, SIGTARP had four key recommendations, and they have not been implemented in any meaningful way.

The Vitter amendment is very simple, very straightforward. Let's abide by the original end date for the TARP bailout fund—December 31 of this year. Let's take back the unilateral authority the Secretary of the Treasury now has to extend that to October 3 of 2010, for three simple reasons: No. 1, there is no impending crisis anymore; No. 2, TARP has been used as a slush fund for everything under the Sun except the original purpose of buying troubled assets; and No. 3, TARP has never been transparent, open, and aboveboard. It is rife with fraud and misuse, unfortunately, documented by criminal prosecutions, IG reports and the like.

I urge my colleagues, Democrats and Republicans, to support this reasonable amendment.

I retain the remainder of my time.

AMENDMENT NO. 2306

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I ask unanimous consent that the pending amendment be set aside and the clerk call up amendment 2306.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 2306.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide an income tax credit for certain home purchases, and to transfer to the Treasury unobligated funds made available by the American Recovery and Reinvestment Act in the amount of the reduction in revenue resulting from such credit)

On page 3, after line 11, insert the following:

Effective on the date of the enactment of this Act—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual who is a purchaser of a principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

"(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed \$15,000.

"(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

"(b) LIMITATIONS.—

"(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

"(A) after the date of the enactment of the Act entitled 'Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program', and

"(B) on or before the date that is 1 year after such date of enactment.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

"(3) ONE-TIME ONLY.—

"(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other principal residence by such individual or a spouse of such individual.

"(B) JOINT PURCHASE.—In the case of a purchase of a principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other principal residence.

"(c) PRINCIPAL RESIDENCE.—For purposes of this section, the term 'principal residence' has the same meaning as when used in section 121.

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

"(e) SPECIAL RULES.—

"(1) JOINT PURCHASE.—

"(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '\$7,500' for '\$15,000' in subsection (a)(1).

"(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed \$15,000.

"(2) PURCHASE.—In defining the purchase of a principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

"(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

"(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

"(1) IN GENERAL.—In the event that a taxpayer—

"(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

"(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such resi-

dence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

"(2) EXCEPTIONS.—

"(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

"(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

"(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

"(i) paragraph (1) shall not apply to such transfer, and

"(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

"(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

"(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

"(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

"(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2009, and on or before the date described in subsection (b)(1)(B), a taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section."

(2) CONFORMING AMENDMENTS.—

(A) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking "and 25B" and inserting ", 25B, and 25E".

(B) Section 25(e)(1)(C)(ii) of such Code is amended by inserting "25E," after "25D,".

(C) Section 25B(g)(2) of such Code is amended by striking "section 23" and inserting "sections 23 and 25E".

(D) Section 904(i) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(E) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 25E(g)."

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Credit for certain home purchases.”.

(4) SUNSET OF CURRENT FIRST-TIME HOME-BUYER CREDIT.—

(A) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking “before December 1, 2009” and inserting “on or before the date of the enactment of the Act entitled ‘Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.’”.

(B) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended by striking “before December 1, 2009” and inserting “on or before the date of the enactment of the Act entitled ‘Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.’”.

(5) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (4) shall apply to purchases after the date of the enactment of this Act.

(6) TRANSFERS TO THE GENERAL FUND.—From time to time, the Secretary of the Treasury shall transfer to the general fund of the Treasury an amount equal to the reduction in revenues to the Treasury resulting from the amendments made by paragraphs (1) through (4) of this subsection. Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), such amounts shall be transferred from the amounts appropriated or made available and remaining unobligated under such Act.

Mr. ISAKSON. Madam President, I want to address this amendment for a moment, and I want to set the stage for the amendment. This amendment was first offered by myself and others in January of 2008. It is an amendment that would provide a \$15,000 income tax credit to a family that purchases and occupies as their home any single-family dwelling in the United States, regardless of their age, their income, or their State. Six months later, in the middle of 2008, the Finance Committee did pass a \$7,500 tax credit which was an interest-free loan, trying to incentivize first-time home buyers to come to the market. But because it was a loan, it didn't do anything. So in December of last year, we changed it to an \$8,000 tax credit for only first-time home buyers with incomes less than \$75,000 for individuals and \$150,000 for couples.

It has worked. In fact, if we look at sales figures from January through July, we will find that entry-level housing, that housing under \$180 to \$200,000, has actually begun to recover. But if we examine the marketplace, we find terrible numbers, such as the following: 47 percent of all the homes in the United States of America are worth less than what is owed upon them. That is a tragedy. Worst of all, in the month of June, 57 percent of all sales in America were foreclosures or

short sales; 43 percent were arm's-length sales. The housing market continues to flounder. Values continue to decline, and equities continue to dissipate.

This amendment is added to the cash for clunkers bill for a very important reason. As Senators STABENOW and LEVIN will tell us, the up-to-\$4,500 incentive to buy a new, fuel-efficient car by trading in an old gas-guzzling car worked. It worked so well that in 1 week the money disappeared.

That demonstrates what I have known all my life. Positive incentives cause positive results. The problem is, though, it was not the automobile market that disappeared first in America. It was the collapse of housing in the last quarter of 2007, which accelerated in early 2008, which pulled away the equity, reduced the amount of credit folks had and caused car loans to go bad and people to not buy cars. The only way we will ever turn the U.S. economy around is to return the biggest engine of the U.S. economy and that is the construction industry and single-family construction and single-family homes.

Right now we are stagnant. The problem is not with first-time buyers. It is with move-up buyers. It is the fellow who has transferred from Atlanta, GA to Hartford, CT who can't sell the house in Atlanta because there is no buyer for it and can't buy a house in Connecticut because he doesn't have the equity out of Atlanta. This tax credit does not take other people's tax money and give it to you to buy a house. It gives you a credit against the taxes that you owe. Rather than buying a depreciable asset such as a car, you are buying an appreciable asset such as real estate. It has a multiplier effect.

When we offered this amendment last year, it was estimated by one economist that it would create 700,000 sales in one year and 685,000 jobs. If there is anything America needs, it is just that. So just as cash for clunkers has demonstrated that positive rewards can cause positive actions on behalf of the consumer, so too would the tax credit do the same.

By the way, the cost of this credit is estimated by CBO at \$34.2 billion. In January of 2008, they said that is too much money. Since then, we have spent \$85 billion on AIG, \$700 billion on TARP, \$787 billion on a stimulus, and we are still floundering; and \$34 billion sounds like a pretty cheap price to address what is the principle problem in the economy. This amendment says it is paid for. The Secretary of the Treasury is authorized to transfer from the stimulus money to the Internal Revenue Service the claims to cover the tax credits filed by homeowners when they pay their taxes for the houses they have purchased.

Finally and most importantly, there is a rude awakening coming in Amer-

ica, and it is coming on November 30, 2009. That is when the existing tax credit for first-time home buyers goes away. The last incentive for an arm's-length sale will have disappeared. If we think we have economic difficulties now, wait until that happens. But with this amendment, we take, from the date of its passage 1 year ahead, which would be sometime in August of next year, a \$15,000 nonmeans-tested credit to replace the \$8,000 means-tested credit.

If the economists are right—not me—it will do the one thing the U.S. economy desperately needs. It will generate a legitimate housing market. Values will stabilize. We will reflate in the value of homes. People will buy more cars because of that than they will because of cash for clunkers. So we want to take the evidence of the success of this program, take what we already know has worked in a means-tested manner in first-time home buyers, and apply it to every American, because every American is suffering in this economy. Every American deserves us to look for positive incentives to bring the economy back, restore their equity, improve their value, and return us to a vibrant economy. I hope the men and women of the Senate will adopt this amendment.

To those who are going to say, we can't do it because the House is gone, I ask this question: If we were talking about health care and one body had passed it, the House would be back here in a New York minute. They could come back in a hurry, and we know it.

Restoring our economy is important. Recovering the equity of our homes is important. Repaying the American people for the dissipation of our marketplace is important. The home buyers tax credit will do it. I urge my colleagues to vote yes on the Isakson amendment.

I reserve the remainder of my time.

AMENDMENT NO. 2303

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I rise to address the Vitter amendment. The Senator from Louisiana has offered an amendment that would end the so-called TARP program on December 31 of this year and remove the Secretary of the Treasury's discretion to extend the deadline until October of next year. I can understand why that might be a popular idea, but I think it is important to point out that we are far from being out of the woods in terms of the economic difficulties we face. Members don't need to hear that from me. We still have about 20,000 people a day losing their jobs. We have around 10,000 people a day getting foreclosure notices on their homes. We know there is still an emerging problem with commercial real estate that has yet to be addressed. It is looming out there and demanding some attention. The housing market is stagnant, even though

there have been Herculean efforts offered by our colleague from Georgia, who just spoke, for first-time home buyers on which I joined him to provide some incentives for people to move forward, including his most recent proposal. Losses on bank balance sheets are increasing still despite the fact that there are very positive signs.

I don't deny that, in fact, there seems to be an improvement, an ever so slight improvement in the right direction. But at this juncture, anyone who can say there is no longer any reason for us to take what funds remain within the TARP program, this is not adding to the funds. This is merely a question of whether the program ought to be terminated at the end of this year or extended for about 7 or 8 months into next year.

I urge my colleagues not to, at this juncture—without anyone being clairvoyant—anyone who sits here and tells you there is no longer any need for this, I do not think is listening very carefully or watching very carefully what is occurring in the economy.

So while we would all like the crisis to be behind us, and we would all like to stand here and say there is no longer going to be any need for any of these additional funds within the TARP program as they exist, I do not know of any one of us who could say with certainty what the future holds.

I believe it is very important we have this authority extended beyond the 31st of December into October of next year to give us the opportunity to respond, should we need to, with some additional support to various sectors of our economy that could help us avoid what we have avoided so far; and that is, a deepening and further economic crisis.

With that, when the vote occurs on the Vitter amendment, offered by our colleague from Louisiana, I would urge our colleagues to reject this amendment, not because we do not want to end the program—we do—not because we are in favor of more resources going to TARP. That would be a hard vote. This merely says: Does the program get to extend beyond the 31st of December of this year? There is no request here for additional funding—merely having the funds that exist and to extend it for another 8 or 10 months to give us the opportunity to respond, should the facts require it.

I do not think we want to look back, in January or February, and have to go back through reigniting or starting all over again another program, given the difficulties I think we would face trying to achieve that result. It is better to keep the program that has been in place and has been working and which has made a difference over these past many months than to abandon the program at this juncture when the program very well may be needed.

With those thoughts in mind, I would urge our colleagues at the appropriate time to reject this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I also rise in opposition to the Vitter amendment.

First of all, this amendment, as my distinguished colleague has indicated, would limit the government's options in dealing with the financial crisis by prohibiting and restricting the extension authority. It would take away a very important option at this time that we should be retaining and, frankly, send the wrong signals to the markets when our markets are so fragile.

At a time when we are beginning to see small signs of improvement, small signs—and we will not see real signs until people have jobs and are working again—but restricting the administration's ability to stabilize the financial markets is dangerous and it is counterproductive to our economic growth.

Unfortunately, this amendment would actually undercut one of the most effective programs to help the economy we have seen. We know, as we have said before, if there are any amendments that are adopted, then this effectively kills the CARS Program.

So for a multitude of reasons, I would urge a “no” vote on this particular amendment.

Mr. DODD. Madam President, will my colleague yield for a moment?

Ms. STABENOW. Madam President, I am happy to yield.

Mr. DODD. Madam President, I inquired—and I appreciate the Senator's comments—I inquired how much in resources are remaining in the TARP program. I suspect it is a question where my colleagues would like to know what remains or what has come back. As a result of a number of financial institutions having paid the money back, I am now told we have something around \$170 billion left in the TARP program or that is what remains of the \$700 billion. There is every anticipation there will be resources continuing to flow back in.

So I want to provide some assurance to our colleagues that I do not see any circumstance in which, at this juncture, there would be a request for additional TARP funds. I think that is probably on people's minds. So by extending the program into October of next year, it is very important my colleagues understand we are not asking for any additional funds. The funds that are in the program and that will come back could be used—hopefully will not need to be used—for any emergency that occurs after December 31. But there are adequate resources there that should make it unnecessary for this body to come back and to seek additional funds in the TARP program. I

think it is an important point to make for our colleagues.

Madam President, I thank my colleague for yielding.

Ms. STABENOW. Madam President, it was my great pleasure to yield and it is a very important point to raise and I appreciate the distinguished chairman of the Banking Committee for his comments, as he has led us on so many of these issues to bring us out of an incredibly difficult economic situation for the country.

AMENDMENT NO. 2306

Madam President, I also wish to speak, briefly, on the Isakson amendment, which I happen to support. At other times, in other places, I absolutely agree we need to continue to jump-start the housing market. I think we have seen that the \$8,000 first-time home buyer tax credit has been a positive. I support expanding that.

When we look at what families choose to purchase, what their biggest purchases are, for most families it is their home and it is their automobile. We have actually modeled the CARS Program after the same kind of argument that caused the Congress and the President to support the stimulus, the \$8,000 first-time home buyer tax credit. I think we ought to seriously look at ways to expand that, and I very much appreciate the leadership of the Senator from Georgia on this issue.

But the reality is, if we were to adopt this amendment to help those who are interested in buying a home, we would hurt people who need to buy an automobile and the stimulus that has worked so well, so quickly, in the CARS Program.

So I would ask for a “no” vote on this particular amendment simply because, at this point in time, we know what this is all about. Let's face it. We know what is happening here. Those who are opposed to the underlying bill, to the CARS Program, know if there are any amendments that are adopted, then the entire program will be ended. It will be done.

We are hearing from auto dealers all across the country, as well as consumers, as well as those who provide the materials for automobiles—we have heard from the steel industry, we have heard from the aluminum industry, we have heard from those who benefited from advertising, we have heard from all those in the long line of people who benefit from the auto industry and manufacturing in this country—that this has worked in stimulating the economy, getting people back into showrooms.

Even if people do not qualify for the program, they get back into the showroom, and they look around at these great automobiles. I should say, a lot of them are made in Michigan. We look for those. But the reality is, there are great automobiles that are out there now, and people are taking this time to

go in and to shop and buy automobiles, even if they are not part of the program.

So we are hearing from dealers all across the country talking about the success of this program. It is something for consumers, something people can see that is tangible. It is not just a debate about what might happen sometime in the future, but it is about right here, right now, how do we help consumers?

The added benefit, as we know, is that because we said you need to buy a more fuel-efficient vehicle, we are seeing, in fact, the fuel economy go up, savings go up. We are told right now the average vehicle that is being turned in gets a little bit above 15 miles per gallon; and people are buying vehicles that are getting a little under 25 miles per gallon. That is about \$1,000 back in somebody's pocket saved on gasoline. And, boy, wouldn't we all like to have \$1,000 back in our pockets right now as a result of a stimulus program that supports people's efforts to get into a more fuel-efficient vehicle? This has been a winner on every front.

We know, at this point in time—after the quick action in the House of Representatives last Friday when it became clear the initial funding was going to be running out—we have known since then, with the House gone, the opportunity to continue this program depends upon our willingness to step up and support the House bill without changes. We all know that.

I would challenge anyone offering an amendment, if their amendment is passed, does that mean we have their vote on the underlying bill? Because that would be a great concern of mine. At the moment, I think what we have are ideas that are good and ideas that are not that are being offered. But everybody knows, in the end, any amendment that is adopted, no matter how well intended—and I know there are well-intended efforts, good ideas, good ideas such as the Isakson amendment, which in another venue I have supported and will support—but right now, on this bill, if we make any changes, we are saying to every small business dealer, every dealer across the country: We don't care whether this has worked, we don't care whether this is effective, we don't want to support you, and we don't want to continue it. We are saying the same thing to consumers. We are saying the same thing to those who care desperately about the auto industry and manufacturing in this country.

So I am very hopeful we will reject all the amendments that are in front of us. On those I support, in terms of the substance, I look forward to working with colleagues in the future, to come back in other ways to put forward these ideas. There are certainly very good ideas that have been put forward, as well as ideas that I do not believe are positive.

But right now the only question in front of us is: Do you support the CARS Program? Do you support the small business dealers across this country? Do you believe this economic stimulus should be continued—an economic stimulus that has worked so well?

I have to say, in closing, I have said before, my father and my grandfather were auto dealers back in the days of Oldsmobile, which dates me. But I know what it was like growing up in a small town where this dealership was so important in terms of employment, in terms of supporting the community, and all that was going on. I know how hard they worked.

My first job was washing cars on the car lot. I understand all that goes into a family-owned business and how much our dealers care about their community, about their business, about their employees. This is about them. This is about supporting people who support their communities, who create jobs, who have had a very, very, very tough time in this economy.

Here we have the great opportunity to support something, not based on faith, not based on some intellectual argument but based on the fact it is working. So I would urge all my colleagues to vote no on the amendments and to join us in extending, as we go into the August recess, a very important and effective stimulus for the American economy.

Thank you very much, Madam President.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, how much time is left in opposition to the Isakson amendment?

The PRESIDING OFFICER. A full 15 minutes.

Mr. LEVIN. Madam President, I ask unanimous consent—I am not sure who controls the time in opposition—that I be allowed to use 3 minutes of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, the Isakson amendment is an example of an amendment which is not only well intended but an amendment that I happen to favor and have favored on a number of occasions on this floor.

One of the problems, though, is it is very clear we have a choice before us. We are either going to have an extension of the Cash for Clunkers Program, with passage of the House bill without any changes in it, or it is going to die. Passage of the Isakson amendment is

not only well intended, but as good an amendment as it is, it will defeat both. We cannot get the Isakson amendment passed into law by adopting it here. It would be added to a bill which is going to go nowhere except to a House which has been adjourned. And we cannot keep this Cash for Clunkers Program going unless we adopt the House bill today.

If we leave without adopting the House bill or amending the House bill, it is the end of the most successful program we have seen in the stimulus package. That is the choice. So adopting the Isakson amendment does not get us where Senator ISAKSON wants us to get, and it destroys the Cash for Clunkers Program extension.

It has been a highly successful program, probably the most successful of any of the stimulus packages, at least to date. We are put in a position—a number of us—of voting against these amendments, amendments, for instance, as well intended as is the Harkin amendment. Voting against an amendment such as that is difficult, we know that, but we did it a week ago. We had to do it when the highway trust fund came up. We had to vote against an amendment which most of us, I believe, favored, which would have produced money for our States, in order to have a bill passed without any amendment so that we could get it done because the House was about to adjourn. So we were put in that position. It is not unusual around here that we are put in this position. It is a fact of life around here. It is not hard to explain back home why we had to do this.

So if we favor the cash for clunkers extension, we have to vote against every amendment. There cannot be a change. There cannot be a period, a comma, a word, a paragraph changed in the House bill. If there is, it is the death knell for this very successful program.

So I hope we will vote against all amendments. Some of them are very difficult to vote against. Some of the amendments we may have voted for before, including the Isakson amendment. Some like the amendment of Senator HARKIN, which is such a well-intended amendment. It has other complications to it, by the way, which would require it being modified, I believe, if it were going to have the effect that is intended, which would require regulations to be adopted, and that would take so long in any event that holding up the cash for clunkers bill for that to happen would also be the death knell for this bill that is so valuable.

So I yield the floor.

Mrs. MURRAY. Madam President, I would just let all Senators know that we are working to probably move to the votes fairly shortly, as soon as we get a unanimous consent agreement. So at this time I would suggest the absence of a quorum.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold her request?

Mrs. MURRAY. I withhold.

Mr. GREGG. Madam President, I ask unanimous consent to include additional cosponsors to my amendment: Senator ALEXANDER, Senator CORKER, Senator CORNYN, and Senator ENZI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent that the vote sequence with respect to the pending amendments be the following, and commence once this agreement is entered, with no further debate except as specified below:

Harkin amendment No. 2300, Kyl amendment No. 2301, Gregg amendment No. 2302, Coburn amendment No. 2304, Vitter amendment No. 2303, and Isakson amendment No. 2306; that the previous order with respect to 2 minutes of debate, equally divided and controlled in the usual form, prior to each vote, and vote time limitation, after the first vote remaining in effect; further that upon disposition of the pending amendments, the bill, as amended, if amended, be read a third time, and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2300

Mrs. MURRAY. Madam President, I believe the pending amendment is the Harkin amendment, and he has 1 minute.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I have an amendment to my amendment that I send to the desk. I ask unanimous consent that I be allowed to make a modification to my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will object for reasons I have discussed with Senator HARKIN, any amendment to this bill will end the bill. It is a death knell for the bill. The modification also would have another delay even if it didn't kill the bill, even if it were passed and the House were able to adopt it. It requires regulations to be adopted which would take time. It would be a stopping and starting of the program. It would create a great deal of confusion.

This is an extremely well-intended amendment. I give Senator HARKIN a lot of credit for what he is aiming to do, but it cannot achieve its purpose the way it is drafted. The way it would be modified would take a significant period of time to be modified. It would result in a stop-and-start situation of the Cash for Clunkers Program. So, reluctantly, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator has 1 minute on his amendment.

Mr. HARKIN. Madam President, in good faith last year, I tried to get this in the bill and it didn't work. I tried it again with this amendment. I was informed there was a problem with it, which I recognized. I tried to again in good faith offer a modification to it. My friend from Michigan is right; it does require some determinations by the Secretary which probably would take some time. I am not certain that is all that much of a reason to not allow it.

I still believe there should be an income cap. But the way the amendment is now drafted, quite frankly, I couldn't even support it because it didn't do what I originally wanted to do. There was an error in drafting. I tried to amend it. I can't seem to get the job done because of the time constraint. There was an action on my amendment; therefore under the rules, I have to have consent to get it modified. I have heard an objection to that. Since I can't get—

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. HARKIN. Since I can't get it done, since I can't modify it, I move to table my own amendment.

The PRESIDING OFFICER. Time remains on the amendment, so the motion to table will have to wait until the time has expired.

Mr. HARKIN. Well, I will not have any time left.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. The Senator has a right to table his amendment. I would simply say that while he is correct that his amendment would be better if it were modified, and he would have had no objection on our side to that modification, it still makes an important point and I think it would have been supported by many people on our side of the aisle. I, frankly, would vote against the motion to table myself because I think it does make an important point, and I think we should be able to debate it and dispose of it.

The Senator has a right to table his amendment. I would urge those on our side to vote against the motion to table.

Have the yeas and nays been ordered? The PRESIDING OFFICER. The motion to table is in order now.

Mr. HARKIN. Madam President, I move to table my amendment.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—65

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Hutchison	Risch
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Brownback	Kerry	Shaheen
Burris	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Crapo	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wicker
Feingold	Murray	Wyden
Feinstein	Nelson (NE)	

NAYS—32

Alexander	DeMint	Lugar
Barrasso	Ensign	Martinez
Bennett	Enzi	McCain
Bond	Graham	McConnell
Bunning	Grassley	Murkowski
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2301, AS MODIFIED

Mrs. MURRAY. Madam President, I believe the Kyl amendment is in order.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Who yields time?

Mr. KYL. Madam President, automobile dealers view this program a little like "A Tale of Two Cities"—the best of times and the worst of times. They are selling more cars, but they don't know if they are going to get paid from the Cash for Clunkers Program because there has been no ability to track the sales. As a result, we don't know whether we spent \$1 billion, less than \$1 billion, or more than \$1 billion.

My amendment simply calls a timeout. It says if the amount of money exceeds \$1 billion, then appropriate the amount of money that is needed to pay the obligations on the deals that have already been made and qualified. Then set up a process to track the money in such a way that we can tell whether we have exceeded the next appropriated amount.

That is the essence of the amendment. It asks for a study to determine whether there should be one other change; namely, a change to the particular fuel standard we are applying to the cars. Some believe it should be a slightly higher fuel standard.

I hope my amendment will be adopted to call a timeout, pay the obligations we have already made, and determine a method to track the money in the future so that if we do this again, we know exactly how much we have spent, the dealers can get paid, and the customers have the assurance that their deal can go through.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Michigan.

Ms. STABENOW. Madam President, I urge a "no" vote on this amendment. This will stop this incredibly successful stimulus on Saturday. It will say to the 160,000 dealers all across this country that we are not willing to support something that has brought people into their showrooms. Whether qualifying for the CARS Program or not, people are coming in and buying automobiles. We are talking about a stimulus. We are talking about jobs. We are talking about moving the economy forward.

We all know if this amendment is adopted, or if any amendment is adopted the CARS Program will be ended. For those of us who believe it makes sense for consumers, for business, for the economy, I ask for a "no" vote.

Mrs. MURRAY. Madam President, have the yeas and nays been ordered on this amendment?

The ACTING PRESIDENT pro tempore. They have.

The Senator from Michigan.

Mr. LEVIN. Is there any time remaining in opposition?

The ACTING PRESIDENT pro tempore. All time has expired.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—40

Alexander	Enzi	McConnell
Barrasso	Graham	Murkowski
Bayh	Grassley	Nelson (NE)
Bennett	Gregg	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Warner
Crapo	Martinez	Wicker
DeMint	McCain	
Ensign	McCaskill	

NAYS—57

Akaka	Feingold	Merkley
Baucus	Feinstein	Murray
Begich	Franken	Nelson (FL)
Bennet	Gillibrand	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Inouye	Rockefeller
Brown	Johnson	Sanders
Brownback	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Dodd	Lieberman	Webb
Dorgan	Lincoln	Whitehouse
Durbin	Menendez	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 2301), as modified, was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2302

Mrs. MURRAY. Madam President I believe that the Gregg amendment is in order.

The ACTING PRESIDENT pro tempore. The Gregg amendment is the pending question.

The Senator from New Hampshire.

Mr. GREGG. Madam President, I don't happen to agree with this proposal, but what I certainly don't agree with—and I assume most of my colleagues don't agree with—is that we should be paying for this by putting the debt on our children's backs. Yet that is exactly what is going to happen.

The chairman of the Appropriations Committee in the House has been very forthright. He said he spoke to the White House, he spoke to the Speaker, and he said the funds with which this program is being funded were taken out of the stimulus, and what he is going to do is replenish the stimulus. So we are essentially going to borrow twice to do this program, and both times we are borrowing from our kids.

My amendment simply enforces our ability to actually pay for this program, which is what we should do—No fig leaves, just a real exercise in actually paying for a program, rather than passing the bill on to our kids, as we seem to do around here so regularly. I

hope people would vote for this amendment.

Mr. LEVIN. Madam President, this amendment would have an across-the-board cut to the appropriations bill of \$2 billion, including appropriations bills that have already passed. It is a recipe for chaos in the appropriations process. The pay-for is in the bill for this \$2 billion package.

In addition to all of that, any amendment to this bill will kill the program. So if you want to kill the program as well as create havoc in the appropriations process, then you will vote for the Gregg amendment; otherwise, you will vote no.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, pursuant to Section 904(c), I move to waive the 306 point of order, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 51, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—46

Alexander	Crapo	McCain
Barrasso	DeMint	McCaskill
Bayh	Ensign	McConnell
Bennet	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Warner
Conrad	Lincoln	Wicker
Corker	Lugar	
Cornyn	Martinez	

NAYS—51

Akaka	Dodd	Kaufman
Baucus	Dorgan	Kerry
Begich	Durbin	Klobuchar
Bingaman	Feingold	Kohl
Boxer	Feinstein	Landrieu
Brown	Franken	Lautenberg
Burris	Gillibrand	Leahy
Cantwell	Hagan	Levin
Cardin	Harkin	Lieberman
Carper	Inouye	Menendez
Casey	Johnson	Merkley

Murray	Sanders	Udall (CO)
Nelson (FL)	Schumer	Udall (NM)
Pryor	Shaheen	Voinovich
Reed	Specter	Webb
Reid	Stabenow	Whitehouse
Rockefeller	Tester	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The ACTING PRESIDENT pro tempore. On this vote, the yeas are 46, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2304

Mrs. MURRAY. Madam President, I believe the Coburn amendment is the next in order.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. COBURN. Madam President, this is a simple amendment. Rather than throw great cars away, give them to poor people. One of the biggest problems we have with rural health care and health care associated with our citizens of color in this country is the fact that they do not have transportation to get their health care.

Under this bill, already we will destroy \$500 million worth of good automobiles. As we pass this bill we are going to destroy another \$1 billion worth of automobiles.

It would seem to me, since the charitable organizations are so good at utilizing these cars and we have such a need, especially with the economic downturn we have, that we ought not be throwing them away and ruining them. What we ought to be doing is giving them to those who have greater need than those who are turning them back.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I again ask for a "no" vote. This will kill the program. I think it is important to know, we have worked closely with charities on this particular bill. We had some very interesting comments come back. We have been told that some of the charities are actually seeing increases in their own donations due to the heightened awareness of car recycling.

To quote Pat Jessup, president of Cars 4 Causes, she has said, "oddly enough," car donations are up this month. "In fact," she adds, "because of the increase in donations, Cars 4 Causes has staffed up to handle the incoming calls."

They indicated when people look, if they do not qualify for the Cash for

Clunkers Program, they are going on to discover the tax advantages of donating a vehicle. Then they are calling them.

This is a short-term stimulus. It is not affecting very important charities. I urge a "no" vote.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. COBURN. Madam President, I move to waive the applicable section of the Budget Act with respect to my amendment.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—41

Alexander	DeMint	Martinez
Barrasso	Dorgan	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Carper	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Webb
Cornyn	Kyl	Wicker
Crapo	Lugar	

NAYS—56

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2303

The PRESIDING OFFICER. There will now be 2 minutes equally divided prior to a vote on the Vitter amendment No. 2303.

The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is very simple. It simply says the TARP bailout fund will end when we originally said it would end: December 31 of this year. Under the original TARP bill, the Treasury Secretary has the authority to extend it another almost full year, until October of 2010. We would take that authority away. We would retain that responsibility and say we will wind down the TARP bailout fund at the end of this year.

Clearly, the crisis, the imminent collapse of the financial system, has passed and is not before us. If we are serious about the bailout being temporary, being necessary because of truly unusual circumstances, if we are serious about that, we will vote yes on this amendment and end TARP at the end of this year in an orderly way.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, this amendment would terminate the program at the end of this year. While there are certainly very positive signs that the economy is improving, all of us are painfully aware of how much further we have to travel before the economy is truly back on its feet. The foreclosure rate and the unemployment rate are still troubling.

This is not a request for additional money. There is about \$170 billion left in the TARP program. It would be premature and unwise for us to terminate a program without knowing yet that we have actually come out of difficult times. I urge colleagues to reject this amendment. What this does is sustain the program beyond December 31 of this year into October of next year. Then, hopefully, we won't need these resources. Hopefully, we won't have to use another nickel of this money. But I don't think we want to come back in February and March and all of a sudden have to restart a program such as this because we haven't achieved all the success we would like in getting our economy back on its feet.

I say respectfully to my friend from Louisiana, I urge colleagues to reject the Vitter amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—41

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Bayh	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	Lincoln	Wicker
Cornyn	Lugar	

NAYS—56

Akaka	Gillibrand	Nelson (FL)
Baucus	Gregg	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Landrieu	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 2303) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2306

Mrs. MURRAY. Mr. President, I believe the final amendment is now in order, the Isakson amendment.

The PRESIDING OFFICER. The Senator is correct. There is 2 minutes of debate divided equally on the amendment.

Who yields time?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, very simply, this is the amendment to help our economy recover. The Senator from Washington, the Senator from Connecticut, the chairman of the

Banking Committee, are cosponsors of the main bill. It provides a \$15,000 tax credit for the purchase of any home in America during the next 12 months. It will make the difference. It does not do anything to the base bill.

For those who would say we cannot do it because the House is gone, we can do anything if we want to. It is time we address the central core issue to our economy: the housing market.

I urge all my friends to support the Isakson amendment to provide the \$15,000 tax credit.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this is another well-intended amendment. It is an amendment, indeed, that many of us have voted for in a slightly different form in a different place. However, it would represent the death knell for this program. So if you believe the Cash for Clunkers Program is a successful program and should be extended, this amendment needs to be defeated and raised at a different point.

We will not get the Isakson amendment into law by adopting it. All we will do is stop the Cash for Clunkers Program from continuing. That seems to me to be the choice, which is a fundamental one. I hope we defeat the Isakson amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 50, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—47

Alexander	Brownback	Cochran
Barrasso	Bunning	Collins
Bayh	Burr	Conrad
Bennett	Chambliss	Corker
Bond	Coburn	Cornyn

Crapo	Klobuchar	Risch
Ensign	Kyl	Roberts
Enzi	Leahy	Sessions
Graham	Lincoln	Shelby
Grassley	Lugar	Snowe
Gregg	Martinez	Specter
Hatch	McCain	Thune
Hutchison	McConnell	Vitter
Inhofe	Menendez	Voinovich
Isakson	Murkowski	Wicker
Johanns	Nelson (NE)	

NAYS—50

Akaka	Feinstein	Nelson (FL)
Baucus	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Boxer	Inouye	Sanders
Brown	Johnson	Schumer
Burris	Kaufman	Shaheen
Cantwell	Kerry	Stabenow
Cardin	Kohl	Tester
Carper	Landrieu	Udall (CO)
Casey	Lautenberg	Udall (NM)
DeMint	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Merkley	Wyden
Feingold	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, pursuant to section 403(E)1 of the fiscal year 2010 budget resolution, S. Con Res. 13, I raise a point of order against the emergency designation provision contained in the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, for the sake of all of my colleagues, this would kill the CARS program for 160,000 dealers and consumers across the country.

The PRESIDING OFFICER. The point of order is not debatable.

Mrs. MURRAY. Mr. President, I move to waive the applicable section of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The yeas and nays resulted—yeas 60, nays 37, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—60

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Bond	Inouye	Sanders
Boxer	Johnson	Schumer
Brown	Kaufman	Shaheen
Brownback	Kerry	Snowe
Burr	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—37

Alexander	Enzi	McCaskill
Barrasso	Graham	McConnell
Bennett	Grassley	Murkowski
Bunning	Gregg	Nelson (NE)
Burr	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Kyl	Vitter
Crapo	Lugar	Wicker
DeMint	Martinez	
Ensign	McCain	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. VOINOVICH. Mr. President, I rise in support of the passage of the Car, Allowance Rebate System, CARS, commonly referred to as Cash for Clunkers. CARS provides both a direct and indirect economic benefit to the State of Ohio by supporting the manufacturing of automobiles, automotive parts suppliers, and auto dealers, as well as the many businesses that support these companies. This program is providing valuable jobs and much needed revenue—a direct stimulus—to the State. Furthermore, Ohio car buyers responded positively and Ohio has been one of the top recipients under the CARS program. That is why I am asking my colleagues to reject amendments that would prevent the program from operating until September when the House of Representatives is scheduled to reconvene. If the Senate adopts even one amendment, the bill will be on hold until the mid-September. In some instances, if these same amendments were considered as stand-alone legislation or as amendments to other legislation, I may have supported them, but because these amendments

hold hostage the continuation of the CARS I will oppose anything that would keep the Senate from transferring these funds.

The Senate's decision to continue funding the cash for clunkers program will allow consumers to purchase new cars, delivering a real economic stimulus to our States. As evidenced by the extraordinary response to the program thus far, this is a win-win. It provides much needed jobs and resources to our states and promotes fuel efficient cars to benefit our environment, reducing our dependence on foreign oil. I am thankful the additional \$2 billion for this program is being taken from the already-enacted stimulus bill, which I voted against earlier this year. Unfortunately, programs that would provide real stimulus like cash for clunkers and robust highway and infrastructure investments were not part of the original stimulus package. These types of direct tangible investments provide not only jobs through dealers, manufacturers, and auto suppliers, but usable assets for taxpayers. I am hopeful that this program will continue to provide much-needed relief to the Ohio's automotive manufacturers.

Mr. BOND. Mr. President, auto jobs form the backbone of American manufacturing, especially in the Midwest. Millions of Americans, and in my home—state of Missouri more than 200,000 workers, depend on the auto industry for their livelihoods.

Unfortunately all of those jobs were at risk when the big three domestic auto companies almost went completely under.

Recognizing the importance of this industry to our economy and millions of workers, the government acted to protect these auto jobs.

One of those actions was to pass the Cash for Clunkers Program. I supported this program because I thought it would help save thousands of jobs at auto dealers, parts plant, and assembly plants.

Also, this program was designed to help consumers with the cost of more fuel-efficient cars and, ultimately, in the long-term benefit the environment with reduced exhaust emissions.

This is one government program that has actually exceeded everyone's expectation.

Folks in Missouri and across the Nation have been flocking to once rather empty car lots.

In fact, there were tens of thousands of new car purchases made through the program after only a week.

Cash for Clunkers has given a much needed jump-start to dealers and the auto industry that have been suffering with the worst car sales in recent history.

This program has benefited consumers who would otherwise not be able to afford a new vehicle and has boosted small business dealers in rural

and small communities across Missouri and the country.

It is not to say that the program, like most government-run programs, has had an entirely smooth ride. I have heard from Missouri auto dealers who have been frustrated by government red tape, which has stalled some sales and created confusion among dealers and car buyers.

This uncertainty has rightfully caused some heartburn for dealers who are required under the program to provide funding up front for the consumers and then must receive approval from the government before they receive reimbursement. Redtape and delays due to inadequate government resources to administer the program have left many dealers wondering if they will be left holding the bag.

I have been disappointed and dismayed to learn that the Department of Transportation does not know how many commitments have been made and paid for by dealers. Thus, we cannot even be sure that the existing program will have enough money to meet the commitments.

Under the legislation passed by the House, cash for clunkers would be extended and provided an additional \$2 billion by using unspent funds from the so-called stimulus bill.

I say so-called because so far it has only stimulated the growth of the deficit and the growth of government employment. Taking \$2 billion from that program is the best way to see we get a boost to the economy, now, when we need it.

Fully offsetting additional funding to extend the program is a critical requirement to ensure that we are not adding to the growing Federal deficit.

I am very concerned about potential shell-games being reported in the media about Democratic leadership plans to backfill the stimulus bill in future appropriations.

To be clear, my support for extending cash for clunkers is contingent upon the program not adding to our deficit and that it be temporary, not a bottomless pit for taxpayers.

The purpose of cash for clunkers was to jump-start the auto industry and provide immediate and temporary help to get consumers back on car lots, not to provide a long-term subsidy to the industry and, thus I will not be supporting continued cash for clunkers.

While cash for clunkers has provided a stimulative jolt to get people onto car lots again, we cannot hang our hats on this program and expect to have a lasting recovery. I remain concerned about the credit markets, continuing job losses, and the rising likelihood of higher taxes and larger deficits under the spending plans proposed by the administration.

Nevertheless, as a supporter of the initial \$1 billion provided to cash for clunkers to jump-start the struggling

auto industry, I believe that the program should be extended one last time as long as it is funded with unspent stimulus funds to ensure dealers are not on the hook for the cost of the rebates due to the government's management failures.

This program was meant to jumpstart, not subsidize, auto sales, so I support a one-time extension.

Also, it is critical that the Obama administration make sure that bureaucratic hiccups don't turn this program into a nightmare for our dealers and consumers.

The bottom line is that an extension paid for with unused stimulus dollars makes sense this one time since this program seems to have worked better than the misnamed Recovery Act.

Mr. FEINGOLD. Mr. President, I am pleased to support this bill, which will provide additional funding to the popular Consumer Assistance to Recycle and Save or CARS program. While not perfect, CARS has encouraged Americans to trade in their older and less fuel-efficient vehicles while boosting new car sales and helping to revive local economies in Wisconsin and around the country, something that is sorely needed in these difficult economic times.

CARS began almost 2 weeks ago and in that time, interest in CARS has far exceeded most initial expectations for the program. Despite some problems with implementation of the program, it should be temporarily extended to help ensure that Americans who still want to participate in the program can do so, and that deals which have already been made in reliance on the program can go through. At the same time, I hope the Department of Transportation will listen to the concerns from car dealers and consumers and make improvements to help ensure CARS operates more smoothly in the coming weeks.

I am pleased that the Department of Transportation has fixed one problem it created in implementing CARS. When Congress created the CARS program earlier this year, it fully intended to ensure that consumers across the country who are in compliance with the statute's requirements, including provisions related to car insurance, be allowed to participate in the CARS program. The Transportation Department issued a final rule almost 2 weeks ago that set the guidelines for the CARS program. This rule included a requirement that individuals who wanted to trade in their vehicles had to demonstrate proof of car insurance for at least one year prior to the trade-in, a provision that conflicted with statutory language stating that a trade-in vehicle be "continuously insured consistent with the applicable State law." Currently, Wisconsin and New Hampshire do not require individuals to purchase car insurance and it was esti-

mated that Transportation's rule would have affected up to 15 percent of Wisconsin drivers who legally did not have car insurance, but were in full compliance with Wisconsin State laws.

I wrote to the Department of Transportation and spoke with Secretary LaHood to urge the Department to correct its misinterpretation of the CARS statutory language. I am pleased to have been joined in the effort by members of the Wisconsin and New Hampshire delegations as well as some of the lead authors of the Cash for Clunkers program including Senator STABENOW and Representative DINGELL. The Department listened to our concerns and, last week, it announced that it had re-examined the statutory language of CARS and concluded that the initial rule it had issued unfairly penalized Wisconsin drivers who were in compliance with Wisconsin law. The Transportation Department further announced that trade-in vehicles in Wisconsin would be exempt from the 1-year insurance requirement thereby ensuring that Wisconsinites who meet the law's other eligibility requirements can participate in the CARS program. While all Wisconsin drivers will be required to have car insurance beginning in June 2010, this action by the Transportation Department is a sensible fix for Wisconsinites who are in compliance with state law and who seek to participate in this temporary program.

Even with a number of Wisconsinites erroneously excluded from the program initially and some technical difficulties, as of August 5, several thousand Wisconsinites had participated in the program and dealers are expected to receive reimbursements for over \$24 million that they have credited to Wisconsinites buying new cars under this program. On a per capita basis, this level of requested vouchers places Wisconsin fifth amongst all the States. Demand for the program remains strong in Wisconsin and across the country and will soon completely outstrip the supply of vouchers currently available, which is why we need to act to provide additional funding.

Mr. INOUE. Mr. President, I wish today to support providing an additional \$2 billion to allow for the extension of the car allowance rebate system, CARS, otherwise known as cash for clunkers.

During the original debate on the cash for clunkers concept in the Appropriations Committee, proponents of the program promised that it would have two major benefits. The first was that it would replace older, less fuel-efficient cars with new models that are more fuel-efficient, thus helping the environment and decreasing our dependence on imported oil. The second was that it would provide a much needed boost to plummeting auto sales in the United States.

The good news is that we now have hard data we can use to evaluate

whether the program has lived up to its proponent's promises. And the very good news is that clearly, it has. In fact, the program has exceeded expectations.

Based on approximately 184,000 dealer transactions that have so far been recorded by the National Highway Traffic Safety Administration, NHTSA, we know the following:

CARS transactions are generating a 60-percent increase in vehicle fuel economy. The average of the vehicles being turned in have a fuel economy rating of 15.8 miles per gallon, while the average of the vehicles being sold have a fuel economy rating of 25.3 miles per gallon. This means the average CARS transaction is leading to an increase in fuel efficiency of 9.5 miles per gallon. I think we can all agree that is a very significant improvement. How significant? The savings in gas purchases alone are estimated to be \$700 a year for the typical consumer. Clearly, the CARS program has lived up to its promise to put more fuel-efficient cars on the road.

As for the second promise—that this program would provide a much needed boost to automobile sales in the U.S.—the Washington Post reported the following on August 4: "U.S. auto sales rose to their highest levels of the year in July as consumers rushed to trade in older vehicles under a government incentive program that has become so popular it is in danger of running out of money. Automakers issued their sales reports Monday, raising hope that the sagging auto industry is headed for a recovery, although some analysts cautioned that a turnaround would still be slow. Ford said its sales were up 2.4 percent over the same period a year ago, its first monthly increase in two years. The automaker attributed much of the gain to the Cash for Clunkers program, which allows consumers to receive rebates for turning in older cars for more fuel-efficient models."

There can be no doubt that the CARS program is succeeding beyond expectations. In fact, the program has been such a hit with the American people that it has run out of funding much sooner than anticipated. The President has proposed, the House has passed, and I fully support, the reprogramming of \$2 billion in Recovery Act funding to enable the extension of the CARS program.

With this extension, we can continue to put more fuel-efficient automobiles on the road, which reduces pollution and our reliance on imported oil, and we can continue to provide a much needed boost to the auto industry, which helps the broader economy and saves jobs. At a time when our economy is in need of a jump-start, cash for clunkers is an undeniable success. I urge my colleagues to join me in providing the additional funding needed to continue this worthy program.

Mr. LEAHY. Mr. President, I would like to make some observations about the Consumer Assistance to Recycle and Save Program, more commonly known as cash for clunkers.

When Congress first passed this program in June, I evaluated the merits and the arguments and chose to support it, because I believed it would provide a prompt shot in the arm to our ailing economy. I continue to believe that the program's goals of reducing the environmental impact of automobiles on the road and producing economic stimulus are good ones.

However as we debate whether to infuse this program with another \$2 billion I would urge that we be patient and wait until all the facts are in, before rushing forward with a tripling of the program's overall cost. Significant claims have been made about the average increased fuel economy and resulting financial savings that will result from car purchases made through the program. The administration has used these claims to push for the program's expansion, yet Federal agencies have not yet made available—to the American people and to the Congress—the appropriate data to support these claims.

If you have picked up a newspaper in the past few weeks, the sudden popularity of the program is clear. Newspaper headlines have consistently noted the program is rapidly running out of money and that car purchases are well above where they were at this time last year. In my own State of Vermont, car dealers have reported having difficulty keeping up with demand for new cars that meet the program's requirements. But while we know that cars are moving off sales lots and onto the road, we have yet to receive enough details about the current sales data to know the true story of whether this program is working as intended.

Recent reports on the program have indicated that funding was about to run out, yet the number of actual car sales through the program was far lower than the program allowed for. Further, many dealers have noted that hundreds of thousands of dollars in program vouchers from the government have yet to be paid. If this is in fact the case, we should demand that the management of this program be ironed out before pumping billions more into it. Are we sure that this is the best way to spend \$2 billion right now, if it is to be spent? There are many worthy and pressing purposes to which such significant sums could be allocated.

Positive indications about the direction of the economy are emerging. Today we learned that the number of Americans filing for unemployment dropped to its lowest level since January. The Cash for Clunkers Program may prove to be a factor in helping our country emerge from this recession, and I certainly hope that is the case.

But the public release of information about this car rebate program is necessary to ensure that both the Congress and the American people can make well-informed judgments about the merits of continuing this program in these economically challenging times. If the administration is unwilling or unable to provide this information before the Senate votes on additional funding, I will be unable to support the program's expansion.

The PRESIDING OFFICER. The question is on passage of H.R. 3435.

The majority leader is recognized.

Mr. REID. Mr. President, we have one more vote. I appreciate everyone's cooperation. We have accomplished a great deal this whole work period. This week has really been a productive one. I appreciate everyone's help. The Republican leader and I have worked hard to get it to this point on Thursday night at 8 o'clock. That is hard to comprehend.

We will come back after the break and have a vote Tuesday evening. We will keep people posted as to what is going to happen. We are going to move to appropriations bills as quickly as we can, and we have other things to do throughout the work period. I hope everybody has a great work period at home.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish everybody well during August while visiting your constituents, and I look forward to being back here after Labor Day.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank all of my colleagues for their support. I also thank Senator REID for his amazing leadership and hard work. We wish everyone a wonderful and safe August. Thank you so much for allowing an important stimulus to continue throughout the month of August. We appreciate it.

The PRESIDING OFFICER. The senior Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank everyone for keeping this successful program going. Have a great August.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 3435) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr.

BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—60

Akaka	Dorgan	Merkley
Alexander	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Pryor
Begich	Franken	Reed
Bennet	Gillibrand	Reid
Bingaman	Hagan	Rockefeller
Bond	Harkin	Sanders
Boxer	Inouye	Schumer
Brown	Johnson	Shaheen
Brownback	Kaufman	Snowe
Burris	Kerry	Specter
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Tester
Carper	Landrieu	Udall (CO)
Casey	Lautenberg	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Webb
Corker	Lincoln	Whitehouse
Dodd	Menendez	Wyden

NAYS—37

Barrasso	Grassley	McConnell
Bennett	Gregg	Murkowski
Bunning	Hatch	Nelson (NE)
Burr	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Cornyn	Kyl	Thune
Crapo	Leahy	Vitter
DeMint	Lugar	Warner
Ensign	Martinez	Wicker
Enzi	McCain	
Graham	McCaskill	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The bill (H.R. 3435) was passed.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. What is the status, Mr. President?

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

TRIBUTE TO FRANK NORTON

Mr. CHAMBLISS. Mr. President, I rise, along with my colleague from Georgia, to commemorate the life of a good man and a great American, Frank Norton.

Frank's years of service to this country ended recently with his untimely

death. But it is fitting we remember Frank on the Senate floor, a place where he served this body, as well as service to our country in years prior to that.

Frank died a resident of St. Simons Island, GA, a place he called home, even though he was a native of nearby Waycross, GA.

Frank graduated from Emory University in 1966, and it was his intention to go to law school. Unfortunately, the Army intervened. He was drafted, wound up going to Officer Candidate School, and not long after that became an Army Ranger instructor. He then headed to Vietnam. While he was in Vietnam, he served in one of the most dangerous jobs in the Army, which was a Ranger reconnaissance platoon leader. For his service and bravery, Frank earned some nine medals, including the Purple Heart and three Bronze Stars for Valor in combat.

Frank went on to serve in assignments at Fort Benning and Fort Stewart, GA, as well as in Korea and Germany. But it is his congressional assignments that some of my colleagues will remember him for. He came to head the Army liaison office in both the House and the Senate.

At the time of his retirement in 1993 as a colonel, Frank was the principal Deputy to the Secretary of the Army for U.S. Senate Liaison. He was the only Army officer to serve in that position in both the House and the Senate.

But Frank's service to country did not end there. In 1993, my predecessor, Senator Sam Nunn, appointed Frank to serve as a staffer on the Senate Armed Services Committee. This was a point in time when this Nation had to go through its first major base closure and realignment process. Frank headed up that process from an Armed Services Committee standpoint and did an outstanding job.

After a later career in government relations, Frank devoted his time to his family farm, to charities, and to community service in Waycross, Brunswick, and St. Simons. Frank loved art, the symphony, and classical music, which is hard to believe for a guy who was as robust and personal and such a great retired Army colonel as Frank was.

His lovely wife Carol and his young son Lee are going to miss him. Certainly, I am going to miss him. We honor him tonight.

I yield for my colleague from Georgia, Senator ISAKSON.

Mr. ISAKSON. Mr. President, I am honored to rise with Senator CHAMBLISS to pay tribute to a great Georgian and a great friend to the United States of America and a great veteran of the U.S. Army.

COL Frank Norton was quite an extraordinary man. As Senator CHAMBLISS mentioned, upon graduation he went to Vietnam, and in Vietnam he

took one of the most dangerous missions of all and did it superbly. He was decorated nine times. He returned here and throughout his career served in the Congress, the Senate, and served the people of the United States in many ways.

Frank Norton is a very unique individual. When he left military service and left service to the House and Senate liaison committees, he formed a partnership with his old friend Bob Hurt from Georgia. They formed a firm called Hurt and Norton, and they were quite a team; always jovial, always hard working, always on target, always delivering for their clients, and their clients were always the State of Georgia.

Our biggest economic asset in Georgia is our port of Savannah, and they represented the port. Our coastline is one of the most valuable areas of Georgia, and they represented our coastline. And most importantly of all, in the critical days of Fort Stewart, they represented Fort Stewart and the Hinesville community to see to it that the needs of our soldiers were met and the needs of the city of Hinesville, which hosted the soldiers, were met as well.

Frank died on the tennis court with his young son Lee. Tonight I send my regrets to his wife Carol, to Lee, and to all his family. But I also send my praise, my praise for a great Georgian, a great American, who sacrificed in so many ways for this country. May he now rest in peace looking down on all of us from heaven.

I yield back my time.

The PRESIDING OFFICER. The Senator from Delaware.

SIGNING AUTHORITY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions through Friday, August 7, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF PEARLIE S. REED

Mr. KAUFMAN. Mr. President, I rise once again to speak about one of our great Federal employees. Whenever I enter this Chamber, I cannot help but admire the inspirational works of art that adorn it. Above the main entrances rest marble reliefs depicting the three virtues of Courage, Wisdom, and Patriotism.

Our Federal employees embody all three of these qualities, though my focus today will be on patriotism. The marble relief representing patriotism, which sits atop the lintel of the door to my right, shows a man setting aside his plow to take up the sword. This image recalls the parallel stories of Lucius Cincinnatus and George Wash-

ington, two farmer citizens who set aside their daily work in order to defend the people's liberty.

In the history of democracy, the sword and plow have come to symbolize this dichotomy. Traditionally, the sword features most prominently as the metaphor for patriotism. However, I would argue that the plow is just as much a symbol of patriotism as the sword. The plow represents a citizen's daily contribution to society over the course of many years. The highlight of the Cincinnatus story, from which our revolutionary forebears drew inspiration, is that he returned without fanfare to his plow when the war was finished.

The great statesman Adlai Stevenson once said:

Patriotism is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime.

I think it is fitting to speak about patriotism as symbolized by a plow, because the Federal employee I wish to recognize this week has worked in the Department of Agriculture for over 35 years. Pearlle Reed was raised on a farm in the rural town of Heth, AR, where he was the ninth of eighteen children. He worked hard to attend the State University of Pine Bluff, which was especially challenging for an African-American man in the South during the struggles of the Civil Rights movement.

Nonetheless, Pearlle received his degree, and he joined the USDA in 1968 as a student intern for the Soil Conservation Service. In the years that followed, Pearlle rose steadily in the Soil Conservation Service from an entry-level soil conservator to district conservationist, to deputy state conservationist, and he was eventually appointed as the state conservationist for Maryland in 1985. He served in that position for 4 years, after which he became the state conservationist for California.

As his career advanced, Pearlle also received a master's degree in public administration from American University. The Soil and Conservation Service was eventually transformed into the Natural Resources Conservation Service or NRCS. From 1994 to 1998, Pearlle served as associate chief, and his last year on the job also served as Acting Assistant Secretary of Agriculture for Administration.

In 1998, Pearlle was promoted to chief of the NRCS, and he held the position until 2002 when he was named Regional Conservationist for the Western United States. In that role, Pearlle was in charge of all natural resource conservation efforts by the Federal Government in 10 States and the Pacific Basin area.

Pearlle has said that one of his proudest moments in his career came when he was asked to lead the Agriculture Department's task force on

civil rights in the 1990s. He led a team that issued a report containing 37 recommendations on how to ensure that the Department is a welcoming place for minorities. Pearlie briefed President Clinton personally, and the President issued an order that all 37 of his recommendations be implemented.

Pearlie retired from the USDA in 2003, but just this year Secretary Vilsack called him out of retirement and asked President Obama to appoint him as Assistant Secretary of Administration, the position he briefly held in an acting capacity 10 years ago. Pearlie was confirmed by the Senate on May 12, and he is now back at work for the farmers and ranchers of America.

One of his former colleagues said once that:

If you look up the term "public service" in the dictionary, you'd likely see a picture of Pearlie Reed right next to it.

Over the course of his long career, Pearlie has received the Distinguished Presidential Rank Award, the George Washington Carver Public Service Hall of Fame Award, and the USDA's Civil Plow Honor Award, among others.

Pearlie exemplifies the kind of patriotism Stevenson spoke about—the patriotism of steady work and perseverance represented by Cincinnatus's plow.

I hope my colleagues will join me in honoring Pearlie Reed's distinguished service and that of all Federal employees working in agricultural development, resource conservation, and rural advancement.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

HEALTH CARE REFORM

Mr. DODD. Mr. President, I want to speak, if I can, for a few minutes this evening on the health care bill. I suppose today or tomorrow will be the last time before we return in September to address the issue of health care reform, and I thought it might be worthwhile this evening—in the waning hours—to give our colleagues and others who are interested an idea of where we are in this debate and what options have been proposed.

As many have heard us say already, the committee for which I have been hired as sort of a pinch-hitter for Senator KENNEDY—the Health, Education, Labor and Pensions Committee, on which I am proud to serve—and I must say once again, with deep regret, that the chairman, Senator TED KENNEDY from Massachusetts, has not been able to be with us over the last number of weeks. I will tell you this. He is watching very carefully every meeting and markup and gathering that occurs, because he has invested so much of his public life and career to trying to reform the health care system of our Nation. So I was asked to step in for him,

temporarily, until he gets back on his feet and can join us in this effort.

We have spent a long time over the last number of weeks and months on this debate. We have spent a tremendous amount of time in the committee, even a lot of time before the actual markup in preparing for the legislation. So this evening I wish to talk about sort of where we are with that bill, what is in that bill in very practical terms, and how it would affect individuals.

I also want to give my colleagues some opportunity to appreciate what will happen while we are away for 5 weeks in terms of those who will lose their insurance, as they will, between now and September. I have made the point over and over again that 14,000 people a day in our Nation lose health care coverage. Those are terrible numbers. They are more significant in some States than in others, but there is that erosion of coverage every day.

As long as nothing happens, as long as no health care crisis affects them or their families, they may be able to survive all of that until they find a job or find some other means by which they can afford health care coverage. If, unfortunately, they are caught—as so many are—with that unexpected accident, that unexpected health care crisis, that unexpected diagnosis of a major health care problem while they are in that period without coverage, the implications can be staggering, and not just because they lack the coverage that might allow them to take care of that emergency accident or injury. But if they are diagnosed with something in the absence of a health care plan, under the present circumstances, there is very little likelihood that they are going to be able to get a health care plan that will be within their means to afford it because they will have that preexisting condition once the diagnosis occurs. So the health care costs go right up through the ceiling.

So again, 14,000 a day, as we gather here, find themselves in that shape. I thought it might be worthwhile to get graphic about this, because by the end of the August recess, when we return, 756,000 of our fellow citizens will have lost their health insurance—while we are away over the next 4 or 5 weeks—and that is a staggering number.

Some may find a means to get it back. Some may have a spouse who gets a job that provides coverage. But those are the numbers if you take every day the loss of health care coverage.

My patient here, with these numbers, you can see the thermometer is now exploding. He is even having some beads of perspiration here because he is now worried that he or his family could be caught in that free fall, without the means to protect themselves against economic ruin. It could happen.

So as we begin a short discussion this evening of where we are, I thought it

might be important to share with my colleagues that while we leave with the full confidence of a very good health care plan as Members of Congress, that should an accident, a diagnosis, a problem occur to any one of us—while we don't want that to happen—there is no likelihood we are going to be put in economic difficulty because of it. Certainly we will probably get good care because of who we are, what we do, but no worry about the sort of economic ruin that this crowd of 756,000 Americans may face if they are caught in a similar situation.

I have hope that all my colleagues have a good recess, that they will get around their States and districts. I also hope they will get an annual physical this year, as I hope everyone does. We provide an opportunity, under our health care plan, to do that at little or no cost. That is how I discovered earlier this summer, in June, that I have early stage prostate cancer, and I will be going through a procedure in the next few weeks to deal with that matter, and I am confident, since I caught it in this early stage, that I will come out fine. I have had a chance to talk to people who have gone through this or had a family member and I know about the various options that are available. It is early stage. It hasn't metastasized. I am not going to be in tough shape. I believe I am going to come out of this fine. But that is what you get when you get an annual physical. You find out these things.

There are people who, of course, don't do that. We even have had colleagues who didn't. A wonderful man I served with in this body for many years by the name of Spark Matsunaga from Hawaii did not discover it early enough, and he lost his life to prostate cancer. Almost 30,000 people in our country die every year of prostate cancer. In many instances, if not most, it is because it wasn't diagnosed early enough. It is very slow growing. There is ample time to respond to it, but you need to find out about it.

So when you get that physical, and I hope each of my colleagues remembers that if they do that and they find out they have a health issue, or if something happens in an accident to them, or if anybody in their family suffers a health crisis, they will be able to focus their attention on getting well because there is absolutely no risk that any Member of the Congress, or the millions of Federal employees who have the options—more than 20 of them each year, by the way—to choose what plan serves us best—no risk they will lose their economic security because they got sick or they had a bad diagnosis or they got hurt. Because as I said a moment ago, we all have great health insurance and we are not going to lose it any time soon.

But tens of millions of Americans have insurance that does not allow

them to get the care they need. It is not just the uninsured; it is people with insurance I want to focus on this evening—people who have insurance when they need it, with the doctor of their choice, and while we are gone, nearly half a million of them will lose that coverage.

I understand we are all going to be patient on this effort of health care reform. It takes time to get it right. I acknowledge that. But 70 years is long enough. That is how long we have gone in our Nation without addressing in a holistic way the health care issues that must be addressed.

By the time we return from our recess, the number of Americans, I pointed out, who will have lost health insurance since our committee, the Health, Education, Labor, and Pensions Committee, passed the Affordable Health Choices Act more than 3 weeks ago, will be over three-quarters of a million people.

While a bill that will improve the quality and affordability of health care for every American sits waiting for action, as I said, 756,000 of our fellow citizens are going to lose that insurance before we come back from our recess.

Let me take a moment and show my colleagues what that means in their States. I have broken this down State by State so you get some idea of what the implications are because sometimes these numbers can be daunting. It may be hard for people to see this, but I have broken it down. I will run it down very quickly.

Alabama, 5,760 people will lose their health insurance over the next 5 weeks; Alaska, 640; Arizona, 8,960; Arkansas, 2,560; California, 70,080 people will lose their health care coverage before we reconvene in early September; Colorado, 3,200.

I know the Presiding Officer has been working hard on this issue. I commend him for this effort. I know he will be meeting with a lot of his constituents. In fact, Colorado and Connecticut lose the same number of people, 3,200 as well.

In Delaware, 960; in Florida, 27,200; Georgia, 13,760; Hawaii, 1,600; Idaho, 2,240; Illinois, 8,640; Indiana, 15,360 will lose health care coverage; Iowa, 2,240; Kansas, about the same number. In Kentucky it is 7,360; Louisiana, 5,760; Maine, 2,240 lose health care coverage; in Maryland, 7,360; Massachusetts, over 13,000 people, close to 14,000 people will lose health care coverage over the next 5 weeks; Michigan, 19,840; Minnesota, 6,080; Mississippi, 4,160; Missouri, 6,720; Montana, 960 people; Nebraska, 1,280; Nevada, over 7,000 people will lose health care coverage; New Hampshire, 960; New Jersey, 20,800 people will lose health care coverage; New Mexico, 2,560; New York, 38,080 people will be dropped from the health care rolls; North Carolina, over 16,000; North Dakota, 320; Ohio, 12,480; Oklahoma, 1,600;

Oregon, 8,640; Pennsylvania, 16,320 people; Rhode Island—our colleague, SHELTON WHITEHOUSE is here from Rhode Island. He was such a valuable resource in our HELP Committee over the last number of weeks, and I commend him for his contribution, he and JACK REED both making significant contributions to our Affordable Health Choices Act. South Carolina, over 10,000 people will lose their health care coverage, South Dakota, 960; Tennessee, 12,800; Texas, 15,040; Utah, 3,840; Vermont, 960; Virginia, 10,560 people; in West Virginia, 960; Wisconsin, 7,360; Wyoming, 320.

I apologize for taking that time but sometimes you mention 14,000 and we don't break it down State by State. These are the projected losses in terms of health care coverage. They will not have the same degree of security that we do during the next 5 weeks.

When we leave here, I, of course, hope none of us suffer any kind of a diagnosis or any kind of an accident, but as I said a moment ago, as painful as that may be, none of us will suffer the pain of wondering whether you can afford to have your child covered, your spouse covered, or have the means to take care of yourself if something happens.

The people in these numbers, hopefully, will never have that problem, but if they do it is a major catastrophe. Roughly 65 percent of all bankruptcies in the last year have been caused because of a medical crisis—about 65 percent of all bankruptcies. Your first thought might be, as mine was, that is probably the uninsured who ended up in that shape. They didn't have insurance, they ended up with a serious problem and got drained of whatever few assets they had left and took the bankruptcy act to get out of trouble.

Mr. President, 75 percent of the people who were affected by bankruptcy as a result of the health care crisis have insurance; three out of four people who have insurance had ended up in bankruptcy. It was not the uninsured, it was the insured.

This evening—I know they are always out there marketing this idea that this bill we are talking about is not designed to help the insured, only the uninsured. Nothing could be further from the truth. Our major efforts are to try to bring down the costs of the insured. Many have such high deductibles and out-of-pocket deductibles they never get to engage their insurance policies.

At any rate, these are the numbers. I think it is important for my colleagues to look at it.

To my colleagues, think about constituents you are going to see over the recess facing these problems. Imagine a small business owner paying \$1,000 a month on premiums with a \$6,000 deductible. It is not an uncommon event for small businesses. Imagine this small businessman telling you that his insurance company dropped his daugh-

ter's coverage when their doctor suggested surgery to remove noncancerous tumors, forcing him to get a separate, more expensive policy for her.

It doesn't have to be this way. These facts happen all the time. Under our bill, under the bill we passed 3 weeks ago, this small business owner would be able to choose an affordable plan that he or she could rely on, wouldn't be denied coverage for the preexisting condition of their daughter, and that coverage would not be taken away once the policy is issued. That is the difference between the status quo, as it is today, and what we propose in our legislation we spent so much time crafting.

Imagine, if you would, a small business owner who offers health coverage to his 20 employees. He is paying about 60 percent of the cost of the premiums but unable to afford family coverage. Imagine that small business owner telling you that one of his employees have left for a job that provides family coverage.

It doesn't have to happen. In fact, this case is one I am very familiar with. This was the case of a small employer in Hartford, CT, who employs not 20 people but about 10, and very loyal employees. I think most of them have been there 20 years. He had an employee the other day literally almost in tears, if not in tears, announcing to his employer that he had to leave because his wife, who had the health care coverage, lost her job. So they were without health insurance.

He then went and took a job that paid 30 percent less than the job he had for more than 20 years in order to get the coverage. That would not happen under our bill. That does not have to happen. That family, if you will, small business, would be able to find affordable coverage for their employees using the same strong bargaining power and broad risk pooling that large businesses enjoy.

This is one of the major problems for small business. The average small business pays 18 percent more in premiums than large businesses—18 percent more—and they get a lot less coverage as a result of it because they don't have the opportunity to pool as much, come together. Our bill gives that small businessperson the same access, the same opportunity to that gateway, that place where these policies exist that they can shop for and determine what is best for them—what they can afford and what they want to have for their employees. That does not exist today. Unless we change the law, that small business operator is going to be faced with rising premium costs and less and less coverage for their employees. We change that. We fix that. That is important for people, I think.

Let me mention a third scenario. Imagine a single mother, self-employed, paying more than she can comfortably afford for an insurance plan—

not uncommon—that has high copays and a high deductible, not uncommon at all. Imagine her telling you she rarely sees a doctor for preventive screenings for herself or well-child visits for her son because her plan doesn't cover those visits.

It doesn't have to be that way. Under our proposal this single mother would be able to find a plan that she can afford that covers important preventive care items at little or no cost. Our bill provides preventive screenings like mammograms or annual physicals at little or no cost. That is in the affordable health choices bill. That idea of making sure she is going to be OK, that her child is getting those vaccinations and so forth that they need—that is covered by our proposal.

Our bill would ban discriminatory pricing based on gender because that ban does not exist today. There can be a huge differential. If you are a woman getting health care coverage, you often pay a lot more than men do. Our bill eliminates insurance rating based on gender entirely. Men and women are treated equally going in, in terms of their health care coverage. If we do not change the law, those policies do not change. The inequity goes on.

Mary, in this case, wouldn't have to pay more than others her age in her area would, rather than just paying more because of gender.

Finally, imagine a woman who bought the best coverage she could afford based on monthly premiums because she knew going without insurance was a bad idea. Imagine her telling you she was just diagnosed with breast cancer at the age of 25, and only then realized her policy was inadequate. Imagine her telling you she now has more than \$40,000 in medical debt.

Under our bill, this young woman would be able to stay under her parents' coverage through her 26th birthday, what we call the young invincibles, between the age of 21, when you are dropped from your parents coverage, and you are on your own. That is a very significant percentage of our population. A lot can happen. This woman was diagnosed with breast cancer late. But had she been in the same circumstances physically, with the adoption of our legislation she would have qualified for that young adults coverage, which is very reasonable in cost, or stay under her parents' plan until she was 26 and never have to worry about being denied because of a preexisting condition, which of course now she has. Having been diagnosed with breast cancer, those premiums for that woman will go through the ceiling, even as young as she is, because she has that preexisting condition.

We asked our colleagues to imagine these cases because they are so incredibly common. These are not extraordinary cases. They are rather routine

in many cases. We will see people in these situations—I know my colleagues will, during the break we are on, real people who can suffer by our inaction.

Let me take a minute, if I can, to talk about what health reform means in my State of Connecticut as well. In the last month, an insurance company in my State proposed to raise rates by 32 percent on people buying insurance in the individual market. This news was shocking, given the debate going on at the Federal level, but the company went ahead with the proposed rate hike for Connecticut families. Today I received word that the Connecticut Insurance Department went ahead and approved a modification to the company's proposal that will raise the premiums for the residents of my State by up to 20 percent—a 20-percent increase.

I don't know many people in Connecticut who got a 20-percent pay raise in the last year. I suspect very few. People are going to struggle because of the rate hike. People are going to struggle across the Nation, of course, until we take action because the rates continue to go up.

Consider, if you will, what has happened in the last few years: an 86-percent increase in premiums, in rates since 1996. In my State they have gone up about 46 percent in 6 years, and that was before the news of this latest company increase.

We have a bill—again, that would reduce the cost for Americans, the Affordable Health Choices Act, which we adopted in our committee, which in fact addresses this very issue. I want to encourage all my colleagues to spend a little time looking at the bill we wrote over this August break.

I will take just a minute this evening to talk about how costs would be lowered under our proposal. Many ask the question: How do you lower costs? I will use my own State as an example.

According to America's Health Insurance Plans, which is the trade association for the health insurance industry, in Connecticut in 2007, the average monthly premium on the individual market for single coverage was \$277 and the average monthly premium on the individual market for family coverage was \$646.

I ask unanimous consent to be able to proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Those are the numbers: monthly payment, individual market, \$277; family premiums, family market, \$646. Keep those numbers in mind, if you will. These numbers were for 2007. I presume in 2009 they have gone up a bit, but those are the latest numbers I could find from this trade association. They reflect what an individual making about \$21,000, on average, paid in 2007. That is a lower income individual, but there are a lot of people who have

incomes at that level working in our country. You try to pick up the cost of \$277, or \$646 a month with an income like that. You know the outcome. You are not going to be able to afford it. You could not come near it.

Under our legislation, a low-income worker at \$21,000 would now pay \$20 a month in health care premiums for individuals.

That is \$277 a month under the status quo, \$20 a month under the Affordable Health Choice Act—from \$277 to \$20. That person now—even at \$21,000, that \$20 a month becomes very affordable health care. That is a person who would now be able to shop for a plan in the insurance gateway and could have options in choosing health care to allow them to stay out the hospital, stay healthier, be able to keep working, take care of their family. That is the difference. That is the real difference.

For family coverage, a family of four who makes two times the Federal poverty level—approximately \$44,000 a year—pays \$646 each month for family coverage, as I mentioned earlier in my statement. Under our bill, that family would now pay \$40 a month for their health care premiums; that is \$646 under the status quo, \$40 a month under the Affordable Health Choices Act.

When people say it does not make any difference, you are not bringing down costs, you tell that to that individual making around \$21,000 a year or that family making \$45,000 a year. That is a significant reduction in their health care premiums. That is the real difference between the status quo and what our legislation offers. That is affordable coverage.

What is not captured in the numbers under the status quo is the fact that that family in Connecticut has no guarantee they will even be offered a policy. For that matter, they have no guarantee, if they are issued the policy, they will not see it cancelled or rescinded because they file a claim. And they have no guarantee that policy will be renewed the following year. Our bill changes all of that. Connecticut families and families across the country can at long last be assured they will be able to choose among quality, affordable health care plans.

Before my colleagues depart, let me say this: Let's come back to work here in September, come back ready to offer our thoughts and suggestions and constructive criticism. We are going to pass a bill this fall, and we are going to do it with the help of any Senator willing to contribute and be a part of the solution. But we are not going to continue to wait for the sake of waiting until the politics get right.

Between adjournment tonight and when we return around September 5 or 6, there are 756,000 people who will fall into the category of the uninsured.

These are insured people. We ought to be doing everything we can reasonably and thoughtfully to put the brakes on this kind of hemorrhaging that is occurring in our country. It is bad for individuals and their families, and it is bad for the economy of our Nation. It is shameful that the wealthiest Nation on the face of this Earth takes the insured population of our Nation and puts them at such risk, and their families, wiping them out, as happens too often with financial ruin.

We have coverage. We are fortunate to have it. We ought to be able to do everything in our power to see to it that every American, regardless of their economic status, ought not to play roulette with their future and that of their families because they lack the economic security that others who are more fortunate financially have. That is not right. Health care ought not to be a choice only for those who can afford it, decent health care by the accident of birth. That you are born into a family who lacks the economic means should not place your child in a different situation than mine or someone else's because of those circumstances. That is not America. That is not America in the 21st century. We ought to be able to do better than that.

The demagogues out there, chirping away about government-run health care or socialized medicine—that is baloney from top to bottom, and they ought to be ashamed of themselves. In a nation as strong as we are, we place this many insured people at risk because we do not have the courage to stand up and do what needs to be done.

In our proposal we have crafted, we spent a lot of time working at it to provide relief and support on wellness and prevention and quality of care and to bring those costs down to the point I have described here this evening. Again, there may be other ideas and other ways of doing this. We think we have done a good job with our bill. But I wanted people across the country to know there are ideas out there.

There were 23 of us who worked on that bill. We spent 5 weeks, 60 hours, 23 sessions—the longest markup of a bill in the history of that committee and, we are told by some, maybe the longest markup in the history of the Senate on a single bill. We had 800 amendments filed, and 300 were actually considered. Some 160 amendments of my friends on the Republican side were agreed to and included in our bill, making it a better bill and a stronger bill. I welcomed their participation. But here we are, 3 weeks later, still stymied, unable to come together and shape a bill that would provide the relief so many people seek in our country.

I thank my colleagues for their efforts, particularly grateful to Senator HARKIN, who did a terrific job on the prevention parts of our bill; Senator MIKULSKI, who wrote the quality provi-

sions; Senator JEFF BINGAMAN, who worked on coverage issues; Senator PATTY MURRAY, who worked on the workforce issues in the bill; and people such as Senator SHELDON WHITEHOUSE of Rhode Island, who joined our committee and did a fabulous job with KAY HAGAN, our new colleague from North Carolina, along with SHERROD BROWN of Ohio, to shape the public option that is included in our bill, which I am certain my friend from Rhode Island may describe in some detail this evening about what we have done. This was so creative that the Blue Dogs on the House side adopted our proposal on the public option as part of the House-passed bill. Of course, JACK REED and BERNIE SANDERS, as well as JEFF MERKLEY on our committee and BOB CASEY did a great job in helping us shape the legislation. I thank all of the members of the committee.

I thank MIKE ENZI, my colleague from Wyoming, the ranking Republican member, along with his colleagues on the Republican side. They did not vote for the bill in the end. I regret that. But they made contributions that made it a stronger and better bill.

But let's come back in September and get the job done. That is why we are here this evening in the closing hours of our session here before this break begins, so that we can highlight this most important issue that the President has committed his administration to, and that I believe the overwhelming majority of Americans—when you get sick at home and your child is in trouble, you do not wake up and wonder what party you belong to or what your political leanings are; what you want to know is, Do we have a plan that covers this? Is someone going to see my child or my spouse? Are they going to get good care? Am I not going to go into economic ruin from this? You do not wonder whether you are in a blue State or red State or what political party is in power. What you want to know is, Does anybody give a darn, and are they doing anything about it? I am in trouble, my family is in trouble, and are you helping us out to get us back on our feet? And that is what we tried to do in this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Let me thank Chairman DODD for his leadership and for his remarks. He said he would give us a discussion of where we are, and he has done a wonderful job of showing how this bill will improve the lives of regular Americans in a very concrete way, including particularly Americans who have insurance.

To supplement his discussion of where we are, I wanted to give a quick discussion of where we have been because the trajectory of where we have been to where we are tells us some-

thing about where we are going. And everybody in this country, insured or uninsured, should have some real concern about where we are going in health care in this country if we do not act.

The year I was born was 1955, and this was the headline from the New York Times in 1955. It is hard to read the little part here; I will read it to you. It says:

The Problem of Cost. Millions of Americans cannot afford to pay the costs of medical care, and they are not protected by adequate health insurance.

That was 1955. This section says:

In human terms, this meant that the American had to scrap his budget, dig into savings or go into debt, to pay some \$7.5 billion for doctors, hospitals, dentists, nurses, and the myriad physical accessories of medical care.

That was 1955, when the Nation's medical bill ran over \$10 billion. They were horrified to say over \$10 billion. It is now over \$2.5 trillion.

So that is the year I was born. We were already bemoaning the state of America's health care system.

This is 1979. I had just gotten out of college. And the HEW Secretary said: Health cost called unjustified. HEW Secretary Patricia Roberts said: The quality of American health care does not justify its price tag of more than \$200 billion a year. Still bemoaning the health care problems, still not getting anything done about it.

Now, 1988. This was the year my wife became pregnant with our first child. And here it is. Prospects: Soaring health care costs. Joseph Califano said—he was the former Secretary of Health and Welfare—"The average jump in premiums could hit 30 percent in 1989." But at the same time, we are getting less for it.

Chairman DODD just talked about a 20-percent jump in his State recently. You think this was happening today? It is from 1988, 20 years ago. The more things change in health care, the more they stay the same.

Here is 1992. Health care costs increasing at more than twice the rate of wages have made benefits so expensive it would be surprising if companies were not responding. "Health care costs dampening hiring." And they dampen wages, as we have seen, and increasingly businesses are having to avoid health care because they cannot keep up with that cost. That from 1992.

So we took those stories and we put them together on this chart. This shows the increases in America's spending on health care in each of those years, starting back the year I was born, that first story, 1955, then 1979, then 1987, then 1992, then 2009. It increased from \$12 billion, which seemed like a big number then, to \$200 billion, to over half a trillion dollars, to \$850 billion, nearly a trillion, and now \$2.5 trillion.

Look how much it has bumped from 1992 to 2009. This, my friends and colleagues, is what is called a trajectory. It is going to keep going if we do not do anything about it.

The latest estimates for my home State of Rhode Island are that in 2016, which is not too far from now, in 2016, probably about this far up on the graph, \$26,000 a year is what a family will have to pay for family coverage—more than \$26,000 a year. That means if you are a comfortably earning hard-working individual pulling down a salary of \$52,000, half of your income, pretax income, goes out the door for health care before you start anything else. That is not sustainable. That is why we talk about Thelma and Louise instead of Harry and Louise. That is why we need to change the direction of our health care system, not just for the uninsured but for everyone so that all Americans can have a secure health care future. No American will have a secure health care future if this trajectory is allowed to continue.

So if you are out there asking, How would a change in the direction of our health care system help me, think of Thelma and Louise headed off the cliff because that is what the American health care system is like right now. The cliff is coming, and we are all in the car together, and together we have to solve this problem. Because we have to solve it together, it is very disappointing that so many of our friends on the other side have refused to participate in this conversation and have reverted to labels and name calling: socialized medicine, government mandates—things that have nothing to do with our legislation but are designed to scare people and to provoke those who have not sat down and read the bill and do not know better. It is unfortunate.

What does it measure up against? Let me show you a couple of other things. We have had a lot of talk in recent days about the stimulus plan and how effective that has been—a \$787 billion stimulus. There it is, that \$0.88 trillion is the stimulus for all of the barking and moaning we have had about how much that cost this country. That is what it is. The \$8.9 trillion is what George Bush ran up in debt for this country during his Presidency.

Three-quarters of the debt this country bears, George Bush ran up during his Presidency. It was an orgy of fair-weather borrowing. When we didn't need to go into debt to protect our economy, when things were humming along, that is what he did, \$9 trillion. Here is our unfunded Medicare liability, \$38 trillion. We don't have \$38 trillion now. Unless we do something about this cost, we are truly going off the cliff in that car with Thelma and Louise, following that trajectory of cost I showed.

It is not all going for health care that makes everybody better. It is

going to a lot of other things. Here is one thing it is going to. Insurance industry profits. Have you noticed your wages going up a lot in the last couple years? For a decade, from 1999 to 2009, wage growth has been 29 percent. That is less than 3 percent a year and way less than 3 percent a year compounded. That is what wage growth has been like. If you don't feel like your wages have gone up much in the last decade, you are right. They haven't. For many Americans, wages flat-lined for a decade. How about your insurance premiums? Did they flat-line? No, sir. The insurance premiums went through the roof, increased 120 percent, more than doubled in one decade. That is the steep curve I showed you, 120 percent. How about insurance industry profits? Up 428 percent in the same period that wages were up 29 percent. So there is something we can do something about.

On insurance, so many Americans are uninsured, it is worth taking a look at this. We have all used and heard the figure about 46, 47 million Americans who are uninsured. That is the people who are uninsured at any given minute. As I stand here at this desk right now, out there in America there are about 47 million people who are uninsured. But some people gain insurance and some people lose insurance. Over the course of a year, the number of people who lose their insurance, whose families lose their insurance, is nearly 87 million. If you started on the east coast and moved your way west, and when you got to the Mississippi and you started into Minnesota, Iowa, Missouri, Arkansas, and Louisiana and you took the population of every single State west of that all the way to California, the population of all these States is about 87 million, to give you an idea of how many Americans lose their health insurance and have to go without it at a point during the year.

Then there are catastrophic levels of waste in our health care system. Our former Treasury Secretary, a Republican, knowledgeable about this, ran the Pittsburgh Regional Health Initiative for years. He said \$1 trillion of annual waste is associated with process failures. He has calculated \$1 trillion a year of waste in our health care system.

The Lewin Group is a group many people talk about here. They are described on the Senate floor as the gold standard in health care information. Sources of potential excess costs: Excess costs from incentives to overuse services, from poor care management and lifestyle factors, excess costs due to competition and regulatory problems, excess costs due to transactional inefficiencies; \$151 billion here, \$519 billion here, \$135 billion here, \$203 billion here. As we say in Washington, a billion here and a billion there, and pretty soon it starts to add up. This adds up to over \$1 trillion in waste in con-

gruence with what the former Treasury Secretary said.

It is not just newspapers that are saying it. It is also President Obama's own Council of Economic Advisers. Their report on July 9 said that:

Efficiency improvements in the U.S. health care system potentially could free up resources equal to 5 percent of U.S. GDP which is above \$700 billion a year.

They also noted:

[It] should be possible to cut total health expenditures by about 30 percent without worsening outcomes . . . [which] would again suggest that savings on the order of 5 percent of GDP could be feasible.

Again, two calculations coming to the same point, savings of over \$700 billion a year.

That is one of the things we are trying to do. In addition to family-by-family improvements, small business-by-small business improvements, individual-by-individual improvements that Chairman DODD has wrought through this bill, we are also trying to turn around a health care system that has been out of control, that has not been reformed for my entire lifetime. So that now is our moment, and it is on a trajectory that will break this country if we don't do something about it. We simply cannot continue a cost curve such as this that is already at \$2.5 trillion and is accelerating northward. We can't be competitive with our international competitors in trade if we do this. We can't sustain our families if we do this. We simply cannot keep this government fiscally solvent if we do it. We have to turn the car before it gets to the cliff. If we can't do that, then shame on us.

I think we need to be in this together. One of the ways we will do this is through a public plan. A public plan is important because there are a number of ways in which you change those cost curves. You don't have to take services away from people because of all that waste. What you have to do is deal with the waste. You build in electronic health records for every American so the efficiencies that other industries have enjoyed from the computer revolution finally hit health care which, according to the Economist, has the worst information infrastructure of any American industry except mining—the mining industry and then health care. Huge improvements and huge savings from that.

Quality improvements can save money. It has been demonstrated over and over again, as in Senator STABENOW and Senator LEVIN's home State of Michigan. They did quality improvements in intensive care units. In 15 months, they saved \$150 million and 1,500 lives, and it wasn't even in all the intensive care units. It was just in one State. It was that one kind of quality improvement program, just in intensive care units. So huge gains to be made from quality improvements.

Prevention. Senator HARKIN spoke the other day about what can be gained from preventing particularly conditions that arise from diabetes. Enormous savings, if we can focus on all that.

Transparency and improved administrative efficiency so doctors and insurers aren't fighting all the time. We can do all those things, but somebody has to lead. The question for us is, can we trust the private insurance companies to lead in all those areas. If you look back, you see they never have. We are way behind where we should be. They are not leading. It will take a competitive public option to pick up those issues and run with them and show what we can do.

I will close with this. One of the things we are hearing is you can't possibly have a public option. It is a line in the sand. The very distinguished ranking member of the HELP Committee has said it is intolerable to have a public option. It simply would not work. It can't happen. There are two ways we get health insurance in this country. One is through a private health insurance provider. The other is through workers' compensation, which the business community runs in order to protect itself against the injuries and illnesses and diseases and catastrophic harms that can happen to people at work and that they have to protect themselves against. All across America, there are State funds, public options that deliver health care insurance, State by State, over and over again. So when the ranking member goes home to his State of Wyoming, not only is a public option for delivering health insurance not anathema, it is what he goes home to.

He goes home to a single-payer public option for health care, one his business community appears perfectly satisfied with and he appears perfectly satisfied with.

Their Presidential candidate, JOHN MCCAIN, goes home to Arizona to a public plan with 56 percent market share. It competes in a lively workers' compensation health insurance market. The distinguished minority leader goes home to Kentucky, and in Kentucky his business community enjoys a public option for workers' compensation health insurance. So we should be able, in the spirit of coming together in the face of this national emergency, to put aside the old notion that a public option simply can't exist, can't happen. It happens in nearly half our States. It is supported by the business communities in those States. It delivers care efficiently, and none of the Republican Senators from those States have, to my knowledge, ever complained about it in that context.

I will conclude with that. I think we are at a turning point, and it is important, as we go, that we remember this is a long struggle we have been on. My

entire lifetime, since 1955, it has gotten dramatically worse, and the rate at which it has been getting worse is increasing. It is worsening. We have to do something about it now—for everybody in this country, for businesses large and small, and for people and families, insured and uninsured, and we are pledged to do that.

I thank the very distinguished chairman and yield the floor.

Mr. DODD. Mr. President, I thank our colleague from Rhode Island. He has been very eloquent in talking about the historical framework of this debate, going back, even predating the 1950s, when we determined the need for a national health plan in this Nation, not only to deliver health care to people but also to deal with the economic problems associated with health care costs. I thought it might be worthwhile to invite my colleague to share some additional thoughts on this view. Today, as I am told, we are spending about 17 percent of the gross domestic product on health care costs. I am told, by those who are economists looking at this, that if we don't alter anything but merely sort of stumble along, that percentage of our gross domestic product will jump from 17 percent to 34 percent of the gross domestic product, which is a staggering amount when we consider how expensive that would be and the result, in practical terms, to the very premium costs the Senator from Rhode Island has identified.

I also talked the other day to a leading businessman in our country, the former chief executive officer of Pitney Bowes, a well-known, established company, headquartered in my home State of Connecticut but has facilities in many States across the country. It employs thousands of people. The former CEO is a man named Mike Critelli. He is no longer the CEO, but he was the CEO who was responsible for bringing a wellness plan to Pitney Bowes. I think my numbers are pretty accurate on this point. I think their premium reduction, as a result of putting a wellness plan in place there, reduced those costs by around 30 or 40 percent. They decided to alter the lifestyles of their employees by offering them incentives—the opportunity to reduce weight, quit smoking, improve diets, all these things.

Talking to Mike Critelli, he did it because, one, he thought it was the right thing to do. Certainly, improving the quality of the health of your employees is a decent thing to do. But Mike Critelli also pointed out to me that in addition to being the decent thing to do, it was a very sound practice for business. Very simply, he said: If I could increase the productivity of my workers, which is the critical element, if the United States is going to compete in the 21st century, if wage rates are not going to drop down to Third or Fourth World country levels, we are

going to have higher wage rates. We are going to have higher costs to produce our products.

The one advantage we bring over third-rate and fourth-rate nations that don't pay as much for employment is the productivity of the American worker, which historically has exceeded that of almost any other worker anywhere in the world.

Mike Critelli's point is that having a good wellness plan in place increases the productivity of that worker, and that is our edge in a global economy. So we need to start thinking in these terms.

I hear people in the business community say we can't afford to do this. We can't afford not to do it. You can't have 34 percent of your gross domestic product be consumed with health care costs.

Our advantage is productivity. As Mike Critelli points out, if your workers are sick, if they are obese, if they have diabetes, if they have chronic illnesses at a young age, as many do today, then the ability of that worker to produce those products and services is going to be curtailed and we suffer.

So there needs to be some lights turned on for some in the business community about this debate. Some are having sort of a Pavlov's dog response to it. If you mention health care reform, they reach back decades to the age-old bromides and responses to this issue without thinking about what this means in the 21st century, freeing up the ability of workers to produce better products in a highly competitive marketplace.

Let me mention one other thing I do not think we have talked about. Forty-four years ago from last week, Lyndon Johnson signed Medicare into law. Last week was Medicare's birthday. Medicare was signed into law 44 years ago, in 1965. Obviously, that was a great benefit to people over the age of 65, and what a difference it made. It took that population, which was the poorest sector of our population, the elderly, and put them on a standard of living that allowed them to lead decent lives after productive years of working.

So with prescription drugs, doctors visits, and the like, put aside the problems today with Medicare we know exist and we have to deal with, it did something else I do not think we have paid enough attention to. It was a source of relief and stability to a family. Because all of a sudden those parents—which a younger generation had to put aside resources to provide for that crisis that was inevitably going to happen to those aging parents—became less of a burden because Medicare existed. The cost of prescription drugs, the visits to the doctor, the hospitalizations—all of a sudden, magically, 44 years ago from last week, a good part of that burden was lifted off the shoulders of the children of Medicare recipients.

And it unleashed a level of investment that allowed our economy to prosper and grow. For other reasons too, but not the least of which, all of a sudden, there was that security in a family. They were not going to face financial ruin because, all of a sudden, their parents had a crisis they were going to have to pay for out of their pockets.

I do not know if there are any economic models that examined that, but I do not think we attribute enough of Medicare's success to the contribution it made to the overall economy of our Nation 44 years ago because of that stability and certainty and security in a family, where your parents—that aging population—at least had a safety net that would protect them against that financial ruin that can befall a family.

I think we are missing a point in this debate in that what people are really worried about is that lack of certainty, that lack of stability. People are socking away money today because: If I lose my job, if I end up with a pre-existing condition, if we move, I could lose my health care coverage, and all of a sudden my kids, my wife, myself are put in the danger of economic ruin. That uncertainty, that lack of stability, that lack of security has a negative impact on the consumer choices people make. I might like to buy that second car. We may need it but—do you know what—756,000 people are going to lose their health insurance in the next 5 weeks. I might be one of them. And if something happens, how do I pay for that problem? So—do you know what—we are going to delay that purchase or this other thing we might have done because I don't have the stability, the certainty, and the security there is a safety net there. Lord forbid a crisis hits my family.

So while there is the comparison between Medicare's recent birthday 44 years ago and what we are trying to achieve—we are thinking about it in a very small context: How much does that doctor visit cost? How much is that prescription drug? There are benefits to this that exceed the parameters of what we are trying to achieve because of the investments we are making that I think have a larger impact on the overall economy of our Nation.

So I wanted to say to my colleague from Rhode Island, by talking about these rising costs—and no end in sight, by the way—unless we find some way to put the brakes on all of this and begin to reduce the problems—how do you do that? If all of a sudden you have a child who is getting good dental care at an early age, that child is less likely to have a problem as they get older. If we can convince children and families to eat better because we make the incentives to do so—3,500 children today started smoking in the United States, and 3,500 start smoking every single

day. And every single year, 400,000 people die because of tobacco-related illnesses—400,000 die—not to mention the number of people who have lifelong illnesses and die prematurely.

Of the 3,500 who start smoking today, 1,000 become addicted. You do not have to have a Ph.D. in medicine to know that if you are a user of tobacco products, you are consuming a product with 50 carcinogens in each cigarette.

Here we know if we can begin to change that lifestyle, which we have done, by the way—and, again, I thank my colleagues because, for the first time in 50 years since the Surgeon General pointed out that tobacco could kill you, only a few weeks ago we did what we have never been able to do before: Tobacco marketing, sales, and production are now under the control of the Food and Drug Administration. By the way, the Food and Drug Administration regulates mascara, lipstick, and pet food. But we could not get the Food and Drug Administration to regulate tobacco products. Now that has changed as a result of the actions of this Congress.

But that is an example of what I am talking about. If we can stop a child from smoking, then that child grows up with a far greater likelihood they are going to reach retirement age in far better shape, which means far less usage of that Medicare dollar and that hospital or that doctor's visit. So you may not see the benefits of some of this immediately but over the longer term we will. And that is bending that curve. We are all talking about bending that curve of cost. We can do that making these kinds of investments.

I am told only 2 percent of hospitals in this country have complete electronic medical records—2 percent. Yet we know that we lose about 100,000 people a year from medical errors in the United States. It is the fourth leading killer of Americans. Electronic medical records reduce those numbers significantly because you have clarity in the records, you have portability of those records as people move around, you have the opportunity to determine what other conditions a patient may have, and you avoid the kinds of errors that produce the tragedy of a lost life. That savings alone in lives and dollars, we are told by some, could be as much as \$500 billion. Electronic medical records—that one issue—could produce those kinds of savings and results.

So when we have these debates and people talk about these things in such simplistic terms, without understanding the larger economic implications—and if we do not, the numbers our friend from Rhode Island have shown us, if history is any indicator of where we are going, those numbers will continue to skyrocket and skyrocket to the point that it will bankrupt and break this country financially.

What an indictment of a generation: Faced with a reality and the predict-

ability of a situation, we are spending days around here with the inability to come together and make the tough, hard decisions the American people have elected us to do. That is the tragedy in some ways. I respect the fact we need a break and people are going home, but it is so troubling to me we are going to do this at a time and leave these issues hanging in the balance.

Mr. WHITEHOUSE. Mr. President, will the Senator yield for a moment?

Mr. DODD. Mr. President, I will be happy to yield to my colleague.

Mr. WHITEHOUSE. Mr. President, I want to respond to what the Senator was saying, that this trajectory is very likely to continue. Every signal and every prediction is it is going to continue and we will hit that 35 percent, spending a third of our entire economy just on health care, and that really does break our country. It is a terrible indictment of our generation if we allow it to happen.

But we also have a great opportunity here, which the chairman has also pointed out. As you know, over and over again, as the distinguished Presiding Officer knows, over and over again, in legislation, we are asked to make hard choices between two things, and if you go one way, you cannot go the other. Economists would call it a zero sum game. You cannot have both. There is no win-win.

This is a situation where there is a win-win. As the distinguished chairman pointed out, we are spending 17 percent of our gross domestic product on health care in this country. It is the worst record, the highest expenditure, of any country in the world. Most other developed nations spend 8 or 9 percent. That is the average of the European Union of their gross domestic product on their health care.

For that exaggerated expenditure, what do we get? Lousy health outcomes. We are way behind our developed competitor nations in obesity. We have far higher rates of obesity in our country. We are way behind in child mortality. We have far greater rates of child mortality in the United States than there are in our developed nations with which we compete. There is far greater longevity in those countries than ours. Americans do not live as long as people in our competitor nations, the developed ones, and a lot of it has to do with our health care system.

So by bending that curve, by investing in prevention, by improving the quality by investing in electronic health records, by eliminating those medical errors, we accomplish two things at once. We improve the health statistics of our Nation, we have people who live long, we have less babies who die in childbirth, we have a thinner and less obese and less ill nation, and we lower the costs, and we do it together.

So it should be something we could agree on, on both sides of the aisle,

but, unfortunately, these old canards about socialized medicine and how we could not possibly have a public option—except for the fact we already have it in half our States, including our own; but we are not going to talk about that right now, we are just going to say we could never have it—that is the quality of the debate, when we have this huge win-win in front of us.

I hope everybody has a chance to sort of think about this over the break when we are gone and that we can come back with a new spirit of bipartisanship to really address this problem, seize that win-win, change the cost curve down, and solve this problem for the American people.

I will make one last point.

We have misled the public a little bit in our discussion, and we have done so because of the Congressional Budget Office and its professional capabilities. The Congressional Budget Office is very good at predicting what costs are going to be. So everybody has heard that our bill might be \$600 billion, that the Finance bill might be \$900 billion. They see the costs and they say: Well, how could you possibly be talking about savings when all we hear about are costs? All CBO can say about savings is that—and this is a quote—large reductions in health care costs are possible—large reductions. But they cannot quantify it. They cannot give us a number. And they have told us why they cannot give us that number.

They cannot give us that number because we can give the Obama administration, here in Congress, the tools to solve this problem. We already passed the electronic health records legislation. If, God willing, we pass the chairman's legislation from the HELP Committee, they will have the tools to improve the quality and turn the curve. They will have the tools to improve prevention and turn the curve. They will have the tools to reduce the unnecessary, wasteful administrative fighting between doctors and hospitals and insurance companies, that try not to pay them. That whole fight can disappear or at least shrink a lot, and that will help turn the curve.

But CBO cannot predict how effectively the Obama administration will do that. Like any CEO, the President of the United States and his staff are going to have to manage this problem, and that is where the savings will come. So people should not be misled that there are not real savings possible. Not only are they possible, they are mandatory. We have to turn this curve, and we have to do it dramatically. We can do it because we could drop our GDP expenditure of this by 50 percent and still have health care as good, if not better, than all of our competitor nations: France, New Zealand, Canada, England, Holland—all these countries—Japan. We can do it.

The promise is out there. We should not let the CBO scoring fool the public. That is my last point.

Mr. President, I yield the floor, and I will relieve the distinguished Presiding Officer so he can speak as the Senator from Colorado.

Mr. DODD. Mr. President, I will do the same. And, again, my thanks to SHELDON WHITEHOUSE of Rhode Island. He has just been a stellar advocate of the kind of change we need.

I know the Presiding Officer, as well, as a new Member of this body, has spent an inordinate amount of time on these questions, as well, in his own State and has listened to people in Colorado talk about this issue and what we can do together to get it right. I welcome his participation immensely as well.

I wish all of my colleagues a very healthy and safe break in the month of August, as I do for all Americans. But I hope my colleagues will keep in mind, I did not recite these numbers to put anyone on the spot. But sometimes we need to talk about numbers that are real to people, and these are real numbers that will potentially affect many of our fellow citizens. So we need to come back here with a renewed commitment to get this done.

We have the capability. We have good people here who care, I know, about these issues. And none of these decisions we can make are going to necessarily predict with absolute certainty that everything is going to work as well as we hope they would. But you have to begin. And we have to take a chance and work forward and hope these ideas we put on the table work. And to the extent they do not, you modify and change it, as will certainly be the case in the years ahead. But inaction, just saying no, is unacceptable. The answer “no” to health care ought to be rejected by every citizen in this country. This is a difficult problem, but being too difficult is an excuse that history will never forgive us for. It will never tolerate that excuse: This was too hard to do. When you think about previous generations and hard choices and difficult decisions, we wouldn't be here today if those generations had quit because it was too hard. We are here today because they made hard choices, they made the difficult decisions, and we have no less of a responsibility as a generation to do it on this issue. This is hard and it is difficult, but that will never be an acceptable answer to future generations if we bankrupt our country because we couldn't figure out how to solve this problem.

Mr. President, I yield the floor.

COMMENDING RICHARD BAKER

Mr. LEAHY. Mr. President, I rise today to speak about a man who has been serving the U.S. Senate for almost

35 years. Now that is how I and many other Senators may begin remarks about a colleague who is retiring. My remarks today are indeed about a colleague but not about a fellow Senator. These remarks are about Senate Historian Richard Baker, an important member of the Senate community who has made the Senate a better institution during his tenure.

Remarkably, until 1975 the U.S. Senate did not have a Historical Office charged with preserving the institutional memory of this great body. Dick Baker is the original and only Director and the Chief Historian for the past 34 years. Under his leadership, the Historical Office of the Senate has worked to recover, catalogue and preserve the history of the Senate.

Building this office from the ground up required Dick Baker and his team to collect and maintain records on current and former Senators, record oral histories, document important precedents, statistics and Senate activities. And as a photographer I must point out that this work included the cataloging and preservation of a huge trove of Senate-related photographs.

From the beginning, Dick Baker knew his responsibility at the Historical Office was not only to preserve the history of the Senate but to make it more accessible. That included providing access to records for members, staff, media and scholarly researchers. He exposed more of the Senate and its rich history to the general public through exhibits in the office buildings, presenting materials via the Web and working with C-SPAN to incorporate Senate history into its programming. And as an author, Dick Baker disseminated information with his publications on Senate history, including a biography of the former Senator from New Mexico, Clinton P. Anderson.

His greatest impact on me, however, and I believe the Senate as a whole, has been his placing of our work here in proper context. Most Senators and I look forward to the historical “minutes” that he presents at the opening of many of our caucus lunches. He has also been accessible to me and other Senators in providing presentations of the Senate history at many different venues. My staff and I thoroughly enjoyed a presentation he provided to us on the history of the Vermont Senate delegation. His alacrity and care for describing Senate history has reminded all of us about the significance of our work here.

As much as visitors feel the weight of history when they enter this building, it is no less important for those of us who represent them to be well aware of the 200-year history of the Senate. It is important to remember that although great men and women preceded us, and even greater ones will undoubtedly follow, our words and actions will continue to echo through these halls long

after we are gone. Dick has reminded us of that regularly, and for that we thank him and wish him well.

COMMENDING RON EDMONDS

Mr. LEAHY. Mr. President, it is fitting that we in the Senate take note of the retirement of Ron Edmonds of the Associated Press, a veteran news photographer who has long and superbly documented public life in the Nation's Capital, including here on Capitol Hill.

If by chance we have not seen Ron himself over the years on the White House driveway or in the Senate's hearing rooms and hallways, we all surely recognize his work. His images, in the parlance of photographers, have bracketed the history of our era, from marches on Washington, to the attack on President Reagan's life—a photograph for which Ron Edmonds was awarded a Pulitzer Prize for spot news photography.

By now he has covered the White House for 28 years and captured the news in images of so many Presidents. He entered the world of photography in the day of celluloid film and concluded his career after having helped usher in the age of digital news photography.

I am grateful to have known Ron during his long career. I wish him and his family our congratulations and our best wishes.

I ask unanimous consent to have printed in the RECORD Ron Edmonds' farewell message to his AP associates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RETIREMENT MESSAGE OF RON EDMONDS July 2009

After twenty-eight years of covering the White House for the Associated Press, I have decided to retire and spend some time with my family. I know you usually hear this excuse from politicians who have just been caught with their hands in the cookie jar or with a high-priced companion; but, in this instance, spending time with my family is my true reason, ok maybe a little fishing as well.

I have had one of the most fantastic jobs in the world. It has allowed me to work with some of the greatest journalists in the world and to make images of some of the biggest events in the last thirty years. I hope that in some small way, I have helped the Associated Press maintain its prominence as the number-one news organization.

I will never forget the experiences that I have been allowed to take part in: such as, walking through the Forbidden City in China or walking around Red Square with Ronald Reagan; ducking behind an inadequate rock in the Iranian desert as Iraqi artillery shells exploded around us; or, more pleasantly, drinking lemonade with King Hussein and Queen Noor at their summer home in Aqaba, Jordan; and boating down the Nile and strolling through the Valley of the Kings in Egypt with then-Vice President Bush.

I have spent many sleepless nights mulling over this decision. It is difficult to leave my many friends here and around the world at the Associated Press. But I have great hopes

for a continued bright future for the AP. I leave with no trepidation but rather with a heart full of confidence that our younger generation of talented AP photographers, such as Charles Dharapak among others, will fill the void with a better and stronger report than ever before.

I have been lucky enough to win a couple of small awards for my work. But perhaps one of the most rewarding still was when my daughter Ashley came home from elementary school one day and announced that she was so proud, because that day she was able to raise her hand and tell the teacher that the picture on the front of her Weekly Reader was taken by her dad.

I will miss all of my friends, especially those editors on the desk of the Washington bureau, who very rarely get the credit they deserve for wading through my many images to put me on the front pages of newspapers and web pages around the world. It has always been a team effort in Washington.

Thanks to all of you for making me look good.

Regards,

RON EDMONDS,
Senior White House Photographer,
Associated Press.

COMMENDING BOVE'S RESTAURANT

Mr. LEAHY. Mr. President, I would like to recognize the Bove family of Burlington, VT, on receiving a prestigious honor from the National Association of Specialty Food Trades. In particular, I congratulate Mark Bove, President of Bove's, and his brother Rick, on receiving the Gold Sofi Award in the Outstanding Pasta, Rice and Grain category.

Bove's Restaurant opened on Pearl Street in Burlington in 1941 and has been a local favorite for generations. Marcelle and I enjoyed many of Bove's Italian specialties while we were dating. I was a student at Saint Michael's College, and Marcelle at the Jeanne Mance School of Nursing. To this day, Bove's continues to be a favorite among college students, and many return to the restaurant as alumni during their reunion weekends.

Much to our delight, Mark Bove began bottling his family's outstanding sauces for sale in grocery stores and now also sells Bove's specialties, including meatballs and lasagna, at retail sites around our country. When I come home from a long day in the Senate, I am delighted that Marcelle and I can still enjoy a dinner from Bove's, just as we did as students years ago. We have also enjoyed sharing their great dishes with other Senators and their staff at the annual Taste of Vermont in Washington.

Once again, I congratulate the Bove family for this high honor. I ask unanimous consent to have a copy of a July 6 article from the Burlington Free Press printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, July 6, 2009]

BUSINESS MONDAY: BOVE'S WINS GOLD FOR LASAGNA

Bove's famous frozen lasagna has been awarded the National Association of Specialty Food Trades' prestigious Gold Sofi Award in the Outstanding Pasta, Rice and Grain Category.

The all-natural, hand crafted lasagna is a frozen version of the popular classic served at Bove's cafe on Pearl Street in Burlington.

A year ago Mark Bove, president and sauceboy, introduced the world to his family's recipe on The Food Network's "Throwdown with Bobby Flay," soon followed by an appearance on "The Today Show," where Bove prepared his lasagna for Hoda Kotb and Kathie Lee Gifford. The national exposure sent demand soaring.

"I was making small versions of the lasagna at the restaurant and shipping them around the country," Bove said in a statement. "We just couldn't keep up with demand this way, which led me to produce the lasagna for retail."

COMMENDING SENATOR NORM COLEMAN

Ms. SNOWE. Mr. President, I rise today to honor and pay tribute to my good friend and colleague an extraordinary public servant and tireless advocate for the people of his cherished State of Minnesota, Senator Norm Coleman. I want to express my most sincere gratitude for his longtime friendship and my enormous admiration for him and his impressive litany of accomplishments. And although I am saddened by his departure from this esteemed Chamber, I know with utmost certainty that Senator Coleman's exceptional contributions to Minnesotans and the American people will continue well into the future.

I am proud to say that Senator Coleman and I served together over his 6 remarkable years in the Senate, and I would like especially to express my immense gratitude for his pivotal role on the Committee on Small Business and Entrepreneurship over that span of time, where I served first as chair and now as ranking member. Senator Coleman was always a reasoned and passionate voice on the committee, and his indelible impact is indisputable. Whether it was our work together on The Small Business Health Fairness Act of 2005, The Small Business Disaster Response and Loan Improvements Act of 2006, or a number of other measures and issues, Senator Coleman, true to the founding tradition of the U.S. Senate, continually addressed the concerns of his constituents, while at the same time making the best decisions for this Nation.

And I especially well recall our joining forces over the winter of 2006 when natural gas and home heating oil prices had skyrocketed in Maine, Minnesota, and numerous other cold weather States, turning a crucial problem of

years past into an urgent crisis that required immediate congressional attention. With the level of funding allocated in the budget, states could not maintain the Low-Income Home Energy Assistance Program, LIHEAP, an initiative I have long championed which provides vital funding to our country's low-income families and elderly.

Recognizing both the plight of Minnesotans and all affected Americans from the beginning of this crisis, Senator Coleman and I, among others, battled to shed light on this emergency early by calling for the passage of a bill to provide additional LIHEAP funding to states. Senator Coleman was an instrumental catalyst in our successful effort to pass this bill to the benefit of countless Minnesotans, Mainers, and other untold Americans across this land. And for that, I will be forever grateful!

With a career in public service of more than 30 years, begun in 1976 when he was chief prosecutor for the Minnesota Attorney General's office, Senator Coleman possessed an unfailing determination to advocate on behalf of the people of Minnesota that has never faltered or waned. Prosecuting cases around the State while further developing a growing concern for community issues, Senator Coleman was eventually named Minnesota State solicitor general. And his outstanding trajectory of leadership was just taking off, for it was then—in 1993—that Norm became mayor of St. Paul, during which time, with his hallmark optimism, he steered the course of the capital city through a transformational revitalization effort.

And so, it came as no surprise that Norm Coleman, after he was sworn in as a U.S. Senator, hit the ground running. And let me say from the outset, Senator Coleman's was a welcomed voice in an era of increasing partisanship, especially at a time when ideology has been held in greater value by many of our Nation's elected officials than service to the American people, when too often the slogans and sound bytes of campaigning never stop, and the governing all too frequently never begins, and where public disenchantment with politics runs high. Senator Coleman's desire to look beyond this regrettable status quo, embracing instead the long-held tenets of collaboration and cooperation, could not have been more central as our chamber sought to enact laws to genuinely improve the lives of Americans.

As I reflect on my friend's illustrious tenure in the Senate, I cannot help but recall in instance after instance on imperative matters of far-reaching consequence how Senator Coleman was able to transcend party politics and seek solutions and results for the betterment of his State and country. For example, Senator Coleman, along with

Senators Durbin and Lincoln, was a leading proponent, supporting The Small Business Health Options Program Act or The SHOP Act which would once and for all finally level the playing field for American small businesses and the self-employed and allow them to pool together nationally to receive a host of new, affordable, and quality coverage options.

Norm, like the rest of us, understood all too well that health insurance market reform and coverage policies in The SHOP Act must be included in broader health reform legislation. We will miss his voice as the health care debate moves forward and as we strive to build a consensus on landmark, health care legislation. But make no mistake, Senator Coleman was integral in helping lay the foundation for achieving meaningful and sustainable health care reform.

Placing his country and constituents above political expediency, Senator Coleman and I joined together in support of passage and eventual enactment of The Fair Equity Act, bipartisan legislation aimed at increasing pay equity in America and protecting victims of wage discrimination into law. We have labored to extend key, renewable energy tax credits to expand the indispensable State Children's Health Insurance Program or SCHIP. We stood side by side in the fight to allow Medicare to negotiate lower drug prices, and we joined together to help block proposed cuts in Medicaid. I want to thank Norm, who has truly been a stalwart soldier in arms, for his resolve and will on a cross-section of issues that have defined his term in the Senate as a model of governance that ought to be more prevalent.

In that vein, I cannot convey enough what a privilege it was to serve in the Republican Main Street Partnership with Senator Coleman—an organization that my husband, Jock, formerly chaired. Founded in 1998 to promote thoughtful leadership in the Republican Party and to join with individuals, organizations, and institutions that share centrist values, the partnership has unfortunately witnessed a decline in our ranks in recent years. But the message and impact of the organization are intrinsically connected to our capacity to truly achieve bipartisanship and garner results on behalf of those who elected us, and Senator Coleman embodied that ethos with integrity and distinction.

In fact, Senator Coleman characterized the Main Street's message well when he said, "this isn't about marching to a single tune. This is about being able to listen and work with like-minded colleagues, bring those perspectives, and hopefully play a role in the resolution of things that bottom line are good for the people of Minnesota." Well, his actions not only aided Minnesotans, but also Mainers and Ameri-

cans of every stripe and background across this great land.

And yet, despite all of his exemplary achievements, his greatest accomplishment is undeniably his wonderful family and the love and devotion he has for his wife Laurie, and their two children, Jacob and Sarah. So, it is with a profound honor that I join with his family, and his many friends, in praising Norm for his tireless stewardship of the common good and phenomenal commitment to public service, and for a tenure that enfolds his legacy into the rich, longstanding Senate tradition of Minnesota.

And so to my colleague and good friend, Norm, let me say, you have been a shining example of bipartisanship and comity that transcends politics, and you will be sorely missed. As you embark on this next chapter and as you consider your next endeavors be they public or private, I urge you, in the immortal words of the poet Alfred Lord Tennyson, "to strive, to seek, to find, and not to yield."

Mr. CORNYN. Mr. President, I join my colleagues in appreciation and admiration of Senator Norm Coleman. Norm has been a faithful public servant to the people of Minnesota, a principled leader, and a good friend. He made a difference here in Washington, and I feel privileged to have served with him in the U.S. Senate.

Norm and Laurie arrived in Washington at the same time as Sandy and me. We experienced many of the same challenges and adjustments that freshman Senators face, and we encouraged each other by facing them together. Norm and I found we shared a common approach to solving problems, and partnered to advance legislation whenever we could.

Norm said his best ideas came from the people of Minnesota, and they can be proud of what he achieved in Washington. Norm supported conservation programs to protect his State's lakes, rivers, and woodlands. He had a real heart for children, especially those suffering from cancer or waiting to be adopted into loving homes. He was a champion of private-sector initiatives in alternative energy, including clean coal, wind power, and biomass technologies. Norm exposed fraud at the United Nations, waste in the Medicare Program, and tax evasion by defense contractors. Norm voted to put John Roberts and Samuel Alito on the U.S. Supreme Court. Norm consistently supported our troops in Iraq and Afghanistan and he believed in their mission.

Some of my strongest memories of Norm were formed during our trip to Iraq in January of 2008, about a year after President Bush announced our surge of forces there. Norm had joined many Senators in supporting the surge, despite the political risk that support entailed. He understood that the strategy and leadership of GEN David

Petraeus was America's best chance to succeed in Iraq.

Norm and I, along with Senator Johnny Isakson, visited Baghdad together. We had dinner with General Petraeus and Ambassador Ryan Crocker, and discussed how we could facilitate political reconciliation in Iraq. We met with General Ray Odierno to discuss the new mission of population security, as well as the progress they were seeing in reducing violence and U.S. casualties. We toured a marketplace in western Baghdad, where U.S. and Iraqi forces had helped bring back shopkeepers and their customers by driving out insurgents and terrorists.

During our visit, I got to see the Norm Coleman that Minnesotans know very well. At Maverick Security Station in Baghdad, I saw Norm honor troops who hailed from the Twin Cities and throughout his State. At a meeting with Iraqi civilian leaders, I saw him offer encouragement to Sunnis, Shias, and Kurds working to build a free and democratic nation in the heart of the Middle East. And wherever we traveled, I saw his easygoing manner, his wry sense of humor, and his appreciation of the honor bestowed on him by his fellow Minnesotans.

Norm ran a tough race for reelection last fall, a race that lasted far longer than the Minnesota winter. He mounted a legal challenge based on a clear principle: no Minnesotan should be disenfranchised. As chairman of the National Republican Senatorial Committee, I was proud to support Norm as he pursued his case in the courts. And once the courts had spoken, I respected the grace with which he conceded the race, and the optimism he has shown for his own future, and that of our country.

Norm accomplished much in Washington, but I think he remains proudest of what he achieved closer to home. After Minnesota's hockey team moved to my home state of Texas back in 1993, Mayor Norm Coleman of St. Paul led the effort to bring the National Hockey League back to the Twin Cities. Since the first puck dropped in 2000, the Minnesota Wild have sold out every game they have played, and every fan owes a debt of thanks to Norm Coleman.

I too am thankful for Norm Coleman, because he set a good example for all of us. He never let public service go to his head. He always put his faith and family first. He fought hard to keep his seat, but never failed to keep his cool.

I wish Norm and Laurie the very best, as their journey together continues.

PROTECTING TENANTS AT FORECLOSURE IMPLEMENTATION

Mr. DODD. Mr. President, for too long, tenants have been the innocent victims of the foreclosure crisis. Countless tenants across the country

have been forced to leave their homes simply because their landlords were unable to pay their mortgages. Too often, these tenants had no idea that the property was even under foreclosure until the authorities arrived at their door to inform them that they must vacate the property immediately.

I was pleased to work with Senator KERRY to include the Protecting Tenants at Foreclosure Act of 2009 in the recently enacted Helping Families Save their Homes Act. This new law protects tenants facing evictions due to foreclosure by ensuring they can remain in their homes for the length of the lease or, at the least, receive sufficient notice and time to relocate their families and lives to a new home. The full Senate approved the bill on May 6, 2009, and President Obama signed it into law on May 20, 2009.

These protections are so important that my colleague Senator KERRY and I want to ensure that families and mortgage holders know their rights and obligations under the law.

Under the new law, all bona fide tenants who began renting prior to transfer of title by foreclosure of their rental property must be given at least 90 days' notice before being required to vacate the property. In addition, these bona fide tenants are allowed to remain in place for the remainder of any leases entered into prior to the transfer of title by foreclosure. These leases may be terminated earlier only if the property is transferred to someone who intends to reside in the property and only if the tenants are given at least 90 days' notice of the fact of such sale. Successors in interest to properties with section 8 housing choice voucher tenants automatically assume the obligations of the former owner under the housing assistance payments contract.

These basic protections are the law for tenants in every State, unless States have laws or practices that provide greater protections. I want to ask Senator KERRY, the original author of the act, if I have correctly expressed the intent of this legislation.

Mr. KERRY. Mr. President, I was pleased to work with Senator DODD to enact this legislation to help tenants affected by foreclosures.

No one in the Senate has worked harder to fight against the scourge of foreclosures than Chairman DODD. As a former member of the Senate Banking Committee, I know Chairman DODD has tirelessly fought to assist low and moderate-income families and to help tenants who need protections from foreclosures or unscrupulous landlords. Without his efforts, families in Connecticut and across the Nation would not have access to critically needed protections and many more American families would be facing foreclosure.

I agree with Chairman DODD that it is important that persons and entities acquiring properties by foreclosure fol-

low the law, and that tenant families obtain the benefits the law was intended to provide.

I also agree with Chairman DODD's statement of the intent of the legislation. As the chairman stated, the law was intended to provide all bona fide tenants, who began renting prior to transfer of title by foreclosure of their rental property, be given at least 90 days' notice before being required to vacate the property. In addition, these bona fide tenants are allowed to remain in place for the remainder of any leases entered into prior to the transfer of title by foreclosure. These leases may be terminated earlier only if the property is transferred to someone who intends to reside in the property and only if the tenants are given at least 90 days' notice of the fact of such sale. Successors in interest to properties with section 8 housing choice voucher tenants automatically assume the obligations of the former owner under the Housing Assistance Payments contract.

Both the Federal Reserve and the Department of Housing and Urban Development have acted quickly to issue notifications to the entities that they regulate describing the law in the same way. Their notifications stated how regulated institutions are expected to comply with the terms of the act. These regulatory actions are crucial for the proper implementation of the act because foreclosing entities, who often wind up owning the properties after the foreclosure, have a responsibility to obey the law. Families in these precarious circumstances should not be forced individually to assert their rights under the law.

Mr. DODD. I agree with Senator KERRY. Again, I thank the Senator for bringing the original legislation forward and working with me to enact it. I look forward to working with Senator KERRY and all my colleagues to ensure that families' rights under the law are known and protected.

DROUGHT RELIEF

Mr. CORNYN. Mr. President, today I speak on behalf of the farmers and ranchers of Texas. Like millions of Americans in other States, Texans love the land. From the hill country to the river valleys—from the panhandle to the gulf coast—our land helps define who we are.

And for many Texans, the land is their livelihood. One in seven jobs in our State is tied to agriculture. We lead the Nation in several crop and livestock industries—including the production of cattle and cotton. Texas farmers and ranchers help feed and clothe Americans in every State—and in dozens of countries around the world.

Our farmers and ranchers are tough people—and they are seeing tough

times. Central and south Texas is experiencing some of the driest conditions in the country today. Seventy counties in our State are experiencing extreme or exceptional drought—the two worst classifications made by the USDA. These areas represent 42.5 million acres—about 25 percent of Texas—and nearly equal to the total land area of New England.

The drought has severely impacted Texas farmers and ranchers. According to one recent study, economic losses will reach \$3.6 billion by the end of this year—a little less than \$1 billion in livestock losses—and the rest in crop losses.

A few weeks ago, I met with some ranchers and farmers in San Angelo, TX. They shared with me how drought conditions were devastating production—even as the recession weakened demand. They also asked me a question: Where was the money Washington promised to help them through these tough times?

Their question is the same question I am asking today: Where is the money Congress authorized last year for the Supplemental Revenue Assurance Program?

The SURE Program was included in the farm bill we passed in June of 2008. It received broad bipartisan support. It created a trust fund of about \$3 billion a year to help farmers and ranchers during tough times.

Yet despite becoming law more than a year ago, the SURE Program has still not been implemented by the USDA. Not a single farmer or rancher has received any assistance from the trust fund so far. No payments had even been planned before December of this year—as it is the lowest of five priorities within USDA's disaster assistance program.

On July 16, I wrote Secretary Vilsack. I asked him to tell me when our farmers and ranchers can expect to receive the assistance Congress authorized for them. I also cosponsored Senator HUTCHISON's amendment to the Agriculture appropriations bill, which expresses the sense of the Senate that USDA should expedite the drought relief we approved last year.

This week, I spoke to Secretary Vilsack as he was traveling in Kenya. He told me that the SURE Program should be finalized by September, which is encouraging news. He also said that the Department's antiquated record-keeping, as well as new demands imposed on USDA in the stimulus bill, have prevented this program from being finalized sooner.

Nevertheless, Mr. President, I am frustrated that we are discussing more money for cash for clunkers—when we should be asking: Where's the cash for crops? Where's the relief for ranchers?

Other Senators may be asking a third question: Why should I care? I can think of two reasons.

First, Texas isn't the only State susceptible to drought conditions. The Lone Star State is experiencing the worst of it now, but many other States in the South and West could experience similar conditions in the future. The SURE Program was created for farmers and ranchers in all of our States—so we all have a stake in seeing this program implemented quickly and successfully.

Second, the implementation challenges of this program should be on our minds as we consider expanding or creating new programs. Mr. President, the SURE Program isn't a complicated program. It is a fairly straightforward disaster assistance initiative. This shouldn't be a heavy lift for the Federal bureaucracy.

Yet if a simple program like this takes a year or more to get off the ground—Senators really should pause and take a deep breath before we create a vast new Federal bureaucracy to run a complicated cap-and-trade scheme, take control over one-sixth of our economy in the name of health care reform, or dump more taxpayers' dollars into the Cash for Clunkers Program.

PSORIASIS AWARENESS MONTH

Mr. MERKLEY. Mr. President, I rise today to bring attention to the serious, debilitating, chronic diseases of psoriasis and psoriatic arthritis. August is Psoriasis Awareness Month, and I urge you to support S. 571, the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act for 2009—important legislation that I have cosponsored with my colleagues.

This legislation will fill important gaps in psoriasis and psoriatic arthritis data collection and research, and is an important step in providing relief to the as many as 7.5 million Americans that the National Institutes of Health, NIH, estimates suffer from these non-contagious, genetic autoimmune diseases.

Psoriasis is the most prevalent autoimmune disease, yet is widely misunderstood, minimized, and undertreated. Between 10 and 30 percent of people with psoriasis also develop psoriatic arthritis, which causes pain, stiffness and swelling in and around the joints. Without treatment, psoriatic arthritis can be disabling. Of serious concern is that people with psoriasis are at elevated risk for myriad comorbidities, including but not limited to, heart disease, diabetes, obesity, and mental health conditions. Psoriasis and psoriatic arthritis impose significant burdens on individuals and society. Psoriasis alone is estimated to cost the Nation 56 million hours of lost work and between \$2 billion and \$3 billion annually.

The Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act would help combat the pain, suffering, and stigma of psoriasis and psoriatic ar-

thritis by expanding psoriasis research conducted by the NIH and strengthening patient data collection on these diseases by establishing a national psoriasis and psoriatic arthritis patient registry through the Centers for Disease Control and Prevention. The bill also directs the Secretary of Health and Human Services to convene a summit to discuss issues and opportunities in psoriasis and psoriatic arthritis research. Finally, the bill calls upon the Institute of Medicine to conduct a study and issue a report on recommendations with respect to access to care for people with psoriasis and psoriatic arthritis. Taken together, these efforts will help reduce and prevent suffering from these conditions.

I would like to take a moment to recognize Paula Blount, a National Psoriasis Foundation volunteer whose 6-year-old daughter Hannah has psoriasis. While this disease is physically painful, for a child, the emotional pain can be just as debilitating. In the summer months, little Hannah endured many stares and rude remarks at the public pool. Her psoriasis was particularly bad, covering a large portion of her small body. Paula eventually bought a pool for the backyard so her daughter could swim at home without being teased and embarrassed. It is important that we do all we can to work with groups like the National Psoriasis Foundation to raise awareness about the disease and to fight the stigma that this serious autoimmune disease is just a case of "dry skin."

In my home State of Oregon there are over 89,000 of my constituents living with psoriasis and psoriatic arthritis. I encourage my colleagues to meet with psoriasis patients in your States to learn more about psoriasis and psoriatic arthritis, and work to reduce the misconceptions surrounding these conditions. I further urge you to join with me and other colleagues in supporting people with psoriasis by cosponsoring S. 571.

Mr. MERKLEY. Mr. President. I ask unanimous consent that the letter dated August 6, 2009, from Consumers Federation of America, et al., be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSUMER ACTION, CONSUMER FEDERATION OF AMERICA, CONSUMERS UNION, NATIONAL CONSUMER LAW CENTER, U.S. PUBLIC INTEREST RESEARCH GROUP,

August 6, 2009.

Re Deceptive Loan Check Elimination Act.

HON. JEFF MERKLEY,

U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MERKLEY: We congratulate you on introducing legislation to protect consumers from the risks of credit marketed via unsolicited checks that can be signed and deposited, obligating consumers to repay high cost loans. The Deceptive Loan Check

Elimination Act fills a gap in protections against mailing unsolicited credit devices that has existed since Congress prohibited banks from mailing live credit cards to consumers in the 1970's.

Checks mailed as part of credit solicitations represent the loan principal, not just a credit line. Once these checks are "cashed," the borrower becomes obligated for a relatively large debt generally at a high interest rate and prohibitive terms. This marketing device poses significant costs on consumers, given identity theft and its repercussions. First, consumers are harmed if these checks are cashed by someone other than the named borrower. Given the ease with which incoming mail can be stolen from mail boxes or diverted by others in a household, marketing by unauthorized live check loans is a risk to consumers who did not request credit. The cost to consumers includes the time and money spent correcting credit reports and notifying lenders about fraudulently arranged debt as well as reduced credit scores until the fraudulent item is corrected, which can take months. Second, live loan checks present a "free money" temptation for consumers struggling to make ends meet, who may not have the ability to pay back the check loan.

No device that extends credit and obligates borrowers should be sent without express request from consumers. It is high time that Congress complete the job started over thirty years ago to prohibit creditors from mailing out live credit devices to consumers who did not request them and that can be used to obligate consumers and damage credit ratings.

We look forward to working with you as this bill moves through the legislative process. Please contact Jean Ann Fox, CFA.

Sincerely,

JEAN ANN FOX,
*Consumer Federation
of America.*

CHI CHI WU,
*National Consumer
Law Center (on be-
half of its low in-
come clients).*

LINDA SHERRY,
Consumer Action.
EDMUND MIERZWINSKI,
*U.S. Public Interest
Research Group.*

PAMELA BANKS,
Consumers Union.

YEMEN

Mr. FEINGOLD. Mr. President, the Obama administration has rightly focused much of its attention not on Iraq but on the region of the world that most threatens our national security—the Pakistan-Afghanistan region. This was long overdue. The lost time has greatly damaged our national security and left us with fewer options in South Asia. I continue to be concerned, however, that the escalation of our military efforts in Afghanistan could further destabilize Pakistan, where the leadership of al-Qaida and Afghan Taliban operate and where Pakistani Taliban elements are seeking to extend their reach. I expressed these concerns, among other places, at a hearing of the Senate Foreign Relations Committee to Ambassador Richard Holbrooke, the

administration's envoy to the region. Ambassador Holbrooke conceded that the concern was real and that, while the administration was aware of the risk, they could not rule out these unintended consequences. Testifying before the same committee a week later, Admiral Mullen made similar comments.

The war in Afghanistan is inextricably linked to the al-Qaida safe haven in the FATA and the Afghan Taliban safe haven in Balochistan, as well as to the current conflict in the Northwest Frontier Province and to the rest of Pakistan. It is not the same war throughout the region and it would be a mistake to perceive a monolithic enemy. But we need to consider the consequences of our actions and those of our partners throughout the region.

Last year, I made a trip to Peshawar in the Northwest Frontier Province. There I met the province's leadership, as well as the extraordinary Americans working in our consulate there. During and after my trip, I expressed concern about the impact of deals made between the government and the Pakistani Taliban. Tragically, however, the situation in the NWFP got worse. Increasing violence in Peshawar included the killing of USAID employees and an attack on our top diplomat there. And the Pakistani Taliban's reach into Swat became broader and more radical, further threatening our national security and that of Pakistan. These advances must be permanently rolled back, just as safe havens in the FATA cannot be allowed to stand.

But it is not enough for us to throw our support behind the Pakistani military incursions. This is a critical moment in which it matters how Pakistan seeks to reassert its control. The displacement of over 2 million civilians, delays in assistance to and the return of the displaced, and a failure to ensure coordinated and accountable civilian-led security to the people all pose serious risks. Internal conflicts fuel terrorist recruitment and can create new safe havens. So while we have a clear interest in the success of one side—the Pakistani Government—we also have a clear interest in how this conflict is waged and how it is resolved.

At the same time, we must focus more attention beyond the safe havens and instability in South Asia, particularly on Yemen and Somalia. The threat from al-Qaida affiliates in those countries, as well as from al Shebaab, is increasing. Weak states, chronic instability, vast ungoverned areas, and unresolved local tensions have created almost ideal safe havens in which terrorists can recruit and operate. They have also attracted foreign fighters including, in the case of Somalia, Americans. Al-Qaida's long tentacles reach into these countries, and our efforts to track individual operatives are critical, just as they are in Pakistan. But,

while we should aggressively pursue al-Qaida leaders, we will not achieve our long-term strategic goals if we think about counterterrorism primarily as a manhunt or if we assume there is a finite number of terrorists in the world. Conditions in places such as Yemen and Somalia create and attract new ones. That is why press stories suggesting that operatives from Pakistan are relocating, while troubling, ignore the larger strategic picture. Because of conditions on the ground, al-Qaida affiliates in Yemen and Somalia are perfectly capable of expanding their reach and capabilities on their own. And the best way to stop them is to address head-on the reasons—frequently unique to the countries in which they are operating—for their success.

The threats to our national security in Yemen are serious and are getting worse. News last month about the murder of as many as nine hostages in Yemen, which Yemeni officials have linked to groups affiliated with al-Qaida, is a reminder of the increasing violence there. As in Peshawar, our diplomats have been in the crosshairs, with the attack last September on our Embassy in Sana'a. And, as our State Department has warned, al-Qaida in Yemen's recruitment remains strong, and its tactics indicate high levels of training, coordination, and sophistication. Any serious effort against al-Qaida in Yemen will require the engagement of the government, whose capabilities and commitment are extremely weak. Yemen is a fragile state whose government has limited control outside the capital. It is also distracted from the counterterrorism effort by two other sources of domestic instability—the al-Houthi rebellion in the north and tensions with a southern region with which Sana'a was united less than 20 years ago. In other words, counterterrorism is hampered by weak governance and by internal conflicts that would not appear on the surface to threaten our interests. Our only choice, then, is to develop a comprehensive policy toward Yemen that places counterterrorism within a broader framework that promotes internal stability, economic development, transparency, accountability, and the rule of law.

And we must do this while considering the obstacles to repatriating the approximately 100 Yemeni detainees currently detained at Guantanamo Bay. I have spoken out about security gaps in Yemen, particularly with regard to the escape from detention of a terrorist operative responsible for the attack on the USS *Cole*. I support the closing of Guantanamo, but with so many of its detainees hailing from Yemen, we need to take an honest look at the weaknesses in Sana'a's justice and security systems and consider whether there is anything we can do about them.

Instability in Yemen is, of course, directly linked to conflict in the Horn of Africa. Earlier this year, the pirate attack on a U.S. vessel briefly raised awareness of maritime insecurity fostered by a lack of effective governance and insufficient naval capacity on both sides of the Gulf of Aden. This problem continues, even when it is not on the front pages, and is both a symptom and a driver of overall instability in the region. Meanwhile, refugees from the conflict in Somalia are fleeing to Yemen. According to a recent U.N. report, thirty 30,000 have crossed the Gulf of Aden this year with thousands more preparing to do so. The human cost to this exodus, as well as the potentially destabilizing affects, demand our attention. Finally, Yemen is linked to the Horn of Africa through arms trafficking that violates the U.N. embargo on Somalia and fuels the conflict there.

The threat in northern Somalia is, or should be, more apparent now than ever. Last October, terrorists attacked in Somaliland and Puntland. These are regions—and regional governments—for which we have little in the way of policy. I am not arguing that we recognize their independence, but it is in our national interest to engage them—diplomatically and economically—and to promote stability there. I have spoken frequently, and for years, about the need for a comprehensive policy for the Horn of Africa. Serious attention to the unique conditions in Somaliland and Puntland must be part of that policy.

Meanwhile, the raging conflict in central and southern Somalia is worse than ever, as a beleaguered transitional government fights a strengthened al-Shabaab and allied militias. Foreign fighters have come to Somalia to fight alongside al-Shabaab, including Americans, one of whom was implicated in the October terrorist attacks. Al-Qaida in East Africa thrives on the instability and has even expanded its support network south, into parts of Kenya. Yet for far too long, our policy toward Somalia has been fragmented or nonexistent. Our counterterrorism approach has been primarily tactical and has failed to confront the reasons why Somalia is not just a safe haven for al-Qaida in East Africa but a recruiting ground for increasing numbers of fighters—Somali and foreign—who are drawn to a conflict that is fueled by local and regional forces. That is why a comprehensive policy must include a serious, high-level commitment to a sustainable and inclusive peace and why all elements of the U.S. Government need to work together toward common goals.

As in Yemen, the key to a successful strategy is the recognition that destabilizing factors in the region are linked to threats to the United States. Thus, separatism in the Ogaden or Somali region of Ethiopia, the ongoing Ethio-

pian-Eritrean border disputes, and the ways in which these tensions motivate the policies of these countries toward Somalia must factor into our broader regional strategy. This is complex, to be sure. But we simply have no other choice—we must recognize the complexity, understand it, and devise policies that address it.

This administration has a historic opportunity. And there are indications that lessons are being learned. The Director of the National Counterterrorism Center—whom the President rightly kept on from the previous administration—recently said the following:

This is a global struggle for al-Qaida, but if we think about it too much as a global struggle and fail to identify the local events that are truly motivating people to join what they view as a global struggle, we will really miss the boat. We have to try to disaggregate al-Qaida into the localized units that largely make up the organization and attack those local issues that have motivated these individuals to see their future destiny through a global jihad banner.

This is the strategic framework that we have been waiting for, and it is encouraging.

But statements such as these are only the beginning. To effectively fight the threat from al-Qaida and its affiliates, we have to change the way our government is structured and how it operates.

First, we need better intelligence. Recent reforms to our intelligence community have focused on tactical intelligence—on “connecting the dots.” We have not tackled the gaps in strategic intelligence. We need to improve the intelligence that relates directly to al-Qaida affiliates—where they find safe haven and why. But we also need better intelligence on the local conflicts and other conditions that impede or complicate our counterterrorism efforts. And we need better intelligence on regions of the world in which the increasing marginalization of communities, resentments against local government, or simmering ethnic or tribal tensions can result in new safe havens, new pools for terrorist recruiting, or simply distractions for one of our counterterrorism partners.

Second, we need to fully integrate our intelligence community with all the ways in which our government, particularly the State Department, openly collects, reports, and analyzes information. This integration, which was the goal of legislation that I introduced in the last Congress with Senator Hagel and that twice has won approval from the Senate Intelligence Committee, is a critical component of strategic counterterrorism. Without it, we will never understand the conditions around the world—most of them apparent to experienced diplomats—that allow al-Qaida affiliates to operate, nor will we be able to respond effectively.

Third, this integration of clandestine intelligence community activities and

open information gathering must include the allocation of real resources to the right people. This is fundamental. We can no longer afford to have budget requests driven by the equities and influence of individual agencies, rather than interagency strategies. And while Congress should do its part, real reform must be internalized by the executive branch.

Fourth, we need to recognize that when whole countries or regions are off limits to our diplomats, we have a national security problem. We know that regional tensions in Yemen, clan conflicts in Somalia, and violent extremism in Pakistan all contribute to the overall terrorism threat. But if our diplomats can't get there, not only will we never truly understand what is going on, we won't be able to engage with the local populations. In some cases, we can and should establish new embassy posts. For years, I have pushed for such an initiative in northern Nigeria, a region where clashes between security forces and extremists have taken hundreds of lives in recent weeks. In some cases, the security concerns are prohibitive. But there, we cannot just turn our backs; our absence doesn't make the threats go away. Instead, we should develop policies that focus on helping to reestablish security, for the sake of the local populations as well as for our own interests.

Fifth, we need strong, sustained policies aimed directly at resolving conflicts that allow al-Qaida affiliates to operate and recruit. These policies must be sophisticated and informed. We have suffered from a tendency to view the world in terms of extremists versus moderates, good guys versus bad guys. These are blinders that prevent us from understanding, on their own terms, complex conflicts such as the ones in Yemen or Somalia or, to inject two other examples, Mali and Nigeria. They have also led us to prioritize tactical operations—DOD strikes in Somalia, for example—without full consideration of their strategic impact. Conversely, we have viewed regional conflicts as obscure and unimportant, relegating them to small State Department teams with few resources and limited influence outside the Department. This must change. Policy needs to be driven by the real national security interests we have in these countries and regions, and our policies need to be supported by all elements of the U.S. Government. That includes a real recognition that, sometimes, policies that promote economic development and the rule of law really are critical to our counterterrorism efforts, and they need real resources and support from the whole of our government.

Mr. President, after 7 years of an administration that believed it could fight terrorism by simply identifying and destroying enemies, we now have

an opportunity to take a more effective, comprehensive, long-term approach. The President, in his speech in Cairo, reached out to Muslims around the world. The Director of the NCTC has stressed the need to address local conditions in the global struggle against al-Qaida's affiliates. The Secretary of State has committed to aggressive diplomacy around the world. And the Secretary of Defense has acknowledged the need to increase the role and resources of other agencies and departments. Now, however, the real work begins. Changing the way the government, and Congress, for that matter, understands and responds to the national security threats facing us will not be easy. But we have no time to wait.

45TH ANNIVERSARY OF THE WILDERNESS ACT

Mr. FEINGOLD. Mr. President, as founder of the Senate Wilderness and Public Lands Caucus, I led a Senate resolution commemorating the upcoming 45th anniversary of the Wilderness Act of 1964. I am delighted the Senate passed this resolution last night, and am very pleased that Senator McCAIN joined me in leading this effort. I also thank our other colleagues for their support as cosponsors: Senators LAMAR ALEXANDER, EVAN BAYH, MICHAEL BENNET, BARBARA BOXER, SAM BROWNBACK, RONALD BURRIS, ROBERT BYRD, MARIA CANTWELL, BENJAMIN CARDIN, SUSAN COLLINS, CHRIS DODD, DICK DURBIN, DIANNE FEINSTEIN, JUDD GREGG, JOHN KERRY, JOE LIEBERMAN, ROBERT MENENDEZ, JEFF MERKLEY, PATTY MURRAY, MARK UDALL, TOM UDALL, GEORGE VOINOVICH and RON WYDEN.

This Wilderness Act was signed into law on September 3, 1964, by President Lyndon B. Johnson, 7 years after the first wilderness bill was introduced by Senator Hubert H. Humphrey of Minnesota. The final bill, sponsored by Senator Clinton Anderson of New Mexico, passed the Senate by a vote of 73-12 on April 9, 1963, and passed the House of Representatives by a vote of 373-1 on July 30, 1964.

The Wilderness Act of 1964 established a National Wilderness Preservation System "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." The law gives Congress the authority to designate wilderness areas, and directs the federal land management agencies to review the lands under their responsibility for their wilderness potential.

Under the Wilderness Act, wilderness is defined as "an area of undeveloped federal land retaining its primeval character and influence which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." The creation of a

national wilderness system marked an innovation in the American conservation movement—wilderness would be a place where our "management strategy" would be to leave lands essentially undeveloped.

The original Wilderness Act established 9.1 million acres of Forest Service land in 54 wilderness areas. The support for wilderness has continued through the 111th Congress with the creation of 52 new wilderness areas in the Omnibus Public Land Management Act of 2009. Today, the wilderness system is comprised of over 109 million acres in over 750 wilderness areas, across 44 States, and administered by 4 Federal agencies: the Forest Service in the U.S. Department of Agriculture, and the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service in the Department of the Interior.

As we in this body know well, the passage and enactment of the Wilderness Act was a remarkable accomplishment that required steady, bipartisan commitment, institutional support, and strong leadership. The U.S. Senate was instrumental in shaping this very important law, and this anniversary gives us the opportunity to recognize this role.

As a Senator from Wisconsin, I feel a special bond with this issue. The concept of wilderness is inextricably linked with Wisconsin. Wisconsin has produced great wilderness thinkers and leaders in the wilderness movement such as Senator Gaylord Nelson and the writer and conservationist Aldo Leopold, whose "A Sand County Almanac" helped to galvanize the environmental movement. Also notable is Sierra Club founder John Muir, whose birthday is the day before Earth Day. Wisconsin also produced Sigurd Olson, one of the founders of The Wilderness Society.

I am privileged to hold the Senate seat held by Gaylord Nelson, a man for whom I have the greatest admiration and respect. He is a well-known and widely respected former Senator and former two-term Governor of Wisconsin, and the founder of Earth Day. In his later years, he devoted his time to the protection of wilderness by serving as a counselor to The Wilderness Society—an activity which was quite appropriate for someone who was also a cosponsor, along with former Senator Proxmire, of the bill that became the Wilderness Act.

The testimony at congressional hearings and the discussion of the bill in the press of the day reveals Wisconsin's crucial role in the long and continuing American debate about our wild places, and in the development of the Wilderness Act. The names and ideas of John Muir, Sigurd Olson, and, especially, Aldo Leopold, appear time and time again in the legislative history.

Senator Clinton Anderson of New Mexico, chairman of what was then

called the Committee on Interior and Insular Affairs, stated that his support of the wilderness system was the direct result of discussions he had held almost forty years before with Leopold, who was then in the Southwest with the Forest Service. It was Leopold who, while with the Forest Service, advocated the creation of a primitive area in the Gila National Forest in New Mexico in 1923. The Gila Primitive Area formally became part of the wilderness system when the Wilderness Act became law.

In a statement in favor of the Wilderness Act in the New York Times, then-Secretary of the Interior Stewart Udall discussed ecology and what he called "a land ethic" and referred to Leopold as the instigator of the modern wilderness movement. At a Senate hearing in 1961, David Brower of the Sierra Club went so far as to claim that "no man who reads Leopold with an open mind will ever again, with a clear conscience, be able to step up and testify against the wilderness bill." For others, the ideas of Olson and Muir—particularly the idea that preserving wilderness is a way for us to better understand our country's history and the frontier experience—provided a justification for the wilderness system.

I would like to remind colleagues of the words of Aldo Leopold in his 1949 book, "A Sand County Almanac." He said, "The outstanding scientific discovery of the twentieth century is not the television, or radio, but rather the complexity of the land organism. Only those who know the most about it can appreciate how little is known about it."

We still have much to learn, but this anniversary of the Wilderness Act reminds us how far we have come and how the commitment to public lands that the Senate and the Congress demonstrated 45 years ago continues to benefit all Americans.

I would like to recognize the following organizations for their efforts to continue protecting our wild places: American Rivers, Alaska Wilderness League, Campaign for America's Wilderness, Earthjustice, Natural Resources Defense Council, Pew Environment Group, Republicans for Environmental Protection, Sierra Club, Southern Utah Wilderness Alliance, and The Wilderness Society.

WOMEN'S EQUALITY DAY

Mrs. MCCASKILL. Mr. President, in observance of the upcoming Women's Equality Day on August 26, 2009, I wish to pay tribute to the women soldiers and civilians of the U.S. Army who serve and defend our great country each day—whether in garrison communities here in the United States, like at Ft. Leonard Wood in my native Missouri, or on the front lines of battle in places like Afghanistan, Iraq, and other places around the world.

Although women did not receive equal treatment or recognition while serving in the military during the Civil War or the wars of the 20th century, they now serve in many roles and capacities in the Active, Guard and Reserve components and perform equally as well as their male counterparts. Today's Army fighting women are critical to the success of the Army's mission, and their sacrifice on the battlefield demonstrates a clear call to duty that transcends any supposed gender limitations.

One such example of this bravery is Silver Star recipient SPC Monica Brown, who, when her convoy was attacked while on patrol in Afghanistan, disregarded a hail of enemy fire that threatened her own life and jumped into action in her role as a medic to pull wounded soldiers to safety and render lifesaving aid to them. I also think about the heroic actions of SGT Leigh Ann Hester, another Silver Star recipient and military police platoon leader. When Sergeant Hester and her fellow soldiers were ambushed south of Baghdad, she bravely led her unit through an insurgent "kill zone" and into a flanking position to assault the enemy with fire, killing three insurgents herself.

These acts of selflessness are also mirrored in the spirit of volunteerism and commitment that Army civilian women exhibit as they deploy to combat zones wherever the Army needs them. Like their male counterparts, these women are serving honorably and selflessly as architects, doctors, nurses, lawyers, structural engineers, logisticians, and in scores of other occupational specialties. And like our military women, they do justice to the millions of women who preceded them in history to fight for equal rights for women in America.

As we celebrate the great accomplishments of women in the military on Women's Equality Day, it is imperative that our Nation and leaders continue to evaluate additional opportunities for military service by women. While women have achieved and contributed so much to the Army and the overall military mission, some barriers still exist.

I look forward to a day when more combat aviation and ground occupational specialties will be open to women, for instance. I look forward to a day when there will be more women in the general officer ranks to accompany my good friend GEN Ann Dunwoody, the Army's first and only female four-star general in its entire 234-year history. Our military and government must never slow its commitment to giving women the access to the full range of opportunities that the military has to offer. In doing so, I am confident that these few remaining barriers will fall.

I strongly encourage my fellow members to honor Women's Equality Day

on August 26 by thanking the military and civilian women of the U.S. Army and their families of their States for their commitment, bravery and unflinching support to our great Nation.

NATIONAL HEALTH CENTER WEEK

Mr. JOHNSON. Mr. President, today I wish to recognize the week of August 9, 2009, as National Health Center Week. National health centers provide care to 18 million people a year throughout the United States, through services at Community, Migrant, Homeless and Public Housing Health Center delivery sites. I wish to take the opportunity in a week dedicated to these sites to promote awareness on the expansive role they play in the health care of some of our Nation's most underserved citizens. It is important to recognize that at a time when health care costs have increased considerably across the country, these health centers have continued to serve an increasing number of patients without compromising the quality of care.

The Community Health Center Program, which operates in communities that are designated as medically underserved, has played a particularly important role as a health safety net provider in my State of South Dakota. Significant barriers limit access to quality health care for thousands of South Dakotans. The successful efforts of our State's community health centers have helped reduce many of these barriers by providing quality care to our State's low-income citizens. These health centers provide onsite dental, pharmaceutical, mental health, and substance abuse services that are often hard to come by in rural communities. In South Dakota, more than 50,000 patients received care in 2007, 40 percent of whom were uninsured and an additional 25 percent were covered under Medicaid.

I strongly support this model of health care delivery and commend the hard work of those in South Dakota and across the Nation in providing accessible, high-quality health care to those most in need.

WIPA AND PABSS REAUTHORIZATION ACT OF 2009

Mr. BAUCUS. Mr. President, I urge the Senate to pass by unanimous consent the WIPA and PABSS Reauthorization Act of 2009—H.R. 3325—which was passed recently by the House of Representatives. The bill will extend, for 1 year, two programs that provide important assistance for Social Security and supplemental security income, SSI, disability beneficiaries who would like to return to work.

Both of these programs were included in the Ticket to Work and Work Incentives Improvement Act of 1999, which passed Congress with bipartisan sup-

port. Under the Work Incentives Planning and Assistance, WIPA, program, the Social Security Administration, SSA, funds community-based organizations to provide personalized assistance to Social Security and SSI disability beneficiaries who want to work, by helping these beneficiaries understand SSA's complex work incentive policies and the effect that working will have on their benefits. This program can help to reduce the fears many beneficiaries have about attempting to return to work.

Under the Protection and Advocacy for Beneficiaries of Social Security, PABSS, Program, SSA awards grants to protection and advocacy systems to provide legal advocacy services that beneficiaries need to secure, maintain, or regain employment. The PABSS Program also provides beneficiaries with information and advice about obtaining vocational rehabilitation and employment services.

The Finance Committee and other committees in Congress have received testimony from disability advocates and other stakeholders about the importance of these programs to increasing employment among disability beneficiaries.

The Social Security Administration is currently authorized to spend \$23 million annually from its administrative budget to fund the WIPA Program, and \$7 million annually to fund the PABSS Program. However, the authorization for both programs expires on September 30, 2009.

This bill will extend the WIPA and PABSS Programs for 1 year, with no changes, while the relevant committees in Congress consider a longer term reauthorization. This 1-year extension will ensure that these programs can continue to provide disability beneficiaries with the assistance they need to return to work.

I thank my colleagues for their support for temporarily extending these important programs.

SNAKE HEADWATERS WILD AND SCENIC DESIGNATION

Mr. BARRASSO. Mr. President, I wish to speak on the Craig Thomas Snake Headwaters Legacy Act of 2008.

Shortly before Craig Thomas passed away, he introduced legislation, S. 1281, to protect the Snake River headwaters. His goal was to designate hundreds of miles of river in northwest Wyoming as wild and scenic. At the time, Senator Thomas stated that this designation would be a "badge of honor" for these rivers.

On May 15, 2007, the Senate Committee on Energy and Natural Resources Subcommittee on National Parks held a hearing on S. 1281. Senator Thomas invited Jack Dennis, a world renowned fly fisherman, to testify in support of the bill.

During his testimony Jack Dennis eloquently made the case for wild and scenic designation stating "Without hesitation, the rivers and streams of the Snake River Headwaters are the most stunningly beautiful in the world." Jack further testified that "To walk these rivers and hear the music of the rivers, to see beavers swimming out of the lodge, to watch an elk come down to the river to drink at sunrise—these rivers touch all our souls."

On Sunday, August 9, 2009, I will be participating in a community event in Jackson Hole, WY, to officially designate the Snake River headwaters as wild and scenic. I will be joining Susan Thomas, Jack Dennis, and hundreds of grassroots organizations and individuals who never gave up.

Like so many others, the river touched Craig's soul. This coming Sunday, we will finish the task Craig Thomas started. It is a remarkable accomplishment—388 miles of river dedicated as wild and scenic, 388 miles of pristine water that will be protected for the enjoyment of future generations.

What an honor indeed.

SENATE EMPLOYEES' CHILD CARE CENTER

Mr. BENNETT. Mr. President, I rise today to recognize the Senate Employees' Child Care Center for 25 years of service.

The Senate Employees' Child Care Center opened its doors on February 27, 1984, as the first childcare center on Capitol Hill. Its successful opening is attributed to the dedication and hard work of Senate Members, employees, and their families.

The center has grown, much like the children and Senate families it has served. On opening day, the center had 27 children enrolled from the ages of 18 months to 5 years. By comparison, the center today has grown to a full enrollment of 68 children from the ages of 10 weeks to 5 years.

The center first opened in what was known as the Immigration Building and is now the Capitol Police headquarters. As it outgrew that space, a new facility was constructed nearby. Enrollment and growth continued, necessitating the construction of a new facility in December of 1999.

While many things have changed over the past 25 years, such as the location, number of children served, and the faces of teachers and families, one constant is this: the Senate Employees' Child Care Center remains a first-class facility. Families continue to appreciate the comfort of knowing their children are in a safe and enriching educational environment. In fact, many families refer to the Center as a "school" rather than a daycare facility.

We and our staffs strive for excellence. The Senate Employees' Child

Care Center does the same. In 1989, it became the first center in Washington, DC, to achieve accreditation from the National Association for the Education of Young Children, NAEYC. This accreditation is the "gold standard" for early childhood education, and the center has maintained it continuously since 1989.

As in the early days, families with children enrolled in the center are encouraged to be involved in its daily operations. Many families spend their lunch hours doing "nap duty," others serve on the Board of Directors, and others assist with special classroom projects. Parental involvement fosters a cooperative environment and further contributes to the center's excellence.

The greatest asset of the Senate Employees' Child Care Center is its teachers. One of the original teachers, Phyllis Green, continues to provide lessons that will serve children well throughout their lives. She is one of many dedicated professionals who connect with both children and parents in very special ways.

I offer my congratulations to the Senate Employees' Child Care Center on achieving this milestone and best wishes for many more years of service.

Mr. SCHUMER. Mr. President, I rise to join my colleague Senator BENNETT to recognize the 25th anniversary of the Senate Employees' Child Care Center's founding and to congratulate the SECCC on its many years of service to the Senate.

The original families and those who have followed share many memories of their experiences with the SECCC. They recall the development of a playground in what is now Senate Parking Lot 19; the center's role in the creation of the congressional holiday ornaments; the day the children watched as the sculpture Mountains and Clouds was installed in the Hart atrium; and the annual Fourth of July parade, with the children dressed in red, white and blue as they march from the child care center to the Hart Office Building. Most important, they speak of the growth and development of their children.

The Senate is well served by the Senate Employees' Child Care Center and the staff members who work there. I want to thank the center for its 25 years of service to the Senate.

BASEBALL HALL OF FAME INDUCTEE JAMES EDWARD RICE

Mr. GRAHAM. Mr. President, today I ask the Senate to join me in recognizing James Edward Rice on the occasion of his induction into the National Baseball Hall of Fame on July 26, 2009. Mr. Rice is a superior athlete who has made his home State of South Carolina very proud.

Mr. Rice was elected in this, his 15th and final year on the Baseball Writers

Association of America, BBWAA, election ballot, with 76.4 percent of the vote. He becomes the third player in Hall of Fame history to be elected by the BBWAA in his final year of eligibility, and he is certainly deserving of this honor.

Jim Rice spent his entire 16-year big league career playing with the Boston Red Sox. Fenway Park was his second home, and he certainly gave the Red Sox organization and fans plenty to cheer about. Mr. Rice played his first game for the club in late 1974, and his career took off shortly thereafter. In 1975 he ended the season as runner-up for Rookie of the Year, second to his own teammate Fred Lynn. After overcoming injuries, Mr. Rice finally settled in and was selected as the American League Most Valuable Player, MVP, in 1978, and throughout the rest of his career he finished in the top five of the MVP selection five other times.

An Anderson, SC, native, Mr. Rice, or "Ed" as he was known growing up, found himself in a challenging time of social change. After the public schools were integrated shortly before his senior year of high school, he was sent into a new environment where, according to Alexander Edelman with the Baseball Biography Project, his "engaging personality and gentle charm won over most . . . and helped ease the racial tension that accompanied integration." He quickly made quite an impact in the athletic arena as a member of the football, basketball, and baseball teams. He was an all-State kick returner, defensive back, and wide receiver. But it was his prowess on the baseball diamond that caught the most attention, and he was drafted in the first round of the amateur entry draft at only 18 years old.

Mr. Rice was an incredible asset to the Boston Red Sox, but perhaps his most memorable moment with the team had nothing to do with his abilities on the field. On August 7, 1982 Jonathan Keane, a 4-year-old boy attending his first game in Fenway Park, was sitting along the first base line when he was struck in the head with a line drive foul ball. Alarmed that no one was reacting quickly enough, Jim Rice leapt from the dugout and into the stands. Instinctively he picked up the unconscious boy and, cradling him, ran straight to the clubhouse where the trainer and ambulance were waiting. Tom Keane, Jonathan's father who was with him that day, recalled the event and noted, "In times like that, you really see the quality of the character of the people involved. Jim Rice is a really humble guy. He doesn't want to take credit for doing anything out of the ordinary . . . I think that's an understatement of what he did that day. He may very well have saved my son's life."

Jim Rice played his final game with the Boston Red Sox on August 3, 1989,

but returned to the organization from 1995 through 2000 as a hitting coach. On November 1, 1995 he was inducted into the Red Sox Hall of Fame in its inaugural class. His plaque can be viewed at Fenway Park along with two of his Silver Slugger awards. In 1999, Sports Illustrated honored him as the ninth best athlete of the 20th Century to come out of South Carolina. And in 2001 he was inducted into the Ted Williams Hitters Hall of Fame.

Mr. Rice and his wife Corine now reside in Andover, MA, where they have raised their two daughters Carissa and Chancey. And though he is not permanently in South Carolina, his presence is still felt in Anderson through a community center named in his honor, the Jim Ed Rice Center.

I ask that the Senate join me in honoring him for his impressive athletic career and newest honor as an inductee into the National Baseball Hall of Fame.

HONORING THE 437TH AIRLIFT WING

Mr. DEMINT. Mr. President, Senator GRAHAM joins me today to congratulate the men and women of the 437th Airlift Wing stationed at Charleston Air Force Base, SC, for their outstanding service in defending our Nation and for their great achievements at the Air Force's Air Mobility Command Rodeo Competition.

It is been 8 years since the attacks of 9/11, and the record of continuous operations for the 437th is an inspiration to us all. Shortly after the attacks, Charleston leapt into action, dropping humanitarian aid into Afghanistan only hours after bombers began pounding al-Qaida and Taliban insurgents. Later, when we put boots on the ground, the 437th led the first-ever C-17 combat dirt landing in the barren wilderness of Afghanistan to establish a critical forward operating base. Since then, Team Charleston has led the airlift of MRAPS to protect our troops in Iraq and Afghanistan and performed some of the largest training exercises in Air Mobility Command. Over the years, they have delivered a staggering 1.3 billion pounds of cargo to support our troops and provide relief for friends and allies around the world.

However, when the 437th is not saving lives and delivering freedom, they are winning awards and bringing home trophies. We are especially proud of the 437th's accomplishments at the 2009 Air Mobility Command Rodeo Competition. The 437th competed with more than 100 teams and 2,500 people from the United States Air Force and allied nations. They led the C-17 aircrew competition and finished first in two out of three competitions, earning trophies for "Best C-17 Air Refueling Crew" and "Best Short Field Landing Crew." Furthermore, Team Charleston

continued their distinguished record of world-class maintenance and added "Best C-17 Preflight Team" to their long list of awards. These are impressive achievements that bring great credit upon the 437th.

We recognize the outstanding achievements of Rodeo team members CPTs Robert Lowe, Joseph Beal and Jonathan Magill; MSgt Ricky Clark; Technical Sergeants Harold Bordeaux, Paul Eaton, and Richard Pate; SSgts Jessy Martin, Brian Parmerter, Hector Schunior, Nicholas White, John Paull, and Veronica Bankey; Senior Airmen Dennis Adams and Joshua Ramalia; and Airman First Class Daniel Jones.

I know the Wing is especially proud of the Rodeo team, but on behalf of the people in Charleston, the State of South Carolina, and our great country, Senator GRAHAM and I salute the outstanding work of the 437th.

We are amazed by their stories and humbled by the immense burdens they have shouldered. Their dedication, and their families' sacrifices are an inspiration, and our country owes them a debt of gratitude for their patriotic service.

AFGHAN NATIONAL SECURITY FORCES

Mr. KAUFMAN. Mr. President, we have embarked on a new course in Afghanistan. The plan has 21,000 troops and trainers engaged primarily in clearing the Taliban in Kandahar and Helmand provinces. We know from counterinsurgency doctrine that we must now hold the areas that have been cleared.

I speak today on the need for expanding the Afghan National Army and Police. They must do the holding of those areas taken by our forces so that we can build a capable, accountable, and effective Afghan Government. The August 20 elections will be a crucial milestone in Afghanistan's democratic development, and the international community stands with the Afghan people as they exercise their freedom to cast votes at more than 7,000 polling stations.

Safeguarding the election is a test for the Afghan security forces, which are leading efforts to secure the polling stations per the plans of the Afghanistan Elections Commission. At the same time, the United States and other international partners will continue to support Afghan forces. We have increased troop levels this summer, in part, to help the Afghan National Army and Police prepare for the election.

As we send an additional 21,000 troops and trainers and hundreds of civilians into Afghanistan, we must do everything in our power to protect these brave men and women in a hostile environment. We must be effective and efficient in clearing and holding against insurgents. And we must ensure we

have the necessary civilian resources to build a secure and stable environment, in which Afghans can sustain rule of law and promote good governance.

These goals are critical to our shared counterinsurgency mission. Success will not be easy or without a great cost or burden. It will continue to require patience, determination, and an enduring American commitment.

As GEN Stanley McChrystal affirmed when he assumed command of American and International Security Assistance Force, or ISAF, troops in Afghanistan, "the Afghan people are at the center of our mission. In reality, they are the mission. We must protect them from violence, whatever its nature." The Afghan people are at the heart of our operations, and the first principle of protecting the population in counterinsurgency is building a strong indigenous security force that can assume control and take the lead.

Our military, civilian, and political leadership agree that enhancing the capacity and capability of the Afghan National Army and Afghan National Police is key to an eventual U.S. withdrawal from Afghanistan. Before we move in this direction, however, we must consider what additional resources are required to help the ANA and ANP become self-sufficient.

Current estimates indicate the Afghan Army is one fourth of the size of the Iraqi Army, where the ongoing insurgency now pales in comparison to Taliban-led violence in Afghanistan. This is woefully inadequate if we hope to meet Afghanistan's short-term and long-term security requirements. The same can be said for the Afghan police, which provides the essential services of border security, law enforcement, coordinating counternarcotics, and serving as a paramilitary force.

The Afghan National Army and Police must work in tandem on counterinsurgency—one cannot succeed without the other—with the army "clearing" the land of insurgents, and the police "holding" to ensure stability. Progress in "building" economic development and governance cannot be sustained until the security forces succeed in their mission.

Current plans to expand the Afghan National Army to 135,000 and the Afghan National Police to 80,000 by 2011 represent a positive step in the right direction but still fall short of the necessary requirements. These numbers are insufficient for the Afghans to independently maintain security and establish rule of law in the long-run, and therefore should be considered critical milestones, but not ceilings, for the training mission.

According to the Army/Marine Corps Counterinsurgency Manual drafted by General Petraeus in 2006, the requisite number of security forces should not be defined by the number of insurgents.

Rather, the size of host nation security forces should be commensurate with the size of the population. This closely parallels the methodology used to calculate the adequate size for peacekeeping operations, which are determined by the number of inhabitants. Counterinsurgency doctrine, as delineated by General Petraeus, recommends a minimum target ratio of 20 counterinsurgents for every 1,000 residents.

According to this ratio, in order to secure Afghanistan—a country of more than 33 million—a minimum of 600,000 security forces are needed, which includes the army and police. Current targets for the ANA and ANP barely reach 40 percent of this minimum requirement. It is clear that these numbers should be increased, and this is why I support doubling the target number for the ANA from 135,000 to 250,000, and increasing the ANP from 80,000 to 150,000.

As Secretary Gates has outlined, we must better prepare to fight the wars we are in, and recognize that that irregular warfare is not just a short-term challenge. Rather, it is a long-term reality that requires a realignment of both military strategy and spending. And as we continue to engage in counterinsurgency, we must recognize those elements of our strategy which are essential to our mission. Chief among them remains building the indigenous capacity of the host nation security forces.

It is in this regard that I strongly urge my colleagues to join me in supporting an increase in the size of the Afghan national security forces. While this may require additional trainers, troops, and resources in the short run, it is the only way to ensure the long-run stability of Afghanistan.

WYOMING'S WORLD WAR II MEMORIAL

Mr. BARRASSO. Mr. President. I wish today to talk about a special group of people who live and work with us, side by side in our hometowns across America. The terrible days of the Second World War produced an entire generation of men and women who answered the call to duty to defend freedom and defeat tyranny in far off lands across both oceans. They left their homes and families, endured great trials, and gave so much of themselves for so many of us in the most difficult of circumstances.

These brave men and women served in our Nation's darkest hour. And then they came back home. They went back to work, to school, bought homes, raised families, and continued to build our Nation. Today they are our friends and neighbors, our parents and grandparents, our fellow Americans. And we owe them such a tremendous debt of gratitude.

Mr. President, on August 15, 2009, the State of Wyoming will dedicate its World War II Memorial at the Wyoming Veterans Memorial Park in Cody, WY. And I am honored to be here on the floor of the Senate to personally give thanks to the many men and women and their families who made such great sacrifices on our behalf during the terrible days of World War II.

The memorial being dedicated and the ceremony itself required a major commitment on the part of those who worked to successfully complete the project. This includes veterans, their families, friends, admirers, and all of the people of Wyoming whose hard work and generous contributions made this memorial possible.

The Wyoming World War II Memorial is a fitting tribute to all those of the Greatest Generation who gave so much for our country. It is because of them that we all live our lives in freedom and are able to exercise the rights guaranteed to us in our Constitution every day. We are the grateful beneficiaries of their sacrifices.

My father was a veteran of World War II. He fought in the Battle of the Bulge. My wife Bobbi's father was in both World War II and Korea. My dad always told me that I should thank God every day that I live in America and how fortunate I was. He was right. This is the greatest country on Earth. And it is because of the brave actions of so many of our fellow countrymen.

The Wyoming Congressional delegation had the privilege of greeting a group of Wyoming's World War II veterans on the National Mall this spring. They made the Wyoming Honor Flight trip to Washington from Wyoming to visit the World War II Memorial. Wyoming's World War II veterans are heroes in every sense of the word. They quite literally saved the world. Let Wyoming's new memorial be a monument of our endless thanks for all they have secured for us. All of Wyoming, and indeed America, says thank you.

ADDITIONAL STATEMENTS

COMMENDING SALLY HUNTER

• Mr. CORNYN. Mr. President, today I wish to recognize the distinguished service of an outstanding Texan, Sally Hunter. Ms. Hunter is the recipient of the 2009 Preserve America Elementary History Teacher of the Year for Texas. This award recognizes outstanding American history teachers from elementary school through high school, as well as the crucial importance of American history education. One teacher from each State is chosen from thousands of exceptional teachers to receive this prestigious award.

For almost 30 years, Sally Hunter has served the students of Texas as an instructor, mentor, and friend. Through

recognizing and cultivating untapped potential within students, she has inspired countless youth to be men and women of character, vision and dedication.

Ms. Hunter began serving students as an elementary teacher in Austin ISD in 1980, and has taught fourth grade since 1995. Since that time, she has positively impacted the lives of thousands of students by making history personal for them. In keeping with her great love of Texas history, Ms. Hunter has traced her very own family back to the 1850s when they were neighbors of Sam Houston. Ms. Hunter continues to encourage and foster the same love of research and history in her own students so that they may learn more about their own family history.

Just 2 days after the fire that destroyed the Governor's Mansion in Austin, Ms. Hunter began to write the curriculum *This House is Your House* in order to ensure that students would learn about the richness of the mansion's history. Ms. Hunter's program is being used in classrooms across Texas, and continues to illustrate the mansion's tangible connections to people of the past, while challenging students to contribute to restoration and preservation.

Ms. Hunter has a gift for recognizing the unique needs of students and has never failed to commit her time, energy, and resources to meeting their needs. Ms. Hunter's love for teaching has made a lasting impact on her students, and she exemplifies an outstanding teacher and historian.

Sally Hunter's years of selfless service and unwavering devotion to the improvement of her students' lives have earned the respect of countless Texans. I thank Sally for her commitment to excellence in teaching the future leaders of Texas and send my best wishes for the years ahead.●

100TH BIRTHDAY OF ETHEL SCHWENGEL

• Mr. HARKIN. Mr. President, today is the 100th birthday of a very special Iowan and a wonderful friend, Ethel Schwengel. One century ago today, Ethel was born on her parents' family farm near Purdin, MO. This is a bit premature, but I should also note that we are on the cusp of yet another remarkable milestone. On August 15, Ethel and her family will celebrate the 78th anniversary of her marriage to the late Frederic Schwengel, who represented Iowa in the United States House of Representatives from 1955 to 1965 and from 1967 to 1973.

The Schwengels married in Unionville, MO, in 1931, and moved to Davenport, IA, in 1937. There, Ethel worked as an educator, and was active in many civic organizations, including Girl Scouts and the YWCA.

When her husband served in the Iowa House of Representatives from 1944 to

1954, and later during his long service in the U.S. House, Ethel became a respected and beloved presence in her own right.

Ethel was always actively engaged in her husband's campaigns. Meanwhile, on the home front, she was a strong stabilizing influence in the Schwengel household during his inevitably frequent absences. She was a tireless and gracious hostess, often responding to last-minute calls from her husband to set additional places at the table for colleagues and visitors.

During their years in the Nation's Capital, the Schwengels hosted "Washington Week" for an Iowa State University professor and two of his students, one of whom was a very young and green TOM HARKIN. I will never forget their kindness and hospitality during that very eventful week.

Ethel joined in her husband's passion for collecting antiques as well as Abraham Lincoln memorabilia, which she displayed beautifully in the Schwengel house. Another highlight of their home was the Ethel's garden, which featured her prized tomatoes and Fred's beloved rhubarb—and little bit of Iowa right in suburban Washington. Ethel was especially proud of her dazzling display of azaleas each spring.

Across more than six decades of marriage, Ethel and Fred Schwengel were blessed with a large extended family. They raised two children, Frank and Dorothy. Moreover, immediately after marrying, their household became home to Fred's brother Forrest and sister Helene. Later, Fred's widowed mother joined the household, as did Ethel's mother.

Following the Second World War, the Schwengels opened their home in Davenport to 11 displaced persons from Poland, helping them to learn English, find jobs, and become U.S. citizens.

In 1966, their grandson, Robert Schwengel, joined the household. When he left for college in 1979, it was the first time in 48 years of marriage that Ethel and Fred Schwengel were without extended family members in their home.

After Congressman Schwengel retired in 1973, he and Ethel continued to make their home in Arlington, VA. Mr. Schwengel helped to found the U.S. Capitol Historical Society in 1962, and headed that organization as its president until his death in 1993. Ethel remains a strong champion of the Historical Society and a member of its Honorary Board of Trustees. Their grandson, Dr. Robert Schwengel of Providence, RI, is a member of the society's active Board of Trustees, and their son-in-law, Neale Cosby, is its treasurer as well as a trustee.

Since that summer many years ago, when the Schwengels took me into their home for a very memorable "Washington Week," Ethel has been a very dear friend.

I am pleased to note that, for the big celebration today, she will be joined by family members and friends at her current residence in Arlington. In addition, there will be a reunion picnic on Saturday at her daughter and son-in-law's home at Mason Neck, VA. Ethel will be joined at these celebrations by her sister, Florence, age 98; her children and their spouses; five grandsons and spouses; nine great grandchildren; one niece; two nephews; and four great nephews. Clearly, this is a woman of great wealth—the kind of wealth that really matters.

I congratulate Ethel Schwengel on this great milestone. She has brought light into the lives of so many of us in Iowa and here in the Washington area. One hundred years since its birth, that light continues to shine with a very special radiance.

Happy birthday, Ethel!

50TH ANNIVERSARY OF TROUT UNLIMITED

• Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to Trout Unlimited, a national conservation organization established in my home State of Michigan. This exceptional organization was founded in 1959 on the banks of the Au Sable River, near Grayling, MI, by 16 concerned Michigan anglers. These anglers, who met in the home of George Griffith, sought to ensure the continued and long term health of trout, their habitat, and the sport of angling. Today, Trout Unlimited boasts more than 150,000 members in approximately 400 chapters throughout the United States, including 23 chapters in Michigan.

The founders of Trout Unlimited, or TU, were united by their love of trout fishing and by their growing discontent with the State of Michigan's practice of stocking its waters with hatchery-raised fish. Driven by the belief that Michigan's trout streams could produce fish far superior in both size and fight to these "cookie cutter trout," in 1962-63, TU prepared its first policy statement on wild trout, which persuaded the Michigan Department of Natural Resources to curtail "put-and-take" trout stocking and to start managing for wild trout and healthy habitat. Buoyed by this success, anglers subsequently founded TU chapters in Illinois, Wisconsin, New York, and Pennsylvania with the mission of conserving, protecting and restoring North America's coldwater fisheries and their watersheds.

Indispensable to the success and strength of Trout Unlimited are the thousands of dedicated members and volunteers. TU members have spent countless hours restoring trout and salmon habitat, and some of the most visible effects have been on hundreds of watersheds nationwide. In addition, these members have provided the

knowledge and leadership necessary to improve environmental policy on the local, state and national level and to carry out TU's ambitious conservation agenda.

Many have contributed significantly to the success of Trout Unlimited over the past fifty years. Trout Unlimited has been an important, vigilant and effective advocate for coldwater resources in Michigan and across the country. I know my colleagues join me in offering gratitude and appreciation to Trout Unlimited for a job well done. Protecting our natural resources and waterways for future generations is a noble endeavor, and I look forward to another 50 years of responsible environmental stewardship.●

REMEMBERING REBECCA JANE DALTON WEINBERGER

• Ms. SNOWE. Mr. President, today I wish to pay tribute to a great fellow Mainer and a wonderful friend who passed away recently—Rebecca Jane Dalton Weinberger. Today, I would like to take a few moments to offer a few reflections of my own on Jane's life, as well as include some of the thoughts that her exceptional son, Caspar Weinberger, Jr., has shared regarding his beloved mother—and I will ask that Mr. Weinberger's statements upon Jane's passing be printed in the RECORD in their entirety.

Born in Milford, ME, Jane was a notable figure in our State. A writer and publisher of outstanding children's stories, a tireless community volunteer, a woman who in 1942 met—on a troop ship bound for Australia—a man then referred to as U.S. Army CAPT Caspar W. Weinberger, who would become her husband for 63 years not to mention Secretary of Defense under President Ronald Reagan!—and above all, an extraordinary mother, grandmother, and great-grandmother Jane Weinberger was truly beloved by many and will be profoundly missed by all of us who were fortunate to know her.

Inseparable throughout their 63 years of marriage, Jane and Caspar are indisputably now reunited—together once again—their rightful state of being given all that they meant to each other not only in love but in life, and all of its trials and triumphs. Jane and Cap were passionately devoted to one another—each drawing strength and inspiration from the other's indomitable spirit. In fact, her son tells of how, and I quote, "it was my mother who . . . almost literally pushed him into his first political campaign as the Republican candidate for the State Assembly from San Francisco's 21st Assembly District . . . she did all the campaign things: running the campaign office, calling on potential voters, handing out bumper stickers and posters. Jane was a great organizer, and innovator." And, I would add that they both served as

each other's closest confidante and friend—as well as being husband and wife.

And it was Jane who did Caspar the tremendous favor of introducing him to the great State of Maine. Of course, since Jane was a native Mainer through-and-through, as I mentioned at the memorial service for Cap Weinberger in 2006, many back home still referred to him as “Jane’s husband!” After all, as anyone familiar with Maine understands, you can never get “top billing” unless you were actually born there—even if you were pivotal in the downfall of the Soviet Union and the end of the Cold War!

And Jane was a force of nature in her own right. In the words of Caspar Weinberger, Jr., “My mother . . . helped her family hold together and prosper often under the most trying conditions that can only be truly understood by those who achieve fame and the scrutiny which go with holding high office in America. She was down to earth and sensible, and she was also a woman of great dignity, beauty and courage . . . She was instrumental in helping her husband win elective office . . . and later (was) a well-known and admired Washington, DC hostess, while Cap was serving in cabinet positions to three different U.S. presidents throughout the 1970s and 80s.”

Jane was not only unfailingly dedicated to her family—raising her sons, Caspar and Arlin—but also to her community and the world around her. Again, to quote Mr. Weinberger, she was “certainly civically minded—she was a volunteer in many an organization for the poor and needy.” She “volunteered for many civic duties and charities and writing children’s stories,” and was a former chairwoman of the Folger Shakespeare Library in Washington, DC; served on the board of Amherst College in Massachusetts; and for many years served on the Board at Jackson Laboratories in Bar Harbor. As Cap Weinberger, Jr. wrote, she believed “that it was most important to contribute to their good efforts in attempting to defeat cancer in every form once and for all.”

Once the Weinbergers had arrived back in Maine after their years in Washington, Jane also started a publishing business she had long envisioned, which was chiefly focused on children’s books and which she ran for more than 20 years with more than 120 titles. And her company came to be acknowledged, as her son put it, as “not the biggest but among the very best.”

On a more personal note, certainly, my husband Jock McKernan—Maine’s former Governor—and I have deeply treasured our friendship with Jane and Cap. Every time we drive by the home they cherished on Somes Sound, called “Windswept House” in Mount Desert, ME, I am reminded of the 80th birthday party that Jane threw for Cap. And

what a wonderful night that was—under the stars of a spectacular Maine summer sky—with Secretary Colin Powell and so many others joining in the festivities and the laughter. In Caspar Weinberger, Jr.’s words.

She arranged for a startling and magnificent round of fireworks in his honor. Strangely, twelve years later on the night before her passing, my wife and I witnessed another stunning display of fireworks put on just across the inlet to Somes Sound by a neighbor celebrating a wedding or other special event. While these lights were not really designed in her honor, to us it was highly symbolic, as if her time of respect had come and was recognized. In my view, as well it should have been, for she was most definitely the power that guided my father to the heights of American government.

Mr. President, Jane Weinberger achieved her own formidable heights throughout her remarkable lifetime, and we have truly lost a leading light in Maine. My profound sympathies go out to Caspar and Arlin as well as Jane’s sister, Virginia, and her three grandchildren and five great-grandchildren at this most difficult of times. Jane will always be in the hearts of those whose lives she touched so deeply.

Mr. President, I ask to have printed in the RECORD Mr. Weinberger’s statements to which I referred.

The information follows:

MRS. CASPAR W. (JANE) WEINBERGER DIES

Jane Dalton Weinberger, 91, wife of former President Ronald Reagan’s Secretary of Defense, the late Caspar W. Weinberger, died last night, July 12, 2009 in Bar Harbor, Maine. For the last six months, she had been in declining health and was living in a nursing home near her home known as “Windswept House” in Somesville, Maine on Mount Desert Island.

Born Rebecca Jane Dalton in Milford, Maine, on March 29, 1918, Mrs. Weinberger became an Army nurse at the outbreak of World War II. While aboard a troop ship headed to Australia in 1942, she met her husband-to-be, U.S. Army Captain Caspar W. Weinberger. They were married in Sydney and remained together for 63 years until Caspar’s death in late March, 2006.

While Cap (as Caspar was widely known) pursued a career first as a San Francisco, California lawyer and then a public statesman, Jane dedicated herself to raising a family, volunteering for many civic duties and charities and writing children’s stories. She was instrumental in helping her husband win elective office as a California assemblyman in the 1950s and later as a well-known and admired Washington, DC hostess, while Cap was serving in cabinet positions to three different U.S. presidents throughout the 1970s and 80s.

She was a former chairwoman of the Folger Shakespeare Library in Washington and served also on the boards of Amherst College in Massachusetts and the Jackson Laboratory in Bar Harbor, ME. In her early years she was a volunteer at St. Luke’s Hospital in the San Francisco Bay Area, and a member of that city’s venerable Century Club.

After leaving government service in 1987, Cap and Jane retired to their summer home, Windswept House in Mt. Desert, ME. Cap went on to be the Publisher of Forbes Maga-

zine and then became Chairman of the Forbes Group. Jane started and operated her own book publishing house, Windswept House Publishers, for the next twenty years, producing over 100 titles of mostly children’s books.

Jane and Caspar had two children: daughter Arlin Weinberger, now residing in Marin County, California and son Caspar Jr., presently residing with his wife in Mt. Desert, ME. Jane also leaves her sister, Virginia Garceau of Brewer, ME, daughter-in-law Mavis, three grandchildren, Louise Murray, James Weinberger, Rebecca Werber, and five great-grandsons.

“My mother was a wonderful woman who helped her family hold together and prosper often under the most trying conditions that can only be truly understood by those who achieve fame and the scrutiny which go with holding high office in America. She was down-to-earth and sensible, and she was also a woman of great dignity, beauty and courage. She was a wonderful hostess, gave great parties and donated much of her time to helping others in San Francisco, Washington, DC and Maine. She was always a loving wife to her husband before his passing in 2006. All of her family will miss her very much, but are glad that she has finally reached a lasting peace,” her son Caspar Weinberger, Jr. said today.

In line with her wishes, there will be no formal services for Jane; her ashes will be scattered on the gardens she loved and tended at her Windswept House. The family asks that in lieu of flowers and cards, donations be made to the Weinberger Foundation, the family non-profit organization, at P.O. Box 860, Mt. Desert, ME 04660.

REBECCA JANE DALTON WEINBERGER (1918–2009)

DEAR EDITOR, I write this letter today with a heavy heart, but also with a sense of pride and certain knowledge that now the journey of my dear parents is finally complete. Rebecca Jane Dalton Weinberger, wife of the late great American statesman, and my father, Caspar W. Weinberger, died late last night, Sunday July 12, at Sonogee Nursing Home in Bar Harbor. The cause was a massive stroke coupled with extreme old age.

First and foremost, she was my mother. For all my life, I was close to her and we felt a camaraderie shared by being in the orbit, as well as in the shadow, of a highly famous man. Rebecca Jane Dalton Weinberger was a very strong and yet a most down-to-earth lady of Maine. She was born in Milford, near Old Town, on March 29, 1918. Although she was not into astrology, I am, and believe me my mother was definitely an Aries through and through. By which I mean she was of a fiery temperament, extremely sure of herself, of what was right and what was wrong, but also innovative in spirit and in practice. Aries is the first sign of the Zodiac, symbolizing the initial spark of light and fire. Jane was a good mother, a fine cook, and certainly civically minded: she was a volunteer in many an organization for the poor and needy.

What is it with these special New England genetics that seem to breed so many naturally long-living Maine people? I don’t really know; perhaps it is just a real love of life regardless of its pain or pleasure, of which my mother surely knew both. Jane was a gardener but that was the limit of her outdoor exercise. She did enjoy swimming, but hardly on any regular body-building schedule. She drank a lot of wine, and heavier spirits when she was younger, although she always

controlled herself with not even a suspicion of intoxication, although I am sure on many occasions she was happily drunk. Nevertheless, she still managed always to look elegant and at ease even under the worst of circumstances and she lived to be over ninety-one years old. Given all that she went through in Cap's last years of suffering (he was on dialysis for three years) especially at his passing in the spring of 2006, it is amazing that she still had most of her wits until the very end. She out-lived her husband by three years and she was a great lady to be around.

From what I know of her early history, my mother found herself born into a quasi-indigent and somewhat dysfunctional family—her father simply left home one day when she was about eight years old and never came back. But Jane did not quit. By early adulthood she had a nursing degree from the Summerville Nursing Academy and World War II was calling for her services. She was sworn in as a Second Lieutenant U.S. Army nurse in 1941 and soon was transferred to the Pacific theater. On her way aboard a ship to care for soldiers in Australia, she met her life-mate. She told me the story once of how a girl friend had said “Oh, you married some soldier,” to which my mother responded “Yes, some soldier!”

And, indeed Army Lieutenant, soon to be Captain Caspar “Cap” Weinberger was that and more. A lifetime public servant, he was a California assemblyman who went on to serve in many U.S. cabinet posts and eventually became President Ronald Reagan's Secretary of Defense. Cap and Jane married in Australia in 1942. My sister arrived first in 1943, while I waited until 1947. Through circumstance—once married and pregnant, Jane was sent by the Army, per regulations, back to the States—my sister, Arlin, was born in Old Town, Maine, while I became a child, like my father, of the West Coast, a native San Franciscan. Actually, we lived first in Sausalito, California, across the Bay from San Francisco. In 1949, we moved to the city, living in what is now known as the Pacific Heights neighborhood. My father was a law clerk in the city and then eventually a young lawyer in a corporate law firm.

My father was generally shy and not very forthcoming in those days, but he was also bored with the law. In High School he had been fascinated by the U.S. Congressional Record, and the daily transcript of Congress in action. Today, he would have been known as a “wonk,” a bookish and slightly withdrawn man. Nevertheless, he had served as Student Body President at San Francisco's Polytechnic High, located right next to the old Kezar Stadium in Golden Gate Park. Then he had gone on to Harvard and the Harvard Law School. Yet, it was my mother who warmed him up to, and then almost literally pushed him into his first political campaign as the Republican candidate for the State Assembly from San Francisco's 21st Assembly District. It was victorious and he served three consecutive two-year terms.

She did all the campaign things: running the campaign office, calling on potential voters, handing out bumper stickers and posters. Jane was a great organizer, and innovator. She could make stuff out of nothing, and she was a good writer as well. She was regularly published in the smaller publications of the day and one of her stories was called “Lemon Drop,” about an elephant, as I recall, and it was republished many times while winning many awards.

In my elementary and high school days in California, Jane was always active with vol-

unteer groups, especially the St. Luke's Hospital Auxiliary. She was a member of the Century Club of San Francisco. I often drove her to meetings at the Club's lovely mansion near the California Street Cable Car line.

Well, boys miss their mothers. I am no longer a boy, of course, although inside I still feel like one, but I shall always feel for my mother and all she went through in the world of politics and government. It was a great journey, with lots of excitement, many highs, but also many lows. Such is the nature of most lives, but my parents' existences were perhaps grander, perhaps more intense than most.

Jane became the Chairwoman of the Folger Library, the great Shakespeare monument and treasure trove of things English, in Washington, D.C. She hosted so many fine parties for pretty much the entire nation's “A-list” of actors, politicians, scientists, professors, etc. and I was happy to be in attendance at many of these events, with my lovely wife of many years, Mavis. We met many of the world's most recognizable characters simply because of my parent's associations and as such we were most privileged indeed.

When she left Washington, moving with Cap back to Maine, Jane started a business she had dreamed of running all her life: Windswept House Publishers, a largely children's book publishing house which she ran for over twenty years right from her own home in Somesville on MDI. With over 120 titles, her little company became recognized throughout New England as “not the biggest but among the very best,” as more than one reviewer attested.

For many years, Jane served on the Board at the Jackson Lab in Bar Harbor believing that it was most important to contribute to their good efforts in attempting to defeat cancer in every form once and for all. Today, the Weinberger Foundation which I started when Cap died continues to contribute to the Lab in the hope that the goal Jane and so many others dreamed about may one day be reached.

On Cap's 80th birthday, August 18, 1997, Jane hosted a major celebration at Windswept. Many dignitaries, friends and family attended. She arranged for a startling and magnificent round of fireworks in his honor. Strangely, twelve years later on the night before her passing, my wife and I witnessed another stunning display of fireworks put on just across the inlet to Somes Sound by a neighbor celebrating a wedding or other special event. While these lights were not really designed in her honor, to us it was highly symbolic, as if her time of respect had come and was recognized. In my view, as well it should have been, for she was most definitely the power that guided my father to the heights of American government.

In addition to my sister, Arlin, and me, Jane leaves one sister, Virginia Garceau. Jane had three grandchildren, my nephew, James, and my two daughters, Louise and Rebecca. She left this life knowing also that she had five great grandsons, Timothy, David, George, Douglas Caspar and Charles. In a very strange twist of fate, Jane's ten-year old thoroughbred Golden Retriever, “Brandy,” died of a sudden stroke last Tuesday, July 7, right on the Full Moon. In my view, his death meant that he will be there for Jane in her spiritual journey beyond this life. Wow! Jane had a wonderful long life, perhaps rewarded for all her service by a just God or perhaps simply by the sense of firm resolve and purpose she brought to everything she did; most likely it was by a combination of both.

But primarily, as is most important to me, Rebecca Jane Dalton Weinberger was my mother. I loved her dearly and I shall miss her very much. But I am happy too for her, as at long last she can leave this weary Earth and perhaps re-join her husband of 63 years. Thank you, Jane for giving me not just life but a wonderful life. Indeed, though it was hardly your nature, may you now rest most peacefully.

CASPAR W. WEINBERGER, Jr.,
Mount Desert, ME.●

COMMENDING KITTERY TRADING POST

● Ms. SNOWE. Mr. President, with summer in full swing, I wish today to recognize a small family-run Maine business that has been outfitting customers with all of their outdoor needs for over 70 years. The Kittery Trading Post, located in Maine's southernmost town of Kittery, offers outdoor enthusiasts a shopping experience that is nearly as enjoyable as their outdoor activities.

The Kittery Trading Post holds a special place in the hearts of Mainers and tourists alike as it is one of the first visible landmarks upon entrance into our State from New Hampshire. The Trading Post was established by Philip Adams in 1938 and began small as a one-room, 360 square-foot retail location cohabitating with a gas station. Mr. Adams initially started his business by swapping gas for pelts, supplies for cars, and beef for ammunition. While the Trading Post has grown and much has changed over the years, it remains a family-owned and operated business to this day.

In 1961 Phillip Adams sold the trading post to his 21-year-old son, Kevin. Under Kevin's leadership, the Kittery Trading Post was voted Independent Specialty Retailer of the Year in 1979 by the United State Sporting Goods Industry. Kevin operated the company until his retirement in 1986, when the reins were passed on to Gary, Phillip, Kevin F., and Kim Adams. During this period, the Trading Post was presented with the Governor's Award for Business Excellence in 1995, a celebrated honor given to businesses that make generous contributions in the areas of community, employment, and service.

Phillip and Gary retired in 1999 and 2001 respectively, leaving the family business under the able leadership of Kevin F. and Kim. In 2001, the Trading Post earned yet another prestigious and coveted award, when the Maine Merchants Association named the Kittery Trading Post the Retailer of the Year.

Since its inception, the Kittery Trading Post has grown exponentially, resulting in its current size of 90,000 square feet of retail space. Spread out across three spacious levels, each area containing products appealing to a variety of customers, including quality and affordable provisions for hunting

and archery, camping and travel, food and lodging, and fishing and marine activity, among others. The camping, rock climbing, water and winter sports divisions reside on the upper floor. Below that is the largest shooting sports department in New England, including over 3,000 used firearms in stock. And on the lower level is Kittery Trading Post's expansive fishing section.

In addition to the retail space, the Trading Post has two off-site warehouses, providing the firm with an additional 94,000 square feet of space to help increase the distribution of its products and keep up with the demands of online customers via the company's user-friendly website. The Kittery Trading Post offers free shipping on orders over \$50, and also assures each customer that if they are not completely satisfied with their purchase they may return it for a full refund or replacement.

As a vibrant and active member of the local community, the Kittery Trading Post hosts a variety of seminars and events throughout the year. These events include weekly community bicycle rides, fly fishing lessons for children, and classes for gun owners on firearm reloading safety.

Over the course of its lengthy history, the Kittery Trading Post has expanded into a singular name in Southern Maine's outdoor sports outfitting arena. A true Maine gem, the Trading Post is an impressive destination for the amateur and the experienced outdoorsman alike. I commend everyone at the Kittery Trading Post for their exceptional work in providing quality and friendly service to tens of thousands of visitors each year, and wish them continued success for future decades.●

COMMENDING EDWIN C. PETRANEK

● Mr. THUNE. Mr. President, today I thank an American veteran for his valiant service to our country in the Advanced European Theater of Operation during World War II. Edwin C. Petranek was born September 9, 1916, in White River, SD. After graduating from the University of South Dakota in 1942, he was commissioned second lieutenant with the ROTC program and assigned to the 34th Infantry Division. Ed then went on to serve in Africa, Italy, and France until 1945 as a member of the 1st Battalion, Company A and B, 143rd Infantry, 36th Division as platoon leader.

Ed was eventually made first lieutenant, and his division took part in breaking the German defenses around Rome and in the invasion of southern France. He was wounded four times in the line of duty and returned to combat again and again. Ed left the European theater only after shattering his hip and being fitted with a full body cast.

Ed recovered and received a medical discharge in 1946 but stayed in the Army Reserves for 10 additional years, during which he returned to South Dakota and completed a master's degree. Upon receiving an honorable discharge in 1956, Ed continued to serve in a civilian capacity as an educator and coach. Here his commitment to excellence remained evident as he earned induction into the South Dakota Athletic Director Hall of Fame.

Both at home and abroad, the perseverance exhibited by South Dakota's own Ed Petranek remains an example to us all. This man has been awarded the Silver Star, a Purple Heart with three oak leaf clusters, a Bronze Star with cluster for meritorious service, and many other honors. Ed was also presented the French Legion of Honor. Today we have the chance to thank him for his dedication and to reflect on the true meaning of service.●

COMMENDING LIEUTENANT COLONEL (RETIRED) WALTER PAUL

● Mr. UDALL of Colorado. Mr. President, today I acknowledge the retirement of LTC (Ret.) Walter Paul, of the Colorado Army National Guard, and to recognize him for his distinguished public service as the resource manager and legislative director of the Colorado Department of Military and Veterans Affairs from 1999–2009.

Walter Paul was born in Vienna, Austria, and raised in the state of Victoria, Australia. He received a BS in chemistry from the University of Wisconsin in 1971. After college, he entered the U.S. Army as an artillery officer and served on active duty in Oklahoma, California, and Germany. He left active duty in 1978 but remained committed to his service by joining the California Army National Guard. When he moved his family—his wife Anna and two daughters—to Colorado in 1979, he transferred to the Colorado Army National Guard. As an artillery officer in the Colorado Army National Guard, he commanded the 2nd Battalion 157th Field Artillery in Colorado Springs.

As a traditional guardsman, Lieutenant Colonel Paul served as a member of the Guard on weekends while maintaining a business career during the week. He worked for Honeywell Semiconductor Division in Colorado Springs as a military program manager. In 1986, he earned his MBA from the University of Colorado at Colorado Springs, UCCS, and for 13 years, he taught part time at the UCCS Business School. Lieutenant Colonel Paul also served as the chairman of the board of directors for St. Mary's High School in Colorado Springs, from which both of his daughters graduated.

In 1999, Lieutenant Colonel Paul was hired as resource manager and legislative director for the Colorado Department of Military and Veterans Affairs.

In that role, he was responsible for the department's State budget, purchasing and contracting, and State tuition assistance, and he coordinated all the State and Federal legislation that impacts the Colorado National Guard, veterans in Colorado, as well as the Colorado Civil Air Patrol. After 10 years working for the Department, Lieutenant Colonel Paul retired earlier this summer. His daughters are now married, and he and Anna, his wife of 39 years, live in Colorado Springs.

I first met Lieutenant Colonel Paul in 1999 in my first year in office as a Member of the House of Representatives from Colorado's Second District. Over the years, he and his colleague Colonel (Ret.) William "Robby" Robinson worked very closely with my office on issues important to the Guard in Colorado, and helped me and my staff understand the critical role the Guard plays in times of peace and war. It was clear that this wasn't "just" a job for Lieutenant Colonel Paul—he was dedicated to his work and to the Guard, he was always available when my office needed his assistance, and his cheerful demeanor made him a joy to work with.

LTC Walter Paul has tirelessly supported our Nation's men and women in uniform. He is a patriot whose distinctive accomplishments reflect great credit upon him, the State of Colorado, and the Nation. I hope my colleagues will join me not only in recognizing his past accomplishments, but also in wishing him all the best in his future pursuits.●

COMMENDING COLONEL (RETIRED) WILLIAM L. ROBINSON (ROBBY)

● Mr. UDALL of Colorado. Mr. President, today I recognize and pay tribute to COL (Ret.) William "Robby" Robinson, who was commissioned as an infantry officer in 1968 through the U.S. Military Academy and who will retire next month after 13 years working for Colorado's Department of Military and Veterans Affairs. We owe him a debt of gratitude for his contributions to our Nation.

Colonel Robinson's civilian education includes a bachelor of science from West Point and a master's degree in public administration from Harvard University. His professional military education includes the infantry officer basic and advanced courses, Ranger, Airborne, Jumpmaster and Pathfinder schools at Fort Benning, GA; the College of Naval Command and Staff in Rhode Island; and the Army War College in Pennsylvania as the USCINCPAC Fellow.

His assignments have included the 82nd Airborne Division at Fort Bragg, NC; 173rd Airborne Brigade, Vietnam; A Company, 1st Battalion 502nd Infantry, 101st Airborne Division, Vietnam; 75th Infantry, Ranger, 101st Airborne

Division, Vietnam; Logistics Plans Officer and Division Training Officer in the 24th Infantry Division at Fort Stewart, Georgia; and Task Force Commander of 2nd Battalion 8th Infantry in the 4th Infantry Division at Fort Carson, CO.

Among Colonel Robinson's awards and decorations are the Defense Superior Service Medal, the Legion of Merit, Purple Heart, Bronze Star, eight Air Medals, two Defense Meritorious Service Medals, and three Meritorious Service Medals.

Colonel Robinson has also served as an instructor of political sciences at West Point; Aide de Camp to the U.S. Representative to the NATO Military Committee in Brussels, Belgium; speechwriter for the Commander in Chief, U.S. Pacific Command; chief of strategy at USCINCPAC in Hawaii; and as Fifth U.S. Army senior active duty adviser to the Colorado Army National Guard.

He retired from active duty in June 1996 and became the resource manager and legislative liaison for Colorado's Department of Military Affairs. In 1999, he began serving as deputy director of the Department of Military and Veterans Affairs. He will retire next month, after 13 years with the department.

It was in his capacity as deputy director that I first met Colonel Robinson, when he and the department's legislative director, LTC (Ret.) Walter Paul, visited my office in my first year as a Member of the House of Representatives from Colorado's Second District. Over the years, Colonel Robinson and Lieutenant Colonel Paul worked very closely with my office on issues important to the Guard in Colorado, and helped me and my staff understand the critical role the Guard plays in times of peace and war.

Colonel Robinson is a man of integrity, whose counsel is widely sought. In his years of service, he has demonstrated his deep commitment to our Guard members, our veterans, and their families. Retirement will allow him to spend more time with his wife Cathy, who is program director for Elbert County Social Services, their daughter Meredith, a veterinarian in Wheat Ridge, and their son Will, a student at the University of Colorado, Denver. But we will miss him and will continue to seek his counsel.

I know all my colleagues join me in saluting COL (Ret.) William "Robby" Robinson for his many years of truly outstanding service to the United States Army, the Colorado National Guard, our veterans, and our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 5:51 p.m., a message from Ms. Niland, one of its reading clerks, announced that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled bills and joint resolutions:

H.R. 774. An act to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building".

H.R. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office".

H.R. 1271. An act to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building".

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.R. 1397. An act to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building".

H.R. 2090. An act to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the "Frederic Remington Post Office Building".

H.R. 2162. An act to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Postal Station".

H.R. 2325. An act to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office".

H.R. 2422. An act to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the "Kile G. West Post Office Building".

H.R. 2470. An act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building".

H.R. 2938. An act to extend the deadline for commencement of construction of a hydroelectric project.

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

H.J. Res. 44. Joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

ENROLLED BILL SIGNED

At 8:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks,

announced that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled bill:

H.R. 3435. An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2622. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Poultry Improvement Plan and Auxiliary Provisions; Technical Amendment" ((RIN0579-AC78)(Docket No. APHIS-2006-0137)) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2623. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium and Ammonium Naphthalenesulfonate Formaldehyde Condensates; Exemption from the Requirement of a Tolerance" (FRL No. 8938-8) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2624. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium Alkyl Napthalenesulfonate; Exemption from the Requirement of a Tolerance" (FRL No. 8428-6) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2625. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polyoxyethylene polyoxypropylene monodi-sec-butylphenyl ether; Exemption from the Requirement of a Tolerance" (FRL No. 8429-4) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2626. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus thuringiensis CryIA.105 protein; Time Limited Exemption from the Requirement of a Tolerance; Correction" (FRL No. 8428-7) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2627. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amine Salts of Alkyl (C8-C24)

Benzenesulfonic Acid (Dimethylaminopropylamine, Isopropylamine, Mono-, Di-, and Triethanolamine); Exemption from the Requirement of a Tolerance" (FRL No. 8430-2) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2628. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl Alcohol Alkoxyates; Exemption from the Requirement of a Tolerance" (FRL No. 8430-1) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2629. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 108 Community Development Loan Guarantee Program: Participation of States as Borrowers Pursuant to Section 222 of the Omnibus Appropriations Act, 2009" (Docket No. 5326-I-01) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2630. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Capital Classifications and Critical Capital Levels for the Federal Home Loan Banks" (RIN2590-AA21) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2631. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Affordable Housing Program Amendments: Federal Home Loan Bank Mortgage Refinancing Authority" (RIN2590-AA04) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2632. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "2009 Enterprise Transition Affordable Housing Goals" (RIN2590-AA25) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2633. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8941-1) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Environment and Public Works.

EC-2634. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Motor Vehicle Emission Budgets for the York-Adams Counties 8-Hour Ozone Maintenance Area" (FRL No. 8941-4) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Environment and Public Works.

EC-2635. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Motor Vehicle Emission Budgets for the Scranton/Wilkes-Barre 8-hour Ozone Maintenance Area" (FRL No. 8941-6) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-77. A concurrent resolution adopted by the Legislature of the State of Texas urging Congress to make eradication of the fever tick in South Texas a priority and continue to provide appropriate funding and resources for this effort; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 120

Whereas, south Texas is on the front line of the battle against the fever tick, a pest that threatens to inflict catastrophic losses on the beef industry should it continue to spread beyond a permanent quarantine zone established along the Rio Grande in 1943; and

Whereas, historically, the fever tick ranged across the entire southeastern United States, reaching as far north as Maryland and Pennsylvania; the tick can carry and transmit a parasite that causes cattle tick fever, which kills up to 90 percent of infected cattle; in 1893, the Texas Animal Health Commission was founded to fight this scourge, and in 1907 the United States Department of Agriculture established the National Cattle Fever Tick Eradication Program; by then, the tick had already caused direct and indirect economic losses estimated to equal more than \$1 billion in today's dollars; and

Whereas, the eradication program had successfully contained the fever tick to an 852-square-mile quarantine zone by 1943; the tick was never eliminated in Mexico, however, and personnel from the USDA Tick Force have maintained a high level of vigilance to fight continuous reintroduction; after the pest was detected beyond the zone in 2007, five temporary preventive quarantine areas were established, covering more than one million acres in Starr, Zapata, Jim Hogg, Maverick, Dimmit, and Webb Counties; and

Whereas, in March 2008, the Texas Department of Agriculture requested some \$13 million to fight the spread of fever ticks; the USDA released \$5.2 million, and in January 2009 it committed another \$4.9 million in emergency funds, but sustained funding over the long term is essential; moreover, the National Fever Tick Eradication Strategic Plan, developed and approved by the USDA in 2006, has never been implemented and funded, and Dr. Bob Hillman, the state veterinarian and executive director of the Texas Animal Health Commission, has warned that fever ticks are a national livestock threat that requires an all-out assault; and

Whereas, the fever tick has gained substantial ground in this state, but the Texas Department of Agriculture, the Texas Animal Health Commission, and the USDA Tick Force continue working diligently with cattle owners to save a key component of the Lone Star State's agricultural economy and

prevent the battlefield from extending to other states; if the fever tick is not contained, the cost to the cattle industry could easily approach \$1 billion a year and lead to rising food costs for consumers; now, therefore, be it

Resolved, That the 81st Legislature of the State of Texas hereby memorialize the Congress of the United States to make eradication of the fever tick in South Texas a priority and continue to provide appropriate funding and resources for this effort; and, be it, further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the House of Representatives and the president of the Senate of the United States Congress, and to all members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 859. A bill to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes (Rept. No. 111-70).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Gary S. Guzy, of the District of Columbia, to be Deputy Director of the Office of Environmental Quality.

*John R. Fernandez, of Indiana, to be Assistant Secretary of Commerce for Economic Development.

By Mr. LEAHY for the Committee on the Judiciary.

David J. Kappos, of New York, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Steven M. Dettelbach, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

Carter M. Stewart, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

David Edward Demag, of Vermont, to be United States Marshal for the District of Vermont for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 1586. A bill to require all public school employees and those employed in connection with a public school to receive FBI background checks prior to being hired, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM:

S. 1587. A bill for the relief of Sainey H. Fatty; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1588. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for both commercial and non-commercial investors in oil and natural gas and related commodities, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. GRASSLEY):

S. 1589. A bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 1590. A bill to establish a clean energy technology business competition grant program; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself and Mr. DURBIN):

S. 1591. A bill to amend the Foreign Assistance Act of 1961, to establish the Health Technology Program in the United States Agency for International Development to research and develop technologies to improve global health, and for other purposes; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself and Mr. CARDIN):

S. 1592. A bill to establish a Federal Board of Certification to enhance the transparency, credibility, and stability of financial markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself, Mr. MARTINEZ, and Mr. DODD):

S. 1593. A bill to authorize the establishment of a Social Investment and Economic Development for the Americas Fund to reduce poverty, expand the middle class, and foster increased economic opportunity in that region, to promote engagement on the use of renewable fuel sources and on climate change in the Americas, and for other purposes; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. KENNEDY, and Mr. AKAKA):

S. 1594. A bill to provide safeguards against faulty asylum procedures, to improve conditions of detention for detainees, and for other purposes; to the Committee on the Judiciary.

By Mr. MERKLEY:

S. 1595. A bill to amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in conjunction with such solicitations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER:

S. 1596. A bill to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 1597. A bill to amend title 31, United States Code, to provide for the licensing by

the Secretary of the Treasury of Internet poker and other games that are predominantly of skill, to provide for consumer protections on the Internet, to enforce the tax code, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. ISAKSON, Mr. BAYH, Mr. ENSIGN, Mr. VITTER, Mr. SPECTER, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 1598. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. CHAMBLISS, and Mr. PRYOR):

S. 1599. A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws; to the Committee on Armed Services.

By Mrs. MCCASKILL (for herself, Mr. BENNET, Mr. TESTER, Mr. UDALL of Colorado, Mr. WARNER, Ms. KLOBUCHAR, Mr. BEGICH, and Mrs. SHAHEEN):

S. 1600. A bill to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration; to the Committee on the Budget.

By Mr. UDALL of Colorado:

S. 1601. A bill to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1602. A bill to amend title 10, United States Code, to ensure that excess oil and gas lease revenues are distributed in accordance with the Mineral Leasing Act, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN:

S. 1603. A bill to amend section 484B of the Higher Education Act of 1965 to provide for tuition reimbursement and loan forgiveness to students who withdraw from an institution of higher education to serve in the uniformed services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Ms. MIKULSKI):

S. 1604. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for eldercare expenses; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. ISAKSON, Mr. KERRY, and Mr. UDALL of New Mexico):

S. 1605. A bill to amend the Internal Revenue Code of 1986 to reform the rules relating to fractional charitable donations of tangible personal property; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. DURBIN, and Mr. SESSIONS):

S. 1606. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes; to the Committee on Finance.

By Mr. BROWN:

S. 1607. A bill to amend title 38, United States Code, to provide for certain rights and

benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. STABENOW (for herself, Mr. BROWN, Mrs. GILLIBRAND, and Mr. FRANKEN):

S. 1608. A bill to prepare young people in disadvantaged situations for a competitive future; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Ms. MURKOWSKI, and Mr. BEGICH):

S. 1609. A bill to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Mr. VITTER, Ms. LANDRIEU, Mrs. MURRAY, and Mr. MARTINEZ):

S. 1610. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. KENNEDY, Ms. COLLINS, Mr. DODD, Mr. MARTINEZ, Mr. HARKIN, Ms. SNOWE, and Ms. MIKULSKI):

S. 1611. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Ms. LANDRIEU):

S. 1612. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Finance.

By Mr. BENNET:

S. 1613. A bill to reduce the Federal budget deficit in a responsible manner; to the Committee on the Budget.

By Mr. SCHUMER:

S. 1614. A bill to provide grants to community colleges to improve the accessibility of computer labs and to provide information technology training for students and members of the public seeking to improve their computer literacy and information technology skills; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1615. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to stop the small business credit crunch, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. CANTWELL:

S. 1616. A bill to authorize assistance to small- and medium-sized businesses to promote exports to the People's Republic of China, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself, Ms. STABENOW, Mr. BAYH, Mrs. GILLIBRAND, and Mr. MERKLEY):

S. 1617. A bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 1618. A bill to require the Commissioner of Social Security to issue uniform standards

for the method of truncation of Social Security account numbers in order to protect such numbers from being used in the perpetration of fraud or identity theft and to provide for a prohibition on the display to the general public on the Internet of Social Security account numbers by State and local governments, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. MENENDEZ, Mr. MERKLEY, Mr. BENNET, Mr. AKAKA, and Mr. SCHUMER):

S. 1619. A bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. KERRY, and Mr. LUGAR):

S. 1620. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives and fees for increasing motor vehicle fuel economy, and for other purposes; to the Committee on Finance.

By Mr. SANDERS (for himself and Mr. MERKLEY):

S. 1621. A bill to improve thermal energy efficiency and use, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BARRASSO:

S. 1622. A bill to limit the applicability of a certain judicial ruling to sources regulated under section 202 of the Clean Air Act; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. DODD, and Mr. MENENDEZ):

S. 1623. A bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the land subject to the existing leases or relinquish the leases, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE:

S. 1624. A bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. BINGAMAN):

S. 1625. A bill to amend title II of the Public Health Service Act to provide for an improved method to measure poverty so as to enable a better assessment of the effects of programs under the Public Health Service Act and the Social Security Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR:

S. 1626. A bill to require issuers of long term care insurance to establish third party review processes for disputed claims; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 1627. A bill to improve choices for consumers for vehicles and fuel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself and Mrs. HAGAN):

S. 1628. A bill to amend title VII of the Public Health Service Act to increase the

number of physicians who practice in underserved rural communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURRIS:

S. 1629. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself and Mr. FRANKEN):

S. 1630. A bill to amend title XVIII of the Social Security Act of improve prescription drug coverage under Medicare part D and to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to improve prescription drug coverage under private health insurance, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1631. A bill to reauthorize customs facilitation and trade enforcement functions and programs, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. ISAACSON):

S. 1632. A bill to require full and complete public disclosure of the terms of home mortgages held by Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CANTWELL:

S. 1633. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; to the Committee on Foreign Relations.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. BROWN):

S. 1634. A bill to amend titles XVIII and XIX of the Social Security Act to protect and improve the benefits provided to dual eligible individuals under the Medicare and Medicaid programs; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. JOHANNES, Mr. BAUCUS, Mr. JOHNSON, Mr. THUNE, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 1635. A bill to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes; to the Committee on Indian Affairs.

By Ms. KLOBUCHAR (for herself and Mr. KOHL):

S. 1636. A bill to develop a model disclosure form to assist consumers in purchasing long-term care insurance; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, and Mr. BINGAMAN):

S. 1637. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

By Mr. WICKER (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. DEINT, Mr. ENSIGN, and Mr. THUNE):

S. 1638. A bill to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Ms. SNOWE, and Mrs. FEINSTEIN):

S. 1639. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. CORNYN, and Mr. HARKIN):

S. 1640. A bill to amend title XVIII of the Social Security Act to provide coverage of intensive lifestyle treatment; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1641. A bill to modify and waive certain requirements under title 23, United States Code, to assist States with a high unemployment rate in carrying out Federal-aid highway construction projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWNBACK:

S. 1642. A bill to reduce the national debt and eliminate the current slush fund at the Treasury Department by directing that proceeds from the Troubled Asset Relief Program go toward a reduction in the statutory debt limit; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself and Mr. BINGAMAN):

S. 1643. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. KENNEDY):

S. 1644. A bill to amend the Trade Act of 1974 to require a Public Health Advisory Committee on Trade to be included in the trade advisory committee system, to require public health organizations to be included on the Advisory Committee for Trade Policy and Negotiations and other relevant sectoral or functional advisory committees, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 1645. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. CASEY, Mr. SPECTER, Mr. DODD, and Mr. LIEBERMAN):

S. Res. 245. A resolution recognizing September 11 as a "National Day of Service and Remembrance"; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Mr. BARRASSO):

S. Res. 246. A resolution requiring that legislation considered by the Senate to be confined to a single issue; to the Committee on Rules and Administration.

By Mr. WHITEHOUSE (for himself, Mrs. BOXER, Mr. BURR, Mr. CARDIN, Mr. CARPER, Mr. COCHRAN, Ms. COLLINS, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. GREGG, Ms. LANDRIEU,

Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. MURRAY, Mrs. SHAHEEN, Mr. WARNER, and Mr. WYDEN):

S. Res. 247. A resolution designating September 26, 2009, as "National Estuaries Day"; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. BEGICH, Ms. SNOWE, Ms. MURKOWSKI, and Mr. ROCKEFELLER):

S. Res. 248. A resolution designating the month of August 2009 as "Agent Orange Awareness Month"; considered and agreed to.

By Mr. ROBERTS (for himself and Mr. NELSON of Florida):

S. Res. 249. A resolution honoring United States Navy pilot Captain Michael Scott Speicher who was killed in Operation Desert Storm; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 250. A resolution to authorize testimony and legal representation in *People of the State of California v. Amir Shervin*; considered and agreed to.

By Mrs. HAGAN (for herself and Mr. DURBIN):

S. Con. Res. 38. A concurrent resolution expressing support for the designation of an Early Detection Month to enhance public awareness of the need for screening for breast cancer and all other forms of cancer; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 148, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 244

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

At the request of Mrs. MURRAY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 244, *supra*.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 266

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 266, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 422

At the request of Ms. STABENOW, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 433

At the request of Mr. UDALL of New Mexico, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 433, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 451

At the request of Ms. MIKULSKI, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 451, *supra*.

S. 616

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 616, a bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Tennessee

(Mr. CORKER) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 669

At the request of Mr. BURR, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 669, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 683

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 694

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. BROWN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 696

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 714

At the request of Mr. WEBB, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 726

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 726, a bill to amend the Public Health Service Act to provide for the licensing of biosimilar and biogeneric biological products, and for other purposes.

S. 750

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 750, a bill to amend the Public

Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 757

At the request of Mr. UDALL of Colorado, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 757, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 841

At the request of Mr. KERRY, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 845

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 845, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 850

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 883

At the request of Mr. KERRY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have

been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 934

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of school children and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 984

At the request of Mrs. BOXER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1038

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1038, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 1052

At the request of Mr. CONRAD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI

of the Elementary and Secondary Education Act of 1965.

S. 1065

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1089

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1089, a bill to facilitate the export of United States agricultural commodities and products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to establish an agricultural export promotion program with respect to Cuba, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens and legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

S. 1090

At the request of Mr. WYDEN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1090, a bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple

chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1158

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Hawaii (Mr. AKAKA) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1295

At the request of Mrs. SHAHEEN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1295, a bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1352

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1361

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1361, a bill to amend title 10, United States Code, to enhance the na-

tional defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1397

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1397, a bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes.

S. 1401

At the request of Mr. MARTINEZ, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Nevada (Mr. REID) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1401, a bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

S. 1423

At the request of Mrs. BOXER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1423, a bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services.

S. 1438

At the request of Mrs. GILLIBRAND, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1438, a bill to express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Delaware (Mr. KAUFMAN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1518

At the request of Mr. BURR, the names of the Senator from Florida (Mr. NELSON) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1523

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1523, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes.

S. 1524

At the request of Mrs. SHAHEEN, her name was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1540

At the request of Mr. CORKER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1540, a bill to provide for enhanced authority of the Federal Deposit Insurance Corporation to act as receiver for certain affiliates of depository institutions, and for other purposes.

S. 1542

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1542, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1547

At the request of Mr. REED, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1551

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1551, a bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act.

S. 1552

At the request of Mr. LIEBERMAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1552, a bill to reauthorize

the DC opportunity scholarship program, and for other purposes.

S. 1567

At the request of Mr. BROWNBACK, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1567, a bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

S. 1569

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1569, a bill to expand our Nation's Advanced Practice Registered Nurse workforce.

S. 1584

At the request of Mr. MERKLEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1584, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. RES. 187

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 187, a resolution condemning the use of violence against providers of health care services to women.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 244

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 244, a resolution commemorating the 45th anniversary of the Wilderness Act.

AMENDMENT NO. 2301

At the request of Mr. KYL, the names of the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2301 proposed to H.R. 3435, a bill making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

AMENDMENT NO. 2302

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 2302 proposed to H.R. 3435, a bill making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

AMENDMENT NO. 2306

At the request of Mr. ISAKSON, the names of the Senator from North Carolina (Mr. BURR), the Senator from Wyo-

ming (Mr. ENZI) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 2306 proposed to H.R. 3435, a bill making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 1588. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for both commercial and noncommercial investors in oil and natural gas and related commodities, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, businesses like airlines, trucking companies, and heating oil distributors buy and sell oil and futures contracts because they need to do so to run their day-to-day business and hedge their risk against wild swings in oil prices like consumers saw last year.

But there are also buyers and sellers in the market—financial speculators—who are simply there to try to make a quick dollar on oil as an investment strategy. The explosion of speculators into the marketplace has distorted the oil and gas market and driven up the price of oil for everybody. When commercial businesses see fuel prices go up, they try to consume less. But when speculators see prices go up, they buy more and keep driving up demand. This distorts the normal supply-demand balance of the markets and digs a huge financial hole for average Americans.

In 2000, speculative trading in the oil futures markets accounted for 37 percent of crude oil trading on the New York Mercantile Exchange. By last summer when prices were approaching \$150 a barrel, that number had grown to more than 70 percent. I do not think that is a coincidence.

There are a lot of proposals around to fix the regulatory system to prevent trading abuses. Oregon's economy really suffered from abusive energy trading by Enron, and I am all for closing trading loopholes. But my bill is aimed at something different. It is aimed at the giant financial bubble that has been created by people who are simply chasing speculative profits in the commodities markets and creating artificial demand that is driving up prices.

The legislation I am introducing today—Stop Tax-breaks for Oil Profiteering, STOP, Act of 2009—will let some of the air out of this speculative balloon and help create a level playing field among companies participating in the commodity markets.

Under the tax code, commercial traders, those who truly need to buy, sell and hedge their purchases of oil, pay taxes on whatever profits they make on trading at the same rates as ordinary income. Speculators get a much

better deal from the TAX CODE. Some, such as pension funds or endowments, do not pay any tax whatsoever when they profit on their oil or futures investments. Others, like hedge or index funds can get lower tax rates by treating some of their trading profits as capital gains. Clearly, the deck is stacked against the businesses who really buy and use oil. That means it is also stacked against the consumer who needs the services and products those businesses provide.

My proposal removes incentives in the tax code that make such investments attractive to both tax-exempt and tax-paying investors. It also makes everyone in the United States who is buying and selling oil and gas or futures contracts play by essentially the same tax rules across the board. Tax-paying entities would lose the ability to treat any of these investments as capital gains and be subject to comparable tax treatment on oil and gas investments as airlines or trucking companies or fuel distributors or other businesses that truly need to be in these markets.

Tax-exempt entities, like pension funds, would be required to pay "unrelated-business-income-tax" on their oil and gas trading gains. UBTI already exists as a well-established tax obligation for income that is not directly related to the tax exempt purpose of the organization. UBTI was created precisely to keep tax exempt organizations from competing unfairly with taxpaying businesses, which is what they are doing when they enter the commodity markets solely for investment income purposes. The bill also includes provisions that would prevent tax exempt organizations from investing in off-shore funds to try to avoid the new UBTI tax.

By focusing on tax fairness, my bill would realign the profit incentives that are currently attracting non-commercial actors to the markets. If speculators are truly in the markets and are wreaking havoc with oil and gas prices, this bill will do away with their tax subsidies and cause many to leave. It deflates the speculative balloon of artificially inflated profits that has made this investment arena so attractive.

If speculators are not a problem, then this bill will help prove the theory that the wild swings in oil prices of the past year truly can be blamed on supply and demand.

The bill would only cover the oil and natural gas markets, and related products like gasoline and diesel fuel, and be in effect for the next 4 years. However, after 3 years, it would require the Treasury Department to issue a report analyzing the impact of these changes on these markets, making recommendations on what changes to make.

Other proposals on oil speculation focus on regulation of the market or

limiting the amounts of oil traders could purchase. These approaches are “top down” efforts to prevent trading abuses and financial investors from swamping the market. This bill approaches the problem from the bottom line up. Willy Sutton, the bank robber was asked why he robbed banks, to which he is said to have replied, “It’s where the money is.” That is why this bill focuses on the flow of financial investment funds into the oil and gas markets, it’s where the speculation is.

In these tough economic times, I believe consumers need protection from people who try to game the system to pad their own pockets. By putting an end to the imbalances in the tax code that currently feed oil profiteers, the STOP Act will be good for American businesses and consumers. I hope my colleagues will join me in protecting our economy and leveling the playing field in the oil and gas markets by voting in favor of the STOP Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Taxbreaks for Oil Profiteering Act” or the “STOP Act”.

SEC. 2. CAPITAL GAIN OR LOSS FROM SALE OR EXCHANGE OF OIL OR NATURAL GAS AND RELATED COMMODITIES TREATED AS SHORT-TERM CAPITAL GAIN OR LOSS.

(a) GAIN OR LOSS ON APPLICABLE COMMODITIES.—

(1) IN GENERAL.—Part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining capital gains and losses) is amended by adding at the end the following new section:

“SEC. 1261. CAPITAL GAIN OR LOSS FROM SALE OR EXCHANGE OF OIL OR NATURAL GAS AND RELATED COMMODITIES TREATED AS SHORT-TERM CAPITAL GAIN OR LOSS.

“(a) GENERAL RULE.—If a taxpayer has gain or loss from the sale or exchange of any applicable commodity which, without regard to this section, would be treated as long-term capital gain or loss, such gain or loss shall, notwithstanding any other provision of this title, be treated as short-term capital gain or loss.

“(b) APPLICABLE COMMODITY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘applicable commodity’ means—

“(A) oil or natural gas (or any primary product of oil or natural gas) which is actively traded (within the meaning of section 1092(d)(1)),

“(B) a specified index (within the meaning of section 1221(b)(1)(B)(ii)) a substantial portion of which is, as of the date the taxpayer acquires its position with respect to such specified index, based on 1 or more commodities described in subparagraph (A),

“(C) any notional principal contract with respect to any commodity described in subparagraph (A) or (B), and

“(D) any evidence of an interest in, or a derivative instrument in, any commodity described in subparagraph (A), (B), or (C), including any option, forward contract, futures contract, short position, and any similar instrument in such a commodity.

“(2) EXCEPTION FOR CERTAIN SECTION 1256 CONTRACTS.—Such term shall not include a section 1256 contract (as defined in section 1256(b)) which is required to be marked to market under section 1256(a).

“(c) SPECIAL RULE FOR CERTAIN PARTNERSHIP INTERESTS.—For purposes of this section, if a taxpayer recognizes gain or loss on the sale or exchange of any interest in a partnership, the portion of such gain or loss which is attributable to unrecognized gain or loss with respect to 1 or more applicable commodities shall be treated as short-term capital gain or loss. The preceding sentence shall not apply if the taxpayer is otherwise required to treat such portion of gain or loss as ordinary income or loss.

“(d) APPLICATION.—This section shall apply to any applicable commodity acquired after August 31, 2009, and before January 1, 2014.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1222 of such Code is amended by striking the last sentence thereof.

(B) The table of sections for part IV of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 1261. Capital gain or loss from sale or exchange of oil or natural gas and related commodities treated as short-term capital gain or loss.”.

(b) APPLICATION TO SECTION 1256 CONTRACTS.—

(1) IN GENERAL.—Section 1256(f) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULES FOR CERTAIN COMMODITY CONTRACTS.—

“(A) ALL GAIN OR LOSS FROM COMMODITY CONTRACTS TREATED AS SHORT-TERM GAIN OR LOSS.—In the case of a section 1256 contract which is an applicable commodity, subsection (a)(3) shall be applied to any gain or loss with respect to such contract—

“(i) by substituting ‘100 percent’ for ‘40 percent’ in subparagraph (A) thereof, and

“(ii) without regard to subparagraph (B) thereof.

“(B) TREATMENT OF MIXED STRADDLES.—A taxpayer may not make an election under subsection (d), or an election under the regulations prescribed pursuant to section 1092(b)(2), with respect to any mixed straddle if any position forming a part of such straddle is a section 1256 contract which is an applicable commodity. For purposes of this subparagraph, if any section 1256 contract which is part of a straddle is an applicable commodity, any other section 1256 contract which is part of such straddle shall be treated as an applicable commodity.

“(C) APPLICABLE COMMODITY.—For purposes of this paragraph, the term ‘applicable commodity’ has the meaning given such term by section 1261(b), except that such section shall be applied without regard to paragraph (2) thereof.

“(D) APPLICATION.—This paragraph shall apply to any applicable commodity acquired after August 31, 2009, and before January 1, 2014.”.

(2) SPECIAL RULE FOR LOSS CARRYBACKS.—Section 1212(c) of such Code (relating to carryback of losses from section 1256 contracts to offset prior gains from such contracts) is amended by redesignating para-

graph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) SPECIAL RULE FOR LOSSES ALL OF WHICH ARE TREATED AS SHORT-TERM.—If any portion of the net section 1256 contracts loss for any taxable year is attributable to a net loss from contracts to which section 1256(f)(6) applies—

“(A) this subsection shall be applied first to such portion of such net section 1256 contracts loss and then to the remainder of such loss, and

“(B) in applying this subsection to such portion—

“(i) notwithstanding paragraph (1)(B), all of the loss attributable to such portion and allowed as a carryback shall be treated as a short-term capital loss, and

“(ii) notwithstanding paragraph (6)(A), all of the loss attributable to such portion and allowed as a carryback shall be treated for purposes of applying paragraph (6) as a short-term capital gain for the loss year.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to applicable commodities acquired after August 31, 2009, in taxable years ending after such date.

SEC. 3. GAINS AND LOSSES FROM OIL AND NATURAL GAS AND RELATED COMMODITIES TREATED AS UNRELATED BUSINESS TAXABLE INCOME.

(a) IN GENERAL.—Section 512(b) of the Internal Revenue Code of 1986 (relating to modifications to unrelated business taxable income) is amended by adding at the end the following new paragraph:

“(20) TREATMENT OF GAINS OR LOSSES FROM COMMODITIES.—

“(A) IN GENERAL.—Notwithstanding paragraph (5) or any other provision of this part—

“(i) income, gain, or loss of an organization with respect to any applicable commodity shall not be excluded but shall be taken into account as income, gain, or loss from an unrelated trade or business, and

“(ii) all deductions directly connected with such income or gain shall be allowed.

“(B) EXCEPTION FOR ORDINARY INCOME AND LOSSES.—Subparagraph (A) shall not apply to any income, gain, or loss of an organization which, if not excluded under this title and without regard to subparagraph (A), would be treated as ordinary income or loss.

“(C) LOOK-THRU IN THE CASE OF FOREIGN CORPORATIONS.—

“(i) IN GENERAL.—If an organization owns directly or indirectly stock in a foreign corporation, the organization’s pro rata share of any income, gain, or loss of such corporation (and any deductions directly connected with such income or gain) with respect to 1 or more applicable commodities shall be taken into account under subparagraph (A) in the same manner as if such commodities were held directly by the organization. Any such item shall be taken into account for the taxable year of the organization in which the item arises without regard to whether there was an actual distribution to the organization with respect to the item. For purposes of this clause, the rule under section 1261(c) shall apply in determining the income, gain, or loss of the foreign corporation with respect to applicable commodities.

“(ii) SALE OF INTERESTS IN CORPORATION.—If a taxpayer recognizes gain or loss on the sale or exchange of any share of stock in a foreign corporation, the portion of such gain or loss which is attributable to unrecognized gain or loss with respect to 1 or more applicable commodities shall be taken into account under subparagraph (A) in the same

manner as if such commodities were sold or exchanged directly by the organization.

“(iii) NO DOUBLE COUNTING.—The Secretary shall prescribe such rules as are necessary to ensure that any item of income, gain, loss, or deduction described in clause (i) or (ii) is taken into account only once for purposes of this paragraph.

“(D) APPLICABLE COMMODITY.—For purposes of this paragraph, the term ‘applicable commodity’ has the meaning given such term by section 1261(b), except that such section shall be applied without regard to paragraph (2) thereof.

“(E) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this paragraph, including regulations—

“(i) to prevent the avoidance of the purposes of this paragraph through the use of pass-thru entities or tiered structures, and

“(ii) to provide that this paragraph shall not apply to ownership interests of organizations in foreign corporations in cases where the income or gain of the foreign corporation from any applicable commodity is otherwise subject to tax imposed by this chapter.

“(F) APPLICATION.—This paragraph shall apply to any applicable commodity acquired after August 31, 2009, and before January 1, 2014.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to applicable commodities acquired after August 31, 2009, in taxable years ending after such date.

SEC. 4. STUDY OF TAX TREATMENT OF COMMODITIES AND SECTION 1256 CONTRACTS.

(a) STUDY.—The Secretary of the Treasury, or the Secretary’s delegate, shall conduct a study of the Federal income tax treatment of section 1256 contracts under section 1256 of the Internal Revenue Code of 1986 and of applicable commodities under sections 1261, 1256(f)(6), and 512(b)(20) of such Code. Such study shall include an analysis of—

(1) the average annual number of sales or exchanges of such contracts and commodities, including the number of sales and exchanges involving organizations exempt from Federal income taxation under such Code,

(2) whether the amendments made by this Act have had any effect on the number or type of such sales and exchanges,

(3) the effect of tax policy on the operation of the commodities exchanges and on the demand for, and price of, commodities, particularly with respect to oil and natural gas, and

(4) such other matters with respect to such tax treatment as the Secretary determines appropriate.

(b) REPORT.—The Secretary shall, not later than January 1, 2012, report the results of the study conducted under subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, together with such legislative recommendations as the Secretary determines appropriate with respect to the Federal income tax treatment of section 1256 contracts and applicable commodities.

By Ms. CANTWELL (for herself and Mr. GRASSLEY):

S. 1589. A bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I am pleased to join with my colleague, Senator GRASSLEY, and introduce an im-

portant piece of legislation that will modernize the tax incentive for domestic biodiesel production. The Biodiesel Tax Incentive Reform and Extension Act of 2009 will provide predictability to investors, to producers, and to researchers so we can move forward and continue to displace imported fossil fuels with low carbon, renewable biodiesel that is produced here in the United States.

Last year, we all saw the devastating effects that \$140 per barrel oil had on our economy and our constituents. For economic reasons, national security reasons, and environmental reasons, we cannot allow ourselves to remain dependent on foreign oil. We have to redouble our efforts to deploy alternative fuels that can be produced in the United States and that can help us address the growing crisis of climate change.

Biodiesel is a diesel replacement fuel that is produced from vegetable oils, animal fats and waste oils. It is refined to meet a commercial fuel specification that is readily accepted in the marketplace. Typically biodiesel is blended with conventional diesel fuel, and it is not necessary to modify a vehicle’s engine to use the fuel.

There are compelling public policy benefits associated with the production and use of biodiesel. It is an extremely efficient fuel that can be produced domestically so we do not have to rely on imported fuel. Biodiesel creates 3.2 units of energy for every unit of fuel that is required to produce the fuel and the 690 million gallons of biodiesel produced in the U.S. in 2008 displaced 38.1 million barrels of petroleum.

Replacing fossil fuel use with biodiesel also can play a constructive role in addressing the issue of climate change. When compared to conventional diesel fuel, pure biodiesel reduces direct carbon lifecycle emissions by 78 percent, which in 2008 was the equivalent of removing 980,000 passenger vehicles from the road.

Congress first enacted a tax incentive for biodiesel in 2004 and since that time, this tax credit has helped encourage the production and use of this alternative fuel. U.S. production of biodiesel increased from 25 million gallons in 2004 to 690 million gallons last year, and the industry has built the commercial scale production capacity. There currently are 176 plants in operation with the capacity to produce more than 2.61 billion gallons of biodiesel.

The 39 new plants that are either under construction or being expanded would add nearly 849.9 million gallons of production capacity. We have to be sure these plans for expansion go forward. Unfortunately, limited access to capital, uncertainty surrounding the Federal commitment to biodiesel, and the current state of the economy threaten to undermine the progress the U.S. biodiesel industry has made to

build the production capacity and infrastructure needed to aggressively displace petroleum diesel fuel with renewable, low-carbon biodiesel. Right now, less than one-third of the industry’s facilities are currently producing fuel.

The 51,893 jobs that are currently supported by the U.S. biodiesel industry show there is real job growth potential in this industry. Much of that job growth and economic activity will happen in our rural communities who continue to be hard hit right now.

The current law tax credit will expire at the end of this year and Congress must act or we will threaten the future of this promising domestic industry. The National Biodiesel Board estimates that if Congress does not provide some predictability to the industry, U.S. production will likely fall from 690 million gallons in 2008 to 300–350 million gallons in 2009. This could cost the U.S. economy more than 29,000 jobs. These are not jobs we can afford to lose.

In addition to the looming expiration, the current structure of the tax credit has administrative problems and is subject to abuse that makes it difficult to ensure that that only qualified fuel benefits from the incentive. We owe it to taxpayers to make sure that we are getting the results we want from the tax incentives we enact so in addition to extending the tax credit we need to make the structural changes that Sen. GRASSLEY and I are proposing today.

The centerpiece of the bill is changing the incentive from a blender credit to a production tax credit so that we focus the benefits of the incentive on building the domestic production industry. Under current law, the credit was targeted at the blending of biodiesel with petroleum diesel. While this was helpful in getting us to the point we are now, it is time we move even farther in the direction of promoting the production of petroleum fuel alternatives.

In addition, the legislation we are introducing today will simplify administration of the incentive for both taxpayers and the Internal Revenue Service, IRS, and will eliminate any remaining opportunity for abuse of the tax credit through schemes like “splash and dash” in which oil companies add a few drops of biodiesel to their petroleum diesel just to qualify for the tax credits.

Under our bill, the \$1 per gallon tax credit will be provided for the production of biodiesel, renewable diesel and aviation jet fuel that complies with established fuel standards and Clean Air Act requirements.

For small producers, those with an annual production capacity of less than 60 million gallons, we increase the \$1 to \$1.10 for the first 15 million gallons of biodiesel produced.

We simplify the definition of biodiesel so that we encourage production

from any biomass-based feedstock or recycled oils and fats. Hopefully this will unleash even more research and commercialization of alternative fuel sources.

The bill also simplifies the coordination between the income tax credit and the excise tax liability to, again, tighten up compliance and reduce administrative burdens on taxpayers. Most importantly, our bill would extend this tax credit for 5 years, giving needed financial predictability to the industry.

I thank Senator GRASSLEY for joining with me on this bill and look forward to working with our colleagues on the Finance Committee to adopt this worthwhile, commonsense proposal that is consistent with sound energy and sound tax policy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biodiesel Tax Incentive Reform and Extension Act of 2009".

SEC. 2. REFORM OF BIODIESEL INCOME TAX INCENTIVES.

(a) IN GENERAL.—Section 40A of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 40A. BIODIESEL PRODUCTION.

"(a) IN GENERAL.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is \$1.00 for each gallon of biodiesel produced by the taxpayer which during the taxable year—

"(1) is sold by such producer to another person—

"(A) for use by such other person's trade or business (other than casual off-farm production),

"(B) for use by such other person as a fuel in a trade or business, or

"(C) who sells such biodiesel at retail to another person and places such biodiesel in the fuel tank of such other person, or

"(2) is used or sold by such producer for any purpose described in paragraph (1).

"(b) INCREASED CREDIT FOR SMALL PRODUCERS.—

"(1) IN GENERAL.—In the case of any eligible small biodiesel producer, subsection (a) shall be applied by increasing the dollar amount contained therein by 10 cents.

"(2) LIMITATION.—Paragraph (1) shall only apply with respect to the first 15,000,000 gallons of biodiesel produced by any eligible small biodiesel producer during any taxable year.

"(c) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any biodiesel shall be reduced to take into account any benefit provided with respect to such biodiesel solely by reason of the application of section 6426 or 6427(e).

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BIODIESEL.—The term 'biodiesel' means liquid fuel derived from biomass which meets—

"(A) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), and

"(B) the requirements of the American Society of Testing and Materials D6751.

Such term shall not include any liquid with respect to which a credit may be determined under section 40.

"(2) BIODIESEL NOT USED FOR A QUALIFIED PURPOSE.—If—

"(A) any credit was determined with respect to any biodiesel under this section, and

"(B) any person does not use such biodiesel for the purpose described in subsection (a),

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (a) and the number of gallons of such biodiesel.

"(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(4) LIMITATION TO BIODIESEL PRODUCED IN THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel unless such biodiesel is produced in the United States from raw feedstock. For purposes of this paragraph, the term 'United States' includes any possession of the United States.

"(5) BIODIESEL TRANSFERS FROM AN IRS REGISTERED BIODIESEL PRODUCTION FACILITY TO AN IRS REGISTERED TERMINAL OR REFINERY.—The credit allowed under subsection (a) shall be allowed to the terminal or refinery referred to in section 4081(a)(1)(B)(i) in instances where section 4081(a)(1)(B)(iii) is applicable. The credit allowed under subsection (a) cannot be claimed by a terminal or refinery on fuel upon which the credit was previously claimed by a biodiesel producer.

"(e) DEFINITIONS AND SPECIAL RULES FOR SMALL BIODIESEL PRODUCERS.—

"(1) ELIGIBLE SMALL BIODIESEL PRODUCER.—The term 'eligible small biodiesel producer' means a person who at all times during the taxable year has a productive capacity for biodiesel not in excess of 60,000,000 gallons.

"(2) AGGREGATION RULE.—For purposes of the 15,000,000 gallon limitation under subsection (b)(2) and the 60,000,000 gallon limitation under paragraph (1), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(3) PARTNERSHIP, S CORPORATION, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitations contained in subsection (b)(2) and paragraph (1) shall be applied at the entity level and at the partner or similar level.

"(4) ALLOCATION.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

"(5) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary—

"(A) to prevent the credit provided for in subsection (b) from directly or indirectly benefitting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of biodiesel during the taxable year, or

"(B) to prevent any person from directly or indirectly benefitting with respect to more than 15,000,000 gallons during the taxable year.

"(6) ALLOCATION OF SMALL BIODIESEL CREDIT TO PATRONS OF COOPERATIVE.—

"(A) ELECTION TO ALLOCATE.—

"(i) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the increase determined under subsection (b) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

"(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—

"(i) ORGANIZATIONS.—The amount of the credit not apportioned to patrons pursuant to subparagraph (A) shall be included in the amount determined under subsection (b) for the taxable year of the organization.

"(ii) PATRONS.—The amount of the credit apportioned to patrons pursuant to subparagraph (A) shall be included in the amount determined under such subsection for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

"(iii) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of the organization determined under such subsection for a taxable year is less than the amount of such credit shown on the return of the organization for such year, an amount equal to the excess of—

"(I) such reduction, over

"(II) the amount not apportioned to such patrons under subparagraph (A) for the taxable year, shall be treated as an increase in tax imposed by this chapter on the organization.

Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

"(f) RENEWABLE DIESEL.—For purposes of this title—

"(1) TREATMENT IN THE SAME MANNER AS BIODIESEL.—Renewable diesel shall be treated in the same manner as biodiesel.

"(2) RENEWABLE DIESEL DEFINED.—The term 'renewable diesel' means liquid fuel derived from biomass which meets—

"(A) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), and

"(B) the requirements of the American Society of Testing and Materials D975 or D396, or other equivalent standard approved by the Secretary.

Such term shall not include any liquid with respect to which a credit may be determined under section 40. Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For

purposes of this paragraph, the term ‘biomass’ has the meaning given such term by section 45K(c)(3).

“(3) CERTAIN AVIATION FUEL.—Except as provided in the last 3 sentences of paragraph (2), the term ‘renewable diesel’ shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

“(g) TERMINATION.—This section shall not apply to any sale or use after December 31, 2014.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 40A and inserting the following new item:

“Sec. 40A. Biodiesel production.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to biodiesel sold or used after December 31, 2009.

SEC. 3. REFORM OF BIODIESEL EXCISE TAX INCENTIVES.

(a) IN GENERAL.—Subsection (c) of section 6426 of the Internal Revenue Code of 1986 is amended to read as follows:

“(c) BIODIESEL CREDIT.—

“(1) IN GENERAL.—For purposes of this section, the biodiesel credit is \$1.00 for each gallon of biodiesel produced by the taxpayer and which—

“(A) is sold by such producer to another person—

“(i) for use by such other person’s trade or business (other than casual off-farm production),

“(ii) for use by such other person as a fuel in a trade or business, or

“(iii) who sells such biodiesel at retail to another person and places such biodiesel in the fuel tank of such other person, or

“(B) is used or sold by such producer for any purpose described in subparagraph (A).

“(2) DEFINITIONS.—Any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

“(3) BIODIESEL TRANSFERS FROM AN IRS REGISTERED BIODIESEL PRODUCTION FACILITY TO AN IRS REGISTERED TERMINAL.—The credit allowed under this subsection can be claimed by a registered terminal or refinery in instances where section 4081(a)(1)(B)(iii) is applicable. The credit allowed under this subsection cannot be claimed by a terminal or refinery on fuel upon which the credit was previously claimed by a biodiesel producer.

“(4) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2014.”.

(b) PAYMENT OF CREDIT.—Subsection (e) of section 6427 of such Code is amended—

(1) by striking “or the biodiesel mixture credit” in paragraph (1),

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

“(3) BIODIESEL CREDIT.—If any person produces biodiesel and sells or uses such biodiesel as provided in section 6426(c), the Secretary shall pay (without interest) to such person an amount equal to the biodiesel credit with respect to such biodiesel.”.

(3) by striking “paragraph (1) or (2)” each place it appears in paragraphs (4) and (6), as redesignated by paragraph (2), and inserting “paragraph (1), (2), or (3)”.

(4) by striking “alternative fuel” each place it appears in paragraphs (4) and (6), as redesignated by paragraph (2), and inserting “fuel”, and

(5) by striking “biodiesel mixture (as defined in section 6426(c)(3))” in paragraph (7)(B), as so redesignated, and inserting “biodiesel (within the meaning of section 40A)”.

(c) EXEMPTION FOR BIODIESEL TRANSFERRED FROM A REGISTERED PRODUCER TO A REGISTERED TERMINAL.—Subparagraph (B) of section 4081(a)(1) of such Code is amended—

(1) by striking “clause (ii)” in clause (i) and inserting “clauses (ii) and (iii)”, and

(2) by adding at the end the following new clause:

“(iii) EXEMPTIONS FOR BIODIESEL TRANSFERRED FROM A REGISTERED PRODUCER TO A REGISTERED TERMINAL.—The tax imposed by this paragraph shall not apply to any removal or entry of biodiesel (as defined in section 40A(d)(1)) transferred in bulk (without regard to the manner of such transfer) to a terminal or refinery if—

“(I) such biodiesel was produced by a person who is registered under section 4101 as a producer of biodiesel and who provides reporting under the ExStars fuel reporting system of the Internal Revenue Service, and

“(II) the operator of such terminal or refinery is registered under section 4101.”.

(d) PRODUCER REGISTRATION REQUIREMENT.—Subsection (a) of section 6426 of such Code is amended by striking “subsections (d) and (e)” in the flush sentence at the end and inserting “subsections (c), (d), and (e)”.

(e) RECAPTURE.—Subsection (f) of section 6426 of such Code is amended to read as follows:

“(f) RECAPTURE.—

“(1) ALCOHOL FUEL MIXTURES.—If—

“(A) any credit was determined under this section with respect to alcohol used in the production of any alcohol fuel mixture, and

“(B) any person—

“(i) separates the alcohol from the mixture, or

“(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such alcohol.

“(2) BIODIESEL.—If any credit was determined under this section with respect to the production of any biodiesel and any person does not use such biodiesel for a purpose described in subsection (c)(1), then there is hereby imposed on such person a tax equal to \$1 for each gallon of such biodiesel.

“(3) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under paragraph (1) or (2) as if such tax were imposed by section 4081 and not by this section.”.

(f) CLERICAL AMENDMENT.—The heading of section 6426 of such Code (and the item relating to such section in the table of sections for subchapter B of chapter 65 of such Code) is amended by striking “alcohol fuel, biodiesel, and alternative fuel mixtures” and inserting “alcohol fuel mixtures, biodiesel production, and alternative fuel mixtures”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to biodiesel sold or used after December 31, 2009.

SEC. 4. BIODIESEL TREATED AS TAXABLE FUEL.

(a) BIODIESEL TREATED AS TAXABLE FUEL.—Clause (1) of section 4083(a)(3)(A) of such Code is amended by inserting “, including biodiesel (as defined in section 6426(c)(3)),” after “(other than gasoline)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to biodiesel removed, entered, or sold after the date which is 6 months after the date of the enactment of this Act.

By Mrs. MURRAY (for herself and Mr. DURBIN):

S. 1591. A bill to amend the Foreign Assistance Act of 1961, to establish the Health Technology Program in the United States Agency for International Development to research and develop technologies to improve global health, and for other purposes; to the Committee on Foreign Relations.

Mrs. MURRAY. Mr. President, for a child in a developing country, very simple tools, like safe injection technologies for vaccination, can mean the difference between life and death. But the fact is that many countries are simply unable to afford such critical health technologies. Research has given us many promising early-stage technologies that could make a difference, but tragically, in many cases the promise of such technologies goes unrealized.

I know that it is sometimes tempting to think of global health as a distant goal, far removed from the lives of everyday Americans. But, as the emergence of new pandemic threats such as H1N1 flu reminds us, global health is public health—and it affects Americans right here at home. It is impossible to pick up a paper today, watch TV, or use the internet without realizing that we are more connected than ever before to people around the world.

As I speak with scientists and leaders in my State, they are excited about finding new ways to tackle tough global health problems. I hear the same enthusiasm when I speak with young people who are passionate about helping others. Of course, this growing support for global health can be seen not only in my home state, but throughout our country, in our universities and in community organizations. I know that many of my colleagues in the Senate are dedicated, tireless advocates for global health. Last year, the Congress demonstrated its strong commitment by reauthorizing the President’s Emergency Plan for AIDS Relief, PEPFAR, a huge victory for global health and a strong foundation for future efforts.

In May, President Obama announced a new, comprehensive global health strategy, renewing the longstanding U.S. commitment to global health and building on the successes of programs begun during the Bush administration like PEPFAR and the President’s Malaria Initiative, programs that have saved countless lives. President Obama has called for us to continue these efforts and to focus on improving the health of mothers and children and strengthening health systems in developing countries.

Developing countries urgently need technologies that will work for their health care systems, technologies that are easy-to-use, culturally appropriate, and above all affordable.

Today I am introducing the 21st Century Global Health Technology Act to

support these goals by applying our country's traditional strengths in research, innovation, and entrepreneurship to global health. My bill will encourage the development of appropriate global health technologies by authorizing efforts at the US Agency for International Development, USAID, to make sure that promising health technologies are not left to sit on the shelf, but instead are developed and delivered to those in need.

Developing global health technologies is not easy or glamorous and the financial incentives for business are few. But for many years, the USAID has supported global health technology development through an innovative model that encourages the public, non-profit, and private sectors to work together.

I urge my colleagues to support this bill because the USAID has a long and inspiring track record of success in technology development. For example, the USAID's HealthTech program meets a wide range of needs from developing tools to rapidly diagnose infectious diseases to designing safe delivery kits that keep mothers and newborns healthy. Working with non-profit and commercial-sector partners, HealthTech has investigated over 100 technologies, licensed or transferred 21 life-saving technologies designed for use in low-resource settings, and moved 10 technologies into global use.

The HealthTech program helps the USAID leverage Federal money to encourage the private sector to become involved in the fight to improve global health. In an average year, HealthTech matches the USAID's funding with cash and in-kind contributions from the private sector. The average ratio of private sector investment to USAID funding in HealthTech-developed technologies that have reached commercialization is about 9 to 1. It's a win-win model that increases the number of affordable global health technologies and provides new opportunities for U.S. companies.

Technology development at the USAID is a smart investment. However, the agency's technology development efforts currently are not authorized, so funding is often uncertain. That uncertainty prevents the USAID from pursuing many promising technologies. My bill will provide \$5 million per year over 5 years to support technology development at the USAID—a small, but steady source of funding that will bring greater stability to technology development efforts and encourage more private sector partners to get involved.

Investing in global health technology is the right thing for the U.S., for our companies, for our bright young people who are pursuing careers in global health, and for our security since our well-being is linked to our ability to prevent global pandemics and to reach

out to people around the world. But, most importantly, investing in global health and in affordable health technologies will save millions of lives. It is simply the right thing to do.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Global Health Technology Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has committed to the United Nations Millennium Development Goals of—

- (A) reducing child mortality;
- (B) improving maternal health; and
- (C) combating HIV/AIDS, malaria, and other diseases.

(2) The goals described in paragraph (1) cannot be reached without health technologies and devices to diagnose infectious diseases and reduce disease transmission.

(3) The development, advancement, and introduction of affordable and appropriate technologies are essential to efforts by the United States to reduce deaths among the world's most vulnerable populations, particularly children and women in the developing world.

(4) A recent report by the Institute of Medicine on the commitment of the United States to global health—

(A) recommends that United States institutions share existing knowledge to address prevalent health problems in low- and middle-income countries;

(B) recommends continued support for partnerships between the public and private sectors to develop and deliver health products in low- and middle-income countries; and

(C) urges the United States Government to continue its support for innovative research models to address unmet health needs in poor countries.

(5) Investments by the United States in affordable, appropriate health technologies, such as medical devices for maternal and child care, vaccine delivery tools, safe injection devices, diagnostic tests for infectious diseases, and innovative disease prevention strategies—

(A) reduce the risk of disease transmission; and

(B) accelerate access to life-saving global health interventions for the world's poor.

(6) Through a cooperative agreement, known as the Technologies for Health program (referred to in this section as "HealthTech"), USAID supports the development of technologies that—

(A) maximize the limited resources available for global health; and

(B) ensure that products and medicines developed for use in low-resource settings reach the people that need such products and medicines.

(7) The HealthTech cooperative agreement—

(A) facilitates public-private collaboration in the development of global health technologies;

(B) leverages public sector support for early stage research and development of

health technologies to encourage private sector investment in late-stage technology development and product introduction in developing countries;

(C) benefits the United States economy by investing in the growing United States global health technology sector, which—

(i) provides skilled jobs for American workers; and

(ii) enhances United States competitiveness in the increasingly technological and knowledge-based global economy; and

(D) enhances United States national security by—

(i) reducing the risk of pandemic disease; and

(ii) contributing to economic development and stability in developing countries.

SEC. 3. PURPOSE.

The purpose of this Act is to authorize a health technology development program that supports coordinated, long-term research and development of appropriate global health technologies—

(1) to improve global health;

(2) to reduce maternal and child mortality rates; and

(3) to reverse the incidence of HIV/AIDS, malaria, and other diseases.

SEC. 4. ESTABLISHMENT OF THE HEALTH TECHNOLOGY PROGRAM.

Section 107 the Foreign Assistance Act of 1961 (22 U.S.C. 2151e) is amended by adding at the end the following:

"(c) HEALTH TECHNOLOGY PROGRAM.—(1) There is established in the United States Agency for International Development (referred to in this section as 'USAID') the Health Technology Program, which shall—

"(A) coordinate and lead research and development efforts;

"(B) be funded by USAID on a competitive basis; and

"(C) serve as a national laboratory and technology development program for global health.

"(2) The Health Technology Program shall develop, advance, and introduce affordable, available, and appropriate technologies specifically designed—

"(A) to improve the health and nutrition of developing country populations;

"(B) to reduce maternal and child mortality; and

"(C) to improve the diagnosis, prevention and reduction of disease, especially HIV/AIDS, malaria, tuberculosis, and other major diseases.

"(3) The Health Technology Program shall be located at an institution with a successful record of—

"(A) advancing the technologies described in paragraph (2); and

"(B) integrating practical field experience into the research and development process in order to introduce the most appropriate technologies.

"(4) The Administrator of USAID, in collaboration with the Health Technology Program, shall submit an annual report to Congress and all relevant Federal agencies that describes—

"(A) the relevant activities of the Health Technology Program that are in the incubation phase;

"(B) the progress made on such activities and on other projects carried out through the Health Technology Program; and

"(C) the outlook for future health technology efforts evaluated by the Health Technology Program to have significant growth potential.

"(5) There are authorized to be appropriated \$5,000,000 for each of the fiscal years

2010 through 2014 to carry out the Health Technology Program under this subsection.”.

By Ms. SNOWE (for herself and Mr. CARDIN):

S. 1592. A bill to establish a Federal Board of Certification to enhance the transparency, credibility, and stability of financial markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to reintroduce legislation that will increase the trustworthiness of our Nation’s mortgage security market by creating the Federal Board of Certification for mortgage securities. I would like to thank Senator CARDIN for co-sponsoring this vital measure.

The necessity of enacting last fall’s Troubled Asset Relief Program, along with the collapse of Lehman Brothers, and the bailouts of American International Group, Fannie Mae, Freddie Mac, and Bear Stearns, combined with the huge losses suffered throughout the financial industry, demonstrates a catastrophic failure to accurately assess the dangers of imprudently made subprime mortgages to the American public and our financial markets. In hindsight, it appears that it was the inability to gauge risk in mortgage-backed securities that caused much of this financial turmoil. For markets to operate properly, it is imperative that they have effective metrics for calculating the level of risk securities pose to investors.

The secondary mortgage market has been a largely unregulated playground where poorly underwritten, low-quality loans were sold as high-quality investment products. Although mortgage-backed securities can be a positive market force, which increases the available pool of credit for borrowers, without an accurate picture of the risk involved in each mortgage security, buyers have no idea whether they are purchasing a high-risk investment or a safe, secure investment. The legislation that I am reintroducing today would work to curb the excesses of the secondary market, combat future attempts at deception, and protect investors by making scrutinized mortgage investments more reliable and trustworthy.

The inability of major corporations to properly assess the risk of the mortgage securities they were trading is a problem whose effects have not been confined to Wall Street. To put it simply: when big banks sneeze, the rest of America gets a cold. This year, more than \$1 trillion of the subprime mortgages originated during the housing boom will reset to higher interest rates.

In my home State of Maine, we are struggling with falling home prices and a record number of foreclosures. During the first half of 2009 alone, there were 1,696 filings in Maine, a number

putting the State on pace to surpass the 2,851 foreclosure filings registered in 2008. Moreover, some Maine borrowers, with rising monthly payments, are unable to refinance out of their predatory loans. Small business owners, many already hurt by the economic downturn, are also finding credit tight. Finally, despite gains in recent weeks, the poor economic climate caused by the subprime credit crunch has also roiled the stock market, causing Americans to lose billions in their IRAs and retirement funds.

We must address crisis and make sure it never happens again. Turning to specifics, my bill creates the Federal Board of Certification, which would certify that the mortgages within a security instrument meet the underlying standards they claim in regards to documentation, loan to value ratios, debt service to income ratios, and borrowers’ credit standards. The purpose of the certification process is to increase the transparency, predictability, and reliability of securitized mortgage products. Certification would aid in creating settled investor expectations and increase transparency by ensuring that the mortgages within a mortgage security conform to the claims made by the mortgage product’s sellers.

The proposed Federal Board of Certification would not override any current regulations and would not in any way stifle any attempts by private business to rate mortgage securities. This legislation would, however, create incentives for improving industry rating practices. Open publication of the Board’s certification criteria would augment the efforts of private ratings agencies by providing incentives for increased transparency in the ratings process. The Board’s certification would also serve as a check on the industry to ensure that ratings agencies carefully scrutinize the content of mortgage products before issuing evaluations of mortgage backed securities.

Significantly, the Federal Board of Certification would also be voluntary and funded by an excise tax. Users could choose to pay the costs for the Board to rate their security, or they could elect not to submit their product to the Board.

We must quickly restore confidence in mortgage securities if we are to stabilize our housing markets. To do so, we must certify the quality and content of our mortgage securities to enable housing markets to generate liquidity and spur lending. This is why it is urgent to create the Federal Board of Certification for mortgage securities. This legislation would create a “good housekeeping seal of approval” for the mortgage security industry and certify that the mortgage products are in fact what they claim to be. Accordingly, I call on Congress to take up and pass this commonsense legislation as expeditiously as possible, particularly

as part of a comprehensive overhaul of our financial markets that Congress must consider in short order to ensure that the calamitous events of the past year are never again repeated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Board of Certification Act of 2009”.

SEC. 2. PURPOSE.

It is the purpose of this Act to establish a Federal Board of Certification, which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to mortgage characteristics including but not limited to: documentation, loan to value ratios, debt service to income ratios, and borrower credit standards and geographic concentration. The purpose of this certification process is to increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term “Board” means the Federal Board of Certification established under this Act;

(2) the term “mortgage security” means an investment instrument that represents ownership of an undivided interest in a group of mortgages;

(3) the term “insured depository institution” has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1803); and

(4) the term “Federal financial institutions regulatory agency” has the same meaning as in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

SEC. 4. VOLUNTARY PARTICIPATION.

Market participants, including firms that package mortgage loans into mortgage securities, may elect to have their mortgage securities evaluated by the Board.

SEC. 5. STANDARDS.

The Board is authorized to promulgate regulations establishing enumerated security standards which the Board shall use to certify mortgage securities. The Board shall promulgate standards which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to documentation, loan to value ratios, debt service to income ratios and borrower credit standards. The standards should protect settled investor expectations, and increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 6. COMPOSITION.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Federal Board of Certification, which shall consist of—

(1) the Comptroller of the Currency;

(2) the Secretary of Housing and Urban Development;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Undersecretary of the Treasury for Domestic Finance; and

(5) the Chairman of the Securities and Exchange Commission.

(b) **CHAIRPERSON.**—The members of the Board shall select the first chairperson of the Board. Thereafter the position of chairperson shall rotate among the members of the Board.

(c) **TERM OF OFFICE.**—The term of each chairperson of the Board shall be 2 years.

(d) **DESIGNATION OF OFFICERS AND EMPLOYEES.**—The members of the Board may, from time to time, designate other officers or employees of their respective agencies to carry out their duties on the Board.

(e) **COMPENSATION AND EXPENSES.**—Each member of the Board shall serve without additional compensation, but shall be entitled to reasonable expenses incurred in carrying out official duties as such a member.

SEC. 7. EXPENSES.

The costs and expenses of the Board, including the salaries of its employees, shall be paid for by excise fees collected from applicants for security certification from the Board, according to fee scales set by the Board.

SEC. 8. BOARD RESPONSIBILITIES.

(a) **ESTABLISHMENT OF PRINCIPLES AND STANDARDS.**—The Board shall establish, by rule, uniform principles and standards and report forms for the regular examination of mortgage securities.

(b) **DEVELOPMENT OF UNIFORM REPORTING SYSTEM.**—The Board shall develop uniform reporting systems for use by the Board in ascertaining mortgage security risk. The Board shall assess, and publicly publish, how it evaluates and certifies the composition of mortgage securities.

(c) **AFFECT ON FEDERAL REGULATORY AGENCY RESEARCH AND DEVELOPMENT OF NEW FINANCIAL INSTITUTIONS SUPERVISORY AGENCIES.**—Nothing in this Act shall be construed to limit or discourage Federal regulatory agency research and development of new financial institutions supervisory methods and tools, nor to preclude the field testing of any innovation devised by any Federal regulatory agency.

(d) **ANNUAL REPORT.**—Not later than April 1 of each year, the Board shall prepare and submit to Congress an annual report covering its activities during the preceding year.

(e) **REPORTING SCHEDULE.**—The Board shall determine whether it wants to evaluate mortgage securities at issuance, on a regular basis, or upon request.

SEC. 9. BOARD AUTHORITY.

(a) **AUTHORITY OF CHAIRPERSON.**—The chairperson of the Board is authorized to carry out and to delegate the authority to carry out the internal administration of the Board, including the appointment and supervision of employees and the distribution of business among members, employees, and administrative units.

(b) **USE OF PERSONNEL, SERVICES, AND FACILITIES OF FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES, AND FEDERAL RESERVE BANKS.**—In addition to any other authority conferred upon it by this Act, in carrying out its functions under this Act, the Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Federal financial institutions regulatory agencies, and Federal Reserve banks, with or without reimbursement therefor.

(c) **COMPENSATION, AUTHORITY, AND DUTIES OF OFFICERS AND EMPLOYEES; EXPERTS AND CONSULTANTS.**—The Board may—

(1) subject to the provisions of title 5, United States Code, relating to the competi-

tive service, classification, and General Schedule pay rates, appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act, and to prescribe the authority and duties of such officers and employees; and

(2) obtain the services of such experts and consultants as are necessary to carry out this Act.

SEC. 10. BOARD ACCESS TO INFORMATION.

For the purpose of carrying out this Act, the Board shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by Federal financial institutions regulatory agencies, including reports of examination of financial institutions, their holding companies, or mortgage lending entities from whatever source, together with work papers and correspondence files related to such reports, whether or not a part of the report, and all without any deletions.

SEC. 11. REGULATORY REVIEW.

(a) **IN GENERAL.**—Not less frequently than once every 10 years, the Board shall conduct a review of all regulations prescribed by the Board, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) **PROCESS.**—In conducting the review under subsection (a), the Board shall—

(1) categorize the regulations described in subsection (a) by type; and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) **COMPLETE REVIEW.**—The Board shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a), not less frequently than once every 10 years.

(d) **REGULATORY RESPONSE.**—The Board shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) **REPORT TO CONGRESS.**—Not later than 30 days after carrying out subsection (d)(1) of this section, the Board shall submit to the Congress a report, which shall include a summary of any significant issues raised by public comments received by the Board under this section and the relative merits of such issues.

SEC. 12. LIABILITY.

Any publication, transmission, or webpage containing an advertisement for or invitation to buy a mortgage security shall include the following notice, in conspicuous type: "Certification by the Federal Board of Certification can in no way be considered a guarantee of the mortgage security. Certification is merely a judgment by the Federal Board of Certification of the degree of risk offered by the security in question. The Federal Board of Certification is not liable for any actions taken in reliance on such judgment of risk."

By Mr. MERKLEY:

S. 1595. A bill to amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in con-

junction with such solicitations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, in recent years, consumer credit has gone from providing convenience and short-term financing to a game of tricks and traps that strips families of hard earned resources and locks the middle class into a vicious cycle of debt. Today, I introduce legislation to end one of those deceptive practices—the unsolicited mailing of “live” loan checks.

Deceptive loan checks have afflicted consumers, especially seniors, for far too long. In these schemes, financial institutions send unsuspecting customers checks made out to them for some amount. Customers often assume that their financial institutions have sent refunds or some other business-related sum and unknowingly deposit the checks. However, fine print on these checks actually makes them high-cost loans.

Bank regulators have failed for years to rein in these deceptive products. In Oregon, one of my elderly constituents—a veteran of the Korean war—ended up in a subprime mortgage because he unknowingly deposited a deceptive loan check that he never requested. Sadly, instead of being able to cancel the loan, he was pushed into rolling this unwanted loan into his mortgage, which was then transformed from a safe, fixed rate mortgage that had nearly been paid off, into a brand new, subprime mortgage. As this case shows, deceptive products and practices lead our consumers into dangerous, high cost debt. If individuals wish to take out high cost loans, they should have every right to do so, but financial institutions should make those transactions plain and straightforward, not tricky and deceptive.

To address this situation, I am introducing the Deceptive Loan Check Elimination Act. Under the act, financial institutions would be prohibited from sending a “live” loan check unless the consumer requested such a check in writing. Consumers would not be liable for any debt incurred in violation of the act. This common sense solution protects consumers without constricting credit for those who want it. The legislation is endorsed by Consumer Action, Consumers Federation of America, Consumers Union, the National Consumer Law Center, on behalf of its low income clients, and the U.S. Public Interest Research Group.

I am hopeful that the Senate will act quickly to address this problem. In addition, the next step in restoring a fair playing field for working families is to move ahead quickly to create the Consumer Financial Protection Agency, a body with the authority to review and regulate financial tricks and traps like “live” loan checks.

I urge my colleagues to join me in this and future efforts to restore honesty and plain dealing to our consumer credit markets.

By Mrs. BOXER:

S. 1596. A bill to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I rise to discuss the Gold Hill-Wakamatsu Preservation Act. This legislation would authorize the Bureau of Land Management to acquire and manage the Gold Hill Ranch near Coloma, California. This site was the location of the Wakamatsu Tea and Silk Colony from 1869 to 1871, recognized by the State of California and Japanese American Citizens League as the first Japanese settlement in the United States.

After Commodore William Perry opened Japanese ports to U.S. trade, the weakness of Japan's shoguns was exposed, leading to a revolution and return to imperial rule under the Meiji emperor. In 1869, seven Japanese individuals and a European expatriate fled the turmoil in Japan and sailed across the Pacific to San Francisco aboard a side wheeler called the "China." The group made their way eastwards and purchased land in Gold Hill. Within 2 years, the colony grew to 22 Japanese settlers and began producing traditional Japanese crops such as tea, silk, rice, and bamboo. The Japanese colonists and surrounding community learned about each others' culture and agricultural techniques. Local and San Francisco newspapers wrote about the colony, and the settlers began to receive acceptance in American society.

Unfortunately, the colony was short-lived—drought and financial problems forced the group to disperse and settle throughout California beginning in 1871. The Veerkamp family, which owned neighboring lands, purchased the property in 1875. Despite the short history of the colony, it was an important milestone that helped bridge Japanese and American cultures and paved the way for large-scale emigration of Japanese settlers to the United States. It also contributed to major Japanese influences on the agricultural economy of California.

Many of the original structures on the site remain intact, including a farmhouse, the grave of a young girl named Okei, numerous artifacts, and agricultural plantings. Japanese-Americans and other visitors come to see the site and place offerings on Okei's grave. As a testament to the cultural exchanges that occurred at this site, the Gold Trail Middle School, located on an in-holding carved out of this site, now maintains an exchange program with a sister school in Wakamatsu, Japan. Governor Reagan recognized the property as a State historic site in

1969, and the site is currently being considered for listing on the National Register of Historic Places.

The 272-acre ranch encompassing the original colony site has been passed down for generations through the Veerkamp family. Thanks to the hard work of the American River Conservancy and Wakamatsu Gold Hill Colony Foundation as well as the generous accommodation of the Veerkamp family, the site has been preserved for visitors to come and learn about the history of the Wakamatsu colonists and Japanese-American culture. The site provides multiple other benefits, including wildlife habitat, open space with hiking trails and picnic areas, and grazing and pastureland. The family and non-profit partners agree that federal acquisition would help guarantee that the site's cultural history, agricultural character, and open space are permanently preserved for generations to come. The Bureau of Land Management is well-suited to manage this site since it has an excellent relationship with the local community and manages several other sites nearby.

This project is supported by the Japanese American Citizens League, the National Japanese American Historical Society, the Consul General of Japan, the Governor of Fukushima Prefecture and the Mayor of Wakamatsu in Japan, People-to-People International, the El Dorado County Board of Supervisors, the El Dorado County Chamber of Commerce, numerous elected officials including Assemblyman Ted Gaines, who represents this district, and numerous other members of the local community.

The significance of this site for Japanese Americans has been compared to the significance of the Mayflower journey and Plymouth Rock landing for European Americans. This site is testament to Japanese history, California's agricultural economy, and the American tradition of bringing together people of diverse cultures in the common pursuit of freedom and prosperity. I look forward to working with my Senate colleagues to move this legislation and preserve the story of the Wakamatsu colonists for future generations.

By Mr. LEAHY (for himself, Mr. CHAMBLISS, and Mr. PRYOR):

S. 1599. A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Reserve Officers Association Modernization Act of 2009. I want to thank Senators CHAMBLISS and PRYOR for joining me to introduce this legislation. As the co-chairs of the United States Senate Reserve Caucus, Senators CHAMBLISS and

PRYOR have worked hard for the brave men and women of the United States Reserves.

Over the past decade, our country has relied on the National Guard and Reserves more than at any other time in recent history. The Guard and Reserves provide an invaluable contribution to our Nation's military, our national security, and disaster relief efforts. In recent years the National Guard and Reserves have demonstrated their position as a keystone to our military operations, particularly in Iraq and Afghanistan, and stepped forward repeatedly to answer the call-to-duty at a tempo not seen in decades. At the same time, the support from the Guard and Reserves for homeland duties has been at an all time high. The Guard and Reserves have provided crucial support to our Governors and States during natural disasters such as the aftermath of Hurricane Katrina. In addition, they have assumed additional roles in homeland security as our country has adopted new policies following the attacks of September 11, 2001. This new era for the Guard and Reserves prompted Congress and the Department of Defense to review many existing and but outdated policies.

The 95-member U.S. Senate National Guard Caucus, which I cochair along with Senator BOND, plays an integral role in the review and implementation of new policies. I have worked closely with groups like the Reserve Officers Association, ROA, to ensure that the National Guard and Reserves have access to more affordable health care, a greater influence in the military, adequate training facilities and supplies, and shorter troop deployments in Iraq and Afghanistan.

Since its founding in 1922, the ROA has worked on behalf of the National Guard and Reserves and their families. For over 85 years, ROA has remained committed to its original mission, to "support and promote the development and execution of a military policy for the United States that will provide adequate National security." The Reserve Officers Association represents the Reserve Components officers for the Army, Air Force, Navy, Marine Corps, Coast Guard, the Air and Army National Guard, Public Health Service, and the officers of the National Oceanic and Atmospheric Administration.

This legislation would update the Reserve Officers Association's Federal Charter to reflect two recent changes in the organization. First, it would add the position of "president elect" to its constitution and bylaws. Second, it would expand the ROA from only three national executive committee members to include three representatives from each of the seven branches of the uniformed services. The Reserve Officers Association's charter has not been modified since 1998 and this legislation would update it to correctly reflect the

current operation of the organization and enable ROA to continue its good work.

The Reserve Officers Association has provided a voice to the men and women that serve our country in the National Guard and Reserves. I urge Senators on both sides of the aisle to show their support for the brave members of the National Guard and Reserves by enacting this legislation swiftly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reserve Officers Association Modernization Act of 2009".

SEC. 2. INCLUSION OF NEW LEADERSHIP POSITIONS IN THE FEDERAL CHARTER OF THE RESERVE OFFICERS ASSOCIATION.

(a) NATIONAL EXECUTIVE COMMITTEE.—Section 190104(b)(2) of title 36, United States Code, is amended—

(1) by inserting "the president elect," after "the president,";

(2) by inserting "a minimum of" before "3 national executive committee members,"; and

(3) by striking "except the executive director," and inserting "except the president elect and the executive director,".

(b) OFFICERS.—Section 190104(c) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "a president elect," after "a president,";

(B) by inserting "a minimum of" before "3 national executive committee members,";

(C) by striking "a surgeon, a chaplain, a historian, a public relations officer,"; and

(D) by striking "as decided at the national convention" and inserting "specified in the constitution of the corporation"; and

(2) in paragraph (2)—

(A) by inserting "and take office" after "be elected"; and

(B) by striking "and the national public relations officer," and inserting "the judge advocate, and any other national officers specified in the constitution of the corporation,".

(c) VACANCIES.—Section 190104(d)(1) of such title is amended by striking "president and last past president," and inserting "president, president elect, and last past president,".

(d) RECORDS AND INSPECTION.—Section 190109(a)(2) of such title is amended by striking "national council," and inserting "other national entities of the corporation,".

Mr. UDALL of Colorado:

S. 1601. A bill to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing along with my friend and colleague, Senator BENNET, the Ruedi Reservoir Water Al-

location for Recovery of Endangered Fish Act. This bill will help address endangered fish issues in the Colorado River on Colorado's western slope by allowing the U.S. Bureau of Reclamation to release the remaining un-marketed water in Ruedi Reservoir for recovery purposes.

The Ruedi Reservoir is a component of the Fryingpan-Arkansas Project, a U.S. Bureau of Reclamation project, located on the Fryingpan River in western Colorado. The primary purposes of Ruedi are to provide storage of replacement water that allows out-of-priority diversions by the project to Colorado's east slope, and to provide marketable water for Colorado's west slope uses. A little more than one-third of Ruedi's marketable yield is currently under contract with limited prospects for foreseeable future contracting.

In 1999, the U.S. Fish and Wildlife Service, FWS, issued a programmatic biological opinion, PBO, for a critical reach of the Colorado River in Colorado related to recovery efforts for four fish species listed as endangered under the Endangered Species Act, ESA. The PBO provides ESA compliance for five Reclamation projects: the Fryingpan-Arkansas Project, including Ruedi Reservoir, the Colorado-Big Thompson Project, the Colbran Project, the Grand Valley Project, and the Silt Project.

The PBO also provides ESA compliance for all existing non-federal water projects and water users of the Colorado River upstream of the Gunnison River depleting approximately 1 million acre-feet per year and for 120,000 acre-feet per year of new depletions. As part of the PBO, Colorado water users agreed to provide 10,825 acre-feet per year for fish recovery from interim water sources until 2010, by which time permanent sources of water must be identified and agreements completed between water users and the FWS to provide the permanent source or sources of water.

Water users have identified the required permanent sources of water for endangered fish. Half of the 10,825 acre-feet per year requirement will be met from converting a historical agricultural water right and half from uncontracted, unobligated Ruedi Reservoir water. Reclamation has initiated NEPA compliance on Federal actions related to providing 10,825 acre-feet per year for endangered fish. This bill provides that the NEPA process be completed before authorizing Reclamation to apply the marketable yield to ESA benefits.

In regards to costs, the reimbursable capital costs for the Ruedi Reservoir were assigned separately in the authorizing legislation to east and west slope beneficiaries of the project. The east slope's obligation of \$7.6 million was assigned to Southeastern Colorado Water Conservancy District under a conventional Reclamation master con-

tract for the 28,000 acre-feet replacement pool. The obligation to repay Ruedi Reservoir's \$9.3 million cost was assigned to the marketable yield for the west slope's benefit, and this was to be re-paid by water contracts from this pool for west slope uses. There is no traditional, master contract with a west slope project "sponsor" for this portion of the project's cost recovery. A little more than one-third of the available marketable yield pool is currently under contract. Given that there are limited prospects for foreseeable future contracting, permanent assignment of 5,412.5 acre-feet of water for endangered fish recovery is prudent and appropriate.

To effectuate this new arrangement, the bill would amend Public Law 106-392 to permanently assign 5,412.5 acre-feet of water in Ruedi Reservoir from the west slope's marketable yield pool to endangered fish recovery and associated cost reallocation to non-reimbursable purposes. In so doing, the bill would accomplish a number of goals such as ensure continued ESA compliance for all east and west slope Colorado River main stem water users upstream of the Gunnison River, provide water from Ruedi Reservoir at affordable rates for potential future contracting, and provide consistency with long-standing Congressional policy and Reclamation law that water dedicated to fish and wildlife purposes from Reclamation projects is a non-reimbursable cost. The bill would also ensure compliance with Colorado law regarding the purposes of Ruedi Reservoir, namely that the marketable yield pool is available for the benefit of west slope water users by providing ESA compliance for uses of this water.

As with most issues related to water in the west, and especially in Colorado, one facility like the Ruedi Reservoir can affect many interests and values. This bill would provide mutual benefits to water users throughout the Colorado River. It is an example where we can reach consensus to continue to provide needed water to communities while also preserving fish species.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS.

(a) DEFINITIONS.—Section 2 of Public Law 106-392 (114 Stat. 1602) is amended by adding at the end the following:

"(11) MARKETABLE YIELD POOL.—The term 'marketable yield pool' means the portion of the regulatory capacity that, as of the date of enactment of this paragraph, is dedicated to marketing purposes.

"(12) REGULATORY CAPACITY.—The term 'regulatory capacity' has the meaning given

the term in the publication entitled 'Operating Principles, Fryingpan-Arkansas Project, Adopted by the State of Colorado, April 30, 1959 (as amended December 30, 1959, and December 9, 1960)', as printed as House Document No. 130 in accordance with House Resolution 91, 87th Congress, agreed to March 15, 1961.

“(13) RUEDI RESERVOIR.—The term ‘Ruedi Reservoir’ means the component of the Fryingpan-Arkansas Project of the Bureau of Land Management that is located—

“(A) on the Fryingpan River; and

“(B) in western Colorado.”.

(b) AUTHORIZATION TO FUND RECOVERY PROGRAMS.—Section 3 of Public Law 106-392 (114 Stat. 1603) is amended—

(1) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(2) by inserting after subsection (d) the following:

“(e) ALLOCATION OF RUEDI RESERVOIR MARKETABLE YIELD POOL.—

“(1) RELEASE OF WATER.—For fiscal year 2013, and each fiscal year thereafter, at the request of the Director of the United States Fish and Wildlife Service (referred to in this subsection as the ‘Director’), 5,412.5 acre-feet of water shall be released from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River.

“(2) TIMING OF RELEASE.—To the maximum extent practicable, and unless otherwise requested by the Director, the release of water under paragraph (1) shall occur during the late summer months to enhance low water flows in areas that comprise the endangered fish habitat in the Colorado River.

“(3) NO REQUIREMENT FOR CONTRACT OR OTHER AGREEMENT.—The release of water under paragraph (1) may be carried out without the formation or execution of any contract or other agreement.

“(4) REIMBURSEMENT.—The capital, operational, maintenance, and replacement costs that arise from the release of water under paragraph (1) shall not be reimbursable.

“(5) EFFECT.—The release of water under paragraph (1) shall satisfy 50 percent of the obligation of certain water users to provide 10,825 acre-feet of water, as described in the document—

“(A) entitled ‘Final Programmatic Biological Opinion for Bureau of Reclamation’s Operations and Depletions, Other Depletions, and Funding and Implementation of Recovery Program Actions in the Upper Colorado River above the Confluence with the Gunnison River’; and

“(B) published by the Director on December 20, 1999.

“(6) EFFECTIVE DATE.—This subsection shall take effect on the date on which the Secretary complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding the release of water under paragraph (1).”.

By Mr. UDALL, of Colorado (for himself and Mr. BENNET):

S. 1602. A bill to amend title 10, United States Code, to ensure that excess oil and gas lease revenues are distributed in accordance with the Mineral Leasing Act, and for other purposes; to the Committee on Armed Services.

Mr. UDALL of Colorado. Mr. President, today I am introducing a revised version of the Naval Oil Shale Reserve Mineral Royalty Revenue Allocation

Act that I previously introduced on August 4, 2009. This bill is the same as the one I previously introduced, but it corrects an error regarding the allocation of outstanding mineral royalties to four counties in Colorado instead of two—those four counties being Garfield, Rio Blanco, Mesa and Moffat. This revised version also makes it clear that the mineral royalty allocated to these four counties would not affect the normal allocations to those counties under the “payment in lieu of taxes” program. In all other respects, the bill and its purposes remain the same. It is a bill designed to release mineral royalty receipts to Colorado where the receipts were generated from gas development within this reserve on the western slope near Rifle, Colorado.

By way of background, in 1997, Congress transferred the federal Naval Oil Shale Reserve lands in western Colorado from the U.S. Department of Energy, DOE, to the U.S. Bureau of Land Management, BLM, and directed the BLM to begin leasing the oil and gas resources under these lands. The Transfer Act also directed that the royalties recouped from this leasing program be set aside and the state portion not disbursed to Colorado until the Interior Department and the DOE certified that enough money from the royalty receipts accrued to satisfy two purposes.

The first was to provide funding to clean up the Anvil Points site on these lands. Anvil Points was an oil shale research facility that operated within the Naval Oil Shale Reserve for about 40 years. The facility was operated by DOE at one point, and private industry performed research there under contract. Waste material was produced at this facility from oil shale mining and processing. That waste accumulated in a pile of about 300,000 cubic yards of spent oil shale and other material—including arsenic and other heavy metals—which rests on slopes below the facility.

The second purpose was for the reimbursement of certain costs related to the transfer.

Following the transfer to the BLM, this area experienced significant natural gas leasing and, as a result, significant royalty revenue was generated.

On August 8, 2008, the DOI and DOE certified that adequate funds had accrued to accomplish the goals of clean-up and cost reimbursement and subsequently allocated all royalty revenue generated after this date according to the Mineral Leasing Act, which establishes that Colorado receive a proportionate share.

However, considerably more revenue accrued than was necessary to accomplish the cleanup and cost reimbursement goals. This bill would direct that this additional royalty revenue be allocated to Colorado according to the for-

mulas and processes established for the disbursement of federal mineral royalties under the Mineral Leasing Act.

The bill also directs that the Colorado share of this remaining royalty revenue be allocated to the four Counties directly impacted by oil and gas leasing on the Naval Oil Shale Reserve lands—specifically, Garfield, Rio Blanco, Mesa, and Moffat Counties. Finally, this bill makes it clear that these royalty payments shall not affect the funds that these Counties normally receive under the “payment in lieu of taxes”—or PILT—program.

Based on figures provided by the BLM, there remains approximately \$17 million in these accounts for Colorado’s royalty revenue share. This bill would make Colorado whole and provide it with its rightful share of the remaining royalty revenue to address critical local needs and impacts from the very leasing that produced the royalty revenue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF OIL SHALE RESERVE RECEIPTS.

Section 7439(f) of title 10, United States Code, is amended by adding at the end the following:

“(3)(A) The moneys deposited in the Treasury under paragraph (1) that exceed the amounts described in subparagraphs (A) and (B) of paragraph (2) shall be transferred by the Secretary of the Treasury in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191) to the State of Colorado for use in accordance with subparagraph (B).

“(B)(i) Of the amounts to be distributed under subparagraph (A), the Secretary of the Treasury shall transfer—

“(I) 40 percent to Garfield County, Colorado;

“(II) 40 percent to Rio Blanco County, Colorado;

“(III) 10 percent to Moffat County, Colorado; and

“(IV) 10 percent to Mesa County, Colorado.

“(ii) The amounts provided to the counties under clause (i) shall be used by the counties, or any cities or political subdivisions within the counties to which the funds are transferred by the counties, to mitigate the effects of oil and gas development activities within the affected counties, cities, or political subdivisions.

“(iii) Amounts provided to the counties under clause (i) shall not be considered for the purpose of calculating payments for the counties under chapter 69 of title 31, United States Code.”.

By Mr. WHITEHOUSE (for himself, Mr. DURBIN, and Mr. SESSIONS):

S. 1606. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who

are authorized to accept service of process against such manufacturers, and for other purposes; to the Committee on Finance.

Mr. WHITEHOUSE. I rise to speak in support of the Foreign Manufacturers Legal Accountability Act of 2009, which I am introducing today with the ranking member of the Judiciary Committee, Senator SESSIONS, and Senator DURBIN. This bipartisan bill is an important step in protecting American consumers and businesses from injuries caused by defective products manufactured outside the United States. Those products hurt American consumers—they lead to serious injuries, and even death—and they hurt the American businesses that must deal with angry customers, product recalls, and unusable inventory.

The list of recent examples of Americans injured by defective foreign products is shocking. Last year, a contaminated blood thinner from a foreign manufacturer caused severe medical reactions and contributed to numerous deaths. In 2006, a foreign-made, lead-tainted charm bracelet claimed the life of a 4-year-old. The autopsy demonstrated that the charm was 99 percent lead, 1,650 times more than the 0.06 percent lead limit specified in enforcement guidelines for children's jewelry. Imported food products from seafood to honey have been contaminated with unthinkable chemicals, including veterinary drugs banned in domestic production, potentially harmful antibiotics, and unapproved food additives. Sixty million packages of pet food contaminated with tainted wheat gluten have been recalled in the last two years. Substandard tires have failed, leading to fatalities. Most recently, defective drywall imported from China has been found to contain excessively high levels of sulfur, causing houses to smell like rotten eggs, corroding copper wiring, and making expensive appliances fail. Thousands of homes may be affected.

At a hearing that I chaired in May, the Subcommittee on Administrative Oversight and the Courts explored the legal hurdles facing consumers who are injured by defective foreign products and by businesses that find that their foreign partners refuse to honor their contracts. These hurdles allow foreign manufacturers to continue to injure American businesses and consumers, and also put American manufacturers at a competitive disadvantage since they allow foreign manufacturers to offer cheaper products that do not comply with American safety requirements. Two major hurdles to proper accountability are the inability to serve process on the foreign manufacturer and the ability of that foreign manufacturer, even if served, to evade the jurisdiction of American courts. As the witnesses testified at the hearing, legislation that addresses these issues is

necessary and appropriate. The Foreign Manufacturers Legal Accountability Act addresses both concerns.

The first problem, the inability to serve process on a manufacturer, essentially means that it is difficult for an American to give a foreign manufacturer the documents necessary to give it the legally required notice that it is the subject of a lawsuit. This sounds like a simple step, and it should be. Unfortunately, however, it is very hard to serve process on foreign companies abroad. As witnesses explained at the hearing in May, service abroad is complicated by the Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil and Commercial Matters, to which the United States is a signatory. Under that convention, a complaint must be translated into the foreign language, transmitted to the Central Authority in the foreign country, and then delivered according to the rules of service in the home country of the defendant. This can cause months and even years of delay, not to mention great expense for Americans.

The Foreign Manufacturers Legal Accountability Act will allow Americans to overcome that procedural hurdle by serving legal papers inside the United States on registered agents of foreign manufacturers. The bill requires the heads of federal government agencies such as the Food and Drug Administration to pass regulations requiring that foreign manufacturers of products regulated by their agencies register an agent who will accept service of process. It allows regulators to exclude manufacturers who only import a minimal amount of products into the United States. It imposes a minimal burden on foreign manufacturers, since they would only have to appoint one agent to accept service of process for all state and federal regulatory and civil actions anywhere in the United States. The bill allows the manufacturer to choose any location for that agent with a "substantial connection to the importation, distribution, or sale of the products of such foreign manufacturer or producer." This clear and straightforward system will allow Americans to commence their lawsuits fairly and promptly, and ensure that foreign manufacturers have proper and fair notice of the proceedings brought against them. It will not conflict with American obligations under the Hague convention, since that convention applies to service of process on foreign manufacturers in their home countries, not in the United States.

The second hurdle, the inability to establish personal jurisdiction over foreign manufacturers, can end a lawsuit against a foreign manufacturer before it even begins. Think about how unfair this is. A foreign manufacturer sells its defective products in the United States, injures American consumers

and businesses, and then argues that it is not subject to the courts in the state where the American was injured—in legal parlance, that the courts do not have personal jurisdiction over it. As witnesses explained at the hearing, foreign manufacturers raise this technical legal defense to avoid liability even when serious injuries or even death have been caused by their products—their defective tires, fireworks, exercise equipment, bikes, and toys.

The Foreign Manufacturers Legal Accountability Act will enable injured Americans to surmount this hurdle. It will make clear to foreign manufacturers that by importing their products into the United States and by registering an agent in the United States, they are consenting to the jurisdiction of the courts in the state where their agent is located. By consenting to jurisdiction, the manufacturers will avert unnecessary and expensive legislation about technical legal issues and allow courts to settle the merits of disputes. This approach is fair to foreign manufacturers since all American manufacturers are subject to the jurisdiction of the courts of at least one state. This bill therefore complies with the trade principle that we should not subject foreign manufacturers to burdens not already imposed on domestic manufacturers.

Indeed, the Foreign Manufacturers Legal Accountability Act is ultimately about fairness. We all know American manufacturers comply with regulations that ensure the safety of American consumers and businesses. When they fail to do so, they must answer to regulators and are held accountable through the American tort system. Unfortunately, however, foreign manufacturers are not being held to the same standards—injuring American consumers and businesses, and putting American manufacturers at a competitive disadvantage. We must level the playing field for all manufacturers and provide justice for American consumers and businesses. The Foreign Manufacturers Legal Accountability Act will allow us to make a major step in that direction. It covers major product categories including consumer goods, drugs, cosmetics, and chemicals, and it requires relevant agencies to study workable approaches to ensure that foreign food producers also are brought within the ambit of the American legal system.

Protecting Americans and holding foreign manufacturers accountable when their products harm American consumers and businesses is a bipartisan issue. Everyone agrees that we should do what we can to keep Americans safe from defective products. So too, I think, do we all agree that American companies should not be at a competitive disadvantage to their foreign counterparts. The Foreign Manufacturers Legal Accountability Act builds on

those fundamental agreements. I am grateful to my colleagues Senator SESSIONS and Senator DURBIN for their hard work on this bill and look forward to working with my colleagues on both sides of the aisle to see it passed into law.

Mr. SESSIONS. Mr. President, Senator WHITEHOUSE's legislation would help American consumers bring civil claims against foreign manufacturers who produce faulty goods and send them into the U.S. market. Currently, it is nearly impossible for harmed American consumers to bring a tort action against foreign manufacturers of products that are flawed or even dangerous. Foreign manufacturers are often difficult to identify or locate and even if found, the process of seeking damages against them is extremely costly and burdensome. Without the threat of litigation, foreign manufacturers have little to no accountability to their American consumers, resulting in lower quality and often defective products. Furthermore, American companies who unknowingly buy shoddy products from foreign manufacturers and then resell them to consumers become the sole defendant in tort cases filed against them when foreign defendants cannot be located. According to the Consumer Product Safety Commission, Chinese manufacturers were responsible for 69 percent of all product recalls in 2007 and 53 percent in 2008. These numbers demonstrate the need for Congress to take action to protect American consumers. Senator WHITEHOUSE's proposal is a positive step in the right direction.

I have witnessed the effects of this problem firsthand in my State. Mr. Chuck Stefan from Alabama testified before the Subcommittee on Administrative Oversight and the Courts, which Senator WHITEHOUSE chairs and I serve as ranking member, about the hardships his business has faced in seeking damages against a foreign manufacturer. Mr. Stefan is a Senior Executive Vice President at the The Mitchell Company, a homebuilder in Alabama, Florida, and Mississippi. Forty-five of the houses he built have been identified as containing a defective type of Chinese sheetrock, which produces corrosive gases. These gases are not merely unpleasant. They damage the copper found in piping and wiring systems. When the problem was first discovered, The Mitchell Company could not even determine who manufactured the drywall as it was only stamped "made in China." When the manufacturing parties were finally identified as both Chinese and German-based, it was a substantial and costly burden to serve them properly even though the companies had extensive operations in the United States. Mr. Stefan emphasized the fact that when foreign manufacturers cannot be held accountable, it hurts his company's bottom line and harms U.S. consumers.

Stores such as Mr. Stefan's are becoming all too common and it is incumbent upon Congress to work towards ameliorating the burdens that U.S. businesses and consumers face when seeking damages against foreign manufacturers. This issue is one that affects consumers nationwide. I am grateful to Senator WHITEHOUSE for taking the initiative to ensure that Congress does its part in solving this problem.

By Ms. CANTWELL (for herself,
Mrs. MURRAY, Ms. MURKOWSKI,
and Mr. BEGICH):

S. 1609. A bill to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, today I introduce the Longline Catcher Processor Subsector Single Cooperative Act.

In Washington State, our history is based on a rich maritime tradition that contributes billions of dollars to the state's economy each year. There are 3,000 vessels in Washington's fishing fleet that employ 10,000 fishermen. Seafood processors employ another 3,800 Washingtonians. And fish wholesalers employ an additional 1,000 people.

For many communities along this nation's coastlines, the economy literally ebbs and flows with the tide. It is important to remember that the ocean resources these communities depend on are a public trust and a resource to be both treasured and protected.

As guardians of the ocean and its plentiful resources, it is necessary that we examine all issues of "ownership" with care, transparency, and fairness. The issue of fishery cooperatives has proved to be an issue that demands nothing less.

In July of 2008, I chaired a hearing in the Commerce Committee's Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard, examining the impact of fishery management regimes on fishing safety and conservation. Following that hearing and numerous meetings with stakeholders to discuss the policy, safety, economic, and environmental implications of fishing cooperatives, I am here today to introduce the Longline Catcher Processor Subsector Single Cooperative Act, legislation that would allow for the formation of a single fishing cooperative in the Pacific cod catcher processor fleet.

Instead of fishermen racing against each other and the elements to catch as much as they can, this bill would allow the fishermen to bring some sanity back to their livelihoods. Under this legislation, the Pacific cod catcher processor fishery can allocate the catch among their members, putting

an end to the very dangerous "race for fish."

The cooperative would empower commercial fishermen with the framework and incentives to police themselves while still preserving the crucial regulatory and oversight responsibilities of the federal government and the North Pacific Fishery Management Council.

By adopting this bill, we can improve fishing safety in the Pacific cod catcher processor fishery by putting an end to the "race for fish." Doing so would lessen the fishery's environmental footprint, and give these fishermen the financial certainty that has worked for others across this Nation.

Fishing safety is a real concern that must be addressed at the federal level. In 2006, the Coast Guard reported that in the decade from 1994 to 2004, 1,398 fishing vessels were lost tragic reminders of what can go wrong at sea.

Most of these fishing-related fatalities occur in the North Pacific, where the fishermen from my home state of Washington make their living. The difficult waters equate to the highest casualty rates in the nation, and highest rates of fatality and injury among fisherman.

But the North Pacific's rough waters are not the only factor these fishermen have to cope with.

It is a tough business—tough for those who work the boats and those who make the business-end decisions. It's a business that is driven by incentives and dangerous conditions that work in tandem to place countless numbers of fishermen at risk.

When things go wrong, it is usually because of failures at multiple levels. You see, it's not always about vessels. Nor is it all about inspections, safety equipment, or training. Fishing safety is closely related to how fisheries are managed and the very foundation fishing has come to be built upon: competition.

Without legislation such as this, the fisheries will continue to operate on a foundation of destructive competition, or a "race for fish." And this race for fish is a very dangerous race.

According to Lieutenant Christopher Woodley, the former fishing Vessel Safety Coordinator of the 13th U.S. Coast Guard District based in Seattle:

This race encourages fishermen to operate in all weather and sea conditions, to operate without rest, and encourages risk-taking behaviors.

But we can change that.

By instituting a cooperative style of fishery management through this legislation, we dramatically change the incentives. And by changing the incentives to put a new premium on safety, we can change the way people fish and hopefully prevent future tragedies at sea.

Safety is not the only goal of this legislation. This legislation aims to make environmental and economic improvements to the process of fishing.

By eliminating the "race for fish," as I mentioned before, we effectively slow the pace of fishing meaning commercial fishermen can optimize onboard processing facilities. The result is an increase in the product recovery rate per pound of fish caught, meaning they can use more parts of the fish and make wiser and more efficient use of our precious ocean resources. A slower pace also decreases bycatch and promotes ownership of the fishery, which will facilitate a conservation mindset in the fishermen.

We have once again shifted the incentive from reckless speed to doing things slower, better, smarter, and more environmentally conscious.

Furthermore, the Longline Catcher Processor Subsector Fisheries Cooperative Act means greater job stability for the Pacific cod freezer longliner fleet's workers.

When fishermen no longer race, the fishing season lasts longer. This means more stability and predictability for crew members, and eliminates the boom and bust cycle that often prevails today.

I want to be clear that this bill is not yet a finished product. I welcome comments, suggestions, and criticisms to help make this bill good public policy for everyone involved.

As we discuss issues like safety of our fisherman and environmental implications to our oceans, it's imperative that we commit to an open and transparent process that shines the light of accountability.

Both in fisheries management, fishing safety, and those areas where the two intersect, transparency must be the rule.

We owe it to our coastal communities, our fisherman, and the American public collectively as stewards of one of our greatest public resources—our oceans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Longline Catcher Processor Subsector Single Fishery Cooperative Act".

SEC. 2. AUTHORITY TO APPROVE AND IMPLEMENT A SINGLE FISHERY COOPERATIVE FOR THE LONGLINE CATCHER PROCESSOR SUBSECTOR IN THE BSAI.

(a) IN GENERAL.—Upon the request of eligible members of the longline catcher processor subsector holding at least 80 percent of the licenses issued for that subsector, the Secretary is authorized to approve a single fishery cooperative for the longline catcher processor subsector in the BSAI.

(b) LIMITATION.—A single fishery cooperative approved under this section shall in-

clude a limitation prohibiting any eligible member from harvesting a total of more than 20 percent of the Pacific cod available to be harvested in the longline catcher processor subsector, the violation of which is subject to the penalties, sanctions, and forfeitures under section 308 of the Magnuson-Stevens Act (16 U.S.C. 1858), except that such limitation shall not apply to harvest amounts from quota assigned explicitly to a CDQ group as part of a CDQ allocation to an entity established by section 305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)).

(c) CONTRACT SUBMISSION AND REVIEW.—The longline catcher processor subsector shall submit to the Secretary—

(1) not later than November 1 of each year, a contract to implement a single fishery cooperative approved under this section for the following calendar year; and

(2) not later than 60 days prior to the commencement of fishing under the single fishery cooperative, any interim modifications to the contract submitted under paragraph (1).

(d) DEPARTMENT OF JUSTICE REVIEW.—Not later than November 1 before the first year of fishing under a single fishery cooperative approved under this section, the longline catcher processor subsector shall submit to the Secretary a copy of a letter from a party to the contract under subsection (c)(1) requesting a business review letter from the Attorney General and any response to such request.

(e) IMPLEMENTATION.—The Secretary shall implement a single fishery cooperative approved under this section not later than 2 years after receiving a request under subsection (a).

(f) STATUS QUO FISHERY.—If the longline catcher processor subsector does not submit a contract to the Secretary under subsection (c) then the longline catcher processor subsector in the BSAI shall operate as a limited access fishery for the following year subject to the license limitation program in effect for the longline catcher processor subsector on the date of enactment of this Act or any subsequent modifications to the license limitation program recommended by the Council and approved by the Secretary.

SEC. 3. HARVEST AND PROHIBITED SPECIES ALLOCATIONS TO A SINGLE FISHERY COOPERATIVE FOR THE LONGLINE CATCHER PROCESSOR SUBSECTOR IN THE BSAI.

A single fishery cooperative approved under section 2 may, on an annual basis, collectively—

(1) harvest the total amount of BSAI Pacific cod total allowable catch, less any amount allocated to the longline catcher processor subsector non-cooperative limited access fishery;

(2) utilize the total amount of BSAI Pacific cod prohibited species catch allocation, less any amount allocated to a longline catcher processor subsector non-cooperative limited access fishery; and

(3) harvest any reallocation of Pacific cod to the longline catcher processor subsector during a fishing year by the Secretary.

SEC. 4. LONGLINE CATCHER PROCESSOR SUBSECTOR NON-COOPERATIVE LIMITED ACCESS FISHERY.

(a) IN GENERAL.—An eligible member that elects not to participate in a single fishery cooperative approved under section 2 shall operate in a non-cooperative limited access fishery subject to the license limitation program in effect for the longline catcher processor subsector on the date of enactment of this Act or any subsequent modifications to the license limitation program recommended

by the Council and approved by the Secretary.

(b) HARVEST AND PROHIBITED SPECIES ALLOCATIONS.—Eligible members operating in a non-cooperative limited access fishery under this section may collectively—

(1) harvest the percentage of BSAI Pacific cod total allowable catch equal to the combined average percentage of the BSAI Pacific cod harvest allocated to the longline catcher processor sector and retained by the vessel or vessels designated on the eligible members license limitation program license or licenses for 2006, 2007, and 2008, according to the catch accounting system data used to establish total catch; and

(2) utilize the percentage of BSAI Pacific cod prohibited species catch allocation equal to the percentage calculated under paragraph (1).

SEC. 5. AUTHORITY OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.

(a) IN GENERAL.—Nothing in this Act shall supersede the authority of the Council to recommend for approval by the Secretary such conservation and management measures, in accordance with the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) as it considers necessary to ensure that this Act does not diminish the effectiveness of fishery management in the BSAI or the Gulf of Alaska Pacific cod fishery.

(b) LIMITATIONS.—

(1) Notwithstanding the authority provided to the Council under this section, the Council is prohibited from altering or otherwise modifying—

(A) the methodology established under section 3 for allocating the BSAI Pacific cod total allowable catch and BSAI Pacific cod prohibited species catch allocation to a single fishery cooperative approved under this Act; or

(B) the methodology established under section 4 of this Act for allocating the BSAI Pacific cod total allowable catch and BSAI Pacific cod prohibited species catch allocation to the non-cooperative limited access fishery.

(2) No sooner than 7 years after approval of a single fisheries cooperative under section 2 of this Act, the Council may modify the harvest limitation established under section 2(b) if such modification does not negatively impact any eligible member of the longline catcher processor subsector.

(c) PROTECTIONS FOR THE GULF OF ALASKA PACIFIC COD FISHERY.—The Council may recommend for approval by the Secretary such harvest limitations of Pacific cod by the longline catcher processor subsector in the Western Gulf of Alaska and the Central Gulf of Alaska as may be necessary to protect coastal communities and other Gulf of Alaska participants from potential competitive advantages provided to the longline catcher processor subsector by this Act.

SEC. 6. RELATIONSHIP TO THE MAGNUSON-STEVENS ACT.

(a) IN GENERAL.—Consistent with section 301(a) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)), a single fishery cooperative approved under section 2 of this Act is intended to enhance conservation and sustainable fishery management, reduce and minimize bycatch, promote social and economic benefits, and improve the vessel safety of the longline catcher processor subsector in the BSAI.

(b) TRANSITION RULE.—A single fishery cooperative approved under section 2 of this Act is deemed to meet the requirements of section 303A(i) of the Magnuson-Stevens Act (16 U.S.C. 1853a(i)) as if it had been approved

by the Secretary within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, unless the Secretary makes a determination, within 30 days after the date of enactment of this Act, that application of section 303A(i) of the Magnuson-Stevens Act to the cooperative approved under section 2 of this Act would be inconsistent with the purposes for which section 303A was added to the Magnuson-Stevens Act.

(c) **COST RECOVERY.**—Consistent with section 304(d)(2) of the Magnuson-Stevens Act (16 U.S.C. 1854(d)(2)), the Secretary is authorized to recover reasonable costs to administer a single fishery cooperative approved under section 2 of this Act.

SEC. 7. COMMUNITY DEVELOPMENT QUOTA PROGRAM.

Nothing in this Act shall affect the western Alaska community development program established by section 305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)), including the allocation of fishery resources in the directed Pacific cod fishery.

SEC. 8. DEFINITIONS.

In this Act:

(1) **BSAI.**—The term “BSAI” has the meaning given that term in section 219(a)(2) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2886).

(2) **BSAI PACIFIC COD TOTAL ALLOWABLE CATCH.**—The term “BSAI Pacific cod total allowable catch” means the Pacific cod total allowable catch for the directed longline catcher processor subsector in the BSAI as established on an annual basis by the Council and approved by the Secretary.

(3) **BSAI PACIFIC COD PROHIBITED SPECIES CATCH ALLOCATION.**—The term “BSAI Pacific cod prohibited species catch allocation” means the prohibited species catch allocation for the directed longline catcher processor subsector in the BSAI as established on an annual basis by the Council and approved by the Secretary.

(4) **COUNCIL.**—The term “Council” means the North Pacific Fishery Management Council established under section 302(a)(1)(G) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(G)).

(5) **ELIGIBLE MEMBER.**—The term “eligible member” means a holder of a license limitation program license, or licenses, eligible to participate in the longline catcher processor subsector.

(6) **GULF OF ALASKA.**—The term “Gulf of Alaska” means that portion of the Exclusive Economic Zone contained in Statistical Areas 610, 620, and 630.

(7) **LONGLINE CATCHER PROCESSOR SUBSECTOR.**—The term “longline catcher processor subsector” has the meaning given that term in section 219(a)(6) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2886).

(8) **MAGNUSON-STEVENS ACT.**—The term “Magnuson-Stevens Act” means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

By Ms. CANTWELL (for herself,
Mr. VITTER, Ms. LANDRIEU,
MURRAY, and Mr. MARTINEZ):

S. 1610. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive

to reinvest foreign shipping earnings in the United States; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I am pleased to join with my colleagues Senators VITTER, LANDRIEU, MURRAY, and MARTINEZ and introduce the American Shipping Reinvestment Act of 2009. This legislation will build on work Congress started in 2004 to strengthen the U.S. merchant marine, create needed jobs in U.S. ship building, and stimulate economic activity in our maritime sector.

Since our Nation's founding, the maritime sector has been integral to U.S. national security and economic security. American companies own and operate both U.S. flag ships and a significant number of vessels under international registries. The U.S. flag fleets of these companies generally are built in the United States and are manned with U.S. seafarers. These U.S. flag fleets support not only the shipbuilding industrial base in this country and the pool of qualified seafarers, but they also create the shipping assets that are needed for military sealift in time of war or national emergency.

Most people understand commercial shipping and understand that we maintain a fleet of ships for military purposes. What may not be as well known is that the international ships of some American-owned companies are part of what is called the effective U.S.-controlled fleet, EUSC fleet. The EUSC is the fleet of merchant vessels registered in certain foreign nations that are available for requisition, use, or charter by the U.S. Government in the event of war or national emergency.

For example, U.S. flag commercial vessels and their American crews transported the majority of the cargo—more than 25 million measurement tons of cargo—in support of Operations Enduring Freedom and Iraqi Freedom during the period of 2002–2008.

What people also may not know is that the EUSC fleet has been in decline for the past quarter century, largely because of U.S. tax policy. Following enactment of certain 1986 tax law changes, there was a precipitous decline in American-owned international shipping. To remain competitive, many American-owned shipping companies either became foreign companies or simply divested themselves of their foreign assets.

A 2002 study commissioned by the Department of Defense and performed by professors at the Massachusetts Institute of Technology found that the EUSC fleet dropped by 38 percent in terms of numbers of ships and nearly 55 percent in terms of deadweight tonnage between 1986 and 2000. Perhaps more importantly, these declines have been largely experienced in militarily-useful vessel types. For example, the results of a 2002 DOD study found that if the EUSC fleet continues its present de-

cline, DOD's ability to support U.S. military tanker requirements will diminish over time.

Fortunately, Congress recognized this problem in 2004 and addressed it by enacting the tonnage tax regime as part of the American Jobs Creation Act. Our legislation today builds on that policy by correcting an oversight in the 2004 act that has continued to stymie the ability of U.S. shipbuilding companies to invest in new ships in the United States.

We have very strong economic and national security reasons to support U.S. owned shipowning companies and to maintain a vibrant maritime industry in this country. We also have to continue to support needed changes in our tax code so that we provide operators of U.S. flag vessels in international trade the opportunity to be competitive with their tax-advantaged foreign competitors.

Notwithstanding the significant competitive disadvantages between 1986 and 2004 for American companies operating international ships, there continues to be several U.S. owned shipping companies with foreign operations, and our legislation is directed as helping them sustain and grow their U.S. flag fleets and to maintain their EUSC fleets. This bill will help these companies make needed investment in the U.S. economy, and create jobs in a way that also will enhance national security.

Specifically, The American Shipping Reinvestment Act of 2009 would repeal an outdated section of the Internal Revenue Code and allow U.S. shipping companies with foreign income earned prior to 1986 to reinvest it into the U.S. for the purpose of growing their U.S. flag operations.

Congress first included foreign shipping income in Subpart F in 1975, which meant that all shipping income was taxable at the full U.S. corporate tax rate no matter whether it was invested abroad or in the United States. However, a temporary rule, applicable to foreign shipping income earned from 1975 to 1986, continued to allow for deferral in cases where this income was reinvested in qualifying shipping activities. Section 955 of the Internal Revenue Code provided that this income would be included in gross income, i.e., taxed, immediately under Subpart F in the event of any net decrease in qualified shipping investments.

The American Jobs Creation Act of 2004 restored for shipping income the normal tax rule under which non-Subpart F income of foreign subsidiaries is not taxed by the United States until it is repatriated, generally as a dividend. In restoring the potential for deferral for certain shipping income, Congress in 2004 returned the treatment of shipping income to where it was prior to 1975.

Unfortunately, Congress did not address the rules under IRC Section 955 that apply to income earned between 1975 and 1986, thus creating a situation that this income is permanently stranded offshore. Our bill would repeal IRC Section 955 and will allow these stranded assets to be reinvested in the United States under the favorable tax terms that were in effect for other companies and industries in 2004. Specifically, the legislation provides a one-time opportunity for American-owned shipping companies to bring foreign source income back into the United States at a discounted tax rate for the purpose of expanding and growing our domestic maritime industry. Without the commonsense change in our legislation, these old, stranded assets will never return to the United States and never be subject to U.S. taxation.

The bill is guaranteed to create jobs for American workers with the funds being brought back into the U.S. economy—on the ships, in the shipyards building the ships, and in supporting businesses. The bill contains a provision that would recapture any tax benefits if a shipping company reduces its full-time U.S. employment levels.

This bill also would enhance U.S. national security interests by supporting shipyards that are vital to our defense industrial base, by enabling new U.S. flag tanker capacity to transport our Nation's energy products, and by providing DOD with critical assets—manpower and ships—necessary to help sustain military sealift.

The bill is strongly supported by maritime labor, shipyards, and ship owners and operators and can provide a boost to the U.S. maritime industry at a time when the U.S. is struggling to find its economic footing. The jobs created by this legislation are well-paying, long-term jobs in a crucial sector of our Nation's economy. I urge my colleagues to join me and my other original cosponsors in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Shipping Reinvestment Act of 2009".

SEC. 2. REPEAL OF QUALIFIED SHIPPING INVESTMENT WITHDRAWAL RULES.

(a) IN GENERAL.—Section 955 of the Internal Revenue Code of 1986 (relating to withdrawal of previously excluded subpart F income from qualified investment) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 951(a)(1)(A) of the Internal Revenue Code of 1986 is amended by adding

"and" at the end of clause (i) and by striking clause (iii).

(2) Section 951(a)(1)(A)(ii) is amended by striking ", and" at the end and inserting ", except that in applying this clause amounts invested in less developed country corporations described in section 955(c)(2) (as so in effect) shall not be treated as investments in less developed countries."

(3) Section 951(a)(3) of such Code (relating to the limitation on pro rata share of previously excluded subpart F income withdrawn from investment) is hereby repealed.

(4) Section 964(b) of such Code is amended by striking ", 955."

(5) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking the item relating to section 955.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations ending on or after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

SEC. 3. ONE-TIME TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR PREVIOUSLY UNTAXED FOREIGN BASE COMPANY SHIPPING INCOME.

(a) IN GENERAL.—In the case of a corporation which is a United States shareholder and for which an election under this section is made for the taxable year, for purposes of the Internal Revenue Code of 1986, there shall be allowed as a deduction in computing taxable income under section 63 of such Code an amount equal to 85 percent of the cash distributions which are received during such taxable year by such shareholder from controlled foreign corporations to the extent that the distributions are attributable to income—

(1) which was derived by the controlled foreign corporation in taxable years beginning before January 1, 2005, and

(2) which would, without regard to the year earned, be described in section 954(f) (as in effect before the enactment of the American Jobs Creation Act of 2004).

(b) INDIRECT DIVIDENDS.—A rule similar to the rule of section 965(a)(2) of the Internal Revenue Code of 1986 shall apply, determined by treating cash distributions which are so attributable as cash dividends.

(c) LIMITATION.—The amount of dividends taken into account under this section shall not exceed the amount permitted to be taken into account under paragraphs (1), (3) (determined by substituting "December 31, 2008" for "October 3, 2004"), and (4) of section 965(b) of the Internal Revenue Code of 1986, determined as if such paragraphs applied to this section.

(d) TAXPAYER ELECTION AND DESIGNATION.—For purposes of subsection (a), a taxpayer may, on its return for the taxable year to which this section applies—

(1) elect to apply paragraph (3) of section 959(c) of the Internal Revenue Code of 1986 before paragraphs (1) and (2) thereof, and

(2) designate the extent, if any, to which a cash distribution reduces a controlled foreign corporation's earnings and profits attributable to—

(A) foreign base company shipping income (determined under section 954(f) of the Internal Revenue Code of 1986 as in effect before the enactment of the American Jobs Creation Act of 2004), or

(B) other earnings and profits.

(e) ELECTION.—

(1) IN GENERAL.—The taxpayer may elect to apply this section to—

(A) the taxpayer's last taxable year which begins before the date of the enactment of this Act, or

(B) the taxpayer's first taxable year which begins during the 1-year period beginning on such date.

(2) TIMING OF ELECTION AND ONE-TIME ELECTION.—Such election may be made for a taxable year—

(A) only if made on or before the due date (including extensions) for filing the return of tax for such taxable year, and

(B) only if no election has been made under this section or section 965 of the Internal Revenue Code of 1986 with respect to the same distribution for any other taxable year of the taxpayer.

(f) REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

(1) IN GENERAL.—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer's prior average employment, an additional amount equal to \$25,000 multiplied by the number of employees by which the taxpayer's average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)) shall be taken into account as income by the taxpayer during the taxable year that includes the final day of such period.

(2) PRIOR AVERAGE EMPLOYMENT.—For purposes of this paragraph, the taxpayer's "prior average employment" shall be the average number of full time equivalent employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the taxpayer first receives a distribution described in subsection (a).

(3) AGGREGATION RULES.—In determining the taxpayer's average employment level and prior average employment, all domestic members of a controlled group (as defined in section 264(e)(5)(B) of the Internal Revenue Code of 1986) shall be treated as a single taxpayer.

(g) SPECIAL RULES.—Rules similar to the rules of subsections (d) and (e) and paragraphs (3), (4), and (5) of subsection (c) of section 965 of the Internal Revenue Code of 1986 shall apply for purposes of this section.

(h) EFFECTIVE DATE.—This section shall apply to taxable years ending on or after the date of the enactment of this Act.

By Mr. GREGG (for himself, Mr. KENNEDY, Ms. COLLINS, Mr. DODD, Mr. MARTINEZ, Mr. HARKIN, Ms. SNOWE, and Ms. MIKULSKI):

S. 1611. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, this morning, 660,000 police officers and 300,000 firefighters across the country will get up and go to work to protect our homes, our families, and our communities. They will go into burning buildings, patrol our streets, and put their lives on the line, because they believe in the importance of what they are doing.

These dedicated workers are in the trenches every day making life-or-death decisions, and their experiences give them tremendous knowledge about how to protect our country. We need to listen to their recommendations and consider their advice. Unfortunately, however, all too often, our first responders have no voice in the decisions that affect their lives and their livelihoods. Their input is disregarded because they don't have the same rights as other workers.

Workers in the private sector who want a voice on the job have the right to form and join a union. They can fight for a safer, fairer workplace. But 300,000 police and 70,000 firefighters live in States in which their State governments deny them the fundamental right to a voice on the job. Even if these workers overwhelmingly agree that they want to form and join a union, their State government says they can't have one.

That is not fair. We are asking these workers to do so much for their communities—the least we can do in return is give them a voice at the table in the life-and-death discussions and decisions that affect their families and their futures. They deserve the opportunity to choose for themselves whether they want the advantages that unions bring.

That is why it is an honor to join Senator GREGG and Senator DODD in sponsoring the Public Safety Employer-Employee Cooperation Act to guarantee that our first responders will have a path they can use to decide if they want a union. If the workers don't want a union, they don't have to follow that path. But the State has to make it available and let the workers choose.

It won't be difficult for States to create this path. All they have to do is provide four basic rights: the right to form and join a union; the right to sit down at the table and talk; the right to sign a contract if both parties agree; and the right to go to a neutral third party when there are disputes.

Apart from these four rights, all the other details of the collective bargaining system are left up to the States. They have the flexibility to decide whether to exempt small communities. They decide how workers can select a union. They can also decide how workers and employers should resolve disputes—through arbitration, mediation, factfinding, or some other mechanism.

This bipartisan bill has been carefully drafted to preserve a balance between the interests of State and local governments and the rights of the workers they employ. It has been the product of years of careful negotiations, including a hearing and two markups in the HELP Committee. It was passed by the House of Representatives in the last Congress with an overwhelming bipartisan margin, including

98 Republican votes. Now it is time to get it across the finish line and give our dedicated first responders the fair treatment they deserve. It is a matter of fundamental fairness and an urgent matter of public safety.

I commend Senator GREGG for his leadership on this very important issue, and I urge my colleagues to show these heroes the respect they deserve by supporting the Public Safety Employer-Employee Cooperation Act.

By Mr. BENNET:

S. 1613. A bill to reduce the Federal budget deficit in a responsible manner; to the Committee on the Budget.

Mr. BENNET. Mr. President, I cannot tell you how much I appreciated your remarks—I was sitting in the chair—and those of Chairman DODD as well. The hour is late. The idea that you would be here at that hour to talk about something as important as health care is appreciated, I know, by the people in your State, but also by the people in my State as well. So I say thank you for that.

I also want to talk about health care. I want to talk about health care in the context of fiscal discipline in this country. As you know, our Nation's annual deficits are staggering, and our national debt is absolutely unsustainable. For the future of our country and for our children's sake, as we recover from this devastating blow to our economy, we have to stand together and begin to start the difficult, but essential, work of putting our fiscal house in order.

Health care reform must help solve this Nation's fiscal problems, not make them worse. To accomplish this, effective reform must bend the cost curve in health care spending both in the private and public sectors.

In part because of years of neglect and inaction, this Congress has reached a defining moment of reckoning. Rising health care costs, especially Medicare costs, are now the largest driver of our deficits. Our Nation's health care spending, as you were just saying, is 17 percent of our Nation's gross domestic product and is expected to grow to over 20 percent of GDP in 10 years, on its way, as you said, to 35 percent.

Health care alone—just health care—will soon account for one-fifth of our economy. This represents a greater share of the GDP than our manufacturing, agricultural, forestry, mining, and construction industries combined.

As we emerge from this terrible recession, the worst since the Great Depression, we cannot commit one-fifth of our economy to health care and expect to compete effectively in the global marketplace.

Adding to the urgency of the problem, this recession has made rocketing health care costs even more painful for families and businesses in the last 15 months. Both large businesses and

small businesses have cut some 5.1 million jobs, and 2.4 million of these newly unemployed workers have lost the health coverage their jobs once provided. Now the same people must try to find insurance in the individual market where they can be rejected by private insurance companies for preexisting conditions such as asthma, diabetes, or even cancer.

Health care costs are strangling opportunities for working families and small businesses all over my State and the country. As health care costs rise, families are forced to make choices no one should have to make between insuring their families or their employees and sending their kids to college, taking lower paying jobs with less responsibility just for the medical benefits and defaulting on their mortgage payments to pay for their medical bills.

Every one of these examples springs from the experiences of people in my State. And it is no mystery why people are having to make these terrible choices. Middle-class wages are not even close to keeping up with these rising insurance costs. While median family income in this country fell by \$300 during the last decade—staggering, by the way; over a decade in real dollars, median family income in the United States actually declined by \$300—health care costs increased over the same period by 80 percent.

The cost of health insurance is eating into family budgets faster and faster. Over the past decades, premiums for Colorado families, as this chart shows us, have more than doubled, growing four times faster than wage increases. The cost of premiums for a Colorado family is over \$13,000 today. If we do nothing, by 2016, Colorado families will be spending over \$25,000 on their premiums, a 90-percent increase. We have come out of a period with an 85-percent increase, and if we do nothing, we are going to end up in a period with a 90-percent increase, with no real increase in wages.

Left unaddressed, this imbalance, which is the creation of our catastrophically inefficient health care system, will destroy the middle class in this country. If we do nothing, if we continue on with the status quo, by 2016, just 7 years from now—and I believe these numbers are very similar to the ones you quoted for Rhode Island—by 2016, 40 cents of every dollar a typical Colorado family earns will be eaten up by health care costs, leaving just 60 cents for everything else.

Think about it. That is almost half an average family's income. Money spent not to educate their children, not to feed them or house them, but just to cover the cost of the family health care plan. And that is just paying for coverage. Never mind if you actually get sick.

In 2007, 62 percent of the personal bankruptcies in this country were due

to medical costs. Traditionally, most people's employers help pay for cost increases. That has been the case for over many years. But I heard from employers all over Colorado having to make tough choices—cutting back on benefits and laying off more costs to their employees.

In the coming years, copays for Coloradans will go up double digits. More Coloradans are being forced into health plans with higher deductibles, and more employers are getting out of the business of providing health insurance for their employees altogether.

Mr. President, we won't be able to completely flatten the health care cost curve in the short run, and we should be careful not to overpromise, but we have to make the rising cost of health care something our economy can plausibly absorb.

Part of the solution is reducing waste and curbing overpayments to insurance companies, and part of the answer is encouraging patients to seek preventive care. Small businesses may not see health costs go down immediately, but we sure can slow their rise. And we have to work hard to make sure they do not rise this quickly. Reforming our health care system could save over 100,000 small business jobs in the coming years that would otherwise be lost if we do nothing.

I agree with bipartisan voices saying that our first health care goal has to be to drive down costs, and we must start with Medicare. As I travel throughout Colorado, I have met countless physicians, nurses, and hospital workers who tell me about the perverse incentives in Medicare. Instead of being paid to spend time with patients and produce better quality care, doctors and nurses are paid for the number of patients they see in the shortest amount of time and the number of procedures they perform. This is no way to produce patient-centered care, and it is no way to reduce cost.

Medicare doesn't just influence, as you know, the care of the elderly and disabled. As the largest health care program in the United States, Medicare influences every level of health care. Private insurance and employer-based health care look to Medicare as they make decisions on what to pay doctors, nurses, and hospitals. Owing to the perverse incentives in Medicare, however, since 1970—since 1970—every year for almost 40 years, year-in and year-out, Medicare spending per person has risen by over 8 percent each year, and private insurance spending per person has risen by over 9 percent each year.

If we expect reform to begin to gain any traction, we must drive cost down at the Federal level first. We can start by paying doctors and nurses to actually do what they are supposed to do and what they want to do—be focused on patients. We have to reform the sys-

tem so that we are paying for quality and not volume. We must improve care, produce savings, and slow down cost growth by bundling payments, paying for performance and outcomes, and providing better coordinated care for patients and providers.

The burden is on us to meet the public expectation that we will drive down costs in the health care system and make it more efficient, that we will make the health care marketplace more competitive, and that we will provide affordable, stable health care coverage to the American people that can't be taken away because they lose a job, have a preexisting condition, or have reached some arbitrary cap.

Controlling health care costs would help our fiscal situation a great deal, and that is one of the fundamental reasons health care reform is needed. But this alone will not be enough to fill the deepening hole of national debt that threatens America's prosperity. The fiscal decisions we make today matter so much because they will dictate the well-being and range of choices of the generations that follow us.

Sometimes, with the daily hail of press clippings, these issues may seem overly complex, but I like to use a pretty simple analogy. The way we run our government is not different than if you or I were to buy a house—probably a bigger one than we reasonably could afford—and then we tell the bank to please send the mortgage documents to our kids. Imagine how that burden—paying for mom and dad's house—would constrain our children's choices. What dreams would they have to defer because their first obligation was a debt they didn't even incur.

My three daughters, ages 9, 8 and 5, have never had an economics class, but I can tell you that as much as they love their mom and dad, if asked, they would never do that deal—especially my 5-year-old, Anne. Whether we are taking her blanket away or telling her to stop sucking her thumb or putting a mountain of debt on her, she knows a raw deal when she sees one.

We in Congress owe the next generation much more than this, as the chairman, Senator DODD, was saying. We ought to be able to build on our roles as parents and community leaders to respect our children, come together, and plan America's way back to fiscal health. The longer we wait, the more difficult the choices become. If we wait 10 years, we will face a massive gap between our spending and the revenue the government collects. If we wait 10 years to take action, we would have to increase individual income taxes by almost 90 percent to keep pace. That is an unacceptable outcome for Colorado's families. If you don't like tax increases, fine, then we would have to slash Federal spending by almost one-half. That would mean massive cuts to Medicare, our Nation's defense, and

other critical initiatives that keep our country strong. No one wants to be put in a position to make those kinds of choices either. These outcomes are unacceptable, yet we can see them coming. That is why inaction is so unacceptable on health care and also on returning to policies of fiscal discipline. It is long past time to put in place the policies that will reverse this condition. And as with any deep hole, the first order of business is to stop digging.

The good news is that we have a tried-and-true way to stop making matters worse. In the 1990s, we had Pay-Go, which effectively forced the shovel from Congress's hands and made Congress stop digging. Pay-Go means that before Congress can create new spending on permanent programs, it needs to figure out how to pay for that new spending, just as every family in the States we represent.

Pay-Go helped turn 1980s deficits into 1990s surpluses, and we actually began to pay down our debt. Pay-Go is commonsense budgeting. It is not any different, as I just said, than what a family does when its spending gets out of hand. When that bad credit card statements comes in the mail, a parent knows it is time to sit down at the kitchen table and plan how to stop the spending. Pay-Go is what Congress and President Clinton did to respond to Washington's bad credit card bill.

Pay-Go was smart lawmaking because it imposed a culture of fiscal responsibility—and I would say discipline—on the Congress. Yet, for some reason, early in this decade a new administration let Pay-Go expire. That played a part in how these surpluses all of a sudden turned back into big annual deficits. This is how America incurred years of new debt.

The frustrating reality is that we are not getting enough out of borrowing all this money in the end—fighting an expensive war with tremendous unseen long-term costs to follow, ignoring the staggering costs of our health care system and entitlements, paying huge interest costs on our debt, in large part to foreign countries. These are hardly worthy uses of deficit spending.

In 2003, the Bush administration and Congress passed a new entitlement program called Medicare Part D. It is very popular, but we never paid a dime for it. They also chose two tax cuts for people who needed them least over fiscal discipline. They ignored skyrocketing mandatory spending. They created a brandnew bureaucracy and just saddled all of this heavy new weight on America's national debt.

In short, Washington was unwilling to ask the American people to pay for any of its investments—they put it on our children's shoulders instead.

And the tragedy of this incredible mismanagement is, it didn't work. Our economy plunged into its deepest hole since the Great Depression.

Fortunately, earlier this year, the House rightly passed new statutory Pay-Go. The Senate should pass Pay-Go too. That's why today, Senator McCASKILL and I introduced Pay-Go. We believe that Pay-Go is one important way to make sure that our fiscal situation doesn't get any worse. Pay-Go is not a magic bullet, but it is part of the answer to our fiscal woes.

Once Pay-Go is in place though, we cannot stop there. Pay-Go will help us stop digging. But we also need to budget for the future, stop running large deficits and fill this fiscal hole completely. I am optimistic that this can be done, and it will take bipartisan commitment and discipline.

One place to start is with the growth of our yearly spending. Like Pay-Go, the yearly spending of Congress has also been done before, and it has worked.

That is why today I am introducing separate legislation, the Deficit Reduction Act of 2009, that would create yearly limits on discretionary spending. By pairing these discretionary spending limits with Pay-Go, we can start to make a substantial change in how Washington does business.

But it is not enough just to limit new spending across the board. Much of the reason that we are running such large deficits, is that we have made long-term spending commitments, called mandatory spending. To truly reverse the totality of our disastrous fiscal course, we must be willing to address rapidly expanding mandatory commitments too.

The best way—you know, it is funny, when you use the word "mandatory." It is the word that should be used to express what this debt burden is we are putting on our kids. It will be mandatory that they pay that back before they make decisions about how to educate their own children; before they make decisions about how to provide individual health care in this country or make other kinds of investments all across the United States, in transportation or in new economies. What will be mandatory as we fall farther and farther behind in this global economy—what will be mandatory for them is to pay the bill left behind by their mothers and fathers.

The best way to get Congress to take a hard look at mandatory spending, is to place a flexible cap on our annual deficits. That's the other main component of what my new legislation would do. The cap in the Deficit Reduction Act is realistic—it would impose limits that are consistent with what economists believe we can sustain. This deficit limit is flexible—providing an exception when we are in a recession.

Here is how the deficit limit would work. Whatever the gross domestic product is in a given year, Congress must limit the deficit to 3 percent of the GDP or less. Economists tell us

that this 3 percent number is sustainable over time, and that is a reasonably healthy ceiling. Now of course we should push to do better than running a deficit that is 3 percent of GDP. But this is a good starting point at setting and adhering to a budget. We would all clap if the deficits of today—12 or 13 percent of GDP—were 3 percent, and no one would clap louder than our children.

Under my legislation, if Congress failed to meet these deficit control requirements, the government would have to impose an across the board cut called a sequestration. Certain programs such as Social Security and veterans programs would not be subject to cuts. Yet most of the government's functions would be. The goal, of course, is to avoid this drastic measure by forcing Congress to plan ahead, and forcing Congress to pay attention to the deficit when it makes its spending choices.

Deficit limits make perfect sense during most years. But, as we have learned during this recession, an infusion of public funds can jolt a frozen economy and help turn that economy around. Running temporary deficits can kickstart a stagnant economy. But this only works if during healthy economic times, you also reduce government spending. The deficit limits I am proposing in this legislation would put Congress on a gradual track back to solid fiscal footing.

We should immediately enact budget reform proposals like Pay-Go discretionary spending limits and deficit limits. The CBO has concluded that after 2019, the rate at which we accumulate debt will continue to accelerate due to the aging of the population and increased health care costs. As angry as we all are with the excessive leverage in the private marketplace over the past decade that contributed to the market crashing, it is also obvious that Washington set a very bad example.

Let's put an end to these unsound fiscal practices. Let's not put our kids in the kind of situation we have inherited. Let's not make matters even worse, and the policy decisions regarding the national debt even harder for our kids.

What we need now is leadership and cooperation; not more shifting costs to our kids. The Congressional Budget Office estimates that if we remain on our current course, the total debt owed by the public will stand at over \$17 trillion by the end of fiscal year 2019—only 10 years from today.

The point is that linked with our growing debt are the dreams and the plans of millions of American families. There is nothing fun about tightening our belt and cutting popular programs. I don't like it any more than anyone else who is here. Yet there are plenty of encouraging signs that this Congress and this President can stand together

and do exactly that. Recently, just a couple of weeks ago, the Senate stood with the President for fiscal discipline and slashed nearly \$2 billion from an outdated weapons system. That is a good start that I gladly supported. But so much more is left to do.

Coloradans already know we are in a bad way. People in my State are well aware that the excesses in recent years are catching up to us, and they know that Congress and the President have to make hard fiscal choices, reform health care before it eats up our entire budget, and pay for our reform efforts.

This challenging outlook may be just what it takes to bring both political parties to the negotiating table. Paired with Pay-Go, it is my hope that this new legislation can be a real starting point for meaningful fiscal negotiations. It is time we come up with an intelligent framework of fiscal management, that keeps Congress thinking ahead each time it makes a decision, and each time it puts together an annual budget, and each time it is faced with America's long-term fiscal trajectory.

Washington's fiscal mess was created over many years, and we won't solve the problem overnight. But this bill would give Congress and the President a guidepost to make the decisions necessary to get our budget under control. It would set a strong and binding standard for us to act responsibly.

We must start with what unites us. When I worry about what type of country we will leave my daughters and all of our young people, I know that others who vote differently than I do have the same worries. We owe more to our kids than to leave them a huge national debt and no plan to get out of it.

If we don't start making difficult decisions soon, we will be limiting our children's ability to make our country a better place, before they even get started. We will be limiting their ability to invest in education, life-saving scientific research, or new technologies that form the foundation of economic growth. We will be limiting their ability to defend the Nation during future times of war that we can't even think of today. And we will be limiting their chances of having a quality of life even better than what our parents and grandparents left to us.

If we fail to confront the tough issues so we can control the cost of health care, we will have squandered this narrow window of opportunity. If we fail to step up to the plate and pass a fiscally sound health care reform bill, this Congress will be remembered for years to come as having let down the country. If we fail—not just to stop digging this deep fiscal hole, but to put a process in place for climbing back up to solid fiscal footing—we will have failed to perform as the stewards of our children's dreams.

Let's stand together, with our President and with American families. Let's

get health care reform done responsibly, let's take action to reduce the deficit and debt, and let's put this economy back on track.

By Ms. SNOWE:

S. 1615. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to stop the small business credit crunch, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, the state of small business lending in the United States is still dire, as was shown during CIT's recent close brush with bankruptcy. One area of lending which has historically helped small firms has been Small Business Administration backed lending, but while the SBA traditionally guarantees \$20 billion in loans annually, before the passage of the stimulus, new lending this year was on track to fall below \$10 billion. In fact, in the first quarter of fiscal year 2009, the number of SBA 7(a) loans dropped by 57 percent when compared with the first quarter of fiscal year 2008.

Last year, to help address the frozen credit market and the drop in SBA lending I introduced the 10 Steps for a Main Street Economic Recovery Act. Many of the provisions in 10 Steps were included in the American Recovery and Reinvestment Act and several have already been credited with helping to increase SBA volume. These include fee reductions for 7(a) and 504 loans and allowing for the refinancing of 504 loans. To ensure that SBA lending remains a critical source of capital for small businesses, we must continue to bolster this program and help it to evolve and grow.

In order to maintain this momentum we must take steps to further reform and improve SBA-backed lending. The legislation I am introducing, the Next Step, builds on the 10 Steps for a Main Street Economic Recovery Act and makes the SBA's lending programs more vital and responsive to the needs of today's small business borrower.

The Next Step includes provisions that would allow borrowers to take out larger 7(a) and 504 loans up to \$5 million. This bill would help satisfy the capital needs of small businesses, looking to start or expand their operations. The bill would also allow for the refinancing of 7(a) loans. Finally, SBA borrowers must have the ability to shop and compare SBA loan rates online. My legislation would establish an online platform through the SBA that would allow borrowers to compare SBA loan rates and make an informed choice, giving borrowers a chance to save time and money.

These targeted reforms included in the Next Step for Main Street Credit Availability Act of 2009 will help bring SBA lending into the future, make the SBA's lending programs competitive

with traditional small businesses' borrowing, and help to increase SBA lending volume.

I urge my colleagues to support this critical legislation to help improve small business lending.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Next Step for Main Street Credit Availability Act of 2009".

SEC. 2. MAXIMUM AMOUNTS FOR 7(a) LOANS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking "\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)" and inserting "\$4,000,000 (or if the gross loan amount would exceed \$5,000,000)".

SEC. 3. REFINANCING EXISTING 7(a) LOANS.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(34) REFINANCING EXISTING LOANS.—A borrower that has received a loan under this subsection may refinance the balance of the loan by applying for a loan from the lender that made the original loan or with another lender."

(b) TECHNICAL AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by striking "(32) INCREASED" and inserting "(33) INCREASED".

SEC. 4. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking "\$1,500,000" and inserting "\$4,000,000";

(2) in clause (ii), by striking "\$2,000,000" and inserting "\$5,000,000"; and

(3) in clause (iii), by striking "\$4,000,000" and inserting "\$5,500,000".

SEC. 5. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking "\$35,000" and inserting "\$50,000";

(2) in paragraph (3)(E), by striking "\$35,000" each place it appears and inserting "\$50,000"; and

(3) in paragraph (11)(B), by striking "\$35,000" and inserting "\$50,000".

SEC. 6. ONLINE LENDING PLATFORM.

It is the sense of the Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rate of each such lender; and

(2) allows prospective borrowers—

(A) to compare rates on loans guaranteed by the Small Business Administration; and

(B) to apply online for loans guaranteed by the Small Business Administration.

By Ms. CANTWELL:

S. 1616. A bill to authorize assistance to small- and medium-sized businesses to promote exports to the People's Re-

public of China, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. CANTWELL. Mr. President, I rise today to introduce the U.S.-China Market Engagement and Export Promotion Act of 2009. For many small- and medium-sized businesses across this country, some of which are in my home State of Washington, getting access to the Chinese market proves difficult at best. However, to establish a foothold in the ever expanding Chinese market can prove pivotal in achieving financial success. China is a tremendous market for U.S. goods and services. According to the U.S.-China Business Council, despite the global economic downturn, 85 percent of congressional districts increased their exports to China in 2008. In addition, exports to China in almost every congressional district grew more than exports to anywhere else from 2000 to 2008.

In 2008, U.S. total exports to China equaled \$71.5 billion. During the same time, however, our imports from China equaled \$337.8 billion. That means our trading balance with China in 2008 was a \$266.3 billion deficit. This bill would help States establish export promotion offices in China and create a new China Market Advocate Program at U.S. Export Assistance Centers around the Nation. The bill also provides assistance to small businesses for China trade missions and authorizes grants for Chinese business education programs.

I support this bill because of the enormous role that small businesses play in our economy. Small- and medium-sized businesses are a great potential engine of growth. Between 2004 and 2005, small businesses created 78.9 percent of the Nation's net new jobs, and with expanded export opportunities that number will be able to increase in the near future. Considering the huge impact that small- and medium-sized businesses have on our economy, I urge all my colleagues to support this bill and give the business owners the assistance they need to succeed in the Chinese export market.

The U.S.-China Market Engagement and Promotion Act will build the infrastructure necessary to connect American small- and medium-sized businesses with export opportunities in China.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-China Market Engagement and Export Promotion Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

**TITLE I—PROGRAMS OF THE
DEPARTMENT OF COMMERCE**

Sec. 101. Grants to States to establish and operate offices to promote exports to China.

Sec. 102. Program to establish China market advocate positions in United States Export Assistance Centers.

Sec. 103. Assistance to small- and medium-sized businesses for trade missions to China.

Sec. 104. Plan to consolidate fees for Gold Key matching services in China.

**TITLE II—PROGRAMS OF THE SMALL
BUSINESS ADMINISTRATION**

Sec. 201. Trade outreach at the Office of International Trade of the Small Business Administration.

Sec. 202. Grants for Chinese business education programs.

**TITLE I—PROGRAMS OF THE
DEPARTMENT OF COMMERCE**

**SEC. 101. GRANTS TO STATES TO ESTABLISH AND
OPERATE OFFICES TO PROMOTE EX-
PORTS TO CHINA.**

(a) GRANTS.—The Secretary of Commerce, acting through the Assistant Secretary for Trade Promotion and Director of the United States and Foreign Commercial Service, shall provide grants to States to establish and operate State offices in the People's Republic of China to provide assistance to United States exporters for the promotion of exports to China, with a particular focus on establishment of offices in locations in addition to Beijing and Shanghai.

(b) AMOUNT.—The amount of a grant under subsection (a) shall not exceed 33 percent of the total costs to establish and operate a State office described in such subsection.

(c) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Commerce shall promulgate such regulations as may be necessary to carry out this section.

(d) DEFINITIONS.—In this section:

(1) STATE.—The term “State” has the meaning given the term in section 2301(j)(5) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(j)(5)).

(2) UNITED STATES EXPORTER.—The term “United States exporter” has the meaning given the term in section 2301(j)(3) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(j)(3)).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$10,000,000 for each of the fiscal years 2010 through 2014 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

**SEC. 102. PROGRAM TO ESTABLISH CHINA MAR-
KET ADVOCATE POSITIONS IN
UNITED STATES EXPORT ASSIST-
ANCE CENTERS.**

(a) PROGRAM AUTHORIZED.—The Secretary of Commerce, in the Secretary's role as chairperson of the Trade Promotion Coordinating Committee, shall establish a program to provide comprehensive assistance to small- and medium-sized businesses in the United States for purposes of facilitating exports to China.

(b) CHINA MARKET ADVOCATES.—

(1) POSITIONS AUTHORIZED.—

(A) IN GENERAL.—The Secretary of Commerce shall create not fewer than 50 China market advocate positions in United States Export Assistance Centers.

(B) APPOINTMENT AND TRAINING.—The China market advocates authorized under subparagraph (A) shall be appointed by the Secretary from among individuals with expertise in matters relating to trade with China and shall receive the training authorized under paragraph (2).

(C) RATE OF PAY.—China market advocates shall be paid at a rate equal to the rate of basic pay for grades GS-10 through GS-13 of the General Schedule under section 5332 of title 5, United States Code.

(D) GEOGRAPHIC DISTRIBUTION.—To the maximum extent practicable, China market advocates shall be assigned to United States Export Assistance Centers in a manner that achieves an equitable geographic distribution of China market advocates among United States Export Assistance Centers.

(2) TRAINING AUTHORIZED.—The Secretary shall provide training to China market advocates in the business culture of China, the market of China, and the evolving political, cultural, and economic environment in China.

(c) SERVICES PROVIDED BY ADVOCATES.—China market advocates authorized under subsection (b) shall provide comprehensive assistance to small- and medium-sized businesses in the United States for purposes of facilitating exports of United States goods to China. Such assistance may include—

(1) assistance to find and utilize Federal and private resources to facilitate entering into the market of China;

(2) continuous direct and personal contact with businesses that have entered the market of China;

(3) assistance to resolve disputes with the Government of the United States or China relating to intellectual property rights violations, export restrictions, and additional trade barriers; and

(4) to the extent practicable, locating and recruiting businesses to enter the market of China.

(d) ADVERTISING OF PROGRAM.—The Secretary of Commerce shall make available to the public through advertising and other appropriate methods information about services offered by China market advocates under the program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out this section \$15,000,000 for each of the fiscal years 2010 through 2014, of which—

(1) \$5,000,000 are authorized to be appropriated to carry out subsection (b)(2); and

(2) \$2,000,000 are authorized to be appropriated to carry out subsection (d).

**SEC. 103. ASSISTANCE TO SMALL- AND MEDIUM-
SIZED BUSINESSES FOR TRADE MIS-
SIONS TO CHINA.**

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce, in the Secretary's role as chairperson of the Trade Promotion Coordinating Committee, shall provide assistance through United States Export Assistance Centers to eligible small- and medium-sized businesses in the United States for business-related expenses for trade missions to China.

(b) SELECTION PROCESS.—The Secretary of Commerce shall—

(1) develop a transparent and competitive scoring system for selection of small- and medium-sized businesses to receive assistance authorized under subsection (a) that fo-

cuses on the feasibility of exporting goods and services to China; and

(2) develop specific criteria for a definition of “business-related expenses”, as the term is used in subsection (a), that is compatible with best business practices.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce \$2,000,000 for each of the fiscal years 2010 through 2014 to carry out this section.

**SEC. 104. PLAN TO CONSOLIDATE FEES FOR
GOLD KEY MATCHING SERVICES IN
CHINA.**

(a) PLAN REQUIRED.—As soon as is practicable after the date of the enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary for Trade Promotion and Director of the United States and Foreign Commercial Service, shall submit to Congress a plan to consolidate fees charged by the Department of Commerce for Gold Key matching services provided to small- and medium-sized businesses that export goods or services produced in the United States to more than one market in China.

(b) GOLD KEY MATCHING SERVICES DEFINED.—In this section, the term “Gold Key matching services” means the Gold Key Service program of the Department of Commerce and includes—

(1) the arrangement of business meetings with pre-screened contacts, representatives, distributors, professional associations, government contacts, or licensing or joint venture partners in a foreign country;

(2) customized market and industry briefings with trade specialists of the Department of Commerce;

(3) timely and relevant market research;

(4) appointments with prospective trade partners in key industry sectors;

(5) post-meeting debriefing with trade specialists of the Department of Commerce and assistance in developing appropriate follow-up strategies; and

(6) assistance with travel, accommodations, interpreter service, and clerical support.

**TITLE II—PROGRAMS OF THE SMALL
BUSINESS ADMINISTRATION**

**SEC. 201. TRADE OUTREACH AT THE OFFICE OF
INTERNATIONAL TRADE OF THE
SMALL BUSINESS ADMINISTRATION.**

Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following new subsections:

“(h) PROMOTION OF EXPORTS TO CHINA.—The Office shall provide strategic guidance to small business concerns with respect to exporting goods and services to China.

“(i) DIRECTOR OF CHINA PROGRAM GRANTS.—

“(1) IN GENERAL.—There shall be in the Office a Director of China Program Grants (in this subsection referred to as the ‘Director’).

“(2) APPOINTMENT.—The Director shall be appointed by the Administrator and shall be an individual with demonstrated successful experience in matters relating to international trade and administering government contracts.

“(3) RATE OF PAY.—The Director shall be paid at a rate equal to or greater than the rate of basic pay for grade GS-14 of the General Schedule under section 5332 of title 5, United States Code.

“(4) DUTIES.—The Director shall be responsible for administering the grant program authorized under section 202 of the United States-China Market Engagement and Export Promotion Act (relating to Chinese business education programs) and any other similar or related program of the Office.”.

SEC. 202. GRANTS FOR CHINESE BUSINESS EDUCATION PROGRAMS.

(a) GRANTS AUTHORIZED.—The Administrator of the Small Business Administration, acting through the Director of China Program Grants in the Office of International Trade, shall make grants to institutions of higher education, or combinations of such institutions, to pay the Federal share of the cost of planning, establishing, and operating education programs described in subsection (b) to—

(1) develop and enhance student skills, awareness, and expertise relating to business in China; and

(2) prepare students to promote the competitiveness of and opportunities for United States small business concerns in China.

(b) EDUCATION PROGRAMS DESCRIBED.—Education programs described in this subsection are academic programs of study relating to business in China, including undergraduate and graduate level degrees, courses, or seminars on—

(1) the economy of China;

(2) trade and commerce in China;

(3) new and expanding export opportunities for United States small business concerns in China; and

(4) the economic, commerce, and trade relations between the United States and China.

(c) APPLICATION.—A small business concern desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Director of China Program Grants may require.

(d) DURATION OF GRANTS.—A grant under this section shall be for an initial period not to exceed 2 years. The Director of China Program Grants may renew such grant for additional 2-year periods.

(e) FEDERAL SHARE.—

(1) FEDERAL SHARE.—The Federal share of the cost of an education program described in subsection (b) shall not exceed 50 percent of the cost of such program.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of an education program described in subsection (b) may be provided either in cash or in-kind.

(f) DEFINITION.—In this section, the term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

By Mr. DODD (for himself, Mr. MENENDEZ, Mr. MERKLEY, Mr. BENNET, Mr. AKAKA, and Mr. SCHUMER):

S. 1619. A bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise to introduce the Livable Communities Act.

Our communities are growing and changing. And the way we plan for their futures needs to evolve, as well. At stake is whether or not we will be able to enjoy the places where we live and work without excessive traffic, skyrocketing fuel costs, and sprawling development patterns that eat up our open space.

As our communities grow, people are living farther from jobs, commuting longer distances on more crowded roadways, paying more at the pump at a time when family budgets are stretched thin and putting more greenhouse gases into the air at a time when climate change has emerged as an urgent threat.

We are losing our rural land and open spaces. Transportation costs are making housing less affordable. Even though our communities are growing in size, we are losing the community spirit that makes American towns and cities so great.

It is clear that current trends simply cannot continue.

Sustainable development will cut down on the traffic that has long plagued my home State of Connecticut and connect people with good-paying jobs. Done right, it will protect the environment and help us meet energy goals; protect rural areas and green spaces; revitalize our Main Streets and urban centers; create and preserve affordable housing; and make our communities better places to live, work, and raise families.

But does that mean sustainable development is a transportation issue? An energy issue? A housing issue? An environmental issue?

The answer, of course, is “all of the above,” and unfortunately, that tends to short some circuits here in Washington. Our policy has long been stovepiped within the various agencies responsible for each of the issues affected by planning and development.

In February, I wrote a letter to President Obama urging him to establish a White House Office of Sustainable Development to coordinate housing, transportation, energy, and environmental policies.

I felt confident I would find a partner in the White House. The President has been a strong leader on these issues, and he has shown a willingness to shake up a Federal Government that hasn't always succeeded when it comes to thinking outside the box and addressing related issues in a comprehensive, effective way.

Sure enough, last month I brought together Secretary of Transportation Ray LaHood, Secretary of Housing and Urban Development Shaun Donovan, and Environmental Protection Agency Administrator Lisa Jackson at a Banking Committee hearing—three public servants who don't often find themselves in the same hearing room at the same time.

They brought with them a pledge that the administration would work across agency lines to take a holistic look at development policy—and a firm commitment to livability principles that would serve as the foundation for that policy going forward.

The administration's principles demonstrate a true understanding of the best way forward.

Sustainable development, as grounded in these principles, provides more transportation choices for families, expands access to affordable housing, enhances economic competitiveness by connecting families with jobs and services, targets funding towards existing communities to spur revitalization and protect our open spaces, values the unique character of both our cities and our small towns, and improves collaboration between different government agencies to better leverage our investments.

As Secretary LaHood said at the hearing, we are now all working off the same playbook. But now it is time to snap the ball and move down the field.

Last month the White House announced the selection of Shelley Poticha to head up these efforts. If the Livable Communities Act becomes law, as I hope it will, Ms. Poticha will head a new HUD Office of Sustainable Housing and Communities.

This new office will serve as a clearinghouse for best practices, so that successful initiatives can be easily replicated. And it will give HUD Secretary Donovan, Deputy Secretary Ron Simms, and Ms. Poticha the tools and authority they need to really dig in and become a partner to our communities in creating a sustainable future.

One successful play from our playbook could be modeled after a project in my home State of Connecticut. It links housing and transportation policy, encourages smart land use, generates economic growth, and will reduce our carbon footprint around what's known as the Tri-City Corridor in Connecticut. This proposal would provide commuter and 110-mile-per-hour intercity rail service between New Haven, Hartford, and Springfield, MA, and feature 12 stops, creating “transit villages” and revitalizing local economies.

Already, we are seeing how this proposed service is serving as a catalyst: attracting new business, commuters, and residents, and transforming struggling local economies.

Along the corridor is Meriden, a small city of nearly 60,000 residents located roughly halfway between New Haven and Hartford. In anticipation of a commuter stop on the rail line, the city would like to transform 15 acres of brownfields into new commercial and residential developments, including a public green that doubles as a flood buffer.

Immediately north of that site is the Mills Memorial public housing complex, providing 140 units of affordable housing to low income residents.

By linking transit, housing, and commercial planning, the city of Meriden will be able to transform its downtown into a bustling economic center ready to support a wide range of residents.

The vision of Meriden and so many communities throughout the country

needs the support and planning tools to take these initiatives from idea to action.

So, today, I offer for your consideration legislation that encourages communities across the country to begin planning for more prosperous and livable futures.

In addition to creating the new HUD Office of Sustainable Housing and Communities I mentioned earlier, this bill creates a competitive grant program that States and localities can use to better integrate transportation, housing, land use, and economic development when making long-term planning decisions.

In addition, it provides funding for communities to implement these comprehensive regional plans through a challenge grant program. This program will help communities invest in public transportation, affordable housing, complete streets, transit-oriented development, and redeveloping brownfields.

Finally, this bill creates an Interagency Council on Sustainable Communities to break down the “stovepiping” that exists within the Federal Government and coordinate Federal policies to encourage sustainable development.

In my home State of Connecticut, integrated planning and sustainable development is critical to growing stronger communities.

We have a state-level program called HOMEConnecticut that provides grants to plan Incentive Housing Zones. In these zones, mixed-income housing is built near jobs and transit centers, in downtowns and in redeveloped brownfields. More than 50 cities and towns have either applied for grants or already received them. The investment will pay off in affordable homes, good jobs, and more livable communities.

Like bragging on Connecticut, but I would love to see this success replicated in communities around the Nation. The Obama administration has indicated its commitment to encouraging sustainable development and helping local authorities build a better future. It is time for us to do the same.

I urge my colleagues to join me in support of this important legislation.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. KERRY, and Mr. LUGAR):

S. 1620. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives and fees for increasing motor vehicle fuel economy, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, as the success of the Cash for Clunkers Program that we are working to extend today makes clear, there is substantial interest among consumers in upgrading the fuel efficiency of their vehicles. In fact, maybe the most surprising thing

about the program thus far has been the higher-than-expected appetite by consumers for the most fuel-efficient vehicles.

It is an encouraging sign, but it remains surprising because it is extraordinarily difficult for a consumer to take into account the real benefits, or costs, of fuel economy. The value of fuel efficiency depends on the unknowable fact of what the price of gasoline is likely to be in future years as well as requiring a calculation to make and apples-to-apples comparison of the costs of ownership at different efficiency levels. This explains why study after study demonstrates that consumers don't fully account for the fuel costs of ownership when they make buying decisions. Decisions that many people regretted making only a few years earlier as gas prices climbed near \$4 per gallon last fall.

This isn't only a problem for consumers. Improving the fuel economy of a vehicle requires significant engineering and new technologies, often adding hundreds or thousands to the manufacturer price of a vehicle; costs consumers have proved unwilling to bear. Faced with this reality, and the uncertainty of recovering their costs from consumers who are unsure of the value of fuel efficiency, car makers have generally thought it is in their best business interests to meet the fuel economy requirements of CAFE but go no further. Even when manufacturers want to go further than the CAFE requirements and produce more efficient vehicles, they are faced with giving up a cost advantage to their competitors by putting on expensive new technologies. For this reason, and to attempt to take into account the very real costs in oil and climate insecurity by our undervaluation of efficiency, Congress has put in a series of incentives for specific technologies such as hybrids, electric-drive, and hydrogen fuel cell vehicles. We have also recently made significant investments in battery manufacturing and vehicle electrification to try and close the significant gap with our global competitors in these technologies.

Although I support those investments to increase our competitiveness in the clean energy technology manufacturing race, unless the domestic marketplace will support them over the long term, they simply won't be enough. I believe the best path to both support our climate and energy goals and enhance our economic competitiveness is to create a set of clear, technology-neutral incentives that can achieve our goals and then let the market and consumers sort out the best technologies.

The Efficient Vehicle Leadership Act of 2009 that I am introducing today with Senators SNOWE, KERRY, and LUGAR provides a long-term pathway forward that will allow consumers to

afford the most fuel efficient vehicles and a clear signal to the manufacturers that they can succeed in the marketplace by incorporating the most advanced fuel efficiency technologies into their new offerings. The bill would provide for fuel performance rebates that would decrease the cost of efficient cars and pay for it by assessing a fuel performance fee to manufacturers for inefficient vehicles to pay for the program.

The rebates and fees would be calculated based on how much more or less fuel-efficient a vehicle is relative to the CAFE standard. The CAFE standard is based on the size, or “footprint”—the interior dimensions of the four wheels of the motor vehicle, so each vehicle would compete with other vehicles of a similar size. The CAFE standard itself becomes more stringent over time, based on the “maximum feasible” fuel efficiency as determined by NHTSA, so the incentives are recast yearly against a higher target. Calculating the rebates and fees based on the CAFE standard allows them to net out, making the overall system revenue neutral and providing a continuing incentive each subsequent year. Thus, the purchasers of fuel efficiency lagards for each size pay to make the most fuel-efficient equivalent vehicles more affordable. The rebate amount must appear on the fuel efficiency sticker and consumers can choose if they want to receive their rebate directly in their tax returns or they can transfer the credit to dealer, as long as the dealer certifies they have given the rebate to the consumer at the point of purchase.

In sum, this bill provides a long-term structure for the automotive sector that provides certainty to manufacturers that the technologies that they must employ to meet the new fuel efficiency requirements will be valued by consumers and, beyond that, rewards and incentivizes innovation in vehicle efficiency to go beyond the CAFE requirements. The technological acumen of the auto industry will be harnessed, with no net impact on safety or comfort, and without distorting the marketplace. Consumers would benefit for years to come from a smaller hit on their wallet at the pump. The United States would benefit overall as we began to curb our appetite for oil.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Efficient Vehicle Leadership Act of 2009”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. TAX CREDIT FOR FUEL-EFFICIENT MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by inserting after section 30D the following new section:

“SEC. 30E. FUEL PERFORMANCE REBATE.

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount determined under paragraph (2) with respect to any new qualified fuel-efficient motor vehicle placed in service by the taxpayer during the taxable year.

“(2) CREDIT AMOUNT.—With respect to each new qualified fuel-efficient motor vehicle, the amount determined under this paragraph shall be equal to the product of—

“(A) the absolute value of the difference between the fuel-economy rating and the reference fuel-economy rating for such motor vehicle for the model year, and

“(B) 100, and

“(C) the applicable amount.

“(3) APPLICABLE AMOUNT.—For purposes of paragraph (2)(C), the applicable amount is equal to—

“(A) in the case of model year 2011—

“(i) \$1,000, or

“(ii) \$2,000, if the fuel-economy rating for such motor vehicle is at least 50 percent more efficient than the reference fuel-economy rating for such motor vehicle as determined under paragraph (2)(A), and

“(B) in the case of any succeeding model year—

“(i) \$1,500, or

“(ii) \$2,500, if the fuel-economy rating for such motor vehicle is at least 50 percent more efficient than the reference fuel-economy rating for such motor vehicle as determined under paragraph (2)(A), or

“(iii) \$3,500, if the fuel-economy rating for such motor vehicle is at least 75 percent more efficient than the reference fuel-economy rating for such motor vehicle as determined under paragraph (2)(A).

“(b) NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE.—For purposes of this section, the term ‘new qualified fuel-efficient motor vehicle’ means a passenger automobile or light truck—

“(1) which is treated as a motor vehicle for purposes of title II of the Clean Air Act,

“(2) which achieves a fuel-economy rating that is more efficient than the reference fuel-economy rating for such motor vehicle for the model year,

“(3) for which standards are prescribed pursuant to section 32902 of title 49, United States Code,

“(4) the original use of which commences with the taxpayer,

“(5) which is acquired for use or lease by the taxpayer and not for resale,

“(6) the purchase price of which, less the amount allowable under subsection (a) with respect to such vehicle, does not exceed \$50,000, and

“(7) which is made by a manufacturer beginning with model year 2011.

“(c) APPLICATION WITH OTHER CREDITS.—

“(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under sub-

section (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

“(2) REFUNDABLE PERSONAL CREDIT.—

“(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart C for such taxable year (and not allowed under subsection (a)).

“(B) REFUNDABLE CREDIT MAY BE TRANSFERRED.—

“(i) IN GENERAL.—A taxpayer may, in connection with the purchase of a new qualified fuel-efficient motor vehicle, transfer any refundable credit described in subparagraph (A) to any person who is in the trade or business of selling new qualified fuel-efficient motor vehicles and who sold such vehicle to the taxpayer, but only if such person clearly discloses to such taxpayer, through the use of a window sticker attached to the new qualified fuel-efficient vehicle—

“(I) the amount of the refundable credit described in subparagraph (A) with respect to such vehicle, and

“(II) a notification that the taxpayer will not be eligible for any credit under section 30, 30B, or 30D with respect to such vehicle unless the taxpayer elects not to have this section apply with respect to such vehicle.

“(ii) CERTIFICATION.—A transferee of a refundable credit described in subparagraph (A) may not claim such credit unless such claim is accompanied by a certification to the Secretary that the transferee reduced the price the taxpayer paid for the new qualified fuel-efficient motor vehicle by the entire amount of such refundable credit.

“(iii) CONSENT REQUIRED FOR REVOCATION.—Any transfer under clause (i) may be revoked only with the consent of the Secretary.

“(iv) REGULATIONS.—The Secretary may prescribe such regulations as necessary to ensure that any refundable credit described in clause (i) is claimed once and not retransferred by a transferee.

“(d) OTHER DEFINITIONS.—For purposes of this section—

“(1) FUEL-ECONOMY RATING.—The term ‘fuel-economy rating’ means, with respect to any motor vehicle, the combined fuel-economy rating for such motor vehicle, expressed in gallons per mile, determined in accordance with section 32904 of title 49, United States Code.

“(2) MODEL YEAR.—The term ‘model year’ has the meaning given such term under section 32901(a) of such title 49.

“(3) MOTOR VEHICLE.—The term ‘motor vehicle’ means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

“(4) REFERENCE FUEL-ECONOMY RATING.—The term ‘reference fuel-economy rating’ means, with respect to any motor vehicle, the fuel economy standard for such motor vehicle, expressed in gallons per mile, calculated by applying the relevant vehicle attributes to the mathematical function published pursuant to section 32902(b)(3)(A) of title 49, United States Code.

“(5) OTHER TERMS.—The terms ‘automobile’, ‘passenger automobile’, ‘light truck’, and ‘manufacturer’ have the meanings given such terms in regulations prescribed by the Administrator of the Environ-

mental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(e) SPECIAL RULES.—

“(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (c)).

“(2) NO DOUBLE BENEFIT.—No other credit shall be allowable under this chapter for a new qualified fuel-efficient motor vehicle with respect to which a credit is allowed under this section.

“(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle whose use is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (c)). For purposes of subsection (c), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.

“(4) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

“(5) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

“(6) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

“(7) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—A motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

“(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provisions under a waiver under section 209(b) of the Clean Air Act), and

“(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

“(8) INFLATION ADJUSTMENT.—In the case of any model year beginning in a calendar year after 2010, each dollar amount in subsection (a)(3)(B) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the model year begins, determined by substituting ‘2009’ for ‘1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$100.

“(f) REGULATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

“(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.”

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) BUSINESS CREDIT.—Section 38(c)(4)(B) is amended by redesignating clauses (i) through (viii) as clauses (ii) through (ix), respectively, and by inserting before clause (ii) (as so redesignated) the following new clause:

“(i) the credit determined under section 30E.”

(2) PERSONAL CREDIT.—

(A) Section 24(b)(3)(B) is amended by striking “and 30D” and inserting “30D, and 30E”.

(B) Section 25(e)(1)(C)(ii) is amended by inserting “30E,” after “30D.”

(C) Section 25B(g)(2) is amended by striking “and 30D” and inserting “30D, and 30E”.

(D) Section 26(a)(1) is amended by striking “and 30D” and inserting “30D, and 30E”.

(E) Section 904(i) is amended by striking “and 30D” and inserting “30D, and 30E”.

(c) DISPLAY OF CREDIT.—Section 32908(b)(1) of title 49, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amount of the fuel-efficient motor vehicle credit allowable with respect to the sale of the automobile under section 30E of the Internal Revenue Code of 1986 (26 U.S.C. 30E).”

(d) CONFORMING AMENDMENTS.—

(1) Section 38(a) is amended by striking “plus” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “, plus”, and by adding at the end the following new paragraph:

“(36) the portion of the fuel performance rebate to which section 30E(c)(1) applies.”

(2) Section 1016(a) is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30E(e)(1).”

(3) Section 6501(m) is amended by inserting “30E(e)(6),” after “30D(e)(4).”

(4) The table of section for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30D the following new item:

“Sec. 30E. Fuel performance rebate.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3. FUEL PERFORMANCE FEE.

(a) IN GENERAL.—Section 4064 is amended to read as follows:

“SEC. 4064. FUEL PERFORMANCE FEE.

“(a) IMPOSITION OF TAX.—

“(1) IN GENERAL.—There is hereby imposed on the sale by the manufacturer of each fuel guzzler motor vehicle a tax equal to the product of—

“(A) the absolute value of the difference between the fuel-economy rating and the reference fuel-economy rating for such motor vehicle for the model year, and

“(B) 100, and

“(C) the applicable amount.

“(2) APPLICABLE AMOUNT.—For purposes of paragraph (1)(C), the applicable amount is equal to—

“(A) \$1,500, or

“(B) \$2,500, if the fuel-economy rating for such motor vehicle is more than 50 percent less efficient than the reference fuel-economy rating for such motor vehicle as determined under paragraph (1)(A), or

“(C) \$3,500, if the fuel-economy rating for such motor vehicle is more than 75 percent less efficient than the reference fuel-economy rating for such motor vehicle as determined under paragraph (1)(A).

“(b) FUEL GUZZLER MOTOR VEHICLE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘fuel guzzler motor vehicle’ means a passenger automobile or light truck—

“(A) which is treated as a motor vehicle for purposes of title II of the Clean Air Act,

“(B) which achieves a fuel-economy rating that is less efficient than the reference fuel-economy rating for such motor vehicle for the model year,

“(C) which has a gross vehicle weight rating of not more than 8,500 pounds, and

“(D) which is made by a manufacturer beginning with model year 2013.

“(2) EXCEPTION FOR EMERGENCY VEHICLES.—The term ‘fuel guzzler motor vehicle’ does not include any vehicle sold for use and used—

“(A) as an ambulance or combination ambulance-hearse,

“(B) by the United States or by a State or local government for police or other law enforcement purposes, or

“(C) for other emergency uses prescribed by the Secretary by regulations.

“(c) OTHER DEFINITIONS.—For purposes of this section—

“(1) FUEL-ECONOMY RATING.—The term ‘fuel-economy rating’ means, with respect to any motor vehicle, the combined fuel-economy rating for such motor vehicle, expressed in gallons per mile, determined in accordance with section 32904 of title 49, United States Code.

“(2) MODEL YEAR.—The term ‘model year’ has the meaning given such term under section 32901(a) of such title 49.

“(3) MOTOR VEHICLE.—The term ‘motor vehicle’ means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

“(4) REFERENCE FUEL-ECONOMY RATING.—The term ‘reference fuel-economy rating’ means, with respect to any motor vehicle, the fuel economy standard for such motor vehicle, expressed in gallons per mile, calculated by applying the relevant vehicle attributes to the mathematical function published pursuant to section 32902(b)(3)(A) of title 49, United States Code.

“(5) OTHER TERMS.—The terms ‘automobile’, ‘passenger automobile’, ‘light truck’, and ‘manufacturer’ have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(d) INFLATION ADJUSTMENT.—In the case of any model year beginning in a calendar year after 2010, each dollar amount in subsection (a)(2) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the model year begins, determined by substituting ‘2009’ for ‘1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$100.”

(b) CONFORMING AMENDMENTS.—

(1) The heading for part I of subchapter A of chapter 32 is amended by striking “GAS” and inserting “FUEL”.

(2) The table of parts for subchapter A of chapter 32 is amended by striking “Gas” in the item relating to part I and inserting “Fuel”.

(3) The table of sections for part I of subchapter A of chapter 32 is amended by striking “Gas” in the item relating to section 4064 and inserting “Fuel”.

(4) The heading for subsection (d) of section 1016 is amended by striking “GAS GUZZLER TAX” and inserting “FUEL PERFORMANCE FEE”.

(5) The heading for subsection (e) of section 4217 is amended by striking “GAS GUZZLER TAX” and inserting “FUEL PERFORMANCE FEE”.

(6) The heading for subparagraph (B) of section 4217(e)(3) is amended by striking “GAS GUZZLER TAX” and inserting “FUEL PERFORMANCE FEE”.

(7) Section 4217(e) is amended by striking “gas guzzler tax” each place it appears and inserting “fuel performance fee”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales of vehicles beginning with model year 2013.

By Mr. SANDERS (for himself and Mr. MERKLEY):

S. 1621. A bill to improve thermal energy efficiency and use, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SANDERS. Mr. President, today I am pleased to introduce the Thermal Energy Efficiency Act, which I believe can play an important role in moving our Nation toward green job creation and greenhouse gas emissions reductions. I thank Senator MERKLEY for being an original cosponsor on this bill. I also thank the International District Energy Association, the Biomass Energy Resource Center, the American Council for an Energy-Efficient Economy, Sustainable Northwest, and the U.S. Clean Heat and Power Association for working with us to ensure that as we consider comprehensive global warming legislation, we do not forget about energy efficiency and thermal energy.

This legislation addresses two ways of producing and distributing thermal energy, which is a technical term for heat. The legislation focuses on combined heat and power and district energy. Combined heat and power is simple to understand and has great capacity to transform our use of energy and increase large-scale efficiency. It is a fully developed technology, and there is nothing experimental about it. Combined heat and power means that one source of energy can produce electricity and then capture and use the resulting heat for a second purpose: heating homes, schools, offices, and factories. Combined heat and power gets both heat and power from one energy source and can work with fossil fuels or biomass or even waste. Combined heat

and power can offer huge efficiency gains and lower carbon footprints for our powerplants.

District energy can be used together with combined heat and power, or separate from it, in systems designed purely for heating. What district energy does is use heat not just for one building or location but for multiple locations. Just as homes or businesses share electric lines or telephone lines, they can also share a heat source. And sharing a heat source can often be a major source of efficiency.

For too long, Federal energy policy has not focused enough on thermal energy or energy efficiency. We know we can do more. According to the Department of Energy, combined heat and power represents roughly 9 percent of our existing electric power capacity today, but if we moved to 20 percent by 2030, we could avoid 60 percent of the projected growth in carbon dioxide emissions in this country, equivalent to taking more than half of the current passenger vehicles off the road in the United States. Additionally, we could create 1 million new jobs and generate \$234 billion in new investments.

We are talking about real technology that is deployable today. In Copenhagen, district energy provides clean heating to 97 percent of the city. In our own country, in St. Paul, MN, district energy and combined heat and power provide 65 megawatts of thermal energy and 25 megawatts of electricity from renewable urban wood waste. Jamestown, NY, started their district heating project in 1981, and today the system provides 16 megawatts of thermal energy heating. Jamestown's public school district uses district energy and has saved more than 16 percent of their energy use over a 30-month period and saved more than \$500,000 dollars for taxpayers in the process.

We have opportunities to expand this technology all around our Nation. For example, in my home State of Vermont, several of our cities and towns are looking at district energy. In Burlington, VT, we have 50 megawatt powerplant that uses wood chips and wood waste for power. Yet approximately 60 percent of the energy produced by this plant is lost as wasted heat. This is typical of many conventional power plants. If Burlington implemented a district energy system it could use the wasted thermal energy to heat and cool many buildings downtown. The hurdle for Burlington, and many cities and towns, is the upfront capital investment required to build a district energy system.

That is why today I am introducing the Thermal Energy Efficiency Act. We need a stable, long-term funding source for district energy and combined heat and power. This bill would use 2 percent of the revenues derived from auctioning emissions permits under global warming legislation to support hos-

pitals, cities and towns, schools and universities, businesses and industries, and even Federal facilities and military bases as they implement efficient thermal energy systems.

This bill would recognize the important role that efficiency and thermal energy can play in helping our Nation meet our energy security, emissions reduction, and economic goals. As a member of both the Energy and Natural Resources Committee and the Environment and Public Works Committee, I look forward to working with my colleagues to ensure that combined heat and power and district energy are included in comprehensive energy and global warming legislation.

By Mr. FEINGOLD (for himself, Mr. DODD, and Mr. MENENDEZ):

S. 1623. A bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the land subject to the existing leases or relinquish the leases, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation that seeks to answer a question more and more Americans are asking in light of our economic woes and our struggle toward energy independence: Why aren't the oil companies developing 65 million acres, or nearly 75 percent, of land that they are leasing from the U.S. Government? Those same companies and some of my colleagues continue to argue that we need to open more Federal lands to drilling and recently have been insisting on opening up part of the Gulf of Mexico off Florida's coast that Congress agreed to keep closed during debate in 2005 for military and security purposes. I would first like to know why the oil companies are not producing on most of the Federal lands they already have under lease.

Last year, at a Senate Judiciary Committee hearing, I had the chance to ask top oil executives just that question. They couldn't come up with a good explanation. In fact, one of the executives told me that they have the manpower and infrastructure to put all their existing leases of Federal lands into oil production.

I find this troubling. No one is talking about pulling oil out of a hat. But with nearly 75 percent of currently leased Federal lands and waters not producing oil and gas, Congress must insist on some accountability. This is why today I am introducing—along with Senators DODD and MENENDEZ—the Responsible Federal Oil and Gas Lease Act, also known as “Use It or Lose It” legislation. This bill says that if oil and gas companies want to lease additional Federal lands, they must either be producing or diligently developing their existing Federal leases, or they have to first give up those leases.

Under my bill, the Department of the Interior is required to establish diligent development benchmarks, which will encourage leaseholders to demonstrate they are taking steps that may lead to oil and gas production. This is a responsible way to increase production and keep the private sector accountable for production of existing Federal resources.

Last fall, the Government Accountability Office issued a report, “Oil and Gas Leasing: Interior Could Do More to Encourage Diligent Development,” that looked at whether enough is being done to ensure oil companies are taking steps to develop Federal oil and gas leases. The report found that the Department of the Interior—whose Minerals Management Service manages offshore leases and Bureau of Land Management manages onshore and National Petroleum Reserve leases—lags behind State and private landowner efforts to encourage development of land leased for oil and gas development. The GAO recommends that the Secretary of the Interior “develop a strategy to evaluate options to encourage faster development of its oil and gas leases.”

Though both MMS and BLM require “reasonable diligence” in developing and producing oil and gas on Federal leases, the GAO found that the Interior Department has not clearly defined what activities or timeframes constitute reasonable diligence—something my bill requires the agency to do. Currently, the GAO concludes that leaseholders, in general, are not required to take actions to develop a lease during the primary term. The only specific diligent development requirement that Interior officials identified to the GAO applies only to lessees of 8-year leases in the Gulf of Mexico and requires drilling to occur before the end of the fifth year or else the lease terminates. However, these leases represent less than 1 percent of the total lease universe.

In addition to the GAO evaluation, the Department of the Interior's Office of the Inspector General issued a report in February 2009 on its investigation of whether oil and gas companies were adequately developing Federal leases and whether the Department of the Interior was ensuring companies bring their leases into production. The inspector general concluded that, while there is no guarantee that a particular lease contains oil and gas in commercial quantities, there are no requirements to ensure lessees are taking steps to reach this conclusion and to ensure the development of leases capable of production. Specifically, the inspector general found there are no requirements for the Department to monitor production progress or compel companies to develop leases and there is no requirement to detail activity on nonproducing leases. My bill will ensure the Federal Government develops

diligent development requirements for oil and gas leases.

With over 100 billion barrels of oil under Federal lands and waters that are being leased or are available for leasing, Congress must properly encourage their development. This won't solve our energy problems—the unfortunate truth is that in today's global market, gas prices are dictated less by our domestic production and more by OPEC's actions. Nevertheless, Congress must ensure appropriate oversight of our Federally leased lands and waters, as we simultaneously reduce our dependence on foreign oil through continuing to be a world leader in oil and gas production, decreasing our demand of oil and gas since we are the No. 1 consumer of both in the world, and pursuing alternative energy sources especially in the transportation sector.

By Mr. WHITEHOUSE:

S. 1624. A bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce legislation that would help families struggling with medical debts overcome hurdles that under current law make it difficult for them to find relief in the bankruptcy system. With medical costs at an all-time high and the unemployment rate hovering near 10 percent nationwide—and 12.4 percent in my home State of Rhode Island—too many individuals and families struck with injury and illness have no other option but to file for bankruptcy. According to a recent Harvard University study, health care-related costs have been a primary driver of personal bankruptcy filings, contributing to over 62 percent of filings in 2007.

The statistics are as shocking as the personal stories are heartbreaking. Countless Rhode Islanders have written to me during my time in office asking for help with crippling medical costs, and I want to share just two of their stories with you today.

Adam, a 23-year-old from Bristol, recently underwent surgery for cancer. Adam's treatment plan requires him to undergo a CT scan every 2 months. While his insurance initially paid for his health costs, he received word not long after his surgery that his policy was "maxed out" and that he would have to pay \$6,700 out of pocket for an upcoming CT scan. As of today, Adam, a young man just starting his adult life, has \$20,000 in medical debt and reports that he "cannot see any light at the end of the tunnel."

Robert, a veteran and retiree also from Warwick, suffered a major heart attack in November of 2004. Although he had health insurance, Robert was responsible for paying a \$2,000 deductible plus 20 percent of the cost of his care. After 40 years of working and saving, these medical costs wiped him out, and he had to sell his home.

Adam and Robert have both suffered unexpected medical costs that have turned their lives upside down. These Rhode Islanders, like millions of others nationwide, may be forced to file for bankruptcy to get a clean start—but when they do, they will learn that the bankruptcy process can be time consuming and costly and ultimately may not allow them to stay in their homes.

The legislation that I am introducing today, the Medical Bankruptcy Fairness Act of 2009, would help people who because of medical costs have no other choice but to file for bankruptcy. The bill would waive procedural hurdles so that Adam and Robert would have the option of a speedier, less expensive, and more efficient bankruptcy. To begin with, it would waive credit counseling requirements for these debtors. Such requirements have little relevance to people whose debt stems not from poor budgeting but, rather, from uncontrollable medical expenses. The bill would also waive the so-called "means test," making the filing process quicker and less costly and making sure that people have the ability to file to have their debts discharged in chapter 7, as opposed to a chapter 13 plan under which they would have made debt payments for 3 to 5 years.

In addition to removing these procedural hurdles, the Medical Bankruptcy Fairness Act would give people with high levels of medical debt the ability to retain at least \$250,000 in home value through the bankruptcy process. The "homestead exemption" is one of many aspects of bankruptcy law that looks to the laws of the individual States. While filers in some States already have the ability to preserve home equity at this level, a number of States offer homestead exemptions of \$5,000 or less. With the average home price nationwide around \$200,000, the \$250,000 exemption included in this bill will allow the majority of individuals and families crushed by medical debt to keep their homes.

Finally, the bill would eliminate an obstacle that prevents many bankruptcy filers from accessing the chapter 7 bankruptcy system, which as I mentioned earlier is the simplest and most efficient form of bankruptcy. Because attorneys' fees are "discharged" at the end of a chapter 7 bankruptcy, attorneys generally require the upfront payment of fees in chapter 7 proceedings. Many debtors who would be better off filing for a quicker and less costly bankruptcy in chapter 7 are forced to file in chapter 13 because they

don't have enough cash to pay the attorney. The Medical Bankruptcy Fairness Act would make attorneys' fees nondischargeable in chapter 7 bankruptcies, as in chapter 13 bankruptcies, making it easier for debtors to elect the more efficient chapter 7 proceeding.

Before I conclude, I want to acknowledge the hard work of my colleague from Massachusetts, Senator KENNEDY, on the issue of medical debt. Senator KENNEDY offered amendments during the consideration of the 2005 bankruptcy reforms that would have given people struggling with medical debts treatment similar to that which they would get under the Medical Bankruptcy Fairness Act. Unfortunately, those amendments were voted down. I look forward to working with Senator KENNEDY to make sure that we don't miss another opportunity to help Americans struggling with medical debt.

There are people in every State suffering from medical hardship and related debts who would benefit from this legislation. I urge my colleagues to work with me to pass it to Adam and Robert and the millions like them nationwide a clean start in bankruptcy.

By Mr. DODD (for himself and Mr. BINGAMAN):

S. 1625. A bill to amend title II of the Public Health Service Act to provide for an improved method to measure poverty so as to enable a better assessment of the effects of programs under the Public Health Service Act and the Social Security Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I wish to speak about poverty and, specifically, how we measure it and its influence on millions of Americans.

When we return from the August recess, the Census Bureau will release its annual report documenting the number of Americans living in poverty. But these numbers will provide a flawed picture of poverty in America since they are based almost exclusively on 50-year-old food prices. The bill I am introducing today, the Measuring American Poverty, or MAP, Act, directs the Census to develop a new poverty measure that is based on a more comprehensive definition of need. Improving the poverty measure is not just an academic exercise for statisticians, it is essential in helping us identify and implement effective policies that address this crisis.

Even with an inaccurate measurement, the picture of poverty in America is startling. In 2007, the year for which we have the most recent data, one in eight Americans—and nearly one in five children—didn't have the resources to meet their basic needs: food, clothing, and shelter. Think about that. One in five children in America in

2007 went to bed without even the most basic elements that we take for granted. In my home State of Connecticut, more than 85,000 kids lived in poverty. And that was before the economic downturn in which we now find ourselves. The Center for American Progress estimates that the cost to our Nation of persistent child poverty is \$½ trillion each year. Every year a child stays in poverty reduces future productivity over the course of his or her working life by nearly \$12,000.

But the cost is more than just financial—it is moral. We are judged, Hubert Humphrey famously said, by how we treat those in the shadows of life. And every child who goes to bed hungry, every American who lacks the basic necessities of life, is a mark on our national conscience. As we struggle with the great challenges of our time, the crisis of poverty is growing. More and more Americans find that shadow creeping toward them. The Center on Budget and Policy Priorities estimated that if unemployment were to rise to 9 percent—our current unemployment rate is 9.5 percent, the highest rate in 26 years—the number of Americans in poverty would increase by as many as 10.3 million, and the number of children in poverty would rise by as many as 3.3 million.

To put those numbers in perspective, this recession will add a number of Americans equivalent to the population of Michigan to the current number who live in poverty, which is already equivalent to the population of California. In my home State of Connecticut and across this country, people who have long worked hard to get ahead are falling further behind. Folks who have worked two jobs with an eye toward sending their kids to college are having to choose between purchasing food and medications. They are hoping that a child's hacking cough doesn't turn into something more serious because they can't afford to see a doctor. They are staying up late staring at unpaid bills, wondering how to pay their mortgage when their only incomes from their meager savings and unemployment insurance, wondering what happened to their America dream.

The vast majority of people who are poor do not lack the desire for a better life for themselves and their family. They are not poor in their work ethic, their love for their country and their communities. They are in poverty, but they are not poor in the qualities that we so admire in America. The truth is, many are unlucky and face insurmountable hurdles. For some that hurdle is their inability to pay for higher education. For others it is that they work two jobs and can't read to their kids at night like they want to. And far too many others are struggling to pay their mortgage and are spending all their retirement savings just to keep a roof over their heads.

As many hard-working Americans are engulfed by the shadow of poverty, we remember Hubert Humphrey's admonition, but too often we can't even see into those shadows because the way we measure poverty in America is badly outdated. It is that challenge to which I today urge this body to rise.

Currently, we measure poverty by comparing two numbers: the money a family has, which the census refers to as an "income measure," and the money a family needs to meet its basic needs, which experts call the "poverty threshold." If a family's income measure is less than the threshold, they are counted as poor. It is a simple calculation. But unfortunately both elements—the income measure and the threshold—are flawed.

The poverty threshold was created using data from the 1950s and 1960s. Currently, it is calculated by taking the 1950s cost of emergency foodstuffs—food only for temporary use when funds are low—and multiplying that number by three because in the 1960s, food represented one-third of a family budget. But today, food represents one-sixth or one-seventh of a family's budget. Similarly, a family's cash income before taxes was once an accurate and straightforward way to measure a family's resources. But today, many Americans are subject to both State and Federal income taxes and may face exorbitant health costs or other critical needs which drain their resources. In addition, many women now work outside the home, meaning they now need pay for childcare and for getting to and from work.

And on the other side of the ledger, we now provide many benefits to low income workers that are not cash payments—they are provided through our Tax Code, or like energy assistance programs, paid directly to providers. I have fought throughout my career for programs that lift people out of poverty. Think of the earned-income tax credit, food assistance, housing assistance, home energy assistance, child care assistance—hundreds of billions of dollars spent to help Americans that aren't accounted for when we calculate whether our efforts are working. So, we need a new way to measure both what a family needs and what a family has.

When Mayor Bloomberg decided to tackle poverty in New York City, he started by doing what any successful businessman would—he surveyed the problem. But he discovered that our outdated system of measuring poverty simply didn't allow him to see what was really happening. So the mayor charged his Center for Economic Opportunity with creating a system that would better represent that threshold, as well as a family's resources. They followed the recommendation of the National Academy of Sciences 1995 panel described in "Measuring Poverty: An Improved Approach." The legisla-

tion I offer today also follows these guidelines.

Specifically, this bill—the Measuring American Poverty Act—updates the calculations for both threshold and resources in the Federal poverty measure. The poverty threshold would be based on the current prices of food, clothing, shelter, utilities, and a few basic household expenses. And it would revise the current measurement of income to better reflect the reality that Americans not only must pay taxes but also certain unavoidable expenses like transportation to and from work, childcare, and medical expenses. This revised measure would also include the value of near-cash benefits like energy assistance, food stamps, section 8 housing vouchers, and tax credits such as the earned-income tax credit.

Let me be very clear: this isn't a bill to change eligibility for programs or the allocation of Federal funds. In fact, the bill's text is explicit about that. The MAP Act creates a new measurement. It does not replace the Federal Poverty Line. It does not change eligibility for programs. It will not lead to an unprecedented automatic increase in spending.

What the MAP Act will do is help us to understand the scope of the poverty crisis in America, and to better evaluate the effectiveness of our solutions to it. We have a difficult job ahead of us, as we look to lift Americans out of poverty, provide middle-class families with a strong safety net, and restore the American Dream for working men and women. But we must begin by facing unafraid the true nature and scope of the poverty crisis. I urge my colleagues to join me in support of this legislation.

By Mr. HARKIN:

S. 1627. A bill to improve choices for consumers for vehicles and fuel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, our national energy situation continues to deteriorate. Volatile petroleum and gasoline prices threaten our economy, and our oil imports are responsible for an incredibly large wealth transfer from America to global oil producers. Our most immediate and visible energy challenge is our dependence on petroleum-derived fuels for transportation, but we also face the need to reduce the greenhouse gases that result principally from fossil fuel production and use. Because our global warming challenge is fundamentally linked to our energy systems, their resolution has a common strategy—to transform our energy sector to one far less dependent on fossil fuels and far more reliant on energy efficiency and domestic renewable energy supplies. This energy transformation strategy also represents a crucial economic recovery

and development opportunity because millions of jobs will be created as we carry out this strategy.

Americans recognize the magnitude and the urgency of our energy challenges. They rightfully expect us to adopt policies to move this energy transition forward. In particular, we need to reduce dependence on oil in transportation, and we have broad agreement on two fundamental approaches—increasing efficiency of vehicles and increasing use of alternative fuels. We mandated more efficient vehicles by passing the Energy Independence and Security Act of 2007, EISA. That bill also mandates a brisk expansion of biofuels production under the renewable fuels standard. However, we also need to expand the number of vehicles that can use these alternative fuels and the number of filling stations selling these biofuels.

Today I am joined by my esteemed colleague, Senator LUGAR of Indiana, in introducing the Consumer Fuels and Vehicles Choice Act of 2009. This bill will expand the number of alternative fuel automobiles at a rapid pace while not imposing undue production cost challenges for our auto manufacturers. It calls for 50 percent of all automobiles manufactured for sale in the United States to be dual-fuel automobiles by 2011. It increases that to 90 percent of all automobiles manufactured for U.S. sales by 2013. These requirements are reasonable because it is known that gasoline automobiles require relatively minor changes in fuel system designs to be able to use blends of gasoline and ethanol which qualify them for dual fuel designation.

This bill also requires that major fuel distributors install blender pumps in increasing numbers of the retail fueling stations carrying their brand name. These blender pumps will be capable of dispensing ethanol and gasoline blends ranging from 0 percent ethanol to 85 percent ethanol. This flexibility in blend choice is expected to be attractive to consumers, including those who want to use regular gasoline for non-automotive engines. This bill also authorizes grants of up to 50 percent of the cost for installing blender pumps and tanks and other infrastructure needed for selling ethanol fuel blends.

Mr. President, the requirements established and assistance authorized in this bill will ensure that the number of dual fuel automobiles and the availability of ethanol fuel blends are expanding apace with the expansion of ethanol production and use in our national fuel supply over the next 15 years and beyond. Taken together, our increasing production of biofuels, our incentives for installation of alternative fuel infrastructure, and this automobile requirement will provide Americans the option of choosing clean, domestically produced fuels for their personal transportation needs in

the future. These steps represent critical components in the transition of our energy systems away from fossil and imported fuels toward the benefits of greater reliance on sustainable domestic fuel sources.

Today I urge my Senate colleagues to join us in taking action to boost the transition to a cleaner, more resilient, and more secure energy economy. I urge their support for this bill and its rapid enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consumer Fuels and Vehicle Choice Act of 2009”.

SEC. 2. ENSURING THE AVAILABILITY OF DUAL FUELED AUTOMOBILES AND LIGHT DUTY TRUCKS.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

“§ 32902A. Requirement to manufacture dual fueled automobiles and light duty trucks

“(a) IN GENERAL.—For each model year listed in the following table, each manufacturer shall ensure that the percentage of automobiles and light duty trucks manufactured by the manufacturer for sale in the United States that are dual fueled automobiles and light duty trucks is not less than the percentage set forth for that model year in the following table:

“Model Year	Percentage
Model years 2011 and 2012	50 percent
Model year 2013 and each subsequent model year.	90 percent

“(b) EXCEPTION.—Subsection (a) shall not apply to automobiles or light duty trucks that operate only on electricity.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

“32902A. Requirement to manufacture dual fueled automobiles and light duty trucks.”.

(c) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations to carry out the amendments made by this Act.

SEC. 3. BLENDER PUMP PROMOTION.

(a) BLENDER PUMP GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BLENDER PUMP.—The term “blender pump” means an automotive fuel dispensing pump capable of dispensing at least 3 different blends of gasoline and ethanol, as selected by the pump operator, including blends ranging from 0 percent ethanol to 85 percent denatured ethanol, as determined by the Secretary.

(B) E-85 FUEL.—The term “E-85 fuel” means a blend of gasoline approximately 85 percent of the content of which is ethanol.

(C) ETHANOL FUEL BLEND.—The term “ethanol fuel blend” means a blend of gasoline

and ethanol, with a minimum of 0 percent and maximum of 85 percent of the content of which is denatured ethanol.

(D) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(2) GRANTS.—The Secretary shall make grants under this subsection to eligible facilities (as determined by the Secretary) to pay the Federal share of—

(A) installing blender pump fuel infrastructure, including infrastructure necessary—

(i) for the direct retail sale of ethanol fuel blends (including E-85 fuel), including blender pumps and storage tanks; and

(ii) to directly market ethanol fuel blends (including E-85 fuel) to gas retailers, including inline blending equipment, pumps, storage tanks, and loadout equipment; and

(B) providing subgrants to direct retailers of ethanol fuel blends (including E-85 fuel) for the purpose of installing fuel infrastructure for the direct retail sale of ethanol fuel blends (including E-85 fuel), including blender pumps and storage tanks.

(3) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 50 percent of the total cost of the project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection, to remain available until expended—

(A) \$50,000,000 for fiscal year 2010;

(B) \$100,000,000 for fiscal year 2011;

(C) \$200,000,000 for fiscal year 2012;

(D) \$300,000,000 for fiscal year 2013; and

(E) \$350,000,000 for fiscal year 2014.

(b) INSTALLATION OF BLENDER PUMPS BY MAJOR FUEL DISTRIBUTORS AT OWNED STATIONS AND BRANDED STATIONS.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

“(13) INSTALLATION OF BLENDER PUMPS BY MAJOR FUEL DISTRIBUTORS AT OWNED STATIONS AND BRANDED STATIONS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) E-85 FUEL.—The term ‘E-85 fuel’ means a blend of gasoline approximately 85 percent of the content of which is ethanol.

“(ii) ETHANOL FUEL BLEND.—The term ‘ethanol fuel blend’ means a blend of gasoline and ethanol, with a minimum of 0 percent and maximum of 85 percent of the content of which is denatured ethanol.

“(iii) MAJOR FUEL DISTRIBUTOR.—

“(I) IN GENERAL.—The term ‘major fuel distributor’ means any person that owns a refinery and directly markets the output of a refinery.

“(II) EXCLUSION.—The term ‘major fuel distributor’ does not include any person that owns less than 50 retail fueling stations.

“(iv) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy, acting in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture.

“(B) REGULATIONS.—The Secretary shall promulgate regulations to ensure that each major fuel distributor that sells or introduces gasoline into commerce in the United States through majority-owned stations or branded stations installs or otherwise makes available 1 or more blender pumps that dispense E-85 fuel and ethanol fuel blends (including any other equipment necessary, such as tanks, to ensure that the pumps function properly) for a period of not less than 5 years at not less than the applicable percentage of the majority-owned stations and the branded stations of the major fuel distributor specified in subparagraph (C).

“(C) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (B), the applicable

percentage of the majority-owned stations and the branded stations shall be determined in accordance with the following table:

Applicable percentage of majority-owned stations and branded stations	
Calendar year:	Percent:
2011	10
2013	20
2015	35
2017 and each calendar year thereafter	50.

“(D) GEOGRAPHIC DISTRIBUTION.—

“(i) IN GENERAL.—Subject to clause (ii), in promulgating regulations under subparagraph (B), the Secretary shall ensure that each major fuel distributor described in that subparagraph installs or otherwise makes available 1 or more blender pumps that dispense E-85 fuel and ethanol fuel blends at not less than a minimum percentage (specified in the regulations) of the majority-owned stations and the branded stations of the major fuel distributors in each State.

“(ii) REQUIREMENT.—In specifying the minimum percentage under clause (i), the Secretary shall ensure that each major fuel distributor installs or otherwise makes available 1 or more blender pumps described in that clause in each State in which the major fuel distributor operates.

“(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (B), the Secretary shall ensure that each major fuel distributor described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the blender pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

“(F) PRODUCTION CREDITS FOR EXCEEDING BLENDER PUMPS INSTALLATION REQUIREMENT.—

“(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the majority-owned stations and the branded stations of a major fuel distributor at which the major fuel distributor installs blender pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the major fuel distributor shall earn credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

“(ii) TRADING CREDITS.—Subject to clause (iii), a major fuel distributor that has earned credits under clause (i) may sell the credits to another major fuel distributor to enable the purchaser to meet the requirement under subparagraph (C).

“(iii) EXCEPTION.—A major fuel distributor may not use credits purchased under clause (ii) to fulfill the geographic distribution requirement in subparagraph (D).”.

By Mr. UDALL, of Colorado (for himself and Mrs. HAGAN):

S. 1628. A bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, I rise today to introduce an important piece of legislation on behalf of myself and Senator KAY HAGAN of North Carolina, the Rural Physician Pipeline Act of 2009.

In making my way across my home State, I have listened to rural constituents from all over Colorado, and their message is clear: rural communities are being hit hard by America's health care crisis.

The life expectancy for women in many rural counties across the Nation has declined significantly over the past several decades, and health outcomes for Hispanic, Native American, and other minority populations are at unacceptable levels. Low-income rural Americans in these areas have very few options for affordable access to health care, if they have any at all.

Just over 2 weeks ago, I reached out to health care providers and professionals in rural regions of Colorado that have been most impacted by our ailing health system to hear directly from those on health care's front lines. While there are many factors contributing to the lower health outcomes we are seeing in these regions, including regulatory hurdles and low reimbursement rates for rural clinics and hospitals, the physicians and health professionals I spoke with were pretty clear about the overwhelming culprit: lack of primary care doctors.

Invoking imagery of the black bag toting doctor from decades ago making house calls to treat all that ailed you and your family, primary care physicians are still the lynchpin of our health care system. These physicians are the most familiar to Americans—they are the family doctor, general practitioner, and pediatrician, and they are many times the only point of contact that people have with the health care system. They are the first line of defense for keeping our families healthy.

Unfortunately, as the entire Nation suffers from a shortage of primary care doctors, our rural areas are hit the hardest. For a variety of socioeconomic and resource-related reasons, rural communities struggle to compete with big cities in recruiting from an already scarce pool of doctors. Some of these barriers are inherent to these areas—lack of job opportunities for spouses or a general lack of desire to live the lifestyle offered by our rural communities. But some barriers can be overcome if we use our resources wisely and work toward solutions to break them down, particularly with respect to how we as a nation train and compensate our front line doctors.

Medical school is where we develop and educate our new doctors, yet the 4 years of training they provide more often than not nudge students into more lucrative specialty care or toward practice in higher paying cities. While we certainly rely on our cardiologists, orthopedists, neurologists, and the many other medical specialists to provide the top-notch care that only they are trained to provide, we cannot continue to push students into these areas

to the detriment of primary care. A balance needs to be found.

Today, I am proud to introduce, along with Senator KAY HAGAN of North Carolina, the Rural Physician Pipeline Act of 2009, a bill that I hope can be part of the solution to our rural physician shortage. This legislation would make grants available to medical schools across the country for establishing programs designed to recruit students from rural areas who have a desire to practice in their hometowns. These programs would cultivate and strengthen the rural commitment of these future “homegrown” doctors, provide them the specialized training necessary to excel in the unique environment of sparsely populated regions, and assist them in finding postgraduate training programs that specialize in training doctors for practice in underserved rural communities.

Primary care doctors in rural areas face challenges that urban doctors do not. When a physician is the only health care provider for an entire county, he or she cannot refer patients down the hall to a specialist. The rural training programs encouraged by this bill would give students additional training in pediatrics, emergency medicine, obstetrics, and behavioral health, among other areas, which will allow them to better serve their communities and hopefully lower the disturbing disparities of health outcomes we have seen over the years.

I was prompted to write this bill after seeing the promising results of a similar program at the University of Colorado School of Medicine. Faculty like associate dean for rural health, Dr. Jack Westfall, and rural health track director, Dr. Mark Deutchman, have found that reaching out to rural communities for student recruitment and reinforcing their rural commitment throughout their training is the best way to get them back into the communities that need them most.

My hope is that an expansion of similar programs nationwide will provide a “one, two punch” for the rural physician workforce—it will train more rural doctors, and it will train them better.

I recognize that this legislation would play only a modest role in tackling the immense workforce challenges our health care system faces. We need more equitable payments for low-paid primary care doctors, loan-forgiveness programs must be expanded to allow medical graduates to practice primary care without going into budget-crushing debt, and graduate medical education dollars need to be more flexible so that rural residency programs can be established to train graduates.

Health care reform needs to address these areas.

As my fellow Senators and I depart Washington for our home States to listen to the ideas, needs, and concerns of

our constituents over the remainder of the month. We do so with the knowledge that there is much to accomplish upon our return. And as Congress continues working toward a health reform bill that puts the patient in charge of his or her health care choices, brings costs down, ensures financial sustainability, and brings security and stability for all Americans, there is one other thing we must also insist: health reform will not leave rural America behind.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Physician Pipeline Act of 2009".

SEC. 2. RURAL PHYSICIAN TRAINING GRANTS.

Part C of Title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended—

(1) after the part heading, by inserting the following:

"Subpart I—Medical Training Generally"; and

(2) by inserting at the end the following:

"Subpart II—Training in Underserved Communities

"SEC. 749. RURAL PHYSICIAN TRAINING GRANTS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a program to make grants to eligible entities for the purposes of—

"(1) assisting eligible entities in recruiting students most likely to practice medicine in underserved rural communities;

"(2) providing rural-focused training and experience; and

"(3) increasing the number of recent allopathic and osteopathic medical school graduates who practice in underserved rural communities.

"(b) ELIGIBLE ENTITIES.—In order to be eligible to receive a grant under this section, an entity shall—

"(1) be a school of allopathic or osteopathic medicine accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose, or any combination or consortium of such schools; and

"(2) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including a certification that such entity—

"(A) will use amounts provided to the institution to—

"(i) establish and carry out a Rural Physician Training Program described in subsection (d);

"(ii) improve an existing rural-focused training program to meet the requirements described in subsection (d) and carry out such program; or

"(iii) expand and carry out an existing rural-focused training program that meets the requirements described in subsection (d); and

"(B) employs, or will employ within a timeframe sufficient to implement the Pro-

gram (as described by a timetable and supporting documentation in the application of the eligible entity), faculty with experience or training in rural medicine or with experience in training rural physicians.

"(c) PRIORITY.—In awarding grant funds under this section, the Secretary shall give priority to eligible entities that—

"(1) demonstrate a record of successfully training students, as determined by the Secretary, who practice medicine in underserved rural communities;

"(2) demonstrate that an existing academic program of the eligible entity produces a high percentage, as determined by the Secretary, of graduates from such program who practice medicine in underserved rural communities;

"(3) demonstrate rural community institutional partnerships, though such mechanisms as matching or contributory funding, documented in-kind services for implementation, or existence of training partners with interprofessional expertise (such as dental, vision, or mental health services) in community health center training locations or other similar facilities; or

"(4) submit, as part of the application of the entity under subsection (b), a plan for the long-term tracking of where the graduates of such entity are practicing medicine.

"(d) USE OF FUNDS.—

"(1) ESTABLISHMENT.—An eligible entity receiving a grant under this section shall use the funds made available under such grant to—

"(A) establish and carry out a 'Rural Physician Training Program' (referred to in this section as the 'Program');

"(B) improve an existing rural-focused training program to meet the Program requirements described in this subsection and carry out such program; or

"(C) expand and carry out an existing rural-focused training program that meets the Program requirements described in this subsection.

"(2) STRUCTURE OF PROGRAM.—An eligible entity shall—

"(A) enroll no fewer than 10 students per class year into the Program; and

"(B) develop criteria for admission to the Program that gives priority to students—

"(i) who have originated from or lived for a period of 2 or more years in an underserved rural community; and

"(ii) who express a commitment to practice medicine in an underserved rural community.

"(3) CURRICULA.—The Program shall require students to enroll in didactic coursework and clinical experience particularly applicable to medical practice in underserved rural communities, including—

"(A) clinical rotations in underserved rural communities, and in specialties including family medicine, internal medicine, pediatrics, surgery, psychiatry, and emergency medicine;

"(B) in addition to core school curricula, additional coursework or training experiences focused on medical issues prevalent in underserved rural communities, including in areas such as trauma, obstetrics, ultrasound, oral health, and behavioral health; and

"(C) any coursework or clinical experience that—

"(i) may be developed as a result of the Symposium described in subsection (f); or

"(ii) the Secretary finds appropriate.

"(4) RESIDENCY PLACEMENT ASSISTANCE.—Where available, the Program shall assist all students of the Program in obtaining clinical training experiences in locations with post-

graduate programs offering residency training opportunities in underserved rural communities, or in local residency training programs that support and train physicians to practice in underserved rural communities, as well as assist all students of the Program in obtaining postgraduate residency training in such programs.

"(5) PROGRAM STUDENT COHORT SUPPORT.—The Program shall provide and require all students of the Program to participate in social, educational, and other group activities designed to further develop, maintain, and reinforce the original commitment of such students to practice in an underserved rural community.

"(e) ANNUAL REPORTING REQUIREMENT.—On an annual basis, an eligible entity receiving a grant under this section shall submit a report to the Secretary on—

"(1) the overall success of the Program established by the entity, based on criteria the Secretary determines appropriate;

"(2) the number of students participating in the Program;

"(3) the number of graduating students who participated in the Program;

"(4) the residency program selection of graduating students who participated in the Program;

"(5) the number of graduates who participated in the Program who are practicing in underserved rural communities not less than one year after completing residency training; and

"(6) the number of graduates who participated in the Program who are not practicing in underserved rural communities not less than one year after completing residency training.

"(f) RURAL TRAINING PROGRAM SYMPOSIUM.—

"(1) PURPOSES OF SYMPOSIUM.—To assist the Secretary in carrying out the Program and making grant determinations under this section, the Secretary shall convene a Rural Training Program Symposium (referred to in this section as the 'Symposium') to—

"(A) develop best practices that may be incorporated into consideration of applications under subsection (b); and

"(B) establish a network of allopathic and osteopathic medical schools that have developed or will develop rural training programs in accordance with subsection (d).

"(2) COMPOSITION.—The Symposium shall include—

"(A) representatives from eligible entities with existing rural training programs;

"(B) representatives from all eligible entities interested in developing the Program;

"(C) representatives from area health education centers;

"(D) representatives from the Health Resources and Services Administration; and

"(E) any other experts or individuals with experience in practicing medicine in underserved rural communities the Secretary determines appropriate.

"(g) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall by regulation define 'underserved rural community' for purposes of this section.

"(h) SUPPLEMENT NOT SUPPLANT.—Any eligible entity receiving funds under this section shall use such funds to supplement, not supplant, any other Federal, State, and local funds that would otherwise be expended by such entity to carry out the activities described in this section.

"(i) MAINTENANCE OF EFFORT.—With respect to activities for which funds awarded under this section are to be expended, the entity shall agree to maintain expenditures of

non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives a grant under this section.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) to carry out this section (other than subsection (f))—

“(A) \$4,000,000 for fiscal year 2010;

“(B) \$8,000,000 for fiscal year 2011;

“(C) \$12,000,000 for fiscal year 2012;

“(D) \$16,000,000 for fiscal year 2013; and

“(2) to carry out subsection (f), such sums as may be necessary.”.

By Mr. ROCKEFELLER (for himself and Mr. FRANKEN):

S. 1630. A bill to amend title XVIII of the Social Security Act of improve prescription drug coverage under Medicare part D and to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to improve prescription drug coverage under private health insurance, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with the newest esteemed Member of this Chamber, Senator AL FRANKEN, to introduce the Affordable Access to Prescription Medications Act of 2009. I think this is the first bill we have introduced together, and I look forward to working with him again in the future. The legislation we are introducing today is a critically important bill—one that protects all Americans from high out-of-pocket spending on prescription drugs.

With each passing year, Americans are paying more for their health care. Rising out-of-pocket costs are problematic for all patient populations, but are particularly burdensome for chronically ill and low-income individuals. The health insurance premiums and out-of-pocket costs for those below the federal poverty level are huge, with 28 percent paying more than ten percent of their income. Overall, out-of-pocket spending for individuals insured in the private insurance market is large and rapidly growing, with an increase of 45 percent between 2001 and 2006.

Prescription drugs represent the highest out-of-pocket cost for patients, comprising almost 31 percent of total out-of-pocket spending. The higher the out-of-pocket cost, the fewer individuals fill their needed medications. In fact, about 20 percent of individuals with out-of-pocket spending greater than \$250 a month do not fill their prescriptions and, thereby further exacerbate their conditions. Out-of-pocket expenses are only getting worse, especially as prescription drug costs increase. A 2009 survey found that 53 percent of Americans have cut back on health care spending in the last twelve months, as the economy has worsened.

In Medicare specifically, beneficiaries enrolled in a prescription drug

plan in 2007 spent \$38 a month, on average, for prescription drug co-payments. However, for those on high-cost medications, the cost burden can be enormous. Ninety percent of Medicare prescription drug plans and ten percent of private insurance plans include what is referred to as a specialty tier for medications costing over \$600 a month. For these medications, enrollees can be asked to pay up to 33 percent of the drug's cost in copayments.

The high cost of treatment, particularly for life-saving and life-sustaining treatment, poses an unreasonable and devastating barrier for sick patients that can force them to delay or entirely forgo necessary treatment. For one West Virginian, the chemotherapy drug he needs to treat his cancer is more than \$13,500 for a 90-day supply. Under his Medicare prescription drug plan, he would have to pay \$4000 of that cost. He didn't have \$4000, so he chose not to be treated.

Another West Virginian with multiple sclerosis contacted my office recently, and told me that the drug to treat her disease, which allows her to continue to work, costs \$1900 a month. Her private insurer changed its policy from a \$20 flat copayment for each prescription to 25 percent co-insurance for each prescription, creating a financial burden for her of \$475 per month. It should come as no surprise that she is struggling to pay this amount every month.

These West Virginians are just a couple of examples of the millions of Americans who pay their health insurance premiums every month for coverage that is supposed to protect them from such enormous financial losses—but, sadly, it does not. Providing access to affordable prescription drugs for the treatment of chronic diseases is critical to improving our nation's health care system, which is why we are introducing this legislation today. The Affordable Access to Prescription Medications Act will go a long way to address the growing problem of catastrophic prescription drug expenses.

First, this bill will establish a \$200 cap on the amount a person could be charged for any one prescription, and a \$500 cap on the total amount an individual could be charged for all prescriptions in any given month. These caps apply to all private and public insurance plans, including Medicare prescription drug plans.

Second, this bill establishes an exceptions process for specialty drugs. Currently, the most expensive prescription drugs in the Medicare prescription drug program that are included on specialty tiers are not subject to beneficiary exemption requests, but for all other Medicare-covered prescription drugs, a beneficiary can request an exemption to allow them access to needed drugs. High-cost, specialty drugs can be difficult to access and this bill

will allow any beneficiary to request any needed prescription drug, including those in specialty tiers, through the exemption process.

Third, this bill requires the Medicare Payment Advisory Commission, MedPAC, to conduct two studies regarding discrimination and cost-sharing. The first study will review Medicare Part B, Part C, and Part D prescription drug policies to make sure they do not violate the non-discrimination rules passed as part of the 2003 Medicare law. Under 2003 law, plans are prohibited from discriminating against individuals based on medical condition. The second study will examine the impact of prescription drug cost-sharing on beneficiaries and their health, particularly for those who have already paid their way through the so-called doughnut hole.

If enacted, this legislation will protect Americans from high out-of-pocket spending on prescription drugs. Based on studies that explain the problem, this bill could potentially lower copayments for 2.5 to 10 percent of Americans with the highest prescription costs. It will protect all Americans from the risk of incurring extraordinarily high prescription drug costs.

The national cap on out-of-pocket spending for prescription drugs will reduce costs for the most vulnerable populations by over 50 percent. Given the rising costs of drugs, the prevalence of new drugs on the market, and the current economic recession, addressing the affordability of prescriptions drugs is vitally important.

We must act now to make prescription drugs more affordable for all Americans, but especially those with chronic diseases. I urge my colleagues to join me in support of this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Affordable Access to Prescription Medications Act of 2009”.

SEC. 2. MEDICARE PART D PRESCRIPTION DRUG PLANS.

(a) IN GENERAL.—Section 1860D-2(b)(4) of the Social Security Act (42 U.S.C. 1395w-102(b)(4)) is amended by adding at the end the following new subparagraph:

“(E) ADDITIONAL PROTECTIONS.—

“(i) IN GENERAL.—Notwithstanding any other provision of this part, effective for plan years beginning on or after January 1, 2011, a PDP sponsor of a prescription drug plan and an MA organization offering an MA-PD plan shall, with respect to any copayment or coinsurance requirements applicable to covered part D drugs under the plan, ensure that—

“(I) such required co-payment or coinsurance does not exceed the base cost of the covered part D drug (as determined by the Secretary);

“(II) such required co-payment or coinsurance does not exceed \$200 per month for any single covered part D drug (30-day supply); and

“(III) such required co-payment or coinsurance does not exceed, in the aggregate for all covered part D drugs, \$500 per month.

“(ii) ADJUSTMENTS.—The amounts described in clauses (II) and (III) of clause (i) shall be annually adjusted to reflect the average of the percentage increase or decrease in the Consumer Price Index for all urban consumers (U.S. city average) and the percentage increase or decrease in the medical care component of such Consumer Price Index during the calendar year preceding the year for which the adjustment is being made.”.

(b) EXPANSION OF EXCEPTIONS PROCESS.—Effective for plan years beginning on or after January 1, 2011, the Secretary shall expand the formulary tier exception request process under sections 423.560 through 423.636 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), to allow individuals enrolled in a prescription drug plan under part D of title XVIII of the Social Security Act or an MA–PD plan under part C of such title to request an exception for a specialty prescription drug to a plan's designation of a covered part D drug (as defined in section 1860D–2(e) of such Act (42 U.S.C. 1395w–102(e))) as a non-preferred prescription drug.

(c) MEDPAC STUDIES AND REPORTS.—

(1) STUDY AND REPORT ON THE MEDICARE PART D ANTI-DISCRIMINATION CLAUSE.—

(A) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on various aspects of the prescription drug program under part D of title XVIII of the Social Security Act and, to the greatest extent practicable, the interaction of such program with Medicare beneficiary access to covered drugs under part B of such title. Such study shall include the following:

(i) An analysis of—

(I) the use of specialty tiers for covered part D drugs under prescription drug plans and MA–PD plans; and

(II) the effect of such specialty tiers on access to care for Medicare beneficiaries.

(ii) Consideration of the mechanisms described in subparagraph (B) in the context of the provisions of section 1860D–11(e)(2)(D) of the Social Security Act (42 U.S.C. 1395w–111(e)(2)(D)) (in this paragraph referred to as the “Medicare part D anti-discrimination clause”).

(B) MECHANISMS DESCRIBED.—The following mechanisms are described in this subparagraph:

(i) The use of specialty tiers for covered part D drugs under prescription drug plans and MA–PD plans.

(ii) The application of segmented coinsurance or copayment structures to covered part D drugs based on certain categories of such drugs or diagnoses.

(iii) The utilization of other differential benefit structures based on certain conditions and Medicare beneficiaries under prescription drug plans and MA–PD plans, including an analysis of the interaction between such utilization and the effects of such utilization with the Medicare part D anti-discrimination clause.

(C) REPORT.—Not later than 1 year after the date of enactment of this Act, the Medicare Payment Advisory Commission shall

submit to Congress a report containing the results of the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(D) REVISED GUIDANCE.—Based on the results of the study conducted under subparagraph (A), the Secretary shall issue revised guidance regarding the use of mechanisms described in subparagraph (B) to all PDP sponsors offering prescription drug plans under part D of title XVIII of the Social Security Act and Medicare Advantage organizations offering MA–PD plans under part C of such title.

(2) STUDY AND REPORT ON COST-SHARING FOR PRESCRIPTION DRUGS UNDER PARTS B AND D.—

(A) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on cost-sharing for prescription drugs under parts B and D of title XVIII of the Social Security Act. Such study shall include an analysis of the impact of eliminating cost-sharing for covered part D drugs for Medicare beneficiaries who—

(i) incur annual out-of-pocket cost-sharing after the initial coverage limit under section 1860D–2(b)(3) of such Act (42 U.S.C. 1395w–102) that exceeds 5 percent of the income of the beneficiary (as determined under section 1860D–14(a)(3)(C) of such Act (42 U.S.C. 1395w–114(a)(3)(C))); and

(ii) do not otherwise qualify for an income-related subsidy under section 1860D–14(a) of such Act (42 U.S.C. 1395w–114(a)) or other extra help or cost-sharing relief.

(B) REPORT.—Not later than 6 months after the date of enactment of this Act, the Medicare Payment Advisory Commission shall submit to Congress a report containing the results of the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(3) DEFINITIONS.—In this section:

(A) COVERED PART D DRUG.—The term “covered part D drug” has the meaning given such term in section 1860D–2(e) of the Social Security Act (42 U.S.C. 1395w–102(e)).

(B) MA–PD PLAN.—The term “MA–PD” plan has the meaning given such term in paragraph (9) of section 1860D–41(a) of such Act (42 U.S.C. 1395w–151(a)).

(C) MEDICARE ADVANTAGE ORGANIZATION.—The term “Medicare Advantage organization” has the meaning given such term in section 1859(a)(1) of such Act (42 U.S.C. 1395w–28(a)(1)).

(D) PDP SPONSOR.—The term “PDP sponsor” has the meaning given such term in paragraph (13) of such section 1860D–41(a).

(E) PRESCRIPTION DRUG PLAN.—The term “prescription drug plan” has the meaning given such term in paragraph (14) of such section.

SEC. 3. PRIVATE HEALTH INSURANCE.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

“SEC. 2708. PROVISIONS RELATING TO PRESCRIPTION DRUGS.

“(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for prescription drugs shall, with respect to any co-payment or coinsurance requirements applicable to such drug coverage, ensure that—

“(1) such required co-payment or coinsurance does not exceed the base cost of the prescription drug (as determined by the Secretary);

“(2) such required co-payment or coinsurance does not exceed \$200 per month for any single prescription drug (30-day supply); and

“(3) such required co-payment or coinsurance does not exceed, in the aggregate for all prescription drugs, \$500 per month.

“(b) ADJUSTMENTS.—The amounts described in paragraphs (2) and (3) of subsection (a) shall be annually adjusted to reflect the average of the percentage increase or decrease in the Consumer Price Index for all urban consumers (U.S. city average) and the percentage increase or decrease in the medical care component of such Consumer Price Index during the calendar year preceding the year for which the adjustment is being made.

“(c) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.”.

(B) CONFORMING AMENDMENT.—Section 2723(c) of such Act (42 U.S.C. 300gg–23(c)) is amended by striking “section 2704” and inserting “sections 2704 and 2708”.

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

“SEC. 715. PROVISIONS RELATING TO PRESCRIPTION DRUGS.

“(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for prescription drugs shall, with respect to any co-payment or coinsurance requirements applicable to such drug coverage, ensure that—

“(1) such required co-payment or coinsurance does not exceed the base cost of the prescription drug (as determined by the Secretary of Health and Human Services);

“(2) such required co-payment or coinsurance does not exceed \$200 per month for any single prescription drug (30-day supply); and

“(3) such required co-payment or coinsurance does not exceed, in the aggregate for all prescription drugs, \$500 per month.

“(b) ADJUSTMENTS.—The amounts described in paragraphs (2) and (3) of subsection (a) shall be annually adjusted to reflect the average of the percentage increase or decrease in the Consumer Price Index for all urban consumers (U.S. city average) and the percentage increase or decrease in the medical care component of such Consumer Price Index during the calendar year preceding the year for which the adjustment is being made.

“(c) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(b) with respect to the requirements of this section as if such section applied to such plan.”.

(B) TABLE OF CONTENTS.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 714 the following new item:

“Sec. 715. Provisions relating to prescription drugs.”.

(3) INTERNAL REVENUE CODE AMENDMENTS.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9813. PROVISIONS RELATING TO PRESCRIPTION DRUGS.

"(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for prescription drugs shall, with respect to any co-payment or coinsurance requirements applicable to such drug coverage, ensure that—

"(1) such required co-payment or coinsurance does not exceed the base cost of the prescription drug (as determined by the Secretary of Health and Human Services);

"(2) such required co-payment or coinsurance does not exceed \$200 per month for any single prescription drug (30-day supply); and

"(3) such required co-payment or coinsurance does not exceed, in the aggregate for all prescription drugs, \$500 per month.

"(b) ADJUSTMENTS.—The amounts described in paragraphs (2) and (3) of subsection (a) shall be annually adjusted to reflect the average of the percentage increase or decrease in the Consumer Price Index for all urban consumers (U.S. city average) and the percentage increase or decrease in the medical care component of such Consumer Price Index during the calendar year preceding the year for which the adjustment is being made.

"(c) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan."

(B) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 9813. Provisions relating to prescription drugs."

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following new section:

"SEC. 2754. PROVISIONS RELATING TO PRESCRIPTION DRUGS.

"The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market."

(2) CONFORMING AMENDMENT.—Section 2762(b)(2) of such Act (42 U.S.C. 300gg-62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2754".

(c) APPLICATION TO FEHBP.—The amendments made by this section shall apply to the administration of chapter 89 of title 5, United States Code.

By Ms. CANTWELL:

S. 1633. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; to the Committee on Foreign Relations.

Ms. CANTWELL. Mr. President, I rise today to introduce the Asia-Pacific Economic Cooperation, APEC, Business Travel Cards Act of 2009. This bill would authorize the Secretary of Homeland Security and State Department to issue APEC Business Travel

Cards, ABTCs, to business leaders from APEC countries and senior government officials who are actively engaged in APEC business.

The ABTC program has 18 nations participating, including China, Japan and Australia, which are among the world's larger economies. The United States currently recognizes foreign issued ABTC travel cards. Cardholders from non-Visa Waiver Program countries need to present valid passports and those from other countries must still obtain U.S. visas as required by United States law. However, ABTC card holders are allowed to benefit from expedited visa interview scheduling at U.S. embassies and consulates, and expedited immigration processing through airline crew and diplomat immigration lanes upon arrival at U.S. international airports. However, under current law U.S. passport holders are not yet eligible to apply for the ABTC program and therefore do not enjoy these same benefits in Asia-Pacific countries. This bill would require the Secretary of Homeland Security to issue ABTCs to United States citizen business leaders and senior government officials actively engaged in APEC business no later than January 1, 2010.

I support the Asia-Pacific Economic Cooperation Business Travel Cards Act because I have long supported increased free trade with the Asia-Pacific region. International business travel is an essential part of selling goods and services around the world. The 21 member economies of APEC together account for around 53 percent of world GDP and approximately 48 percent of global trade. This bill would help facilitate international cooperation and trade by allowing business leaders within the participating countries to enter countries on an expedited basis for the length of the program, currently three years.

The success of the program has been shown by the amount of applications for travel cards since inception of the program in 1997. From 1997, applications received by participating countries have grown by more than 100 percent each year. By March of last year, there were more than 34,000 cards being used by APEC countries. The Asia-Pacific Economic Cooperation Business Travel Cards Act of 2009 will help facilitate global trade within the Asia-Pacific, and create expanded export opportunities for U.S. businesses. Working to grow U.S. exports will get our economy to grow again and create and maintain U.S. jobs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asia-Pacific Economic Cooperation Business Travel Cards Act of 2009".

SEC. 2. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.

(a) IN GENERAL.—Not later than January 1, 2010, the Secretary of Homeland Security, in consultation with the Secretary of State, shall establish a program called the "APEC Business Travel Program" to issue Asia-Pacific Economic Cooperation Business Travel Cards (ABTC) to eligible United States citizen business leaders and senior United States Government officials actively engaged in Asia-Pacific Economic Cooperation (APEC) business.

(b) INTEGRATION WITH EXISTING TRAVEL PROGRAMS.—The Secretary of Homeland Security shall integrate application procedures for and issuance of ABTC with other appropriate international registered traveler programs of the Department of Homeland Security, such as Global Entry, NEXUS, and SENTRI.

(c) COOPERATION WITH PRIVATE ENTITIES.—In carrying out this section, the Secretary of Homeland Security shall work in conjunction with appropriate private sector entities to ensure that applicants for ABTC satisfy ABTC requirements. The Secretary of Homeland Security may utilize such entities to enroll and issue ABTC to qualified applicants.

(d) FEE.—

(1) IN GENERAL.—The Secretary of Homeland Security may impose a fee for the issuance of ABTC, and may modify such fee from time to time as the Secretary determines appropriate.

(2) LIMITATION.—The Secretary of Homeland Security shall ensure that the total amount of any fees imposed under paragraph (1) in any fiscal year does not exceed the costs associated with carrying out this section in such fiscal year.

(3) CREDITING TO APPROPRIATE ACCOUNT.—Fees collected under paragraph (1) shall be credited to the appropriate account of the Department of Homeland Security and are authorized to remain available until expended.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. BROWN):

S. 1634. A bill to amend titles XVIII and XIX of the Social Security Act to protect and improve the benefits provided to dual eligible individuals under the Medicare and Medicaid programs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my colleagues, Senator AKAKA and Senator BROWN, to introduce the Medicare Prescription Drug Coverage Improvement Act, legislation that makes long overdue improvements to the Medicare prescription drug program, particularly for Medicare beneficiaries who are simultaneously enrolled in Medicaid. Know as "dual eligibles," these individuals are among our nation's most vulnerable populations—and they have been overlooked for far too long.

Approximately 8.8 million Americans are simultaneously enrolled in Medicare and Medicaid, and they are among the sickest and poorest individuals covered by either program. Most dual eligibles are very low-income, in poor

health, and have substantial health care needs. Seventy-one percent of dual eligibles have annual incomes below \$10,000. Over half of all elderly dual eligibles are limited in activities of daily living and, in comparison to other Medicare beneficiaries, are three times more likely to be disabled. Dual eligibles also have higher rates of heart disease, pulmonary disease, diabetes, and Alzheimer's disease than the general Medicare population.

After passage of the Medicare prescription drug law, Members of Congress and health care advocates alike tried for more than a year to work with the Bush administration to prevent prescription drug coverage barriers for dual eligibles and other low-income Medicare beneficiaries. I introduced the Medicare Dual Eligible Prescription Drug Coverage Act of 2005, S. 566, and the Requiring Emergency Pharmaceutical Access for Individual Relief, REPAIR, Act of 2006, S. 2183, to prevent disruptions in coverage for vulnerable seniors and individuals with disabilities.

Unfortunately, effective fail-safe mechanisms were not put into place by the previous administration to address the transition of the dual eligibles to Medicare prescription drug coverage. Consequently, millions of elderly and disabled Medicare recipients continue to experience significant barriers to care.

Health care problems persist for the dually eligible largely because of poor coordination between Medicare and Medicaid—which have two different sets of providers, two different sets of benefits, and two different sets of enrollment policies. The legislation we are introducing today will go a long way to provide dual eligibles with the right care, in the right setting, and at the right time.

Additionally, the Medicare Prescription Drug Coverage Improvement Act will provide more affordable and comprehensive prescription drug coverage for all Medicare beneficiaries.

First, this bill will create a new Federal Coordinated Health Care Office within the Centers for Medicare and Medicaid Services, CMS. The purpose of this new office will be to provide a much more integrated model of care for dual eligibles by coordinating their Medicare and Medicaid benefits.

Second, this bill contains two provisions to help make prescription drugs more affordable and accessible for all Medicare beneficiaries—it allows the Secretary of Health and Human Services to negotiate directly with pharmaceutical companies to lower prescription drug prices and it creates a Medicare-operated prescription drug plan.

The Secretary would be required to implement two or more of the following strategies on an annual basis to reduce the cost of prescription drugs covered by Medicare: direct price nego-

tiation with pharmaceutical manufacturers, additional rebate agreements for Medicare prescription drugs that are consistent with the rebate agreements provided to states for Medicaid, comparative clinical effectiveness data, or prescription drug rates negotiated under the Federal Supply Schedule.

A Medicare-operated prescription drug plan would be created by the Secretary of HHS. This plan would be a stable and affordable option available to all Medicare beneficiaries. This plan would create a robust prescription drug formulary based on patient safety, efficacy and value. The formulary incentive process would be transparent and uniform. An advisory committee would be created to review petitions for drug inclusion and recommend formulary changes. This Medicare-operated plan will create fair-market competition and lead to less costly drug choices for Medicare recipients.

Third, this bill contains significant new requirements for Medicare Advantage Special Needs Plans. These plans serve extremely vulnerable populations, including dual eligibles; yet, they have very few standards that they are required to abide by. The Medicare Prescription Drug Improvement Act will require special needs plans to be accredited by the National Committee for Quality Assurance. Additionally, our legislation requires special needs plans to provide more robust prescription drug coverage, meet uniform standards for data collection and reporting, and offer better care coordination.

Finally, this bill will implement a number of technical fixes to facilitate enrollment in the Medicare prescription drug benefit for those who qualify. State and Federal officials will be required to clearly identify dual eligibles in all databases and electronically file eligibility information, so that these beneficiaries will not continue to fall through the cracks. Pharmacies will use a facilitated point-of-sale enrollment process and automatically enroll certain dual eligible individuals in the Medicare-operated prescription drug plan. New limits on cost-sharing and resource requirements for low-income beneficiaries will also be put into place. Prescription drug cost-sharing for dual eligibles who are using home and community-based services, instead of institutionalized care, will be eliminated.

We are in the midst of discussing sweeping changes to our health care system. In addition to provisions to help the uninsured, health care reform must also include provisions to improve the coverage that people have today. This is especially true for seniors and individuals with disabilities. The Medicare prescription drug program is extremely difficult to navigate and many enrollees are still denied ac-

cess to the prescription drugs that they need. This legislation will make the Medicare prescription drug program much more manageable for seniors and individuals with disabilities, particularly those dually eligible for Medicare and Medicaid.

The time for action is now, and I urge my colleagues to join us in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Medicare Prescription Drug Coverage Improvement Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE AND MEDICAID IMPROVEMENTS

Sec. 101. Providing Federal coverage and payment coordination for low-income Medicare beneficiaries.

Sec. 102. Creating a Medicare operated prescription drug plan option.

Sec. 103. Accreditation requirement for all specialized Medicare Advantage plans and revisions relating to specialized Medicare Advantage plans for special needs individuals.

Sec. 104. Providing better care coordination for low-income beneficiaries in Medicare part D.

Sec. 105. Improving transition of new dual eligible individuals to Medicare prescription drug coverage and presumptive eligibility for low-income subsidies.

Sec. 106. Required information on transition from skilled nursing facilities and nursing facilities to part D plans.

Sec. 107. Streamlined pharmacy compliance packaging.

Sec. 108. Lowering covered part D drug prices on behalf of Medicare beneficiaries.

Sec. 109. Correction of flaws in determination of phased-down State contribution for Federal assumption of prescription drug costs for dually eligible individuals.

Sec. 110. No impact on eligibility for benefits under other programs.

Sec. 111. Quality indicators for dual eligible individuals.

TITLE II—ADDITIONAL MEDICARE AND MEDICAID IMPROVEMENTS

Subtitle A—Improving the Financial Assistance Available to Low-Income Medicare Beneficiaries

Sec. 201. Improving assets tests for Medicare Savings Program and low-income subsidy program.

Sec. 202. Eliminating barriers to enrollment.

Sec. 203. Elimination of part D cost-sharing for certain non-Institutionalized full-benefit dual eligible individuals.

Sec. 204. Exemption of balance in any pension or retirement plan from resources for determination of eligibility for low-income subsidy.

Sec. 205. Cost-sharing protections for low-income subsidy-eligible individuals.

Subtitle B—Other Improvements

Sec. 211. Enrollment improvements under Medicare parts C and D.

Sec. 212. Medicare plan complaint system.

Sec. 213. Uniform exceptions and appeals process.

Sec. 214. Prohibition on conditioning Medicaid eligibility for individuals enrolled in certain creditable prescription drug coverage on enrollment in the Medicare part D drug program.

Sec. 215. Office of the Inspector General annual report on part D formularies' inclusion of drugs commonly used by dual eligibles.

Sec. 216. HHS ongoing study and annual reports on coverage for dual eligibles.

Sec. 217. Authority to obtain information.

TITLE I—MEDICARE AND MEDICAID IMPROVEMENTS

SEC. 101. PROVIDING FEDERAL COVERAGE AND PAYMENT COORDINATION FOR LOW-INCOME MEDICARE BENEFICIARIES.

(a) ESTABLISHMENT OF FEDERAL COORDINATED HEALTH CARE OFFICE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than October 1, 2009, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish a Federal Coordinated Health Care Office.

(B) ESTABLISHMENT AND REPORTING TO CMS ADMINISTRATOR.—The Federal Coordinated Health Care Office shall—

(i) be established within the Centers for Medicare & Medicaid Services; and

(ii) report directly to the Administrator of the Centers for Medicare & Medicaid Services.

(2) PURPOSE.—The purpose of the Federal Coordinated Health Care Office is to bring together officials of the Medicare and Medicaid programs at the Centers for Medicare & Medicaid Services in order to—

(A) more effectively integrate benefits under the Medicare program under title XVIII of the Social Security Act and the Medicaid program under title XIX of such Act; and

(B) improve the coordination between the Federal Government and States for individuals eligible for benefits under both such programs in order to ensure that such individuals get full access to the items and services to which they are entitled under titles XVIII and XIX of the Social Security Act.

(3) GOALS.—The goals of the Federal Coordinated Health Care Office are as follows:

(A) Providing dual eligible individuals full access to the benefits to which such individuals are entitled under the Medicare and Medicaid programs.

(B) Simplifying the processes for dual eligible individuals to access the items and services they are entitled to under the Medicare and Medicaid programs

(C) Improving the quality of health care and long-term services for dual eligible individuals.

(D) Increasing beneficiary understanding of and satisfaction with coverage under the Medicare and Medicaid programs.

(E) Eliminating regulatory conflicts between rules under the Medicare and Medicaid programs.

(F) Improving care continuity and ensuring safe and effective care transitions.

(G) Eliminating cost-shifting between the Medicare and Medicaid program and among related health care providers.

(H) Improving the quality of performance of providers of services and suppliers under the Medicare and Medicaid programs.

(4) SPECIFIC RESPONSIBILITIES.—The specific responsibilities of the Federal Coordinated Health Care Office are as follows:

(A) Providing States, specialized MA plans for special needs individuals (as defined in section 1859(b)(6) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)), physicians and other relevant entities or individuals with the education and tools necessary for developing programs that align benefits under the Medicare and Medicaid programs for dual eligible individuals.

(B) Working with the Director of the Congressional Budget Office and the Director of the Office of Management and Budget, and in consultation with the Medicare Payment Advisory Commission and the Medicaid and CHIP Payment and Access Commission, to, not later than January 1, 2011, establish dynamic scoring for benefits for dual eligible individuals to account for total spending and savings for comparable risk groups under the Medicare program.

(C) Supporting State efforts to coordinate and align acute care and long-term care services for dual eligible individuals with other items and services furnished under the Medicare program.

(D) Providing support for coordination of contracting and oversight by States and the Centers for Medicare & Medicaid Services with respect to the integration of the Medicare and Medicaid programs in a manner that is supportive of the goals described in paragraph (3).

(5) REPORT.—The Secretary shall, as part of the budget transmitted under section 1105(a) of title 31, United States Code, submit to Congress an annual report containing recommendations for legislation that would improve care coordination and benefits for dual eligible individuals.

(b) ADDITION OF MEDICAID REPRESENTATIVES TO MEDICARE PAYMENT ADVISORY COMMISSION AND CONSULTATION WITH MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION.—

(1) ADDITION OF MEDICAID REPRESENTATIVE TO MEDICARE PAYMENT ADVISORY COMMISSION.—Section 1805(c)(2)(B) of the Social Security Act (42 U.S.C. 1395b–6(c)(2)(B)) is amended by adding at the end the following sentence: “Such membership shall also include at least 2 individuals who are nationally recognized for their expertise in financing, benefits, and provider payment policies under the program under title XIX.”

(2) CONSULTATION WITH MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION.—Section 1805(b) of the Social Security Act (42 U.S.C. 1395b–6(b)) is amended by adding at the end the following new paragraph:

“(9) CONSULTATION WITH MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION.—In carrying out the duties of the Commission under this subsection, the Commission shall consult with the Medicaid and CHIP Payment and Access Commission established under section 506 of the Children’s Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) on an ongoing basis.”

(c) MACPAC FUNDING AND TECHNICAL AMENDMENTS.—

(1) FUNDING.—Section 1900(f) of the Social Security Act (42 U.S.C. 1396(f)) is amended—

(A) in the subsection heading, by striking “AUTHORIZATION OF APPROPRIATIONS” and inserting “FUNDING”;

(B) in paragraph (1), by inserting “(other than for fiscal year 2009)” before “in the same manner”; and

(C) by striking paragraph (2) and inserting the following:

“(2) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to MACPAC \$11,403,000 for fiscal year 2009 to carry out the provisions of this section.

“(3) AUTHORIZATION.—In addition to amounts made available under paragraph (2), there are authorized to be appropriated for fiscal years beginning with fiscal year 2010, such sums as may be necessary to carry out the provisions of this section.

“(4) AVAILABILITY.—Amounts made available under paragraphs (2) and (3) to carry out the provisions of this section shall remain available until expended.”

(2) TECHNICAL AMENDMENTS.—Section 1900(b) of such Act (42 U.S.C. 1396) is amended—

(A) in paragraph (1)(D), by striking “June 1” and inserting “June 15”; and

(B) by adding at the end the following:

“(10) CONSULTATION WITH MEDPAC.—

“(A) IN GENERAL.—MACPAC shall regularly consult with the Medicare Payment Advisory Commission (in this paragraph referred to as ‘MedPAC’) established under section 1805 in carrying out its duties under this section.

“(B) DATA SHARING.—MACPAC and MedPAC shall have unrestricted access to all deliberations, records, and nonproprietary data of the other such entity, respectively, immediately upon the request of the either such entity.”

(d) RULE OF CONSTRUCTION.—Nothing in this section—

(1) requires mandatory integrated care under the Medicare or Medicaid programs under titles XVIII and XIX, respectively, of the Social Security Act;

(2) promotes enrollment in specialized MA plans for special needs individuals (as defined in section 1859(b)(6) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)));

(3) promotes the development of Medicaid managed care for dual eligible individuals; or

(4) prevents dual eligible individuals from electing to remain in the original Medicare fee-for-service option, or the right to make such election being protected.

SEC. 102. CREATING A MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.

(a) MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.—

(1) IN GENERAL.—Subpart 2 of part D of the Social Security Act is amended by inserting after section 1860D–11 (42 U.S.C. 1395w–111) the following new section:

“MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

“SEC. 1860D–11A. (a) IN GENERAL.—Notwithstanding any other provision of this part, for each year (beginning with 2011), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more Medicare operated prescription drug plans (as defined in subsection (b)) with a service area that consists of the entire United States and shall enter into negotiations in accordance with section 1860D–11A(i) with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals who enroll in such a plan.

“(b) MEDICARE OPERATED PRESCRIPTION DRUG PLAN DEFINED.—For purposes of this part, the term ‘Medicare operated prescription drug plan’ means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D-2(a)(1)(A).

“(c) MONTHLY BENEFICIARY PREMIUM.—

“(1) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D-2(a)(1)(A) to be charged under a Medicare operated prescription drug plan shall be uniform nationally. Such premium for months in 2010 and each succeeding year shall be equal to the product of—

“(A) the beneficiary premium percentage (as specified in section 1860D-13(a)(3)); and

“(B) the average monthly per capita actuarial cost of offering the Medicare operated prescription drug plan for the year involved, including administrative expenses.

“(2) PREMIUM SUBSIDY FOR APPLICABLE SUBSIDY ELIGIBLE INDIVIDUALS.—

“(A) FULL SUBSIDY ELIGIBLE INDIVIDUALS.—In the case of an applicable subsidy eligible individual described in paragraph (4)(A), the individual is entitled under this section to an income-related premium subsidy equal to 100 percent of the monthly beneficiary premium of the Medicare operated prescription drug plan.

“(B) OTHER SUBSIDY ELIGIBLE INDIVIDUALS.—In the case of an applicable subsidy eligible individual described in paragraph (4)(B), the individual is entitled under this section to an income-related premium subsidy determined on a linear sliding scale as follows:

“(i) One hundred percent of the amount described in subparagraph (A) for individuals with incomes at or below 135 percent of such level.

“(ii) Seventy-five percent of such amount for individuals with incomes above 135 percent of such level and at or below 140 percent of such level.

“(iii) Fifty percent of such amount for individuals with incomes above 140 percent of such level and at or below 145 percent of such level.

“(iv) Twenty-five percent of such amount for individuals with incomes above 145 percent of such level and below 150 percent of such level.

“(v) Zero percent of such amount for individuals with incomes at 150 percent of such level.

“(3) COST-SHARING FOR APPLICABLE SUBSIDY ELIGIBLE INDIVIDUALS.—

“(A) FULL-SUBSIDY ELIGIBLE INDIVIDUALS.—In the case of an applicable subsidy eligible individual described in paragraph (4)(A), the provisions of section 1860D-14(a)(1) shall apply, except the premium subsidy under paragraph (2)(A) shall be substituted for the premium subsidy under subparagraph (A) of such section 1860D-14(a)(1); and

“(B) OTHER SUBSIDY ELIGIBLE INDIVIDUALS.—In the case of an applicable subsidy eligible individual described in paragraph (4)(B), the provisions of section 1860D-14(a)(2) shall apply, except the premium subsidy under paragraph (2)(B) shall be substituted for the premium subsidy under subparagraph (A) of such section 1860D-14(a)(2).

“(4) DEFINITION OF APPLICABLE SUBSIDY ELIGIBLE INDIVIDUALS.—For purposes of paragraphs (2) and (3), the term ‘applicable subsidy eligible individual’ means the following:

“(A) FULL-SUBSIDY ELIGIBLE INDIVIDUALS.—

“(i) INDIVIDUALS WITH INCOME BELOW 135 PERCENT OF POVERTY LINE.—Any individual who—

“(I) is enrolled in a Medicare operated prescription drug plan;

“(II) is determined to have income that is below 135 percent of the poverty line applicable to a family of the size involved; and

“(III) meets the resources requirement described in section 1860D-14(a)(3)(E), as amended by section 201 of the Medicare Prescription Drug Coverage Improvement Act.

“(ii) CERTAIN OTHER INDIVIDUALS.—Any individual who is enrolled in a Medicare operated prescription drug plan who—

“(I) is a full-benefit dual eligible individual (as defined in section 1935(c)(6));

“(II) receives benefits under the supplemental security income program under title XVI; or

“(III) is eligible for medical assistance under clause (i), (iii), or (iv) of section 1902(a)(10)(E).

“(B) OTHER SUBSIDY ELIGIBLE INDIVIDUALS.—Any individual who—

“(i) is not described in paragraph (1);

“(ii) is enrolled in a Medicare operated prescription drug plan;

“(iii) is determined to have income that is below 150 percent of the poverty line applicable to a family of the size involved; and

“(iv) meets the resources requirement described in section 1860D-14(a)(3)(E), as amended by section 201 of the Medicare Prescription Drug Coverage Improvement Act.

“(d) USE OF A FORMULARY AND FORMULARY INCENTIVES.—

“(1) USE OF A FORMULARY.—

“(A) IN GENERAL.—With respect to the operation of a Medicare operated prescription drug plan, the Secretary shall establish and apply a formulary (and may include formulary incentives described in paragraph (5)(C)(ii)) in accordance with this subsection in order to—

“(i) increase patient safety;

“(ii) increase appropriate use and reduce inappropriate use of drugs; and

“(iii) reward value.

“(B) DEFAULT INITIAL FORMULARY.—Until such time as the Secretary establishes and applies the initial formulary under paragraph (5), a Medicare operated prescription drug plan shall be required to include all drugs approved for safety and effectiveness as a prescription drug under the Federal Food, Drug, and Cosmetic Act that are covered part D drugs (and may include formulary incentives described in paragraph (5)(C)(ii)).

“(2) REQUIREMENTS FOR FORMULARIES.—The Secretary shall establish a formulary that meets the following requirements:

“(A) Except as provided in subparagraph (B), the formulary includes the covered outpatient drugs of any manufacturer which has entered into and complies with an agreement with the Secretary under this section.

“(B) A covered outpatient drug may be excluded with respect to the treatment of a specific disease or condition for an identified population (if any) only if, based on the drug’s labeling (or, in the case of a drug the prescribed use of which is not approved under the Federal Food, Drug, and Cosmetic Act but is a medically accepted indication (as defined in section 1860D-2(e)(4)), the excluded drug does not have a significant, clinically meaningful therapeutic advantage in terms of safety, effectiveness, or clinical outcome of such treatment for such population over other drugs included in the formulary and there is a written explanation (available to the public) of the basis for the exclusion.

“(C) The Secretary permits coverage of a drug excluded from the formulary pursuant

to a prior authorization program that is consistent with paragraph (3).

“(D) The formulary meets such other requirements as the Secretary may impose in order to achieve program savings consistent with protecting the health of program beneficiaries.

A prior authorization program established under paragraph (3) is not a formulary subject to the requirements of this paragraph.

“(3) REQUIREMENTS OF PRIOR AUTHORIZATION PROGRAMS.—The Secretary may require, with respect to drugs dispensed on or after July 1, 1991, the approval of the drug before its dispensing for any medically accepted indication (as defined in section 1860D-2(e)(4)) only if the system providing for such approval—

“(A) provides response by telephone or other telecommunication device within 24 hours of a request for prior authorization; and

“(B) provides for the dispensing of at least a 72-hour supply of a covered outpatient prescription drug in an emergency situation (as defined by the Secretary).

“(4) OTHER PERMISSIBLE RESTRICTIONS.—The Secretary may impose limitations, with respect to all such drugs in a therapeutic class, on the minimum or maximum quantities per prescription or on the number of refills, if such limitations are necessary to improve patient safety, discourage waste, or address instances of fraud or abuse by individuals in any manner authorized under this Act.

“(5) DEVELOPMENT OF INITIAL FORMULARY.—

“(A) IN GENERAL.—In selecting covered part D drugs for inclusion in a formulary, the Secretary shall consider clinical benefit and price.

“(B) ROLE OF AHRQ.—The Director of the Agency for Healthcare Research and Quality shall be responsible for assessing the clinical benefit of covered part D drugs and making recommendations to the Secretary regarding which drugs should be included in the formulary. In conducting such assessments and making such recommendations, the Director shall—

“(i) consider safety concerns including those identified by the Federal Food and Drug Administration;

“(ii) use available data and evaluations, with priority given to randomized controlled trials, to examine clinical effectiveness, comparative effectiveness, safety, and enhanced compliance with a drug regimen;

“(iii) use the same classes of drugs developed by United States Pharmacopeia for this part;

“(iv) consider evaluations made by—

“(I) the Director under section 1013 of Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

“(II) other Federal entities, such as the Secretary of Veterans Affairs; and

“(III) other private and public entities, such as the Drug Effectiveness Review Project and Medicaid programs; and

“(v) recommend to the Secretary—

“(I) those drugs in a class that provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that should be included in the formulary;

“(II) those drugs in a class that provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that should be excluded from the formulary; and

“(III) drugs in a class with same or similar clinical benefit for which it would be appropriate for the Secretary to competitively bid (or negotiate) for placement on the formulary.

“(C) CONSIDERATION OF AHRQ RECOMMENDATIONS.—

“(i) IN GENERAL.—Not later than January 1, 2011, the Secretary, after taking into consideration the recommendations under subparagraph (B)(v), shall establish a formulary, and formulary incentives, to encourage use of covered part D drugs that—

“(I) have a lower cost and provide a greater clinical benefit than other drugs;

“(II) have a lower cost than other drugs with same or similar clinical benefit; and

“(III) drugs that have the same cost but provide greater clinical benefit than other drugs.

“(ii) FORMULARY INCENTIVES.—The formulary incentives under clause (i) may be in the form of one or more of the following:

“(I) Tiered copayments.

“(II) Prior authorization.

“(III) Step therapy.

“(IV) Medication therapy management.

“(V) Generic drug substitution.

“(iii) FLEXIBILITY.—In applying such formulary incentives the Secretary may decide not to impose any cost-sharing for a covered part D drug for which—

“(I) the elimination of cost sharing would be expected to increase compliance with a drug regimen; and

“(II) compliance would be expected to produce savings under part A or B or both.

“(iv) DEVELOPMENT OF TRANSPARENT PROCESS TO EXPLAIN FORMULARY INCENTIVES.—Not later than January 1, 2011, the Secretary shall develop and implement a transparent process to identify and explain to beneficiaries formulary incentives under clause (i). Such process shall be designed to assist beneficiaries in understanding how prior authorization requests and other formulary incentives will be evaluated.

“(6) LIMITATIONS ON FORMULARY.—In any formulary established under this subsection, the formulary may not be changed during a year, except—

“(A) to add a generic version of a covered part D drug that entered the market;

“(B) to remove such a drug for which a safety problem is found; and

“(C) to add a drug that the Secretary identifies as a drug which treats a condition for which there has not previously been a treatment option or for which a clear and significant benefit has been demonstrated over other covered part D drugs.

“(7) ADDING DRUGS TO THE INITIAL FORMULARY.—

“(A) USE OF ADVISORY COMMITTEE.—The Secretary shall establish and appoint an advisory committee (in this paragraph referred to as the ‘advisory committee’)—

“(i) to review petitions from drug manufacturers, health care provider organizations, patient groups, and other entities for inclusion of a drug in, or other changes to, such formulary; and

“(ii) to recommend any changes to the formulary established under this subsection.

“(B) COMPOSITION.—The advisory committee shall be composed of 9 members and shall include representatives of physicians, pharmacists, and consumers and others with expertise in evaluating prescription drugs. The Secretary shall select members based on their knowledge of pharmaceuticals and the Medicare and Medicaid populations. Members shall be deemed to be special Government employees for purposes of applying the conflict of interest provisions under section 208 of title 18, United States Code, and no waiver of such provisions for such a member shall be permitted.

“(C) CONSULTATION.—The advisory committee shall consult, as necessary, with phy-

sicians who are specialists in treating the disease for which a drug is being considered.

“(D) REQUEST FOR STUDIES.—The advisory committee may request the Agency for Healthcare Research and Quality or an academic or research institution to study and make a report on a petition described in subparagraph (A)(ii) in order to assess—

“(i) clinical effectiveness;

“(ii) comparative effectiveness;

“(iii) safety; and

“(iv) enhanced compliance with a drug regimen.

“(E) RECOMMENDATIONS.—The advisory committee shall make recommendations to the Secretary regarding—

“(i) whether a covered part D drug is found to provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that is currently included in the formulary and should be included in the formulary;

“(ii) whether a covered part D drug is found to provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that is currently included in the formulary and should not be included in the formulary; and

“(iii) whether a covered part D drug has the same or similar clinical benefit to a drug in the same class that is currently included in the formulary and whether the drug should be included in the formulary.

“(F) LIMITATIONS ON REVIEW OF MANUFACTURER PETITIONS.—The advisory committee shall not review a petition of a drug manufacturer under subparagraph (A)(ii) with respect to a covered part D drug unless the petition is accompanied by the following:

“(i) Raw data from clinical trials on the safety and effectiveness of the drug.

“(ii) Any data from clinical trials conducted using active controls on the drug or drugs that are the current standard of care.

“(iii) Any available data on comparative effectiveness of the drug.

“(iv) Any other information the Secretary requires for the advisory committee to complete its review.

“(G) RESPONSE TO RECOMMENDATIONS.—The Secretary shall review the recommendations of the advisory committee and if the Secretary accepts such recommendations the Secretary shall modify the formulary established under this subsection accordingly. Nothing in this section shall preclude the Secretary from adding to the formulary a drug for which the Director of the Agency for Healthcare Research and Quality or the advisory committee has not made a recommendation.

“(H) NOTICE OF CHANGES.—The Secretary shall provide timely notice to beneficiaries and health professionals about changes to the formulary or formulary incentives.

“(I) STABILITY OF BENEFIT.—Once a covered part D drug has been added to the formulary established under this subsection, the drug may not be removed from the formulary for at least a 3-year period, unless the Secretary determines there are safety or efficacy concerns with respect to the drug.

“(8) NON-EXCLUDABLE DRUGS.—The following drugs or classes of drugs shall not be excluded from the default initial formulary (as described in paragraph (1)(B)) or the initial formulary established by the Secretary (as described in paragraph (5)):

“(A) Barbiturates.

“(B) Benzodiazepines.

“(e) INFORMING BENEFICIARIES.—

“(1) IN GENERAL.—The Secretary shall take steps to inform beneficiaries about the avail-

ability of a Medicare operated prescription drug plan or plans including providing information in the annual handbook distributed to all beneficiaries and adding information to the official public Medicare website related to prescription drug coverage available through this part.

“(2) SOLE RESPONSIBILITY FOR MARKETING BY THE SECRETARY.—

“(A) IN GENERAL.—The Secretary shall have sole responsibility for marketing Medicare operated prescription drug plans.

“(B) AUTHORIZATION.—There is authorized to be appropriated to the Secretary such sums as are necessary to carry out such marketing.

“(f) APPLICATION OF ALL OTHER REQUIREMENTS FOR PRESCRIPTION DRUG PLANS.—Except as specifically provided in this section, any Medicare operated drug plan shall meet the same requirements as apply to any other prescription drug plan, including the requirements of section 1860D-4(b)(1) relating to assuring pharmacy access.

“(g) AUTOMATIC ENROLLMENT.—The Secretary shall establish procedures to provide for the automatic enrollment of subsidy eligible individuals (as defined in section 1860D-14(a)(3)) in a Medicare operated prescription drug plan in the case where such individuals lose their current prescription drug coverage, become part D eligible individuals, or in instances where the amount of the monthly beneficiary premium under the prescription drug plan the individual is enrolled in is greater than the premium subsidy amount described in section 1860D-14(b).

“(h) RULE OF CONSTRUCTION REGARDING ELIGIBILITY FOR MEDICAL ASSISTANCE.—In no case may enrollment in a Medicare operated prescription drug plan affect the eligibility of an individual to receive medical assistance under a State plan under title XIX.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 1860D-3(a) of the Social Security Act (42 U.S.C. 1395w-103(a)) is amended by adding at the end the following new paragraph:

“(4) AVAILABILITY OF THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—A Medicare operated prescription drug plan (as defined in section 1860D-11A(c)) shall be offered nationally in accordance with section 1860D-11A.”

(B)(i) Section 1860D-3 of the Social Security Act (42 U.S.C. 1395w-103) is amended by adding at the end the following new subsection:

“(c) PROVISIONS ONLY APPLICABLE IN 2006, 2007, 2008, AND 2009.—The provisions of this section shall only apply with respect to 2006, 2007, 2008, and 2009.”

(C) Section 1860D-11(g) of such Act (42 U.S.C. 1395w-111(g)) is amended by adding at the end the following new paragraph:

“(8) NO AUTHORITY FOR FALLBACK PLANS AFTER 2009.—A fallback prescription drug plan shall not be available after December 31, 2009.”

(D) Section 1860D-13(c)(3) of such Act (42 U.S.C. 1395w-113(c)(3)) is amended—

(i) in the heading, by inserting “AND MEDICARE OPERATED PRESCRIPTION DRUG PLANS” after “FALLBACK PLANS”; and

(ii) by inserting “or a Medicare operated prescription drug plan” after “a fallback prescription drug plan”.

(E) Section 1860D-14(a) of the Social Security Act (42 U.S.C. 1395w-114(a)) is amended—

(i) in paragraph (1), by striking "In the" and inserting "Subject to section 1860D-11A(c)(2)(A), in the"; and

(ii) in paragraph (2), by striking "In the" and inserting "Subject to section 1860D-11A(c)(2)(B), in the".

(F) Section 1860D-16(b)(1) of such Act (42 U.S.C. 1395w-116(b)(1)) is amended—

(i) in subparagraph (C), by striking "and" after the semicolon at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(G) by adding at the end the following new subparagraph:

"(E) payments for expenses incurred with respect to the operation of Medicare operated prescription drug plans under section 1860D-11A.".

(H) Section 1860D-41(a) of such Act (42 U.S.C. 1395w-151(a)) is amended by adding at the end the following new paragraph:

"(19) MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—The term 'Medicare operated prescription drug plan' has the meaning given such term in section 1860D-11A(c)."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SEC. 103. ACCREDITATION REQUIREMENT FOR ALL SPECIALIZED MEDICARE ADVANTAGE PLANS AND REVISIONS RELATING TO SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS.

(a) ACCREDITATION REQUIREMENT.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w-28(f)) is amended—

(1) in paragraphs (2)(B), (3)(B), and (4)(B), by striking "paragraph (5)" and inserting "paragraphs (5) and (6)(B)" each place it appears; and

(2) by adding at the end the following new paragraph:

"(6) ACCREDITATION REQUIREMENT FOR ALL SNPS.—

"(A) ESTABLISHMENT OF ACCREDITATION PROGRAM.—Not later than January 1, 2011, the Secretary, acting through the Director of the Agency for Healthcare Research and Quality and the Administrator of the Centers for Medicare & Medicaid Services, shall enter into a contract with the National Committee for Quality Assurance under which the National Committee for Quality Assurance shall develop an accreditation (and re-accreditation) program for all specialized MA plans for special needs individuals (as defined in subsection (b)(6)), including specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii).

"(B) REQUIREMENT.—The requirement described in this subparagraph is that, effective for plan years beginning on or after January 1, 2012, a specialized MA plan for special needs individuals (as so defined) meet the accreditation standards developed by the National Committee for Quality Assurance under the contract under subparagraph (A)."

(b) REVISIONS RELATING TO SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS.—Section 1859 of the Social Security Act (42 U.S.C. 1395w-28) is amended—

(1) in subsection (f)(3)—

(A) in subparagraph (D), in the first sentence, by inserting "and the plan provides for the coordination of coverage for benefits under this title (including this part) and such medical assistance" before the period at the end; and

(B) by adding at the end the following new subparagraph:

"(E) The plan meets the requirements described in subsection (g)."; and

(2) by adding at the end the following new subsection:

"(g) ADDITIONAL REQUIREMENTS FOR DUAL SNPS.—The following requirements are described in this subsection:

"(1) PROVISION OF INFORMATION.—The plan provides special needs individuals described in subsection (b)(6)(B)(ii) up-front information about formularies and utilization management strategies under the plan as part of the information disclosed under section 1852(c)(1).

"(2) PREMIUM.—The premium under the plan does not exceed the premium subsidy amount described in section 1860D-14(b).

"(3) FORMULARY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the plan has a formulary that, based on the most recent data available, covers at least—

"(i) 95 percent of the 200 most commonly prescribed non-duplicative generic covered part D drugs for the population of individuals entitled to (or enrolled for) benefits under part A or enrolled under part B; and

"(ii) 95 percent of the 200 most commonly prescribed non-duplicative brand name covered part D drugs for such population.

"(B) INCLUSION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—The plan formulary shall include all covered part D drugs in the categories and classes identified by the Secretary under section 1860D-4(b)(3)(G)(i).

"(4) PHARMACY ACCESS.—The plan secures participation in its network of a sufficient number of pharmacies that dispense (other than by mail order) drugs directly to patients to ensure convenient access by at least 90 percent of enrollees who are residing in long-term care facilities within the region.

"(5) OPERATION OF A DEDICATED CUSTOMER ASSISTANCE PHONE LINE.—The plan shall maintain a toll-free number or numbers for inquiries concerning the plan that is solely for the use of such individuals, the designated representatives of such individuals (including designated family members), advocates of such individuals, providers of services, and suppliers.

"(6) E-PRESCRIBING.—The plan adopts electronic prescribing for enrollees, in accordance with section 1860D-4(e), to coordinate care.

"(7) DEMONSTRATE EXPERIENCE AND EXPERTISE.—The plan demonstrates, to the satisfaction of the Secretary, with input from the States, sufficient experience and expertise in serving low-income, publicly insured, or previously uninsured populations.

"(8) REDUCING HEALTH DISPARITIES.—The plan has established and implemented systems and processes which have been approved by the Secretary to address and reduce health disparities based on race, ethnicity, gender, age, and socio-economic status.

"(9) PROFICIENCY IN CARE COORDINATION.—The plan demonstrates, to the satisfaction of the Secretary, proficiency in care coordination for the purpose of providing, or arranging for the provision of, services to assist individuals enrolled in the plan in obtaining access to other public and private benefits, including services to address non-medical and psycho-social needs."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan year beginning on or after January 1, 2011.

SEC. 104. PROVIDING BETTER CARE COORDINATION FOR LOW-INCOME BENEFICIARIES IN MEDICARE PART D.

(a) CONTINUOUS UPDATING OF ELIGIBILITY AND ENROLLMENT DATA FOR DUAL ELIGIBLE INDIVIDUALS.—

(1) STATE REQUIREMENT.—Section 1935(a) of the Social Security Act (42 U.S.C. 1396u-5(a)) is amended by adding at the end the following new paragraph:

"(4) UPDATING OF ELIGIBILITY AND ENROLLMENT INFORMATION ON A ROLLING BASIS.—Beginning not later than October 1, 2011, the State shall update information with respect to the eligibility and enrollment of individuals receiving any kind of medical assistance under the State plan, including medical assistance for payment of Medicare cost-sharing described in section 1905(p)(3), in MA plans and prescription drug plans under parts C and D, respectively, of title XVIII (including eligibility determinations under paragraph (2) and screening and enrollment under paragraph (3)) not less frequently than on a weekly basis."

(2) SECRETARIAL REQUIREMENTS.—Section 1935(d) of the Social Security Act (42 U.S.C. 1396u-5(d)) is amended by adding at the end the following new paragraph:

"(3) UPDATING OF ELIGIBILITY AND ENROLLMENT INFORMATION ON A ROLLING BASIS.—The Secretary shall update information with respect to the eligibility and enrollment of individuals receiving any kind of medical assistance under this title, including medical assistance for payment of Medicare cost-sharing described in section 1905(p)(3), in MA plans and prescription drug plans under parts C and D, respectively, of title XVIII as it is received, but not less frequently than on a weekly basis."

(b) IDENTIFYING DUAL ELIGIBLE INDIVIDUALS IN DATA RECORDS.—

(1) IN GENERAL.—Section 1859 of the Social Security Act (42 U.S.C. 1305w-28), as amended by section 103, is amended by adding at the end the following new subsection:

"(h) IDENTIFYING DUAL ELIGIBLE INDIVIDUALS IN DATA RECORDS.—

"(1) IDENTIFICATION BY THE SECRETARY.—Beginning on January 1, 2010, the Secretary shall clearly identify all dual eligible individuals that are enrolled in MA plans and prescription drug plans for the current plan year and reflect the low-income subsidy status of such individuals for each plan year in every data record file maintained in the Medicare electronic database and every such file that is used to enroll or adjudicate claims for such individuals.

"(2) IDENTIFICATION BY MA PLANS AND PRESCRIPTION DRUG PLANS.—Beginning on January 1, 2010, each MA plan and prescription drug plan shall clearly identify all dual eligible individuals that are enrolled in the plan for the current plan year and reflect the low-income subsidy status of such individuals for the plan year in every data record file maintained by the plan that is used to enroll or adjudicate claims for such individuals under the plan.

"(3) REGULATIONS.—The Secretary shall establish regulations to carry out this subsection. Such regulations shall require that—

"(A) for each plan year and each dual eligible individual, the Secretary identify on the Medicare enrollment database dual eligible status that has been verified with a State or the District of Columbia;

"(B) for each plan year and each dual eligible individual, the Secretary identify on the Medicare enrollment database the low-income subsidy level of the individual; and

“(C) each data file that is necessary to ensure that such dual eligible status is transmitted to an MA plan or a prescription drug plan, at the time the Secretary certifies the enrollment of the dual eligible individual in the plan.

“(4) DEFINITION OF DUAL ELIGIBLE INDIVIDUAL.—The term ‘dual eligible individual’ means a special needs individual described in subsection (b)(6)(B)(ii).”.

(2) CONFORMING AMENDMENT.—Section 1860D-42 of the Social Security Act (42 U.S.C. 1395w-152) is amended by adding at the end the following new subsection:

“(c) IDENTIFYING DUAL ELIGIBLE INDIVIDUALS IN DATA RECORDS.—For provisions regarding the identification by prescription drug plans of dual eligible individuals in data records, see section 1859(h).”.

(c) ASSURING CONTINUITY OF PRESCRIPTION DRUG COVERAGE FOR DUAL ELIGIBLES.—

(1) IN GENERAL.—Section 1935(d)(1) of the Social Security Act (42 U.S.C. 1396u-5(d)(1)) is amended—

(A) by inserting “on and after the date described in subparagraph (B),” after “notwithstanding any other provision of this title;”;

(B) by striking “In the case of” and inserting the following:

“(A) IN GENERAL.—In the case of”; and

(C) by adding at the end the following:

“(B) DATE DESCRIBED.—For purposes of subparagraph (A), the date described in this subparagraph is the date on which the State confirms with a Medicare Advantage plan under part C of title XVIII or a prescription drug plan under part D of such title (including a Medicare operated prescription drug plan under section 1860D-11A), as applicable—

“(i) that the part D eligible individual (as so defined) who is described in subsection (c)(6)(A)(ii) is enrolled with such plan; and

“(ii) the cost-sharing and premiums applicable for the individual for such plan.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on January 1, 2011.

(d) COLLECTION AND SHARING OF DRUG UTILIZATION DATA AND FORMULARY INFORMATION FOR FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Section 1860D-42 of the Social Security Act, as amended by subsection (b), is amended by adding at the end the following new subsection:

“(d) COLLECTION AND SHARING OF DRUG UTILIZATION DATA AND FORMULARY INFORMATION FOR FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

“(1) PLAN REQUIREMENT.—A PDP sponsor of a prescription drug plan (including a Medicare operated prescription drug plan under section 1860D-11A) and an MA organization offering an MA-PD plan shall submit to the Secretary such information regarding the drug utilization of enrollees in such plans who are full-benefit dual eligible individuals (as defined in section 1935(c)(6)) and any formularies under the plans such individuals are enrolled in as the Secretary determines appropriate to carry out paragraph (2). Such information shall be submitted—

“(A) on a rolling basis (as determined appropriate by the Secretary); and

“(B) using a single, uniform reporting process.

“(2) COLLECTION AND SHARING OF DATA.—The Secretary shall collect data on the drug utilization of full-benefit dual eligible individuals (as so defined) and on any formularies under the plans such individuals are enrolled in. The Secretary shall share such data with the States and the District of

Columbia on as close to a real-time basis as possible.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2010.

SEC. 105. IMPROVING TRANSITION OF NEW DUAL ELIGIBLE INDIVIDUALS TO MEDICARE PRESCRIPTION DRUG COVERAGE AND PRESUMPTIVE ELIGIBILITY FOR LOW-INCOME SUBSIDIES.

(a) UPDATING THE POINT OF SALE FACILITATED ENROLLMENT PROCESS.—

(1) PROVIDING BETTER INITIAL PROTECTION FOR DUAL ELIGIBLE INDIVIDUALS.—Beginning January 1, 2011, each contractor under the Point of Sale Facilitated Enrollment process of the Department of Health and Human Services shall enroll full-benefit dual eligible individuals (as defined in section 1935(c)(6)) into a Medicare operated prescription drug plan under section 1860D-11A of the Social Security Act, as added by section 102.

(2) COMPETITIVE BIDDING OF POINT OF SALE CONTRACT.—The Secretary of Health and Human Services shall establish procedures to ensure that each contract entered into under such process on or after January 1, 2010, under the Medicare program under title XVIII of the Social Security Act is rebid every 3 years through a competitive bidding process.

(3) REQUIRING BETTER EDUCATION ABOUT POINT OF SALE FACILITATED ENROLLMENT PROCESS.—Not later than January 1, 2010, the Secretary of Health and Human Services shall have a comprehensive plan in place for proactively educating beneficiaries under the Medicare prescription drug program under part D of title XVIII of the Social Security Act, pharmacists, skilled nursing facilities (as defined in section 1819(a) of such Act (42 U.S.C. 1395i-3(a)), nursing facilities (as defined in section 1919(a) of such Act (42 U.S.C. 1396r(a))), counselors under State health insurance assistance programs (SHIPs), and other advocacy organizations (including disability organizations) about the Point of Sale Facilitated Enrollment process. Under such plan—

(A) information about the Point of Sale Facilitated Enrollment process shall be included in all mailers to the entities and individuals described in the preceding sentence prior to the annual, coordinated election period described in section 1851(e)(3) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)); and

(B) a description of such process and other relevant information shall be prominently displayed on the Medicare Internet website throughout the year.

(4) MANDATORY USE OF POINT OF SALE FACILITATED ENROLLMENT PROCESS.—Section 1860D-4(b)(1) of the Social Security Act (42 U.S.C. 1395w-104(b)(1)) is amended by adding at the end the following new subparagraph:

“(F) MANDATORY USE OF POINT OF SALE FACILITATED ENROLLMENT PROCESS.—Notwithstanding any other provision of law, beginning January 1, 2011, the terms and conditions under subparagraph (A) shall require participating pharmacies to use the Point of Sale Facilitated Enrollment process of the Department of Health and Human Services.”.

(b) PRESUMPTIVE ELIGIBILITY AND MANDATORY TRANSITION PERIOD FOR SUBSIDY ELIGIBLE INDIVIDUALS.—Section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-104) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) PRESUMPTIVE ELIGIBILITY AND MANDATORY TRANSITION PERIOD.—

“(1) PRESUMPTIVE ELIGIBILITY.—An individual shall be presumed to be a subsidy eligible individual (as defined in section 1860D-14(a)(3)) if the individual presents at the pharmacy with—

“(A) reliable evidence of—

“(i) Medicaid enrollment, such as a Medicaid card, recent history of Medicaid billing in the pharmacy patient profile, a copy of a current Medicaid award letter, or confirmation from a Medicaid enrollment database; or

“(ii) eligibility for an income-related subsidy under section 1860D-14, such as a low-income subsidy notice from the Secretary or the Commissioner of Social Security, or confirmation from a Social Security enrollment database; and

“(B) reliable evidence of Medicare enrollment, such as a Medicare identification card, a Medicare enrollment approval letter, a Medicare Summary Notice, or confirmation from an official Medicare hotline or Medicare database.

“(2) MAKING SUBSIDY ELIGIBLE INDIVIDUALS WHOLE.—

“(A) IN GENERAL.—In the case of a subsidy eligible individual (as so defined) who, between November 15, 2005 and December 31, 2009, has wrongly been forced to pay higher co-payments, premiums, and deductibles than those applicable under this part and part C for such individual, the subsidy eligible individual shall be eligible for compensation under the program under this title.

“(B) ESTABLISHMENT OF PROCESS FOR REFUND OF AMOUNT INCORRECTLY PAID.—The Secretary shall establish a process under which—

“(i) prescription drug plans and MA-PD plans are billed for copayments and deductibles inappropriately charged to subsidy eligible individuals during retroactive coverage periods;

“(ii) the amounts incorrectly paid by the subsidy eligible individual as a result of those inappropriate charges are refunded directly to the individual, either through a rebate on future payments of premiums under part B or through a direct payment to the individual; and

“(iii) prescription drug plans and MA-PD plans are required to provide detailed accounting to the Secretary of the basis for any rebate or payment to a subsidy eligible individual under this subparagraph, including the applicable period of retroactive coverage for the subsidy eligible individual and whether the rebate or credit is with respect to an inappropriately charged copayment or deductible.

“(C) NOTIFICATION.—Subsidy eligible individuals shall be notified of the requirements of this subsection in their 2010 plan year materials.

“(D) NO EFFECT ON ELIGIBILITY FOR OTHER BENEFITS.—Amounts refunded to a subsidy eligible individual under this subsection shall be disregarded for purposes of determining or continuing the beneficiary's eligibility for receipt of benefits under any other Federal, State, or locally funded assistance program, including benefits paid under titles II, XVI, XVIII, XIX, or XXI.”.

SEC. 106. REQUIRED INFORMATION ON TRANSITION FROM SKILLED NURSING FACILITIES AND NURSING FACILITIES TO PART D PLANS.

(a) SKILLED NURSING FACILITIES.—Section 1819(b) of the Social Security Act (42 U.S.C. 1395i-3(b)) is amended by adding at the end the following new paragraph:

“(9) INFORMATION ON TRANSITION TO PRESCRIPTION DRUG COVERAGE.—A skilled nursing facility must provide information to residents and the families of residents on how to transition to prescription drug coverage under MA-PD plans under part C and prescription drug plans under part D upon discharge from the facility.”

(b) NURSING FACILITIES.—Section 1919(b) of the Social Security Act (42 U.S.C. 1395i-3(b)) is amended by adding at the end the following new paragraph:

“(9) INFORMATION ON TRANSITIONING TO PRESCRIPTION DRUG COVERAGE.—A nursing facility must provide information to residents and the families of residents on how to transition to prescription drug coverage under MA-PD plans under part C and prescription drug plans under part D upon discharge from the facility.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 107. STREAMLINED PHARMACY COMPLIANCE PACKAGING.

(a) IN GENERAL.—Section 1860D-4(b)(3) of the Social Security Act (42 U.S.C. 1395w-104(b)(3)) is amended by adding at the end the following new subparagraph:

“(G) STREAMLINED PHARMACY COMPLIANCE PACKAGING FOR DUAL ELIGIBLE INDIVIDUALS.—A PDP sponsor of a prescription drug plan shall streamline pharmacy compliance packaging for individuals enrolled in the plan who—

“(i) are entitled to medical assistance under a State plan under title XVIII; and

“(ii) reside in a nursing home.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs dispensed on or after January 1, 2010.

SEC. 108. LOWERING COVERED PART D DRUG PRICES ON BEHALF OF MEDICARE BENEFICIARIES.

(a) REPEAL OF PROHIBITION.—Section 1860D-11 of the Social Security Act (42 U.S.C. 1395w-111) is amended by striking subsection (i) and inserting the following:

“(i) LOWERING COVERED PART D DRUG PRICES.—

“(1) IN GENERAL.—The Secretary shall reduce the purchase cost of covered part D drugs by implementing 2 or more of the following strategies on an annual basis (beginning with 2011):

“(A) Negotiating directly with pharmaceutical manufacturers for additional discounts, rebates, and other price concessions that may be made available to Medicare operated prescription drug plans under section 1860D-11A for covered part D drugs.

“(B) Entering into rebate agreements with manufacturers to provide to the Secretary a rebate for any covered outpatient drug of a manufacturer dispensed during a rebate period specified in the agreement to a subsidy eligible individual described (or treated as described) in section 1860D-14(a)(1) for which payment was made by a PDP sponsor under part D of title XVIII or an MA organization under part C of such title for such period in an amount determined in the same manner as the rebate amount for such drug would have been determined under subsection (c) of section 1927 if the dispensing of the drug to such individual was paid for by a State and subject to a rebate agreement entered into under such section (and allocating any such rebates received among the prescription drug plans of such PDP sponsors and MA-PD plans offered by such organizations based on the enrollment of such individuals in such plans).

“(C) In consultation with the Director of the Agency for Healthcare Research and

Quality, using data from relevant and unbiased studies on the comparative clinical effectiveness of covered part D drugs to—

“(i) educate physicians and pharmacists; and

“(ii) provide information to PDP sponsors of prescription drug plans and MA organizations offering MA-PD plans for use in making decisions regarding plan formularies.

“(D) Instituting prescription drug prices negotiated under the Federal Supply Schedule of the General Services Administration for the reimbursement of covered part D drugs.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as preventing the PDP sponsor of a prescription drug plan or an MA organization offering an MA-PD plan from obtaining a discount or reduction of the price for a covered part D drug below the price negotiated by the Secretary for a Medicare-operated plan under paragraph (1)(A).

“(3) ANNUAL REPORTS TO CONGRESS.—Not later than January 1, 2012, and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and to the Committee on Ways and Means, the Committee on Energy and Commerce, and the Committee on Oversight and Government Reform of the House of Representatives a report on the strategies implemented by the Secretary under paragraph (1) to achieve lower prices on covered part D drugs for beneficiaries, including the prices of such covered part D drugs and any price concessions achieved by the Secretary as a result of such implementation.”

SEC. 109. CORRECTION OF FLAWS IN DETERMINATION OF PHASED-DOWN STATE CONTRIBUTION FOR FEDERAL ASSUMPTION OF PRESCRIPTION DRUG COSTS FOR DUALY ELIGIBLE INDIVIDUALS.

Section 1935(c) of the Social Security Act (42 U.S.C. 1396u-5(c)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “Each” and inserting “Subject to paragraph (7), each”; and

(2) by adding at the end the following new paragraph:

“(7) MODIFICATION OF DETERMINATION OF AMOUNT OF STATE CONTRIBUTION.—Not later than January 1, 2011, the Secretary of Health and Human Services (in this section referred to as the ‘Secretary’), acting through the Director of the Federal Coordinated Health Care Office established under section 101 of the Medicare Prescription Drug Reform Act of 2009, shall promulgate regulations for modifying the factors used to determine the product under paragraph (1)(A) for each State and month that take into account the following with respect to each State:

“(A) Factoring into the determination of base year State Medicaid per capita expenditures for covered part D drugs for full-benefit dual eligible individuals under paragraph (3) all payments collected by a State under agreements under section 1927 for outpatient prescription drugs purchased in 2003 (not just for such payments that were collected by the State in 2003).

“(B) Pharmacy cost savings measures implemented by the State during the period that begins with 2003 and ends with 2006.

“(C) Substituting under paragraph (4) a State-specific growth factor in lieu of the national applicable growth factor for 2004 and succeeding years based on the annual percentage increase in the State’s average per capita aggregate expenditures for covered outpatient drugs.

Such regulations shall include procedures for adjusting payments to States under section 1903(a) to take into account any overpayments or underpayments which the Secretary determines on the basis of such modifications were made by States under this subsection for 2004 and succeeding years.”

SEC. 110. NO IMPACT ON ELIGIBILITY FOR BENEFITS UNDER OTHER PROGRAMS.

(a) IN GENERAL.—Section 1860D-14(a)(3) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)), is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (F)” and inserting “subparagraphs (F) and (H)”; and

(2) by adding at the end the following new subparagraph:

“(H) NO IMPACT ON ELIGIBILITY FOR BENEFITS UNDER OTHER PROGRAMS.—The availability of premium and cost-sharing subsidies under this section shall not be treated as benefits or otherwise taken into account in determining an individual’s eligibility for, or the amount of benefits under, any other Federal program.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 111. QUALITY INDICATORS FOR DUAL ELIGIBLE INDIVIDUALS.

Section 1154(a) of the Social Security Act (42 U.S.C. 1320c-3(a)) is amended by inserting after paragraph (11) the following new paragraph:

“(12) For all contracts entered into on or after August 1, 2011, the organization shall produce a statistically valid subsample of quality indicators applicable to dual eligible beneficiaries under titles XVIII and XIX.”

TITLE II—ADDITIONAL MEDICARE AND MEDICAID IMPROVEMENTS

Subtitle A—Improving the Financial Assistance Available to Low-Income Medicare Beneficiaries

SEC. 201. IMPROVING ASSETS TESTS FOR MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM.

(a) APPLICATION OF HIGHEST LEVEL PERMITTED UNDER LIS.—

(1) TO FULL-PREMIUM SUBSIDY ELIGIBLE INDIVIDUALS.—Section 1860D-14(a) of the Social Security Act (42 U.S.C. 1395w-114(a)) is amended—

(A) in paragraph (1), in the matter before subparagraph (A), by inserting “(or, beginning with 2010, paragraph (3)(E))” after “paragraph (3)(D)”; and

(B) in paragraph (3)(A)(iii), by striking “(D) or”.

(2) ANNUAL INCREASE IN LIS RESOURCE TEST.—Section 1860D-14(a)(3)(E)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)(E)(i)) is amended—

(A) by striking “and” at the end of subclause (I);

(B) in subclause (II), by inserting “(before 2010)” after “subsequent year”; and

(C) by striking the period at the end of subclause (II) and inserting a semicolon;

(D) by inserting after subclause (II) the following new subclauses:

“(III) for 2010, \$27,500 (or \$55,000 in the case of the combined value of the individual’s assets or resources and the assets or resources of the individual’s spouse); and

“(IV) for a subsequent year, the dollar amounts specified in this subclause (or subclause (III)) for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.”; and

(E) in the last sentence, by inserting “or (IV)” after “subclause (II)”.

(3) APPLICATION OF LIS TEST UNDER MEDICARE SAVINGS PROGRAM.—Section 1905(p)(1)(C) of the Social Security Act (42 U.S.C. 1396d(p)(1)(C)) is amended by striking “subparagraph (D)” and all that follows through the period at the end and inserting the following: “section 1860D-14(a)(3)(E) applicable to an individual or to the individual and the individual’s spouse (as the case may be)”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to eligibility determinations for income-related subsidies and Medicare cost-sharing furnished for periods beginning on or after January 1, 2010.

SEC. 202. ELIMINATING BARRIERS TO ENROLLMENT.

(a) ENCOURAGING APPLICATION OF PROCEDURES UNDER MEDICARE SAVINGS PROGRAM.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)) is amended by adding at the end the following new paragraph:

“(7) The Secretary shall take all reasonable steps to encourage States to provide for administrative verification of income and automatic reenrollment (as provided under subparagraphs (C)(iii) and (G) of section 1860D-14(a)(3) in the case of the low-income subsidy program).”.

(b) ENSURING THAT SSA AND STATES CAN ELECTRONICALLY PROCESS ALL LOW-INCOME SUBSIDY PROGRAM APPLICATIONS.—Section 1860D-14(a)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)(B)(i)) is amended by inserting after the first sentence the following new sentence: “Not later than January 1, 2012, the State plan and the Commissioner shall have in place procedures to ensure the capacity to process all applications for determinations (including all applications that are not in English) electronically.”.

SEC. 203. ELIMINATION OF PART D COST-SHARING FOR CERTAIN NON-INSTITUTIONALIZED FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D-14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(1)(D)(i)) is amended—

(1) in the heading, by striking “INSTITUTIONALIZED INDIVIDUALS.—In” and inserting “ELIMINATION OF COST-SHARING FOR CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

“(I) INSTITUTIONALIZED INDIVIDUALS.—In”;

and

(2) by adding at the end the following new subclauses:

“(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual who is a full-benefit dual eligible individual and who is being provided medical assistance for home and community-based services under subsection (c), (d), (e), (i), or (j) of section 1915 or pursuant to section 1115, the elimination of any beneficiary coinsurance described in section 1860D-2(b)(2) (for all amounts through the total amount of expenditures at which benefits are available under section 1860D-2(b)(4)).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs dispensed on or after January 1, 2010.

SEC. 204. EXEMPTION OF BALANCE IN ANY PENSION OR RETIREMENT PLAN FROM RESOURCES FOR DETERMINATION OF ELIGIBILITY FOR LOW-INCOME SUBSIDY.

(a) IN GENERAL.—Section 1860D-14(a)(3) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)) is amended—

(1) in subparagraph (D), in the matter before clause (i), by striking “life insurance policy exclusion provided under subparagraph (G)” and inserting “additional exclu-

sions provided under subparagraphs (G) and (H)”;

(2) in subparagraph (E)(i), in the matter before subclause (I), by striking “life insurance policy exclusion provided under subparagraph (G)” and inserting “additional exclusions provided under subparagraphs (G) and (H)”

(3) by adding at the end the following new subparagraph:

“(H) PENSION OR RETIREMENT PLAN EXCLUSION.—In determining the resources of an individual (and the eligible spouse of the individual, if any) under section 1613 for purposes of subparagraphs (D) and (E), no balance in any pension or retirement plan shall be taken into account.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply to determinations of eligibility for months beginning with January 2010.

SEC. 205. COST-SHARING PROTECTIONS FOR LOW-INCOME SUBSIDY-ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D-14(a) of the Social Security Act (42 U.S.C. 1395w-114(a)) is amended—

(1) in paragraph (1)(D), by adding at the end the following new clause:

“(iv) OVERALL LIMITATION ON COST-SHARING.—In the case of all such individuals, a limitation on aggregate cost-sharing under this part for a year not to exceed 2.5 percent of income.”; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

“(F) OVERALL LIMITATION ON COST-SHARING.—A limitation on aggregate cost-sharing under this part for a year not to exceed 2.5 percent of income.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as of January 1, 2010.

Subtitle B—Other Improvements

SEC. 211. ENROLLMENT IMPROVEMENTS UNDER MEDICARE PARTS C AND D.

(a) SPECIAL ELECTION PERIOD DURING FIRST 60 DAYS OF ENROLLMENT IN A NEW PLAN.—

(1) IN GENERAL.—Section 1851(e)(4) of the Social Security Act (42 U.S.C. 1395w(e)(4)) is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) the individual has been enrolled in such plan for fewer than 60 days; or”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) EXTENSION OF THE ANNUAL, COORDINATED ELECTION PERIOD.—

(1) IN GENERAL.—Section 1851(e)(3)(B)(iv) of the Social Security Act (42 U.S.C. 1395w-1(e)(3)(B)(iv)) is amended by striking “November 15” and inserting “October 1”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to annual, coordinated election periods beginning after the date of enactment of this Act.

(c) COORDINATION UNDER PARTS C AND D OF THE CONTINUOUS OPEN ENROLLMENT AND DISENROLLMENT PERIOD FOR THE FIRST 3 MONTHS OF THE YEAR.—

(1) IN GENERAL.—Section 1860D-1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(B)(iii)) is amended by striking “, (C),”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2010.

SEC. 212. MEDICARE PLAN COMPLAINT SYSTEM.

(a) SYSTEM.—Section 1808 of the Social Security Act (42 U.S.C. 1395b-9) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B)(iii), by striking “adjustment; and” and inserting “adjustment”;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) develop and maintain the plan complaint system under subsection (d).”; and

(2) by adding at the end the following new subsection:

“(d) PLAN COMPLAINT SYSTEM.—

“(1) SYSTEM.—

“(A) IN GENERAL.—The Secretary shall develop and maintain a plan complaint system, (in this subsection referred to as the ‘system’) to—

“(i) collect and maintain information on plan complaints;

“(ii) track plan complaints from the date the complaint is logged into the system through the date the complaint is resolved; and

“(iii) otherwise improve the process for reporting plan complaints.

“(B) TIMEFRAME.—The Secretary shall have the system in place by not later than the date that is 6 months after the date of enactment of this subsection.

“(C) PLAN COMPLAINT DEFINED.—In this subsection, the term ‘plan complaint’ means a complaint that is received (including by telephone, letter, e-mail, or any other means) by the Secretary (including by a regional office, the Medicare Beneficiary Ombudsman, a subcontractor, a carrier, a fiscal intermediary, and a Medicare administrative contractor) from a Medicare Advantage eligible individual or a Part D eligible individual (or an individual representing such an individual) regarding a Medicare Advantage organization, a Medicare Advantage plan, a prescription drug plan sponsor, or a prescription drug plan, including, but not limited to, complaints relating to marketing, enrollment, covered drugs, premiums and cost-sharing, and plan customer service, grievances and appeals, participating providers. Such term also includes plan complaints that are received by the Secretary directly from the organization offering the plan relating to complaints by such individuals.

“(2) PROCESS CRITERIA.—In developing the system, the Secretary shall establish a process for reporting plan complaints. Such process shall meet the following criteria:

“(A) ACCESSIBLE.—The process is widely known and easy to use.

“(B) INVESTIGATIVE CAPACITY.—The process involves the appropriate experts, resources, and methods to assess complaints and determine whether they reflect an underlying pattern.

“(C) INTERVENTION AND FOLLOW-THROUGH.—The process triggers appropriate interventions and monitoring based on substantiated complaints.

“(D) QUALITY IMPROVEMENT ORIENTATION.—The process guides quality improvement.

“(E) RESPONSIVENESS.—The process routinely provides consistent, clear, and substantive responses to complaints.

“(F) TIMELINES.—Each process step is completed within a reasonable, established timeframe, and mechanisms exist to deal quickly with complaints of an emergency nature requiring immediate attention.

“(G) OBJECTIVE.—The process is unbiased, balancing the rights of each party.

“(H) PUBLIC ACCOUNTABILITY.—The process makes complaint information available to the public.

“(3) STANDARD DATA REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall establish standard data reporting requirements for reporting plan complaints under the system.

“(B) MODEL ELECTRONIC COMPLAINT FORM.—The Secretary shall develop a model electronic complaint form to be used for reporting plan complaints under the system. Such form shall be prominently displayed on the front page of the Medicare.gov Internet website and on the Internet website of the Medicare Beneficiary Ombudsman.

“(4) ALL COMPLAINTS REQUIRED TO BE LOGGED INTO THE SYSTEM.—Every plan complaint shall be logged into the system.

“(5) CASEWORK NOTATIONS.—The system shall provide for the inclusion of any casework notations throughout the complaint process on the record of a plan complaint.

“(6) MEDICARE BENEFICIARY OMBUDSMAN.—The Secretary shall carry out this subsection acting through the Medicare Beneficiary Ombudsman.”.

(b) FUNDING.—There are authorized to be appropriated such sums as may be necessary for the costs of carrying out section 1808(d) of the Social Security Act, as added by subsection (a).

(c) REPORTS.—

(1) SECRETARY.—

(A) ONGOING STUDY.—The Medicare Beneficiary Ombudsman (under subsection (c) of section 1808) of the Social Security Act (42 U.S.C. 1395b–9) shall conduct an ongoing study of the plan complaint system established under subsection (d) of such section (as added by subsection (a)), in this subsection referred to as the “system”. Such study shall include an analysis of—

(i) the numbers and types of complaints reported under the system;

(ii) geographic variations in such complaints;

(iii) the timeliness of agency or plan responses to such complaints; and

(iv) the resolution of such complaints.

(B) QUARTERLY REPORTS.—Not later than 6 months after the implementation of the system, and every 3 months thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative actions as the Secretary determines appropriate.

(2) INSPECTOR GENERAL.—The Inspector General of the Department of Health and Human Services shall conduct an evaluation of the system. Not later than 1 year after the implementation of the system, the Inspector General shall submit to Congress a report on such evaluation, together with recommendations for such legislation and administrative actions as the Inspector General determines appropriate.

SEC. 213. UNIFORM EXCEPTIONS AND APPEALS PROCESS.

(a) IN GENERAL.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)), as amended by section 107, is amended by adding at the end the following new subparagraph:

“(G) USE OF SINGLE, UNIFORM EXCEPTIONS AND APPEALS PROCESS.—Notwithstanding any other provision of this part, a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan shall—

“(i) use a single, uniform exceptions and appeals process with respect to the deter-

mination of prescription drug coverage for an enrollee under the plan; and

“(ii) provide instant access to such process by enrollees through a toll-free telephone number and an Internet website.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to exceptions and appeals on or after January 1, 2011.

SEC. 214. PROHIBITION ON CONDITIONING MEDICAID ELIGIBILITY FOR INDIVIDUALS ENROLLED IN CERTAIN CREDITABLE PRESCRIPTION DRUG COVERAGE ON ENROLLMENT IN THE MEDICARE PART D DRUG PROGRAM.

(a) IN GENERAL.—Section 1395 of the Social Security Act (42 U.S.C. 1396v) is amended by adding at the end the following:

“(f) PROHIBITION ON CONDITIONING ELIGIBILITY FOR MEDICAL ASSISTANCE FOR INDIVIDUALS ENROLLED IN CERTAIN CREDITABLE PRESCRIPTION DRUG COVERAGE ON ENROLLMENT IN MEDICARE PRESCRIPTION DRUG BENEFIT.—

“(1) IN GENERAL.—A State shall not condition eligibility for medical assistance under the State plan for a part D eligible individual (as defined in section 1860D–1(a)(3)(A)) who is enrolled in creditable prescription drug coverage described in any of subparagraphs (C) through (H) of section 1860D–13(b)(4) on the individual’s enrollment in a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title.

“(2) COORDINATION OF BENEFITS WITH PART D FOR OTHER INDIVIDUALS.—Nothing in this subsection shall be construed as prohibiting a State from coordinating medical assistance under the State plan with benefits under part D of title XVIII for individuals not described in paragraph (1).”.

SEC. 215. OFFICE OF THE INSPECTOR GENERAL ANNUAL REPORT ON PART D FORMULARIES’ INCLUSION OF DRUGS COMMONLY USED BY DUAL ELIGIBLES.

(a) ONGOING STUDY.—The Inspector General of the Department of Health and Human Services shall conduct an ongoing study of the extent to which formularies used by prescription drug plans and MA–PD plans under part D include drugs commonly used by full-benefit dual eligible individuals (as defined in section 1395(c)(6) of the Social Security Act (42 U.S.C. 1396u–5(c)(6))).

(b) ANNUAL REPORTS.—Not later than July 1 of each year (beginning with 2010), the Inspector General shall submit to Congress a report on the study conducted under paragraph (1), together with such recommendations as the Inspector General determines appropriate.

SEC. 216. HHS ONGOING STUDY AND ANNUAL REPORTS ON COVERAGE FOR DUAL ELIGIBLES.

(a) ONGOING STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct an ongoing study to track—

(A) how many of the new full benefit dual eligible individuals (as defined in section 1395(c)(6) of the Social Security Act (42 U.S.C. 1396u–5(c)(6))) enroll in a plan under part D of title XVIII of such Act and receive retroactive prescription drug coverage under the plan; and

(B) if such retroactive coverage is provided to such individuals—

(i) the number of months of coverage provided; and

(ii) the amount of reimbursements to individuals and to individuals that made payments for prescription drugs on their behalf for costs incurred during retroactive coverage periods.

(2) DATA TO USE.—In conducting the study with respect to the requirements under paragraph (1)(B), the Secretary shall examine prescription drug utilization data reported by Medicare part D plans.

(b) ANNUAL REPORTS ON ONGOING STUDY.—Not later than March 1 of each year (beginning with 2010), the Secretary shall submit a report to Congress containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(c) ANNUAL REPORTS ON SPENDING AND OUTCOMES.—Not later than January 1 of each year (beginning with 2013), the Secretary shall collect data and submit a report to Congress that includes the following information:

(1) Annual total expenditures (disaggregated by Federal and State expenditures) for dually eligible beneficiaries under title XVIII and under State plans and waivers under title XIX.

(2) An analysis of health outcomes for dually eligible beneficiaries, disaggregated by subtypes of beneficiaries (as determined by the Secretary).

(3) An analysis of the extent to which dually eligible beneficiaries are able to access benefits under title XVIII and under State plans and waivers under title XIX.

SEC. 217. AUTHORITY TO OBTAIN INFORMATION.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

“AUTHORITY OF THE COMPTROLLER GENERAL TO OBTAIN INFORMATION

“SEC. 1899. No provision in this Act in effect on the date of enactment of this section or enacted after such date shall be construed to limit, amend, or supersede the authority of the Comptroller General of the United States to obtain agency records pursuant to section 716 of title 31, United States Code, including any information obtained by, or disclosed to, the Secretary under part C or D of this title, except to the extent that such provision expressly and specifically refers to this section and provides for such limitation, amendment, or supersession.”.

By Mr. DORGAN (for himself, Mr. JOHANN, Mr. BAUCUS, Mr. JOHNSON, Mr. THUNE, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 1635. A bill to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, today I introduced a bill entitled 7th Generation Promise: Indian Youth Suicide Prevention Act, to address the crisis of youth suicide in Indian Country. I introduce this legislation on behalf of myself and Senators JOHANN, BAUCUS, and TESTER, in hopes that it will help provide prevention and intervention services to Native American youth.

Over the past 25 years, youth suicides in Native American communities have

reached epidemic levels. Suicide ranks as the second leading cause of death for Native American youth ages 15 to 35—a rate 3.5 times higher than the national average. In fact, adolescent Native American males have the highest suicide rate of any population group in the United States.

Over the years, the Indian Affairs Committee, which I chair, has held a series of hearings on the issue of Indian youth suicide. This past February, the Committee explored the progress made in youth suicide prevention in Indian Country. We heard from agencies and organizations, such as the Indian Health Service and the Substance Abuse and Mental Health Services Administration, SAMHSA, who provide worthy prevention and emergency response services.

During the February hearing, we also heard from a courageous 16-year-old young woman named Dana Lee Jetty who testified about the loss of her 14-year-old sister, Jami Rose Jetty. Her story illustrates the continued need for suicide prevention.

In November 2008, Dana Lee found her beautiful little sister, Jami Rose, hanging in her bedroom, on the Spirit Lake Reservation in North Dakota. Dana and Jami's Mom had done all the right things—noticing Jami was troubled, they took her to the doctor at the Indian Health Service clinic. The doctors dismissed the mom's concern and said Jami was just being a "typical teenager." Dana told me that she believes her sister would be alive if there had been adequate mental health professionals to diagnose and treat Jami's depression. Jami Rose Jetty serves as a tragic example of the inadequate mental health services in Indian Country and why we need legislation like the one I introduced today.

This year, the Standing Rock Sioux Reservation, located in North Dakota and South Dakota, is experiencing epidemic levels of youth suicide. There have already been 10 suicides and an additional 53 attempted suicides. The majority of these suicides have been among tribal members under the age of 24. Clearly, we must do more for the mental health and suicide prevention in our Native American communities across the United States.

The bill I introduced includes three main sections to improve youth suicide prevention services in Indian Country: a youth telemental health demonstration project; language to streamline and improve the process by which Tribes apply for grants through SAMHSA; and encouragement of post-doctoral mental health intern programs in an effort to increase the availability of services in Indian Country.

The Indian Youth Telemental Health Demonstration Project Act has been introduced in previous Congresses. This project would authorize the Secretary

of Health and Human Services to carry out a four-year demonstration project for the use of telemental health services in youth suicide prevention, intervention and treatment. Telemental health services refer to those health care services provided from a remote location through technological means. These types of services are especially important in remote, isolated communities like those in my home state of North Dakota where mental health professionals are scarce.

The bill also includes new language to enhance available mental health resources by addressing the many issues and barriers Tribes and tribal organizations face when applying for federal assistance through SAMHSA. For example, this provision requires SAMHSA to monitor the incidence of youth suicide in Indian Country, accept non-electronic grant applications from Tribes, give priority to disadvantaged tribal applicants with high rates of suicide, prohibit cost-sharing requirements, and prevent Tribes and tribal organizations from being required to apply through a state. In addition, this section requires states that apply for a SAMHSA grant using Tribal data to consult with Tribes and include them in any implemented programs.

Lastly, the bill includes encouragement for Tribes to use post-doctoral mental health professionals. Post-doctoral psychology and psychiatry interns are able to see patients and provide mental health services under the supervision of a certified mental health professional. The Veterans Administration is currently utilizing post-doctoral psychology intern programs, which have been successful in expanding the availability of mental health services to veterans. We need to promote innovative programs like this to increase the mental health services available in Indian Country.

The 7th Generation Promise in the bill's title is the Native American concept that we need to consider the impacts of our actions on our descendants seven generations in the future. Suicide is devastating our current generation of Native Americans, and we need to do something to protect them and our Native Americans seven generations down the road.

I would like to thank Senator JOHANNIS for working with me on this important piece of legislation. Health care, and especially mental health issues, remain a top priority for me as Chairman of the Indian Affairs Committee. I look forward to continuing this important work so that we may stop the high levels of youth suicide and other health disparities among Native Americans.

I would like to end by saying that one youth suicide is one tragedy too many. My hope is that passage of this bill will bring some aid to our Native American communities experiencing this crisis.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "7th Generation Promise: Indian Youth Suicide Prevention Act of 2009".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) the rate of suicide of American Indians and Alaska Natives is 1.9 times higher than the national average rate; and

(B) the rate of suicide of Indian and Alaska Native youth aged 15 through 24 is—

(i) 3.5 times the national average rate; and

(ii) the highest rate of any population group in the United States;

(2) many risk behaviors and contributing factors for suicide are more prevalent in Indian country than in other areas, including—

(A) history of previous suicide attempts;

(B) family history of suicide;

(C) history of depression or other mental illness;

(D) alcohol or drug abuse;

(E) health disparities;

(F) stressful life events and losses;

(G) easy access to lethal methods;

(H) exposure to the suicidal behavior of others;

(I) isolation; and

(J) incarceration;

(3) according to national data for 2005, suicide was the second-leading cause of death for Indians and Alaska Natives of both sexes aged 10 through 34;

(4)(A) the suicide rates of Indians and Alaska Natives aged 15 through 24, as compared to suicide rates of any other racial group, are—

(i) for males, up to 4 times greater; and

(ii) for females, up to 11 times greater; and

(B) data demonstrates that, over their lifetimes, females attempt suicide 2 to 3 times more often than males;

(5)(A) Indian tribes, especially Indian tribes located in the Great Plains, have experienced epidemic levels of suicide, up to 10 times the national average; and

(B) suicide clustering in Indian country affects entire tribal communities;

(6) death rates for Indians and Alaska Natives are statistically underestimated because many areas of Indian country lack the proper resources to identify and monitor the presence of disease;

(7)(A) the Indian Health Service experiences health professional shortages, with physician vacancy rates of approximately 17 percent, and nursing vacancy rates of approximately 18 percent, in 2007;

(B) 90 percent of all teens who die by suicide suffer from a diagnosable mental illness at time of death;

(C) more than ½ of teens who commit suicide have never been seen by a mental health provider; and

(D) ½ of health needs in Indian country relate to mental health;

(8) often, the lack of resources of Indian tribes and the remote nature of Indian reservations make it difficult to meet the requirements necessary to access Federal assistance, including grants;

(9) the Substance Abuse and Mental Health Services Administration and the Service

have established specific initiatives to combat youth suicide in Indian country and among Indians and Alaska Natives throughout the United States, including the National Suicide Prevention Initiative of the Service, which has worked with Service, tribal, and urban Indian health programs since 2003;

(10) the National Strategy for Suicide Prevention was established in 2001 through a Department of Health and Human Services collaboration among—

(A) the Substance Abuse and Mental Health Services Administration;

(B) the Service;

(C) the Centers for Disease Control and Prevention;

(D) the National Institutes of Health; and

(E) the Health Resources and Services Administration; and

(11) the Service and other agencies of the Department of Health and Human Services use information technology and other programs to address the suicide prevention and mental health needs of Indians and Alaska Natives.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention, and treatment of Indian youth, including through—

(A) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

(B) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

(C) training and related support for community leaders, family members, and health and education workers who work with Indian youth;

(D) the development of culturally relevant educational materials on suicide; and

(E) data collection and reporting;

(2) to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns; and

(3) to enhance the provision of mental health care services to Indian youth through existing grant programs of the Substance Abuse and Mental Health Services Administration.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term “Administration” means the Substance Abuse and Mental Health Services Administration.

(2) DEMONSTRATION PROJECT.—The term “demonstration project” means the Indian youth telemental health demonstration project authorized under section 4(a).

(3) INDIAN.—The term “Indian” means any individual who is—

(A) a member of an Indian tribe; or

(B) eligible for health services under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(4) INDIAN COUNTRY.—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(7) SERVICE.—The term “Service” means the Indian Health Service.

(8) TELEMENTAL HEALTH.—The term “telemental health” means the use of electronic information and telecommunications technologies to support long-distance mental health care, patient and professional-related education, public health, and health administration.

(9) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Service, is authorized to carry out a demonstration project to award grants for the provision of telemental health services to Indian youth who—

(A) have expressed suicidal ideas;

(B) have attempted suicide; or

(C) have mental health conditions that increase or could increase the risk of suicide.

(2) ELIGIBILITY FOR GRANTS.—Grants under paragraph (1) shall be awarded to Indian tribes and tribal organizations that operate 1 or more facilities—

(A) located in an area with documented disproportionately high rates of suicide;

(B) reporting active clinical telehealth capabilities; or

(C) offering school-based telemental health services to Indian youth.

(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

(4) MAXIMUM NUMBER OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian tribes and tribal organizations that—

(A) serve a particular community or geographic area in which there is a demonstrated need to address Indian youth suicide;

(B) enter into collaborative partnerships with Service or other tribal health programs or facilities to provide services under this demonstration project;

(C) serve an isolated community or geographic area that has limited or no access to behavioral health services; or

(D) operate a detention facility at which Indian youth are detained.

(5) CONSULTATION WITH ADMINISTRATION.—In developing and carrying out the demonstration project under this subsection, the Secretary shall consult with the Administration as the Federal agency focused on mental health issues, including suicide.

(b) USE OF FUNDS.—

(1) IN GENERAL.—An Indian tribe or tribal organization shall use a grant received under subsection (a) for the following purposes:

(A) To provide telemental health services to Indian youth, including the provision of—

(i) psychotherapy;

(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

(iii) alcohol and substance abuse treatment.

(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service or tribal clinicians and health services providers working with youth being served under the demonstration project.

(C) To assist, educate, and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under the demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among those individuals and with State and local health services providers.

(D) To develop and distribute culturally appropriate community educational materials regarding—

(i) suicide prevention;

(ii) suicide education;

(iii) suicide screening;

(iv) suicide intervention; and

(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

(E) To conduct data collection and reporting relating to Indian youth suicide prevention efforts.

(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian tribe or tribal organization may use and promote the traditional health care practices of the Indian tribes of the youth to be served.

(c) APPLICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), to be eligible to receive a grant under subsection (a), an Indian tribe or tribal organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

(A) a description of the project that the Indian tribe or tribal organization will carry out using the funds provided under the grant;

(B) a description of the manner in which the project funded under the grant would—

(i) meet the telemental health care needs of the Indian youth population to be served by the project; or

(ii) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

(C) evidence of support for the project from the local community to be served by the project;

(D) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

(E) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

(F) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

(2) EFFICIENCY OF GRANT APPLICATION PROCESS.—The Secretary shall carry out such measures as the Secretary determines to be necessary to maximize the time and workload efficiency of the process by which Indian tribes and tribal organizations apply for grants under paragraph (1).

(d) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian tribes and tribal organizations receiving grants under this section to collaborate to enable comparisons regarding best practices across projects.

(e) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

(1) describes the number of telemental health services provided; and

(2) includes any other information that the Secretary may require.

(f) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date on which the first grant is awarded under this section, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report that—

(i) describes each project funded by a grant under this section during the preceding 2-year period, including a description of the level of success achieved by the project; and

(ii) evaluates whether the demonstration project should be continued during the period beginning on the date of termination of funding for the demonstration project under subsection (g) and ending on the date on which the final report is submitted under paragraph (2).

(B) CONTINUATION OF DEMONSTRATION PROJECT.—On a determination by the Secretary under clause (ii) of subparagraph (A) that the demonstration project should be continued, the Secretary may carry out the demonstration project during the period described in that clause using such sums otherwise made available to the Secretary as the Secretary determines to be appropriate.

(2) FINAL REPORT.—Not later than 270 days after the date of termination of funding for the demonstration project under subsection (g), the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a final report that—

(A) describes the results of the projects funded by grants awarded under this section, including any data available that indicate the number of attempted suicides;

(B) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

(C) evaluates whether the demonstration project should be—

(i) expanded to provide more than 5 grants; and

(ii) designated as a permanent program; and

(D) evaluates the benefits of expanding the demonstration project to include urban Indian organizations.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,500,000 for each of fiscal years 2010 through 2013.

SEC. 5. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION GRANTS.

(a) GRANT APPLICATIONS.—

(1) EFFICIENCY OF GRANT APPLICATION PROCESS.—The Secretary, acting through the Administration, shall carry out such measures as the Secretary determines to be necessary to maximize the time and workload efficiency of the process by which Indian tribes and tribal organizations apply for grants under any program administered by the Administration, including by providing methods other than electronic methods of submitting applications for those grants, if necessary.

(2) PRIORITY FOR CERTAIN GRANTS.—

(A) IN GENERAL.—To fulfill the trust responsibility of the United States to Indian tribes, in awarding relevant grants pursuant

to a program described in subparagraph (B), the Secretary shall give priority consideration to the applications of Indian tribes or tribal organizations, as applicable, that serve populations with documented high suicide rates, regardless of whether those Indian tribes or tribal organizations possess adequate personnel or infrastructure to fulfill all applicable requirements of the relevant program.

(B) DESCRIPTION OF GRANT PROGRAMS.—A grant program referred to in subparagraph (A) is a grant program—

(i) administered by the Administration to fund activities relating to mental health, suicide prevention, or suicide-related risk factors; and

(ii) under which an Indian tribe is an eligible recipient.

(3) CLARIFICATION REGARDING INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Notwithstanding any other provision of law, in applying for a grant under any program administered by the Administration, no Indian tribe or tribal organization shall be required to apply through a State or State agency.

(4) REQUIREMENTS FOR AFFECTED STATES.—

(A) DEFINITIONS.—In this paragraph:

(i) AFFECTED STATE.—The term “affected State” means a State—

(I) the boundaries of which include 1 or more Indian tribes; and

(II) the application for a grant under any program administered by the Administration of which includes statewide data.

(ii) INDIAN POPULATION.—The term “Indian population” means the total number of residents of an affected State who are members of 1 or more Indian tribes located within the affected State.

(B) REQUIREMENTS.—As a condition of receipt of a grant under any program administered by the Administration, each affected State shall—

(i) describe in the grant application—

(I) the Indian population of the affected State; and

(II) the contribution of that Indian population to the statewide data used by the affected State in the application; and

(ii) demonstrate to the satisfaction of the Secretary that—

(I) of the total amount of the grant, the affected State will allocate for use for the Indian population of the affected State an amount equal to the proportion that—

(aa) the Indian population of the affected State; bears to

(bb) the total population of the affected State; and

(II) the affected State will offer to enter into a partnership with each Indian tribe located within the affected State to carry out youth suicide prevention and treatment measures for members of the Indian tribe.

(C) REPORT.—Not later than 1 year after the date of receipt of a grant described in subparagraph (B), an affected State shall submit to the Secretary a report describing the measures carried out by the affected State to ensure compliance with the requirements of subparagraph (B)(ii).

(b) NO NON-FEDERAL SHARE REQUIREMENT.—Notwithstanding any other provision of law, no Indian tribe or tribal organization shall be required to provide a non-Federal share of the cost of any project or activity carried out using a grant provided under any program administered by the Administration.

(c) OUTREACH FOR RURAL AND ISOLATED INDIAN TRIBES.—Due to the rural, isolated nature of most Indian reservations and communities (especially those reservations and

communities in the Great Plains region), the Secretary shall conduct outreach activities, with a particular emphasis on the provision of telemental health services, to achieve the purposes of this Act with respect to Indian tribes located in rural, isolated areas.

(d) PROVISION OF OTHER ASSISTANCE.—

(1) IN GENERAL.—The Secretary, acting through the Administration, shall carry out such measures (including monitoring and the provision of required assistance) as the Secretary determines to be necessary to ensure the provision of adequate suicide prevention and mental health services to Indian tribes described in paragraph (2), regardless of whether those Indian tribes possess adequate personnel or infrastructure—

(A) to submit an application for a grant under any program administered by the Administration, including due to problems relating to access to the Internet or other electronic means that may have resulted in previous obstacles to submission of a grant application; or

(B) to fulfill all applicable requirements of the relevant program.

(2) DESCRIPTION OF INDIAN TRIBES.—An Indian tribe referred to in paragraph (1) is an Indian tribe—

(A) the members of which experience—

(i) a high rate of youth suicide;

(ii) low socioeconomic status; and

(iii) extreme health disparity;

(B) that is located in a remote and isolated area; and

(C) that lacks technology and communication infrastructure.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as the Secretary determines to be necessary to carry out this subsection.

(e) EARLY INTERVENTION AND ASSESSMENT SERVICES.—

(1) DEFINITION OF AFFECTED ENTITY.—In this subsection, the term “affected entity” means any entity—

(A) that receives a grant for suicide intervention, prevention, or treatment under a program administered by the Administration; and

(B) the population to be served by which includes Indian youth.

(2) REQUIREMENT.—The Secretary, acting through the Administration, shall ensure that each affected entity carrying out a youth suicide early intervention and prevention strategy described in section 520E(c)(1) of the Public Health Service Act (42 U.S.C. 290bb-36(c)(1)), or any other youth suicide-related early intervention and assessment activity, provides training or education to individuals who interact frequently with the Indian youth to be served by the affected entity (including parents, teachers, coaches, and mentors) on identifying warning signs of Indian youth who are at risk of committing suicide.

SEC. 6. USE OF PREDOCTORAL PSYCHOLOGY AND PSYCHIATRY INTERNS.

The Secretary shall carry out such activities as the Secretary determines to be necessary to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns—

(1) to increase the quantity of patients served by the Indian tribes, tribal organizations, and other mental health care providers; and

(2) for purposes of recruitment and retention.

By Mr. BINGAMAN (for himself, Ms. SNOWE, and Mrs. FEINSTEIN):

S. 1639. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Expanding Industrial Energy Efficiency Incentives Act of 2009. I am pleased to be joined by my Finance Committee colleague, Senator SNOWE, in introducing the Act, which creates the first direct tax-based incentives for industrial energy efficiency. As such, the Act helps our industrial sector adopt advanced energy technologies and processes, enabling American industry to reduce fuel dependency, cut costs, reduce greenhouse gas emissions, add jobs, and enhance global competitiveness.

Even though the industrial sector represents 32 percent of our domestic energy consumption, there are currently no significant tax credits that directly promote industrial energy efficiency. But as a recent study by McKinsey & Company found, the industrial sector represents the largest potential for end-use energy efficiency in the U.S. and could save \$47 billion per year on energy costs through efficiency improvements. The time to make this investment is now.

The act creates incentives in the three critical areas: water reuse, advanced motors, and CFC chillers. It also enhances incentives for combined heat and power systems. Energy efficiency organizations estimate that these incentives together will save over 92 terawatt hours of energy—the equivalent of four months' worth of total U.S. energy consumption.

First, the act adds a new investment tax credit for reuse, recycling, and/or efficiency measures related to process, sanitary, and cooling water, as well as for blowdown from cooling towers and steam systems used by utility-scale thermo-electric generators. The U.S. currently reuses only 6 percent of its water, and there is significant potential for gains in this area. The industrial sector, which is responsible for 45 percent of domestic freshwater withdrawals, is an ideal place to introduce transformative water reuse and water saving technologies. Approximately 3 percent of U.S. electricity use is for pumping, treating and transporting water. The "water-watts connection" is well-recognized. For instance, the California Energy Commission estimates that 95 percent of the energy savings of proposed energy-efficiency programs could be achieved through water-efficiency programs, at 58 percent of the cost. Water conservation is therefore a cost-effective way to achieve significant energy savings.

Second, the bill establishes a \$120-per-horsepower tax credit for efficient

motor systems with adjustable speed capability. On average, motors account for 65 percent of an industrial energy user's electricity use, a percentage that is even higher in certain industries, such as water supply, mining, and oil and gas extraction. In fact, industrial motors are expected to be responsible for 7 percent of total global carbon emissions by 2020.

New advances in power electronics and controls over the past five years have advanced the potential for new smart motor technologies to provide a significant energy savings potential if these new motors are placed widely into service. By reducing the initial design and added component costs, this new credit will accelerate the adoption of advanced motor technologies into higher volume production, helping to make the technology available economy-wide.

Third, the bill adds a new incentive for replacing CFC chillers. Large water-cooled chillers are the engines of air-conditioning systems for almost all large buildings. The bill establishes a credit of \$150 per ton, plus an additional incentive of \$100 for each ton downsized during replacement. The incentive extends only to pre-1993, post-1980 water-cooled chillers that use the refrigerants CFC-11 and CFC-12. While chillers that use CFC-11 and CFC-12 refrigerants have been banned for new installations because their refrigerant breakdown products attack the ozone layer, some 30,000 chillers that still use these refrigerants remain in both public and private facilities across the country. Replacing these obsolete systems would allow for the recovery of 37 million pounds of ozone depleting CFCs—or 64 million metric tons of carbon dioxide equivalents. Additionally, the improvement in new chiller efficiency that would be achieved by replacing these old systems would save 17.2 million metric tons of carbon dioxide from reduced electricity consumption—the equivalent of taking 3.3 million cars off the road.

While CFC chiller replacement is cost-effective over the long-term, the high up-front costs mean that many building owners do not make these investments. This moderate tax incentive improves the economics and reduces the up-front cost, substantially increasing the number of systems replaced.

Collaterally, but just as significantly, this bill is a jobs bill. For instance, if all CFC chillers are replaced, we expect that approximately 10,500 American jobs can be directly created or preserved in the manufacturing, removal and installation of new chillers. Additional jobs will be created by the engineering services required to take advantage of these incentives, adding up to a potential 60,000 jobs.

Finally, the bill improves the combined heat and power incentive, which

was enacted last October as part of the tax extenders package. The package added a 10 percent investment tax credit for combined heat and power systems. The expansion of the combined heat and power tax credit would increase the credit's applicability from the first 15 megawatts to the first 25 megawatts of system capacity and remove the overall system size cap of 50 megawatts, allowing a greater number of combined heat and power projects to be financially viable and move forward. A recent Department of Energy study estimates that ramping up total U.S. combined heat and power to account for twenty percent of electricity capacity, a percentage that is within our reach, would eliminate over sixty percent of the expected increase in carbon dioxide emissions from today to 2030—the equivalent of taking more than half of current passenger vehicles in the U.S. off the road.

Together, these four industrial energy efficiency incentives capture a large portion of the energy efficiency potential in the industrial sector. These incentives will catalyze the deployment of new technologies that will decrease carbon emissions and protect our natural resources, all while saving money on energy costs and creating jobs.

I look forward to working with Senator SNOWE to see these provisions enacted into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Expanding Industrial Energy Efficiency Incentives Act of 2009".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; amendment of 1986 Code; table of contents.
- Sec. 2. Modifications in credit for combined heat and power system property.
- Sec. 3. Motor energy efficiency improvement tax credit.
- Sec. 4. Credit for replacement of CFC refrigerant chiller.
- Sec. 5. Qualifying efficient industrial process water use project credit.

SEC. 2. MODIFICATIONS IN CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) **MODIFICATION OF CERTAIN CAPACITY LIMITATIONS.**—Section 48(c)(3)(B) is amended—

(1) by striking “15 megawatts” in clause (ii) and inserting “25 megawatts”;

(2) by striking “20,000 horsepower” in clause (i) and inserting “34,000 horsepower”, and

(3) by striking clause (iii).

(b) **NONAPPLICATION OF CERTAIN RULES.**—Section 48(c)(3)(C) is amended by adding at the end the following new clause:

“(iv) **NONAPPLICATION OF CERTAIN RULES.**—For purposes of determining if the term ‘combined heat and power system property’ includes technologies which generate electricity or mechanical power using back-pressure steam turbines in place of existing pressure-reducing valves or which make use of waste heat from industrial processes such as by using organic rankine, stirling, or kalina heat engine systems, subparagraph (A) shall be applied without regard to clause (ii).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 3. MOTOR ENERGY EFFICIENCY IMPROVEMENT TAX CREDIT.

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

“SEC. 45R. MOTOR ENERGY EFFICIENCY IMPROVEMENT TAX CREDIT.

“(a) **IN GENERAL.**—For purposes of section 38, the motor energy efficiency improvement tax credit determined under this section for the taxable year is an amount equal to \$120 multiplied by the motor horsepower of an appliance, machine, or equipment—

“(1) manufactured in such taxable year by a manufacturer which incorporates an advanced motor system into a newly designed appliance, machine, or equipment or into a redesigned appliance, machine, or equipment which did not previously make use of the advanced motor system, or

“(2) placed back into service in such taxable year by an end user which upgrades an existing appliance, machine, or equipment with an advanced motor system.

For any advanced motor system with a total horsepower of less than 10, such motor energy efficiency improvement tax credit is an amount which bears the same ratio to \$120 as 1 horsepower bears to such total horsepower.

“(b) **ADVANCED MOTOR SYSTEM.**—For purposes of this section, the term ‘advanced motor system’ means a motor and any required associated electronic control which—

“(1) offers variable or multiple speed operation, and

“(2) uses permanent magnet technology, electronically commutated motor technology, switched reluctance motor technology, or such other motor systems technologies as determined by the Secretary of Energy.

“(c) **AGGREGATE PER TAXPAYER LIMITATION.**—

“(1) **IN GENERAL.**—The amount of the credit determined under this section for any taxpayer for any taxable year shall not exceed the excess (if any) of \$2,000,000 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years.

“(2) **AGGREGATION RULES.**—For purposes of this section, all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 taxpayer.

“(d) **SPECIAL RULES.**—

“(1) **BASIS REDUCTION.**—For purposes of this subtitle, the basis of any property for which

a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

“(2) **NO DOUBLE BENEFIT.**—No other credit shall be allowable under this chapter for property with respect to which a credit is allowed under this section.

“(3) **PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.**—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

“(e) **APPLICATION.**—This section shall not apply to property manufactured or placed back into service before the date which is 6 months after the date of the enactment of this section or after December 31, 2013.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 38(b) is amended by striking “plus” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “, plus”, and by adding at the end the following new paragraph:

“(36) the motor energy efficiency improvement tax credit determined under section 45R.”.

(2) Section 1016(a) is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 45R(d)(1).”.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45R. Motor energy efficiency improvement tax credit.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property manufactured or placed back into service after the date which is 6 months after the date of the enactment of this Act.

SEC. 4. CREDIT FOR REPLACEMENT OF CFC REFRIGERANT CHILLER.

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new section:

“SEC. 45S. CFC CHILLER REPLACEMENT CREDIT.

“(a) **IN GENERAL.**—For purposes of section 38, the CFC chiller replacement credit determined under this section for the taxable year is an amount equal to—

“(1) \$150 multiplied by the tonnage rating of a CFC chiller replaced with a new efficient chiller that is placed in service by the taxpayer during the taxable year, plus

“(2) if all chilled water distribution pumps connected to the new efficient chiller include variable frequency drives, \$100 multiplied by any tonnage downsizing.

“(b) **CFC CHILLER.**—For purposes of this section, the term ‘CFC chiller’ includes property which—

“(1) was installed after 1980 and before 1993,

“(2) utilizes chlorofluorocarbon refrigerant, and

“(3) until replaced by a new efficient chiller, has remained in operation and utilized for cooling a commercial building.

“(c) **NEW EFFICIENT CHILLER.**—For purposes of this section, the term ‘new efficient chiller’ includes a water-cooled chiller which is certified to meet efficiency standards effective on January 1, 2010, as defined in table 6.8.1c in Addendum M to Standard 90.1-2007 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers.

“(d) **TONNAGE DOWNSIZING.**—For purposes of this section, the term ‘tonnage downsizing’ means the amount by which the tonnage rating of the CFC chiller exceeds the tonnage rating of the new efficient chiller.

“(e) **ENERGY AUDIT.**—As a condition of receiving a tax credit under this section, an energy audit shall be performed on the building prior to installation of the new efficient chiller, identifying cost-effective energy-saving measures, particularly measures that could contribute to chiller downsizing. The audit shall satisfy criteria that shall be issued by the Secretary of Energy.

“(f) **PROPERTY USED BY TAX-EXEMPT ENTITY.**—In the case of a CFC chiller replaced by a new efficient chiller the use of which is described in paragraph (3) or (4) of section 50(b), the person who sold such new efficient chiller to the entity shall be treated as the taxpayer that placed in service the new efficient chiller that replaced the CFC chiller, but only if such person clearly discloses to such entity in a document the amount of any credit allowable under subsection (a) and the person certifies to the Secretary that the person reduced the price the entity paid for such new efficient chiller by the entire amount of such credit.

“(g) **TERMINATION.**—This section shall not apply to replacements made after December 31, 2012.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 38(b), as amended by this Act, is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following new paragraph:

“(37) the CFC chiller replacement credit determined under section 45S.”.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

“Sec. 45S. CFC chiller replacement credit.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to replacements made after the date of the enactment of this Act.

SEC. 5. QUALIFYING EFFICIENT INDUSTRIAL PROCESS WATER USE PROJECT CREDIT.

(a) **IN GENERAL.**—Section 46 is amended by striking “and” at the end of paragraph (4), by striking the period at the end of paragraph (5), and by adding at the end the following new paragraph:

“(6) the qualifying efficient industrial process water use project credit.”.

(b) **AMOUNT OF CREDIT.**—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48C the following new section:

“SEC. 48D. QUALIFYING EFFICIENT INDUSTRIAL PROCESS WATER USE PROJECT CREDIT.

“(a) **IN GENERAL.**—

“(1) **ALLOWANCE OF CREDIT.**—For purposes of section 46, the qualifying efficient industrial process water use project credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to any qualifying efficient industrial process water use project of the taxpayer.

“(2) **APPLICABLE PERCENTAGE.**—For purposes of subsection (a), the applicable percentage is—

“(A) 10 percent in the case of a qualifying efficient industrial process water use project which achieves a net energy consumption of less than 3,000 kilowatt hours per million gallons of water, and is placed in service before January 1, 2013,

“(B) 20 percent in the case of a qualifying efficient industrial process water use project which achieves a net energy consumption of less than 2,000 kilowatt hours per million gallons of water, and

“(C) 30 percent in the case of a qualifying efficient industrial process water use project which achieves a net energy consumption of less than 1,000 kilowatt hours per million gallons of water.

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying efficient industrial process water use project.

“(2) EXCEPTIONS.—Such term shall not include any portion of the basis related to—

“(A) permitting,

“(B) land acquisition, or

“(C) infrastructure associated with sourcing or water discharge.

“(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(4) SPECIAL RULE FOR SUBSIDIZED ENERGY FINANCING.—Rules similar to the rules of section 48(a)(4) (without regard to subparagraph (D) thereof) shall apply for purposes of this section.

“(5) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying efficient industrial process water use project with respect to any site shall not exceed \$10,000,000.

“(c) DEFINITIONS.—

“(1) QUALIFYING EFFICIENT INDUSTRIAL PROCESS WATER USE PROJECT.—The term ‘qualifying efficient industrial process water use project’ means, with respect to any site, a project—

“(A) which replaces or modifies a system for the use of water or steam in the production of goods in the trade or business of manufacturing (including any system for the use of water derived from blow-down from cooling towers and steam systems in the generation of electric power at a site also used for the production of goods in the trade or business of manufacturing), and

“(B) which is designed to achieve—

“(i) a reduction of not less than 20 percent in water withdrawal and a reduction of not less than 10 percent of water discharge when compared to the existing water use at the site, or

“(ii) a reduction of not less than 10 percent in water withdrawal and a reduction of not less than 20 percent of water discharge when compared to the existing water use at the site, and

“(2) ELIGIBLE PROPERTY.—The term ‘eligible property’ means any property—

“(A) which is part of a qualifying efficient industrial process water use project and which is necessary for the reduction in withdrawals or discharge described in paragraph (1)(B),

“(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

“(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

“(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

“(3) NET ENERGY CONSUMPTION.—The term ‘net energy consumption’ means the energy consumed, both on-site and off-site, with respect to the water described in paragraph (1)(A). Net energy consumption shall be normalized per unit of industrial output and measured under rules and procedures estab-

lished by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.

“(4) WATER DISCHARGE.—The term ‘water discharge’ means all water leaving the site via permitted or unpermitted surface water discharges, discharges to publicly owned treatment works, and shallow- or deep-injection (whether on-site or off-site).

“(5) WATER WITHDRAWAL.—The term ‘water withdrawal’ means all water taken for use at the site from on-site ground and surface water sources together with any water supplied to the site by a public water system.

“(d) TERMINATION.—This section shall not apply to periods after December 31, 2014, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking “and” at the end of clause (iv), by striking the period at the end of clause (v) and inserting “, and”, and by adding after clause (v) the following new clause:

“(vi) the basis of any property which is part of a qualifying efficient industrial use water project under section 48D.”.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48B the following new item:

“Sec. 48D. Qualifying efficient industrial process water use project credit.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after January 1, 2011, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

By Mr. WYDEN (for himself, Mr. CORNYN, and Mr. HARKIN):

S. 1640. A bill to amend title XVIII of the Social Security Act to provide coverage of intensive lifestyle treatment; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to introduce the Take Back Your Health Act of 2009. I want to thank my friends Senator CORNYN and Senator HARKIN for joining as original cosponsors of this bill.

This bill is another example of how Democrats and Republicans can come together on health reform. This bill incorporates ideas that bridge the philosophies of both parties: prevention, individual responsibility, and paying for health care services that provide value.

These days, health care reformers talk about bending the cost curve down and focusing on delivery system “game changers”. Often my friends and I have talked about how prevention—preventing disease or illness before it happens—does both, but is not scored as bending the cost curve by the Congressional Budget Office.

Over the last year, I have worked with some of the brightest minds in prevention—Doctors Dean Ornish, Mike Roizen, and Mark Hyman—on how to design a program that will change the focus of medicine from treating medical problems to pre-

venting them while delivering savings. The road that took us to this bill has not been an easy one, but I believe this bill achieves all of our goals when it comes to encouraging healthier behaviors that will help prevent disease, especially chronic diseases.

The heart of this bill is what’s called an intensive lifestyle treatment program. This program is an individualized health plan prescribed by a doctor that gets people living healthier and getting healthier through exercise, nutrition counseling, care coordination, medication management, and stopping smoking.

This type of program has been proven to help or even reverse the progression of many chronic diseases. A Highmark Blue Cross Blue Shield study found that their costs went down 50 percent after their patients took part in an intensive lifestyle program. That can mean big savings for Medicare and for seniors.

Even a CMS Medicare demonstration—which notoriously does not score savings for anything—found that people who went through a lifestyle program had the same or lower costs over three years than as Medicare beneficiaries who didn’t go through the program.

In times like these, the American people want to know that the Medicare program is going to get their money’s worth. The Take Back Your Health Act embraces a pay-for-performance type system. Doctors are paid a bundled payment to encourage efficiency and teamwork, and they are held responsible for their success. If a patient’s health status does not improve according to at least two measures, the doctor doesn’t get paid. In addition, if a patient goes through the program for diabetes, but still has problems and has to go to the hospital, the lifestyle treatment doctor doesn’t get paid.

The last innovation in this program is that it gives individuals a financial incentive for getting healthier. Every person who goes through this treatment program and improves his or her health status gets a one-time \$200 reward.

The beauty of this bill is that everyone has skin in the game: the doctor, the patient, and the government. That will be the secret of its success. It is just this kind of innovative program that can be a real game-changer for Medicare and for our entire health care system, by bringing the focus of our health care system back to the basics of making us healthier.

I look forward to working with Chairman BAUCUS and Senator GRASSLEY on including this bill in health reform. I urge my colleagues to join me as cosponsors on this bill.

By Ms. SNOWE (for herself and Mr. BINGAMAN):

S. 1643. A bill to amend the Internal Revenue Code of 1986 to allow a credit

for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, addressing our Nation's dependence on imported oil and our greenhouse gas emissions will require policies that extend across the economy, as well as policies that are more narrowly tailored to specific sectors. Today, I rise with my colleague from Maine, Senator SNOWE, to offer a bill that would enhance energy security and reduce greenhouse gas emissions associated with heating our nation's homes and buildings. Our bill, the Cleaner, Secure and Affordable Thermal Energy Act, creates significant incentives for consumers, businesses, and tax-exempt entities that now rely on heating oil to convert to energy-efficient natural gas or biomass heating systems.

Across the country, and particularly in the Northeast and Midwest, many homes and buildings still derive heat from oil-burning furnaces. According to the Energy Information Administration, in 2007, our Nation consumed nearly 160 million barrels of oil for heating fuel. This use of heating oil continues despite the existence of widely available alternatives that are cleaner, more secure, and more affordable.

On April 22, I held a hearing in the Energy and Natural Resources Committee on the Energy Efficiency Resource Standards. The Committee heard from several witnesses about the advantages of and efforts to convert residential, business, and public users from fuel oil to natural gas and biomass heating systems. For each household that converts from fuel oil to a natural gas heating system, we avoid 2.1 metric tons of greenhouse gas emissions. For each commercial building, we avoid 9.9 metric tons, and for each industrial facility, we avoid as much as 2,984 metric tons. These emission reductions are even more significant for conversions to heating systems that are fired by biomass resources.

Besides being cleaner, natural gas and biomass are far more secure resources. Ninety-eight percent of domestically consumed natural gas is produced in North America, and domestic reserves of natural gas are estimated at 100 years based on current consumption.

Finally, since the price of natural gas and biomass is lower and less volatile than the price of oil, converting offers significant short- and long-term cost savings to consumers. For instance, while the average annual cost of using fuel oil for home heating averages \$1,734, the average annual cost of operating a natural gas furnace is \$1,004.

But significant up-front costs prevent many families and businesses from converting their heating systems.

The Cleaner, Secure and Affordable Thermal Energy Act will make these

conversions more affordable for American families, businesses, and tax-exempt entities.

First, for residential consumers, the Act establishes a 30 percent tax credit for costs associated with converting from a fuel oil to natural gas or biomass heating system. The credit is capped at \$3,500, \$4,000 in the case of biomass stoves. To qualify, the replacement equipment must be energy efficient; a natural gas boiler must have an AFUE rating of at least 85 percent, a replacement natural gas furnace must have an AFUE rating of at least 92 percent, and a replacement biomass appliance must have a thermal efficiency rating of more than 75 percent.

For business taxpayers, the act authorizes bonus depreciation for property installed before 2012. This would enable business taxpayers to expense—that is, immediately write-off—half of the cost of qualifying property, and depreciate the remaining balance over the typical cost-recovery period.

Many of the Nation's heating oil systems are used by public entities, particularly school systems. To help public entities finance their conversions to natural gas and biomass heating, the Act adds conversion programs as an activity eligible for Qualified Energy Conservation Bonds.

Finally, to encourage expansion of natural gas service capabilities, the act includes a two-year extension of the 15-year depreciation schedule created for distribution facilities under the Energy Policy Act of 2005.

The act would move us significantly in the direction of a low-carbon economy while enhancing energy security and reducing heating costs. I look forward to working with Senator SNOWE to enacting our bill into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 245—RECOGNIZING SEPTEMBER 11 AS A “NATIONAL DAY OF SERVICE AND REMEMBRANCE”

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. CASEY, Mr. SPECTER, Mr. DODD, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 245

Whereas, on September 11, 2001, terrorists ruthlessly attacked the United States, leading to the tragic deaths and injuries of thousands of innocent United States citizens and other citizens from more than 90 different countries and territories;

Whereas in response to the attacks in New York City, Washington, D.C., and Shanksville, Pennsylvania, firefighters, police officers, emergency medical technicians, physicians, nurses, military personnel, and other first responders immediately and without concern for their own well-being rose to

service, in a heroic attempt to protect the lives of those still at risk, consequently saving thousands of men and women;

Whereas in the immediate aftermath of the attacks, thousands of recovery workers, including trades personnel, iron workers, equipment operators, and many others, joined with firemen, police officers, and military personnel to help to search for and recover victims lost in the terrorist attacks;

Whereas in the days, weeks, and months following the attacks, thousands of people in the United States and others spontaneously volunteered to help support the rescue and recovery efforts, braving both physical and emotional hardship;

Whereas many first responders, rescue and recovery workers, and volunteers, as well as survivors of the 9/11 terrorist attacks, continue to suffer from serious medical illnesses and emotional distress related to the physical and mental trauma of the 9/11 tragedy;

Whereas hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of the United States Armed Forces, with thousands having given their lives or suffered injury to defend our Nation's security and prevent future terrorist attacks;

Whereas the entire Nation witnessed and shared in the tragedy of September 11, 2001, and in the immediate aftermath of the attacks became unified under a remarkable spirit of service and compassion that inspired and helped heal the Nation;

Whereas in the years immediately following the attacks of September 11, 2001, the U.S. Bureau of Labor Statistics documented a marked increase in volunteerism among the people of the United States;

Whereas families of 9/11 victims, survivors, first responders, rescue and recovery workers, and volunteers called for Congress to pass legislation to formally authorize the establishment of September 11 as an annually recognized “National Day of Service and Remembrance”, and for the President of the United States to proclaim the day as such;

Whereas, in 2004, Congress unanimously passed H. Con. Res. 473, expressing the sense of Congress that it is appropriate to observe the anniversary of the attacks of September 11, 2001, with voluntary acts of service and compassion;

Whereas hundreds of thousands of people in the United States from all 50 States, as well as others who live in 170 different countries, annually observe the anniversary of the attacks of September 11, 2001, by personally engaging in service, good deeds, and other charitable acts; and

Whereas, on March 31, 2009, Congress passed the Edward M. Kennedy Serve America Act, which included for the first time authorization and Federal recognition of September 11 as a “National Day of Service and Remembrance”, a bill signed into law on April 21, 2009, by President Barack Obama: Now, therefore, be it

Resolved, That the Senate—

(1) calls upon all people in the United States to annually observe a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, including performing good deeds, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, in tribute to those who rose to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people in the United States to continue to live their lives throughout the

year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.

SENATE RESOLUTION 246—REQUIRING THAT LEGISLATION CONSIDERED BY THE SENATE TO BE CONFINED TO A SINGLE ISSUE

Mr. ENZI (for himself and Mr. BARASSO) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 246

Resolved,

SECTION 1. SINGLE ISSUE REQUIREMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or resolution that is not confined to a single subject.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 30 minutes, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. ENZI. Mr. President, I rise today to discuss the legislative climate the United States Senate has found itself operating in. Like many of my colleagues, I began my political career in local government. I was mayor in my hometown and then served as a legislator in the Wyoming State Legislature. It was during this time I learned that the most effective legislation comes from a process that is transparent and focused. For example, the Wyoming State Legislature requires that all bills must be focused on one issue. They cannot be loaded up with random provisions, riders, and add-ons that have nothing to do with the overall legislation. In Congress, we often use omnibus bills to pass multiple legislative items that should be considered on their own merit. Omnibus often create more problems in the long run than they solve.

Instead of focusing on one policy issue at a time, we have allowed legislative logjams to foul up the Senate's work and ill-considered legislation to be hastily pushed through this institution. These legislative practices, which have become the norm are a gangrene that eats away at this institution.

Legislation that is fundamental to our country's wellbeing has become politicized and burdened with extraneous provisions that have not been fully vetted through the regular order. Most of the time Members have not had the opportunity to read the bills they are voting on, let alone the public which will have to live under and pay for

whatever lurks in the unseen pages. By tolerating this behavior, the Senate is allowing legislation needed to address our Nation's most pressing challenges to go through unrefined and lousy with special interest provisions.

To help bring this institution back in line with its original purpose, today I submit my Single Issue Legislation resolution. I want this resolution to be a starting point for changing the attitude the Senate has toward building bills. It will allow us to focus on getting individual issues addressed more effectively. Specifically, this resolution enacts a standing order that creates a point of order against a bill or resolution that is not confined to a single issue. This point of order can only be overruled by a supermajority.

My Single Issue Legislation gives the Senate the flexibility in the amendment process it has always enjoyed and allows the Senate as a legislative body to develop the structure and scope of the standing order through practice and precedent rather than through arbitrary rules. At the same time, we ensure that our legislative process is focused and productive. In short, we bring ourselves back to how the Founding Fathers intended and wanted our legislative process to operate.

Our job is not to score political points by stuffing as many pet projects and knee-jerk provisions as we can into bills, but rather to represent the needs of our constituents, our States, and our country by doing what is best for us as a nation. We must get back to a better process for crafting and considering legislation so that we can enact effective policies to meet the many challenges we face today. This is why we were elected to serve in the United States Senate. We owe it to the people we represent to work through a process that allows legislation to be properly and thoroughly considered and debated. My Single Issue Legislation resolution helps us do just that.

SENATE RESOLUTION 247—DESIGNATING SEPTEMBER 26, 2009, AS "NATIONAL ESTUARIES DAY"

Mr. WHITEHOUSE (for himself, Mrs. BOXER, Mr. BURR, Mr. CARDIN, Mr. CARPER, Mr. COCHRAN, Ms. COLLINS, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. GREGG, Ms. LANDRIEU, Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. MURRAY, Mrs. SHAHEEN, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 247

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of employment, and 49 percent of economic output located in such regions;

Whereas coasts and estuaries contribute more than \$800,000,000,000 annually in trade and commerce to the Nation's economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating \$8,000,000,000 to \$12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported through commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed over the last 100 years;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, and harmful algae;

Whereas sea level rise is accelerating the degradation of estuaries by submerging low-lying lands, eroding beaches, converting wetlands to open water, exacerbating coastal flooding, and increasing the salinity of estuaries and freshwater aquifers;

Whereas in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), Congress found and declared that it is national policy to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone, including estuaries, for current and future generations;

Whereas estuary restoration efforts cost-effectively restore natural infrastructure in local communities, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 26, 2009, has been designated "National Estuaries Day" to increase awareness among all citizens, including local, State, and Federal officials, about the importance of healthy estuaries and the need to protect them: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 26, 2009, as "National Estuaries Day";

(2) supports the goals and ideals of "National Estuaries Day";

(3) acknowledges the importance of estuaries to the Nation's economic well-being and productivity;

(4) recognizes the persistent threats that undermine the health of the Nation's estuaries;

(5) applauds the work of national and community organizations and public partners to promote public awareness, protection, and restoration of estuaries; and

(6) reaffirms its support for estuaries, including the preservation, protection, and restoration thereof, and expresses its intent to continue working to protect and restore the estuaries of the United States.

SENATE RESOLUTION 248—DESIGNATING THE MONTH OF AUGUST 2009 AS "AGENT ORANGE AWARENESS MONTH"

Ms. COLLINS (for herself, Mr. BEGICH, Ms. SNOWE, Ms. MURKOWSKI, and Mr. ROCKEFELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 248

Whereas between 1964 and 1973, 8,744,000 men and women bravely served our Nation in the Vietnam War;

Whereas an estimated 2,600,000 service men and women may have been exposed to Agent Orange in Vietnam;

Whereas Agent Orange is an herbicide that was used during the Vietnam War to kill unwanted plant life and remove leaves from trees that provided cover for the enemy;

Whereas the United States military sprayed more than 19,000,000 gallons of herbicide throughout South Vietnam, with Agent Orange accounting for approximately 11,000,000 gallons of this amount;

Whereas Agent Orange is an extremely toxic substance that contains dioxin;

Whereas the Department of Veterans Affairs has recognized that certain cancers and other health problems are associated with exposure to Agent Orange;

Whereas John Baldacci, the Governor of the State of Maine, has proclaimed August 2009 as "Agent Orange Awareness Month" for that State;

Whereas the State of Alaska has 76,000 veterans, the highest population of veterans per capita, with 26,000 of these being veterans of the Vietnam War; and

Whereas, as a Nation, we are deeply grateful and thankful for those men and women who bravely served during the Vietnam War: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2009 as "Agent Orange Awareness Month";

(2) calls attention to those veterans who were exposed to Agent Orange and the adverse effects that such exposure has had on their health;

(3) recognizes the sacrifices that our veterans and servicemembers have made and continue to make on behalf of our great Nation, especially those veterans who were exposed to Agent Orange;

(4) reaffirms its commitment to our Nation's veterans; and

(5) does not, by this resolution, authorize, support, or settle any claim against the United States.

SENATE RESOLUTION 249—HONORING UNITED STATES NAVY PILOT CAPTAIN MICHAEL SCOTT SPEICHER WHO WAS KILLED IN OPERATION DESERT STORM

Mr. ROBERTS (for himself and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas more than 88,000 Americans remain missing from World War II, the Korean War, the Cold War, the Vietnam War, and the wars in Iraq and Afghanistan;

Whereas the people of the United States honor Captain Michael Scott Speicher;

Whereas Captain Speicher was shot down in Wadi Thumayal while flying an F/A-18 Hornet fighter jet on January 16, 1991, the first night of the Persian Gulf War;

Whereas Captain Speicher's fate remained unknown until July 2009, when United States Marines stationed in Anbar recovered his remains in an unmarked desert grave;

Whereas Captain Speicher made the ultimate sacrifice for his country; and

Whereas Captain Speicher's wife and 2 children have sacrificed to the greatest extent, and the people of the United States honor

them by commemorating Captain Speicher: Now, therefore, be it

Resolved, That the Senate—

(1) honors Captain Michael Scott Speicher for his service and sacrifice, and for giving his life fighting for the Nation in Operation Desert Storm;

(2) honors Captain Speicher's family for their love and undying strength and determination to bring Captain Speicher home;

(3) encourages the Department of Defense to continue the Nation's efforts to provide clear and accurate information about what happened to our fallen heroes, to determine the nature and cause of Captain Speicher's death, and to continue accounting for all who remain missing in action; and

(4) honors the United States Navy, the United States Marine Corps, the Defense Intelligence Agency, and the Department of Defense for their efforts to bring Captain Speicher home.

SENATE RESOLUTION 250—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN PEOPLE OF THE STATE OF CALIFORNIA v. AMIR SHERVIN

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 250

Whereas, in the case of *People of the State of California v. Amir Sherwin*, No. 05-221878, pending in Superior Court in Alameda County, California, the prosecution has sought testimony from Eric Vizcaino, an employee of Senator Barbara Boxer;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent an employee of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Eric Vizcaino and any other employee of Senator Boxer's office from whom testimony may be necessary are authorized to testify in the case of *People of the State of California v. Amir Sherwin*, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent employees of Senator Boxer's office in connection with the testimony authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 38—EXPRESSING SUPPORT FOR THE DESIGNATION OF AN EARLY DETECTION MONTH TO ENHANCE PUBLIC AWARENESS OF THE NEED FOR SCREENING FOR BREAST CANCER AND ALL OTHER FORMS OF CANCER

Mrs. HAGAN (for herself and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 38

Whereas more than 2,000,000 new cases of cancer are diagnosed in the United States every year;

Whereas the most common types of cancer in the United States are nonmelanoma skin cancer, breast cancer in women, prostate cancer in men, lung cancer, and colorectal cancers;

Whereas 1 out of every 8 women in the United States will develop breast cancer in her lifetime;

Whereas incidence of breast cancer in young women is much lower than in older women, and breast cancers are generally more aggressive and result in lower survival rates when they occur in young women;

Whereas breast cancer takes the life of 1 woman in the United States every 13 minutes;

Whereas, in 2009, approximately 192,370 women in the United States will be diagnosed with invasive breast cancer;

Whereas available treatments are very unlikely to cure advanced breast cancer;

Whereas many oncologists and breast cancer researchers believe that a cure for breast cancer will not be discovered until well into the future;

Whereas lung cancer (both small cell and non-small cell) is the second most common cancer in women;

Whereas, in 2009, approximately 11,270 women in the United States will be diagnosed with invasive cervical cancer, of which approximately 4,070 will die;

Whereas, if ovarian cancer is detected and treated early, the survival rate is 93 percent, however, fewer than 20 percent of all cases of ovarian cancer are found at an early stage;

Whereas prostate cancer is the second leading cause of cancer death among men, with more than 80 percent of all cases occurring in men more than 65 years old;

Whereas African-American men are diagnosed with prostate cancer at later stages and die of prostate cancer more often than White men;

Whereas, in 2009, approximately 192,280 men in the United States will be diagnosed with invasive prostate cancer;

Whereas if cancer is detected early enough, more than 75 percent of all people who develop cancer could be saved;

Whereas greater awareness of the critical necessity for the early detection of breast cancer and other cancers will not only save tens of thousands of lives but also greatly reduce the financial strain on government and private health care services by detecting cancer before it requires very expensive medical treatment;

Whereas there is a need for enhanced public awareness of the need for cancer screening; and

Whereas the designation of an Early Detection Month will enhance public awareness of breast cancer and all other forms of cancer: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the designation of an Early Detection Month to enhance public awareness of the need for screening for breast cancer and all other forms of cancer.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Saturday, August 22, 2009, at 10 a.m., in Chena Hot Springs Resort, Milepost 56.5, Chena Hot Springs Road, in Chena Hot Springs, Alaska.

The purpose of the hearing is to consider renewable energy production, strategies, and technologies with regard to rural communities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Mike.Gauthier@energy.senate.gov or Chuck.Kleeschulte@energy.senate.gov.

For further information, please contact Chuck Kleeschulte at (202) 224-8276 or Mike Gauthier at (202) 224-3907.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Subcommittee on National Parks.

The hearing will be held on Monday, August 24, 2009, at 1:30 p.m., in the Board Room of Town Hall, 170 MacGregor Avenue, Estes Park, Colorado.

The purpose of the hearing is to consider climate change impacts on national parks in Colorado and related management activities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to scott.miller@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Com-

mittee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, August 6, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, August 6, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, August 6, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, August 6, 2009 at 10 a.m. in Dirksen room 406 to hold a hearing entitled, "Climate Change and Ensuring that America Leads the Clean Energy Transformation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, August 6, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on August 6, 2009, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, August 6, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, August 6, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, August 6, 2009, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on August 6, 2009, at 10:30 a.m., in SD-226 of the Dirksen Senate Office Building, to continue the executive business meeting from July 30, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, August 6, 2009, at 10 a.m. to conduct a hearing entitled, "The U.S. Postal Service in Crisis."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that Joseph Lewis, of Senator HARKIN's staff, and Timothy Snider, of the Office of Congressional Accessibility Services, be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Joi Chaney of the Democratic policy committee be granted the privilege of the floor during today's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Patrick Hartley and Jacob Butcher of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, on behalf of Senator DODD, I ask unanimous

consent that a member of his staff, Deborah Katz, be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Lautenberg:									
Israel	Shekel		192.00						192.00
Turkey	Lira		250.00						250.00
United States	Dollar				7,090.54				7,909.54
Yuna Jacobson:									
Israel	Shekel		180.00						180.00
Turkey	Lira		242.00						242.00
United States	Dollar				8,328.47				8,328.47
Senator Daniel K. Inouye:									
France	Euro		4,912.00						4,912.00
Elizabeth L. Schmid:									
France	Euro		4,912.00						4,912.00
Gary Reese:									
France	Euro		4,912.00						4,912.00
Senator Thad Cochran:									
France	Euro		4,912.00						4,912.00
Senator Byron Dorgan:									
France	Euro		2,112.00						2,112.00
Bruce Evans:									
France	Euro		4,912.00						4,912.00
Kay Webber:									
France	Euro		4,912.00						4,912.00
Maria Rosario Gutierrez:									
France	Euro		1,018.00						1,018.00
Switzerland	Franc		275.27						275.27
United States					4,081.32				4,081.32
Senator Tom Harkin:									
France	Euro		4,912.00						4,912.00
Switzerland	Euro		275.27						275.27
Senator Richard C. Shelby:									
France	Euro		4,912.00						4,912.00
Anne Coleman Caldwell:									
France	Euro		4,912.00						4,912.00
David Schiappa:									
France	Euro		4,912.00						4,912.00
Brian P. Monahan:									
France	Euro		4,912.00						4,912.00
Stewart H. Holmes:									
France	Euro		3,894.00						3,894.00
United States	Dollar				4,150.72				4,150.72
*Delegation Expenses:									
France	Dollar						5.00		5.00
Senator Judd Gregg:									
Spain	Euro		585.00						585.00
Senator Patrick Leahy:									
Pakistan	Rupee		152.00						152.00
Afghanistan	Afghani		28.00						28.00
France	Euro		334.00						334.00
Daniel Ginsberg:									
Pakistan	Rupee		152.00						152.00
Afghanistan	Afghani		28.00						28.00
France	Euro		334.00						334.00
John Tracy:									
Pakistan	Rupee		152.00						152.00
Afghanistan	Afghani		28.00						28.00
France	Euro		334.00						334.00
*Delegation Expenses:									
Iraq	Dollar						93.00		93.00
Pakistan	Dollar						142.00		142.00
France	Dollar						44.00		44.00
Allen Cutler:									
United Arab Emirates	Dirham		572.00						572.00
United States	Dollar				8,096.87				8,096.87
Jonathan Kamarck:									
Egypt	Pound		1,600.00						1,600.00
United States	Dollar				6,643.39				6,643.39
Ellen Beares:									
Egypt	Pound		1,600.00						1,600.00
United States	Dollar				6,643.39				6,643.39
Arthur Egerton Cameron, Jr.:									
France	Euro		600.00						600.00
United States	Dollar				7,823.73				7,823.73
Howard Sutton:									
France	Euro		778.00						778.00
United States	Dollar				7,823.73				7,823.73
Ellen Maldonado:									
South Korea	Won		480.00						480.00
Japan	Yen		1,737.00						1,737.00
Japan	Dollar		40.00						40.00
United States	Dollar				8,854.00				8,854.00

Total	72,004.54	70,355.16	284.00	142,643.00
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*Delegation expenses include payments and reimbursements by the Department of State under the authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Pub. L. 95–384, and expenses paid pursuant to S. Res. 179, agreed to May 25, 1977.

SENATOR DANIEL INOUE,
Chairman, Committee on Appropriations, July 27, 2009.

**CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009**

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lindsey Graham:									
China	Dollar		254.00						254.00
Vietnam	Dollar		134.00						134.00
Japan	Dollar		132.00				35.00		167.00
Thomas W. Weinberg:									
Spain	Dollar		280.00						280.00
Senator John McCain:									
Hong Kong	Dollar		64.00				42.00		106.00
Vietnam	Dong		64.00						64.00
China	Yuan		57.00						57.00
Japan	Yen		562.00						562.00
Richard Fontaine:									
Hong Kong	Dollar		388.00						388.00
Vietnam	Dollar		200.00						200.00
Japan	Dollar		388.00						388.00
China	Dollar		146.00						146.00
Brooke F. Buchanan:									
Hong Kong	Dollar		388.00						388.00
Vietnam	Dollar		200.00						200.00
China	Dollar		146.00						146.00
Japan	Dollar		388.00						388.00
Senator Susan M. Collins:									
Russia	Ruble		151.00						151.00
Poland	Zloty		147.00						147.00
Czech Republic	Koruna		372.00						372.00
Robert Epplin:									
Russia	Ruble		151.00						151.00
Poland	Zloty		147.00						147.00
Czech Republic	Koruna		372.00						372.00
Senator Jack Reed:									
Kuwait	Dollar						75.00		75.00
Afghanistan	Dollar						38.00		38.00
United States	Dollar				8,992.75				8,992.75
Elizabeth King:									
Kuwait	Dollar						80.00		80.00
Pakistan	Dollar						5.00		5.00
Afghanistan	Dollar						29.00		29.00
United States	Dollar				8,992.75				8,992.75
Senator Mel Martinez:									
Spain	Dollar		310.00						310.00
Laura Bauld:									
Vietnam	Dollar		114.00						114.00
China	Dollar		193.00		40.00		40.00		273.00
Japan	Dollar		153.00				70.00		223.00
Michael J. Noblet:									
United States	Dollar				17,788.00				17,788.00
Burkina Faso	Dollar		177.00				336.00		513.00
Yemen	Dollar		222.00				401.00		623.00
Dana W. White:									
United States	Dollar				13,746.00				13,746.00
Burkina Faso	Dollar		582.00						582.00
Yemen	Dollar		569.00						569.00
Michael J. Kuiken:									
United States	Dollar				13,815.00				13,815.00
Yemen	Dollar		583.00						583.00
Burkina Faso	Dollar		598.00						598.00
Senator James M. Inhofe:									
Germany	Euro		62.00						62.00
Qatar	Riyal		237.00						237.00
Ethiopia	Birr		56.00						56.00
Rwanda	Franc		88.00						88.00
Ghana	Cedi		34.00						34.00
Anthony Lazarski:									
Germany	Euro		62.00						62.00
Qatar	Riyal		206.00						206.00
Ethiopia	Birr		45.00						45.00
Rwanda	Franc		82.00						82.00
Ghana	Cedi		54.00						54.00
Mark Powers:									
Germany	Euro		62.00						62.00
Qatar	Riyal		228.00						228.00
Ethiopia	Birr		45.00						45.00
Rwanda	Franc		88.00						88.00
Ghana	Cedi		34.00						34.00
Senator Jeff Sessions:									
Israel	New Shekel		684.84						684.84
Afghanistan	Afghani		10.00						10.00
Pakistan	Rupee		662.14						662.14
Turkey	Lira		326.18						326.18
Sandra E. Luff:									
Israel	New Shekel		897.15						897.15
Afghanistan	Afghani		43.00						43.00
Pakistan	Rupee		66.43						66.43
Turkey	Lira		321.18						321.18
Senator Lindsey Graham:									
France	Dollar		147.35				24.53		171.88
Morocco	Dollar		72.55				10.85		83.40
Algeria	Dollar		120.39						120.39
Greece	Dollar		101.71						101.71
Senator John Thune:									
France	Euro		355.00						355.00
Morocco	Dirham		272.00						272.00
Algeria	Dinar		148.00						148.00
Greece	Euro		564.00						564.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ryan Nelson:									
France	Euro		355.00						355.00
Morocco	Dirham		272.00						272.00
Algeria	Dinar		148.00						148.00
Greece	Euro		564.00						564.00
Senator Mark Begich:									
United Arab Emirates	Dollar		110.00						110.00
Afghanistan	Dollar		16.00						16.00
Dana W. White:									
United States	Dollar				8,072.00				8,072.00
France	Euro		1,064.00						1,064.00
Richard W. Fieldhouse:									
United States	Dollar				8,236.00				8,236.00
Russia	Ruble		695.87						695.87
Poland	Zloty		173.42						173.42
Czech Republic	Koruna		761.84						761.84
Senator Mark Udall:									
United Arab Emirates	Dollar		103.00						103.00
Afghanistan	Dollar		16.00						16.00
Jennifer Barrett:									
United Arab Emirates	Dollar		103.00				5.00		108.00
Afghanistan	Dollar		16.00						16.00
Pakistan	Dollar						18.00		18.00
Richard D. DeBobes:									
Russia	Ruble		302.00				95.00		397.00
Poland	Zloty		147.00				89.00		236.00
Czech Republic	Koruna		372.00				90.00		462.00
United States	Dollar				8,236.00				8,236.00
Senator Carl Levin:									
United States	Dollar				8,236.00				8,236.00
Russia	Ruble		302.00				199.00		501.00
Poland	Zloty		147.00				35.00		182.00
Czech Republic	Koruna		372.00				110.00		482.00
Richard H. Fontaine:									
Singapore	Dollar		1,347.00						1,347.00
Senator Kay R. Hagan:									
United Arab Emirates	Dollar		103.00						103.00
Afghanistan	Dollar		16.00						16.00
Pakistan	Dollar						6.00		6.00
John M. Harney:									
United Arab Emirates	Dollar		103.00						103.00
Afghanistan	Dollar		16.00						16.00
Senator E. Benjamin Nelson:									
Poland	Zloty		413.48						413.48
United States	Dollar				8,682.58				8,682.58
Ann Premer:									
Poland	Zloty		467.23						467.23
United States	Dollar				8,682.58				8,682.58
Senator James M. Inhofe:									
France	Euro		545.00		60.00		50.00		655.00
Total			23,857.76		113,579.66		1,883.38		139,320.80

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, July 8, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mark Warner:									
Pakistan	Dollar		152.00						152.00
Afghanistan	Dollar		28.00						28.00
France	Euro		167.00		470.40				637.40
United States	Dollar				4,501.90				4,501.90
Mark Brunner:									
Pakistan	Dollar		152.00						152.00
Afghanistan	Dollar		28.00						28.00
France	Euro		334.00						334.00
Total			861.00		4,972.30				5,833.30

SENATOR KENT CONRAD,
Chairman, Committee on the Budget, July 21, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amber Cottle:									
China	Yuan		254.53						254.53
Hong Kong	Dollar		691.96						691.96
United States	Dollar				11,277.43				11,277.43
Ayesha Khanna:									
China	Yuan		156.70						156.70
Hong Kong	Dollar		713.71						713.71

August 6, 2009

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				11,277.43				11,277.43
Hun Quach:									
China	Yuan		156.35						156.35
Hong Kong	Dollar		877.54						877.54
United States	Dollar				11,277.43				11,277.43
Christopher Campbell:									
China	Yuan		176.65						176.65
Hong Kong	Dollar		807.92						807.92
United States	Dollar				11,277.43				11,277.43
Keith Franks:									
China	Yuan		171.32						171.32
Hong Kong	Dollar		723.37						723.37
United States	Dollar				11,277.43				11,277.43
Greta Lundeborg:									
China	Yuan		225.53						225.53
Hong Kong	Dollar		908.28						908.28
United States	Dollar				11,277.43				11,277.43
Michelle Miranda:									
China	Yuan		151.29						151.29
Hong Kong	Dollar		783.66						783.66
United States	Dollar				11,277.43				11,277.43
Jeffrey Phan:									
China	Yuan		248.33						248.33
Hong Kong	Dollar		696.66						696.66
United States	Dollar				11,277.43				11,277.43
Brian Rice:									
China	Yuan		242.35						242.35
Hong Kong	Dollar		844.08						844.08
United States	Dollar				11,781.43				11,781.43
Ted Serafini:									
China	Yuan		163.51						163.51
Hong Kong	Dollar		877.93						877.93
United States	Dollar				11,781.43				11,781.43
Amit Kalra:									
China	Yuan		245.78						245.78
Hong Kong	Dollar		338.88						338.88
United States	Dollar				11,781.43				11,781.43
Delegation Expenses:									
Hong Kong					50.41				50.41
Total			10,456.33		125,614.14				136,070.47

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, July 31, 2009.CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amber Cottle:									
Mexico	Peso		285.52						285.52
Trinidad & Tobago	Dollar		2,071.62						2,071.62
United States	Dollar				1,966.27				1,966.27
Janis Lazda:									
Trinidad	Dollar		3,623.78						3,623.78
United States	Dollar				1,440.55				1,440.55
Heather O'Loughlin:									
Mexico	Peso		114.47						114.47
United States	Dollar				590.92				590.92
Chelsea Thomas:									
Mexico	Peso		181.26						181.26
Trinidad & Tobago	Dollar		2,071.62						2,071.62
United States	Dollar				1,996.27				1,996.27
Delegation Expenses:									
						2,380.98			2,380.98
David Ross:									
Switzerland	Franc		992.02						992.02
Belgium	Euro		1,068.00						1,068.00
United States	Dollar				2,575.27				2,575.27
Total			10,408.29		8,569.28		2,380.98		21,358.55

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, July 31, 2009.CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
United Arab Emirates	Dirham		174.80						174.80
Vietnam	Dong		899.30						899.30
United States	Dollar				13,143.47				13,143.47
Melodee Hanes:									
United Arab Emirates	Dirham		207.45						207.45
Vietnam	Dong		768.42						768.42

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				13,143.47				13,143.47
William Dauster:									
United Arab Emirates	Dirham		151.64						151.64
Vietnam	Dong		754.79						754.79
United States	Dollar				13,143.47				13,143.47
Demetrios Marantis:									
United Arab Emirates	Dirham		238.49						238.49
Vietnam	Dong		811.66						811.66
United States	Dollar				11,986.47				11,986.47
Jon Selib:									
United Arab Emirates	Dirham		232.23						232.23
Vietnam	Dong		744.04						744.04
United States	Dollar				11,986.47				11,986.47
Janis Lazda:									
United Arab Emirates	Dirham		450.61						450.61
Vietnam	Dong		850.43						850.43
United States	Dollar				11,986.47				11,986.47
Chelsea Thomas:									
United Arab Emirates	Dirham		247.21						247.21
Vietnam	Dong		1,001.30						1,001.30
United States	Dollar				11,986.47				11,986.47
Carol Guthrie:									
United Arab Emirates	Dirham		231.96						231.96
Vietnam	Dong		809.04						809.04
United States	Dollar				11,986.47				11,986.47
Demetrios Marantis:									
China	Yuan		208.11						208.11
United States	Dollar				11,910.49				11,910.49
Janis Lazda:									
China	Yuan		407.66						407.66
United States	Dollar				11,910.49				11,910.49
Hun Quach:									
China	Yuan		345.96						345.96
Hong Kong	Dollar		1,249.56						1,249.56
Singapore	Dollar		877.47						877.47
Malaysia	Ringgit		14.00						14.00
United States	Dollar				10,236.33				10,236.33
Chris Adamo:									
Poland	Zloty		706.00						706.00
United States	Dollar				2,886.11				2,886.11
JoEllen Darcy:									
Poland	Zloty		342.00						342.00
United States	Dollar				2,952.59				2,952.59
Paul Wilkins:									
Poland	Zloty		192.84						192.84
United States	Dollar				3,443.82				3,443.82
Total			24,903.44		130,716.12				155,619.56

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, July 31, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert Casey, Jr.:									
Israel	Shekel		402.00						402.00
Turkey	Lira		380.00						380.00
United States	Dollar				7,633.47				7,633.47
Senator Bob Corker:									
Italy	Euro		259.00						259.00
Sudan	Pound		354.00						354.00
Kenya	Shilling		386.00						386.00
Tanzania	Shilling		161.00						161.00
Rwanda	Franc		145.00						145.00
United States	Dollar				6,689.63				6,689.63
Senator Jim DeMint:									
Belgium	Euro		429.00						429.00
United States	Dollar				3,434.87				3,434.87
Senator Johnny Isakson:									
Sudan	Pound		125.00						125.00
Kenya	Shilling		125.00						125.00
Tanzania	Shilling		125.00						125.00
Rwanda	Franc		125.00						125.00
United States	Dollar				7,218.63				7,218.63
Senator Ted Kaufman:									
Kuwait	Dinar		75.00						75.00
Afghanistan	Dollar		13.00						13.00
United States	Dollar				11,010.03				11,010.03
Israel	Shekel		146.03						146.03
Syria	Pound		24.58						24.58
Turkey	Lira		32.02						32.02
United States	Dollar				8,984.66				8,984.66
Senator John Kerry:									
Pakistan	Rupee		170.00						170.00
Sudan	Dollar		210.03						210.03
United Arab Emirates	Dirham		94.55						94.55
United States	Dollar				4,062.77				4,062.77
Jordan	Dinar		146.23						146.23
Italy	Euro		259.00						259.00
United States	Dollar				11,338.77				11,338.77
China	Renminbi		831.00						831.00

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				13,399.85				13,399.85
Senator Richard Lugar:									
Russia	Ruble		153.00						153.00
Senator James Risch:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,920.00						1,920.00
Senator Jeanne Shaheen:									
United Arab Emirates	Dirham		105.00						105.00
Afghanistan	Dollar		10.00						10.00
Pakistan	Rupee		22.00						22.00
Jonah Blank:									
Indonesia	Dollar		2,639.00						2,639.00
United States	Dollar				13,055.08				13,055.08
Shellie Bressler:									
Zimbabwe	Dollar		1,206.00						1,206.00
South Africa	Rand		611.00						611.00
United States	Dollar				10,372.55				10,372.55
Afghanistan	Dollar		34.00						34.00
United Arab Emirates	Dirham		191.00						191.00
United States	Dollar				8,179.12				8,179.12
Jason Bruder:									
Bosnia and Herzegov	Convertible Mark		168.00						168.00
Serbia	Dinar		75.00						75.00
Kosovo	Euro		144.00						144.00
United States	Dollar				8,520.94				8,520.94
Heidi Crebo-Rediker:									
Ukraine	Hryvnia		1,164.94						1,164.94
United States	Dollar				7,690.61				7,690.61
Houston Ernst:									
Sudan	Pound		117.50						117.50
Kenya	Shilling		117.70						117.50
Tanzania	Shilling		117.50						117.50
Rwanda	Franc		117.50						117.50
United States	Dollar				6,689.91				6,689.91
Steven Feldstein:									
Ghana	Cedi		261.00						261.00
Niger	Dollar		340.00						340.00
United States	Dollar				13,018.87				13,018.87
Kathleen Frangione:									
Germany	Euro		2,885.97						2,885.97
United States	Dollar				7,830.38				7,830.38
China	Renminbi		461.00						461.00
United States	Dollar				12,797.52				12,797.52
Douglas Frantz:									
United Kingdom	Pound		567.12						567.12
United States	Dollar				7,200.00				7,200.00
United Arab Emirates	Dirham		2,084.38						2,084.38
Afghanistan	Dollar		24.00						24.00
United States	Dollar				8,149.12				8,149.12
Dillon Guthrie:									
Bosnia and Herzegov	Convertible Mark		256.00						256.00
Serbia	Dinar		64.00						64.00
Kosovo	Euro		197.00						197.00
United States	Dollar				8,520.94				8,520.94
Mark Helmke:									
Germany	Euro		2,028.77						2,028.77
United States	Dollar				9,122.44				9,122.44
Germany	Euro		1,099.00						1,099.00
United States	Dollar				7,584.00				7,584.00
Frank Jannuzi:									
Russia	Ruble		1,263.00						1,263.00
China	Renminbi		1,098.00						1,098.00
Korea	Won		400.00						400.00
Japan	Yen		458.00						458.00
United States	Dollar				11,405.88				11,405.88
China	Renminbi		1,001.00						1,001.00
Singapore	Dollar		948.00						948.00
United States	Dollar				11,492.65				11,492.65
Jofi Joseph:									
Israel	Shekel		402.00						402.00
Turkey	Lira		380.00						380.00
United States	Dollar				7,674.47				7,674.47
John Kiriakou:									
United Arab Emirates	Dirham		2,038.94						2,038.94
Afghanistan	Dollar		24.00						24.00
United States	Dollar				8,179.12				8,179.12
Chad Kreikemeier:									
Cyprus	Euro		902.00						902.00
United States	Dollar				9,208.51				9,208.51
United Arab Emirates	Dirham		70.00						70.00
Afghanistan	Dollar		10.00						10.00
Pakistan	Rupee		23.00						23.00
Robin Lerner:									
Iceland	Krona		626.00						626.00
United Arab Emirates	Dirham		203.00						203.00
Afghanistan	Dollar		100.00						100.00
United States	Dollar				10,606.39				10,606.39
Mark Lopes:									
Cyprus	Euro		1,105.00						1,105.00
United States	Dollar				9,802.53				9,802.53
Frank Lowenstein:									
Pakistan	Rupee		218.73						218.73
Sudan	Dollar		220.00						220.00
United Arab Emirates	Dirham		47.27						47.27
United States	Dollar				7,822.00				7,822.00
Jordan	Dinar		346.06						346.06
Italy	Euro		204.50						204.50
United States	Dollar				9,705.71				9,705.71

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Carl Meacham:									
Uruguay	New Peso		868.00						868.00
Chile	Peso		1,914.00						1,914.00
United States	Dollar				7,824.70				7,824.70
Kenneth Myers, Jr.:									
Croatia	Kuna		385.00						385.00
Russia	Ruble		153.00						153.00
United States	Dollar				9,076.04				9,076.04
Kenneth Myers III:									
Croatia	Kuna		385.00						385.00
Russia	Ruble		153.00						153.00
United States	Dollar				9,076.04				9,076.04
Melanie Nakagawa:									
Switzerland	Euro		992.00						992.00
Belgium	Euro		1,062.00						1,062.00
United States	Dollar				2,575.27				2,575.27
Stacie Oliver:									
Italy	Euro		259.00						259.00
Sudan	Dinar		354.00						354.00
Kenya	Shilling		386.00						386.00
Tanzania	Shilling		161.00						161.00
Rwanda	Franc		145.00						145.00
United States	Dollar				6,719.91				6,719.91
Michael Phelan:									
Pakistan	Rupee		681.27						681.27
United States	Dollar				9,522.34				9,522.34
Nilmini Rubin:									
Senegal	CFA		1,099.00						1,099.00
United States	Dollar				9,666.80				9,666.80
Shannon Smith:									
Zimbabwe	Dollar		1,151.00						1,151.00
South Africa	Rand		470.00						470.00
United States	Dollar				9,224.95				9,224.95
Sudan	Dollar		110.00						110.00
Chris Socha:									
Belgium	Euro		429.00						429.00
Cyprus	Euro		1,158.00						1,158.00
United States	Dollar				6,538.93				6,538.93
Halie Soifer:									
Kuwait	Dollar		104.00						104.00
Pakistan	Rupee		30.00						30.00
United States	Dollar				9,022.74				9,022.74
Israel	Shekel		275.00						275.00
Syria	Pound		30.00						30.00
Turkey	Lira		47.02						47.02
United States	Dollar				8,176.88				8,176.88
Fatema Sumar:									
Turkey	Lira		600.00						600.00
Pakistan	Rupee		236.00						236.00
United States	Dollar				9,980.98				9,980.98
United Arab Emirates	Dirham		461.00						461.00
Afghanistan	Dollar		89.00						89.00
United States	Dollar				8,179.12				8,179.12
Laura Winthrop:									
Ghana	Cedi		180.00						180.00
Niger	Dollar		317.00						317.00
United States	Dollar				12,195.87				12,195.87
Total			54,473.41		406,181.99				460,655.40

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, July 29, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—FOURTH QUARTER 2008 FOR TRAVEL FROM SEPT. 1 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jonah Blank:									
India	Rupiah		302.00						302.00
Afghanistan	Dollar		100.00						100.00
Kuwait	Dinar		197.00						197.00
United States	Dollar				8,951.95				8,951.95
Total			599.00		8,951.95				9,550.95

SENATOR JOHN KERRY,
Chairman, U.S. Senate Committee on Foreign Relations, Apr. 23, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Coburn:									
United States	Dollar				11,159.80				11,159.80
Lebanon	Pound		232.00						232.00
Syria	Pound		148.00						148.00

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Shekel		176.00						176.00
Romania	Leu		336.00						336.00
Senator Thomas Carper:									
United States	Dollar				8,129.11				8,129.11
United Arab Emirates	Dirham		80.00						80.00
Afghanistan	Afghani		69.00						69.00
Pakistan	Rupee		100.00						100.00
Wendy Anderson:									
United States	Dollar				8,129.11				8,129.11
United Arab Emirates	Dirham		80.00						80.00
Afghanistan	Afghani		69.00						69.00
Pakistan	Rupee		100.00						100.00
Benjamin Billings:									
United States	Dollar				1,597.62				1,597.62
Netherlands	Euro		342.00						342.00
Total			1,732.00		29,015.64				30,747.64

SENATOR JOSEPH LIEBERMAN,
Chairman, Committees on Homeland Security and Governmental Affairs, July 15, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Amy Klobuchar:									
Hong Kong	Dollar		75.00						75.00
Vietnam	Dong		82.00						82.00
China	Renminbi		57.00						57.00
Japan	Yen		205.00						205.00
Thomas Sullivan:									
Hong Kong	Dollar		307.00						307.00
Vietnam	Dong		269.00						269.00
China	Renminbi		135.00						135.00
Japan	Yen		362.00						362.00
Senator Jon Kyl:									
Israel	Shekel		47.80						47.80
Afghanistan	Dollar		23.58						23.58
Pakistan	Rupee		156.00						156.00
Turkey	Lira		215.47						215.47
Timothy Morrison:									
Israel	Shekel		179.92						179.92
Afghanistan	Dollar		33.58						33.58
Pakistan	Rupee		10.00						10.00
Turkey	Lira		265.47						265.47
Total			2,423.82						2,423.82

SENATOR PATRICK LEAHY,
Chairman, Committee on the Judiciary, July 31, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike Enzi:									
Germany	Euro		62.00						62.00
Qatar	Riyals		34.00						34.00
Ethiopia	Birr		34.00						34.00
Rwanda	Franc		88.00						88.00
Ghana	Cedi		34.00						34.00
Senator Barbara Mikulski:									
United Kingdom	Pound		1,849.00						1,849.00
United States	Dollar				8,356.56				8,356.56
Julia Frifield:									
United Kingdom	Pound		1,849.00						1,849.00
United States	Dollar				8,356.56				8,356.56
Total			3,950.00		16,713.12				20,663.12

SENATOR EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor, and Pensions,
July 29, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ENERGY & NATURAL RESOURCES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Allen Stayman:									
United States	Dollar				1,846.70				1,846.70
Marshall Islands	Dollar		488.51						488.51
Isaac Edwards:									
United States	Dollar				1,846.70				1,846.70
Marshall Islands	Dollar		449.04						449.04
Senator Jeff Bingaman:									
United States	Dollar				9,896.47				9,896.47
Belgium	Euro		1,800.00						1,800.00
Germany	Euro		705.25						705.25
Robert Simon:									
United States	Dollar				6,492.52				6,492.52
Belgium	Euro		1,118.10						1,118.10
Germany	Euro		397.90						397.90
Jonathan Black:									
United States	Dollar				9,274.24				9,274.24
Belgium	Euro		1,157.00						1,157.00
Germany	Euro		730.00						730.00
Derek Dom:									
United States	Dollar				8,980.24				8,980.24
Belgium	Euro		1,117.00						1,117.00
Germany	Euro		733.75						773.75
Total			8,696.55		38,336.87				47,033.42

SENATOR JEFF BINGAMAN,
Chairman, Committee on Energy & Natural Resources, June 5, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary Landrieu:									
United States	Dollar				10,334.62				10,334.62
The Netherlands	Euros		212.22						212.22
Tanner Johnson:									
United States	Dollar				1,087.62				1,087.62
The Netherlands	Euros		250.65						250.65
Stephanie Allen:									
United States	Dollar				1,178.62				1,178.62
The Netherlands	Euros		178.16						178.16
Jane Campbell:									
United States	Dollar				1,028.50				1,028.50
The Netherlands	Euros		297.25						297.25
Jeanne-Marie Ganucheau:									
United States	Dollar				1,679.62				1,679.62
The Netherlands	Euros		667.92						667.92
T. Bradley Keith:									
United States	Dollar				1,609.62				1,609.62
The Netherlands	Euros		895.00						895.00
Total			2,501.20		16,918.60				19,419.80

SENATOR MARY LANDRIEU,
Chairman, Committee on Small Business and Entrepreneurship, July 2, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kim Lipsky:									
Philippines	Pesos		913.72						913.72
United States	Dollar				3,578.46				3,578.46
Dahlia Melendrez:									
Philippines	Pesos		913.72						913.72
United States	Dollar				3,578.46				3,578.46
Senator Mike Johanns:									
Cuba	Dollar		33.00						33.00
Terry Van Dorn:									
Cuba	Dollar		33.00						33.00
Total			1,893.44		7,156.92				9,050.36

SENATOR DANIEL AKAKA,
Chairman, Committee on Veterans' Affairs, United States Senate,
July 29, 2009.

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. Dollar equivalent or U.S. currency	Foreign currency	U.S. Dollar equivalent or U.S. currency	Foreign currency	U.S. Dollar equivalent or U.S. currency	Foreign currency	U.S. Dollar equivalent or U.S. currency
Senator Bill Nelson	Dollar		482.00		1,444.83				482.00
Caroline Tess	Dollar		482.00		1,444.83				1,444.83
Greta Lundeborg	Dollar		439.00						482.00
Louis Tucker	Dollar		1,927.18		1,826.31				1,444.83
David Koger	Dollar		1,927.18		16,918.98				439.00
John Maguire	Dollar		600.00		16,918.98				1,826.31
Richard Girven	Dollar		570.00		864.42				1,927.18
Eric Chapman	Dollar		865.00		864.42				16,918.98
Clete Johnson	Dollar		590.00		1,023.42				1,927.18
Caroline Tess	Dollar		821.00		1,415.91				16,918.98
Senator Bill Nelson	Dollar		635.00		8,236.00				600.00
Senator Richard Burr	Dollar		1,339.00		8,900.33				864.42
Senator Saxby Chambliss			1,339.00			3,236.00			865.00
Teresa Ervin			1,339.00						1,023.42
James Smythers			1,339.00						1,415.91
Jennifer Wagner			1,339.00						821.00
Total			16,033.36		59,858.43		3,236.00		8,236.00

SENATOR DIANE FEINSTEIN,
Chairman, Committee on Intelligence, July 24, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 20, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eric Thu:									
United States	Dollar				8,758.51				8,758.51
Germany	Euro		1,476.00						1,476.00
Thomas Hassenboehloer:									
United States	Dollar				7,698.22				7,698.22
Germany	Euro		656.00						656.00
Allyne Todd Johnston:									
United States	Dollar				7,698.22				7,698.22
Germany	Euro		490.00						490.00
John Stoodly:									
United States	Dollar				7,698.22				7,698.22
Germany	Euro		656.00						656.00
Christopher J. Albritton:									
United States	Dollar				7,692.25				7,692.25
Netherlands	Euro		649.00						649.00
Bettina Poirier:									
United States	Dollar				7,663.62				7,663.62
Netherlands	Euro		500.00						500.00
Total			4,427.00		47,209.04				51,636.04

SENATOR BARBARA BOXER,
Chairman, Committee on Environment & Public Works, July 30, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22 U.S.C. 1754(b), COMMITTEE ON COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Orest Deychakiwsky:									
Moldova	Leu		1,025.00						1,025.00
United States	Dollar				7,802.94				7,802.94
Kyle Parker:									
Moldova	Leu		1,025.00						1,025.00
United States	Dollar				7,802.94				7,802.94
Russia	Ruble		1,224.00						1,224.00
United States	Dollar				7,378.05				7,378.05
Janice Helwig:									
Tajikistan	Somoni		3,168.21						3,168.21
Kyrgyzstan	Som		1,651.00						1,651.00
United States	Dollar				8,538.65				8,538.65
Shelly Han:									
Tajikistan	Somoni		3,168.21						3,168.21
Kyrgyzstan	Som		1,651.00						1,651.00
United States	Dollar				8,538.65				8,538.65
Japan	Yen		1,319.91						1,319.91
United States	Dollar				11,174.81				11,174.81
Winsome Packer:									
Ukraine	Hryvnia		1,701.00		2,438.00				4,139.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Austria	Euro		31,114.00						31,114.00
Alex Johnson:									
Greece	Euro		2,064.00						2,064.00
United States	Dollar				7,788.81				7,788.81
Total:			49,111.33		61,462.85				110,574.18

SENATOR BENJAMIN CARDIN,
Chairman, Committee on Commission on Security and Cooperation in Europe,
July 28, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON CODEL MCCONNELL FOR TRAVEL FROM APR. 4 TO APR. 15, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mitch McConnell:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,920.00						1,920.00
Senator Saxby Chambliss:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,920.00						1,920.00
Senator John Barrasso:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,920.00						1,920.00
Senator James Risch:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,920.00						1,920.00
Admiral Brian Monahan:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,740.00						1,740.00
Sharon Soderstorm:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		913.00						913.00
Tom Hawkins:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,510.00						1,510.00
Roy Brownell:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,520.00						1,520.00
Stefanie Hagar:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,494.00						1,494.00
Sally Walsh:									
Egypt	Pound		809.00						809.00
Israel	Shekel		480.00						480.00
Jordan	Dinar		1,108.00						1,108.00
United Arab Emirates	Dirham		1,105.00						1,105.00
Italy	Euro		1,635.00						1,635.00
Delegation Expenses:*									
Egypt	Pound						6,413.28		6,413.28
Israel	Shekel						4,539.54		4,539.54
Jordan	Dinar						7,797.48		7,797.48
United Arab Emirates	Dirham						3,867.24		3,867.24
Afghanistan	Dollar						530.83		530.83
Italy	Euro						6,674.02		6,674.02
Total:			51,512.00				29,822.39		81,334.39

* Delegation expenses include payments and reimbursements to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR MITCH MCCONNELL,
Chairman, Republican Leader, June 15, 2009.

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 101, S. 423.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 423) to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Mr. President, I am very gratified that the Senate is acting on S. 423, the proposed Veterans Health Care Budget and Transparency Act of 2009. This bill would authorize, beginning in fiscal year 2011, advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two fiscal year budget authority.

The Committee on Veterans' Affairs held a hearing on pending health care legislation on April 22, 2009, during which the Committee received testimony on S. 423. Support for this bill was voiced by the Department of Veterans Affairs, Disabled American Veterans, American Federation of Government Employees, and Paralyzed Veterans of America. The Committee ordered the bill reported on May 21, 2009. The Committee report—S. Rpt. 111-041—was filed on July 8, 2009.

In 19 of the past 22 fiscal years, final VA appropriations have been enacted late and requests for supplemental appropriations for VA health care have increased in frequency during recent years. Over the past 7 years, final VA appropriations were late approximately 3 months on average. While there has been some impact on the timeliness and overall quality of VA care from these financial and management difficulties in the past, there is a serious concern that continued funding problems could significantly weaken the quality of veterans' health care. Providing sufficient, timely and predictable funding to the VA health care system would mitigate these dangers and allow VA administrators and directors to more efficiently and effectively provide medical care to veterans.

Advanced funding would allow the VA to function more effectively, to better align with funding cycles, and to avoid annual partisan political maneuvering. Through appropriating funds in advance to the medical services, medical support and compliance, and medical facilities accounts, we can avoid any disruption to the provision of adequate and timely health care to those who have sacrificed a great deal for this nation.

I understand that authorizing advanced appropriations is a serious endeavor and as such have made sure this legislation also enhances oversight of the VA health care budget process. The Comptroller General of the United States will be required to conduct a study of adequacy and accuracy of the budget projections made by VA's Enrollee Health Care Projection Model and any other model or methodology used to measure health care expenditures. The study would cover the five fiscal years included in each budget submission; however, the focus is intended to be upon the fiscal year for which the advance appropriation would be made. These reports would be submitted to the appropriate committees of Congress no later than the date on which the President submits the budget request for the following fiscal year.

This bill has received support from a myriad of organizations including The Partnership for Veterans Health Care Budget Reform, The Independent Budget Veterans Service Organizations, The Military Coalition, and the American Federation for Government Employees. I thank them for their efforts and ongoing commitment to this legislation.

I thank the many Senators who have cosponsored this legislation, including Committee members Senators BURR, ROCKEFELLER, MURRAY, SANDERS, BROWN, TESTER, BEGICH, BURRIS, SPECTER and ISAKSON. I am also delighted that Senator SNOWE was an original cosponsor of this bill and has worked hard in support of it.

Mr. President, this legislation will bring much needed stability and predictability to the VA health care system and consistent, high-quality health care to the veterans and I am delighted with today's action by the Senate.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 129, H.R. 1016, the House companion; that all after the enacting clause be stricken and the text of S. 423 be inserted in lieu thereof; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table; that upon passage of H.R. 1016, S. 423 be returned to the calendar, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1016), as amended, was read the third time and passed, as follows:

H.R. 1016

Resolved, That the bill from the House of Representatives (H.R. 1016) entitled "An Act to amend title 38, United States Code, to provide advance appropriations authority for

certain accounts of the Department of Veterans Affairs, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Care Budget Reform and Transparency Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Title 38, United States Code, authorizes the Secretary of Veterans Affairs to furnish hospital and domiciliary care, medical services, nursing home care, and related services to eligible and enrolled veterans, but only to the extent that appropriated resources and facilities are available for such purposes.

(2) For 19 of the past 22 fiscal years, funds have not been appropriated for the Department of Veterans Affairs for the provision of health care as of the commencement of the new fiscal year, causing the Department great challenges in planning and managing care for enrolled veterans, to the detriment of veterans.

(3) The cumulative effect of insufficient, late, and unpredictable funding for the Department for health care endangers the viability of the health care system of the Department and impairs the specialized health care resources the Department requires to maintain and improve the health of sick and disabled veterans.

(4) Appropriations for the health care programs of the Department have too often proven insufficient over the past decade, requiring the Secretary to ration health care and Congress to approve supplemental appropriations for those programs.

(5) Providing sufficient, timely, and predictable funding would ensure the Government meets its obligation to provide health care to sick and disabled veterans and ensure that all veterans enrolled for health care through the Department have ready access to timely and high quality care.

(6) Providing sufficient, timely, and predictable funding would allow the Department to properly plan for and meet the needs of veterans.

SEC. 3. TWO-FISCAL YEAR BUDGET AUTHORITY FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TWO-FISCAL YEAR BUDGET AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 113 the following new section:

"§ 113A. Two-fiscal year budget authority for certain medical care accounts

"(a) IN GENERAL.—Beginning with fiscal year 2011, new discretionary budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (b) shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such appropriations accounts that first become available for the first fiscal year after such fiscal year.

"(b) MEDICAL CARE ACCOUNTS.—The medical care accounts of the Department specified in this subsection are the medical care accounts of the Veterans Health Administration as follows:

"(1) Medical Services.

"(2) Medical Support and Compliance.

"(3) Medical Facilities."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 113 the following new item:

"113A. Two-fiscal year budget authority for certain medical care accounts."

SEC. 4. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) *STUDY OF ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS.*—The Comptroller General of the United States shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model, its equivalent, or other methodologies, as utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs (in this section referred to as the “Model”) with respect to the fiscal year involved and the subsequent four fiscal years.

(b) *REPORTS.*—

(1) *IN GENERAL.*—Not later than the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary a report.

(2) *ELEMENTS.*—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) *AVAILABILITY TO THE PUBLIC.*—Each report submitted under this subsection shall also be made available to the public.

(4) *APPROPRIATE COMMITTEES OF CONGRESS DEFINED.*—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committees on Veterans’ Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans’ Affairs, Appropriations, and the Budget of the House of Representatives.

TO AMEND TITLE XI OF THE SOCIAL SECURITY ACT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 3325 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3325) to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; further that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3325) was ordered to a third reading, was read the third time, and passed.

CAMPUS FIRE SAFETY MONTH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 40, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 40) designating September 2009 as “Campus Fire Safety Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 40) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 40

Whereas, each year, States across the Nation formally designate September as Campus Fire Safety Month;

Whereas, since January 2000, at least 129 people, including students, parents, and children have died in campus-related fires;

Whereas more than 80 percent of those deaths occurred in off-campus residences;

Whereas a majority of college students in the United States live in off-campus residences;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems had been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building’s occupants;

Whereas many college students live in off-campus residences, fraternity and sorority housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas college students do not routinely receive effective fire safety education during their time in college;

Whereas it is vital to educate young people in the United States about the importance of fire safety to help ensure fire-safe behavior by young people during their college years and beyond; and

Whereas, by developing a generation of fire-safe adults, future loss of life from fires may be significantly reduced: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as “Campus Fire Safety Month”; and

(2) encourages administrators of institutions of higher education and municipalities across the country—

(A) to provide educational programs to all students during September and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

AGENT ORANGE AWARENESS MONTH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 248, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 248) designating the month of August 2009 as “Agent Orange Awareness Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 248) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 248

Whereas between 1964 and 1973, 8,744,000 men and women bravely served our Nation in the Vietnam War;

Whereas an estimated 2,600,000 service men and women may have been exposed to Agent Orange in Vietnam;

Whereas Agent Orange is an herbicide that was used during the Vietnam War to kill unwanted plant life and remove leaves from trees that provided cover for the enemy;

Whereas the United States military sprayed more than 19,000,000 gallons of herbicide throughout South Vietnam, with Agent Orange accounting for approximately 11,000,000 gallons of this amount;

Whereas Agent Orange is an extremely toxic substance that contains dioxin;

Whereas the Department of Veterans Affairs has recognized that certain cancers and other health problems are associated with exposure to Agent Orange;

Whereas John Baldacci, the Governor of the State of Maine, has proclaimed August 2009 as “Agent Orange Awareness Month” for that State;

Whereas the State of Alaska has 76,000 veterans, the highest population of veterans per capita, with 26,000 of these being veterans of the Vietnam War; and

Whereas, as a Nation, we are deeply grateful and thankful for those men and women who bravely served during the Vietnam War: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2009 as "Agent Orange Awareness Month";

(2) calls attention to those veterans who were exposed to Agent Orange and the adverse effects that such exposure has had on their health;

(3) recognizes the sacrifices that our veterans and servicemembers have made and continue to make on behalf of our great Nation, especially those veterans who were exposed to Agent Orange;

(4) reaffirms its commitment to our Nation's veterans; and

(5) does not, by this resolution, authorize, support, or settle any claim against the United States.

HONORING U.S. NAVY PILOT CAPTAIN MICHAEL SCOTT SPEICHER

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 249, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 249) honoring United States Navy Pilot Captain Michael Scott Speicher who was killed in Operation Desert Storm.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 249) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 249

Whereas more than 88,000 Americans remain missing from World War II, the Korean War, the Cold War, the Vietnam War, and the wars in Iraq and Afghanistan;

Whereas the people of the United States honor Captain Michael Scott Speicher;

Whereas Captain Speicher was shot down in Wadi Thumayal while flying an F/A-18 Hornet fighter jet on January 16, 1991, the first night of the Persian Gulf War;

Whereas Captain Speicher's fate remained unknown until July 2009, when United States Marines stationed in Anbar recovered his remains in an unmarked desert grave;

Whereas Captain Speicher made the ultimate sacrifice for his country; and

Whereas Captain Speicher's wife and 2 children have sacrificed to the greatest extent, and the people of the United States honor them by commemorating Captain Speicher: Now, therefore, be it

Resolved, That the Senate—

(1) honors Captain Michael Scott Speicher for his service and sacrifice, and for giving his life fighting for the Nation in Operation Desert Storm;

(2) honors Captain Speicher's family for their love and undying strength and determination to bring Captain Speicher home;

(3) encourages the Department of Defense to continue the Nation's efforts to provide clear and accurate information about what happened to our fallen heroes, to determine the nature and cause of Captain Speicher's death, and to continue accounting for all who remain missing in action; and

(4) honors the United States Navy, the United States Marine Corps, the Defense Intelligence Agency, and the Department of Defense for their efforts to bring Captain Speicher home.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 250, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 250) to authorize testimony and legal representation in *People of the State of California v. Amir Shervin*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in a criminal action in Superior Court in Alameda County, CA. In this action, the defendant is charged by the State of California with resisting arrest arising out of an attempt by the police to serve him with a warrant requiring his court appearance on the charge that, in September 2006, he battered an employee in the reception area of the San Francisco office of Senator BARBARA BOXER.

The prosecution has sought testimony from Senator BOXER's employee concerning the events that transpired in the reception area of her San Francisco office. This resolution would authorize her employee to testify in this action, with representation by the Senate Legal Counsel of him and any other employee of Senator BOXER's office from whom testimony may be necessary.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 250) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 250

Whereas, in the case of *People of the State of California v. Amir Shervin*, No. 05-221878, pending in Superior Court in Alameda County, California, the prosecution has sought testimony from Eric Vizcaino, an employee of Senator Barbara Boxer;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent an employee of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Eric Vizcaino and any other employee of Senator Boxer's office from whom testimony may be necessary are authorized to testify in the case of *People of the State of California v. Amir Shervin*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of Senator Boxer's office in connection with the testimony authorized in section one of this resolution.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senators as delegates of the British-American Interparliamentary Group conference during the 111th Congress: the Honorable BERNARD SANDERS of Vermont, and the Honorable ROLAND BURRIS of Illinois.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as a delegate of the British-American Interparliamentary Group conference during the 111th Congress: the Honorable JUDD GREGG of New Hampshire.

The Chair, on behalf of the majority leader, pursuant to Public Law 101-549, appoints the following individual to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center: Shawn Gerstenberger of Nevada.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. BENNET. I thank the Chair.

(The remarks of Mr. BENNET pertaining to the introduction of S. 1613

are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDERS FOR FRIDAY, AUGUST 7, 2009

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, August 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNET. Mr. President, there will be no rollcall votes during Friday's session of the Senate. The next vote will occur at approximately 5:30 p.m. on Tuesday, September 8.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 10:01 p.m., adjourned until Friday, August 7, 2009, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JIM R. ESQUEA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE VINCENT J. VENTIMIGLIA, JR., RESIGNED.

DEPARTMENT OF STATE

JOSE W. FERNANDEZ, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE (ECONOMIC, ENERGY, AND BUSINESS AFFAIRS), VICE DANIEL S. SULLIVAN, RESIGNED.

WILLIAM E. KENNARD, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA.

LEGAL SERVICES CORPORATION

ROBERT JAMES GREY, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE BERNICE PHILLIPS, TERM EXPIRED.

JOHN GERSON LEVI, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE HERBERT S. GARTEN, TERM EXPIRED.

MARTHA L. MINOW, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE DAVID HALL, TERM EXPIRED.

JULIE A. REISKIN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2010, VICE THOMAS R. MEITES, TERM EXPIRED.

GLORIA VALENCIA-WEBER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE SARAH M. SINGLETON, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN B. TUCKER, OF NEW YORK, TO BE DEPUTY DIRECTOR FOR STATE, LOCAL, AND TRIBAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE SCOTT M. BURNS.

DEPARTMENT OF JUSTICE

KENYEN RAY BROWN, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE DEBORAH JEAN JOHNSON RHODES, RESIGNED.

NEIL H. MACBRIDE, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE CHARLES P. ROSENBERG, RESIGNED.

BENJAMIN B. WAGNER, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE MCGREGOR WILLIAM SCOTT, RESIGNED.

STEVEN GERARD O'DONNELL, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS, VICE BURTON STALLWOOD.

THE JUDICIARY

JANE BRANSTETTER STRANCH, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE MARTHA CRAIG DAUGHTREY, RETIRED.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

DAVID C. GOMPERT, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE, VICE DONALD M. KERR, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JOHN S. WELCH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271:

To be rear admiral (lower half)

CAPTAIN DANIEL B. ABEL
CAPTAIN VINCENT B. ATKINS
CAPTAIN STEPHEN E. MEHLING
CAPTAIN KARL L. SCHULTZ
CAPTAIN SANDRA L. STOSZ
CAPTAIN CARI B. THOMAS
CAPTAIN CHRISTOPHER J. TOMNEY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211(A)(1), TITLE 14, U.S. CODE:

To be lieutenant

THOMAS J. RILEY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211(A)(1), TITLE 14, U.S. CODE:

To be lieutenant

SHADRACK L. SCHEIRMAN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211(A)(1), TITLE 14, U.S. CODE:

To be lieutenant

CHAD R. HARVEY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211(A)(1), TITLE 14, U.S. CODE:

To be lieutenant

MICHELE L. SCHALLIP

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CAMERON D. WRIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANDRE L. BROWN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KATHLEEN E. COFFEY
THOMAS G. CROYMANS
PAUL D. HERNANDEZ
ASHOK V. KUMAR
STANLEY N. THORNTON
BRIAN R. TRENDIA

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

PAUL C. KERR

To be lieutenant commander

JAMES D. COLLINS
JAMES B. LINDBERG
JEFFREY W. SEWELL
CHARISSE J. WARD
BRUCE A. WATERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SCOTT A. ANDERSON
GREGORY R. MENARD
HIRAM THOMPSON, JR.
GWENDOLYN WILLIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KEITH R. BARKEY
CHAD M. BROOKS
ANDRE L. COLEMAN
ANDREW B. CRIGLER
EILEEN J. DANDREA
MICHAEL D. DYSAIT
JOSEPH L. GREESON
TROY D. HAMILTON
DEAN L. HANSEN
CHRISTOPHER M. HODRICK
DAVID I. KANG
ERIK J. KARLSON
SCOTT R. KING
AARON E. KOTTAS
KIRK A. LAGERQUIST
BRIAN T. LINDOERFER
STEVEN J. MAURO
DAVID H. MCALISTER
MATTHEW MCCANN
JEFFREY E. MCCOY
JOHN D. MILLINOR
SUZANNE B. MONTGOMERY
THOMAS M. MOSKAL
MATTHEW C. MOTSKO
KEVIN M. NORTON
TABITHA D. PIERZCHALA
DARRELL A. REYNARD
WHITLEY H. ROBINSON
ERIN H. SANDERS
JOEL K. SENSENIG
KEMIT W. SPEARS
STEVEN J. STASICK
ALLEN R. SULLIVAN
RYAN M. TIBBETTS
CHRISTOPHER R. VIA
BURR M. VOGEL
JAMES R. WATTS
JASON D. ZEDA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PAUL S. ANDERSON
RAY A. BAILEY
SHAUN S. BROWN
JACK L. CARVER
GREGORY C. CATHCART
JAMES M. EDWARDS
YOLANDA L. A. GILLEN
JAMES A. GOODBOW
RUSSELL P. GRAEF
JOHN M. HAKANSON
WILLIAM J. HOLIMAN, JR.
THOMAS R. HUNT, JR.
JAMES L. JOHNSON
JOHN A. KALANTZIS
MYUNG B. KIM
CARL P. KOCH
STEPHEN M. LEE
CHRISTOPHER MERRIS
BARRY A. METZGER
EMILE G. MOURED
STEVEN T. ORREN
JOHN B. OWEN
JAMES H. PITTMAN

GREG T. SCHLUTER
DAVID A. SHIRK
KEITH J. SHULEY
MICHAEL W. SNEATH
RONALD P. STAKE
THOMAS J. WALCOTT
MICHAEL D. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBIN M. ALLEN
MICHAEL V. BENEDETTO
WILLIAM D. BOOTH
EUGENE S. CASH
DANIEL K. CLOUSER
CURTIS A. CULWELL
STANLEY S. DIMIRACK
FREDERICK M. DINI
DAVID E. DOYLE
PAMELA C. DOZIER
JOHN S. DUENAS
CHIPMAN S. ELLIOTT
MARK M. ESTES
JOSE L. FELIZ
JASON B. FITCH
MARK R. GARRIGUS
NICOLA M. GATHRIGHT
EDMOND J. GAWARAN
TONY V. GILES
TROY M. GRONBERG
MICHAEL W. HERYFORD
MATTHEW P. HOFFMAN
JULIE M. HUNTER
MICHAEL N. JEFFERSON
JASON M. JOHNSON
DOUGLAS S. MACKENZIE
JACQUELINE M. MEYER
MICHAEL E. MOORE
THOMAS J. NEVILLE III
DANIEL L. NORTON
ARVIS D. OWENS
ROBERT D. PEREZ
KRISTIN M. PIOTROWSKI
CRAIG A. RETZLAFF
MARK A. REYES
MARK C. RICE
ALLEN E. SANFORD
JOHN G. TENCER III
JOEL D. M. TIU
AARON S. TRAVER
JULIE M. TREANOR
MILTON W. TROY III
DENNIS J. TURNER
DONALD C. TYER
BRAD W. VETTING
LEROY H. WEBER
EDWIN G. WHITING
BRETT K. WILCOX
JOSEPH P. WOODS
SARAH L. WRIGHT
SCOTT Y. YAMAMOTO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES D. ABBOTT
PATRICK K. AMERSBACH
LISA M. BAKER
ANTHONY V. BEER
KRISTEN M. BIRDSONG
BARBARA L. BREUNINGER
TRACI L. BROOKS
ABE J. BROWN, JR.
CAROL A. BURROUGHS
BRENT A. BUSHEY
KEVIN P. BUSS
PETER D. CHAREST
CAROLYN M. CURRIE
JONATHAN A. DEINARD
CYNTHIA T. FERGUSON
JAMES D. FOUNTAIN
KEITH J. GOLDSTON
DEBRA A. HAGAN
KATHLEEN A. HINZ
JENNIFER L. A. HUCK
CHRISTOPHER M. JACK
ROSLYN J. JACKSON
KELLEY C. JAMES
CHRISTINA A. JAMIESON
VICKI L. JERNIGAN
JULIA L. KING
MICHAEL S. KOHLER
ANGELA R. MACON
CATHERINE M. MCNEALJONES
BARBARA A. MULLEN
CHRISTOPHER OUDEKERK
GEORGE G. REICHERT
VANESSA D. RICHARDS
CATHERINE E. RILEY
ERIN C. ROBERTSON
ELIZABETH K. SAYRE
TANYA B. SINCLAIR
FRANCES C. SLONSKI
CHRISTOPHER R. SMITH
DENNIS L. SPENCE
KENNETH L. SPENCE
GERALD W. SPRINGER II

JOSEPH L. TAYLOR
KIMBERLY A. TAYLOR
VALORIE A. TOTH
EVELYN J. TYLER
KURTT H. WALTON
TYNAH R. WEST
AMY E. WOOTTEN
ROBERT W. ZURSCHMIT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JASON T. BALTIMORE
MATTHEW L. BERAN
JOSEPH F. CARILLI, JR.
DANIEL CIMMINO
JUSTIN B. CLANCY
TRACY L. CLARK
BRUCE A. GRAGERT
JASON S. GROVER
JOSEPH G. HOELZ
ANDREW R. HOUSE
FRANKIE D. HUTCHISON
DOMINIC J. JONES
BRANDON S. KEITH
GARY S. LARSON
THOMAS F. LEARY
DAVID T. LEE
IRVE C. LEMOYNE, JR.
MICHAEL J. LUKEN
JONATHAN M. MCLEOD
STEVEN E. MILEWSKI
JAMES T. MILLS
ROBERT P. MONAHAN, JR.
JAMES A. OUELLETTE, JR.
WILLIAM G. PERDUE
LIA M. REYNOLDS
AARON C. RUGH
SAMUEL A. SMITH
IAN S. WEXLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOEL R. BEALER
LYNN R. BINKLEY
RONALD D. BOLING
THOMAS Z. BOSY
RODERICK L. BOYCE
REGINALD C. BROWN
WILLIAM D. CARROLL
MATTHEW CASE
GERALD T. DELONG
JODY A. DREYER
BRYAN S. DUPREE
PAUL B. DURAND
STEPHEN C. ELGIN
BRIDGETTE M. FABER
ALFREDO T. FERNANDEZ, JR.
SIDNEY G. FOOSHREE
MATHEW C. GARBER
EUGENE K. GARLAND
JENNIFER R. GELKER
DUWAYNE S. GRIEPENTROG
JESSIE E. GROSS
MARK E. HEIM
DAVID C. HICKS
JASON J. HOLMES
WILLIAM J. HUGHES IV
SHANNON J. JOHNSON
CHRISTOPHER J. KARDOHELY
BRADLEY J. KAROVIC
MARTIN W. KERI
BRADLEY J. KILLENBECK
LINDA G. KIMSEY
DAVID W. LABRIE
TODD J. LAUBY
JAMES LYNCH
RANDY L. MARTINEZ
RAYMOND W. MCCLARY III
HENRY V. MCCRACKING
KEVIN J. MCGOWAN
DENISE E. MILTON
DOUGLAS M. MONETTE
NORMAN K. MOSER
STEVEN W. NEWELL
SHERI B. PARKER
JAY J. PELOQUIN
RAFAEL C. PEREZ
PAUL W. PRUDEN
VALERIE J. RIEGE
DEBORAH E. ROBINSON
CHAD E. ROE
ALAN M. ROSS
SCOTT P. ROSSI
KENNETH P. SAUSEN
MICHAEL F. SMITH
DOUGLAS E. STEPHENS
TONY J. STOCKTON
FRANK H. STUBBS III
ENRIQUE S. TORRES
JOHNATHAN E. WARE
GARY D. WEST
DEBORAH J. WHITE
RICHARD G. ZEBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARTIN J. ANERINO
WILLIE S. CHAO
DAVID M. CRAIG
PETER B. DODSON
SEAN P. DONOVAN
RAYNESE S. FIKES
HEATHER L. GNAU
KELLY M. GOODIN
JULIET R. HOFFMAN
THOMAS B. JORDAN
PAUL I. LIM
FRANK X. MAC
IVO A. MILLER
KEVIN D. MORSE
SHAY S. RAZMI
CHRISTOPHER O. REGISTER
MELISSA L. RUFF
RAOUL H. SANTOS
AARON P. SARATHY
MARTHA S. SCOTTY
WALTER H. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROGER S. AKINS
OLADAPO A. AKINTONDE
TERESA M. ALLEN
JARED L. ANTEVIL
JOHN C. ARNOLD
DEAN B. ASHER
SAIRA N. ASLAM
DAVID C. ASSEFF
LUKE H. BALSAMO
MICHAEL J. BARKER
GLEN W. BARRISFORD
JOHN T. BASSETT
ROBERT M. BEER
ERIC E. BELIN
RODD J. BENFIELD
JOHN R. BENJAMIN
WILLIAM R. BERTUCCI
TRISHA C. BEUTE
MICHAEL C. BIONDI
SEAN D. BIRMINGHAM
KRISTA A. BOCKSTAHLER
RONDA D. BOUWENS
RODNEY D. BOYUM
ERIC M. BUENVIAJE
MICHAEL CACKOVIC
WAYNE A. CARDONI
MICHAEL R. CARR
KERI L. CARSTAIRS
SHAUN D. CARSTAIRS
DAVID W. CHAMP
MICHAEL CHARISSIS
NORAK P. CHHIENG
ARRON A. CHO
HELEN M. CHUN
TONY S. CLINTON
DANIEL J. COMBS
GEORGE S. CONLEY
CHRISTOPHER B. CORNELISSEN
CHARLES E. CRAVEN
MARCELO C. DARABOS
GERARD DEMERS
WILLIAM R. DENNIS
BRUCE R. DESCHERE
ILLY DOMINITZ
JOHN W. DORUNDA
JENNIFER C. DRISCOLL
WILLIAM D. DUTTON
CHRISTOPHER I. ELLINGSON
ALEXIS T. A. EPPERLY
JENNIFER M. ESPIRITU
KIMBERLY E. FAGEN
GREGORY M. FRANCISCO
MICHAEL S. GALITZ
JESSE R. GEIBE
ANDREW B. GENTRY
BARRY C. GENTRY
YEVSEY M. GOLDBERG
STEFAN M. GROETSCH
RAMIRO GUTIERREZ
DAVID E. GWINN
SCOTT J. HABAKUS
STEVEN R. HANLING
MARSHAL F. HARPE
JASON O. HEATON
JOSE HENAO
CHRISTOPHER M. HERZER
RICHARD R. HIRASUNA
MATTHEW J. HOFFMAN
TODD HORTON
BYRON J. HUMBLE
TIPTON D. Q. HUTCHESON
MINAL D. JACKSON
MICHAEL B. JACOBS
GEOFFREY S. JACOBY
JAMES W. KECK
TYPHANIE A. KINDER
STEVEN T. KNAUER
PAMELA L. KRAHL
LUISA C. KROPCHO
CHRISTOPHER T. KUZNIIEWSKI
KATHY L. KYSER
TODD R. LAROCK
KELLY M. LATIMER

JONATHAN M. LIESKE
CHARLES G. MARGUET
LUIS E. MARQUEZ
GREGORY N. MATWIYOFF
MICHAEL L. MCCLAM
SCOTT D. MCCLELLAN
KELLY L. MCCOY
BRIAN W. MECKLENBURG
MICHAEL J. MONSOUR
WON K. MOON
KRISTINA V. MOROCCO
GEORGE P. NANOS III
CHRISTOPHER S. NASIN
JOEL NATIONS
MICHAEL T. NEWMAN
ROBERT J. OBRIAN
BRIAN A. ONEAL
ETHEL L. ONEAL
CHRISTOPHER A. ORSELLO
CARL E. PETERSEN
SHAUN N. PETERSON
JENNIFER L. PIERCE
LAWRENCE H. POTTER
BLAINE M. POWELL
SUSAN C. POWERS
MATTHEW T. PROVENCHER
TERRANCE L. PYLES
TIMOTHY M. QUAST
ALFREDO R. RAMIREZ
CHARLES W. RENINGER III

DELORES Y. RHODES
RICARDO L. RIEGODEDIOS
BRIAN R. RILEY
ALICIA R. SANDERSON
ANTHONY J. SCHERSCHEL
DAVID T. SCHRODER
GILBERT SEDA
MICHAEL SEXTON
FOREST R. SHEPPARD
PETER R. SHUMAKER
JOHN W. SISSON
BRYAN M. SPALDING
CHRISTOPHER M. STAFFORD
CYNTHIA L. TALBOT
NICKI S. TARANT
NIMFA C. TENEZAMORA
RONALD B. TESORIERO
KEITH E. THOMPSON
JOHN D. TRASK
ANTHONY TUCKER
MARK H. TUCKER
JOHN VANSLYKE
EDWARD S. VOKOUN
ERICH F. WEDAM
DAVID R. WHIDDON
CARLOS D. WILLIAMS
LEILA S. WILLIAMS
MICHAEL E. WILLIAMS
GORDON G. WISBACH
MICHAEL J. YABLONSKY

TINGWEI YANG

THE JUDICIARY

EDWARD MILTON CHEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE MARTIN J. JENKINS, RESIGNED.
DOLLY M. GEE, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE GEORGE P. SCHIAVELLI, RESIGNED.
RICHARD SEEBORG, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE MAXINE M. CHESNEY, RETIRED.
THOMAS I. VANASKIE, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE FRANKLIN S. VAN ANTWERPEN, RETIRED.

CONFIRMATION

Executive nomination confirmed by
the Senate, Thursday, August 6, 2009:

SUPREME COURT OF THE UNITED STATES

SONIA SOTOMAYOR, OF NEW YORK, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

SENATE—Friday, August 7, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who comes with light and life, we praise and adore You. As the Senate anticipates the August break, we pause to thank You for sustaining us and request Your continuing mercies in the days to come. May the time away from this Chamber be restorative and constructive as our lawmakers connect with family, friends, and constituents. Give traveling mercies to our Senators and staffers, particularly those who will be traveling overseas.

Lord, we ask Your special blessings upon our 2009 summer page class and thank You for their faithful service. As they leave, bless and keep them in their coming and going, their labor and leisure, their successes and failures, their joys and sorrows.

Lord, give us such a vision of Your purposes that we will seize every opportunity to be agents of Your grace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

EXTENDING UNEMPLOYMENT BENEFITS

Mr. REID. Mr. President, it is really an understatement to say that the current economic downturn is the worst the country has experienced in several generations. The reality is that the crisis President Obama inherited when he was elected President was severe—worse than anything the country has seen since the Great Depression. When he took office, the country was losing 700,000 jobs a month. Banks were in crisis and had stopped lending, and a number of them were teetering on bankruptcy and some went out of business. The President and the Congress acted swiftly and passed the American Recovery and Reinvestment Act, which has stopped the bleeding and avoided economic catastrophe.

People complain: Look at all the deficit spending. In December, I was at a meeting with a small number of people. We had Mark Zandi, JOHN MCCAIN's economic adviser during the campaign, and we had economic advisers to Democratic and Republican Presidents in years past. Every one of them said: The only money in the world is in Washington, and unless you spend some of it, there will be a worldwide depression. We listened, and that is why we did what we did.

Today, the July unemployment numbers have been reported. They paint a much better picture than was anticipated. It was anticipated that 340,000 jobs would be lost, and that is not the case. The case is that over 200,000 jobs have been lost—a terribly large number but certainly much better than anyone ever anticipated. It is the lowest number since the spring of 2008. It is now late summer 2009. The national unemployment rate actually fell last month by one-tenth of 1 percent. It is welcome news and further proof that the economic recovery plan we enacted is producing positive results. I repeat, what would it have been had we not done that?

So that is the good news. But many Americans still continue to struggle. Many in Nevada continue to struggle as a result of the economic crisis. Over the next several weeks, long-term unemployed workers will begin exhausting their unemployment benefits. Some estimates put the number of unemployed workers who will have used up their benefits by the end of September at 500,000. By the end of the year, the number of unemployed workers who will have exhausted their benefits will be 1.5 million. With the job market as depressed as it is, most of these workers will not be able to find work and will then have no means to survive and take care of their families.

Soon after Congress returns to Washington, we will need to address this matter. We must do so with the understanding that most experts believe job growth will be one of the last things to recover in this economic crisis. It always lags behind economic recovery.

There is an economic case to be made for extending unemployment benefits. Last year, when analyzing the effectiveness of various stimulus proposals, Mark Zandi found that extended unemployment benefits generated \$1.64 for every dollar it cost the American people. That means unemployment benefits are a sound investment.

There should be no disagreement that we must help those who are suffering as a result of the economic crisis they didn't create. We will keep fighting until unemployed workers in Nevada and across the Nation find employment.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CASH FOR CLUNKERS

Mr. KYL. Mr. President, I am not sure I will need that much time, but there are four or five things I wanted to address this morning now that the Senate has completed its work through July and we will all be going home to visit with our constituents over the August recess.

What I did was I pulled together three or four topics I wished to address but, because of all the business we had this past week in dealing with the Sotomayor nomination and the cash for clunkers legislation, in particular, I had not yet had an opportunity to address them.

Let me start with the so-called cash for clunkers legislation which was adopted last night. This is legislation which I think was, as I said, a very well-intentioned concept in two respects: No. 1, to help auto dealers get off the mat—they had all been suffering from a lack of business—as well as to promote the idea of more fuel-efficient cars. But the well-intentioned plan ran into a lot of problems, and I think there were two reasons for that.

The first was the fact that it was rushed through. It was put on an emergency piece of legislation without hearings, without legislation having gone through the committee process, and, frankly, without anybody really thinking through how the program would be implemented. As a result, there were a lot of problems with it.

I got calls from car dealers. They had no idea whether they were going to be paid. The Department of Transportation had no idea whether it still had money left to pay the car dealers. As a matter of fact, one of them called me and said, as of Thursday a week ago, the Department had said they didn't need to kill the vehicles anymore that they had taken in on trade-in—that is to say do what they do to them so they can never operate again—because they weren't sure the money would be available to send to the dealer for the transaction. So the dealer may need to resell the car as a used car. The program, in other words, was very confusing and they got a lot of confusing signals out of the Department of Transportation.

That is why I offered an amendment yesterday that suggested we ought to call a timeout, a pause, to make sure all of the transactions that qualified could clear the process, the dealers could get paid, and we would know how much money we spent. Did we spend \$1 billion? More than \$1 billion? My amendment would have said whatever it takes to pay for all of the deals that

had been made as of today, but then establish some process whereby the sales could be tracked, so that each day, at least by the end of the day, we would know how many cars were sold and what the obligations of the Government were to the dealers that had acquired those trade-in cars. That way, we would know when we got close to the additional money that had been allocated.

Well, my amendment didn't pass. As a result, it is quite likely we are going to continue to have problems with this program. So I hope the Department of Transportation can find a way on its own to do this without direction from Congress so we don't have the same kinds of problems we have had in the past.

But there is a more fundamental problem with the program, and that is that it subsidizes a specific segment of the economy, as several of my colleagues pointed out, for the most part to simply advance the sale of a car that would have occurred anyway. So at the end of the day, there was no new economic activity—simply the expensive replacement of a vehicle that might have been used as a secondhand vehicle for several more years but because of the requirements of the program is actually destroyed. So as a matter of fact, we actually took value out of our economy rather than putting it in, and at a great cost. It was estimated that it was about \$20,000 per vehicle.

There was a great editorial—or column, I should say—in my hometown newspaper, the Arizona Republic, today by Bob Robb, who is one of the smartest people I know, especially when it comes to economic matters. The title of it is “Cash for Clunkers a Lemon.” In it, he points out what is wrong as a matter of economic policy with programs like this that subsidize a particular piece of economic activity but end up in effect simply costing the taxpayers of the country without advancing an economic cause.

I ask unanimous consent to have this very erudite column printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Aug. 7, 2009]

CASH FOR CLUNKERS A LEMON

(By Bob Robb)

The cash for clunkers program is a perfect illustration of what's wrong with economic policy and thinking in this country.

The program is widely hailed as a successful economic stimulant. Congress is rushing to pour more money into it.

And it has been a success, if success is defined as selling more cars in the short-term.

Basically, the program offers owners of old cars a subsidy to buy a new one. If government subsidizes something, demand for that thing will increase—whether it is cars, or toasters or cosmetic surgery.

And if there is a quick expiration date on the subsidy, as is the case with cash for

clunkers, demand will be artificially goosed even more.

This is obviously good news for car sellers and qualifying new car buyers. It may be good news for those in the car-making business, if production picks up to replace depleted inventories.

However, for the economy as a whole, the effect of cash for clunkers will be negligible, and slightly negative if anything.

In the first place, the federal government has no money. So, every dime of subsidy it is offering has to be borrowed. That puts a burden on future economic activity.

To the extent the subsidy induces people to make a car purchase they otherwise would not have made, the money so spent would have otherwise been spent on something else or saved. There is no clear evidence that the economy will be better off for the money to have been spent on a new car than the alternatives.

In political economy, it is virtually always better to look to the long-term than the short-term. Government has neither the wit nor the tools to manage short-term economic performance. Despite all the happy talk about shovel-ready projects, very little of the stimulus money has gotten out the door. The Fed has been flooding the economy with liquidity, but lending is still contracting.

Virtually everyone agrees that Americans need to spend less, borrow less and save more. President Obama has given speeches lecturing us about that.

Yet the federal government continues to offer massive inducements for consumption and borrowing.

The federal government will pay more for your old car than it is worth if you'll buy a new one.

The housing bubble was caused by an overinvestment in housing and lax lending standards. Yet the federal government is offering a sizable tax credit for the purchase of a new home and the Federal Housing Administration will guarantee mortgages with a down payment of as little as 3.5 percent of the purchase price.

Lax monetary policy is a subsidy for borrowing in general.

In other words, the message from the federal government is that Americans need to spend less, borrow less and save more. Just not now.

But it is during downturns that behaviors change. A respect for economic uncertainty is what causes people to live below their means and save for the future. When things are humming along, few see the need to change their behavior.

This isn't to say that government should remain idle during a downturn, particularly one as severe as this one. Government should be in the business of helping people cope, through such things as extended unemployment benefits and other income transfer programs.

Government shouldn't, however, be offering new inducements for consumption and borrowing. That's sacrificing the long-term for the short-term.

The reason policymakers do this is, in significant part, our fault. We hold federal elected officials, particularly the president, responsible for the short-term performance of the economy. If the economy is doing well at any given moment, we're likely to think the president is doing a good job. If not, we're looking to get rid of the bum.

Presidents do not an economy make. They can affect the long-term trajectory of the economy through wise or unsound long-term

fiscal policies. But day-to-day, we're pretty much on our own.

Of course, any presidential candidate who actually said that would never get elected. And therein lies the heart of the problem.

SUPPORTING THE INTELLIGENCE COMMUNITY

Mr. KYL. Mr. President, my colleague, Senator LIEBERMAN from Connecticut, had put an item in the CONGRESSIONAL RECORD that was a letter to the President urging that the President and the Attorney General take action to stop the further notion of investigating members of the U.S. intelligence community for activities long since past related to the interrogation of terrorists after the September 11 attack on the World Trade Center. I found this to be a particularly well-reasoned statement as to why this kind of continually looking backwards, this kind of politics that seems to want to continue to scratch at old wounds, can be very destructive to our safety and security in the future.

Among other things, Senator LIEBERMAN quoted President Obama and said:

President Obama had it right when he said that with regard to past behavior by the intelligence community, he is "more interested in looking forward than . . . looking backward."

And Senator LIEBERMAN said:

Given the threats that we face as a Nation, it is imperative that we follow the President's lead.

He went on to point out that if we don't, we are going to chill the activities of the intelligence community.

He noted—and I will note, as well—that there are so many very hard-working, dedicated Americans working in a frequently very dangerous environment whom we have asked to find out the most difficult things, such as: What are these terrorists up to? And might they have plans to attack us again? It is very difficult to get this information.

Anything we do that chills the methods by which they do that—short, of course, of violating the law or engaging in torture or other impermissible activity—simply hastens the day when there is another successful attack against the American people. We need to do everything we can to prevent that. The reason I was reminded was there are reports this morning we have been successful in taking out one of the most dangerous terrorists in Pakistan, someone who was allegedly involved in the planning of the death of Benazir Bhutto and who had been sought for a long time.

I was thinking about the activities of some of my colleagues in the Senate attacking the previous administration for considering a program that would involve the use of intelligence community assets to track down and find and then either capture or kill these terrorist leaders who are responsible for

so many deaths. The assumption was it was somehow wrong for the United States to consider doing this. This program was begun back when President Clinton was in office, and he issued a directive which basically said: If there is a way we can find and either capture or kill these people, we should do so. The program was never implemented because there were potential problems with it. The same thing occurred during the Bush administration. It wasn't implemented. The Intelligence Community wasn't advised about it. Had there been a decision to go ahead with the program, the law would have required that the Intelligence Committees in the House and Senate be briefed. But there was great criticism of the Bush administration and Vice President Cheney.

I wondered at the time, how about these people whom we send into harm's way to try to find these terrorists and either capture them or, if they attempt to fight or flee, to kill them, what does it say to the people we send into harm's way to accomplish this, when there is all the criticism back home that somehow there is something wrong with it?

I was pleased this morning when the news of the alleged attack and killing of this terrorist leader was greeted with a great deal of approval in the media and by the people who commented on it. That is the kind of reaction our intelligence officials need to see when they go after these very dangerous terrorists—not a reaction that, gee, maybe we need to read this guy the Miranda rights before we try to capture him.

The reality is, these people are not generally subject to capture. We have the facilities and the means to track them and, frequently, we do track them by these means, and we are able to take them out. Since we are engaged in a war with these terrorists and they would kill us if we don't kill them, if you don't have the ability to capture them, then killing them and taking them off the battlefield in that way is totally appropriate and under the rules of war.

That is why I am pleased this kind of event is greeted with enthusiasm and approval because it might send the kind of signal to the intelligence community we want to send, which is: Do your best to defeat the opposition in the war on terror. I think Senator LIEBERMAN's point was well taken in the letter he wrote.

WITHHOLDING STIMULUS FUNDS

Mr. KYL. Mr. President, I ask unanimous consent that an editorial from the August 7 Arizona Republic be printed in the RECORD, called "Cabinet Chiefs Play the Heavies."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CABINET CHIEFS PLAY THE HEAVIES

The political hit job perpetrated—reportedly—by infamous tough guy Rahm Emanuel, the president's chief of staff, against Arizona Republican Sen. Jon Kyl continues to roll.

And it continues reminding us that hardball, hyperpartisan tactics did not suddenly disappear from the White House when Karl Rove left the building.

Indeed, in some ways, the tactics have gotten worse. Since when are Cabinet secretaries supposed to act like wise guys in a political goon squad?

On July 12, Kyl went on the Sunday Washington talk show *This Week* and criticized the \$787 billion economic-stimulus program. He said the program was ineffectual and suggested it be wrapped up and ended.

The administration came down on the senator like a ton of Chicago-baked bricks.

The very next day, four Cabinet secretaries sent letters to Arizona's Republican Gov. Jan Brewer, asking if she still wanted the state's portion of the stimulus cash, or if she felt compelled to fall in with Kyl. The letters arrived almost simultaneously and were similar in structure and language, each suggesting that projects important to Phoenix and Arizona were in jeopardy.

Clearly, their delivery was orchestrated to embarrass Kyl.

Few doubted the manipulative hand of Emanuel in the letter-writing campaign. And, indeed, the online political news service Politico reported July 16 that "Emanuel directed that the letters from the Cabinet secretaries be sent to Brewer, according to two administration officials."

It would be an intellectual insult to suggest otherwise. Emanuel is notorious for such back-alley tactics and is the only person in a position to organize such a campaign literally overnight. But on July 24, at a hearing of the House Budget Committee, Transportation Secretary Ray LaHood—author of the snarkiest of the four letters—insulted away.

Asked repeatedly whether he had been encouraged or told by anyone within or without the administration to write his letter, LaHood—finally—gave a straight answer. "No," he said.

As most Washington-watchers know, honesty does not come easily to many of the political class. But couldn't LaHood, an Illinois Republican, simply have taken the Fifth? It would have been in keeping with the tenor of things.

Rahm Emanuel used the president's Cabinet for his political goon squad.

If anyone ought to be protesting this staged theater, it isn't so much Kyl or Brewer as the Cabinet secretaries who were so demeaned by being forced to deliver cheap political threats that are laughable on their face and utterly transparent.

Mr. KYL. Mr. President, the editorial reports on what they call a political hit job perpetrated ostensibly against me. It didn't bother me, but as reported, the Chief of Staff of the President enlisted four Cabinet officers to write letters to the Governor of Arizona, which were seen by some as veiled threats to withhold stimulus funding because I had dared to criticize the stimulus program and suggest that after the first couple years of spending, the outyears might be saved and spent in better ways. That generated criticism by these four Cabinet Secretaries,

who wrote almost identical letters, which clearly were designed to try to intimidate.

That is not the right way for the administration to make its point. I am happy to debate the success or failure of the stimulus package with anybody from the administration who would like to debate it. I welcome that kind of conversation. But there seems to be too much effort now to either shut people up or intimidate them from speaking.

There have been a lot of reports with respect to the stimulus and the so-called health care legislation, and in other areas, to be coincidence. There seems to be a pattern developing, and it is not good. Senator CORNYN, yesterday, spoke to that issue with respect to a new Web site that the White House started asking people to send in their observations of people who are criticizing the administration's plans, if they think some of the criticism isn't accurate or they said: If you think there is something fishy, let us know about it.

These are the kinds of tactics that might go over well in certain cities that have had a history of political bosses, but it is not the kind of tactic you would expect from the White House. I hope the folks at the White House have learned their lesson and, frankly, will knock it off.

FANNIE MAE AND FREDDIE MAC

Mr. KYL. Mr. President, there were two items that came to my attention that I wished to briefly comment on that are related. The first has to do with the Fannie Mae and Freddie Mac continuing saga of costing the American taxpayers a ton of money. We all know that despite warnings, particularly from Republicans, they needed oversight, that they were accumulating far too much bad debt and taking on all these so-called toxic assets—mortgages that, frankly, weren't going to be paid back; that they were exposing the American taxpayer to liability because of the implicit guarantee that lay behind the Federal charter for Fannie Mae and Freddie Mac. Others said: Don't worry, keep going with this; it is a wonderful program. Finally, the bottom fell out. Fannie and Freddie were deeply in debt and the American taxpayers came to their rescue.

The idea was then to restructure these two entities so that never again could this happen. We did that. The problem was that, because Fannie and Freddie were government-chartered entities, it didn't take long for them to squeeze out most of the private players in the mortgage market. Today, I think they hold something like 75 percent of these particular mortgages.

Well, of course, the day of reckoning has come again. They have now run up more debt—a huge amount of debt—

and they are not going to be able to pay it. A story in yesterday—I will get the source later—reported that the government has since pledged, after their original reorganization, more than \$1.5 trillion, including \$85 billion in direct aid, in order to keep the mortgage market working through Freddie Mac and Fannie Mae. The White House is now considering a new plan that apparently is coming out of the Office of the Secretary of Treasury and the National Economic Council Director that would somehow reform Fannie and Freddie yet again.

The Treasury Secretary said:

The only question that remains is what form and what structure they ultimately will take.

The article points out that the most likely structure is a good bank/bad bank structure, in which they will basically be relieved of all their obligations, which will all be put in a new "bad bank," which is a pile of debt that the American taxpayers will eat, and then the "good bank" is the entity that is supposed to continue on.

The question is: Why would we want these quasi-government entities to continue to compete with the private market, continue to create bad debt that taxpayers have to eat every now and then, and after we slough off the bad debt to the American taxpayers, they continue to do business as if they had gone through bankruptcy and don't have any more debts but they still have the implicit guarantee of the American taxpayers.

It is time to end that. We have a vibrant mortgage market now. There is an expectation that within the next several months housing will come back. It already is in certain areas. Interest rates are low, and it is possible to write mortgages now. We have learned the lesson that we are not going to write mortgages that cannot be repaid. It is not good for the financial institutions or for the people who take out the mortgages if they cannot repay them, and it is not good for taxpayers who have to end up eating the bad debt that is created.

I wished to close by referring to the penultimate paragraph from this newspaper, which says that the bad bank would be for Fannie Mae's and Freddie Mac's toxic assets. Then the government could create new companies to attract private investment for mortgage finance, starting the process over again.

Why should the government create new companies? The private market has an adequate way to deal with this; it is called the private sector, private companies. They are highly regulated. The proposal from the administration is to impose additional regulations, but why do we need a new government company? We have government insurance companies, government car companies, and the administration pro-

posal on health care is to create a new government health insurance company. We have banks taken over by the government.

Now we are going to fail to learn the lesson with Fannie Mae and Freddie Mac and create new government-backed companies, such as Fannie and Freddie—maybe they have the same name, who knows—in the mortgage business. When are we going to get out of the business of having the government create new companies? That is socialism, that is not American. That is not our free enterprise system. When things go wrong, we adjust and we make new regulations to correct the problems that were created; we learn the lessons of why government created the issue in the first place.

We don't need to continue to have the government create new companies that cost the taxpayers money and get us deeper into the notion that the government can compete with the private sector. That, then, leads inevitably to the government takeover because the government is never a good competitor when it is also the regulator. That is a fear a lot of people have with health care.

HEALTH CARE

Mr. KYL. Mr. President, that brings me to the final point. In yesterday's Wall Street Journal, an article is entitled "ObamaCare's Real Price Tag." It goes through all the different expenses of the proposed health care legislation, with the creation of a government insurance company. They talk about the funding gap that is created by the commitments of funding to this entire program. One of the things they notice is people need to be aware of the long-term consequences. We all know that Medicare, for example, is not financially sound. We can go out through the 5-year projections, 10-year, 15-year, 20-year, and so on, and know what the obligations of our children and grandchildren will be.

When we pass regular legislation in Congress, we have a set of blinders that says: What is the 10-year cost? We get it, and then we assume there are no more costs beyond that. What this opened points out is, we can calculate a 10-year cost. Maybe it is \$1 trillion or \$2 trillion or maybe it is more than that. We can at least estimate it. That is what the CBO and the Joint Tax Committee are charged with doing. Then there is an assumption that there is no cost beyond that.

What the people who write the legislation frequently do is to build in benefits in the early years and then phase in the ways of paying or not paying for it, so the real costs come in the so-called outyears—the outyears are beyond the 10-year window—so that it doesn't score as a big loser. What they point out is, in effect, what this legislation does is gone out for 10 years and

creates a cliff. When you fall off the cliff, that is when you are in trouble because the commitments to the people for health care have been already made.

Can you imagine Congress pulling back on those commitments? Once there is an expectation from government, that is not lightly withdrawn. The American people come to expect it, and there is a big lobby against it, if you try to withdraw the benefit. But if you haven't provided for how you are going to pay for it, there is a very rude and sudden awakening when you come to the cliff and realize you haven't folded into your calculations how you are going to pay for this benefit.

We did that with the so-called SCHIP legislation. We created a benefit, and the benefit kicked in early. The funding ostensibly stopped after a certain period of years. But everybody knew the funding would not stop. That required the suspension of belief. I guess it is called cognitive dissonance. The notion that somehow or another Congress is going to, at the end of that period of time—I believe it was 5 years—pull back all the benefits we had been giving to people for 5 years, that was not going to happen.

So you had the commitment to provide benefits, but no way to pay for them. As this article points out, that is what is happening with this health care legislation as well.

Let me quote from the third paragraph:

In the July 26 letter, CBO Director Douglas Elmendorf notes that the net costs of new spending will increase at a more than 8 percent per year between 2019 and 2029—

There we are talking about the next 10 years, not the first 10 years.

—while new revenue would only grow at about 5 percent. "In sum," he writes, "relative to current law, the proposal would probably generate substantial increases in federal budget deficits during the decade beyond the current 10-year budget window."

The point is, we should not look at these things during the first period of time that we analyze them, but rather the continuing commitment of the American taxpayer. When we do that, as the Director of the CBO points out, we find that we have a continuing, growing deficit; in other words, piling up more and more debt and, if anything, my guess is that these estimates are conservative and that the amount of deficit would be even more.

The editorialist in the Wall Street Journal had complained about this, talking about the "Grand Canyon" between spending and revenue, pointing to the CBO's long-term projections, and then said:

That's not our outlook. That's what White House Budget Director Peter Orszag told the House Budget Committee in June. He added that "If you're not falling off a cliff at the end of your projection window, that is your best assurance that the long-term trajectory is also stable."

As the editorial points out: "The House bill falls off a cliff."

So the precise thing we are trying to avoid in intelligent legislating is not avoided in the Democratic health care proposals: benefits promised now, ostensibly paid for in the first 10 years, not paid for after that. That is not me talking, as I said, that is the non-partisan Congressional Budget Office.

There are other examples of this pointed out, but as the editorial notes in conclusion:

ObamaCare's deficit hole will eventually have to be filled one way or another—along with Medicare's unfunded liability of some \$37 trillion.

I read that last night, and I had to go back and reread it—unfunded deficit of \$37 trillion. It is impossible for us to imagine how much money that is—\$37 trillion just for current obligations, not counting what would be added by the ObamaCare.

We cannot afford this, and I think the American people are beginning to appreciate we cannot afford it. There is no free lunch. The Federal Government cannot simply keep promising things and not worry about the costs in the future. We can only print money for so long before we have rampant inflation that destroys the wealth of everyone, primarily the people who have saved in the country, which starts with our senior citizens.

We cannot borrow our way out of it because the main people who continue to lend to us, such as the Chinese, have begun to lecture us on the fact they don't trust we are going to pay them back now, and they are going to start requiring more and more in the way of interest payments for them to continue to lend to us.

It is a little bit like the credit card company that says to a family: Look, you have borrowed a lot of money on your credit card. We are not sure that you are going to be able to pay that back to us. So if you are going to borrow more money on the credit card, we are going to double the interest rate to make it a high interest rate so at least it accounts for our risk in lending you more money. Borrowing more money from the Chinese at higher interest rates is not the answer.

The other alternative is to tax the American people. Everybody understands taxing the American people is the worst thing you can do for an economy, especially in a downturn. Americans believe they are already taxed enough. You cannot tax the rich and solve the problem because they already pay most of the taxes and it would only account for another few hundred billion dollars, even if you taxed them for everything they are worth.

You eventually get down to the middle class. The President has said over and over that he does not want to tax the middle class. The reality is that it is unavoidable if we continue to consider legislation such as this.

Mr. President, I ask unanimous consent to have printed in the RECORD this Wall Street Journal op-ed of August 6 called "ObamaCare's Real Price Tag."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, August 6, 2009]

OBAMACARE'S REAL PRICE TAG

The funding gap is a canyon by year 10.

ObamaCare sinks in the polls, Democrats are complaining that the critics are distorting their proposals. But the truth is that the closer one inspects the actual details, the worse it all looks. Today's example is the vast debt canyon that would open just beyond the 10-year window under which the bill is officially "scored" for cost purposes.

The press corps has noticed the Congressional Budget Office's estimate that the House health bill increases the deficit by \$239 billion over the next decade. But government-run health care won't turn into a pumpkin after a decade. The underreported news is the new spending that will continue to increase well beyond the 10-year period that CBO examines, and that this blowout will overwhelm even the House Democrats' huge tax increases, Medicare spending cuts and other "pay fors."

In a July 26 letter, CBO director Douglas Elmendorf notes that the net costs of new spending will increase at more than 8% per year between 2019 and 2029, while new revenue would only grow at about 5%. "In sum," he writes, "relative to current law, the proposal would probably generate substantial increases in federal budget deficits during the decade beyond the current 10-year budget window." (The House bill has changed somewhat in the meantime, but not enough to alter these numbers much.)

The nearby chart shows this Grand Canyon between spending and revenue, including CBO's long-term predictions. While these are obviously very coarse estimates, there's also a projection of a \$65 billion deficit in the 10th year—and "deficit neutrality in the 10th year is . . . the best proxy for what will happen in the second decade."

That's not our outlook. That's what White House budget director Peter Orszag told the House Budget Committee in June. He added that "If you're not falling off a cliff at the end of your projection window, that is your best assurance that the long-term trajectory is also stable." The House bill falls off a cliff.

And the CBO score almost surely understates this deficit chasm because CBO uses static revenue analysis—assuming that higher taxes won't change behavior. But long experience shows that higher rates rarely yield the revenues that they project.

As for the spending, when has a new entitlement ever come in under budget? True, the 2003 prescription drug benefit has, but those surprise savings derived from the private insurance design and competition that Democrats opposed and now want to kill. The better model for ObamaCare is the original estimate for Medicare spending when it was passed in 1965, and what has happened since.

That year, Congressional actuaries (CBO wasn't around then) expected Medicare to cost \$3.1 billion in 1970. In 1969, that estimate was pushed to \$5 billion, and it really came in at \$6.8 billion. House Ways and Means analysts estimated in 1967 that Medicare would cost \$12 billion in 1990. They were off by a factor of 10—actual spending was \$110 billion—even as its benefits coverage failed to

keep pace with standards in the private market. Medicare spending in the first nine months of this fiscal year is \$314 billion and growing by 10%. Some of this historical error is due to 1970s-era inflation, as well as advancements in care and technology. But Democrats also clearly underestimated—or lowballed—the public's appetite for “free” health care.

ObamaCare's deficit hole will eventually have to be filled one way or another—along with Medicare's unfunded liability of some \$37 trillion. That means either reaching ever-deeper into middle-class pockets with taxes, probably with a European-style value-added tax that will depress economic growth. Or with the very restrictions on care and reimbursement that have been imposed on Medicare itself as costs exploded.

On the latter point, the 1965 Medicare statute explicitly stated that “Nothing in this title shall be construed to authorize any Federal official or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided.” Yet now such government management of doctors and hospitals is so pervasive in Medicare that Mr. Obama can casually wonder in a recent interview with *Time* magazine how anyone could oppose the “benign changes” that he supports, such as “how the delivery system works.” Oh, is that all?

Democrats will return in the fall with various budget tweaks that will claim to make ObamaCare “deficit neutral” over 10 years. But that won't begin to account for the budget abyss it will create in the decades to come.

Mr. KYL. Mr. President, I know I have talked about a lot of different issues today, but as we start this period of time when we go back home—we call it our work period back home—there are a lot of issues about which we want to talk to our constituents.

First on my list is going to be what do you think about the increased amount of debt this country is taking on, with all of the programs we have already passed and the programs that are on the horizon, including what was referred to here as ObamaCare, but the so-called health care reform? Do you believe your health care situation is in such a dire strait that we need to take on that kind of debt, or are there more targeted ways to resolve the problems that everybody acknowledges exists, particularly with some of the costs associated with health care.

We are also going to talk about whether the American people are comfortable with the degree of government involvement, the government takeover of all of these different elements of our society, including health care, including the mortgage business, as I talked about, and picking winners and losers in subsidizing the purchase of cars now.

I know we own two of the big car companies, but it seems a little self-serving then to try to help those car companies that the government owns by picking that as the place to put \$3 billion to encourage people to buy new cars.

I know a lot of folks back home who are in other businesses who are hurting

significantly. They could use this help just as much. I wonder if we took \$3 billion and spread that to some of the other industries that are also hurting. I am sure they would say: This is great; why don't you help us out?

When government gets in the business of picking winners and losers, it is a sad day for our democratic Republic. I think we need to watch this. I am going to ask my constituents what they think about that. I already know. I got an earful last Sunday in church about a couple of these different ideas. I expect I am going to continue to hear about that.

It is important that our constituents talk to us about their concerns. We work for them, not the other way around. They pay our salaries. We need to listen to them about what they have to say.

Finally, we have all these domestic issues, but I wanted to refer to Senator LIEBERMAN's comments about we cannot forget we have brave men and women halfway around the globe right now in 120-degree temperatures representing us. They are the men and women in our military services and in our intelligence services working very hard to protect us.

We have to send the signal to them that we appreciate what they do, that we are not going to criticize them for simply doing their job. I think Senator LIEBERMAN was right when he said let's not send signals to those we have instructed to help us out in this war on terror that at the end of the day we are going to second-guess what they are doing, we are going to be Monday morning quarterbacks and even potentially find them criminally liable for activity they engaged in in good faith and belief they were protecting the American people.

I am going to be very interested to see what my constituents have to say about these issues. I know my colleagues will as well. I hope when we come back from the recess that we will not only be personally refreshed from having the opportunity to visit with our families and spend a little downtime but intellectually refreshed by having heard from our bosses—our constituents—on how they want to approach these problems in the future. Maybe in September, we will be a little more enlightened about how to carry out our responsibilities.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I have come to the floor, much as I have every day for the last 3 weeks or so, to share letters from constituents in Ohio—from Findlay and Mansfield and Ravenna and Gallipolis and Bucyrus and Cleveland. These are letters from people who have often suffered because our health care system doesn't work for them.

We understand the health care system works for many; that many people are pleased with their health insurance. We understand—and the Chair certainly does, as a member of the Health, Education, Labor, and Pensions Committee—that we have made sure people who have insurance they are satisfied with can keep that insurance. As you know, we have built consumer protections around those health care plans that people now benefit from to make sure preexisting conditions are not banned from coverage; to stop discrimination based on gender or age; to make sure insurance companies cannot throw somebody off their rolls because they have an annual cap on the insurance. But as we throw these words around on this debate, words like “exchange” and “market exclusivity” and “gateway” and “direct negotiations” and all these terms, it is important to always bring it back to people whom we know, people who have written letters—from Eugene, OR, or from Toledo, OH—people who have written letters to us about the health insurance system. I would like to share a few of these letters today as I have for the last 2 or 3 weeks.

Heather from Lorain County, the county where I live, west of Cleveland, writes:

I am a resident of Elyria, OH, a Registered Nurse of 14 years, living with relapsing-remitting multiple sclerosis. I live at both ends of the stethoscope. I am a frontline witness to the disintegration of our health “care” system both as a caregiver and as a patient. Health care is a NON-partisan issue, but it's been all about dollars and cents, not common sense.

She is right about that. We simply have let too many people fall through the cracks. We have not relied enough on nurses like Heather, people who deliver the care directly. We have allowed our health care system in that sense to get away from us.

Mary from Jefferson County, eastern Ohio, along the Ohio River—Steubenville is the community that is the county seat in their county.

I am writing this on behalf of my brother, an insulin dependent diabetic who is a retired factory employee in Kettering, OH. He has recently been notified that he will be losing most of his pension and all of his health care.

I have contacted almost all health care insurance companies trying to get a single coverage policy. Due to his diabetes, he is excluded from any coverage and completely uninsurable. His insulin alone is approximately \$8,000 a year. The reason is not that diabetes is a pre-existing condition but is a chronic condition.

My brother worked in the factory for over 30 years, paid into the program, paid his taxes. It is a true sin that these older Americans are being treated this way in our system.

Mary writes about diabetes, which is an increasing problem in this country. It is an increasing health problem that afflicts so many, not just older people like Mary's brother but younger people too, especially people diagnosed with diabetes at very young ages. Our legislation deals with that. It deals with that particularly for children, on preventive care and wellness programs dealing with childhood obesity—all of those issues.

It deals with people like Mary's brother in Kettering who suffer because of, in too many cases, a cap on coverage. If you are spending too much, according to the insurance company, one year, they do not pay any more. The rest of it comes out of pocket. Sometimes they dump you and you lose your insurance. That kind of discrimination by the insurance companies will be prohibited under our health care bill even if you have insurance you are happy with. We want you to stay in the plan if you are happy with your insurance, but we are going to build these consumer protections around it so things don't happen to you like happened to Mary's brother.

This comes from Scott in Hamilton County—that includes Cincinnati on the Ohio River in southwest Ohio.

I recently changed employers. My previous employer was not required to offer COBRA. I was not aware of this and was quite shocked. My new employer had a waiting period of 90 days before I could enroll in the employer-sponsored plan. Between the time I left my old job and before I could enroll in a new plan, my wife found out she was pregnant. But when attempting to find new coverage, we kept being turned down due to the pregnancy being deemed a pre-existing condition. There should have been a better option. Please do what you can to support health care reform.

If I didn't live in this country and I didn't know that these things happen, I would just think they made up that story. This guy has insurance. He switches jobs. Between leaving his job and his next job, he is uninsured. His wife gets pregnant, and they can't get insurance because she has a preexisting condition. How stupid does that sound?

What is wrong with our health insurance system? It has a lot of good things, but what is wrong with the system that allows him to fall through the cracks so at best she will have a pregnancy with no difficulties, generally good pregnancy, but still that costs thousands of dollars. Imagine if she has

a particularly difficult pregnancy with all kinds of expensive care for her and for their newborn baby. Imagine the tens of thousands of dollars. They will go into debt because, as Scott from Hamilton County says, health insurance was not available because of this preexisting condition—his wife got pregnant.

Dinah from Cuyahoga County, up near Cleveland, writes:

I've been a small business owner in graphics design for 17 years. We always provide our employees with the best fully-paid health care we could afford. Throughout the whole time, the cost of health care was our largest expense after salaries. Business has declined—

As it has throughout our Nation in many places—

and we have been forced to lay off employees from our once high of eight to just two of us. Now we are on the edge of having to close down unless business increases soon.

We have learned that we are in a catch-22 situation. If I lay off my last employee to stay in business, we no longer have two persons to qualify for a group and thus the group insurance will be canceled by our insurer. Getting an individual policy with reasonable coverage at age 62 is no easy trick. And we have no idea if my one employee, single and 40, will qualify either. We have no idea whether we will be accepted or will have some kind of preexisting condition we're not aware of. With two and a half years to go before Medicare, I'm pretty close to my worst fears being realized.

Fight on for the public option. Please don't give up and settle for something that just puts a band aid on this huge problem. So many people so desperately need your help.

That is what we never can forget in this body when we talk about market exclusivity and talk about the gateway and exchange and all these terms—direct negotiations. We can never forget people like Dinah from Cuyahoga County, saying, "So many people so desperately need your help." They need our help in this body. We have to pass this bill by the end of the year. She says, "Fight on for the public option." She understands that insurance companies so often play games with people such as Dinah and Scott and Heather and some of the other people I will read letters from today.

Mr. President, that is why you, on the HELP Committee, and why I, on the HELP committee, and Senator DODD and others, why we fought for the public option. That is an option. What it will do is inject competition into the health care system, competition with insurance companies so that insurance companies—even though we are going to change the rules for insurance companies, we also know they always try to game the system. They want to insure you because you are healthy. They are not so sure they want to insure you because you might be expensive. We cannot let them do that anymore. That is why we are changing the rules. That is why we also need the public option, so the public option can compete and

keep these insurance companies honest. Dinah gets that. Not all of our colleagues in this body get that. That is why it is so important to make sure this health care system improves so it works for everybody.

Ruth from Greene County, the Xenia area in the State, sort of southwest Ohio, writes:

Last year, my granddaughter Lilly was diagnosed with cystic fibrosis, a fatal genetic disorder. She requires many specialized enzymes and foods and three daily breathing treatments to keep her lungs from deteriorating. She also needs specialized care from a cystic fibrosis center and will likely be hospitalized for lung infections at some point.

Without insurance this treatment would not be possible, and with insurance companies' ability to deny coverage for preexisting conditions, what is her long-term ability to get health coverage? Currently, her parents are changing jobs. How will they get affordable health insurance for their daughter is a big question.

It appears from the letter from Ruth that her granddaughter Lilly has insurance right now and is getting good treatment and good medical care, as most Americans are at this point.

But it seems there are two things she is talking about. One is her parents have had, for whatever reason, to change jobs—Lilly's parents. What is going to happen with their insurance when their new employer and their new employer's insurance company understands they have a daughter with cystic fibrosis? And then she asks a question that is just as crucial: What happens to Lilly when she gets older? What happens to somebody who has a chronic health condition such as cystic fibrosis or anything else? When they get to be adults, what happens to them? What happens to their ability to get health care coverage?

That is why the public option is so important, why our bill is so important. The public option will compete with private insurance carriers to make sure they stay honest, that they do not dump people like Lilly, so they do not play this preexisting condition game, so they don't game the community rating system, so they don't discriminate against people because of gender or geography or age or anything else.

The last two letters I would like to read are actually both from physicians.

Michael, from Montgomery County, the Dayton area, writes:

As a physician I see what happens to people every day when they cannot get health insurance. I see the abuses they suffer at the hands of the greedy insurance companies. I also see constant erosion in payments to doctors, hospitals, and all health care providers. The only thing that is increasing is the red tape. The red tape doesn't provide care. It takes caregivers away from patients.

Michael is a medical doctor in Montgomery County in southwest Ohio. Michael understands, because he has been victimized by it, he has been harassed

by it, he has been annoyed at best by it, that he deals and his office deals with all kinds of insurance company redtape.

Mr. President, I have heard you actually talk about it in committee. You know Medicare has less than 5 percent administrative costs. The paperwork for Medicare is much less than the paperwork Michael's office has to do, dealing with hundreds and hundreds of different insurance companies. Medicare keeps its administrative costs under 5 percent. Insurance companies' administrative costs are 15, 20, sometimes even 30 percent. That is the redtape he is talking about.

Medicare is not perfect. Medicare has redtape. It needs to be streamlined every way we can do that so it is simpler and cleaner, the way we need to build the public option to be.

But we also know private insurance has huge administrative costs, huge salaries for their executives. People have come down to the floor and read what the salaries are of United Health and some of the other insurance companies—Aetna, CIGNA—the top executive salaries, often into the tens of millions of dollars each. We know they have those kinds of administrative costs. We know they have the profits they make. Fine, they should make profits, but sometimes they are excessive.

We also know they have costs for huge numbers of people in these private insurance companies who are there to deny care. When did you ever hear Medicare turn somebody down for a preexisting condition? I don't think it has ever happened. When did you ever hear Medicare say: Sorry, you are spending more than your cap; that is the end; we are not going to take care of you. The fact is, the preexisting condition, the denial of coverage because of your gender or your age or your geography, doesn't happen with Medicare. It does happen with private insurance.

Michael understands that when he writes. He talked about the greedy insurance companies. Not all of them are but some are, and some of the executives are way overpaid. We know that.

Most important, we need to cut through the redtape. That is why the public plan, competing with the private insurance plans, will make the private plans better, and, frankly, the energy and the dynamism of the private plans probably will make the public option better too. That is the whole point of competition.

The last letter I will read comes from Ellen from Cuyahoga County, the Cleveland area.

I am a physician and a partner in a small business that offers health care benefits to its employees. For them, but most as a wife of a cancer survivor, I feel there is no more important issue than health care. We must provide affordable health care to all Americans.

We hear it from doctors, we hear it from a nurse, we hear it from patients, we hear it from family members, family members who care deeply about their family and what it has done to them.

We are about to leave here for the next month. When we come back in September, there is a deadline on negotiations in the Finance Committee. If the six—three Democratic and three Republican Senators—do not come to agreement, it is time to move forward with the Health, Education, Labor, and Pensions bill we wrote. Our bill, as you recall, is a bipartisan bill. Our bill that we passed out of the HELP Committee went through 11 days of markup, 11 days of considering amendments, debating, discussing, arguing—whatever we do when we get together. Never in my 17 years in the House of Representatives and the Senate have I seen a bill have that much attention, have that many amendments, spend that long working on it. This bill has been vetted. We know the ins and outs of it.

We accepted 161 Republican amendments. Some of them were minor, some of them were major amendments. The Republicans did not win on some of the big issues, but the big issues were decided, in many ways, by the election. The big issues are things such as, should there be a Medicare-like plan or should we continue the privatization of Medicare, which is what Republicans want to do. There are very big differences there.

But the fact is, this bill is a bipartisan bill. It came out of committee with a strong vote. We know it will cover almost every American. We know it will bend the cost curve down so we will begin to save money. We know it will ban all kinds of insurance company gaming of the system, provide consumer protections for people who now have health insurance that they are generally satisfied with, and make sure those people do not lose their insurance because of preexisting conditions or discrimination.

We have work to do after being back in Ohio and the Chair back in Oregon for the next month. It is important we get back to work, after listening to our constituents and getting more input on these bills. It is important that we go back to work in September and pass health care legislation.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUSTICE SOTOMAYOR

Mr. SESSIONS. Mr. President, I had the opportunity this morning to talk with Judge Sotomayor and congratulate her on her confirmation to the Supreme Court. It is an exceedingly important position. Her nomination initiated a national discussion about the role of a judge in American society. I hope it rose to the level of debate and discussion that was worthy of such a great occasion.

She is a wonderful person. She is going to give her best effort to be a great Justice on the Court. I hope and pray she will achieve that. I reached a conclusion, as did a number of my colleagues, that her statements and expressions of judicial philosophy were such that it caused concern and gave rise to a belief that her approach to judging was part of a growing idea that judges are not bound by the law and facts but are rightly able to allow their personal views to influence their decisions.

Her testimony was different, however, from what was reflected in her speeches. I am hopeful that her testimony will be the basis by which she conducts her business on the bench.

I congratulate her. I think our discussion was at a high level. It dealt with an issue that so many of us feel very deeply about; that is, that the law must be objective, that judges must show fidelity to the law as written, even if we in Congress have not written it so well and if they would like to see it differently. That is the cornerstone of the American legal system, and I am proud of it.

I received an e-mail a few days ago from Sarah Chayes who has written a book about Afghanistan. She was an NPR reporter, stayed in Afghanistan, fell in love with the country, has learned the language and works tirelessly to improve the lives of people in that country.

She told about being in the States and meeting with the relative of an individual who tried so hard in Iraq to promote law and justice. She said this lady, her relative, said what most impressed her in America was the law. She said it was not food, it was not technology, it was not wealth that we had, it was the legal system we had. It is a beautiful, wonderful thing. It is a heritage we have received. We have not earned it. We have inherited it, and we have a responsibility to make sure we pass it on in a healthy state, to those who will follow us.

So my congratulations go to Judge Sotomayor. I know her mother and other family members are so excited this day. This was one of the shortest confirmation processes in recent memory. I know that she is pleased that it was completed before the August recess. It will allow her to move and get herself organized for the beginning of the term in October. So, again, my congratulations are to her.

I appreciate the Members of the Senate, Chairman LEAHY, for allowing a full and robust debate on this issue. I will assure my colleagues, the issue of judicial activism is not going away. The American people feel strongly that judges must operate as their judicial oath says, in accordance with the Constitution and laws of the United States—not above them. They expect them to work diligently to determine the right answer to each case before them and to find and declare that right answer, even if the law they base it on is one they personally would like to see altered.

That is the ideal of American justice, and we will be continuing to battle for that as the months and years go forward. I think it is an important issue this country will be wrestling with.

I thank the Acting President pro tempore and yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEFICIT

Mr. SESSIONS. Mr. President, before we leave for our August recess, I think it is good to maintain our watch on what is happening in the financial markets. I have reported on these matters several times this year because I think it is something we have to talk about. The reason we have to talk about it is because the United States is borrowing more money this year than any year in the history of the American Republic. It dwarfs anything we have ever done before, and it is an action that has consequences. We cannot borrow dramatically without having consequences occur, just as they do in our families. If your family goes more into debt, you are burdened with high interest rate payments that produce nothing but are monies you expend because you borrowed money. That is what interest is. It does not do you any good. It is a painful thing for no immediate benefit. The benefit comes when you borrowed it and bought something with it, but in the long run you carry that interest unless you pay the debt off in the future.

The problem this country has is that according to the President's own budget, in the next 10 years we have no plans whatsoever to pay down any debt. In fact, the debt is surging in the outyears. Growing the deficit for each annual accounting will increase in the outyears. So we are in an unsustainable rate of spending in

America. We have heard those phrases, and "unsustainable" means just that: We can't keep it up in this fashion.

I will put this chart up that is not disputed by anybody who has been involved in the process. It represents what the Congressional Budget Office—a nonpartisan group, but in truth it is hired by the Democratic majority here in the Congress, in the Senate—has scored the President's budget and what it will mean for us in terms of debt over the next 10 years. It is a 10-year budget, and we are supposed to look out into those years.

In 2008, the total debt in America was \$5.8 trillion. From the beginning of the American Republic until 2008, we had accumulated \$5.8 trillion in debt. That is a lot of money; more than we needed to have been carrying as a debt. President Bush was criticized for having several deficits, one over \$400 billion, and another one either at or around \$400 billion. Other years were less: \$100 billion, \$160 billion, something like that. But he was criticized for that because it helped cause the debt to go up. But look what the Congressional Budget Office says we are going to be facing 5 years from now in 2013: a doubling of that debt to \$11.8 trillion. Ten years from now it will triple to \$17 trillion. The debt will increase in the out years. President Bush was rightly criticized for having added a \$450 billion deficit in 1 year. We will not see in the next 10 years, according to the Congressional Budget Office, a single deficit year that low. The lowest they project is that it would be \$600 billion plus. In the tenth year, out here in 2019, it is projected the deficit will be \$1.1 trillion. This year, the deficit is projected to be \$1.8 trillion. We will soon know. Some say it will be \$2 trillion; \$1 trillion, of course, is one thousand billion dollars—a lot of money. It has consequences. Where do you get this money?

Where do we get the extra \$2 trillion we are spending today that we don't have? Where do we get it? Well, we go into the marketplace and we ask people to buy Treasury bills and loan us the money. It is basically a note. They give us their money and we give them a promise to pay, plus interest. If you don't have any plan to pay down those debts, and we don't—indeed, we continue to project a surge in borrowing even in the tenth year, with no recession being projected in this next 10 years, so it is a grim prospect to pay this kind of interest.

This chart deals with the interest payment. People think: Well, somehow we can borrow and it doesn't hurt us. That is not so. If you borrow, you have to pay interest on it. This country pays interest today on the debt of \$5.8 trillion. We are sort of fortunate because in this economic slowdown interest rates are low, but they are not going to stay low, and that is the problem. Not

only that, the size of the debt is increasing.

So in 2009, it is projected that the interest on our debt will be \$170 billion. Well, the entire Federal education budget—what, \$100 billion—the entire Federal highway budget prior to this stimulus package, at least, was \$40 billion. So \$170 billion goes out in interest to people all over the world and in the United States who have bought Treasury bills, including foreign countries such as the Arab countries who have so much of the American dollars because we buy their oil, and China, we buy their products and they have American dollars, and they have been buying our Treasury bills.

But look what happens over the 10-year window. This is according to the Congressional Budget Office—a fair, objective analysis of what we are looking at. Let's take the red numbers. This is what we would be paying out annually in interest. It goes up—by 2019, the interest we would pay at the originally projected rate of interest CBO used—to \$800 billion in 1 year in interest we pay on the debt.

People are getting worried the interest rates are going to go up because we are borrowing so much money and people are going to be afraid that the dollar will be devalued, and our currency will be inflated. Therefore, they won't get as much return because they will be cheated because the dollars they get back from the United States in terms of interest aren't the same valuable dollars they were originally. The fundamental thing that is working up here in people's minds is that the interest rates could go up. If we use the Blue Chip economics forecast, the total payment in interest could be \$865 billion. If it goes up higher to the rates we saw in the 1980s, it could be \$1.3 trillion. That is just interest, in 1 year, that we would have to pay. Our total budget today is about \$3 trillion. That would be more than a third of the budget.

I don't think the Members of this Congress understand the seriousness of this problem, because look at the bills that go through here. I am a big supporter of farm programs. I supported farm bills year after year, but I couldn't vote for the one this year. It had a 11-percent increase in discretionary spending under the agriculture bill—11 percent. You know, at 7 percent return, your money doubles in 10 years; at 11 percent, the agriculture budget will double in several years.

At a time when we are running up unprecedented debts, we have an 11-percent increase there. It is difficult for me to comprehend. I don't think we are serious about it. Now the House has put in three airplanes so Members of the Congress can take trips with them, presumably. Somebody somewhere needs to be asking: Where are we going to get this money? Every dime of it will be borrowed. The \$800 billion we

passed earlier this year that was supposed to stimulate the economy, keep the unemployment rate from going up, and cause economic growth to occur, was borrowed. We didn't have that money. The first automobile clunker bill, \$1 billion, was borrowed on top of that. It wasn't even paid for out of the stimulus bill. It was new billion dollars. Then the new clunker bill that passed here last night in the House, they said: Well, it was going to come out of the stimulus package and, therefore, it wouldn't add to the debt because we have already authorized this stimulus money to be spent, but that is not what the House leadership said. They promised they wouldn't reduce any of the spending that was provided for in the \$800 billion stimulus package. Only 11 percent of the discretionary funds will be spent by October 1. They wouldn't take the money out of that to fund the clunker program. They promised without any equivocation that they would replenish that to borrow money. They are going to borrow that money so they don't have to reduce any of this spending in the stimulus package.

The Treasury issued a record amount of debt this past year—an unbelievable amount, actually. The Treasury Department said Wednesday it is going to sell a record \$75 billion in Treasury bills just next week so we can pay all of these obligations, we have appropriated the money for. We don't have the money, so we have to borrow it. In particular, the Treasury officials need to ensure that demand from China—that is, China's purchasing of our Treasury bills—doesn't fall off. We want them to keep buying. There are several problems, however. China doesn't have as much money as they did because their sales are not going as they were, and they are using some of their surplus money to stimulate their own economy. So they are not going to have as much money to buy Treasury bills as they did, frankly. But at any rate, demand from China, the largest holder of U.S. Government debt, is shaky. We put out the Treasury bills by auction at an interest rate and people bid for them, basically, and the government has to raise the rate high enough to get people to give them the money so we can spend in Congress.

According to yesterday's Wall Street Journal, last week's auctions of fixed-rate Treasury notes saw lukewarm demand from China and other investors. They are getting worried. Chinese officials had indicated they want inflation-protected securities, especially as the U.S. economy starts to recover. Inflation-protected securities. That is the TIPS. Right now they are not paying much interest. It is pretty low interest. But if you have a TIP, inflation-protected securities, and the interest rate goes up, then you get paid more. The return on your Treasury bill goes up. It is not fixed.

"Inflation is the No. 1 worry," said Mark Chandler, global head of currency strategy for Brown Brothers Harriman & Company: "This is the government saying, 'We will take that inflation risk away from you.'"

That is what a TIP does. It says, Don't worry about inflation; if the inflation goes up, we will pay you greater interest on the Treasury bill you buy.

And the spread—the difference between the 10-year TIPS—inflation-protected securities—and the regular 10-year Treasury note has risen from near zero at the beginning of this year to about 2 percent today. That means that one can get a 2-percent better rate by buying regular Treasuries, 10-year Treasury notes, but people still want TIPS. People with money want TIPS. Why? Because they are afraid in the next 10 years we are going to have a surge of inflation and a 3.7-percent 10-year Treasury bill. Well, they would rather have a 1.7-percent TIPS than get 2 more percent on the U.S. Treasury bill.

According to yesterday's Wall Street Journal, officials from the United States and China discussed TIPS issuance in high-level talks last week. U.S. officials assured their Chinese counterparts that they remain committed to TIPS sales, according to a person with knowledge of the discussions. China has accumulated more than \$2 trillion in foreign exchange reserves and has invested about \$800 billion in the U.S. Treasury. Meanwhile, interest rates on regular 10-year Treasuries have increased from 2.4 percent to 3.75 percent this year, an increase of over 50-percent.

So the interest rates on the 10-year Treasury has increased over 50 percent since January. Why? Because people are not willing to give the government money at the lower 2.4 percent rate because even though we are in a recession and interest rates are very low, they know with this kind of debt, this kind of future debt that the United States is facing, we are going to have a tremendous temptation to inflate the currency. And we are going to have that pressure because one way to beat your debt, of course, is to pay it back in dollars not worth as much as the dollar the person loaned. If they loan you a dollar today, and the dollar drops 20 percent, you can pay them back with dollars worth 80 cents rather than a dollar. That is a pretty good deal, if you can get away with it.

People are smart and they see this coming. They are demanding higher interest rates now, or they won't loan us the money—like any smart businessperson would. I say to my colleagues you don't get something for nothing. There is no free lunch. You cannot run up this kind of debt without consequences for the young people of this country in the years to come. They are going to be carrying a \$800 billion-a-

year annual interest rate in 10 years. Most likely, this number will be higher than \$800 billion a year, whereas our generation today is carrying a \$170 billion a year annual interest payment. I do not believe we have to do that to help this economy come out of recession. In fact, when you talk to people who are involved in the American financial sector, the biggest worry they have is interest and the debt. For everything else, they can see a way the U.S. economy will come out of it. If we burden ourselves with more debt than we can sustain—and we are clearly heading in that direction—long-term investors are worried. They don't see this coming out right. That is why they say it is not sustainable.

I wished to share these remarks before we recess for August. I don't think it should be forgotten. We have a responsibility to see that every dollar we spend produces something of value. While it can also have a stimulative effect, it needs to produce something of value; it cannot just be thrown away. We need to look for every possible way to contain this growth in spending. It is unacceptable and it cannot continue. Somehow, some way, Congress has to get the message; and I don't think we have gotten it. I don't think we understand that millions of people are losing their jobs. People who used to have overtime are not getting it today. Many who were working full time are working part time today. Families who used to have two wage earners now only have one.

This is serious. We are going to have to recognize we cannot spend our way out of it. We cannot borrow our way to prosperity, as one Alabamian told me at a townhall meeting.

Mr. President, I yield the floor.

CONFIRMATION OF JUSTICE SONIA SOTOMAYOR

Mr. LEAHY. Mr. President, among the most gratifying aspects of the confirmation of Justice Sonia Sotomayor for me was meeting her mother Celina. Anyone who knows their story knows how much Justice Sotomayor owes to her mother. She paid tribute to her mother during her opening statement at the confirmation hearing last month when she poignantly said: "I want to make one special note of thanks to my Mom. I am here today because of her aspirations and sacrifices for both my brother Juan and me. Mom, I love that we are sharing this together."

One of the good things about the hearing was that Americans were able to meet Celina Sotomayor, a woman admired across America. I will never forget her own participation at that hearing. She sat just behind her daughter, nodding in agreement when her daughter spoke. She followed the questions and answers, the give-and-take. She was focused, protective and justifiably proud of her daughter.

Justice Sotomayor's story is her story too. Justice Sotomayor's triumph is her triumph too. This confirmation is the realization of the American dream that she lived and for which she worked, sacrificed and overcame adversity. She is an inspiration to us all.

CUSTOMS FACILITATION AND TRADE ENFORCEMENT REAUTHORIZATION ACT OF 2009

Mr. BAUCUS. Mr. President, Representative John Randolph, chairman of the House Ways and Means Committee in the early 1800s, said, "We all know our duty better than we discharge it."

U.S. Customs and Border Protection, or CBP, and Immigration and Customs Enforcement, or ICE, have two vital duties. They must protect our national security by ensuring that threats to that security do not cross our borders, and they must protect our economic security by ensuring that legitimate trade does cross our borders, smoothly and quickly. I have no doubt that CBP and ICE know these duties. But they must do a better job of discharging their trade duties.

Senator GRASSLEY and I introduced a bill that would require the agencies to do just that. The Customs Facilitation and Trade Enforcement Reauthorization Act of 2009 would direct CBP and ICE to make customs facilitation and trade enforcement a priority again, and it would provide the agencies with the tools and resources that they need to fully discharge those duties.

These agencies know that high-level officials must focus on their trade duties. The bill would help the agencies discharge those duties by creating new high-level positions at CBP devoted exclusively to trade. The bill would assign new trade facilitation and enforcement duties to the highest level official at ICE.

The agencies know that they must facilitate and expedite legitimate trade across our borders. The bill would help the agencies to discharge those duties by providing trade facilitation benefits, such as faster customs clearance, to importers with a history of complying with U.S. customs and trade laws. The bill would also require the Secretary of Homeland Security to identify and provide trade facilitation benefits to importers that provide additional security information. The bill would provide funding for automated programs that would help CBP process imports more quickly.

The agencies know that they must enforce U.S. trade, intellectual property, and health and safety laws at our borders. The bill would help the agencies to discharge those duties by giving CBP new tools to identify goods that are most likely to violate these laws. It would give CBP the means to prevent

those goods from crossing our borders. It would require ICE to do more to prevent the importation of goods made with forced, convict, or indentured labor.

The agencies know that they must listen to Congress and the business community when taking significant actions that affect America's competitiveness. The bill would help the agencies to discharge that duty by requiring CBP to engage in robust consultation before taking such steps.

The agencies know that they must serve rural border areas, such as those in my home State of Montana. The bill would help the agencies to discharge that duty by creating a pilot program to establish 24-hour ports along these border areas, ensuring that legitimate trade can flow quickly through these areas.

So let's come together to reauthorize CBP and ICE. Let's give these agencies the tools and resources they need to facilitate and enforce international trade. And let's help CBP and ICE to discharge these duties that are so essential to our economic security.

EXPAND BUILDING ENERGY EFFICIENCY ACT OF 2009

Ms. SNOWE. Mr. President, I rise to speak about legislation that I introduced, the Expanding Building Efficiency Incentives Act of 2009, which would expand the tax incentives for building and put our country on course to reduce energy consumption in a sector that currently consumes 40 percent of our total energy. I am pleased to have worked with Senator FEINSTEIN and BINGAMAN, two longtime leaders on energy efficiency, on this proposal and look forward to discussing this bill with my Finance Committee colleagues.

One inexcusable legacy of this housing crisis is that the vast majority of homes constructed over the last 10 years during the housing boom have been inefficient. While an inefficient vehicle purchased today may guzzle gasoline for an average of 10 years, an inefficient building will require elevated levels of energy for as long as 50 years. Therefore, whenever we create inefficient buildings, generations to come will be saddled with our wasteful energy decisions. Last week McKinsey and Company in a report, "Unlocking Energy Efficiency in the US Economy," concluded that a major investment in energy efficiency could save \$1.2 trillion and cut consumption 23 percent by 2020. This legislation serves as a cornerstone to realizing these opportunities.

The Expanding Building Efficiency Incentives Act builds on current tax incentives that have worked to move the market toward energy efficiency. While the marginal costs of constructing an energy-efficient building

may be higher than an inefficient building, the long-term energy savings have environmental and energy dividends, as well as ultimate cost savings. These tax incentives provide an incentive to correct this market failure and obtain these long-term benefits.

Specifically, the bill includes an extension of the current energy-efficient new homes tax credit for 3 years, which requires new homes to be 50 percent better than current code with respect to heating and cooling. In addition, this bill will create a new tier for a \$5,000 tax credit if a building consumes 50 percent less total energy than a comparable building. The current tax credit system for new homes has been very successful. According to the Residential Energy Services Network, 4.6 percent of all new homes met these rigorous standards in 2008, which adds up to nearly 22,000 homes being at the cutting edge of energy efficiency. This tax credit is working and not only should we extend this tax credit, but we must build on this to encompass additional energy consumption in a new home.

In addition, the bill would provide a \$500 tax credit for individuals to become professional energy auditors, experts that can reduce our country's demand for oil, reduce carbon emissions, and save our struggling families money on their energy bills. In addition, a \$200 tax credit is established for homeowners to hire these professional energy auditors and analyze the deficiencies of an existing home and propose investments that will save the taxpayer money. As we move forward with dedicating significant resources to energy efficiency in this legislation it is critical that we ensure that this funding is utilized effectively by a professional energy efficiency industry and this amendment will accomplish this critical goal.

Finally, the amendment increases the tax credit for energy-efficient commercial buildings by increasing the deduction from \$1.80 cents per square foot to \$3.00 per square foot. The original version of the commercial buildings tax deduction as passed by the Senate set the deduction to \$2.25 per square foot, with the critical support of the current Finance chairman and ranking member. Adjusting for inflation, this corresponds to \$3.00 per square foot today with partial compliance increased to \$1.00 per square foot. These changes would return the deduction to viability as it was originally designed and ensure that commercial building developers are provided an adequate incentive to pursue energy efficiency.

Earlier this year, a New York Times editorial pointed out that we are an extremely energy inefficient economy—the 76th best country in the world. This must change if we are to retain our leadership in this world, and I look forward to working with my colleagues to improve our ranking and increase our country's energy efficiency.

CLEANER, SECURE, AND AFFORDABLE THERMAL ENERGY ACT

Ms. SNOWE. Mr. President, I rise to speak about the Cleaner, Secure, and Affordable Thermal Energy Act, which I introduced with Senator BINGAMAN. This bill will add diversity to the fuel usage of Americans who are forced to use home heating oil, a heating source that has gone through wild price swings and last year reached historic prices. While I strongly believe that we must invest in weatherization and energy efficiency, I also believe that we must create diversity for thermal energy.

In my home State of Maine, roughly 80 percent of the population utilize heating oil to keep warm in the winter. In New England, 40 percent of homes use heating oil. As a result, on average nearly 4.7 billion gallons of heating oil are consumed by New England. This is not only an enormous cost to families across the region, but it creates massive greenhouse gas emissions and increases our country's demand of foreign oil. This is not merely a regional issue, this is a national issue and it should be a priority of Congress to reduce heating oil use in New England.

This bill builds on the current credits for nonbusiness energy property to provide an additional credit for conversion of homes using home heating oil to natural gas or biomass. Specifically, the bill provides a tax credit of \$3,500 for natural gas conversion and \$4,000 for biomass conversion. While natural gas is not available throughout the United States and is not widely available in Maine, I am hopeful that these incentives will provide an additional incentive to expand usage in regions that have access to natural gas supplies.

In regions that the rocky geology does not allow natural gas to be utilized, the bill includes a tax credit for biomass for thermal energy, such as wood pellets. Just this past July, International WoodFuels announced plans to construct a 100,000 ton per year pellet plant in Burnham, ME. This is from wood product that is harvested in Maine and can be used to replace home heating oil in the State. While I strongly believe that we must carefully develop policies to ensure that the expanded use of wood pellets will not undermine existing forest industries, I strongly believe that we must encourage additional diversity of our home heating oil energy sources and wood pellets provide a viable pathway to energy diversity for the State of Maine.

I strongly believe that reducing the current consumption of home heating oil in the State of Maine, New England, and the country should be a major priority as we move forward with overhauling our energy policy, and I look forward to working with my colleagues to pass the Cleaner, Secure, and Affordable Thermal Energy Act into law.

COMMENDING SENATOR NORM COLEMAN

Ms. MURKOWSKI. Mr. President, I honor and bid farewell to my friend and our colleague, Senator Norm Coleman of Minnesota. Norm and I served together for 6 years in the Senate and on the Senate Foreign Relations Committee. He also served on the Agriculture, Aging, Homeland Security, and Small Business Committees. He has a legislative record to be proud of.

As our colleagues know, I have long enjoyed my work with Native people. Norm, throughout his tenure, was a steadfast friend of American Indian, Alaska Native, and Native Hawaiian people and a strong advocate for the interests of the tribes in his home State of Minnesota. His voice will be missed in the U.S. Senate on these issues.

As a member of the Committee on Homeland Security and Governmental Affairs Norm pushed for drastic reforms in our Nation's emergency response and recovery capabilities in the wake of the failed response to Hurricane Katrina. He was diligent and steadfast in his desire to protect our country and deeply engaged in efforts to increase protections for our Nation's critical infrastructure.

I will remember Norm as one who had a love and appreciation for my State of Alaska. On several occasions he enjoyed the beauty of Alaska while seeking his prized king salmon on the Kenai River. Norm further extended his Alaska ties by hiring Jennifer Mies Lowe, who is married to my former chief of staff, George Lowe. Jennifer served Senator Stevens for many years before moving to Senator Coleman's office as his chief of staff.

Norm has a long record of public service fighting for Minnesotans. He served as mayor of St. Paul before being called by the people of Minnesota to come to the U.S. Senate. I expect that we have not heard the last of him.

In closing I would like to wish Norm, his wife Laurie, and children Jacob and Sarah the very best. Norm, thank you for your service to the Nation, the Senate, and Minnesota. I know Norm and his strong sense of service to his country, and while I will miss him in the Senate, I look forward to his next opportunity to serve.

NATURAL GAS IN A CLEAN ENERGY ECONOMY

Mr. UDALL of Colorado. Mr. President, I wish to discuss why we need a clean energy economy and how natural gas will be a critical component of our future energy mix.

We need legislation to move forward, to the President's desk, this year. To compete in a 21st century global economy, the United States must take immediate action to transition to a clean energy market, one that allows us to take advantage of the many different

clean energy sources that our country has to offer.

Some have asked why we need to act on clean energy legislation.

Several of my colleagues this week have eloquently discussed the impacts of carbon pollution. In the West, we are already seeing indications of climate change through warmer winters and drier summers. This is a global challenge that we must address and not ignore. But, irrespective of the impacts of carbon pollution to our communities and environment, clean energy legislation really comes down to two things—our economic and national security.

Clean energy legislation will create millions of new jobs here at home and provide the basis for America's 21st century economy. Clean energy economy legislation will spur innovation in and accelerate the shift to clean and domestic energy sources. It will create a new industrial sector employing millions of Americans in the research, development, manufacture, sale, installation, and servicing of new energy technologies. With the U.S. leading the way, we will sell our new technologies to other countries throughout the world.

Clean energy legislation will also help strengthen our national security. The most obvious reason, of course, is that switching to clean, domestic sources of energy will reduce our dependence on foreign oil by shifting America toward cheaper, cleaner alternative energy sources like natural gas and wind power. Our current economy unfortunately depends on the importation of foreign oil from nations that do not have our best interests at heart, which creates threats to America's national security and puts our troops in harm's way.

Where does this leave us?

We need to jump-start our clean energy economy, and that means we need to invest in the wide range of energy sources that are available now, as well as research and development of future energy sources.

This is not about a silver bullet answer to our energy problems: it is, rather, like silver buckshot.

On the ground, that means we should encourage energy development of new renewable energy sources, find cleaner ways to use traditional energy sources like coal and oil, and expand our use of clean, mature technologies like nuclear and natural gas.

Natural gas, in particular, often does not get the attention that it deserves among our diverse portfolio of clean energy sources.

Natural gas will be the bridge between today's economy and our clean energy future.

It is the cleanest of the fossil fuels and has the lowest greenhouse gas emissions per unit of energy, emitting about half of the CO₂ of coal when burned for electricity generation.

Furthermore, the technology is already being used by utilities across the country. Let me emphasize again—this is mature technology that is already in use across the country to power our homes and businesses.

In fact, natural gas accounts for 24 percent of the energy consumption in this country and approximately 98 percent of U.S. natural gas consumption originates right here in North America, principally from the United States and Canada.

Using natural gas means that we do not have to depend on foreign governments determining the cost of our energy or whether or not we even have access to it. And increasing natural gas production and use means that we are creating jobs and supporting families here at home.

Natural gas is an abundant resource across our country.

In recent years, natural gas production from conventional resources has continued to decline, but production from unconventional resources such as coal beds, tight gas sands, and particularly from natural gas shales has increased.

These are in regions—such as the Northeast—that are not traditionally thought of as gas-producing States. In fact, expanded drilling in tight gas sands and gas shales helped increase total U.S. gas production by about 9 percent in 2008 after a decade of its being roughly constant.

We also have natural gas reserves, particularly off our coasts, that have yet to be fully explored.

Now, let me be clear in that I do not support drilling for gas anywhere and everywhere. I believe certain areas, both on and offshore, should be placed off limits to development.

But we also need to take advantage of this domestic resource and develop some of these resources in an environmentally friendly way. That is why, during consideration of the clean energy bill in the Energy and Natural Resources Committee, I supported Senator DORGAN's efforts to open up the Eastern Gulf of Mexico to development.

Between recent discoveries of new domestic natural gas reserves and untapped reserves offshore, natural gas can continue to be a vital energy source for our country. The latest estimates indicate that we have enough reserves to sustain our current consumption rate for almost 100 years—and that is without new technology development or new reserve discoveries.

It is also important to understand how natural gas interacts with other energy sources, particularly renewable energy, like wind and solar. Many here in the Senate know that I am a strong proponent of a national renewable electricity standard, or RES. Colorado already has a State RES and it has been very successful in both increasing our

use of renewable energy sources and bringing new jobs to our State. However, renewable energy sources alone will not be enough to fulfill our country's energy needs, especially in the short term, and electricity powered by natural gas will play a critical role in adjusting to the variability of renewable energy generation.

We can take these steps to decrease our carbon emissions and promote our domestic energy sources without increased energy costs for consumers. New natural gas combined-cycle plants are competitive with new coal plants. Natural gas plants have lower capital costs and shorter construction times than coal-fired powerplants. For example, the National Academies of Sciences recently released a report "America's Energy Future: Technology and Transformation" as part of a comprehensive look at our energy policy. The report found that, at a price of \$6 per million Btu, natural gas plants have the lowest lifetime cost of electricity of comparable energy source.

While there has been concern in recent years over price fluctuation in the natural gas market, the Energy Information Administration projects that prices will range from \$6 to \$9 per million Btu or lower for natural gas for decades.

Yet natural gas is not just for producing electricity. Clean natural gas is already being used as an alternative fuel for vehicles. Developing a stronger and wider market for natural gas vehicles will reduce our dependency on foreign oil, create jobs, and benefit the environment.

As of 2006, there were about 116,000 compressed natural gas vehicles and about 3,000 liquefied natural gas vehicles in the United States. About two-thirds of these natural gas vehicles are passenger vehicles.

The benefits of creating a natural gas fuel system akin to the current petroleum system would be immediate. Average consumers would save about \$800 in fuel costs by switching to natural gas. And, again, not only is natural gas cheaper for powering vehicles but it would also emit fewer greenhouse gases than gasoline vehicles and natural gas could be produced domestically.

These facts seem almost too good to be true, but they are just that: facts. What we need now is to invest in natural gas and support creating a viable natural gas vehicle industry.

So natural gas—a clean, domestic fuel source that powers mature technology—is already a force in our electricity market and is a growing factor in our transportation system. Yet the current—the bill that the House passed does not include appropriate encouragement for this energy source.

As I work with my colleagues here to pass clean energy legislation this year, I will continue to push for incentives for natural gas powered electricity and

clean natural gas vehicles. America—and Colorado—can become the world leader in clean energy, exporting our expertise, intellectual property, and products worldwide, just as we have done repeatedly throughout our history. With our budding renewable energy industry and strong support for traditional energy sources, Colorado has a tremendous opportunity to lead the clean energy revolution, and I do not want us to miss it. But that means we must take action now and that is why we need to get clean energy legislation passed this year.

ADDITIONAL STATEMENTS

REMEMBERING THOMAS MAROVICH, JR.

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of Thomas M. Marovich, Jr. This brave man lost his life while working to protect Californians from a forest fire.

On July 21, 2009, Thomas Marovich died during a rappel proficiency training exercise while he was assigned as an apprentice with the Chester Helitack Crew fighting the Backbone Fire in Humboldt County. He was 20 years old.

Those who knew Thomas recall that, since childhood, his dream was to become a firefighter. When he was a student at James Logan High School in Union City, he was honored as Student of the Year in the regional fire technology program. Shortly thereafter, he began his firefighting service as a member of the Cadet Program for the Fremont Fire Department at the age of 17 and became an emergency medical technician, EMT, by 18. He was hired on as a firefighter for the Modoc National Forest in the Big Valley Ranger District in Adin, CA, after working as a volunteer while completing basic fire training. In 2008, after two fire seasons, he was hired as a Wildland firefighter apprentice to train for fire management. Thomas is survived by his parents, sister, and three grandparents.

Thomas Marovich, like all those who fight fires across California, put his life on the line to protect our communities. My heart goes out to his family and loved ones and my thoughts and prayers are with them. We are forever indebted to him for his courage, service, and sacrifice.●

COMMENDING WOMEN AIRFORCE SERVICE PILOTS

• Mr. CASEY. Mr. President, today I wish to honor the members of the Women Airforce Service Pilots, WASP, hailing from the Commonwealth of Pennsylvania who have recently received our Nation's highest civilian award—the Congressional Gold Medal.

Joan Frost, Julia Jordan, Ruth Kunkle, Eleanor Lawry, Kristin Lent, Barbara Posey, Florence Reynolds, and Lillian Yonally exemplify hard work, courage, and commitment to their country.

The WASP were the first female pilots in America's Armed Forces. They were stationed at 120 Army air bases across America, from where they flew approximately 60 million miles in less than 2 years and in a variety of aircraft. Over 25,000 women applied to the program, a select 1,800 went through basic training, and 1,074 women graduated.

The contributions of these brave women to the success of the United States in WW II cannot be minimized, and I am truly proud that several of these extraordinary women called Pennsylvania home. To each of these women, I would like to say thank you for your contribution to aviation. By going against convention, you broke important barriers and are the reason why female pilots fly in every type of aircraft and mission, including combat sorties, today.

I am sure that each time a young person sees a black-and-white photo of a young smiling female pilot leaning out the window of her B-26 Marauder, she or he is inspired with a sense of adventure and a desire to discover the joy of flying that the WASP sought and achieved. Therefore, I again congratulate Pennsylvania's eight WASP and WASP nationwide. I wish you all the best as you continue to share your patriotism and courage with your family, friends, and communities.●

COMMENDING WISCONSIN NATIONAL GUARD UNIT

● Mr. KOHL. Mr. President, I proudly rise today to recognize the achievements of the members of 1st Battalion, 128th Infantry, part of Wisconsin's 32nd Infantry Brigade, for its selection as the top battalion in the Army National Guard of the United States. Mr. President, 1st Battalion, 128th Infantry has been selected as the winner of the Walter T. Kerwin Jr. Award for Readiness and Training for 2009. The award is given annually to the Army National Guard unit found to have the highest deployment readiness in the Nation, and I am pleased that the men and women of this Eau Claire-based unit were found to have standards of training and maintenance that exceeded the standards for deployment.

The U.S. Army has selected 2009 to be the "Year of the NCO" to pay tribute to the day-to-day leadership qualities of the noncommissioned officers charged with executing the training and maintenance that make their units function. In the spirit of the "Year of the NCO," I would like to pay a special tribute to the NCOs of 1st Battalion, 128th Infantry, as their leadership

helped make it possible for the unit to achieve the standards that earned them this award.

I had the honor of attending the February send-off ceremony prior to the unit's deployment to Iraq. I consider myself privileged to have attended the ceremony where the State of Wisconsin and the soldiers' families paid tribute to the State's largest National Guard deployment since World War II. The soldiers of 1st Battalion, 128th Infantry spent nearly years training for their mission, and the high standards established during that preparation are now nationally recognized. I applaud the service of the members of the brigade, and I wish them success in their mission to help stabilize Iraq and look forward to their return home next year.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of August 5, 2009, the Acting President pro tempore (Mr. REID) reported that he had signed the following enrolled bills and joint resolutions:

H.R. 774. An act to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building".

H.R. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office".

H.R. 1271. An act to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building".

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.R. 1397. An act to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building".

H.R. 2090. An act to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the "Frederic Remington Post Office Building".

H.R. 2162. An act to designate the facility of the United States Postal Service located

at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Postal Station".

H.R. 2325. An act to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office".

H.R. 2422. An act to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the "Kile G. West Post Office Building".

H.R. 2470. An act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building".

H.R. 2938. An act to extend the deadline for commencement of construction of a hydroelectric project.

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

H.J. Res. 44. Joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1035. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2093. An act to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse"; to the Committee on Environment and Public Works.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 7, 2009, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED:

S. 1646. A bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs; to the Committee on Finance.

By Mr. REED (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. BOXER, Mr. LAUTENBERG, Mr. LEVIN, Ms. STABENOW, Mr. WHITEHOUSE, Mr. KERRY, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN, Mr. BEGICH, Mr. BURRIS, and Mr. FRANKEN):

S. 1647. A bill to provide for additional emergency unemployment compensation, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 1648. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND (for herself, Mr. CARDIN, Ms. COLLINS, Mr. KERRY, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. LUGAR, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. BEGICH):

S. Res. 251. A resolution expressing the sense of the Senate that the Government of Afghanistan, with the support of the international community, should fulfill its obligations to ensure that women fully participate as candidates and voters in the August 20, 2009, presidential and provincial council elections in Afghanistan; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 252. A resolution authorizing the taking of a photograph in the Chamber in the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 245

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 435

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 588

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 588, a bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

S. 628

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 690

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 690, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 694

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 818

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 818, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 883

At the request of Mr. THUNE, his name was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American

military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 1002

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1002, a bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes.

S. 1051

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1051, a bill to establish the Centennial Historic District in the Commonwealth of Pennsylvania.

S. 1052

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1244

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1282

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1282, a bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies.

S. 1401

At the request of Mr. MARTINEZ, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1401, a bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

S. 1422

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S.

1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1516

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1516, a bill to secure the Federal voting rights of persons who have been released from incarceration.

S. 1569

At the request of Ms. STABENOW, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1569, a bill to expand our Nation's Advanced Practice Registered Nurse workforce.

S. 1611

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1634

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1634, a bill to amend titles XVIII and XIX of the Social Security Act to protect and improve the benefits provided to dual eligible individuals under the Medicare and Medicaid programs.

S.J. RES. 16

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 247

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 247, a resolution designating September 26, 2009, as "National Estuaries Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED:

S. 1646. A bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Keep Americans Working Act, legislation to strengthen and expand work share programs to keep Americans working and provide employers with an alternative to layoffs.

This legislation allows employers to reduce the hours of their workers for some period of time and for the workers to receive proportionate unemployment benefits for those reduced hours to lessen the impact on them and their families.

While 17 States, including Rhode Island, are using their resources to pro-

vide work share, these programs remain largely underutilized. Indeed, work share is simply not available in $\frac{1}{3}$ of States.

In Rhode Island, the number of employees participating in the program has more than tripled this past year to 8,000 workers, in comparison to the year prior. It has also been highly successful. For instance, I recently visited Hope Global in Cumberland, Rhode Island, which has participated in Rhode Island's WorkShare program. At this company, I listened to an employee who worked there with her husband, and they benefitted from this program. She said, point blank: Without it, we would have lost our health care and we would have lost our home.

Other states with work share programs have also experienced an extraordinary increase in participation.

But given Rhode Island's 12.4 percent unemployment rate—the second highest in the country—we can stem even more job loss with this legislation. Specifically, the Keep Americans Working Act provides states with temporary federal financing for 100 percent of work share benefits paid to workers for up to 26 weeks. Employers have to certify that maintenance of health and retirement benefits is not affected by participation in the program. This financing program is available for 2 years.

It also includes important limitations to ensure that taxpayer dollars are provided only when appropriate safeguards are in place. To hold employers accountable, states can assess penalties on employers that break the rules, including those who do not act in good faith to retain participating employees. In addition, to aid States in this effort, the Department of Labor would establish an oversight and monitoring process for state agencies to ensure that participating employers comply with the terms of the written plan approved by the state agency.

Given that State labor agencies are already doing more with less, this legislation also provides for administrative funding, and for those States that are trying to get work share programs off the ground, it provides start-up grants.

It is a win-win for all.

First, work share helps speed economic recovery. Economist Mark Zandi estimates that temporary financing of work share offers a very high "bang for the buck" of \$1.69. That is, every \$1 devoted to finance State work share programs results in \$1.69 in real GDP.

Secondly, work share allows businesses to retain skilled workers, temporarily cut costs, and maintain employee morale.

Thirdly, it keeps people working with their health insurance and retirement benefits. This means parents can continue to pay their mortgages and their bills and provide for their families.

This legislation will help stem the tide of joblessness, providing workers, businesses, and communities with the resources to stay afloat while we work our way through these tough economic times.

I urge my colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keep Americans Working Act".

SEC. 2. PURPOSE.

The purpose of this Act is to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs.

SEC. 3. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(v) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this chapter, the term 'short-time compensation program' means a program under which—

"(1) the participation of an employer is voluntary;

"(2) an employer reduces the number of hours worked by employees through certifying that such reductions are in lieu of temporary layoffs;

"(3) such employees whose workweeks have been reduced by at least 10 percent are eligible for unemployment compensation;

"(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would be payable to the employee if such employee were totally unemployed;

"(5) such employees are not expected to meet the availability for work or work search test requirements while collecting short-time compensation benefits, but are required to be available for their normal workweek;

"(6) eligible employees may participate in an employer-sponsored training program to enhance job skills if such program has been approved by the State agency;

"(7) beginning on the date which is 2 years after the date of enactment of this subsection, the State agency shall require an employer to certify that continuation of health benefits and retirement benefits under a defined benefit pension plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974) is not affected by participation in the program;

"(8) the State agency shall require an employer (or an employer's association which is party to a collective bargaining agreement) to submit a written plan describing the manner in which the requirements of this subsection will be implemented and containing such other information as the Secretary of Labor determines is appropriate;

"(9) in the case of employees represented by a union, the appropriate official of the

union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the National Labor Relations Act; and

"(10) the program meets such other requirements as the Secretary of Labor determines appropriate."

(b) ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.—

(1) ASSISTANCE AND GUIDANCE.—

(A) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs, as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by subsection (a)), the Secretary of Labor (in this section referred to as the "Secretary") shall—

(i) develop model legislative language which may be used by States in developing and enacting short-time compensation programs and shall periodically review and revise such model legislative language;

(ii) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(iii) establish biannual reporting requirements for States, including number of averted layoffs, number of participating companies and workers, and retention of employees following participation; and

(iv) award start-up grants to State agencies under subparagraph (B).

(B) GRANTS.—

(i) IN GENERAL.—The Secretary shall award start-up grants to State agencies that apply not later than September 30, 2010, in States that enact short-time compensation programs after the date of enactment of this Act for the purpose of creating such programs. The amount of such grants shall be awarded depending on the costs of implementing such programs.

(ii) ELIGIBILITY.—In order to receive a grant under clause (i) a State agency shall meet requirements established by the Secretary, including any reporting requirements under clause (iii). Each State agency shall be eligible to receive not more than one such grant.

(iii) REPORTING.—The Secretary may establish reporting requirements for State agencies receiving a grant under clause (i) in order to provide oversight of grant funds used by States for the creation of short-time compensation programs.

(iv) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, such sums as the Secretary certifies as necessary for the period of fiscal years 2010 and 2011 to carry out this subparagraph.

(2) TIMEFRAME.—The initial model legislative language referred to in paragraph (1)(A) shall be developed not later than 60 days after the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress and to the President a report or reports on the implementation of this section. Such report or reports shall include—

(A) a study of short-time compensation programs;

(B) an analysis of the significant impediments to State enactment and creation of such programs; and

(C) such recommendations as the Secretary determines appropriate.

(2) SUBSEQUENT REPORTS.—After the submission of the report under paragraph (1), the Secretary may submit such additional reports on the implementation of short-time compensation programs as the Secretary deems appropriate.

(3) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, \$1,500,000 to carry out this subsection, to remain available without fiscal year limitation.

(d) CONFORMING AMENDMENTS.—

(1) INTERNAL REVENUE CODE OF 1986.—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v));"

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-term compensation) and inserting the following new paragraph:

"(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v));", and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking "the payment of short-time compensation under a plan approved by the Secretary of Labor" and inserting "the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)".

(3) REPEAL.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 4. TEMPORARY FINANCING OF CERTAIN SHORT-TIME COMPENSATION PROGRAMS.

(a) PAYMENTS TO STATES WITH CERTIFIED PROGRAMS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a program under which the Secretary shall make payments to any State unemployment trust fund to be used for the payment of unemployment compensation if the Secretary approves an application for certification submitted under paragraph (3) for such State to operate a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by section 3(a))) which requires the maintenance of health and retirement employee benefits as described in paragraph (7) of such section 3306(v), notwithstanding the otherwise effective date of such requirement.

(2) FULL REIMBURSEMENT.—Subject to subsection (d), the payment to a State under paragraph (1) shall be an amount equal to 100 percent of the total amount of benefits paid to individuals by the State pursuant to the short-time compensation program during the period—

(A) beginning on the date a certification is issued by the Secretary with respect to such program; and

(B) ending on September 30, 2011.

(3) CERTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—Any State seeking full reimbursement under this subsection shall submit an application for certification at such time, in such manner, and complete with such information as the Secretary may require (whether by regulation or otherwise), including information relating to compliance with the requirements of paragraph (7)

of such section 3306(v). The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements of such paragraph (7).

(B) FINDINGS.—If the Secretary finds that the short-time compensation program operated by the State meets the requirements of such paragraph (7), the Secretary shall certify such State's short-time compensation program thereby making such State eligible for full reimbursement under this subsection.

(b) TIMING OF APPLICATION SUBMITTALS.—No application under subsection (a)(3) may be considered if submitted before the date of enactment of this Act or after the latest date necessary (as specified by the Secretary) to ensure that all payments under this section are made before September 30, 2011.

(c) TERMS OF PAYMENTS.—Payments made to a State under subsection (a)(1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) LIMITATIONS.—

(1) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State pursuant to a short-time compensation program that are in excess of 26 weeks of benefits.

(2) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State pursuant to a short-time compensation program if such individual is employed by an employer—

(A) whose workforce during the 3 months preceding the date of the submission of the employer's short-time compensation plan has been reduced by temporary layoffs of more than 20 percent;

(B) on a seasonal, temporary, or intermittent basis; or

(C) engaged in a labor dispute.

(3) PROGRAM PAYMENT LIMITATION.—In making any payments to a State under this section pursuant to a short-time compensation program, the Secretary may limit the frequency of employer participation in such program.

(e) CHARGING RULE.—Under a short-time compensation program reimbursed under this section, a State may require short-time compensation benefits paid to an individual to be charged to a participating employer regardless of the base period charging rule.

(f) RETENTION REQUIREMENT.—

(1) IN GENERAL.—A participating employer under this section is required to comply with the terms of the written plan approved by the State agency and act in good faith to retain participating employees, and the State shall, in the event of any violation, require such employer to repay to the State a sum based on the amount expended by the State under the program as a result of that violation.

(2) OVERSIGHT AND MONITORING.—The Secretary shall establish an oversight and monitoring process by regulation by which State

agencies will ensure that participating employers comply with the requirements of paragraph (1).

(3) **PENALTY REMITTANCE.**—In the case of any State which receives reimbursement under this section, if such State determines that a violation of paragraph (1) has occurred, the State shall transfer an appropriate amount to the United States of the repayment the State required of the employer pursuant to such paragraph.

(g) **FUNDING.**—There are appropriated, from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, such sums as the Secretary certifies are necessary to carry out this section (including to reimburse any additional administrative expenses incurred by the States in operating such short-time compensation programs).

(h) **DEFINITION OF STATE.**—In this section, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

By Mr. REED (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. BOXER, Mr. LAUTENBERG, Mr. LEVIN, Ms. STABENOW, Mr. WHITEHOUSE, Mr. KERRY, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN, Mr. BEGICH, Mr. BURRIS, and Mr. FRANKEN):

S. 1647. A bill to provide for additional emergency unemployment compensation, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Assistance for Unemployed Workers Extension Act, legislation to extend unemployment insurance benefits so people can pay their bills while they look for work. These benefits are set to expire at the end of this year. I am joined in introducing this critical legislation by Senators DURBIN, SCHUMER, BOXER, LAUTENBERG, LEVIN, STABENOW, WHITEHOUSE, KERRY, MENENDEZ, CARDIN, BROWN, BEGICH, BURRIS, and FRANKEN.

Last fall, I authored the law that provided additional weeks of unemployment insurance for individuals exhausting their benefits. Among other provisions to help stimulate the economy, create jobs, and help the unemployed, the American Recovery and Reinvestment Act extended the termination dates of these unemployment benefits.

Yet, as jobs have become scarcer, we need to do more. My legislation will continue several current-law unemployment compensation programs through 2010.

In addition, it also provides help to those who are getting stuck on unemployment for long periods. Indeed, there is only roughly one job opening for every five job seekers.

The Assistance for Unemployed Workers Extension Act provides 13 additional weeks of unemployment insurance for states like Rhode Island, South Carolina, Oregon, California, Ohio, Michigan, and Georgia as well as other states which have an unemployment rate at or above 8.5 percent.

Without this legislation, over half a million workers are expected to exhaust their benefits by the end of September, and another 1.5 million are estimated to run out of coverage by the end of the year. This is an extraordinary number of Americans that will face life without a paycheck or an unemployment check during the worst economy since the Great Depression.

While all states are suffering during these very difficult times, my own State of Rhode Island has been hit especially hard, saddled with the second highest unemployment rate and a recession that hit earlier than in any other State.

More than 1,500 Rhode Islanders have exhausted their unemployment insurance benefits this year. By November, another 3,300 unemployed Rhode Islanders will also exhaust their benefits. This is about 150 people each week.

Providing basic support for those who are out-of-work through no fault of their own assures Americans can provide for their families and keep a roof over their heads, stemming the tide of foreclosures and the deterioration of neighborhoods.

As has been the case with past extensions, I look forward to working on a bipartisan basis to pass this legislation. It is critical that we provide help to the growing ranks of the unemployed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Assistance for Unemployed Workers Extension Act”.

SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) **IN GENERAL.**—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 122 Stat. 5015) and section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 123 Stat. 436), is amended—

(1) by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”;

(2) in the heading for subsection (b)(2), by striking “DECEMBER 31, 2009” and inserting “DECEMBER 31, 2010”;

(3) in subsection (b)(3), by striking “May 31, 2010” and inserting “May 31, 2011”.

(b) **FINANCING PROVISIONS.**—Section 4004(e)(1) of such Act, as added by section 2001(b) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 26 U.S.C. 3304 note), is amended by inserting “and section 2(a) of the Assistance for Unemployed Workers Extension Act” after “Act”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if

included in the enactment of the Supplemental Appropriations Act, 2008.

SEC. 3. EXTENSION OF INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) **IN GENERAL.**—Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 123 Stat. 438) is amended—

(1) in paragraph (1)(B), by striking “January 1, 2010” and inserting “January 1, 2011”;

(2) in the heading for paragraph (2), by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”;

(3) in paragraph (3), by striking “June 30, 2010” and inserting “June 30, 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

SEC. 4. THIRD-TIER BENEFITS.

(a) **IN GENERAL.**—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 122 Stat. 5014), is amended by adding at the end the following new subsection:

“(d) **THIRD TIER OF BENEFITS.**—

“(1) **IN GENERAL.**—If, at the time that the amount added to an individual’s account under subsection (c)(1) (in this subsection referred to as ‘additional emergency unemployment compensation’) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (in this subsection referred to as ‘further additional emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

“(B) 13 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) **EXTENDED BENEFIT PERIOD.**—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970 if section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) **COORDINATION RULE.**—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any further additional emergency unemployment compensation, if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of additional emergency unemployment compensation.

“(4) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENTS.—Section 4007(b)(2) of such Act, as amended by section 3, is amended—

(1) by striking “then section 4002(c)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such section” and inserting “paragraph (2) of such subsection (c) or (d) (as the case may be)”.’.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2008.

(2) ADDITIONAL BENEFITS.—In applying the amendments made by this section, any additional emergency unemployment compensation made payable by such amendment (which would not otherwise have been payable if such amendment had not been enacted) shall be payable only with respect to any week of unemployment beginning on or after the date of the enactment of this Act.

SEC. 5. EXTENSION OF FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION FOR A LIMITED PERIOD.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 26 U.S.C. 3304 note) is amended—

(1) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”; and

(2) in subsection (c), by striking “June 1, 2010” and inserting “June 1, 2011”.

(b) EXTENSION OF TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note), as amended by section 2005(d) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 26 U.S.C. 3304 note), is amended by striking “May 30, 2010” and inserting “May 30, 2011”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

(2) FIRST WEEK.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2008.

SEC. 6. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 123 Stat. 445), is amended—

(1) in clause (iii)—

(A) by striking “June 30, 2009” and inserting “June 30, 2010”; and

(B) by striking “December 31, 2009” and inserting “December 31, 2010”; and

(2) by adding at the end of clause (iv) the following: “In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated \$175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.”.

(b) ADMINISTRATIVE EXPENSES.—Section 2006(b) of the Assistance for Unemployed

Workers and Struggling Families Act (Public Law 111-5; 123 Stat. 445) is amended by adding at the end the following: “In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$807,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 1648. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, I am pleased to join with my partner in reform, the senior Senator from Arizona, to introduce the Federal Election Administration Act of 2009. Americans naturally expect that elections in this country will be honest, fair, and above all, lawful. That is the purpose of the Federal Election Commission, yet the FEC’s willingness to enforce the law has gone from bad to worse. Now more than ever, the health of our democracy depends on whether Congress will take decisive action to fix this unpardonably broken agency.

Senator MCCAIN and I originally introduced this bill in 2003, after giving the FEC a fair chance to implement the Bipartisan Campaign Reform Act, or BCRA. Despite our very best efforts and those of our House sponsors, Representatives SHAYS and MEEHAN, the FEC opened new loopholes rather than trying to faithfully discern the intent of the law. It acted as an unelected legislature, substituting its policy judgments for those of Congress.

This is not my personal judgment. This is the judgment of the United States Court of Appeals for the D.C. Circuit, which has struck down over twenty of the FEC’s implementing regulations as arbitrary and capricious or directly contrary to the will of Congress. In its most recent opinion in 2008, the court was merciless in its criticism of the FEC. It said some of the FEC’s arguments were “absurd”, or “fl[y] in the face of common sense”; or “disregard[] everything Congress, the Supreme Court, and this court have said about campaign finance regulation”; or “ignore[] both history and human nature.” It said that one regulation “provides a clear roadmap” for using soft money in connection with federal elections, “directly frustrating BCRA’s purpose.” It said that the rule “would lead to the exact perception

and possibility of corruption Congress sought to stamp out in BCRA.” This is not language that the American people should ever hear from a court about a law enforcement agency.

The situation has only gotten worse. Earlier this year, the FEC blew a hole through the Honest Leadership and Open Government Act of 2007, issuing a regulation that allows lobbyists to hide the bundling of campaign contributions that the law was designed to make public. The FEC disregarded clear and deliberate statements of congressional intent, not only from me but from then-Senator Barack Obama.

Those laws that the FEC cannot regulate out of existence, it smothers with inaction. During the first six months of 2008, the FEC was effectively closed for business because President Bush insisted on standing behind a nominee, Hans Von Spakovsky, whom the Senate would not confirm. We were in the middle of a presidential election year, with no enforcement of federal election law. That deadlock was broken when Mr. Von Spakovsky’s nomination was finally withdrawn and four new Commissioners and one holdover Commissioner were confirmed in July 2008.

But the cure turned out to be worse than the disease. In the words of *The Washington Post*: “What’s worse than a federal agency that lacks the quorum of commissioners necessary to act on a matter? Answer: An agency that has a quorum in place but is paralyzed from acting anyway because it is deadlocked along party lines.”

The whole point of having six commissioners, three Democrats and three Republicans, was to protect against partisan enforcement of the election laws. But over the past year we’ve seen election laws enforced against neither party. In well over a dozen cases, whether the likely lawbreaker was linked to George Soros or Mitt Romney, a 3-to-3 deadlock has prevented the FEC professional staff from doing their job. Even admitted offenders have been let off the hook: On at least two occasions, the FEC declined to collect fines that election law violators had already agreed to pay. That’s like a district attorney tearing up a criminal’s plea bargain.

It gives me no pleasure to say this, but enough is enough. The current structure of the FEC cannot meet the challenges of enforcing our election laws in the 21st century. In this bill, we replace the FEC with a new agency, the Federal Election Administration. The FEA will be helmed by three members instead of six, so that there is always a tiebreaker and we stop seeing perpetual deadlock. The Chair will have a ten-year term to encourage independence. The other two members will have staggered six-year terms. Our hope is that this new agency will not be the captive of the political parties, but instead, led by a strong and independent

Chair, will be the trustworthy law enforcement agency that the American people want to see.

To that end, we have followed the model of more effective regulatory agencies such as the EPA, the NLRB, and the SEC. The FEA will have a corps of Administrative Law Judges to adjudicate complaints that the Administration's professional staff will bring. The new agency will have the power to determine violations of our election laws and to assess penalties subject, of course, to judicial review.

Americans want our democratically enacted laws to be enforced, as a matter of public good and public trust. If the EPA doesn't enforce pollution laws, our drinking water gets poisoned. If the SEC doesn't enforce the securities laws, our economy gets poisoned. If the FEC does not enforce election laws, our democracy gets poisoned.

The new Federal Election Administration will ensure that our democracy remains healthy, strong, and fair. I want to thank my friend Senator MCCAIN for all of his work on campaign finance and other reform issues for well over a decade, and I look forward to working closely with him again to pass this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Election Administration Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL ELECTION ADMINISTRATION

Sec. 101. Establishment of the Federal Election Administration.

Sec. 102. Executive schedule positions.

Sec. 103. GAO examination of enforcement of campaign finance laws by the Department of Justice.

Sec. 104. GAO study and report on appropriate funding levels.

Sec. 105. Conforming amendments.

Sec. 106. Authorization of appropriations.

TITLE II—TRANSITION PROVISIONS

Sec. 201. Transfer of functions of Federal Election Commission.

Sec. 202. Transfer of property, records, and personnel.

Sec. 203. Repeals.

Sec. 204. Conforming amendments.

Sec. 205. Effective date.

TITLE I—FEDERAL ELECTION ADMINISTRATION

SEC. 101. ESTABLISHMENT OF THE FEDERAL ELECTION ADMINISTRATION.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle B—Administrative Provisions

"CHAPTER 1—ESTABLISHMENT OF THE FEDERAL ELECTION ADMINISTRATION

"SEC. 351. ESTABLISHMENT OF THE FEDERAL ELECTION ADMINISTRATION.

"(a) IN GENERAL.—There is established the Federal Election Administration (in this Act referred to as the 'Administration').

"(b) INDEPENDENT ESTABLISHMENT.—The Administration shall be an independent establishment (as defined in section 104 of title 5, United States Code).

"(c) PURPOSE.—The Administration shall administer, seek to obtain compliance with, enforce, and formulate policy in a manner that is consistent with the language and intent of Congress with respect to the following statutes:

"(1) This Act.

"(2) The Presidential Election Campaign Fund Act under chapter 95 of the Internal Revenue Code of 1986.

"(3) The Presidential Primary Matching Payment Account Act under chapter 96 of the Internal Revenue Code of 1986.

"(d) EXCLUSIVE CIVIL JURISDICTION.—The Administration shall have exclusive jurisdiction with respect to the civil enforcement of the statutes identified in subsection (c).

"(e) VOTING REQUIREMENT.—All decisions of the Administration with respect to the exercise of its duties and powers under this Act, except those expressly reserved for decision by the Chair, shall be made by a majority vote of its members.

"(f) MEETINGS AND QUORUM.—

"(1) MEETINGS.—The Administration shall meet—

"(A) at least once each month; and

"(B) at the call of the Chair.

"(2) QUORUM.—A majority of the members of the Administration shall constitute a quorum.

"(g) SEAL.—The Administration shall procure a proper seal, with such suitable inscriptions and devices as the President shall approve. This seal, to be known as the official seal of the Federal Election Administration, shall be kept and used to verify official documents, under such rules and regulations as the Administration may prescribe. Judicial notice shall be taken of the seal.

"(h) PRINCIPAL OFFICE.—The principal office of the Administration shall be in or near the District of Columbia, but the Administration may meet or exercise any of its powers anywhere in the United States.

"SEC. 352. COMPOSITION OF THE FEDERAL ELECTION ADMINISTRATION.

"(a) IN GENERAL.—The Administration shall be composed of 3 members, 1 of whom shall serve as the Chair of the Administration. No member of the Administration shall—

"(1) be affiliated with the same political party as any other member of the Administration while serving as a member of the Administration; or

"(2) have been affiliated with the same political party as any other member of the Administration at any time during the 5-year period ending on the date on which such individual is nominated to be a member of the Administration.

"(b) APPOINTMENT.—

"(1) IN GENERAL.—Each member of the Administration shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) CHAIR.—The President shall, at the time of nomination of the first 3 members of the Administration, designate 1 of the 3 to serve as the Chair. Any individual appointed to succeed, or to fill the unexpired term of,

that member (or any member succeeding that member) shall serve as the Chair.

"(3) QUALIFICATIONS.—

"(A) An individual who is appointed under paragraph (1) shall—

"(i) possess demonstrated integrity, independence, and public credibility; and

"(ii) shall have not less than 5 years professional experience in law enforcement, including such experience gained—

"(I) in service as a member of the judiciary;

"(II) as a member or an employee of a Federal, State, or local campaign finance or ethics enforcement agency; or

"(III) as a law enforcement official in a Federal or State enforcement agency or office.

"(B) An individual may not be appointed under paragraph (1) if—

"(i) such individual is serving or has served as a member of the Federal Election Commission subject to a term limit; or

"(ii) at any time during the 4-year period ending on the date of the nomination of such individual, the individual was—

"(I) a candidate, an employee of a candidate, or an attorney for a candidate;

"(II) an elected officeholder, an employee of an elected officeholder, or an attorney for an elected officeholder;

"(III) an officer or employee of a political party or an attorney for a political party; or

"(IV) employed in a position in the executive branch of the Government of a confidential or policy-determining character under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

"(c) TERM OF OFFICE.—

"(1) IN GENERAL.—

"(A) CHAIR.—The Chair of the Administration shall be appointed for a term of 10 years.

"(B) OTHER MEMBERS.—Subject to subparagraph (C), the 2 members of the Administration other than the Chair shall be appointed for a term of 6 years.

"(C) INITIAL APPOINTMENTS.—Of the members initially appointed under subparagraph (B), 1 member shall be appointed for a term of 3 years.

"(2) LIMITATION TO ONE TERM.—A member of the Administration may only serve 1 term, except that—

"(A) the individual appointed under subparagraph (B) of paragraph (1) who is appointed for the term described in subparagraph (C) of such paragraph may be appointed to a 6-year term in addition to the term described in such subparagraph; and

"(B) an individual appointed under paragraph (4) to fill the remainder of an unexpired term that has less than ½ of the term remaining may be appointed to serve another term.

"(3) EXPIRED TERMS.—An individual may continue to serve as a member of the Administration after the expiration of such individual's term until the earlier of—

"(A) the date on which such individual's successor has taken office; or

"(B) 1 year following the date on which the term of such member expired.

"(4) VACANCIES.—An individual appointed upon a vacancy occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed only for the unexpired term of the predecessor. Such vacancy shall be filled in the same manner as the original appointment.

"(5) OTHER ACTIVITIES.—An individual may not engage in any other business, vocation, or employment while serving as a member of the Administration.

"(d) REMOVAL.—A member of the Administration may be removed by the President

only for inefficiency, neglect of duty, or malfeasance in office.

"SEC. 353. STAFF DIRECTOR.

"(a) IN GENERAL.—There shall be in the Administration a staff director.

"(b) RESPONSIBILITIES.—The staff director—

"(1) shall assist the Administration in its administration and operations;

"(2) shall perform such responsibilities as the Administration shall prescribe; and

"(3) may, with the approval of the Chair—

"(A) appoint and fix the pay of such additional personnel as the staff director considers appropriate without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

"(B) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332).

"(c) APPOINTMENT.—The staff director shall be appointed by the Chair, after consultation with the other members of the Administration.

"(d) OTHER ACTIVITIES.—An individual may not engage in any other business, vocation, or employment while serving as the staff director.

"SEC. 354. GENERAL COUNSEL.

"(a) IN GENERAL.—There shall be in the Administration a general counsel.

"(b) RESPONSIBILITIES.—The general counsel shall—

"(1) serve as the chief legal officer of the Administration;

"(2) provide legal assistance to the Administration concerning its programs and policies;

"(3) advise and assist the Administration in carrying out its responsibilities under section 361; and

"(4) represent the Administration in any proceeding in court or before an administrative law judge.

"(c) APPOINTMENT.—The general counsel shall be appointed by the Chair, subject to approval by majority vote of the members of the Administration.

"SEC. 355. INSPECTOR GENERAL.

"There shall be in the Administration an inspector general. The inspector general and the office of inspector general shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.).

"CHAPTER 2—OPERATION OF THE FEDERAL ELECTION ADMINISTRATION

"SEC. 361. POWERS OF THE CHAIR AND ADMINISTRATION.

"(a) CHAIR.—

"(1) IN GENERAL.—The Chair shall be the chief administrative officer of the Administration with the authority to administer the Administration and shall, after consultation with the other 2 members of the Administration, have the power to appoint or remove the staff director and to establish the budget of the Administration.

"(2) OTHER POWERS.—The Chair has the power—

"(A) to the fullest extent practicable, to request the assistance of other agencies and departments of the United States, including the personnel and facilities of such agencies and departments and the heads of such agencies and departments may make available to the Chair such personnel, facilities, and other assistance, with or without reimbursement;

"(B) to appoint, assign, remove, and compensate administrative law judges in accordance with title 5, United States Code;

"(C) to require, by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Chair may prescribe;

"(D) to administer oaths or affirmations;

"(E) to issue and enforce subpoenas in accordance with section 364;

"(F) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Chair and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under subparagraph (E);

"(G) to pay witnesses fees and mileage in accordance with section 364(d); and

"(H) to make independent budget requests to Congress in accordance with section 362.

"(b) ADMINISTRATION.—The Administration shall have the power—

"(1) to initiate, defend, or appeal, through the general counsel, any civil action in the name of the Administration to enforce the provisions of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986;

"(2) to assess civil penalties for violations of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986;

"(3) to issue cease-and-desist orders to prevent violations of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986;

"(4) to establish procedures and schedules for agency adjudication that ensure timely enforcement of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986;

"(5) to render advisory opinions under section 363;

"(6) to develop prescribed forms, and to make, amend, and repeal rules, pursuant to section 365;

"(7) to establish procedures for alternative dispute resolution of violations of this Act or of chapters 95 or 96 of the Internal Revenue Code of 1986;

"(8) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities; and

"(9) to transmit to the President and to Congress not later than June 1 of each year, a report which states in detail the activities of the Administration in carrying out its duties under this Act, and which includes any recommendations for any legislative or other action the Administration considers appropriate.

"SEC. 362. INDEPENDENT BUDGET REQUESTS AND LEGISLATIVE PROPOSALS.

"(a) EXEMPTION FROM OMB OVERSIGHT.—Whenever the Chair submits any budget estimate or request to the President or the Office of Management and Budget, the Chair shall concurrently transmit a copy of such estimate or request to Congress.

"(b) AUTHORITY TO MAKE INDEPENDENT LEGISLATIVE RECOMMENDATIONS.—Whenever the Administration submits any legislative recommendation, testimony, or comments on legislation requested by Congress or by any Member of Congress, to the President or the Office of Management and Budget, the Administration shall concurrently transmit a copy thereof to Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Administration to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval,

comments, or review, prior to the submission of such recommendations, testimony, or comments to Congress.

"SEC. 363. ADVISORY OPINIONS.

"(a) REQUESTS FOR ADVISORY OPINIONS.—

"(1) IN GENERAL.—Not later than 60 days after the Administration receives from a person a complete written request concerning the application of this Act, chapter 95 or 96 of the Internal Revenue Code of 1986, or a rule or regulation prescribed by the Administration, with respect to a specific transaction or activity by the person, the Administration shall render a written advisory opinion relating to such transaction or activity to the person.

"(2) REQUESTS BY CANDIDATES.—If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Administration shall render a written advisory opinion relating to such request not later than 20 days after the Administration receives a complete written request.

"(b) RULEMAKING REQUIRED.—Any rule of law which is not stated in this Act or in chapter 95 or 96 of the Internal Revenue Code of 1986 may be initially proposed by the Administration only as a rule or regulation pursuant to procedures established in section 365. No opinion of an advisory nature may be issued by the Administration or any other officer or employee of the Administration except in accordance with the provisions of this section.

"(c) RELIANCE ON ADVISORY OPINIONS.—

"(1) IN GENERAL.—Any advisory opinion rendered by the Administration under subsection (a) may be relied upon by—

"(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

"(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

"(2) PROTECTION FROM LIABILITY.—Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or 96 of the Internal Revenue Code of 1986.

"(d) PUBLICATION OF REQUESTS.—The Administration shall make public any request made under subsection (a) for an advisory opinion. Before rendering an advisory opinion, the Administration shall accept written comments submitted by any interested party within the 10-day period following the date on which the request is made public.

"(e) JUDICIAL REVIEW.—

"(1) IN GENERAL.—Any person adversely affected by an advisory opinion rendered by the Administration may obtain judicial review of such advisory opinion by filing a petition in the United States Court of Appeals for the District of Columbia Circuit.

"(2) SCOPE OF REVIEW.—For purposes of conducting the judicial review described in paragraph (1), the provisions of section 706 of title 5, United States Code, shall apply.

"SEC. 364. ISSUANCE AND ENFORCEMENT OF SUBPOENAS.

"(a) ISSUANCE BY THE CHAIR.—If the Administration is conducting an investigation pursuant to section 371 or 372, the Chair shall,

on behalf of the Administration, have the power to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of the Administration's duties.

“(b) **ISSUANCE BY AN ADMINISTRATIVE LAW JUDGE.**—Any administrative law judge presiding over an enforcement action pursuant to section 373 shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the administrative law judge's duties.

“(c) **ISSUANCE AND ENFORCEMENT OF SUBPOENAS.**—

“(1) **ISSUANCE.**—Subpoenas issued under subsection (a) or (b) shall bear the signature of the Chair or an administrative law judge, respectively, and shall be served by any person or class of persons designated by the Chair or administrative law judge for that purpose.

“(2) **ENFORCEMENT.**—In the case of contumacy or failure to obey a subpoena issued under subsection (a) or (b), the Federal district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

“(d) **WITNESS ALLOWANCES AND FEES.**—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Administration. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Administration.

“(e) **JURISDICTION.**—Subpoenas for witnesses who are required to attend a Federal district court may run into any other district.

“SEC. 365. RULEMAKING AUTHORITY.

“(a) **IN GENERAL.**—The Administration may, pursuant to the provisions of chapter 5 of title 5, United States Code, prescribe such rules and regulations as the Administration deems necessary to carry out the provisions of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986, including the authority to promulgate rules of practice and procedure for agency adjudications.

“(b) **AUTHORITY TO PROMULGATE INDEPENDENT REGULATIONS.**—Whenever the Administration promulgates any regulation, it shall not be required to submit such regulation for review or approval to the President or the Office of Management and Budget.

“(c) **CONDUCT OF ACTIVITIES.**—The Administration shall prepare written rules for the conduct of its activities, including procedures for the conduct of enforcement actions under sections 371, 372, and 373.

“(d) **FORMS.**—

“(1) **IN GENERAL.**—The Administration shall prescribe forms necessary to implement this Act and chapters 95 and 96 of the Internal Revenue Code of 1986.

“(2) **PUBLIC PROTECTION.**—Any forms prescribed by the Administration under paragraph (1), and any information-gathering activities of the Administration under this Act, shall not be subject to the provisions of section 3512 of title 44, United States Code.

“(e) **RELIANCE UPON RULES AND REGULATIONS.**—Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Administration in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall

not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or 96 of the Internal Revenue Code of 1986.

“(f) **CONSULTATION WITH IRS.**—In prescribing rules, regulations, and forms under this section, the Administration and the Secretary of the Treasury shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Administration shall report to Congress annually on the steps it has taken to comply with this subsection.

“(g) **JUDICIAL REVIEW.**—

“(1) **IN GENERAL.**—Any person adversely affected by a rule, regulation, or form promulgated by the Administration may obtain judicial review of such rule, regulation, or form by filing a petition in the United States Court of Appeals for the District of Columbia Circuit.

“(2) **SCOPE OF REVIEW.**—For purposes of conducting the judicial review described in paragraph (1), the provisions of section 706 of title 5, United States Code, shall apply.

“(h) **RULE AND REGULATION DEFINED.**—In this Act, the terms ‘rule’ and ‘regulation’ mean a provision or series of interrelated provisions stating a single, separable rule of law.

“SEC. 366. LITIGATION AUTHORITY.

“(a) **IN GENERAL.**—Notwithstanding sections 516 and 518 of title 28, United States Code, and section 3106 of title 5, United States Code, the Administration is authorized to bring, appear in, defend against, and appeal any action instituted under this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, in any court either—

“(1) by attorneys employed by the Administration; or

“(2) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

“(b) **COMPENSATION OF APPOINTED COUNSEL.**—The compensation of counsel appointed on a temporary basis under subsection (a)(2) shall be paid out of any funds otherwise available to pay the compensation of employees of the Administration.

“(c) **INDEPENDENCE FROM ATTORNEY GENERAL.**—In pursuing an action under this section, the Administration may act independently of the Attorney General.

“SEC. 367. AVAILABILITY OF REPORTS.

“(a) **IN GENERAL.**—The Administration shall—

“(1) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

“(2) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

“(3) within 48 hours after the time of the receipt by the Administration of reports and statements filed with the Administration, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee;

“(4) keep such designations, reports, and statements for a period of 10 years from the

date of receipt and maintain computerized records of such designations, reports, and statements thereafter;

“(5)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, publish the index at regular intervals, and make the index available for purchase directly or by mail;

“(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multicandidate committees, including in such index a list of multicandidate committees; and

“(C) compile and maintain a list of multicandidate committees, which shall be revised and made available monthly;

“(6) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act; and

“(7) serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections.

“(b) **PSEUDONYMS.**—For purposes of subsection (a)(3), a political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, but only if such committee attaches a list of such pseudonyms to the appropriate report. The Administration shall exclude these lists from the public record.

“(c) **CONTRACTS.**—The Administration may enter into contracts for the purpose of performing the duties described in subsection (a).

“(d) **AVAILABILITY OF REPORTS.**—Reports or other information described in subsection (a) shall be available to the public, except that—

“(1) copies shall be made available without cost, upon request, to agencies and branches of the Federal Government; and

“(2) information made available as a result of the application of paragraph (7) of such subsection shall be made available to the public only upon the payment of the cost thereof.

“SEC. 368. AUDITS AND FIELD EXAMINATIONS.

“(a) **IN GENERAL.**—The Administration may, in accordance with the provisions of this section, conduct audits and field investigations of any political committee required to file a report under section 304.

“(b) **PRIORITY.**—All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or 96 of the Internal Revenue Code of 1986 shall be given priority.

“(c) **AUDITS AND FIELD EXAMINATIONS WHERE THRESHOLDS NOT MET.**—

“(1) **INTERNAL REVIEW.**—The Administration shall conduct an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Administration.

“(2) **AUDITS AND FIELD EXAMINATIONS.**—The Administration may vote to conduct an audit and field investigation of any committee which it determines under paragraph (1) does not meet the threshold requirements established by the Administration. Such audits shall be commenced within 30 days of such vote, except that any audit under the provisions of this subsection of an authorized committee of a candidate shall be commenced within 6 months of the election for which such committee is authorized.

“(d) **RANDOM AUDITS.**—

“(1) IN GENERAL.—In addition to any audits conducted under subsection (c), the Administration may, subject to paragraph (2), conduct audits of any committee selected at random to ensure compliance with this Act. The selection of any committee under this paragraph shall be based on standards and procedures adopted by the Administration, except that in any calendar year such audits may be initiated against no more than 3 percent of all authorized candidate campaign committees.

“(2) APPLICABLE RULES.—

“(A) IN GENERAL.—If the Administration selects a committee for audit under paragraph (1), the Administration shall promptly notify the committee of the selection and commence the audit within 30 days of the selection.

“(B) SPECIAL RULES FOR AUTHORIZED COMMITTEES.—If the committee selected under paragraph (1) is an authorized committee of a candidate, the audit—

“(i) shall be commenced and actively undertaken within 6 months of the election for which the committee is authorized; and

“(ii) may examine compliance with this Act only with respect to that election.

“(3) EXCEPTION.—This subsection shall not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.

“SEC. 369. CONGRESSIONAL OVERSIGHT.

“Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of Congress or any committee of Congress with respect to elections for Federal office.

“CHAPTER 3—ENFORCEMENT

“SEC. 371. INITIATION OF ENFORCEMENT ACTIONS BY ADMINISTRATION.

“(a) IN GENERAL.—The Administration may initiate a civil enforcement action under section 373 if, after conducting an investigation, the Administration finds reasonable grounds to believe that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred or is about to occur.

“(b) BASIS FOR FINDINGS.—The Administration may make a finding under subsection (a) based on any information available to the Administration, including the filing of a complaint under section 372.

“(c) NOTICE AND OPPORTUNITY TO DEMONSTRATE NO VIOLATION.—Prior to initiating an enforcement action under subsection (a), the Administration shall give any person under investigation notice and the opportunity to demonstrate that there are no reasonable grounds to believe a violation has occurred or is about to occur, but the Administration's decision on such matter shall not be subject to judicial review.

“SEC. 372. COMPLAINT TO INITIATE ENFORCEMENT ACTION.

“(a) FILING OF COMPLAINT.—

“(1) IN GENERAL.—Any person may file a complaint with the Administration alleging a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986.

“(2) TECHNICAL REQUIREMENTS.—A complaint filed under paragraph (1) shall be—

“(A) in writing, signed, and sworn to by the person filing such complaint;

“(B) notarized; and

“(C) made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code.

“(3) ACTION BY THE ADMINISTRATION.—Subject to paragraph (4), based on the allegations in a complaint filed under paragraph

(1), and such investigations the Administration deems necessary and appropriate, the Administration may—

“(A) initiate a civil enforcement action under section 373 if the Administration finds reasonable grounds to believe a violation has occurred or is about to occur; or

“(B) dismiss the complaint.

“(4) PROHIBITION OF ANONYMOUS COMPLAINTS.—The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Administration.

“(5) RECOVERY OF COSTS.—Any person who has filed a complaint under paragraph (1) shall be entitled to recover from the Administration up to \$1,000 of the costs incurred in preparing and filing the complaint if, based on the complaint, the Administration—

“(A) makes a finding under section 373(a) that a person has violated (or is about to violate) the Act; or

“(B) enters into a conciliation agreement with a person under section 373(c).

“(b) NOTICE AND OPPORTUNITY TO DEMONSTRATE NO VIOLATION.—Prior to initiating an enforcement action under subsection (a)(3)(A), the Administration shall give any person named in a complaint notice and an opportunity to demonstrate that there are no reasonable grounds to believe a violation described in such subsection has occurred or is about to occur, but the Administration's determination under subsection (a)(3) shall not be subject to judicial review in an action brought by such person.

“(c) FAILURE BY THE ADMINISTRATION TO TAKE TIMELY ACTION.—

“(1) IN GENERAL.—If the Administration—

“(A) dismisses a complaint filed under subsection (a); or

“(B) fails to initiate a civil enforcement action under section 373 within 180 days of the filing of such a complaint, the person filing the complaint under subsection (a) may seek judicial review of the Administration's dismissal, or failure to act, in Federal district court in the District of Columbia or in the district in which such person resides.

“(2) SCOPE OF REVIEW.—The court shall review the Administration's dismissal of the complaint or failure to act in accordance with the provisions of section 706 of title 5, United States Code.

“(3) COURT ORDERS.—The court may order the Administration to initiate an enforcement action or to conduct a further investigation of the complaint within a time set by the court.

“SEC. 373. CIVIL ENFORCEMENT ACTIONS.

“(a) IN GENERAL.—The Administration shall have the authority to impose a civil monetary penalty under section 375, issue a cease-and-desist order under section 376, or do both, if the Administration finds, by an order made on the record after notice and an opportunity for hearing before an administrative law judge pursuant to subchapter II of chapter 5 of title 5, United States Code, that a person has violated (or, in the case of a cease-and-desist order, has violated or is about to violate) this Act or chapter 95 or 96 of the Internal Revenue Code of 1986. The general counsel shall represent the Administration in any proceeding before an administrative law judge.

“(b) NOTICE AND REQUEST FOR HEARING.—

“(1) NOTICE.—If the Administration finds under section 371 or 372 that there are reasonable grounds to believe a violation has occurred or is about to occur, the Administration shall serve written notice of the charges on each respondent, and shall con-

duct such further investigation as the Administration deems necessary and appropriate.

“(2) REQUEST FOR HEARING.—Each respondent shall have an opportunity to request, prior to the date that is 30 days after the date on which the notice is received, a hearing on the charges before an administrative law judge.

“(3) EFFECT OF FAILURE TO REQUEST A HEARING.—If no hearing is requested, the Administration shall make a finding on the charges, and shall issue whatever relief the Administration deems appropriate under sections 375 and 376.

“(c) CONCILIATION.—

“(1) PROCEDURES FOR ENTERING INTO CONCILIATION AGREEMENTS.—

“(A) IN GENERAL.—If the respondent requests a hearing under subsection (b)(2), the Administration shall attempt, for a period that does not exceed 60 days (or 15 days if the hearing is requested within 60 days of an election), to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the respondent. In the case of a hearing that is requested at a time other than within 60 days of an election, the period for conciliation shall not be less than 30 days unless an agreement is reached before then.

“(B) INCLUSION OF CIVIL MONETARY PENALTIES.—A conciliation agreement may include a requirement that the person involved in such conciliation shall pay a civil monetary penalty that does not exceed the amounts set forth in subsection (a) of section 375 or, in the case of a knowing and willful violation, the amounts set forth in subsection (b) of such section. The conciliation agreement may also include the requirement that the person involved consent to the terms of a cease-and-desist order, as provided in section 376.

“(C) REPRESENTATION BY GENERAL COUNSEL.—The general counsel shall represent the Administration in any negotiations for a conciliation agreement and any such conciliation agreement shall be subject to the approval of the Administration.

“(D) BAR TO FURTHER ACTION.—A conciliation agreement, unless violated, is a complete bar to any further action by the Administration.

“(2) CONFIDENTIALITY.—No action by the Administration or any other person, and no information derived in connection with any conciliation attempt by the Administration may be made public by the Administration, without the written consent of the respondent, except that if a conciliation agreement is agreed upon and signed by the Administration and the respondent, the Administration shall make such agreement public.

“(3) VIOLATION OF CONCILIATION AGREEMENT.—In any case in which a person has entered into a conciliation agreement with the Administration under paragraph (1), the Administration may institute a civil action for relief if the Administration believes the person has violated any provision of such conciliation agreement. Such civil action shall be brought in the Federal district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia. Such court shall have jurisdiction to issue any relief appropriate under sections 375 and 376. For the Administration to obtain relief in any such action, the Administration need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

“(d) HEARING.—At the request of any respondent, a hearing on the charges served under subsection (b)(1) shall be conducted before an administrative law judge, who shall make such findings of fact and conclusions of law as the administrative law judge deems appropriate. The administrative law judge shall also have the authority to impose a civil monetary penalty on the respondent, issue a cease-and-desist order, or both. The decision of the administrative law judge shall constitute final agency action unless an appeal is taken under subsection (e).

“(e) APPEAL TO ADMINISTRATION.—

“(1) RIGHT TO APPEAL.—The general counsel and each respondent shall each have a right to appeal to the Administration from any final determination made by an administrative law judge.

“(2) REVIEW OF ALJ DETERMINATIONS.—In the event of an appeal under paragraph (1), the Administration shall review the determination of the administrative law judge to determine whether—

“(A) a finding of material fact is not supported by substantial evidence;

“(B) a conclusion of law is erroneous;

“(C) the determination of the administrative law judge is contrary to law or to the duly promulgated rules or decisions of the Administration;

“(D) a prejudicial error of procedure was committed; or

“(E) the decision or the relief ordered is otherwise arbitrary, capricious, or an abuse of discretion.

“(3) FINAL AGENCY ACTION.—The decision of the Administration shall constitute final agency action.

“(f) JUDICIAL REVIEW.—

“(1) IN GENERAL.—Any party aggrieved by a final agency action and who has exhausted all administrative remedies, including requesting a hearing before an administrative law judge and appealing an adverse decision of an administrative law judge to the Administration, may obtain judicial review of such action in the United States Court of Appeals for any circuit wherein such person resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit.

“(2) SCOPE OF REVIEW.—For purposes of conducting the judicial review described in paragraph (1), the provisions of section 706 of title 5, United States Code, shall apply.

“(3) PETITION FOR JUDICIAL REVIEW.—To obtain judicial review under paragraph (1), an aggrieved party described in such paragraph shall file a petition with the court during the 30-day period beginning on the date on which the order was issued. A copy of such petition shall be transmitted forthwith by the clerk of the court to the Administration, and thereupon the Administration shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code.

“SEC. 374. NOTIFICATION OF NONFILERS.

“(a) NOTIFICATION.—Before taking any action under section 373 against any person who has failed to file a report required under section 304(a)(2)(A)(iii) for the calendar quarter immediately preceding the election involved, or in accordance with section 304(a)(2)(A)(i), the Administration shall notify the person of such failure to file the required reports.

“(b) OPPORTUNITY FOR RESPONSE.—If a satisfactory response is not received within 4 business days after the date of notification, the Administration shall, pursuant to section 367(a)(6), publish before the election the name of the person and the report or reports such person has failed to file.

“SEC. 375. CIVIL MONETARY PENALTIES.

“(a) IN GENERAL.—Any person who violates this Act, or chapter 95 or 96 of the Internal Revenue Code of 1986, shall be liable to the United States for a civil monetary penalty for each violation which does not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in such violation. Such penalty shall be imposed by the Administration pursuant to section 373.

“(b) KNOWING AND WILLFUL VIOLATIONS.—Any person who commits a knowing and willful violation of this Act, or of chapter 95 or 96 of the Internal Revenue Code of 1986, shall be liable to the United States for a civil monetary penalty for each violation which does not exceed the greater of \$10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of \$50,000 or 1,000 percent of the amount involved in the violation). Such penalty shall be imposed by the Administration pursuant to section 373.

“(c) DETERMINATION OF CIVIL MONETARY PENALTY.—In determining the amount of a civil monetary penalty under this section with respect to a violation described in this section, the Administration or an administrative law judge shall take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, any prior violation, the degree of culpability, and such other matters as justice may require.

“(d) REFERRAL TO ATTORNEY GENERAL.—

“(1) IN GENERAL.—If the Administration determines that a knowing and willful violation of this Act which is subject to section 379, or a knowing and willful violation of chapter 95 or 96 of the Internal Revenue Code of 1986, has occurred or is about to occur, the Administration may refer such apparent violation to the Attorney General without regard to any limitations set forth under section 373.

“(2) REPORTING BY THE ATTORNEY GENERAL.—Whenever the Administration refers an apparent violation to the Attorney General, the Attorney General shall report to the Administration any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Administration refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

“SEC. 376. CEASE-AND-DESIST ORDERS.

“(a) IN GENERAL.—If the Administration finds, after notice and opportunity for hearing under section 373, that any person is violating, has violated, or is about to violate any provision of this Act, or chapter 95 or 96 of the Internal Revenue Code of 1986, or any rule or regulation thereunder, the Administration may publish any findings and enter an order requiring such person, or any other person that is, was, or would be a cause of the violation due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply (or to take steps to effect compliance) with such provision, rule, or regulation, upon such terms and conditions and within such time as the Administration may specify in such order.

“(b) TEMPORARY ORDER.—Whenever the Administration determines that an alleged violation or threatened violation specified in the notice initiating a civil enforcement action under section 373, or the continuation thereof, is likely to result in violation of this Act, or of chapter 95 or 96 of the Internal Revenue Code of 1986, and substantial harm to the public interest, the Administration may apply to the Federal district court for the district in which the respondent resides or has its principal place of business, in which the alleged or threatened violation occurred or is about to occur, or for the District of Columbia, for a temporary restraining order or a preliminary injunction requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation. The Administration may apply for such order without regard to any limitation under section 373.

“SEC. 377. COLLECTION.

“If any person fails to pay an assessment of a civil penalty—

“(1) after the order making the assessment has become a final order and such person has not timely filed a petition for judicial review of the order in accordance with section 373(f)(3) or if the order of the Administration is upheld after judicial review; or

“(2) after a court in an action brought under section 373(c)(3) has entered a final judgment no longer subject to appeal in favor of the Administration, the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in section 373(f)(3) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

“SEC. 378. CONFIDENTIALITY.

“(a) PRIOR TO A FINDING OF REASONABLE GROUNDS.—Any proceedings conducted by the Administration prior to a finding that there are reasonable grounds to believe a violation of the law has occurred or is about to occur, including any investigation pursuant to section 371 or pursuant to a complaint filed under section 372, shall be confidential and none of the Administration's records concerning the complaint shall be made public, except that the person filing a complaint pursuant to section 372 is permitted to make such complaint public.

“(b) AFTER A FINDING OF REASONABLE GROUNDS.—Except as provided in subsection (d), if the Administration makes a finding pursuant to section 371 or 372 that there are reasonable grounds to believe that a violation of law has occurred or is about to occur—

“(1) the finding of the Administration as well as any complaint filed under section 372, any notice of charges, and any answer or similar documents filed with the Administration shall be made public; and

“(2) all proceedings conducted before an administrative law judge under section 373, and all documents used during such proceedings, shall be made public.

“(c) AFTER DISMISSAL OF A COMPLAINT OR CONCLUSION OF PROCEEDINGS FOLLOWING A FINDING OF REASONABLE GROUNDS.—Subject to subsection (d), following the Administration's dismissal of a complaint filed under section 372 or the termination of proceedings following a finding of reasonable grounds under section 371 or 372, the Administration shall, not later than the date that is 30 days

after such dismissal or termination, make public—

“(1) the complaint, any notice of charges, and any answer or similar documents filed with the Administration (unless such information has already been made public under subsection (b)(1));

“(2) any order setting forth the Administration’s final action on the complaint;

“(3) any findings made by the Administration in relation to the action; and

“(4) all documentary materials and testimony constituting the record on which the Administration relied in taking its actions. Subject to subsection (d), the affirmative disclosure requirement of this subsection is without prejudice to the right of any person to request and obtain records relating to an investigation under section 552 of title 5, United States Code.

“(d) CONFIDENTIALITY OF RECORDS AND PROCEEDINGS OTHERWISE SUBJECT TO DISCLOSURE.—

“(1) IN GENERAL.—The Administration shall issue regulations providing for the protection of information the disclosure of which under subsection (b) or (c) would impair any person’s constitutionally protected right of privacy, freedom of speech, or freedom of association. The Administration shall also issue regulations addressing the application of exemptions from disclosure contained in section 552 of title 5, United States Code, to records comprising the Administration’s investigative files. Such regulations shall consider the need to protect any person’s constitutionally protected rights to privacy, freedom of speech, and freedom of association, as well as the need to make information about the Administration’s activities and decisions widely accessible to the public.

“(2) PETITION TO MAINTAIN CONFIDENTIALITY.—

“(A) IN GENERAL.—Any person who would be adversely affected by any disclosure of information about the person made pursuant to subsection (b) or (c), or by the conduct in public of a hearing or other proceeding conducted pursuant to section 373, shall have the right to petition the Administration to maintain the confidentiality of such information or such proceeding on the ground that such information falls within the scope of any exemption from disclosure contained in section 552 of title 5, United States Code, or is prohibited from disclosure under the Administration’s regulations, the Constitution, or any other provision of law. Upon the receipt of such petition, the Administration shall make a prompt determination whether the information should be kept confidential, and shall withhold such information from disclosure pending this determination. The Administration shall notify the petitioner in writing of the determination.

“(B) REGULATIONS.—The Administration shall prescribe regulations governing the consideration of petitions under this paragraph. Such regulations shall provide for public notice of the pendency of any petition filed under subparagraph (A) and the right of any interested party to respond to or comment on such petition.

“(e) PENALTIES.—Any member or employee of the Administration, or any other person, who violates the provisions of this section shall be fined not more than \$2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of this section shall be fined not more than \$5,000.

“SEC. 379. CRIMINAL PENALTIES.

“(a) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully

commits a violation of any provision of this Act that involves the making, receiving, or reporting of any contribution, donation, or expenditure—

“(1) aggregating \$25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

“(2) aggregating \$2,000 or more (but less than \$25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.

“(b) CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZATIONS.—In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in subsection (a) shall apply to each violation involving an amount aggregating \$250 or more during a calendar year. Such a violation of section 316(b)(3) may incorporate a violation of section 317(a), 320, or 321.

“(c) FRAUDULENT MISREPRESENTATION OF CAMPAIGN AUTHORITY.—In the case of a knowing and willful violation of section 322, the penalties set forth in subsection (a) shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of \$1,000 or more is involved.

“(d) PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER.—Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating more than \$10,000 during a calendar year shall be—

“(1) imprisoned for not more than 2 years if the amount is less than \$25,000 and subject to imprisonment under subsection (a) if the amount is \$25,000 or more;

“(2) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

“(A) \$50,000; or

“(B) 1,000 percent of the amount involved in the violation; or

“(3) both imprisoned as provided under paragraph (1) and fined as provided under paragraph (2).

“(e) EFFECT OF CONCILIATION AGREEMENTS.—

“(1) EVIDENCE OF LACK OF KNOWLEDGE AND INTENT.—In any criminal action brought for a violation of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Administration under section 373(c)(1) which specifically deals with the act or failure to act constituting such violation and which is still in effect.

“(2) CONSIDERATION BY COURTS.—In any criminal action brought for a violation of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

“(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Administration under section 373(c)(1);

“(B) the conciliation agreement is in effect; and

“(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

“SEC. 380. PERIOD OF LIMITATIONS.

“No person shall be prosecuted, tried, or punished for any violation of this Act, unless the indictment is found or the information is instituted within 5 years after the date of the violation.

“SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

“For each fiscal year, there are authorized to be appropriated to the Administration such sums as may be necessary for the purpose of carrying out its functions under this Act and under chapters 95 and 96 of the Internal Revenue Code of 1986.”

SEC. 102. EXECUTIVE SCHEDULE POSITIONS.

(a) EXECUTIVE SCHEDULE LEVEL III POSITION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Chair, Federal Election Administration.”

(b) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Members (other than the Chair), Federal Election Administration.

“Staff Director, Federal Election Administration.

“Inspector General, Federal Election Administration.”

(c) EXECUTIVE SCHEDULE LEVEL V POSITION.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

“General Counsel, Federal Election Administration.”

SEC. 103. GAO EXAMINATION OF ENFORCEMENT OF CAMPAIGN FINANCE LAWS BY THE DEPARTMENT OF JUSTICE.

(a) EXAMINATION.—The Comptroller General of the United States shall conduct a thorough examination of the enforcement of the criminal provisions of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) and chapters 95 and 96 of the Internal Revenue Code of 1986 by the Attorney General.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Attorney General and Congress a report on the examination conducted under subsection (a) together with recommendations on how the Attorney General may improve the enforcement of the criminal provisions of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) and chapters 95 and 96 of the Internal Revenue Code of 1986, including recommendations on the resources that the Attorney General would require to effectively enforce such criminal provisions.

SEC. 104. GAO STUDY AND REPORT ON APPROPRIATE FUNDING LEVELS.

(a) STUDY.—The Comptroller General of the United States shall conduct an ongoing study on the level of funding that constitutes an adequate level of resources for the Federal Election Administration to competently execute the responsibilities imposed on the Administration by this Act.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter, the Comptroller General shall submit to the Director of the Office of Management and Budget and Congress a report on the study conducted under subsection (a) together with recommendations for such legislation and administrative action as the Comptroller General determines to be appropriate.

SEC. 105. CONFORMING AMENDMENTS.

(a) INDEPENDENT AGENCY.—Section 104 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “and” after the semicolon;

(2) in paragraph (2), by striking the period and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) the Federal Election Administration.”.

(b) **COVERAGE UNDER INSPECTOR GENERAL ACT.**—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “Federal Election Commission” and inserting “Federal Election Administration”.

(c) **COVERAGE OF PERSONNEL UNDER HATCH ACT.**—Section 7323(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “Federal Election Commission” and inserting “Federal Election Administration”; and

(2) in paragraph (2)(B)(i)(I), by striking “Federal Election Commission” and inserting “Federal Election Administration”.

(d) **EXCLUSION FROM SENIOR EXECUTIVE SERVICE.**—Section 3132(a)(1)(C) of title 5, United States Code, is amended by striking “Federal Election Commission” and inserting “Federal Election Administration”.

(e) **SUBTITLE A.**—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting before section 301 the following:

“Subtitle A—General Provisions”.

TITLE II—TRANSITION PROVISIONS

SEC. 201. TRANSFER OF FUNCTIONS OF FEDERAL ELECTION COMMISSION.

There are transferred to the Federal Election Administration established under section 351 of the Federal Election Campaign Act of 1971 (as added by section 101) all functions that the Federal Election Commission exercised before the date described in section 205(a).

SEC. 202. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) **PROPERTY AND RECORDS.**—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this title are transferred to the Federal Election Administration.

(b) **PERSONNEL.**—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this title are transferred to the Federal Election Administration.

SEC. 203. REPEALS.

The following provisions of the Federal Election Campaign Act of 1971 are repealed:

- (1) Section 306 (2 U.S.C. 437c).
- (2) Section 307 (2 U.S.C. 437d).
- (3) Section 308 (2 U.S.C. 437f).
- (4) Section 309 (2 U.S.C. 437g).
- (5) Section 310 (2 U.S.C. 437h).
- (6) Section 311 (2 U.S.C. 438).
- (7) Section 314 (2 U.S.C. 439c).
- (8) Section 406 (2 U.S.C. 455).

SEC. 204. CONFORMING AMENDMENTS.

(a) Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 301, by striking paragraph (10) and inserting the following:

“(10) The term ‘Administration’ means the Federal Election Administration.”;

(2) by striking “Federal Election Commission” and inserting “Administration” each place it appears; and

(3) by striking “Commission” and inserting “Administration” each place it appears.

(b) Section 3502(1)(B) of title 44, United States Code, is amended by striking “Federal Election Commission” and inserting “Federal Election Administration”.

(c) Section 207(j)(7)(B)(i) of title 18, United States Code, is amended by striking “the Federal Election Commission by a former officer or employee of the Federal Election Commission” and inserting “the Federal Election Administration by a former officer or employee of the Federal Election Commission or the Federal Election Administration”.

(d) Section 103 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (e), by striking “the Federal Election Commission” and inserting “the Federal Election Administration”; and

(2) in subsection (k), by striking “the Federal Election Commission” and inserting “the Federal Election Administration”.

(e)(1) Section 9002(3) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) The term ‘Administration’ means the Federal Election Administration established under section 351 of the Federal Election Campaign Act of 1971.”.

(2) Chapter 95 of the Internal Revenue Code of 1986 is amended by striking “Commission” and inserting “Administration” each place it appears.

(f)(1) Section 9032(3) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) The term ‘Administration’ means the Federal Election Administration established under section 351 of the Federal Election Campaign Act of 1971.”.

(2) Chapter 96 of the Internal Revenue Code of 1986 is amended by striking “Commission” and inserting “Administration” each place it appears.

(g) Section 3(c) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(c)) is amended—

(1) in paragraph (1)—

(A) by striking “Federal Election Commission” and inserting “Federal Election Administration”; and

(B) by striking “Commission” and inserting “Administration”; and

(2) in paragraph (2), by striking “Federal Election Commission” and inserting “Federal Election Administration”.

(h) Section 6(9) of the Lobbying Disclosure Act 1995 (2 U.S.C. 1605(9)) is amended by striking “the Federal Election Commission” and inserting “the Federal Election Administration”.

SEC. 205. EFFECTIVE DATE.

(a) **IN GENERAL.**—This title and the amendments made by this title shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) **TERMINATION OF THE FEDERAL ELECTION COMMISSION.**—Notwithstanding any other provision of, or amendment made by, this Act, the members of the Federal Election Commission shall be removed from office on the date described in subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 251—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF AFGHANISTAN, WITH THE SUPPORT OF THE INTERNATIONAL COMMUNITY, SHOULD FULFILL ITS OBLIGATIONS TO ENSURE THAT WOMEN FULLY PARTICIPATE AS CANDIDATES AND VOTERS IN THE AUGUST 20, 2009, PRESIDENTIAL AND PROVINCIAL COUNCIL ELECTIONS IN AFGHANISTAN

Mrs. GILLIBRAND (for herself, Mr. CARDIN, Ms. COLLINS, Mr. KERRY, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. LUGAR, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 251

Whereas women in Afghanistan play a critical role in establishing accountable governance, fostering economic development, and securing peace in Afghanistan;

Whereas many women in Afghanistan face rising insecurity and consequent physical and verbal violence in seeking political office and exercising their constitutional right to vote;

Whereas the Afghan Independent Electoral Commission has made efforts to consult with domestic and international organizations advocating for full inclusion of all people in Afghanistan in the elections, and has called on the donor community to assist its efforts to open and staff all appropriate polling places throughout Afghanistan; and

Whereas women's rights activists and civil society representatives from throughout Afghanistan gathered on June 25, 2009, and decided to launch the Five Million Afghan Women Campaign, a campaign of 5,000,000 women of Afghanistan to support eligible women's political participation in order to ensure the rule of law and gender equality: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the brave women and women-led organizations of Afghanistan on the launch of the Five Million Afghan Women Campaign;

(2) urges the Government of Afghanistan to ensure that sufficient staffing is in place in women's polling stations, including security staff and equipment and appropriate polling place personnel;

(3) urges the Government of Afghanistan and the religious, community, and cultural leaders of Afghanistan to make every effort to encourage eligible women to participate in the August 20, 2009, elections;

(4) urges the Government of Afghanistan to fully include women in formal committees and bodies charged with election security and related processes;

(5) urges the Government of Afghanistan and the Independent Electoral Commission to continue to consult with the Afghan Ministry of Women's Affairs, the Afghan Independent Human Rights Commission, and women-led nongovernmental organizations regarding women's participation in the elections, in order to guarantee a free and fair election process, including providing equal access for women candidates to media outlets as well as ensuring adequate security

and transportation for women voters on election day;

(6) encourages the Secretary of State, including through the United States Agency for International Development, to continue to mobilize funding and resources of the United States for programs throughout Afghanistan to raise the awareness of women in Afghanistan regarding governance, increase women's political participation in the August 20, 2009, and future elections, and support such women's ability to exercise their rights as citizens; and

(7) urges the new Government of Afghanistan elected on August 20, 2009, to employ and engage women in meaningful roles and positions in such new government.

SENATE RESOLUTION 252—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER IN THE UNITED STATES SENATE

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 252

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, September 22, 2009, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 241.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 241) designating the period beginning on September 13, 2009, and ending on September 19, 2009, as "National Polycystic Kidney Disease Awareness Week," and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and the impact polycystic kidney disease has on patients and future generations of their families.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 241

Whereas polycystic kidney disease, known as "PKD", is 1 of the most prevalent life-threatening genetic diseases in the United States;

Whereas polycystic kidney disease is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, affecting equally people of all ages, races, sexes, nationalities, geographic locations, and income levels;

Whereas there are 2 hereditary forms of polycystic kidney disease, with autosomal dominant polycystic kidney disease (ADPKD) affecting 1 in 500 people worldwide, including 600,000 patients with polycystic kidney disease in the United States, according to prevalence estimates by the National Institutes of Health;

Whereas in families in which 1 or both parents have ADPKD there is a 50-percent chance that the parents will pass the disease to their children;

Whereas autosomal recessive polycystic kidney disease (ARPKD), a rarer form of PKD, affects 1 in 20,000 live births and frequently leads to early death;

Whereas in families in which both parents carry ARPKD there is a 25-percent chance that the parents will pass the disease to their children;

Whereas, in addition to patients directly affected by polycystic kidney disease, countless additional friends, loved ones, family members, colleagues, and caregivers must shoulder the physical, emotional, and financial burdens of polycystic kidney disease;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading cause of kidney failure resulting from a genetic disease, and 1 of the 4 leading causes of kidney failure in the United States;

Whereas the vast majority of patients with polycystic kidney disease have kidney failure at the age of 53, on average, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the baby boomers, continues to age;

Whereas end-stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to the cost with an estimated \$2,000,000,000 budgeted annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas polycystic kidney disease instills in patients a fear of an unknown future with a life-threatening genetic disease, and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to fail to recognize the presence of the disease, to forego regular visits to physicians, and not to receive good health or therapeutic management that would help avoid more severe complications when kidney failure occurs;

Whereas people suffering from chronic, life-threatening diseases, such as polycystic kidney disease, are more frequently predisposed to depression and the resulting consequences of depression because of anxiety over the possible pain, suffering, and pre-

mature death that people with polycystic kidney disease may face;

Whereas the Senate and taxpayers of the United States want treatments and cures for disease and hope to see results from investments in research conducted by the National Institutes of Health and from initiatives such as the National Institutes of Health Roadmap to the Future;

Whereas polycystic kidney disease is an example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can—

(1) generate therapeutic interventions that directly benefit the people suffering from polycystic kidney disease;

(2) save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies; and

(3) allow several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease, and the 3 primary protein products of the genes, and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas volunteers engage in an annual national awareness event held during the third week of September, making that week an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on September 13, 2009, and ending on September 19, 2009, as "National Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups—

(A) to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities;

(B) to promote public awareness of polycystic kidney disease; and

(C) to foster understanding of the impact of the disease on patients and their families.

AFGHANISTAN'S UPCOMING ELECTIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 251.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 251) expressing the sense of the Senate that the Government of Afghanistan, with the support of the international community, should fulfill its obligations to ensure that women fully participate as candidates and voters in the August

20, 2009, presidential and provincial council elections in Afghanistan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statement relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 251

Whereas women in Afghanistan play a critical role in establishing accountable governance, fostering economic development, and securing peace in Afghanistan;

Whereas many women in Afghanistan face rising insecurity and consequent physical and verbal violence in seeking political office and exercising their constitutional right to vote;

Whereas the Afghan Independent Electoral Commission has made efforts to consult with domestic and international organizations advocating for full inclusion of all people in Afghanistan in the elections, and has called on the donor community to assist its efforts to open and staff all appropriate polling places throughout Afghanistan; and

Whereas women's rights activists and civil society representatives from throughout Afghanistan gathered on June 25, 2009, and decided to launch the Five Million Afghan Women Campaign, a campaign of 5,000,000 women of Afghanistan to support eligible women's political participation in order to ensure the rule of law and gender equality: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the brave women and women-led organizations of Afghanistan on the launch of the Five Million Afghan Women Campaign;

(2) urges the Government of Afghanistan to ensure that sufficient staffing is in place in women's polling stations, including security staff and equipment and appropriate polling place personnel;

(3) urges the Government of Afghanistan and the religious, community, and cultural leaders of Afghanistan to make every effort to encourage eligible women to participate in the August 20, 2009, elections;

(4) urges the Government of Afghanistan to fully include women in formal committees and bodies charged with election security and related processes;

(5) urges the Government of Afghanistan and the Independent Electoral Commission to continue to consult with the Afghan Ministry of Women's Affairs, the Afghan Independent Human Rights Commission, and women-led nongovernmental organizations regarding women's participation in the elections, in order to guarantee a free and fair election process, including providing equal access for women candidates to media outlets as well as ensuring adequate security and transportation for women voters on election day;

(6) encourages the Secretary of State, including through the United States Agency for International Development, to continue to mobilize funding and resources of the

United States for programs throughout Afghanistan to raise the awareness of women in Afghanistan regarding governance, increase women's political participation in the August 20, 2009, and future elections, and support such women's ability to exercise their rights as citizens; and

(7) urges the new Government of Afghanistan elected on August 20, 2009, to employ and engage women in meaningful roles and positions in such new government.

AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE SENATE CHAMBER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 252.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 252) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 252) was agreed to as follows:

S. RES. 252

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, September 22, 2009, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, as amended by Public Law 110-315, appoints the following individuals to the Advisory Committee on Student Financial Assistance: Sharon Wurm of Nevada and John McNamara of Illinois.

AUTHORITY TO REPORT LEGISLATIVE AND EXECUTIVE MATTERS

Mr. REID. Mr. President, I ask unanimous consent that not withstanding the Senate's recess, committees be authorized to report legislative and executive matters on Wednesday, September 2, from 12 noon to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that we proceed to executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider Calendar Nos. 161, 266, 268, 209, 263, 281, 283, 368, 370, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 407, 408, 409, 410, 411, 412, 413, and 414 and all nominations on the Secretary's desk at NOAA; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order and any statements relating thereto be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Jeffrey D. Feltman, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Near Eastern Affairs).

DEPARTMENT OF DEFENSE

Jo-Ellen Darcy, of Maryland, to be an Assistant Secretary of the Army.

ENVIRONMENTAL PROTECTION AGENCY

Colin Scott Cole Fulton, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Philip L. Verveer, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic, Energy, and Business Affairs and U.S. Coordinator for International Communications and Information Policy.

Maria Otero, of the District of Columbia, to be an Under Secretary of State (Democracy and Global Affairs).

ENVIRONMENTAL PROTECTION AGENCY

Craig E. Hooks, of Kansas, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Carlos Pascual, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

DEPARTMENT OF THE INTERIOR

Wilma A. Lewis, of the Virgin Islands, to be an Assistant Secretary of the Interior.

Robert V. Abbey, of Nevada, to be Director of the Bureau of Land Management.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Francis S. Collins, of Maryland, to be Director of the National Institutes of Health.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

James A. Leach, of Iowa, to be Chairperson of the National Endowment for the Humanities for a term of four years.

Rocco Landesman, of New York, to be Chairperson of the National Endowment for the Arts for a term of four years.

DEPARTMENT OF LABOR

Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training.

DEPARTMENT OF STATE

Ertharin Cousin, of Illinois, for the rank of Ambassador during her tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

Kerri-Ann Jones, of Maine, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

David Killion, of the District of Columbia, for the rank of Ambassador during his tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

PEACE CORPS

Aaron S. Williams, of Virginia, to be Director of the Peace Corps.

DEPARTMENT OF STATE

Michael Anthony Battle, Sr., of Georgia, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Martha Larzelere Campbell, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

John R. Bass, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

James B. Foley, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Kenneth E. Gross, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraor-

dinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Teddy Bernard Taylor, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Solomon Islands and Ambassador Extraordinary Plenipotentiary of the United States of America to the Republic of Vanuatu.

John Victor Roos, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

Judith Gail Garber, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

James Knight, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Karen Kornbluh, of New York, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Bruce J. Oreck, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Jon M. Huntsman, Jr., of Utah, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Douglas W. Kmiec, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Jonathan S. Addleton, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Matthew Winthrop Barzun, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

William Carlton Eacho, III, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Philip D. Murphy, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

DEPARTMENT OF ENERGY

James J. Markowsky, of Massachusetts, to be an Assistant Secretary of Energy (Fossil Energy).

Warren F. Miller, Jr., of New Mexico, to be an Assistant Secretary of Energy (Nuclear Energy).

DEPARTMENT OF TRANSPORTATION

Susan L. Kurland, of Illinois, to be an Assistant Secretary of Transportation.

Christopher P. Bertram, of the District of Columbia, to be an Assistant Secretary of Transportation.

DEPARTMENT OF COMMERCE

Dennis F. Hightower, of the District of Columbia, to be Deputy Secretary of Commerce.

NATIONAL TRANSPORTATION SAFETY BOARD

Christopher A. Hart, of Colorado, to be a Member of the National Transportation

Safety Board for a term expiring December 31, 2012.

CORPORATION FOR PUBLIC BROADCASTING

Patricia D. Cahill, of Missouri, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2014.

DEPARTMENT OF TRANSPORTATION

Daniel R. Elliott, III of Ohio, to be a Member of the Surface Transportation Board for a term expiring December 31, 2013.

CONSUMER PRODUCT SAFETY COMMISSION

Robert S. Adler, of North Carolina, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2007.

Anne M. Northup, of Kentucky, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2004.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN846 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (22) beginning DENISE J. GRUCCIO, and ending SARA A. SLAUGHTER, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 2009.

NOMINATION OF FRANCIS COLLINS

Mr. CARDIN. Mr. President, few people have had as significant an impact on the scientific world over the past two decades as Dr. Francis Collins, President Obama's nominee to head the National Institutes of Health. As director of the National Human Genome Research Institute from 1993 to 2008, Dr. Collins has led the way in medical innovation.

As his most renowned accomplishment at NHGRI, Dr. Collins achieved unparalleled success leading the revolutionary Human Genome Project. Established in 1990, the Project's goal was to map out the thousands of genes that make up the human genome in order to better understand the genetic makeup of humans and to ultimately reveal the cures for our most challenging diseases. In 2003, the Human Genome Project, under the guidance of Dr. Collins, released its completed version of the entire human genome, an unprecedented achievement. Dr. Collins' work has led to some ground-breaking medical discoveries, including the identification of genetic variants associated with type 2 diabetes and the genes responsible for cystic fibrosis, neurofibromatosis, Huntington's disease and Hutchinson-Gilford progeria syndrome. To allow this data to be used as effectively as possible, Dr. Collins has ensured that all of the data obtained by the Human Genome Project be made available to the entire scientific community without restrictions on access or use.

Among other prestigious honors, Dr. Collins has been elected to the Institute of Medicine and the National Academy of Sciences, two of the most influential medical organizations in

the world. In addition, on November 5, 2007, Collins received the Presidential Medal of Freedom, the nation's highest civil award, for his remarkable contributions to the field of genetic research.

Not only has Dr. Collins proven himself to be a brilliant and revolutionary scientist, but he is also a remarkably effective leader. Perhaps the greatest evidence of this quality is displayed by his ability to finish the human genome sequence both ahead of schedule and under budget. It is clear why President Obama selected him to lead this important agency.

Last week, I met with Dr. Collins to discuss his vision for the future of NIH. He is my constituent, as are many of the scientists who work at the Rockville campus, and the academic institutions and businesses that thrive due in no small part to NIH grants and other extramural programs. I am extremely proud to represent all of them.

During our meeting, I raised serious concerns about recent actions of NIH leadership with regard to two grant programs, the Small Business Innovation Research program and the Small Technology Transfer Program. Federal law requires departments that award more than \$100 million in extramural grants annually to devote a total of 2.8 percent to small businesses to foster innovation. These programs are catalysts for job creation and job growth, and a recent study found that 25 percent of all new product innovations were brought to market by SBIR grantees. But a provision—encouraged by NIH—was inserted during conference into the American Recovery and Reinvestment Act, with no notice to the Small Business and Entrepreneurship Committee, where I serve, although we have jurisdiction over these programs. That provision excluded the NIH funds in ARRA from the SBIR and STTR requirements, effectively denying small businesses \$230 million in research grant opportunities. Its origins are still unknown.

The effect on small businesses has been devastating, leading some biotechnology firms in my State to lay off employees or close due to lack of funding. In June, I chaired a field hearing about this issue in Rockville, and although the hearing location was minutes away from the NIH campus, the agency did not send a witness. NIH staff promised to submit testimony, but it was faxed to us 2 hours after the hearing had ended. In addition, during the hearing, we received testimony citing a history of perceived bias among NIH review panels against SBIR applications. I raised these concerns with Dr. Collins, and we had a frank and open discussion. Dr. Collins spoke of his high regard for the SBIR program and noted that he could not have completed the Human Genome Project in such a timely and cost-efficient manner ab-

sent the involvement of small biotechnology companies. He has promised to work with me and other members of the Committee to ensure that NIH participation in SBIR and STTR proceeds according to congressional intent. I am encouraged by his support for these programs, and I believe that the Small Business Committee, will have a much improved working relationship with NIH going forward. I left that meeting with confidence in Dr. Collins' ability to lead this essential agency very effectively.

Going forward, Dr. Collins faces numerous challenges, implementing the new policy on federally funded stem cell research, moving forward on promising cancer research, and developing strategies to combat the global AIDS epidemic, among others. These challenges require a visionary leader with the level of expertise and management experience that Dr. Collins possesses.

I am pleased to express my support for the nomination of Dr. Francis Collins to be the next Director of the National Institutes of Health, and I look forward to working with him in the years to come.

Mr. DODD. Mr. President, I ask unanimous consent to have the attached letter of support from the March of Dimes for the nomination of Francis Collins to be Director of the National Institutes of Health be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH OF DIMES FOUNDATION,
OFFICE OF GOVERNMENTAL AFFAIRS,
Washington, DC, August 5, 2009.

Hon. EDWARD KENNEDY,
Chairman, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the 3 million volunteers and 1,400 staff at the March of Dimes Foundation I am writing to highlight Francis Collins's, MD PhD exceptional contributions to biomedical research and to acquaint Congress with Dr. Collins' long standing relationship with the Foundation. This letter is submitted for inclusion in the CONGRESSIONAL RECORD.

The Foundation's investments in biomedical research are a cornerstone of the March of Dimes mission. March of Dimes programs fund several different types of research, all aimed at preventing birth defects and infant mortality and securing reproductive health. These programs and projects include basic research into life processes, such as genetics and development; clinical research applied to prevention and treatment of specific birth defects and prematurity; the study of environmental hazards; and research in social and behavioral sciences relevant to our mission. In 1985, the March of Dimes recognized Dr. Collins's promising talent, naming him a Basil O'Connor Research Scholar and awarding him a grant the Foundation reserves for young investigators at the start of their independent careers. This award marked the beginning of a long and productive relationship with Dr. Collins.

Throughout his career, Dr. Collins has focused on advancing scientific knowledge

that has laid the foundation for identifying and treating genetic disorders. For example, Dr. Collins was instrumental in the discovery of the gene responsible for cystic fibrosis, thereby providing the opportunity to design interventions for managing this complex birth defect and accelerating the search for its amelioration and potential cure. As Director of the National Human Genome Research Institute, Dr. Collins oversaw the sequencing and mapping of the human genome, a major contribution to scientific research and one that has already led to the development of strategies for preventing and treating various birth defects and hereditary diseases.

The March of Dimes continues to invest in intellectually gifted young investigators because it is they who hold the greatest promise for progress in research and science. All of us at the Foundation look forward to the forthcoming confirmation and to working with you and Dr. Collins to improve the health of women and children here and around the world.

Sincerely,

DR. JENNIFER L. HOWSE,
President.

NOMINATION OF JON HUNTSMAN, JR.

Mr. HATCH. Mr. President, I rise today to support the nomination of the Honorable Jon Huntsman, Jr., to be the U.S. Ambassador to China.

I think it goes without saying that Governor Huntsman is a man of integrity whose service to the State of Utah has been of great worth. Indeed, what Utah stands to lose from this nomination is exactly what the United States and China stand to gain: a seasoned diplomat, an excellent manager, a qualified politician, and a man who wants the very best for the country he loves and has served for more than 20 years.

It takes great courage for a Republican Governor of one of the reddest, most conservative States in the Nation to accept an invitation to serve under a Democratic President; yet this is the same courage Governor Huntsman has displayed throughout his career. From his time as a staff assistant in the Reagan administration to his work in the trenches at the Commerce Department, Jon Huntsman, Jr., has proved to be an innovative leader, a progressive thinker, and someone who comes to this position at a time when the United States needs an Ambassador to China who will strive to forge the kind of relationships we need to move forward in the globally connected world of the 21st century.

As the Ambassador to China, the challenges before Governor Huntsman will neither be easy nor few. Our relations with other nations are the foundation of peace and stability on the planet. And when Richard Nixon reached out and brought China back into the international system in 1972, a huge structural imbalance in the global system was redressed.

The United States and China are very different countries with vastly different experiences and, based on our very different government structures,

very different values. Yet, as we know, our countries have developed complex and mutually beneficial relations. We also know that our nations have great potential for beneficial relations, but, as anyone who studies history and geopolitics knows, we have the potential to clash as China grows and expands its influence. That is why it is important for us today to continue what Richard Nixon started: a world where our countries can exist in peace.

In my years in the Senate, I have seen a huge change in our country's relationship with China. When I came here, President Carter was just finalizing the Nixon initiative, and I led the move to pass the Taiwan Relations Act, which allowed for the United States to continue a supportive relationship with Taiwan even though we had withdrawn our diplomatic recognition. I have seen China evolve from a Maoist totalitarian system to a communist police state that has allowed many personal freedoms and a historic transformation of the economy using capitalist principles. This is a relationship that must be handled by experienced China hands and professionals.

That is why I find it gratifying that President Obama has chosen to go with someone of great experience and ability—Governor Huntsman. I also find it noteworthy that the Governor has been here twice before—first when he was unanimously confirmed by the Senate as a U.S. Ambassador to the Chinese nation of Singapore under President George H.W. Bush, and then as a Deputy U.S. Trade Representative under President George W. Bush. Now, in his third appearance before the Senate as a nominee, he has answered the President's call to serve as Ambassador to China and leaves his post in Utah where, I might add, he was reelected to a second term as Governor with more than 70 percent of the vote. This speaks volumes about Governor Huntsman's ability to cross bridges, conquer divides, and put aside partisan politics when doing what he believes to be best for his family, our State, and our country.

It is no secret that under Governor Huntsman's stewardship, Utah has been named the best-managed State by the Pew Research Center. Building on the excellent work of our State legislature, the Governor has helped lead our State in economic development initiatives and incentive programs that have shaped Utah into one of the most dynamic States in the Nation.

In short, I cannot think of a more qualified nominee for Ambassador to China than Governor Huntsman. He is fluent in Mandarin Chinese, a skill that is vitally important in this day and age. Indeed, the Governor has been to China on numerous occasions and even learned Chinese while serving a mission in Taiwan for The Church of Jesus Christ of Latter-day Saints. It is

in that light that I have no doubt the Chinese will have to respect his affection for Taiwan as much as they respect his linguistic ability.

Moreover, while the Governor will not be making policy, he will be known to the Chinese as a Republican. They will see him as an independent thinker, while always being loyal to the administration he serves.

Finally, China is a country that admires the businessman and the trader, and they are a country that knows that business and trade with the United States is the key for their sustained success. These are values and experience the Governor knows, understands and has practiced during his varied and impressive career in public service and private business. His years in international business have exposed him to the universe of China experts—people such as my good friend John Kamm, the preeminent advocate of human rights in China. It is my hope that he will keep the Embassy door open to these experts from around the world, and I am sure that he will.

Again, I commend President Obama for selecting Governor Huntsman for this important post, even though Utah will lose a great leader as a result. However, Governor Huntsman has left the State in good hands and we all look forward to working with Lt. Gov. Gary Herbert in his new role as Governor of the great State of Utah.

In closing, I believe I speak for all Utahns when I say Governor Huntsman will be missed, but we all know he is the appropriate person for this job. Moreover, his selection could not come at a more appropriate time. Indeed, this is a time when a man like Governor Huntsman is needed on the world stage.

I congratulate Governor Huntsman on his nomination. I applaud his beautiful wife Mary Kaye and her decision to continue to share his time and talents with the world. And I know his wonderful family will be blessed by his contribution to our country in this position.

Mr. REID. Mr. President, I ask now that we proceed to Calendar Nos. 217, 218, 219, 259, 260, 310, 311, 313 and that the nominations be confirmed en bloc, and the motions to reconsider be laid on the table en bloc, and no further motions be in order and any statements relating to these matters be printed in the RECORD as if read and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Tristram J. Coffin, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Joyce White Vance, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Preet Bharara, of New York, to be United States Attorney for the Southern District of New York for the term of four years.

B. Todd Jones, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

John P. Kacavas, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years.

EXECUTIVE OFFICE OF THE PRESIDENT

A. Thomas McLellan, of Pennsylvania, to be Deputy Director of National Drug Control Policy.

DEPARTMENT OF HOMELAND SECURITY

Alejandro N. Mayorkas, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security.

DEPARTMENT OF JUSTICE

Cranston J. Mitchell, of Virginia, to be a Commissioner of the United States Parole Commission for a term of six years. (Reappointment)

NOMINATION OF ALEJANDRO MAYORKAS

Mrs. FEINSTEIN. Mr. President, I want to take a few minutes today to speak about Mr. Mayorkas' record and what I believe he will bring to the Department of Homeland Security as Director of U.S. Citizenship and Immigration Services. I have known Mr. Mayorkas for many years and am proud to have recommended him to President Clinton for the position of U.S. attorney for the Central District of California.

As U.S. attorney, Mr. Mayorkas developed an innovative program to address violent crime by targeting criminals' possession of firearms, prosecuting street gangs, and at the same time developing afterschool programs to help at-risk youth discover and realize their potential.

Mr. Mayorkas has also worked directly on dozens of cases and overseen hundreds of attorneys relating to immigration during his tenure as a U.S. attorney. These cases included the prosecution of individuals and rings producing false immigration documents, illegal reentry cases, and alien smuggling conspiracies, among others.

For example, in 1999, at the very beginning of his career as U.S. attorney, Mr. Mayorkas prosecuted the ring-leader of an Iranian visa forgery operation connected to terrorism. Bahram Tabatabai pleaded guilty to providing material assistance with immigration papers to members of the People's Mujahadeen, a group that the State Department considers a terrorist group. Tabatabai helped overseas foreign nationals obtain fake birth certificates and records to apply for benefits and created false persecution stories for Iranians in the United States to apply for asylum.

Mr. Mayorkas also prosecuted Jesse Gardona who at the time was a 15-year veteran of INS—for his role in moving 10 undocumented immigrants from an INS detention facility to an East Los Angeles drop house and demanding as much as \$1,800 in ransom from their relatives.

The mission of Citizenship and Immigration Services is to establish immigration services, policies, and priorities to preserve America's legacy as a nation of immigrants while ensuring that no one is admitted who is a threat to public safety. Mr. Mayorkas has a record of working to secure our Nation's criminal and immigration laws in the face of increasing gang and border violence—and as travel documents have become less secure, to work to ensure that fraud is no longer prevalent in our immigration system.

I am confident that under Mr. Mayorkas' leadership, this administration will work to preserve and increase the integrity of our immigration laws by decreasing fraud and bringing accountability to our immigration system.

It is also my belief that Mr. Mayorkas has the vision to lead Citizenship and Immigration Services in the other half of its mission—to preserve the role of America as a compassionate Nation that treats families and children at our shores humanely and with an eye toward the potential they bring to our Nation. In 1960, Mr. Mayorkas and his family fled Cuba and came to the United States as refugees. Since then, he has lived the American dream and has done so by working on behalf of the American people.

Mr. President, with the nomination of Mr. Mayorkas the administration has taken a significant step toward rebuilding public confidence in the secure, fair, and effective administration of our Nation's immigration laws. I urge my colleagues to confirm Mr. Mayorkas today so that DHS will have the leadership in place to get to work on behalf of the American people.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar Nos. 415 and 418 and that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, no further motions be in order, and any statements relating to the nominations be printed in the RECORD and President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

David J. Kappos, of New York, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, vice Jonathan W. Dudas, resigned.

DEPARTMENT OF JUSTICE

David Edward Demag, of Vermont, to be United States Marshal for the District of Vermont for the term of four years, vice John R. Edwards.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I now ask unanimous consent the Banking Com-

mittee be discharged from further consideration of PN-499 and that the Senate then proceed to the consideration of the nomination; that the nomination be confirmed and the motions to reconsider be laid on the table en bloc, and no further motions be in order, any statements relating to the nomination be printed in the RECORD, and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

NATIONAL CREDIT UNION ADMINISTRATION

Deborah Matz, of Virginia, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2015.

Mr. REID. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from PN-647; that the Senate proceed to the nomination; that the nomination be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order and the President be immediately notified of the Senate's action; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

VETERANS AFFAIRS

Joan M. Evans, of Oregon, to be an Assistant Secretary of Veterans Affairs (Congressional and Legislative Affairs).

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from PN-823 and that the Senate then proceed to the nomination; that the nomination be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY

Kelvin James Cochran, of Louisiana, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged en bloc of PN-819, PN-528, and PN-529; that the Senate proceed en bloc to the nominations; that the nominations be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOMELAND SECURITY

Alexander G. Garza, of Missouri, to be Assistant Secretary of Homeland Security and Chief Medical Officer, Department of Homeland Security.

FEDERAL LABOR RELATIONS AUTHORITY

Julia Akins Clark, of Maryland, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

Ernest W. Dubester, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2012.

EXECUTIVE SESSION

NOMINATION OF CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 167, the nomination of Cass Sunstein to be the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Harry Reid, Joseph I. Lieberman, Mark Udall, Patrick J. Leahy, Daniel K. Akaka, Richard Durbin, Sherrod Brown, Patty Murray, Jeanne Shaheen, John F. Kerry, Robert Menendez, Jack Reed, Mark Begich, Tom Harkin, Sheldon Whitehouse, Ron Wyden, Kirsten E. Gillibrand.

Mr. REID. Mr. President, I ask unanimous consent that the pro forma session on Monday, August 10, not count as the intervening day and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACQUES PURVIS

Mr. REID. Mr. President, I have had the good fortune of having people to work with me and with us, and one of my prizes over these years has been a young man by the name of Jacques Purvis who has worked on my personal staff. He is, of course, an integral part of the cloakroom. We see him here every day. He helps send to me every day on my e-mail account what is taking place each day. I read faithfully what is taking place because I am not here all the time on the Senate floor. He is bright, hardworking, and so nice. He is going to be leaving the Senate to go to the London School of Economics for an advanced degree. I have tried to talk him out of it, but not really, because he has various goals in mind. He is going to complete his studies in London, come back and go to law school. I hope after that time he will consider coming back and working in the Senate. We will all miss him. He is a wonderful young man, and I consider him a friend.

ORDERS FOR MONDAY, AUGUST 10, 2009, AND TUESDAY, SEPTEMBER 8, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, August 10, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn under the provisions of H. Con. Res. 172 until 2 p.m. on Tuesday, September 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of S. 1023, the Travel Promotion Act, with the time equally divided and controlled until 5:30 p.m. between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Under a previous order, at approximately 5:30 p.m., the Senate will proceed to a cloture vote on the Dorgan amendment to the travel promotion legislation.

ADJOURNMENT UNTIL MONDAY,
AUGUST 10, 2009, AT 1 P.M.

Mr. REID. That being the case, if there is no further business to come before the Senate today, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 12:16 p.m., adjourned until Monday, August 10, 2009, at 1 p.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF STATE

BARRY B. WHITE, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

DISCHARGED NOMINATIONS

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

DEBORAH MATZ, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING APRIL 10, 2015.

The Senate Committee on Veterans' Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

JOAN M. EVANS, OF OREGON, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AND LEGISLATIVE AFFAIRS).

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

JULIA AKINS CLARK, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

ERNEST W. DUBESTER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012.

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

KELVIN JAMES COCHRAN, OF LOUISIANA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, August 7, 2009:

DEPARTMENT OF STATE

JEFFREY D. FELTMAN, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS).

DEPARTMENT OF DEFENSE

JO-ELLEN DARCY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

ENVIRONMENTAL PROTECTION AGENCY

COLIN SCOTT COLE FULTON, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF STATE

PHILIP L. VERVEER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY IN THE BUREAU OF ECONOMIC, ENERGY,

AND BUSINESS AFFAIRS AND U.S. COORDINATOR FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE (DEMOCRACY AND GLOBAL AFFAIRS).

ENVIRONMENTAL PROTECTION AGENCY

CRAIG E. HOOKS, OF KANSAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF STATE

CARLOS PASQUAL, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

DEPARTMENT OF THE INTERIOR

WILMA A. LEWIS, OF THE VIRGIN ISLANDS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

ROBERT V. ABBEY, OF NEVADA, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FRANCIS S. COLLINS, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES A. LEACH, OF IOWA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS.

ROCCO LANDESMAN, OF NEW YORK, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.

DEPARTMENT OF LABOR

RAYMOND M. JEFFERSON, OF HAWAII, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.

DEPARTMENT OF STATE

ERTHARIN COUSIN, OF ILLINOIS, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

KERRI-ANN JONES, OF MAINE, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.

DAVID KILLION, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

PEACE CORPS

AARON S. WILLIAMS, OF VIRGINIA, TO BE DIRECTOR OF THE PEACE CORPS.

DEPARTMENT OF STATE

MICHAEL ANTHONY BATTLE, SR., OF GEORGIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

MARTHA LARZELERE CAMPBELL, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

JOHN R. BASS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA.

JAMES B. FOLEY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

KENNETH E. GROSS, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

TEDDY BERNARD TAYLOR, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

JOHN VICTOR ROOS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

JUDITH GAIL GARBER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

JAMES KNIGHT, OF ALABAMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

KAREN KORNBLUH, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

BRUCE J. ORECK, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

JON M. HUNTSMAN, JR., OF UTAH, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

DOUGLAS W. KMEC, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JONATHAN S. ADDLETON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

MATTHEW WINTHROP BARZUN, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

WILLIAM CARLTON EACHO, III, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

PHILIP D. MURPHY, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

DEPARTMENT OF ENERGY

JAMES J. MARKOWSKY, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY).

WARREN F. MILLER, JR., OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY).

DEPARTMENT OF TRANSPORTATION

SUSAN L. KURLAND, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

CHRISTOPHER P. BERTRAM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEPARTMENT OF COMMERCE

DENNIS F. HIGHTOWER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF COMMERCE.

NATIONAL TRANSPORTATION SAFETY BOARD

CHRISTOPHER A. HART, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING DECEMBER 31, 2012.

CORPORATION FOR PUBLIC BROADCASTING

PATRICIA D. CAHILL, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014.

DEPARTMENT OF TRANSPORTATION

DANIEL R. ELLIOTT, III, OF OHIO, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2013.

CONSUMER PRODUCT SAFETY COMMISSION

ROBERT S. ADLER, OF NORTH CAROLINA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2007.

ANNE M. NORTHUP, OF KENTUCKY, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HOMELAND SECURITY

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

KELVIN JAMES COCHRAN, OF LOUISIANA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF VETERANS AFFAIRS

JOAN M. EVANS, OF OREGON, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AND LEGISLATIVE AFFAIRS).

FEDERAL LABOR RELATIONS AUTHORITY

JULIA AKINS CLARK, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

ERNEST W. DUBESTER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012.

NATIONAL CREDIT UNION ADMINISTRATION

DEBORAH MATZ, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING APRIL 10, 2015.

DEPARTMENT OF JUSTICE

TRISTRAM J. COFFIN, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

JOYCE WHITE VANCE, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

PREET BHARARA, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

B. TODD JONES, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

JOHN P. KACAVAS, OF NEW HAMPSHIRE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

A. THOMAS MCLELLAN, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

DEPARTMENT OF HOMELAND SECURITY

ALEJANDRO N. MAYORKAS, OF CALIFORNIA, TO BE DIRECTOR OF THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF JUSTICE

CRANSTON J. MITCHELL, OF VIRGINIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

DEPARTMENT OF COMMERCE

DAVID J. KAPPOS, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

DEPARTMENT OF JUSTICE

DAVID EDWARD DEMAG, OF VERMONT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH DENISE J. GRUCCIO AND ENDING WITH SARA A. SLAUGHTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 31, 2009.

SENATE—Monday, August 10, 2009

The Senate met at 1 and 1 second p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

**APPOINTMENT OF ACTING
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,
SEPTEMBER 8, 2009, AT 2 P.M.

THE ACTING PRESIDENT pro tempore. Under the previous order and pursuant to the provisions of H. Con. Res. 172, the Senate stands adjourned until 2 p.m., Tuesday, September 8, 2009.

Thereupon, the Senate, at 1 and 37 seconds p.m., adjourned until Tuesday, September 8, 2009, at 2 p.m.